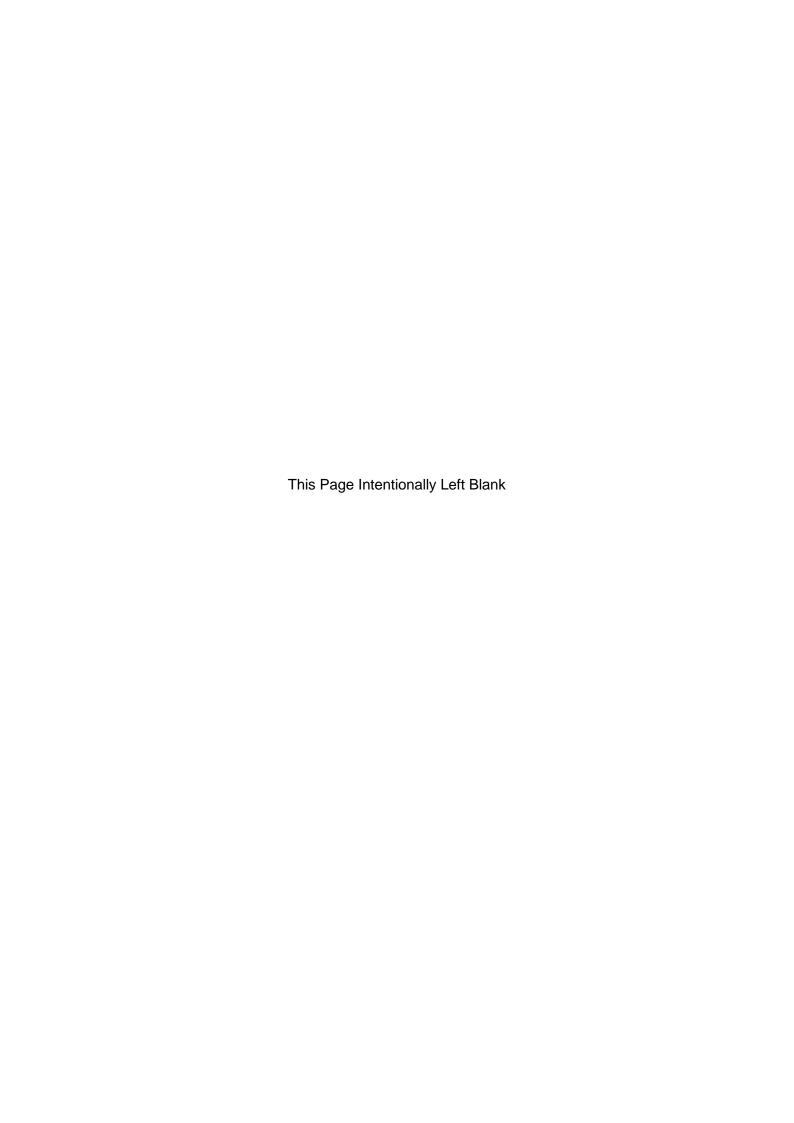
CONTRIBUTIONS PLAN NO. 31A

DRAINAGE

PENINSULA





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1 INTRODUCTION

1.1 Name of Plan

This Contributions Plans is called Contributions Plan No. 31A – Drainage - Peninsula.

This plan consists of this document and accompanying four (4) maps marked Contributions Plan No. 31A - Drainage - Peninsula.

The Contributions Plan came into effect on 28 December 1992.

Subsequent amendment came into effect on 19 April 2006.

1.2 Land to which Plan Applies

This Contributions Plan (CP) applies to land to which the Gosford Planning Scheme Ordinance (as amended) applies, as outlined by a bold black line on the accompanying map.

1.3 Purpose of Plan

The purpose of this CP is to enable the levying of development contributions for the provision and upgrading of drainage works on the Peninsula that will be required as a result of the increased drainage requirements generated by new development.

1.4 Operation of Plan

This CP has been prepared in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation, 2000.

This CP will come into force on the date of public notification pursuant to Clause 31 of the Environmental Planning and Assessment Regulation, 2000, being 18 April 2012.

1.5 Application of Plan

When a Development Application is lodged which relates to land to which this Contributions Plan applies, Council shall levy contributions on development in accordance with the provisions of this plan.

Compliance with this Contributions Plan does not necessarily imply that Council will consent to any application.

1.6 Relationship to Other Plans and Studies

This Contributions Plan is made under, and generally conforms with the deemed environmental planning instrument, the Gosford Planning Scheme Ordinance (as amended), which contains the legal planning controls for the development of the area to which this Contributions Plan applies.

This plan must also be read in conjunction with any other Development Control Plans or Contributions Plans that may apply to the area affected by this plan.

This plan is to be read in conjunction with the Woy Woy, Umina, Ettalong, Peninsula Drainage Strategy Study June, 1992, prepared by Webb, McKeown & Associates Pty Ltd.

1.7 Review Process

This Contributions Plan may be reviewed, amended or repealed in accordance with the provisions of the Environmental Planning & Assessment Regulation, 2000.

It is envisaged that the plan may be reviewed when determined appropriate, having regard to the rate of development and relationship to other contributions Plan or Development Control Plans.

1.10 Complying Development and the obligation of Accredited Certifiers

In accordance with section 94EC(1) of the Environmental Planning and Assessment Act 1979, accredited certifiers must impose a condition requiring monetary s94 contributions for any complying development which satisfies the requirements of this contributions plan. The amount of the contribution is to be determined in accordance with the formulae contained within the contributions plan and the current contributions' rate.

The conditions imposed must be consistent with Council's section 94 conditions relating to complying development in accordance with this development contributions plan. It is the professional responsibility of accredited certifiers to keep up to date with any amendments or changes to the plan (including changes to contributions' rate arising from indexation) accurately calculate the contributions and to apply the section 94 condition correctly.

1.11 Construction Certificates and the obligation of Accredited Certifiers

In accordance with section 94EC of the Environmental Planning and Assessment Act and Clause 146 of the Environmental Planning and Assessment Regulation, 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 payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions 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 Environmental Planning and Regulation. The only exceptions to the requirement are where works in kind, material public benefit, dedication of land or a deferred payment arrangement has been agreed by the council. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2 OBJECTIVES

- 2.1 To ensure, that infrastructure and works associated with urban and environmental enhancement are funded under Section 94 of the Environmental Planning and Assessment Act, 1979, as amended.
- 2.2 To identify the additional services and facilities required to satisfy the needs of the future population.
- 2.3 Council to manage the Contributions Plan implementation and Section 94 funds to ensure provision of services and facilities to meet demand.
- 2.4 To take account of works already provided in the Contributions Plan's area whilst planning for future needs;

- 2.5 To provide a basis for determining fair and reasonable developer contributions.
- 2.6 To establish a nexus between anticipated development and contributions sought.
- 2.7 To enable the early provision of works;
- 2.8 To encourage public participation in the formulation of the plan.
- 2.9 To provide the development industry with early advice as to the amount of contributions which will be required for a particular development.
- 2.10 To facilitate proper financial management and accountability for the expenditure of contributions received.
- 2.11 To identify locations and costs of works to be provided.
- 2.12 To outline a schedule/priority list identifying when works are to be provided in consideration of development rates.

3 CONTRIBUTIONS

3.1 Nexus and Assessment of Contributions

The basis of all Section 94 Contributions paid to Council is that a nexus or connection exists between a development proposed and the need to either upgrade or provide additional services and facilities.

The drainage study prepared by Webb, McKeown & Associates Pty Ltd on behalf of Council has identified that new developments will require additional drainage works above and beyond those provided for within the existing drainage system and upgrading works to accommodate existing developments.

Contributions levied under this plan are to fund works required above the level of service of the existing system (as improved). Improvements required to the system to meet the current level of service are to be funded from other sources. Section 94 Contributions as levied under this plan will not be used to fund improvements required to the existing system to serve the existing population.

3.2 Payments of Contributions

Contributions for drainage levied under this plan will be payable as follows:

- 1 Development applications involving subdivision payment prior to the release of the subdivision certificate.
- 2 Development applications involving building payment prior to the release of the construction certificate.
- 3 Development applications where no building approval is required prior to release of development consent.
- 4 Complying Development Certificates prior to the release of a complying development certificate.

Deferred payment may be accepted (Bank Guarantee or similar) and the form of payment will be considered at the Development Application stage.

4 DRAINAGE COST CALCULATIONS

The cost calculations were made in the Drainage Strategy Study. These costs were prepared from calculations of outflows and the pipe sizes required (and where appropriate open channels) to be constructed. The study includes calculation of the cost of minor drainage. Minor drainage is the extension of the trunk drainage for picking up the local drainage problems. However, this has not been carried out in detail as this would require extensive detailed survey of the area.

The costings for the drainage were carried out in accordance with the standards set out in the document to produce an adequate standard of drainage for the existing development in the area.

Further estimates were prepared for the works required to drain the areas zoned residential 2(b) to the standard required in these more intensively developed areas. The more intensive development causes a higher volume of runoff and many of the structures and drainage systems have to be increased for this zoning. The cost of the work in the Residential 2(b) zoned area was higher than the work required for the existing level of development before it had higher density usage.

The estimates prepared in the Study (See page 31 of the report Appendix A) to enable the costing of the differences to be determined between upgrading the existing system to an acceptable level and providing for the drainage needs for future medium density development. The difference of cost is then calculated to determine a contribution rate for Section 94 drainage contributions for the area zoned 2(b). The cost difference for trunk drainage has been calculated at \$7.318 million. (This figure is the difference between the summary total of the Residential 2(b) zone upgrading cost of \$12.484 million in Appendix B (proposed catchments) of the Study, and the summary of the Residential 2(b) zone area cost of \$5.166 million in Appendix C (existing catchments) of the Study. This is the equivalent of \$17,720 per hectare of 2(b) zoned land. The minor drainage cost of \$13,000 per hectare additional for 2(b) zoned land should be added to give a total figure of \$30,720 per hectare.

The provision of this drainage system for the areas zoned Residential 2(b) requires the purchase throughout the Peninsula area of approximately 40 residential blocks of land, which have houses built on them. It is estimated that the cost of acquiring these properties would be \$6.6 million. Acquisition costs of a further 10% should be added for valuations, legal fees, stamp duties and the like.

Detailed investigation and design costs for future drainage work will need to be included in the overall costs and 12% of the construction costs is considered appropriate for the nature of the work in this area. The cost of this current study as presented to Council, has also been included in the costing. The total costs of construction, reporting, detailed investigation and design, land costs and acquisition costs comes to \$21,554,440 which equates to \$52,190 per hectare, at 1990 figures. To adjust these figures to February 1992 figures, a factor of 1.022 is used for the capital costs and the final cost per hectare is \$52,952 as at February 1992 base date. The components of the cost are \$35,373 per hectare for the capital costs of drainage and \$17,578 per hectare for the land costs.

Council is also aware that dual occupancies, secondary dwellings and the like can contribute similar runoff to land zoned Residential 2(b). Due to the unknown and isolated nature of the applications that may be received, it is not possible to prepare specific calculations for dual occupancies and secondary dwellings. Thus it is considered reasonable that the drainage contribution rate be applied also to dual occupancies and secondary dwellings. The rate is considered transferable because of the regular topography of the area.

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Buildings and developments should be encouraged to use the minimum of non-porous paved areas in order to try and maintain the highly absorbent sand surfaces in the area. New developments in the area will be required to contribute (additional to the Section 94 sums) for kerb and gutter and footpaths. Development will be permitted to provide that kerb and gutter or footpath, where the drainage can be provided to an existing system and where provision will not cause problems to the drainage of the road or surrounding areas. If kerb, guttering and/or footpaths are unable to be built, Council will place the contributions within a trust fund to be allocated for provision of kerb and gutter or footpath following the carrying out of drainage works in the area. The new developments will be required to dispose of roof water to the street at the kerb and gutter alignment or to a satisfactory nearby location, which does not cause nuisance to the existing residents.

The Table below indicates Council's adopted dwelling size definitions.

Contributions will be levied based on dwelling size and includes medium density residential development. Medium density residential development includes units, villas, dual occupancies, townhouses, residential flat buildings, apartments, secondary dwellings and the like.

	AREA OF EACH DWELLING	SITE AREA REQUIRED
SMALL DWELLING	LESS THAN 70 SQU METRES	135 SQU METRES
MEDIUM DWELLING	70 SQU METRES TO 110 SQU METRES	190 SQU METRES
LARGE DWELLING	GREATER THAN 110 SQU METRES	260 SQU METRES

Dual occupancy and secondary dwelling developments assumes the same standards regarding size, ie small dwelling less than 70 sq metres.

5 FORMULA

CAPITAL COSTS: \$35,373 PER HECTARE, AND

LAND COSTS: \$17,578 PER HECTARE

To equate this on a per unit basis:

a) Average subdivisional density = 12 Lots/hectare, the following densities can be achieved:

Small units @ 6 units/lot = 72 units/hectare

Medium Units @ 4 units/lot = 48 units/hectare

Large Units @ 3 units/lot = 36 units/hectare

CAPITAL COSTS @ \$35,373 PER HECTARE ARE:

Small unit = \$35,373 **1**72 = \$491.00

Large unit = \$35,373 ₹36 = \$983.00

LAND COSTS @ \$17,578 PER HECTARE ARE:

Small unit = \$17,578 **₹**72 = \$244.00

Large unit = \$17,578 ₱36 = \$488

Therefore, the following Section 94 Contributions will be levied against development for drainage on the Woy Woy Peninsula.

Small unit/dual occupancy/	=	Capital	\$491.00
secondary dwelling		Land	\$244.00
Medium unit/dual occupancy/	=	Capital	\$737.00
secondary dwelling		Land	\$366.00
Large unit/dual occupancy/	=	Capital	\$983.00
secondary dwelling		Land	\$488.00

NOTE: As with all other Section 94 Contributions currently imposed, the above capital costs will be indexed quarterly using the "Consumer Price Index (All Groups Index) for Sydney" issued by the Australian Statistician by multiplying by the indexation figures (11/12)

- I1 = Current quarter "Consumer Price Index (All Groups Index) for Sydney" issued by the Australian Statistician.
- I2 = Original quarter "Consumer Price Index (All Groups Index) for Sydney" issued by the Australian Statistician = 107.4 (December 1992)

6 ACCOUNTS/FUND BALANCES

A register is kept by Council, which outlines the following information:

- funds held as a t 27 December 1992, along with interest accrued.
- funds received from 28 December 1992 onwards, under the new regulations pertaining to Section 94 contributions.
- funds will be accounted for separately in keeping with the individual contribution plans, ie each Contribution Plan will have a separate account.
- source of all funds received from 28 December 1992 onwards, ie identifying the specific development.
- expenditure of all funds, identifying the date of expenditure, together with a description of the type and location of roadworks that were carried out.

These records are kept in accordance with the Environmental Planning and Assessment Act, Regulation, 2000 as amended. These records are available for public perusal at the ground floor counter.

In accordance with the Regulations, an annual statement will be prepared and be available for public perusal, along with the register of accounts.

APPENDIX A

RECOMMENDATIONS AND CONCLUSIONS OF WEBB, MCKEOWN & ASSOCIATES

Extract from "Woy Woy, Umina, Ettalong, Peninsula Drainage Strategy Study June 1992"

The purpose of this study was to develop a trunk drainage strategy for the whole of the Woy Woy, Umina, Ettalong Peninsula area. In developing the strategy, the works required to mitigate existing drainage problems and those required to allow for further development were considered separately, to enable calculation of Section 94 drainage contributions.

Costs were calculated for pipe and channel works including culverts and bridges, and services relocation, to upgrade to the proposed standards (refer to Section 5.2). The cost to upgrade all existing trunk systems to the proposed standard for existing development is \$14.2 million. The cost to upgrade to cater for ultimate future development is \$29.7 million.

The difference in cost was used in estimating appropriate Section 94 trunk drainage contributions. The rate was calculated to be \$17 720 ha, which includes only pipe and channel works, culverts and bridges, and services relocation. Land acquisition and compensation payments for easements have been excluded.

The estimated Section 94 minor drainage contribution is \$13 000/ha. Thus the Section 94 contribution for both trunk and minor drainage works is \$30 720/ha.

For the upgrading of the existing drainage system to cater for the existing level of development, funding of the works would be limited (refer to Gosford City Council's letter dated 20 December 1991) and a medium term timeframe is envisaged before all the works recommended in Appendix C could be implemented. The various sub-catchments should be ranked in order of priority to develop a program of works taking into account works which have the greatest hydraulic and social benefits. Implementation of minimum floor levels for new buildings or existing building extensions should be immediate.

For areas zoned 2(b) – medium density development – the collection of Section 94 funds sufficient to construct the works would only be collected over a long period. Therefore, minimum floor levels should be incorporated in all new development to ensure flood freedom in the meantime.

APPENDIX B

WORKS SCHEDULE PROPOSED CATCHMENTS (can be viewed at Council's Administration Building 9^{th} floor)

APPENDIX C

RECOMMENDED SHORT/MEDIUM TERM UPGRADING OF EXISTING DRAINAGE SYSTEM FOR EXISTING LEVEL OF DEVELOPMENT (can be viewed at Council's Administration Building 9th floor)

