

CONTRIBUTIONS PLAN NO. 69

# CAR PARKING

TERRIGAL VILLAGE CENTRE



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**1. PART A - SUMMARY SCHEDULES**

The following summary schedules are included in this plan:

Works program

Contributions by category

It is stressed that these are provided as summary tables only and more details are contained in the individual strategies within the plan.

**1.1 SUMMARY WORKS PROGRAM**

<b>FACILITY</b>	<b>SCHEDULE OF WORKS</b>	<b>COST SUMMARY</b>	<b>TIMING/THRESHOLDS</b>
<b>Car Parking</b>	Additional 220 spaces to the existing Wilson Rd multi-deck car park	\$6,105,000	100%
	Recoupment of additional costs for footings to facilitate the future construction of additional two decks of car parking	\$280,764*	100%
	Lift (Apportioned Cost)	\$132,800	100%
	<b>Sub Total</b>	<b>\$6,518,564</b>	
<b>Administration</b>	Recoupment of partial cost of Terrigal Strategic Parking Study	\$ 65,688	100%
	Survey Investigation & Design	\$915,750	100%
	Project Management	\$610,500	100%
	<b>Sub Total</b>	<b>\$1,591,938</b>	
	<b>TOTAL COST</b>	<b>\$8,110,502</b>	

Note: \* This is the Consumer Price Indexation cost of the original construction cost and has been indexed to March 2012

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**1.2 SUMMARY SCHEDULE - CONTRIBUTIONS BY CATEGORY**

<b>WORKS</b>	<b>BASIS</b>	<b>CONTRIBUTION</b>
<b>Car Parking</b>	Per car space	\$27,750
<b>Car Parking recoupment</b>	Per car space	\$ 1,276
<b>Lift</b>	Per car space	\$604
<b>ADMINISTRATION</b>		
<b>Terrigal Strategic Parking Study recoupment</b>	Per car space	\$299
<b>Survey Investigation and Design</b>	Per car space	\$4,163
<b>Project Management</b>	Per car space	\$2,775

**2. PART B - ADMINISTRATION AND OPERATION OF THE PLAN.**

**2.1 WHAT IS THE NAME OF THIS DEVELOPMENT CONTRIBUTIONS PLAN?**

This development contributions plan is called Development Contributions Plan No 69 Car Parking Terrigal Village Centre.

**2.2 AREA THE PLAN APPLIES.**

This plan applies to land within the Terrigal Village Centre as shown on the attached Map.

**2.3 WHAT IS THE PURPOSE OF THIS DEVELOPMENT CONTRIBUTIONS PLAN?**

The purpose of the Development Contributions Plan is to:

- (a) provide a basis for the determination of developer contributions towards the cost of providing public car parking within the Terrigal village centre where some car parking is not provided on the development site
- (b) ensure that adequate public facilities are provided for as part of any new development
- (c) to authorise the council to impose conditions under section 94 (s94) of the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this plan applies
- (d) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis

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- (e) ensure that the existing community is not burdened by the provision of public amenities and public services required as a result of future development
- (f) enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

## **2.4 COMMENCEMENT OF THE PLAN**

This development contributions plan has been prepared pursuant to the provisions of s94 of *the EP&A Act* and Part 4 of the *EP&A Regulation* and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the *EP&A Regulation*.

**Note:** The date on which the public notice was published was 18 December 2013.

## **2.5 RELATIONSHIP WITH OTHER PLANS AND POLICIES**

This development contributions plan amends Contributions Plan No. 69 Car Parking Terrigal.

The development contributions plan supplements the provisions of the Gosford Planning Scheme Ordinance and any amendment or local environmental plan which may supersede it.

## **2.6 DEFINITIONS**

The definitions are the same as those contained within Council's environmental planning instrument applying to the land or those contained within the Environmental Planning and Assessment Act, whichever is applicable.

## **2.7 WHEN IS THE CONTRIBUTION PAYABLE?**

- i Development applications involving building - payment to Council prior to the release of the construction certificate.
- ii Development applications not accounted for in (i) - payment to Council prior to the release of development consent.
- iii Complying Development Certificates payment to Council prior to the release of the complying development certificate.

## **2.8 CONSTRUCTION CERTIFICATES AND THE OBLIGATION OF ACCREDITED CERTIFIERS**

In accordance with section 94EC of the *EP&A Act* and Clause 146 of the *EP&A 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 the 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 *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 by the council. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

## **2.9 COMPLYING DEVELOPMENT AND THE OBLIGATION OF ACCREDITED CERTIFIERS**

In accordance with s94EC(1) of the *EP&A Act*, 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 standard section 94 consent conditions for complying development and be strictly in accordance with this development contributions plan (including changes to contributions' rate arising from indexation). It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the section 94 condition correctly.

## **2.10 DEFERRED/PERIODIC PAYMENTS**

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

- (a) deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program,
- (b) where the applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and council and the applicant have a legally binding agreement for the provision of the works or land dedication,
- (c) there are extenuating circumstances justifying the deferred or periodic payment of the contribution.

Deferred payments may only be for a period of 12 months and be either a single payment or four equal quarterly instalments over a 12 month period with the first instalment due three months after the issue of a construction certificate. Indexation in accordance with Clause 2.13 will be applied at time of payment.

If council does decide to accept deferred or periodic payment, council may require the applicant to provide a bank guarantee by a bank for the full amount of the contribution or the outstanding balance on condition that:

- 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 unconditionally pays the guaranteed sum to the council if the council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work
- 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



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- 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

## **2.11 CAN THE CONTRIBUTION BE SETTLED "IN-KIND" OR THROUGH A MATERIAL PUBLIC BENEFIT?**

The council may accept an offer by the applicant to provide an "in-kind" contribution (i.e. the applicant completes part or all of work/s identified in the plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this plan.

Council may accept such alternatives in the following circumstances:

- (a) the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan; and
- (b) the standard of the works is to council's full satisfaction; and
- (c) the provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program.

The value of the works to be substituted 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.

Council will require the applicant to enter into a written agreement for the provision of the works.

Acceptance of any such alternative is at the sole discretion of the council. Council may review the valuation of works or land to be dedicated, and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by the council in determining the value of the works or land will be paid for by the applicant.

## **2.12 REVIEW OF CONTRIBUTION RATES**

To ensure that the value of contributions are not eroded over time by movements in the ***Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician***, the capital costs of administration of the plan or through changes in the costs of studies used to support the Plan, the council will review the contribution rates.

The contribution rates will be reviewed by reference to the following specific indices:

- for all items within the work schedule by the ***Consumer Price Index (All groups Index) for Sydney, as published by Australian Statistician.***

In accordance with clause 32(3)(b) of *the EP&A Regulation*, the following sets out the means by which the council will make changes to the rates set out in this plan.

For changes to the ***Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician***, the contribution rates within the plan will be reviewed on a quarterly basis in accordance with the following formula:

$$\text{\$C}_A + \text{\$C}_A \times \text{([Current Index - Base Index])}$$

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**[Base Index]**

Where

<b>\$C<sub>A</sub></b>	is the contribution at the time of adoption of the plan expressed in dollars;
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 review of the contribution rate;
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 of Terrigal Strategic Parking Study which is 99.9 (March 2012)

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

**Note:** This clause does not cover the adjustment of a contribution between the time of consent and the time payment is made. This is covered by clause 2.13

**2.13 HOW ARE CONTRIBUTIONS ADJUSTED AT THE TIME OF PAYMENT?**

The contributions stated in a development consent are calculated on the basis of the s94 contribution rates determined in accordance with this plan. If the contributions are not paid prior to the next quarterly review after the development consent has been granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in the following manner:

$$\begin{aligned}
 \$C_P &= \$C_{DC} + \frac{[\$C_{DC} \times (\$C_Q - \$C_C)]}{\$C_C}
 \end{aligned}$$

Where

- \$ C<sub>P</sub>** is the amount of the contribution calculated at the time of payment
- \$ C<sub>DC</sub>** is the amount of the original contribution as set out in the development consent
- \$ C<sub>Q</sub>** is the contribution rate applicable at the time of payment
- \$ C<sub>C</sub>** is the contribution rate applicable at the time of the original consent

## **2.14 POOLING OF CONTRIBUTIONS**

This plan expressly authorises monetary s94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) by Council for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

## **2.15 SAVINGS AND TRANSITIONAL ARRANGEMENTS**

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.

## **3 PART C - STRATEGY PLANS**

### **3.1 PROPOSED FACILITIES**

It is proposed to provide an additional two levels to the existing Wilson Road Terrigal car park which has been designed to accommodate the additional levels. The additional levels will provide an additional 220 car parking spaces.

It is estimated that 375 car parking spaces will be required by future anticipated development for the Terrigal Village Centre. These 375 car spaces should not all be accommodated in the car parking facility at Terrigal. It is anticipated these car spaces will be provided as a combination of on the development site and some as part of the public car park.

The existing multi deck car park had its footings designed and constructed to support an extra two decks if needed in the future. As these works were intended for the future two deck levels to serve future development it is proposed to recoup the costs of these additional works as it is directly attributable to the works proposed.

It is proposed to include a lift into the car park to ensure ease of use by all patrons, particular as the facility is to be used by the community and will be ultimately four levels high.

The administration costs associated with the plan represents the 'partial' cost of the study which is attributable to s94 and is to be recouped from future development. The survey investigation and design as well as project management costs associated with the supervision and construction of the additional multi decks are to be levied on the capital cost of the facility at a rate of 15% and 10% respectively.

### **3.2 ANTICIPATED DEVELOPMENT**

Future development within the Terrigal Village Centre is anticipated to be through the redevelopment of existing sites with mixed used developments comprising commercial/retail (i.e. non residential) on the lower floors and residential above.

The future planning controls for Terrigal Village Centre are outlined in Council's Gosford Planning Scheme Ordinance and future proposals in the draft LEP 2013 (previously 2009), and Council's development control plans in respect to Terrigal Village Centre and car parking.

In order to determine the likely demand for car parking resulting from future anticipated development, it is necessary to determine the possible future gross floor area based on the existing and future planning controls affecting the Terrigal Village Centre. For the purposes of the calculation all business zoned land excluding the Crown Plaza site (which is considered unlikely to

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undergo significant redevelopment), has been included in the calculation. Based on the planning controls it is estimated that the theoretical future commercial/retail (i.e. non residential) gross floor area is 16,114m<sup>2</sup>.

It is unlikely that all the commercially zoned land in Terrigal would be redeveloped to its maximum potential as this would require significant amalgamation of properties which is difficult to achieve with the highly fragmented ownership within the centre and having regard to the age of existing development that has been undertaken. It is considered that an appropriate take up rate of say 30% of the theoretical commercial/retail (i.e. non residential) gross floor area be used in determining the likely demand for car parking. Having regard to the take up rate this would result in an estimated commercial/retail gross floor area of 4,834m<sup>2</sup>.

The residential component of any future development of the Terrigal Village Centre has not been included in the gross floor space calculations as the car parking for the residential component is required to be provided on site and contributions will not be accepted for the residential component of any development.

### **3.3 DEMAND**

The future demand for the provision of car parking from development in the Terrigal Village Centre is generated by reference to Council's development control plan for the provision of car parking and is dependent upon the rate of new development and the circumstances of particular development sites. The development control plan outlines the car parking requirements for various land uses. In a number of commercial centres including Terrigal a cash contribution may be required or accepted in lieu of the provision of some of the car parking spaces required to be provided on site.

Council has approved a number of new developments with requirements for contributions to car parking in lieu of parking provided on site which if commenced would require Council to provide a total of 253 public car spaces. However it is considered highly unlikely that all of these development consents would be enacted.

The potential car parking demand for future anticipated development given Council's planning controls and likely take up rate is considered to be 122 car parking spaces.

The total forecast demand having regard to existing development consents (which last up to 5 years) and future anticipated development is 375 car parking spaces. However this is highly dependent on the development consents that have been issued by Council being enacted upon.

### **3.4 NEXUS**

Council must be satisfied that a development (subject of a development application or an application for a complying development certificate) will or is likely to generate a need for car parking facilities in the area.

This is generally referred to as the principle of nexus, which must be satisfied, in order for the Council to be able to levy a developer contribution for public car parking.

Any development of the land within the Terrigal Village Centre will ordinarily generate the need for additional car parking. The extent of car parking required for any development will be determined by the proposed land use, the applicable car parking standards set out in Council's development planning controls for Terrigal Village Centre and the number if any of car parking spaces to be provided by way of contributions to a public car park.

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Where the required amount of parking for a particular development is not all to be provided on site, the development will generate a demand for additional public car parking facilities, which must be provided by Council. This forms the nexus and justifies Council's acceptance of a monetary contribution to provide such facilities.

### **3.5 APPORTIONMENT**

The apportionment factor for this Contributions Plan is based on the assumption that a development should only pay for the proportion of demand it will generate for each parking space.

The previous contributions plan identified that there was a short fall in the number of public car parking spaces based on the theoretical demand for car parking spaces for existing development and Council's car parking policy and those public car parking spaces provided.

The Terrigal Strategic Parking Study has identified that there is a total of 899 public car parking spaces, both on street and off street available which exceeds the previous identified theoretical demand. This figure does not include car parking provided on private land.

Therefore the apportionment to any future development or land use that would result in an increase in non residential floor space or an intensification of use is 100% (i.e. there is no discount to the cost of the car parking required), except in relation to the provision of the lift.

The lift will service all of the car parking spaces within the multi-deck car parking station and as such the cost should be apportioned. The existing multi-deck car parking station contains 328 spaces, the addition of two additional levels will provide a further 220 car parking spaces, being a total of 548 car parking spaces. Accordingly the apportionment factor is 220 divided by 548 car spaces or 0.4.

### **3.6 LIMITATION OF ACCEPTANCE OF CONTRIBUTIONS IN LIEU OF THE PROVISION OF CAR PARKING SPACES**

Council's Development Control Plan No. 111 for car parking currently requires that in Terrigal commercial centre that no more than two thirds of the calculated parking requirement is to be provided on site, with the balance to be provided by way of cash contributions. In addition DCP No. 55 Terrigal Town Centre requires car parking to be provided at the rate set by DCP for car parking and that the required number of spaces may be distributed on-site and in a public facility and that at least one space per dwelling and one space per residential tenancy be provided on site.

Current trends in development consents issued have revealed that an increasing number of developments are providing 1/3 of their car parking requirements on site with the remainder of the spaces being provided by way of a cash contribution.

Council is required to provide the car parking spaces that it accepts by way of contribution. There is a finite number of car parking spaces that Council can provide on the current site under this contributions plan or future contributions plans. The Terrigal Strategic Parking Study has identified that Council's existing property in Church St is too small to provide a significant multi deck car park. Council would have to either acquire additional land in or around the Terrigal commercial centre at market rates, which would result in significant cost and very high contribution rates on a cost per space basis.

It is considered that a degree of public car parking provided by way of contributions should be available to developers as there are development sites within Terrigal commercial centre which when redeveloped would not be able to provide all car parking on the site. However the current trend and wording of the Council's development control plans has resulted in a significant potential

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number of car parking spaces to be provided by Council in a public car park at a rate substantially below the current cost of construction.

In the redevelopment of sites it is considered that the majority of the car parking spaces should be provided by the developer and not the Council, as such it is proposed under this contributions plan to limit the number of car parking spaces to be provided by way of contribution to be a maximum of 1/3 of the car parking generated by the development.

### **3.7 FORMULAE**

Where a monetary contribution is to be paid in lieu of the provision of car parking on site, the amount of contribution required shall be calculated in accordance with the following formulas;

Car Parking Spaces

$$C = (P/TN \times N \times F)$$

C = Contribution required

N = Number of spaces for which a contribution is to be paid

P = Cost of parking facilities proposed in contributions plan

TN = Total number of spaces to be provided under the contributions plan

F = Apportionment factor

Administration

$$C = (CS/TN \times N \times F)$$

Where

C = Contribution required

N = Number of spaces for which a contribution is to be paid

CS = Cost of Administration

TN = Total number of spaces to be provided under the contributions plan.

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**4 PART D - REFERENCES**

Terrigal Strategic Parking Study undertaken by Brown Smart Consulting Report No. X11171r01, dated August 2012

Gosford Planning Scheme Ordinance

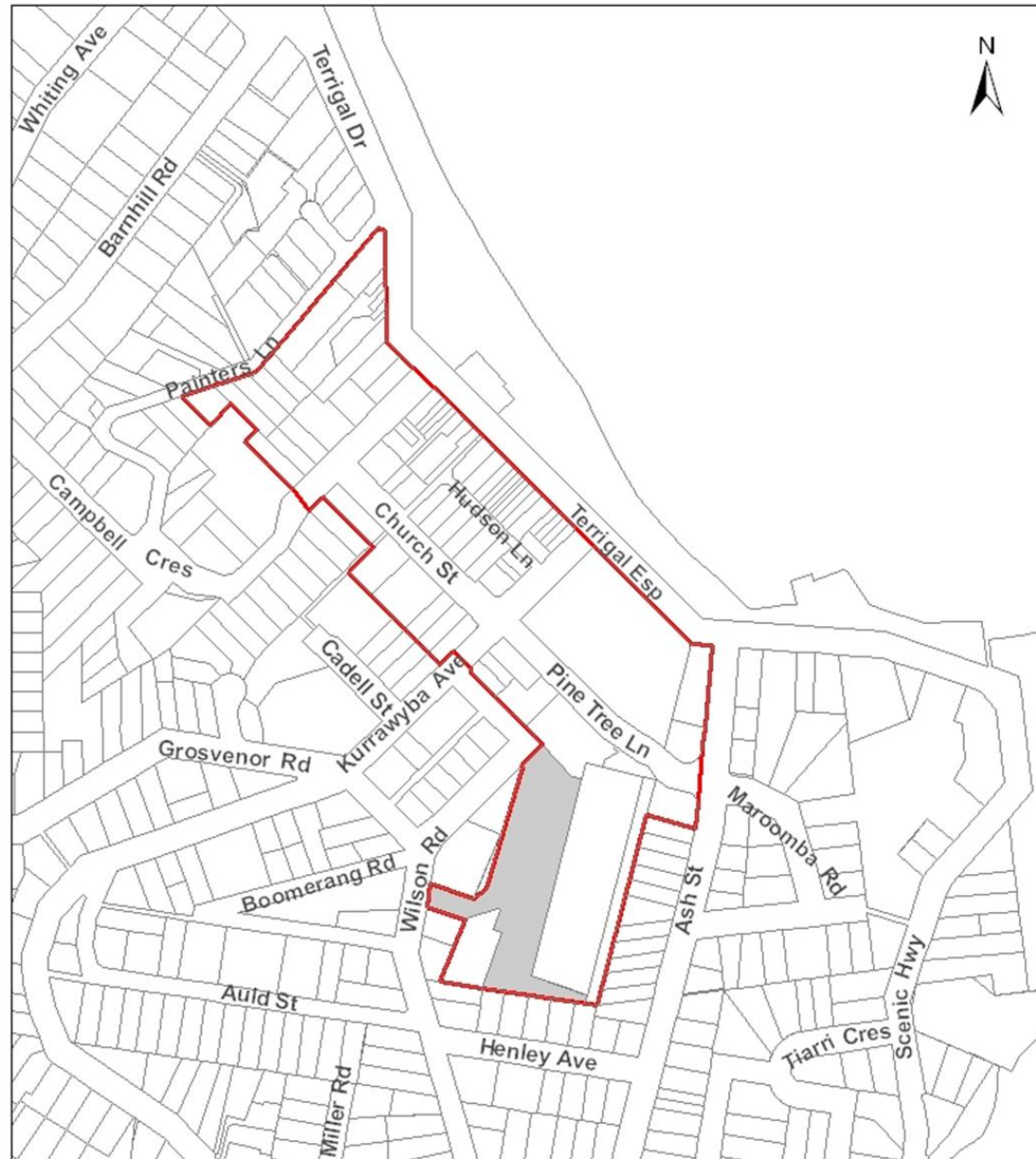
Draft Local Environmental Plan 2009

Cordell eCosting Guide

Department of Planning and Infrastructure Development Contributions Practice Notes issued July 2005 – Template for a Section 94 development contributions plan.

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Date: 26/07/2013  
 Source: Gosford City Council | Corporate GIS  
 Projection: GDA\_1994\_Transverse\_Mercator; GCS\_GDA\_1994  
 Created using ArcGIS 10.1 using ArcMap  
 Document Name: CP 69 Car Parking Terrigal Village Centre

Legend	
	Cadastre
	Boundary of land affected by this contributions plan
	Proposed location of additional car parking facilities

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