



Section 94 Contributions Plan

Draft Amendment No 52.

Dolphin Point – Connector and Link Road Works

05 ROAD 0063

Reference: 13770

Adopted by Council: XXXX

Effective from: XXXX

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1. Introduction

Section 94 Contributions Plan Amendment No. 52 was created with the intention of recouping expenditure on construction of a roundabout at the intersection of Wallaroy Drive and the Princes Highway, Dolphin Point, and associated connector and link road works required as a result of new developments in the area.

Development Control Plan No.52 (DCP 52) Dolphin Point became effective on 1 September 1999 and was created to provide a framework of traffic management in expectation of future development in the area. The main components include a connector road linking to the Princes Highway / Wallaroy Drive intersection with provision of a roundabout at this location.

In conjunction with DCP 52, Council resolved at the Council Meeting held 17 August 1999 to prepare a draft Section 94 Contributions Plan that relates to these roadworks. The works were constructed on behalf of Dolphin Point Developments P/L and Elderslie Property Investments P/L in advance of full development and Council's works schedule, to enable the first stage of their development to proceed (Council reference is SF7703). Contributions from additional development will be applied to compensate Dolphin Point Developments P/L and Elderslie Property Investments P/L for the cost share attributable to additional development.

2. Definitions

The definitions of terms used in this plan are listed in Appendix A.

3. Name of the Plan

This Contributions Plan is Amendment number 52 (Dolphin Point – Connector and Link Road Works) of the Shoalhaven City Council Section 94 Contributions Plan

1993. The project is identified in the Contributions Plan as 05 ROAD 0063

4. Legal context

This Contributions Plan amendment has been prepared by Shoalhaven City Council pursuant to Section 94 of the Environmental Planning and Assessment Act and in accordance with the Environmental Planning and Assessment Regulation.

5. Purpose of the Plan

The purpose of this Plan is to:

- a. ensure that the demand for road infrastructure in the Dolphin Point area is addressed;
- b. authorise Council to require contributions toward the cost of the works;
- c. ensure equitable apportionment of costs between existing and future development;
- d. provide a framework for administration and management of this plan.

6. Commencement of the plan

This Plan will take effect from XXXX.

7. Relationship with other plans and policies

This Contributions Plan is amendment number 52 of the Shoalhaven City Council Section 94 Contributions Plan 1993. This Plan is a supplement to Council's *Cityplan*, Management Plan, Local Environmental Plan and DCP52.

8. Area to which the Plan applies

This Plan applies to land zoned 2(c) Residential and the 3(g) Commercial land situated south of the Princes Highway and west of the established Dolphin Point settlement, as shown in the Locality Map in Appendix B.

9. Assessment of Demand

As outlined in DCP 52, new traffic management works are required to satisfy demand arising from development in the Dolphin Point area. DCP 52 requires that a new flood-free intersection be constructed at the Princes Highway, and that this intersection will provide vehicular access for new development.

10. Estimated Cost of Facility

Scope of works

The following works are required to satisfy demand created from development in the Dolphin Point area:

- A connector road off the Princes Highway at its intersection with Wallaroy Drive;
- Construction of a roundabout at the Princes Highway/Wallaroy Drive/new connector road intersection. This is to meet specifications outlined by the NSW Roads and Traffic Authority;
- Provision for a link road from the connector road to Dolphin Point Road. A roundabout is also required at the connector road/link road intersection to service proposed residential development in the area.

- The link road may become a future alignment for Dolphin Point Road. This arises from the proposal to alter the existing junction of Dolphin Point Road with the Princes Highway, which is subject to a 1:100 year flood level, to a left-in left-out arrangement.

Original Cost

Work for the road infrastructure outlined in this Plan has been carried out and paid for by Elderslie Property Investments Pty Ltd. The cost summary of the works is summarised in Table 1.

Table 1 – 05 ROAD 0063 Summary of Costs:

<i>ROAD PROJECT</i>	<i>COST (\$)</i>
Highway Roundabout	\$1,072,762
Relocation of Overhead Power	\$71,500
Relocation of Telstra	\$25,000
Internal Roundabout and Link Road	\$446,816
TOTAL	\$1,616,078

For all projects, it should be noted that land dedication and construction of works in kind are able to offset monetary contributions by individual landholders, by negotiation with Council, and Elderslie Property Investments Pty Ltd took up this option in providing the works in advance of Council's capital works program.

Indexing of costs

Because these costs were incurred on or about the year 2000, it is reasonable to index these to 2007/2008 financial year costs by the Consumer Price Index since 2000/2001 financial year. This results in a multiplier of 1.166 and an equivalent current cost of \$1,884,347.

11. Construction Schedule

The proposed works were constructed by Elderslie Property Investments Pty Ltd in or about the year 2000.

12. Apportionment of Costs

Method of apportioning costs to the Contribution Area

New subdivisions in Dolphin Point have either been recently completed or have subdivision applications lodged pending NSW Department of Planning assessment. There are two major landholders that are the subject of this Plan. Both landholders currently have part 3A Major Projects applications lodged with the Department of Planning.

The now superseded Part - Lot 1 DP 618901 has 4 stages proposed (3 residential, 1 commercial):

- Stage 1: 71 lots;
- Stage 2: 137 lots;
- Stage 3: 25 lots (includes 2 medium density lots with potential for an additional 20 units) – say 43 lots;
- Stage 4: 99 Community Title 2 lots.

Total = 350 ETs.

The owners of Lot 171 DP 1081810 propose 6 stages in their 3A Major Project application for subdivision:

- Stage 1: 22 lots (with 1 medium density lot with yield for a potential 6 units) – say 27 ETs;
- Stage 2: 22 lots;
- Stage 3: 22 lots;
- Stage 4: 29 lots;
- Stage 5: 23 lots;
- Stage 6: 26 lots.

Total = 149 ETs.

When combining the expected yields from the above developments, a total of 499 ETs are expected.

The Contributions Area Map for the road project is shown as Appendix C.

Elderslie Property Investments Pty Ltd has carried out the work outlined in clause 10 of this Plan, and as such this is considered as works in kind. Any additional land held by Elderslie Property Investments Pty Ltd that is affected by the provisions of this Plan will be exempt from payment of further Contributions and will receive the recoupment of Contributions paid by other developments located within the Contributions Area.

The works are attributable to development in the Contributions Area so the full cost of the works will be apportioned to development.

13. Contributions Formula

The Section 94 contribution has been calculated by dividing the estimated total additional ET's by the total cost of road works; i.e.:

Contribution (\$/ET) = Estimated Cost of Road Works (\$) ÷ Number of Expected ETs.

For residential development, a single detached dwelling is rated as 1.0 ET.

For medium density residential development, the number of ET is calculated as follows:

1 bedroom unit = 0.4 ET
 2 bedroom unit = 0.6 ET
 3 bedroom unit = 0.8 ET
 4 bedroom unit = 1.0 ET

For any development, an allowance for existing land use is permitted in calculating the number of ET.

14. Contribution Rates

The contribution rate is summarised in Table 2.

Table 2 - 05 ROAD 0063 Contribution Rates

CONTRIBUTION AREA	COST	CONTRIBUTION RATE (\$ PER ET)
499 ET	\$1,884,347	\$3,776

15. Review of contribution rates

The above contributions will be adjusted annually on 1st July in line with movements in the Implicit Price Deflator (New Engineering & Construction) published by the Australian Bureau of Statistics.

16. Payment of Contributions

The contribution is expected for all development in the designated Contribution Area. Credit for existing land use is determined at the time of development application.

16.1 Method and timing of payment

Payment of contributions can be by cash, money order or bank cheque. Payment will be required prior to the issuing of the linen plan in the case of subdivisions, or before the issue of a construction certificate in the case of a building development.

16.2 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 Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

16.3 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 contributions in accordance with this development contributions plan for development of all types.

The conditions imposed must be consistent with Council's standard section 94 consent conditions and be strictly in accordance with this development contributions plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the section 94 condition correctly.

16.4 Adjustment of contributions at the time of payment

If payment is not made in the financial year that consent is granted, the amount

payable will be adjusted on 1st July in line with movements in the Implicit Price Deflator (New Engineering & Construction) published by the Australian Bureau of Statistics, and according to the following formula:

$$CR_c = CR_p \times IPD_c \div IPD_p$$

where

CR_c = contribution rate for the current year

CR_p = contribution rate for the previous financial year

IPD_c = Implicit price deflator index for current year

IPD_p = implicit price deflator index for previous financial year

16.5 Deferral of payment

In exceptional circumstances, Council may permit deferred payment. The maximum deferral is normally two years from the standard payment date.

For tenants and businesses operating within Shoalhaven Local Government Area, Council may also consider payment by instalments over a 5 year period where special circumstances apply.

For deferred payment and payment by instalments, the following conditions apply:

- Requests for deferred payment and payment by instalments are to be made by application to Council, explaining the nature of the exceptional or special circumstances, and will be determined at Council's discretion;
- such requests will not be considered when the works project to which the contribution is to be applied is essential infrastructure or relates to public safety or health, or the amount of the contribution is less than \$5,000;
- such payment will be subject to interest charges equivalent to that

applied to overdue rates and an administration charge equivalent to the bank guarantee lodgement fee for subdivision related matters, as listed in Council's Fees & Charges;

- the full amount of the contribution plus interest charges is to be secured by the bank guarantee;
- the administration charge is to be paid at the time of lodgement of the bank guarantee.

16.6 Transitional arrangements

A subdivision or 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 this Plan if this Plan is effective at the date the application is determined.

16.7 Exemptions and Discounts

Council does not allow standard exemptions or discounts for contributions in this Plan.

16.8 Works In Kind and other Material Public Benefits

Council will consider the construction or provision of facilities, services or infrastructure by an Applicant to offset a monetary contribution. If construction of a facility is requested by an Applicant in advance of its inclusion in Council's works schedule, Council will consider options including:

- Provision of the facility by the Applicant by way of Work In Kind or other Material Public Benefit in lieu of a monetary contribution;
- Provision of the facility at the Applicant's expense, with Council recouping contributions from future development in the Contribution Area

and reimbursing those to the Applicant for costs exceeding the Applicant's share, up to the total projected cost of the Plan.

- Provision of the facility at the Applicant's expense, with Council reimbursing the Applicant for Council's stated share of the costs when such funds become allocated in the budget.

The applicant will need to initiate an acceptable option by providing Council with the full details of the proposed works prior to construction. Council will then consider the request and advise the Applicant accordingly as part of a negotiated agreement. Works In Kind and other Material Public Benefits are subject to Council approval, and will be expected to comply with the requirements of the relevant Development Control Plan, this Contribution Plan amendment and relevant construction standards.

16.9 Land Dedication

Council may permit the dedication of land to offset a monetary contribution. Suitability assessment of the subject land occurs at the development or subdivision application stage.

17 References

- Environmental Planning & Assessment Act
- Environmental Planning & Assessment Regulation
- Shoalhaven City Council Contributions Plan Manual
- NSW Department of Infrastructure, Planning & Natural Resources: Development Contributions Practice Notes, July 2005.

- Shoalhaven City Council Development Control Plan No. 52.

18 Appendices

- A Definitions
- B Project Location Map
- C Contribution Area Map

Section 94 Contributions Plan Draft Amendment No.52, *Dolphin Point – Connector and Link Road Works*, being this written Statement and accompanying maps, was

Adopted by Council: XXXX

and

Became effective from: XXXX

R D Pigg
General Manager

Date:

APPENDIX A

Definitions

The following definitions apply to terminology used in this Plan:

Anticipated Development

An estimate of the number of new dwellings to be built.

Apportionment

The % of the total cost of a project to be borne by existing residents compared to the % of the total cost to be borne by anticipated development.

Contributions Plan

A formal document prepared by Council as required under the EP&A Act, to explain how developer contributions are calculated and spent, and a number of administrative details.

Contribution rate

The amount to be paid as a development contribution, expressed per unit of development.

Deferral

Payment of Section 94 contributions may be deferred until after the standard date of payment, subject to exceptional circumstances and specific approval from Council.

Development Consent

Formal approval by Council before a development can proceed; s94 contributions are stated as one of the conditions of development consent.

Development Contribution

An amount of money Council is entitled to collect toward the cost of infrastructure arising from new development.

Development Control Plan (DCP)

Detailed guideline that illustrates the controls that apply to a particular type of development or in a particular area. A DCP refines or supplements a regional environmental plan (REP) or local environmental plan (LEP) and is made according to the EP&A Act 1979.

Dwelling

A building used as a separate domicile.

Equivalent Tenement (ET)

A unit of measure, based on the number of bedrooms for a residential development, to determine the relative impact of a development compared to a single detached dwelling.

Implicit Price Deflator (IPD)

A standard measure of price movements published by the Australian Bureau of Statistics. Council uses the IPD for New Engineering and Construction to best reflect changes in the cost of works.

Material Public Benefit

A contribution by a developer that is not in the form of a monetary contribution or land dedication.

Medium Density Development

Residential development consisting of flats, villa units, cluster housing, mobile housing estates or caravan parks.

Nexus

The specific relationship between expected development and the demand it creates for additional infrastructure or facilities.

Patronage Factor

An estimate of how much use of a facility will be generated from a particular area or group.

Residential Development

Development for the construction of dwellings.

Transitional Arrangements

A procedure that is applied whilst a contributions plan is in preparation.

Works In Kind

A type of material public benefit where construction of some or all of the works contained in a contributions plan is by the developer.

Works Program

A list of the works to be undertaken by Council.

Works Schedule

A list stating when Council expects the works in the works program to be undertaken.

APPENDIX B



SHOALHAVEN CITY COUNCIL

S94 CONTRIBUTIONS PLAN

DRAFT AMENDMENT NO. 52

LOCALITY MAP

FILE NO: 13770

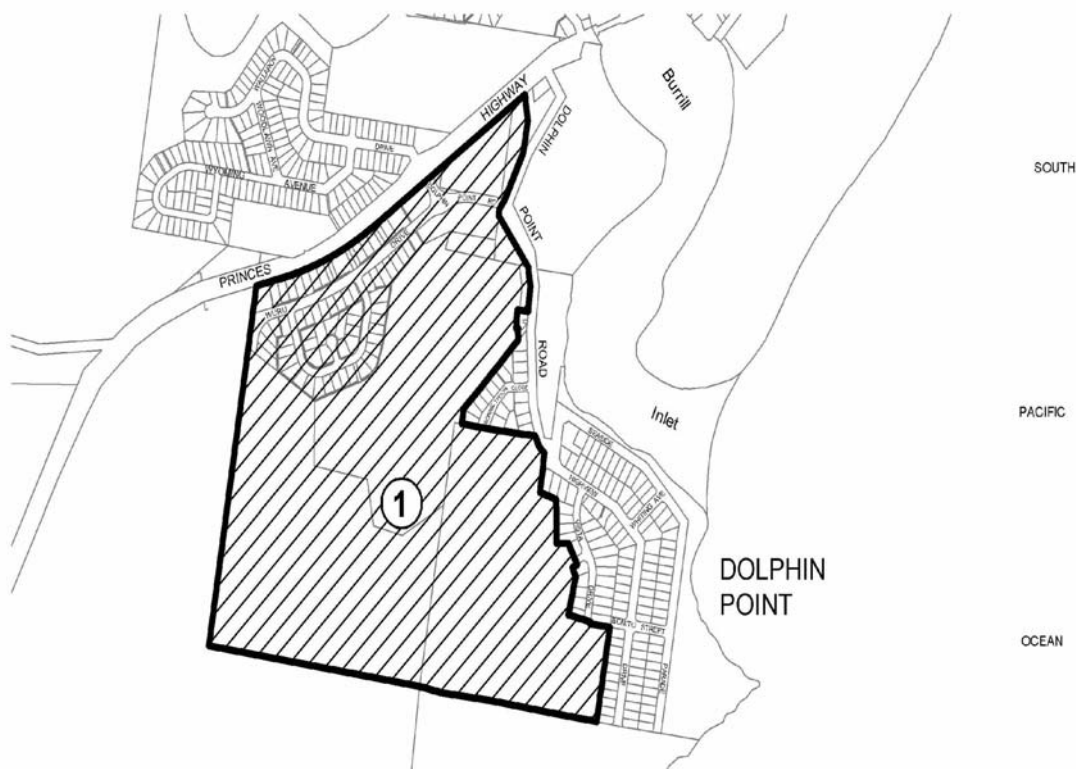
FACILITY: ROADS

PROJECT: CONNECTOR & LINK ROAD WORKS, DOLPHIN POINT

PROJECT NO.
05 ROAD 0063



APPENDIX C



SHOALHAVEN CITY COUNCIL
S94 CONTRIBUTIONS PLAN
DRAFT AMENDMENT NO. 52
CONTRIBUTION AREA MAP
FILE NO: 13770
FACILITY: ROADS
PROJECT: CONNECTOR & LINK ROAD WORKS, DOLPHIN POINT

PROJECT NO.
05 ROAD 0063

