


BlacktownCityCouncil

**SECTION 94 CONTRIBUTIONS PLAN NO. 7
-Car Parking In The Blacktown City Centre -**

In force from 17 February 1999

CONTENTS

1	INTRODUCTION.....	1
1.1	PURPOSE OF PLAN	1
1.2	PRINCIPLES OF SECTION 94	1
1.3	AIMS AND OBJECTIVES.....	2
1.4	LAND TO WHICH THE PLAN APPLIES	3
1.5	DEVELOPMENT TO WHICH THE PLAN APPLIES	4
1.6	RELATIONSHIP TO OTHER PLANS	4
1.7	THE MONITORING AND REVIEW OF THIS PLAN.....	4
1.8	TIMING OF PROVISION OF ITEMS.....	5
1.9	FINANCIAL INFORMATION	5
1.10	ENQUIRIES REGARDING THIS PLAN.....	5
2	CAR PARKING	6
2.1	NEXUS	6
2.2	CONTRIBUTION CATCHMENT.....	7
2.3	CONTRIBUTION FORMULA	7
3	EXPLANATION OF CONTRIBUTION FORMULA COMPONENTS.....	8
3.1	INTRODUCTION.....	8
3.2	EXPLANATION OF THE LAND COMPONENT	8
3.3	EXPLANATION OF THE CAPITAL COMPONENT	8
3.4	EXPLANATION OF THE ADMINISTRATIVE COMPONENTS	9
3.5	INDEXATION.....	9
4	PAYMENT OF CONTRIBUTIONS	10
4.1	METHODS OF PAYMENT	10
4.2	TIMING OF PAYMENT.....	11
4.3	CREDITS FOR EXISTING DEVELOPMENT	11
4.4	INDEXATION AND REVIEW OF CONTRIBUTIONS	12
4.5	DISCOUNTING OF CONTRIBUTIONS	12
4.6	DEFERRED PAYMENT OF CONTRIBUTIONS.....	12

LIST OF APPENDICES

APPENDIX "A" Schedule of Works

APPENDIX "B" Location of Carparking

APPENDIX "C" Schedule of Values in Contribution Formulas

APPENDIX "D" Base Contribution Rate

APPENDIX "E" Bibliography

1 Introduction

1.1 Purpose of Plan

This Contributions Plan outlines Council's policy regarding the application of Section 94 (S.94) of the Environmental Planning and Assessment Act, 1979 in relation to the provision of car parking within the Blacktown City centre.

This Plan has been prepared in accordance with the Environmental Planning and Assessment Act, 1979 and the Environmental Planning and Assessment Regulation, 1980.

This plan was approved by Council on 3rd February 1999 and came into force on 17th February 1999

Car parking contributions levied on development in the Blacktown City centre are calculated using a formula. This formula takes into account the cost of works to be undertaken and land acquired.

1.2 Principles of Section 94

S.94 permits Councils to require persons developing land to pay monetary contributions and/or dedicate land in order to help fund the increased demand for public amenities and public services (amenities and services) generated by the carrying out of their developments. The Land and Environment Court has determined that S.94 is the sole method that Councils can use to require a contribution from a person developing land.

The 3 general principles in applying S.94 contributions are:

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

Council may either:

- Require a contribution (or dedication of land) to fund amenities and services to be carried out in the future; or
-
- Require a contribution to fund amenities and services, which have already been constructed.

The latter category is referred to as **retrospective funding**.

One of the fundamental responsibilities of any Council in imposing S.94 contributions is to ensure that the contributions levied are **reasonable**. That is, the works and facilities to be provided must be as a direct consequence of the development on which the contributions are levied.

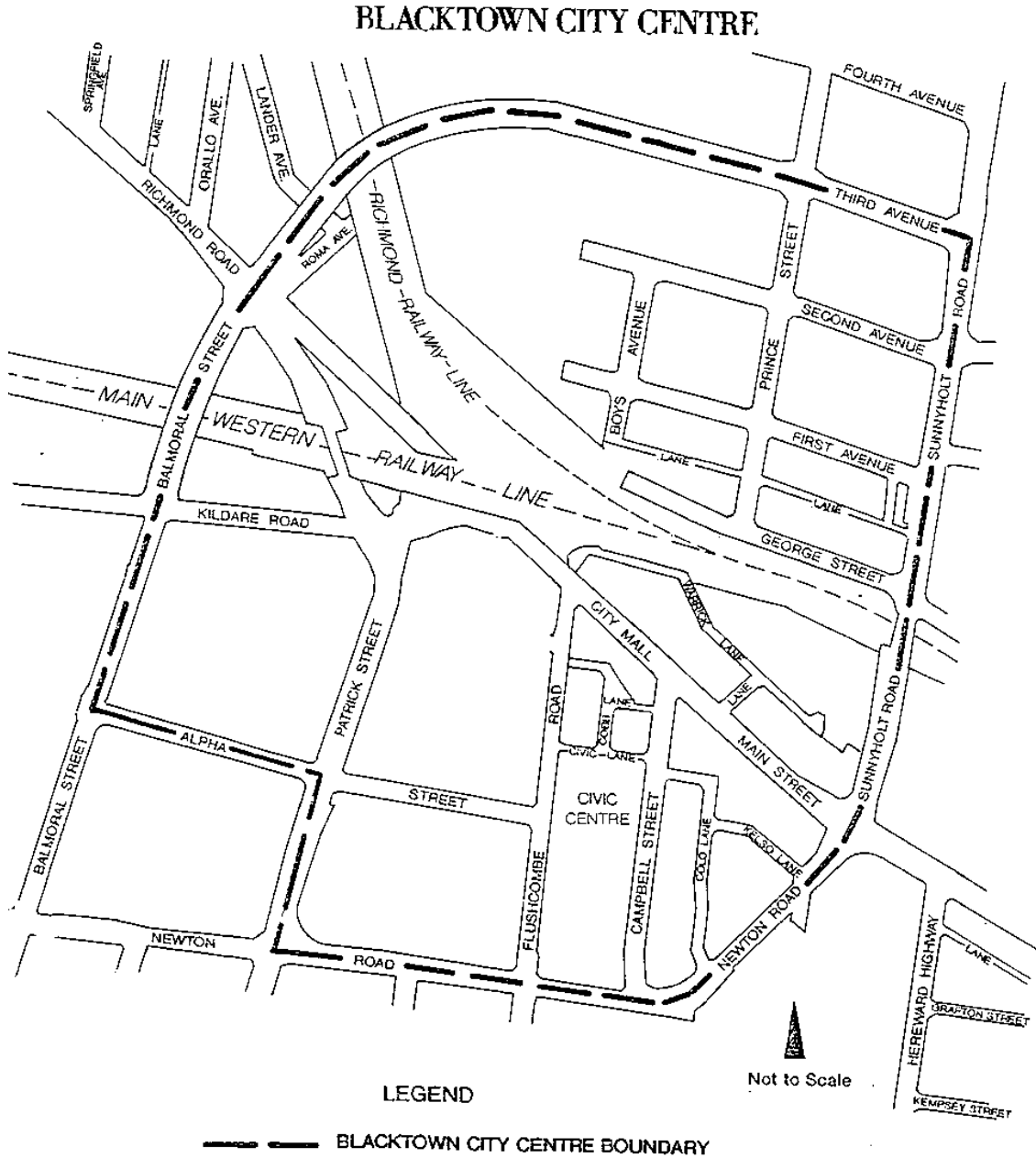
1.3 Aims and Objectives

The aims and objectives of this Plan are to:

- Ensure that an appropriate level of commercial/retail car parking is provided within the Blacktown City centre.
- Ensure that S.94 commercial/retail car parking contributions levied on development within the Blacktown City centre are reasonable.
- Ensure that the method of levying S.94 contributions is practical.
- Ensure that the commercial/retail car parking spaces provided are not for the purpose of making up shortfalls in other areas.
- Ensure that commercial/retail car parking is provided in an appropriate location and at the appropriate time.
- Make clear Council's intentions regarding the location and timing of provision of commercial/retail car parking within the Blacktown City centre.

1.4 Land to Which the Plan Applies

The land to which this Plan applies is shown below.



1.5 Development to which the Plan Applies

This Plan applies to all developments occurring within the catchment area that require the submission of a development application to Council, including the intensification of use of a site, (whether by an expansion of the area occupied by a development or a change in the nature of the use of the development). A car parking contribution is only applied where the development does not provide all the required car parking spaces (Part A of Blacktown D.C.P 1992 identifies the parking standards for various types of development) on site. Contributions are levied for those spaces that are deemed to be required by the development but are not provided on the development site.

1.6 Relationship to Other Plans

Other planning controls apply to the Blacktown City centre. These include:

- Blacktown Local Environmental Plan 1988; and
- Blacktown Development Control Plan 1992.

In addition to these Plans, "Section 94 Contributions Plan No. 10 - Tree Planting on Nature Strips " affects the area to which this Plan applies.

1.7 The Monitoring and Review of this Plan

This Plan will be subject to regular review by Council. The purpose of any review is to ensure that:

- Contribution levels reflect current construction costs;
- The level of provision reflects current planning and engineering practice and likely development trends; and
- Work schedules are amended if development levels and income received differ from current expectations.

Any changes to this Plan must be prepared in accordance with the Environment Planning and Assessment Act and Regulation and must be placed on public exhibition for a period of 28 days. The nature of any changes proposed, and the reasons for these will be clearly outlined as part of the public participation process.

Council welcomes the comments of interested persons on this Plan at any time.

1.8 Timing of Provision of Items

The scheduling of the provision of the car parking spaces has been determined having regard for:

- **Existing and projected development trends** - Data of this type is found in Consultant studies, which investigate the existing level of development and the future development potential of the Blacktown City centre. A list of the relevant Consultant Studies appears at Appendix “E”.
- **Existing location and level of provision of car parking in the Blacktown City centre** - Council’s own databases detailing car parking numbers, location, and site surveys were used to determine the current level of provision of car parking.
- **Anticipated revenue** - Council's ability to forward fund Section 94 works is limited. As such the timing of works is very much dependant on receipt of adequate S.94 funds. The work schedule in the appendices of this plan has been formulated having regard for the uncertainty about timing of receipt of the projected income.

As noted in Section 1.7 above regular reviews of this plan are to be undertaken. Development trends are monitored and revenue estimates will be revised as part of the review process. Thus the priority of works may change as a result of a review.

1.9 Financial Information

A separate annual statement is prepared by Council following the end of each financial year. This accounting record contains details of total contributions received, total contributions expended and total interest earned for each plan and is available for inspection free of charge from Council's Corporate Finance Section.

1.10 Enquiries regarding this Plan

Enquiries in relation to this or any other Contributions Plan can be made either by phoning Council's Information Centre on 9839 6000 between 8.30 am and 4.30 pm Monday to Friday or by visiting the Information Centre on the Ground Floor of the Civic Centre in Flushcombe Road, Blacktown between 8.30 am to 4.30 pm Monday to Friday. A copy of the Contributions Register is also available for inspection free of charge at this counter. As this register is on Council's mainframe computer and spans many years, persons wishing to view the whole register (rather than details in relation to a particular property) will need to contact Council's Developer Contributions Co-ordinator or Section 94 Officer in advance to ensure suitable arrangements can be made to view this information.

2 CAR PARKING

2.1 Nexus

In order to levy S.94 contributions Council must be satisfied that development, the subject of a Development Application, will or is likely to require the provision of or increase the demand for amenities and services within the area. This relationship or means of connection is referred to as the nexus.

Any development in the Blacktown City centre, which increases the amount of floor space or alters or intensifies the use of a site will generally also increase the demand for car parking. Council quantifies the level of increase in demand generated by each development having regard for the car parking development standards it has adopted in its Blacktown Development Control Plan 1992.(B.D.C.P 1992)

The B.D.C.P 1992 ascribes a different level of demand for car parking to the various types of development.

The B.D.C.P 1992 divides the Blacktown City centre into precincts and identifies areas where Council requires that;

- a) all car parking may be required to be provided on site,
- b) only minimal car parking may be allowed on site, (25% or less)
- c) partial provision of car parking on site will be considered

Car parking contributions are levied for the number of car parking spaces that are not provided on site.

The estimated number of required car spaces was derived having regard for the anticipated level and nature of development in the Blacktown City centre over a 15 year period. Thus the number of car spaces to be provided is directly related to the anticipated level of future development.

General trends indicate that large developments generally provide all the required car parking on site. Smaller developments are more likely to have difficulties in providing on site car parking. Also Council's D.C.P. specifically nominates precincts within the Blacktown City centre where car parking is not favoured or will not be permitted on site.

Having regard for these factors and Council's previous experience it is anticipated that approximately 1/3 of all future development may be required to pay for car parking in lieu of providing it on site. Council is proposing a scheme whereby it will provide the required car parking spaces in stages. It is intended that the car parking will be provided at the existing Colo Lane Car Park. This site is situated in the heart of the Blacktown City Centre between Kelso and Colo Lanes and Newton Road

2.2 Contribution Catchment

Car parking contributions are levied on developments which are located within (partly or wholly) the boundaries of the Blacktown City centre as identified on page 3.

2.3 Contribution Formula

The following formula is used to calculate the contribution rate for car parking;

$$\text{BASE CONTRIBUTION RATE} = \frac{(\text{C1} + \text{C2} + \text{L1})}{\text{N}} + \text{B}$$

(\$/SPACE)

WHERE:

C1 = The actual cost to Council to date of works constructed for car parking purposes indexed to June 1998 using the IPD, thereafter using the CPI.

C2 = The estimated cost of the future car parking spaces.

L1 = The actual cost to Council to date of acquiring land for car parking.

N = The total number of additional car parking spaces projected to be required in the next 15 years.

B = Administrative component. This is 2% of the total cost of providing the works.

A more detailed explanation of the components in the contribution formula is provided in Section 3.

The values of the components of the contribution formula are contained in the Schedule being Appendix "C".

The resultant contribution rates are contained in the Schedule being Appendix "D".

3 EXPLANATION OF CONTRIBUTION FORMULA COMPONENTS

3.1 Introduction

This Section provides an explanation of the various components of the contribution formulae detailed in Section 2.

3.2 Explanation of the Land Component

Before Council can construct amenities and services it must first acquire the land on which the amenities and services are to be constructed. In the contribution formula:

L1 - Represents land, which has previously been acquired by Council for the purpose of providing the particular works. This amount reflects the actual cost to Council of acquiring those parcels (including valuation and conveyancing charges).

Council has calculated the total value of L1 in the contributions formula. This value is detailed in Appendix "C".

3.3 Explanation of the Capital Component

A schedule of works to be provided for car parking is shown in Appendix "A".
The schedule of works details:

- The nature of works to be provided.
- The cost of the works (either actual or estimated).
- The estimated time the works will be provided (or date of completion if the works have already been constructed).

The estimated timing of the provision of works is based on their anticipated need and the likely level of funding available from S.94 contributions and other sources. In this instance because the location and rate of development is difficult to predict individual dates for the provision of the car spaces have not been nominated. Rather, Council undertakes to provide the additional car parking within a reasonable time as the receipt of funds practically allow. Monitoring will occur on a regular basis over the life of the Plan to ensure that the timing of works is consistent with the rate of development and receipt of income. To facilitate the provision of the car parking within a reasonable time staging of the additional car parking is proposed.

In the contribution formulae:

- C1 - Represents the actual cost to Council of constructing works already provided in the catchment.
- C2 - Represents the estimated cost to Council of constructing works in the catchment which have yet to be provided. These amounts have been estimated by Council's Technical & Transport Services Directorate based on the most detailed designs available at the time of preparing the estimates. The date that has been adopted for the revised costs is March 1998.

Note: Should forward funding of works become necessary the formula may be amended in a future review to reflect this situation.

3.4 Explanation of the Administrative Components

The administration of S.94 is an expensive task. Council employs a number of staff who work full-time on planning, designing and constructing works to be funded from S.94 contributions. Many other staff work part-time on S.94 related matters. In addition, consultant studies are often commissioned in order to determine design and costings of S.94 funded works. These may require revision on a regular basis.

Council considers that the costs involved with administering S.94 are an integral and essential component of the efficient provision of the amenities and services identified in the contributions plan. Therefore, some of the costs of full-time staff and studies should be recouped from S.94 contributions.

"B" in the contribution formulae is the administrative component. It represents 2% of the cost of constructing the works. Council considers that this small on-cost to recover part of the costs involved in administering S.94 is reasonable.

3.5 Indexation

Contributions are levied in accordance with the base rates listed in Appendix "D". All contributions are then indexed using the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings (IPD) from this base date to June 1998 thereafter indexation by the CPI (Consumer Price Index- Sydney Housing) to the date of payment of the contributions. This ensures that the dollar value of the contributions to be paid keep pace with building cost increases.

4 Payment of Contributions

4.1 Methods of payment

There are 3 possible methods of payment of S.94 Contributions - monetary contribution, dedication of land and works-in-kind agreements.

Monetary Contribution

This is the usual method of payment. When a development consent is issued that involves the payment of a S.94 contribution, it contains a condition outlining the amount payable in monetary terms subject to indexation to June 1998 using the IPD, thereafter using the CPI.

Dedication of Land

As no land is proposed to be acquired for the purpose of providing car parking under this Contributions Plan, (Council proposes to use land already in its ownership) dedication of land to offset car parking contributions will not be accepted.

Works-in-kind Agreements

Council may accept the construction of works listed in the schedules to this plan to offset the monetary contribution payable. The applicant will need to initiate this option by providing Council with full details of the work proposed to be undertaken. Council will then consider the request and advise the applicant accordingly.

The applicant will need to provide Council with suitable financial guarantees (normally by way of a Bank Guarantee) for 1.25 times the amount of the works in addition to a maintenance allowance. Upon completion of the works to Council's satisfaction the guarantee will be discharged by Council.

Approval of any Works-In-Kind is conditional upon the developer paying all Council's legal costs incurred in the preparation of the Works-In-Kind Deed of Agreement. Cost estimates for works include a component for supervision (equivalent to 3% of the cost of the works being undertaken). Where Works In Kind are undertaken Council requires that the supervision fee be in the form of a cash payment. Thus this particular part of the cost of the works is included as an offset against contributions.

4.2 Timing of Payment

Council's policy regarding the timing of payment of S.94 contributions is as follows:

Approved under the EP & A Act as it existed pre July 1998 -

- Development Applications involving subdivisions
Prior to the release of the "linen plan" of subdivision.
- Development Applications involving building work -
Prior to release of the Building Permit.
Note: Applications for combined building and subdivision approval are required to pay contributions upon whichever of these events occurs first.
- Development Applications where no building approval is required -
Prior to occupation.

Approved under the EP & A Act as amended on July 1 1998 -

- Development Applications involving subdivisions
Prior to release of the Subdivision Certificate
- Development Applications involving building work
Prior to release of Building Construction Certificate.
- Development Applications where no building approval is required -
Prior to occupation or use of the development.

4.3 Credits for Existing Development

As Section 94 contributions can only be levied where development will result in increased demand, contributions are not sought in relation to demand for facilities generated by existing authorised development. Thus 'credits' are granted in relation to demand generated by existing authorised development.

- A credit relating to the actual area occupied and retained for use by the existing development is generally applied. The credit granted is determined having regard for the individual circumstances of each case.

The area occupied is determined having regard to both the current and previous applications, aerial photos, the area occupied by existing authorised buildings and authorised activities on site

4.4 Indexation and review of Contributions

Contribution rates are indexed quarterly in accordance with the Implicit Price Deflator for Gross Fixed Capital Expenditure - Private Dwellings (IPD) to June 1998 and thereafter using the Consumer Price Index - Sydney - Dwellings (CPI). See also Section 3.5

The method of indexing the contribution rates is to multiply the base contribution rate by the June 1998 IPD and divide by the March 1998 IPD which was the current IPD at the time the costs contained in this Plan were prepared and thereafter multiply by the most recently published CPI at the time of payment and divide it by the *June 1998 CPI*. **At all times the contributions payable will not fall below the base rates listed at Appendix D.**

4.5 Discounting of Contributions

Council does not discount contributions both for equity and financial reasons. As it would be inequitable to recoup a discount from remaining development discounting would result in a shortfall in the contributions received. Discounting would also compromise Council's ability to provide the facilities and would place an additional burden on existing development to subsidise new development.

4.6 Deferred Payment of Contributions

Council has a policy for the deferred payment of S.94 contributions as follows:

- An applicant requesting deferred payment needs to apply in writing to Council. All requests are considered on their merits having regard for (but not exclusively) the type of work for which the contribution is sought, the rate of development occurring within the area and the impending need to construct the works for which S.94 Contributions are being levied.
- Where deferred payment is approved by Council the period of time for deferring payment will generally be limited to 12 months.
- If Council approves of the request for deferred payment it is conditional upon the applicant providing a suitable Bank Guarantee and Deed of Agreement.
- Interest is charged on deferred contributions. Council also charges an administrative fee for deferred payment. The interest rate and administrative fee levied for deferred payment of contributions are reviewed annually and appear on Council's Schedule of Fees. A copy of this Schedule is available from Council's Development Services Unit.
- The amount of the Bank Guarantee shall be the sum of the amount of contributions outstanding at the time of deferring payment plus the "interest" over the time of deferred payment. This amount will also represent the amount payable at the end of the deferred payment period.

- The Deed of Agreement is to be prepared by one of Council's Solicitors at full cost to the applicant. In this regard the applicant is to pay Council's Solicitor's costs direct to the Solicitor and not through Council.
- Should contributions not be paid by the due date the Bank Guarantee will be called up by Council.
- Enquiries regarding deferred payment can be made to the Town Planner/Engineer dealing with the relevant application.

APPENDICES

APPENDIX A
SCHEDULE OF WORKS – CAR PARKING

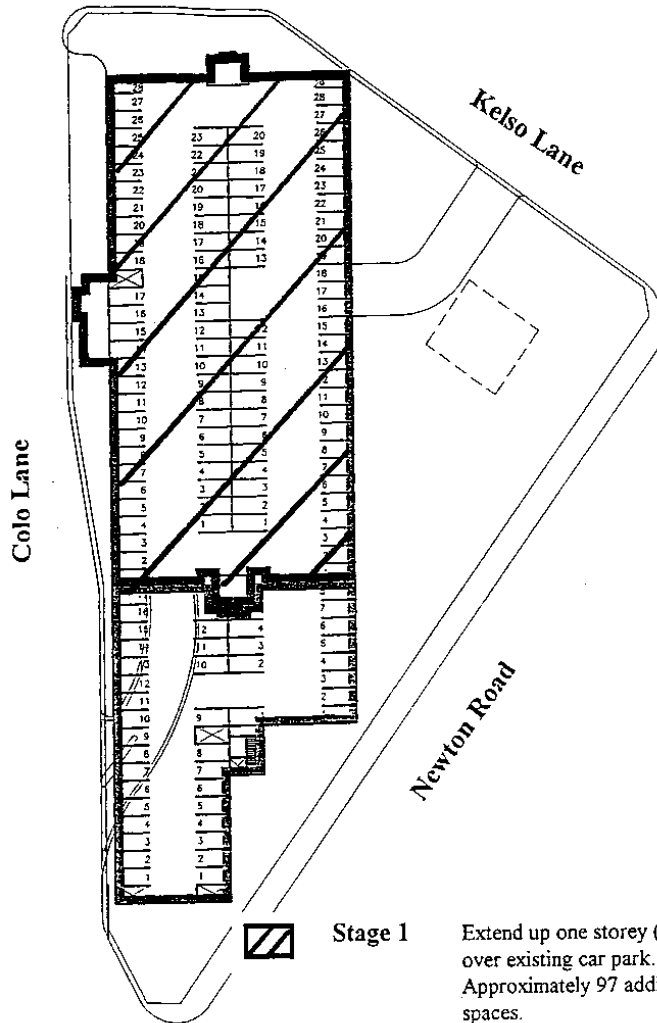
Facility	Capital Cost (April 1998)	Land Cost	Location	Timing of Provision
Multi - storey carpark comprising 3 stages. Stage 1 = approximately 97 spaces, Stage 2 = approximately 82 spaces & Stage 3 = approximately 123 spaces. Total no. of spaces = 302	Approximately \$3,965,000. Equates to \$13,129 per car space. This preliminary estimate includes access, aisles and ramps.	\$20,370	Extensions to existing Colo Lane Carparking Station. Stage 1 proposes the addition of approximately 97 spaces by adding a floor to the existing carpark.	Provision of car spaces is proposed to co-incide with receipt of income. See page 5 of Contributions Plan for details.

 CONTRIBUTION ITEM :
Car Parking
Blacktown City Centre

APPENDIX B

Location of the proposed additional 302 car spaces

COLO LANE CAR PARK



- Stage 1** Extend up one storey (level 5) over existing car park. Approximately 97 additional spaces.
- Stage 2** Extend to the south (level 1 & 2) of existing car park. Approximately 82 additional spaces.
- Stage 3** Extend to the south (level 3 to 5). Approximately 123 additional spaces.

CONTRIBUTION ITEM :
Car Parking
Blacktown City Centre

APPENDIX C

Schedule of Values in the Contribution Formula

CATCHMENT	ESTIMATED NO. OF CAR SPACES TO BE PROVIDED	L1 (\$)	L2 (\$)	C1 (\$)	C2 (\$)	L1+L2+C1+C2 (\$)
BLACKTOWN CITY CENTRE						
	302	\$20,370	\$0	\$0	\$3,965,000	\$3,985,370

CONTRIBUTION ITEM :
Car Parking
Blacktown City Centre

APPENDIX D

Base Contribution Rate

(Base CPI June 1998)

ITEM	CONTRIBUTION RATE (\$)
Carpark	PER CAR SPACE \$13,461

Contributions are indexed according to the Australian Bureau of Statistics Consumer Price Index – Sydney – Dwellings (CPI) The Method of indexing the base contribution rate is to multiply the most recently published CPI at the time of payment and divide it by the June 1998 CPI. At all times the contributions payable will not fall below the base rate listed in the table

CONTRIBUTION ITEM :
**Car Parking
Blacktown City Centre**

Bibliography

- 1. Blacktown Development Control Plan (1992)**
Blacktown City Council.
- 2. Blacktown CBD Study – Section 94 Contributions, Ring Road and Carparking - June 1992**
Hirst Consulting Services Pty Ltd .
- 3. Feasibility Study Additional Car Parking at Colo Lane Car Park Blacktown CBD (1998)**
Forbes Rigby Pty Ltd
- 4. Economic Analysis of Future Development Options - September 1994**
Plant Locations International
- 5. Blacktown City Centre Traffic Study - 1994 updated**
- 6. The Sinclair Knight Parking Report**
Survey of parking codes of Councils in NSW.
- 7. Western Sydney Regional Organisation of Councils Limited – Guidelines for Section 94 Contributions for the provision of Roads, Traffic and Parking Facilities – Stage 1 Report – January 1991**
Stapleton and Hallam
- 8. Western Sydney Regional Organisation of Councils Limited – Guidelines for Section 94 Contributions for the provision of Roads, Traffic and Parking Facilities – Stage 2 Report – January 1992**
Stapleton and Hallam
- 9. Blacktown City Centre Parking and Traffic Study – Stage 1 Report (1992)**
Travers Morgan