



Regional Section 7.12 Development Contributions Plan 2019

Central Coast Council Section 7.12 Development Contributions Plan 2019

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Central Coast Council Regional Section 7.12 Development Contributions Plan 2019

Part A – Summary schedules

The following summary schedules are included in this plan:

- Schedule 1 - Works schedule
- Schedule 2 – Summary schedule of levy

The works schedule identifies the public facilities for which section 7.12 levies will be required. Levies paid to Council will be applied towards meeting the cost of provision or augmentation of the new public facilities. Schedule 1 is a summary of the works schedule that Council intends to provide together with an estimated cost and the timing of delivery.

Schedule 1: Summary of works schedule

Public Facilities	Estimated Costs	Estimated Time Frame
Cycleway	\$25,000,000	2019/2020 to 2034/2035

Schedule 2 provides a summary of the development contributions levy that is applied to all types of development other than development that is exempt under Clause 1.5 of this Plan. Development contributions are calculated by applying the relevant levy against the proposed cost of carrying out the development.

Schedule 2: Summary schedule of section 7.12 Contribution Levies

Type of Development	Proposed Cost of Development	Levy (%)
Development that is not subject to a section 7.11 contribution under any other contributions plan adopted by the Council under the <i>Environmental Planning & Assessment Act</i> , other than development that is exempt under Clause 1.5 of this Plan	Up to and including \$100,000	0%
	More than \$100,000 and up to and including \$200,000	0.5%
	More than \$200,000	1%

Part B – Expected development and demand for public facilities

The estimated resident population data from the Australian Bureau of Statistics for the Central Coast area in 2016 identified that the population was 335,309 persons. The population projections undertaken by .id indicate that the population by 2036 is forecast to increase by 79,306, at an average annual growth rate of 1.07%. With this increase in population growth, provision will need to be made for additional or improved public facilities to meet the additional demand.

The Central Coast Regional Plan 2036 has indicated that the number of local jobs is projected to increase by 24,674 jobs by 2036, with employment concentrated in areas with infrastructure that has the capacity to support future growth, potentially above current projections.

Information from Tourist Research Australia and Council's economic profile indicate that the Central Coast is a tourist destination with 4,600,000 visitors coming to the coast in 2016. The majority of these visitors are domestic tourists, either overnight stayers or day trippers. Visitor numbers to the Central Coast area since 2009 has seen an increase in visitor numbers of 17.6% over that period. Tourism Research Australia has forecast that domestic tourism will increase at an average annual rate of 2.9% for day trips and 2.2% for visitor nights over the next 10 years to 2026-2027. This will result in an increase in the total visitor numbers to the Central Coast, which will increase the demand for public facilities. Developments for tourist facilities contribute to the demand for additional or improved public facilities.

The forecast growth in population, employment and tourism will diminish the enjoyment and standard of existing community infrastructure in the local government area unless new or embellished infrastructure is provided to meet that demand. The range of community infrastructure that is required in order to accommodate this growth includes improvement and embellishment of existing open space, community and cultural facilities, and recreational facilities such as cycle ways, wharves and boat ramps.

Part C – Administration and operation of the plan

1.1 What is the name of this development contributions plan?

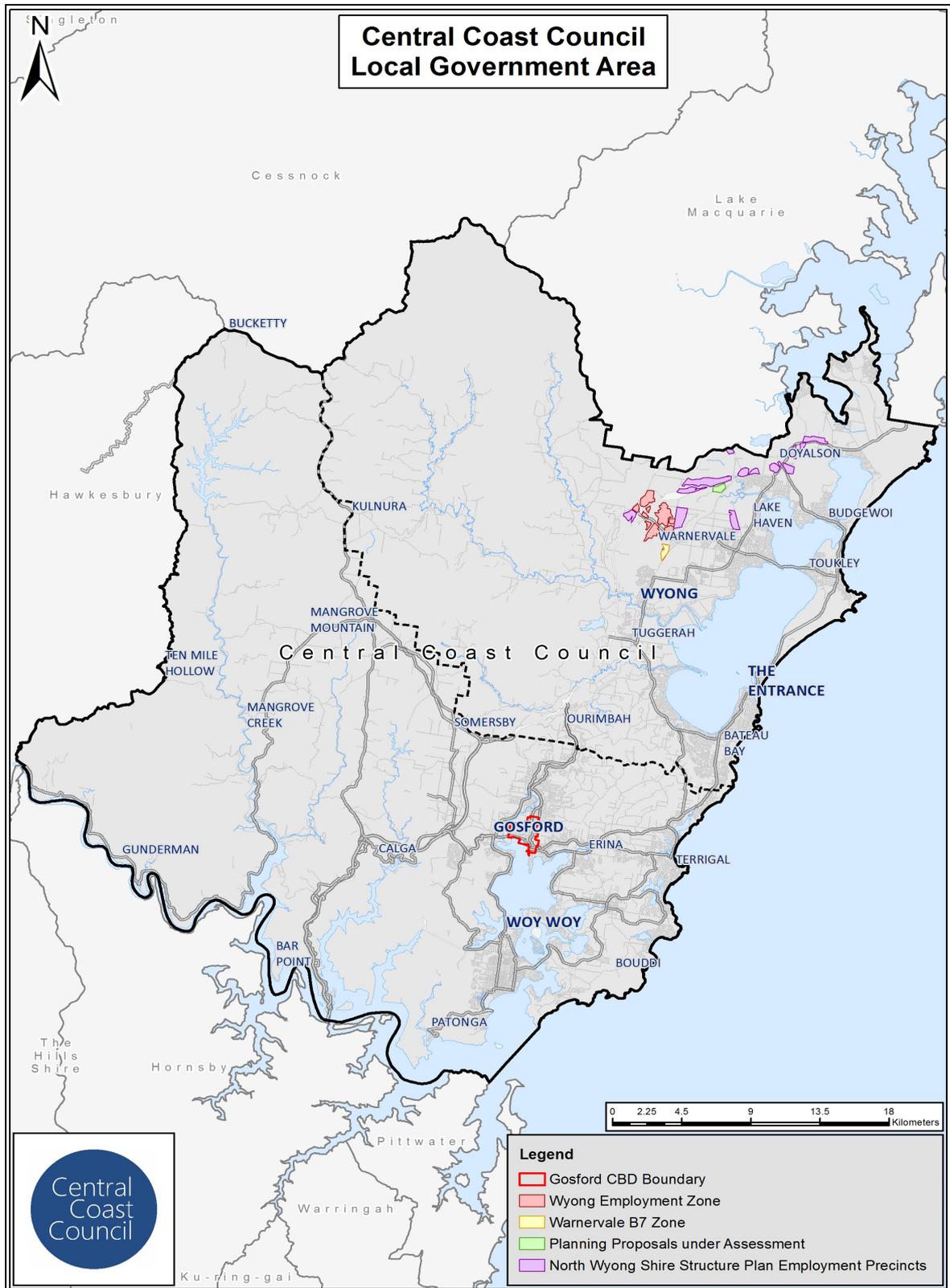
This development contributions plan is called the Central Coast Regional Section 7.12 Development Contributions Plan 2019.

1.2 Application of this plan

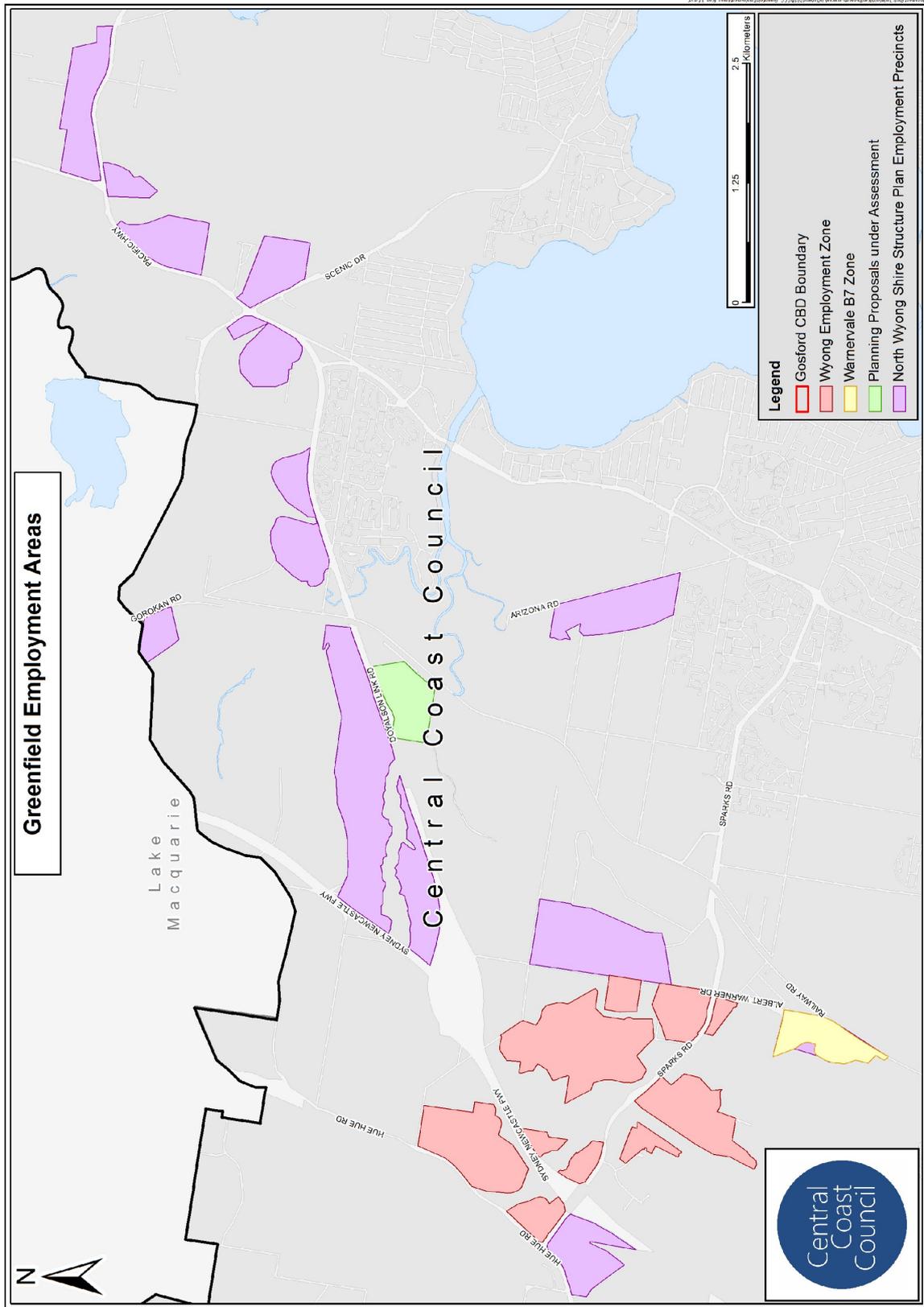
This plan applies to all land within the Central Coast local government area except for the Gosford City Centre as defined in Gosford Local Environmental Plan 2014 and greenfield employment areas as shown on Maps 1,2 & 3.

This development contributions plan applies to applications for development consent and applications for complying development certificates under Part 4 of the *Environmental Planning and Assessment Act 1979*.

Map 1



Map 2



Map 3



1.3 When does this development contributions plan commence?

This contributions plan commences on 22 May 2020.

1.4 What is the purpose of this contributions plan?

The primary purposes of this contributions plan are:

- to authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to section 7.12 of the *Environmental Planning and Assessment Act 1979*
- to assist the council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area
- to publicly identify the purposes for which the levies are required.

1.5 Are there any exemptions to the levy?

The levy will not be imposed in respect of development:

- where the proposed cost of carrying out the development is \$100,000 or less;
- for a dwelling house or alterations and additions to a dwelling house or any development ordinarily incidental or ancillary to the use of the dwelling house such as swimming pools, garages, sheds and the like;
- in greenfield employment land other than subdivision where s7.11 contributions have been paid as shown on the Map 2;
- carried out on land that has been subject to a contribution paid under the Somersby Industrial Estate Service Agreement;
- that has been the subject of a condition under section 7.11 under a previous development consent relating to the subdivision of the land on which the development is to be carried out, unless that other development will, or is likely to, increase the demand for public amenities or public services beyond the increase in demand attributable to the initial subdivision;
- by or on behalf of Central Coast Council for public infrastructure;
- alterations or refurbishment of an existing development, where there is no enlargement, expansion, increase in gross floor area or intensification of the current land use;
- an application for emergency services;
- an application for demolition (where there is not a replacement building or development).

1.6 Relationship to other contributions plans

This Plan repeals Wyong Shire Section 94A Levy Development Contributions Plan dated August 2013.

All remaining funds collected under the Wyong Shire Section 94A Levy Contributions Plan dated August 2013 are to be applied toward the same category of works to be completed in the works schedule included in this Plan.

This Plan has no effect on any other contributions plan prepared and adopted by the Council.

This Plan applies to any development located within an area where a section 7.11 Contributions Plan is in force but has not been levied section 7.11 contributions under that contributions plan.

1.7 Pooling of levies

This plan expressly authorises section 7.12 levies paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

1.8 Construction certificates and the obligation of accredited certifiers

In accordance with clause 146 of the EP&A Regulation 2000, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that levies have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed to by the council. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

1.9 How will the levy be calculated?

The levy will be determined on the basis of the rate as set out in summary schedule. The levy will be calculated as follows:

$$\text{Levy payable} = \%C \times \$C$$

Where

%C is the levy rate applicable

\$C is the proposed cost of carrying out the development

The proposed cost of carrying out the development will be determined in accordance with clause 25J of the EP&A Regulation. The procedures set out in Appendix A to this plan must be followed to enable the council to determine the amount of the levy to be paid.

The value of the works must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Without limitation to the above, council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no construction certificate will be issued until such time that the levy has been paid.

1.10 When is the levy payable?

The levy must be paid prior to the issue of a construction certificate, subdivision certificate or complying development certificate.

1.11 How will the levy be adjusted?

Contributions required as a condition of consent under the provisions of this plan will be adjusted at the time of payment of the contribution in accordance with the following formula:

$$\text{Contribution at time of payment} = \$C_o + A$$

Where

\$ C_o is the original contribution as set out in the consent

A is the adjustment amount which is =

$$\frac{\$C_o \times ([\text{Current Index} - \text{Base Index}])}{[\text{Base Index}]}$$

Where

Current Index <i>Consumer Price Index (All Groups Index) for Sydney</i>	is the <i>Consumer Price Index (All Groups Index) for Sydney</i> as published by the Australian Statistician available at the time of payment of the contribution;
Base Index <i>Consumer Price Index (All Groups Index) for Sydney</i>	is the <i>Consumer Price Index (All Groups Index) for Sydney</i> as published by the Australian Statistician at the date the cost of the development has been submitted to and accepted by the consent authority as the genuine cost of the development.

Note: In the event that the Current *Consumer Price Index (All Groups Index) for Sydney* is less than the previous *Consumer Price Index (All Groups Index) for Sydney*, the Current *Consumer Price Index (All Groups Index) for Sydney* shall be taken as not less than the previous *Consumer Price Index (All Groups Index) for Sydney*.

1.12 Can deferred or periodic payments be made?

Deferred or periodic payments may be permitted in the following circumstances:

- Where the applicant has reached agreement with the Council to provide works-in-kind, land dedication and/or material public benefits documented in a formal Planning Agreement, which makes detailed and specific provision for the dedication of, and/or, the carrying out of work-in-kind and/or the provision of a material public benefit in partial or full satisfaction of a condition imposed on the development consent, and, as an integral part of the delivery of that package of works process, sets out an alternative timing for the payment of monetary contributions, with security if required:

or

- In other circumstances, such as financial hardship, this must be substantiated in writing by the applicant with appropriate documentation, which demonstrates, the financial hardship to be both severe and sufficiently unique as to distinguish the applicant from any other applicant. Council, on the specific merits of the case must also determine that the deferred or periodic payment of the contributions will not cause prejudice to the community deriving benefit from the works, or the timing or the manner of the provision of the public facilities included in the works schedule within this Contributions Plan.

It should be noted in respect to the dot point above that it is essential for any local government authority to treat all applicant's and developers equally by the same criteria and, given that there is potential for a pecuniary advantage for one applicant or developer in the context of a deferral of payment which, if extended to all, would prejudice the timing of the works schedule, such an application without unique and severe extenuating circumstances is unlikely to succeed.

Should Council agree to accept deferred or periodic payments having regard to the above circumstances, and unless otherwise expressed within a formal Planning Agreement, Council will require the applicant to provide a non-expiring bank guarantee by an Australian bank for the full amount of the contribution, or the outstanding balance, and enter into a Deed of Agreement on condition that:

- the Deed of Agreement is to be prepared by Council's solicitors at full cost to the applicant prior to the bankers guarantee being submitted to Council.
- the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest, plus any charges associated with establishing or operating the bank security.
- The bank guarantee must carry specific wording identifying the exact obligation to which it relates (i.e. Section 7.12 development contributions for development of Lot xx DP xxx under Development Application No. xxx Condition No. xxx)
- the bank unconditionally agrees to pay the guaranteed sum to the council if the council so demands in writing not earlier than 6 months from the provision of the guarantee or completion of the work.
- the maximum time period for a deferred payment will be limited to 12 months.
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development.
- the bank's obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required.
- where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.
- The bank guarantee will be called up by Council should the contributions, together with accrued interest and any other charges associated with establishing or operating the bank security, are not be paid by the due date outlined in the Deed of Agreement.

Deferred or periodic payments may be permitted, in accordance with the above requirements, only with approval of the Council Officer(s) whose position(s) holds the required Council delegations.

Part D - References

Dictionary

In this plan, unless the context or subject matter otherwise indicates or requires, the definitions are the same as those contained within Council's environmental planning instruments, the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* whichever is applicable except for the following definitions:

Council means Central Coast Council.

Gosford City Centre means the land identified as the Gosford City Centre as defined in Gosford Local Environmental Plan 2014, depicted on Map 3

Greenfield Employment Areas means lands depicted on Map 2

References

Central Coast Bike Plan

i.d. Population Forecasts

economy i.d.

Central Coast Regional Plan 2036

Tourism Research Australia

Department of Planning Development Contributions Practice Notes – July 2005

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

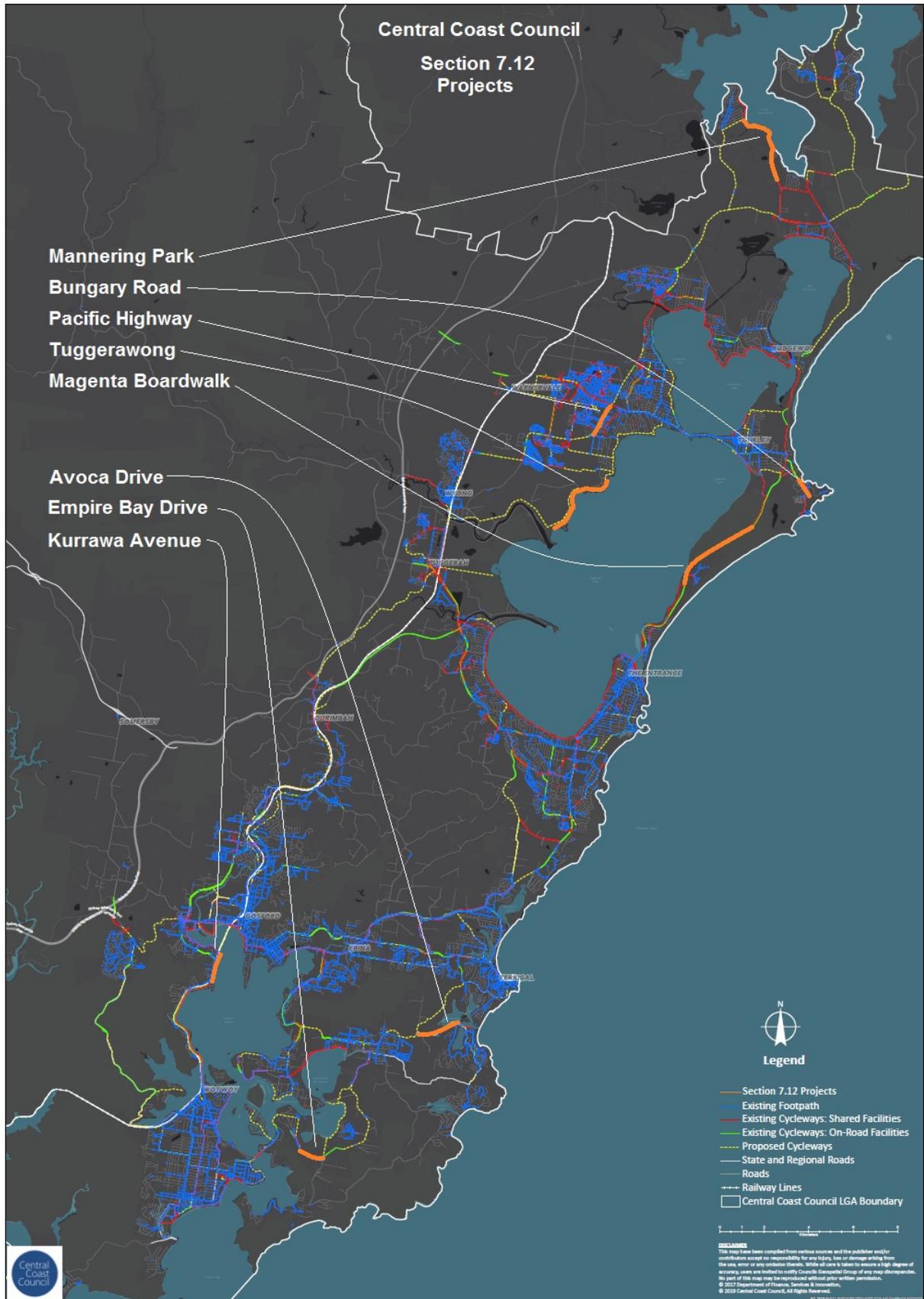
Works Schedule and Maps

The works schedule includes the works schedule outlining the anticipated costs and maps showing the location of the works that are to be provided using contributions received under this Contributions Plan.

Bike Plan Link ID	Shared Path Route	Suburb	Actual Cost (\$M)	Recoverable Cost (\$M)	Funded by Other Sources (\$M)	Years 1-5	Years 5-20
137-141, 168, 237	Bungary Road	Norah Head	\$1.4	\$1.4	-	Y	-
348	Magenta Boardwalk *	Magenta	\$12.7	\$5.0	\$7.7	Y	Y
103	Tuggerawong *	Tuggerawong	\$4.4	\$3.9		Y	Y
357	Kurrawa Avenue*	Point Clare	\$6.5	\$5.0	\$1.5	-	Y
56	Avoca Drive	Avoca	\$4.314	\$4.3	\$0.014	-	Y
88	Empire Bay Drive	Empire Bay	\$0.7	\$0.7	-	-	Y
109	Pacific Highway	Hamlyn Terrace	\$1.114	\$1.1	\$0.014	-	Y
135-136, 349	Mannering Park	Mannering Park	\$4.8	\$3.6	\$1.2	-	Y

* These budgets represent part of the full project budget only. The balance of funding will need to be provided by other sources of funding.

Shared Path Map



APPENDIX A – Cost Summary Reports

A cost summary report is required to be submitted to allow council to determine the contribution that will be required. The following should be provided:

- A cost summary report must be completed for works with a value greater than
- \$ 1,000,000
- A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value greater than \$ 5,000,000.00

To avoid doubt, section 25J of the *Environmental Planning and Assessment Act 1979* sets out the following:

- (1) The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a section 7.12 levy, by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:
 - (2)
 - a. if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation,
 - b. if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed,
 - c. if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.
- (3) For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
- (4) The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
 - a. the cost of the land on which the development is to be carried out,
 - b. the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
 - c. the costs associated with marketing or financing the development (including interest on any loans),
 - d. the costs associated with legal work carried out or to be carried out in connection with the development,
 - e. project management costs associated with the development,
 - f. the cost of building insurance in respect of the development,
 - g. the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
 - h. the costs of commercial stock inventory,

- i. any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,
- j. the costs of enabling access by disabled persons in respect of the development,
- k. the costs of energy and water efficiency measures associated with the development,
- l. the cost of any development that is provided as affordable housing,
- m. the costs of any development that is the adaptive reuse of a heritage item.

Cost Summary Reports

Cost Summary Report

Development Cost no greater than \$ 1,000,000

DEVELOPMENT APPLICATION No. REFERENCE:

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.

CONSTRUCTION CERTIFICATE No. DATE:

APPLICANT'S NAME: _____

APPLICANT'S ADDRESS: _____

DEVELOPMENT NAME: _____

DEVELOPMENT ADDRESS: _____

ANALYSIS OF DEVELOPMENT COSTS:

Demolition and alterations	\$	Hydraulic services	\$
Structure	\$	Mechanical services	\$
External walls, windows and doors	\$	Fire services	\$
Internal walls, screens and doors	\$	Lift services	\$
Wall finishes	\$	External works	\$
Floor finishes	\$	External services	\$
Ceiling finishes	\$	Other related work	\$
Fittings and equipment	\$	Sub-total	\$

Sub-total above carried forward	\$
Preliminaries and margin	\$
Sub-total	\$
Consultant Fees	\$
Other related development costs	\$
Sub-total	\$
Goods and Services Tax	\$
TOTAL DEVELOPMENT COST	\$

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate.
- calculated the development costs in accordance with the definition of development costs in clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- included GST in the calculation of development cost.

Signed: _____

Name: _____

Position and Qualifications: _____

Date: _____

(Acknowledgment to City of Sydney for use of the model cost reports)

Quantity Surveyors Report

Registered* Quantity Surveyor's Detailed Cost Report

Development Cost in excess of \$ 5,000,000

*A member of the Australian Institute of Quantity Surveyors

DEVELOPMENT APPLICATION No. REFERENCE:

COMPLYING DEVELOPMENT CERTIFICATE APPLICATION No.

CONSTRUCTION CERTIFICATE No. DATE:

APPLICANT'S NAME:

APPLICANT'S ADDRESS:

DEVELOPMENT NAME:

DEVELOPMENT ADDRESS:

DEVELOPMENT DETAILS:

Gross Floor Area – Commercial	m ²	Gross Floor Area – Other	m ²
Gross Floor Area – Residential	m ²	Total Gross Floor Area	m ²
Gross Floor Area – Retail	m ²	Total Site Area	m ²
Gross Floor Area – Car Parking	m ²	Total Car Parking Spaces	
Total Development Cost	\$		
Total Construction Cost	\$		
Total GST	\$		

ESTIMATE DETAILS:

Professional Fees	\$	Excavation	\$
% of Development Cost	%	Cost per square metre of site area	\$ /m ²
% of Construction Cost	%	Car Park	\$
Demolition and Site Preparation	\$	Cost per square metre of site area	\$ /m ²
Cost per square metre of site area	\$ /m ²	Cost per space	\$ /space
Construction – Commercial	\$	Fit-out – Commercial	\$
Cost per square metre of commercial area	\$ /m ²	Cost per m ² of commercial area	\$ /m ²
Construction – Residential	\$	Fit-out – Residential	\$
Cost per square metre of residential area	\$ /m ²	Cost per m ² of residential area	\$ /m ²
Construction – Retail	\$	Fit-out – Retail	\$
Cost per square metre of retail area	\$ /m ²	Cost per m ² of retail area	\$ /m ²

I certify that I have:

- inspected the plans the subject of the application for development consent or construction certificate.
- prepared and attached an elemental estimate generally prepared in accordance with the Australian Cost Management Manuals from the Australian Institute of Quantity Surveyors.
- calculated the development costs in accordance with the definition of development costs in the S7.12 Development Contributions Plan of the council of [insert] at current prices.
- included GST in the calculation of development cost.
- measured gross floor areas in accordance with the Method of Measurement of Building Area in the AIQS Cost Management Manual Volume 1, Appendix A2.

Signed: _____

Name: _____

Position and Qualifications: _____

Date: _____

(Acknowledgment to City of Sydney for use of the model cost reports)