

CONTRIBUTIONS PLAN NO. 31D

COMMUNITY FACILITIES AND SERVICES

PENINSULA



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**CONTRIBUTIONS PLAN NO. 31D
COMMUNITY FACILITIES AND SERVICES
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1 INTRODUCTION

1.1 Name of Plan

This Contributions Plan is called Contributions Plan No. 31D – Community Facilities and Services - Peninsula.

This plan consists of this document and accompanying map marked Contributions Plan No. 31D - Community Facilities and Services - Peninsula.

The Contributions Plan came into effect on 28 December 1992.

Subsequent amendments came into effect on the 19 April 2006.

1.2 Land to which Plan Applies

This Contributions Plan 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 Contributions Plan 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 social infrastructure 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, and with the findings of the Peninsula Social Plan, 1992, prepared by Gosford City Council.

1.7 Review Process

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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.

1.8 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 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.

1.9 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 community facilities and services required to satisfy the needs of the future population.
- 2.3 To enable Council to manage the Contributions Plan implementation and expenditure of Section 94 funds to ensure provision of community facilities and services to meet demand.
- 2.4 To take account of community facilities and services already provided in the Contributions Plan's area whilst planning for future needs;

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- 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 community facilities and services.
- 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 community facilities and services to be provided.
- 2.12 To identify locations and costs of roadworks to be carried out.
- 2.13 To outline a schedule/priority list identifying when roadworks are to be provided in consideration of development rates.

3 CONTRIBUTIONS

3.1 Nexus and Assessment of Contributions

Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended) grants Councils the power to levy contributions from developers for facilities and services required as a consequence of development.

This power relies upon there being a clear link or nexus between the development being levied and the need for the facility or service for which the levy is being required.

This nexus has been determined for the facilities and services proposed in the Schedule attached to this document, with the Draft Peninsula Social Plan. Assessment of the required facilities and services is not repeated in this plan. Details of the types of facilities and services proposed and the land requirements are contained in the Social Plan.

In terms of the facilities and services proposed to be provided, it has been established that:

- * the contribution must be for, or relate to, a planning purpose;
- * the contribution must fairly and reasonably relate to the subject development; and
- * the contribution must be such as a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed.

Additionally, it has been generally been accepted that Section 94 contributions may be sought only for services and facilities which Councils have a responsibility to provide; and that Section 94 contributions can be levied only for capital, not recurrent or operating costs.

Council has established that under existing zoning provisions, the population of the Peninsula will increase by approximately 14,500 persons (ultimate development). This figure has been derived from development take up rates that have occurred, expected

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occupancy of units and also displacement of existing population through redevelopment.

The following population projections (over time) form the basis of the assessment of community facilities and services provision and schedule of works/embellishment.

TABLE 1 - POPULATION

| LOCALITY | EXISTING (1991) | 1997 | 2001 | 2011 | ULTIMATE |
|----------|--------------------|--------|--------|--------|----------|
| Woy Woy | 11,429 | 12,181 | 12,727 | 14,119 | 16,833 |
| Umina | 14,776 | 16,176 | 16,731 | 18,075 | 21,236 |
| Ettalong | 3,776 | 4,174 | 33,965 | 37,527 | 44,640 |

The community facilities and services for which it is proposed to levy under Contributions Plan No 31D are contained in Appendix 1 Schedule of Works and Costings.

3.2 Payments of Contributions

Contributions for community facilities 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 the development consent.
- 4 Complying Development Certificates prior to the release of the 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.

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4 COMMUNITY FACILITIES AND SERVICES RATE

4.1 Basis of rate

Section 94 contributions will be levied on a per person basis based on the size of the dwelling, assumed occupancy rates of dwellings 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.

The assumed occupancy rates are as shown in Table 2.

TABLE 2 - ASSUMED OCCUPANCY RATES

| DEVELOPMENT | DENSITY PERSONS |
|--|------------------------|
| Each allotment / dwelling house | 3.5 |
| Other Dwellings (eg medium density/semi detached, town houses, secondary dwellings etc) | |
| Small Dwelling – not exceeding 70 sq m | 1.5 |
| Medium Dwelling – greater than 70 sq m but not exceeding 110 sq m | 2.0 |
| Large Dwelling – greater than 110 sq m | 3.0 |

4.2 Apportionment

The Section 94 Contributions Plans Manual states that where a facility is developed not entirely to meet the needs of the new development contributing Section 94 (ie in this case, incoming residents to the Peninsula Draft DCP Area), but would also serve an adjacent area or existing residents of an area, in these circumstances, contributions should be apportioned between all users. Council would then have to cover any “shortfall” by other means such as rates, grants and subsidies. The important consideration, according to the Manual (p8) is the need for the facility as a result of the scale of the new development.

The approach to apportionment which has been taken is consequently that of a facility by facility appraisal of the extent to which the facility is justified based on the needs of the new population. This is carried out in Table 3, which states the basis for apportionment of each facility. The theoretical apportionment of the cost of each facility based on the above, and the actual contribution compared to other sources is contained in Appendix 2.

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TABLE 3: PRINCIPLES OF APPORTIONMENT: PENINSULA

| FACILITY/SERVICE | REQUIRED TO REDUCE BACKLOGS | REQUIRED AS A RESULT OF NEW DEVELOPMENT | PROPOSED TO BE PROVIDED | BASIS OF APPORTIONMENT |
|--|------------------------------------|--|--|--|
| COMMUNITY FACILITIES & SERVICES | | | | |
| Children's Services | 75 places | 62 (1996) 132 (ult.) | 3 centres | 1 centre – NCCS (1) 2 centres |
| Youth Centres | 1 | 1 | 1 new centre 1 upgraded centre Expansion to new centre | 60% S94:40% Council and other sources (2a) S94 (2b) |
| Community Centres/Progress Halls | | | 1 upgraded centre 2 new centres | S94 (3a) 55% S94:45% Council & other sources (3b) |
| Neighbourhood/HACC Centre | 0.45 | 0.55 | 1 | 55% S94:45% Council and other sources (4) |
| District Library Stage 2 | 300m2 (5) | 300m2 | 600m2 | 50% S94:50% Council & other sources (6a) |
| Stage 3 | | 300m2 | 600m2 expansion | |
| Theatre | 0.45 | 0.55 | 1 | 55% S94:45% Council & other sources (7) |
| Community Initiatives / Newcomers | - | 1 | 1 | 90% S94:10% Council & other sources (8) |

Notes to the Table:

- 1 The additional shortfall in existing places is not addressed due to the high proportion of private places on the Peninsula.
- 2 (a) Apportioned on basis of ultimate incoming:existing population adjusted for higher anticipated incoming proportion of 10-19 year olds.
(b) Second stage expansion assumed to be fully attributable to incoming population.

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- 3 (a) Assumes existing facility is contributed on behalf of existing population – future upgrading to be contributed by incoming population.
(b) Apportioned on basis of ultimate incoming:existing population.
- 4 Apportioned on basis of ultimate incoming:existing population.
- 5 Assumes currently proposed 100m2 upgrading and expansion to Woy Woy Library (Stage 1).
- 6 (a) Apportioned according to share of floor space existing backlog requirement for incoming population to 2001, ie S94 share of facility costed on projected development 1992-2001.
(b) Third stage assumed to be fully attributable to incoming population.
- 7 Apportioned on basis of ultimate incoming existing population.
- 8 Apportioned on basis that funds allocated will largely either benefit newcomers or assist in the integration of new and existing communities.

It should be noted that 15% has been added to the capital cost of each facility (building cost an embellishment only, not land cost), to cover the costs of designing, documenting and supervising the construction of the facilities proposed. Where possible, but only where suitable sites exist in appropriate locations, facilities have been located on Council owned land to avoid the cost of purchasing land from Section 94. The value of this land has been imputed as a contribution by Council on behalf of the existing population.

The apportionment of costs in the case of proposed community facilities and services to serve the Peninsula Draft Contributions Plan Area as shown in Appendix 2 indicates that a total of \$6,958,000 should be being contributed by developer contributions, and a total of \$4,449,000 by Council and other sources such as rates, grants and subsidies.

In fact the table shows that Council and other sources will contribute \$5,002,000 toward the proposed facilities and services. Hence the amount of the contribution to be sought from developers (\$6,405,000) is less than theoretically justified on the above basis. It is consequently considered that the developer contribution to be required is more than fair and reasonable.

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5 FORUMULAE

The formulae adopted to determine contributions for the proposed community facilities and services are divided into a land component and a facilities/services component.

The formula for the land component is as follows:

$$\text{Community facilities (land component)} = \frac{A \times V}{P} = \text{person}$$

Where:

V = the current Council valuation estimate of community facilities land, appropriate to the land to be acquired, in dollars per m².

A = area of community facilities land required for proposed community facilities (5,000m²)

P = ultimate population increase (14,659)

The formula for the facilities and services component is as follows:

$$\text{Community facilities (facilities and services component)} = \frac{C}{P} = \text{per person}$$

* Adjusted quarterly by multiplying by indexation figures (I1/I2)

Where:

C = cost of proposed community facilities and services as outlined in works schedule

P = ultimate population increase (14,659)

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

A credit of 2.0 persons shall be given for an existing allotment for the purposes of community facilities and services except in relation to where the development is for a secondary dwelling. Although the 1986 Census information for the Peninsula indicates an average occupancy of 2.55 persons for occupied separate houses, it has been assumed in the population forecast methodology that displaced houses will be distorted in favour of mature family households containing one or two persons. An occupancy of 2.0 persons is also considered reasonable because occupancy rates of collector districts where development is expected to occur is typically lower than the overall average.

Further, preliminary data from the Australian Bureau of Statistics for the 1991 Census indicates an overall decline in occupancy rates.

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6 ACCOUNTS/FUND BALANCES

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

- 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 Contributions 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 on what they were spent and where and when they were spent.

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.

7 APPORTIONMENT OF COSTS

Consumer Price Indices:

- 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)

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APPENDIX 1

SCHEDULE OF WORKS AND COSTINGS

PLANNING PERIOD: 1991-1997
POPULATION EXPECTATION: 32,531
POPULATION INCREASE: 2,550

| REF | FACILITY OR SERVICE | ESTIMATED EXPENDITURE | PRIORITY | ANTICIPATED TIMING (UNDER MEDIUM POPULATION PROJECTION) |
|-----|---|-----------------------|----------|---|
| 1 | Children's Service – Woy Woy | \$356,000 | High | 1993 |
| 2 | Youth Centre – Umina (Stage 1) | \$275,000 | High | 1994 |
| 3 | Theatre | \$1,500,000* | High | 1995 |
| 4 | Community Initiatives/Newcomers Programme | \$50,000 | Medium | 1995 |
| 5 | Neighbourhood/HACC Centre – Woy Woy | \$1,034,000* | Medium | 1996 |
| 6 | Community Centre – Umina | \$486,000 | Medium | 1997 |

* Recommended to be funded through borrowings and contributions recouped 1998-2001.

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APPENDIX 1 CONTINUED

APPORTIONMENT OF COSTS

PLANNING PERIOD: 1998-2001
POPULATION EXPECTATION: 33,964
POPULATION INCREASE: 1,433

| REF | FACILITY OR SERVICE | ESTIMATED EXPENDITURE | PRIORITY | ANTICIPATED TIMING (UNDER MEDIUM POPULATION PROJECTION) |
|-----|--------------------------------------|-----------------------|----------|---|
| 7 | Children's Service – Umina | \$443,000 | Medium | 1998-2001 |
| 8 | District Library – Woy Woy (Stage 2) | \$880,000* | Medium | 1998-2001** |

* Recommended to be funded through borrowings and contributions recouped 2002-2011 for District Library, 2012 – Ultimate for Theatre

** Stage 2 (a) possible 1994 if grant funding available.

PLANNING PERIOD: 2002-2011
POPULATION EXPECTATION: 37,527
POPULATION INCREASE: 3,563

| REF | FACILITY OR SERVICE | ESTIMATED EXPENDITURE | PRIORITY | ANTICIPATED TIMING (UNDER MEDIUM POPULATION PROJECTION) |
|-----|-----------------------------------|-----------------------|----------|---|
| 9 | Community Centre – Ettalong | \$463,000 | Medium | 2002-2011 |
| 10 | Renovation Youth Centre – Woy Woy | \$100,000 | Low | 2002-2011 |
| 11 | Youth Centre – Umina (Stage 2) | \$110,000 | Very Low | 2002-2011 |

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APPENDIX 2 - APPORTIONMENT OF COSTS

| Facility | Apportionment of Costs | | | | Theoretical | | Land & Capital \$ S94 | Actual | | |
|--|------------------------|-----------------|------------------|---------------------|------------------|------------------|--------------------------|------------------|------------------|------------------|
| | \$ Building Cost | *Land Cost (\$) | | \$ Total Cost | \$ S94 | \$ Other | | \$ Other | | |
| | | Actual | Imputed | | | | | Grant | Council | Total |
| Children's Service - Woy Woy | 356,000 | - | 210,000 | 566,000 | - | 566,000 | | 356,000 | 210,000 | 566,000 |
| Children's Service - Umina | 443,000 | - | 280,000 | 723,000 | 723,000 | - | 443,000 | | 280,000 | 280,000 |
| Children's Service - Ettalong | 443,000 | 280,000 | - | 723,000 | 723,000 | - | 723,000 | | - | |
| Youth Centre Umina (Stage 1) | 275,000 | - | 280,000 | 555,000 | 333,000 | 222,000 | 275,000 | | 280,000 | 280,000 |
| Youth Centre Umina (Stage 2) | 110,000 | - | 70,000 | 180,000 | 180,000 | - | 110,000 | | 70,000 | 70,000 |
| Renovations Youth Centre - Woy Woy | 100,000 | - | 800,000 | 900,000 | 540,000 | 360,000 | 100,000 | | 800,000 | 800,000 |
| Umina Community Centre | 276,000 | 210,000 | | 486,000 | 267,300 | 218,700 | 486,000 | | - | |
| Ettalong Community Centre | 253,000 | 210,000 | - | 463,000 | 254,650 | 208,350 | 463,000 | | - | |
| Neighbourhood/HACC Centre | 1,034,000 | - | 1,050,000 | 2,084,000 | 1,146,200 | 937,800 | 634,000 | 400,000 | 1,050,000 | 1,450,000 |
| District Library (Stage 2) | 880,000 | - | 168,000 | 1,048,000 | 524,000 | 524,000 | 524,000 | 356,000 | 168,000 | 524,000 |
| District Library (Stage 3) | 460,000 | - | 42,000 | 502,000 | 502,000 | - | 460,000 | - | 42,000 | 42,000 |
| Theatre | 1,500,000 | - | 700,000 | 2,200,000 | 1,210,000 | 990,000 | 1,210,000 | 290,000 | 700,000 | 900,000 |
| Community Initiatives | 50,000 | - | - | 50,000 | 45,000 | 5,000 | 50,000 | - | - | |
| SUBTOTAL | 6,180,000 | 700,000 | 3,600,000 | 10,480,000 | 6,448,150 | 4,031,850 | 5,478,000 | 1,402,000 | 3,600,000 | 5,002,000 |
| DESIGN & ADMIN COSTS (15% of cost of facilities) | 927,000 | | | 927,000 | 509,850 | 417,150 | 927,000 | | | |
| TOTAL | 7,107,000 | 700,000 | 3,600,000 | 11,407,000 | 6,958,000 | 4,490,000 | 6,405,000 | 1,402,000 | 3,600,000 | 5,002,000 |

* Land value based on valuation of \$140m².

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APPENDIX 3

**COMMUNITY FACILITIES AND SERVICES
CURRENT VALUATIONS AND CONTRIBUTIONS – FROM 28/12/92**

Current valuations to acquire developed land are \$140/m².

Based on a total contribution of \$6,405,000 and an anticipated population increase of 14,659, the total contribution rate per person for community facilities and services is \$436.93.

This is comprised of a contribution of \$47.75 per person (totalling \$700,000) for land and \$389.18 per person for facilities and services (totalling \$5,705,000), as disaggregated in Appendix B.

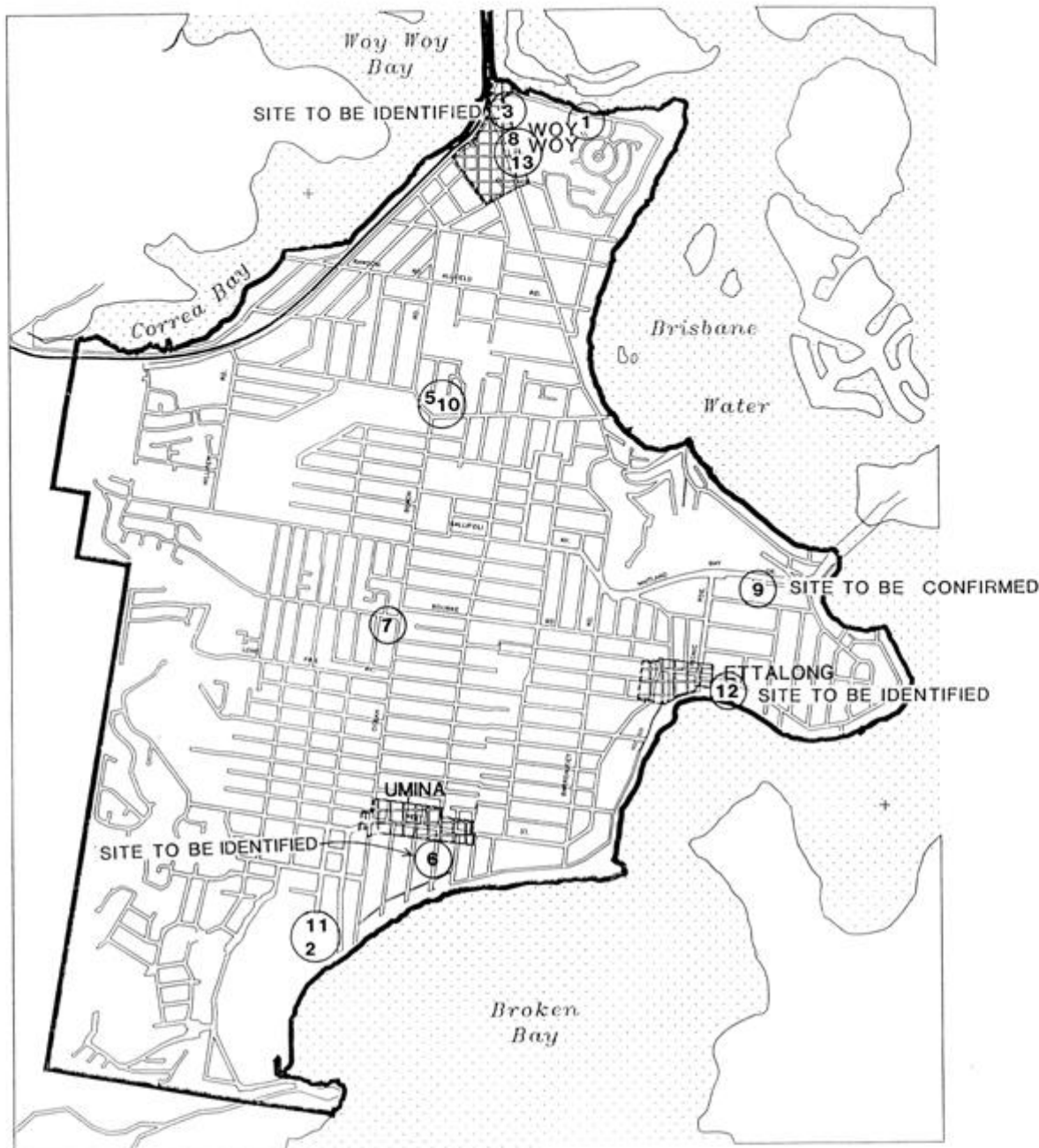
The land component is based on the current land valuation.

| | | |
|----------------------|---|--------------------------------|
| Total cost | = | \$6,405,000 (land and capital) |
| Capital cost | = | Total cost – land cost |
| | = | \$6,405,000 – 700,000 |
| Total Capital | = | \$5,705,000 |
| Therefore per person | = | \$5,705,000 ÷ 14,659 |
| Capital | = | \$389.18 |
| Therefore per person | = | \$700,000 ÷ 14,659 |
| Land | = | \$47.75 |

Therefore at the current rates per person, the following contributions apply:

| DWELLING TYPE | LAND COMPONENT | FACILITIES & SERVICES COMPONENT | TOTAL |
|---|--|--|------------|
| New Allotment/ Dwelling House | (3.5 persons x \$47.75) = \$167.13 | (3.5 persons x \$389.18) = \$1,362.13 | \$1,529.26 |
| OTHER DWELLINGS (eg medium density, semi detached, town houses, secondary dwellings, etc) | | | |
| Small Dwelling (not exceeding 70 sq m) | (1.5 x \$47.75) = \$71.63 | (1.5 x \$389.18) = \$583.77 | \$655.40 |
| Medium Dwelling (greater than 70sq m but not exceeding 110 sq m) | (2.0 x \$47.75) = \$95.50 | (2.0 x \$389.18) = \$778.36 | \$873.86 |
| Large Dwelling (greater than 110 sq m) | (3.0 x \$47.75) = \$143.25 | (3.0 x \$389.18) = \$1,167.54 | \$1,310.79 |

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- CONTRIBUTIONS PLAN BOUNDARY
- TOWN CENTRE AREA

NB: THIS PLAN IS *CONCEPTUAL ONLY* OTHER THAN EXISTING SITES. NO LAND HAS BEEN IDENTIFIED FOR PURCHASE AT THIS TIME. THE STATED WORKS NEED TO BE READ IN CONJUNCTION WITH THE DETAILS OF WORKS/EXPENDITURE CONTAINED IN THE SOCIAL PLAN.

- | | | |
|--|--------------------------------|-------------------------------|
| 1992-1997 | 1998-2001 | 2012-ULTIMATE |
| ① CHILDREN'S SERVICE | ⑦ CHILDREN'S SERVICE | ⑫ CHILDREN'S SERVICE |
| ② YOUTH CENTRE (STAGE 1) | | ⑬ DISTRICT LIBRARY (STAGE 3) |
| ③ THEATRE | ⑧ DISTRICT LIBRARY (STAGE 2) | |
| ④ COMMUNITY INITIATIVES/ NEWCOMERS PROGRAMME (NOT SHOWN) | 2002-2011 | |
| ⑤ NEIGHBOURHOOD/ HACC CENTRE | ⑨ COMMUNITY CENTRE | |
| ⑥ COMMUNITY CENTRE | ⑩ RENOVATION YOUTH CENTRE | |
| | ⑪ YOUTH CENTRE (STAGE: 2) | |

| | | | |
|---|--------------------------------------|-----------------------|--|
| COUNCIL FILE NO. 377:85 | SCALE 1:16 000 | DETAILS OF AMENDMENTS | THIS PLAN COMES INTO FORCE FROM 28/12/92 TO THE EXTENT TO WHICH IT IS CONSISTENT WITH THE GOSFORD LOCAL ENVIRONMENTAL PLAN NO. OR ANY OTHER SUBSEQUENT LOCAL ENVIRONMENTAL PLAN WITHIN THE AREA. |
| CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AND REGULATION | COUNCIL REGISTERED PLAN NO. 36/92 | DATE | |
| TOWN CLERK <i>[Signature]</i> DATE 21/12/92 | | | |

TOWN PLANNER
[Signature]

SUPERVISING DRAFTSPERSON
[Signature] 21/12/92

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