



# **Active Recreation Contributions Plan Amendment No. 73**

Adopted: 27<sup>th</sup> January 2010

Effective: 10<sup>th</sup> February 2010

Reference: 28705E

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## **1. Introduction**

Shoalhaven City Council's 1993 Contributions Plan (1993 Plan) is a comprehensive document covering some 220 current projects and has now been in force for some 16 years. The 1993 Plan has had numerous amendments to reflect the changing nature of development.

There are several factors that have led to a need to amend the 1993 Plan. Some of these factors include:

- Council adoption of the Sportsground Strategic Plan 2008 – 2036 (Min09.107) as the basis for reviewing the Section 94 Contributions Plan for Active Recreation and details the future sporting facilities to meet the needs of the Shoalhaven Community up to 2036;
- Changes that have occurred in strategies or policies;
- A need for increased flexibility to make implementation of the 1993 Plan easier;
- A need to spend accumulated Section 94 funds;
- Changes in project details / development / population trends;
- Add new projects where it is appropriate;
- Effect a closer integration between the 1993 Plan and the long and short term works and financial programs of Council; and,
- Improve the format of the 1993 Plan.

## **2. Legal**

This Contributions Plan Amendment 73 has been prepared by Shoalhaven City Council pursuant to the Environmental Planning and Assessment Act and in accordance with the Environmental Planning and Assessment Regulation.

## **3. Purpose of the Amendment**

The purpose (aim) of the Contributions Plan Amendment 73 (Amendment) is to fund proportions of the cost of active recreation facilities within the Shoalhaven by way of contributions on new (future) development of land within the relevant project contribution areas.

Further aims of this Amendment are to:

- Retain and update 3 active recreation project in the 1993 Plan;
- Inclusion of 1 recoupment active recreation project in the 1993 Plan;
- Delete 7 recreation projects from the 1993 Plan and reallocate available contributions in the corresponding planning or district project area; and
- Inclusion of 7 new active recreation projects into the 1993 Plan.

#### 4. Relationship with other Plans and Policies

This Amendment is a supplement to Council's Local Environmental Plan, *Cityplan*, Management Plan and Sportsground Strategic Plan 2008-2036.

#### 5. Pooling of Development Contributions

To assist in the delivery of community infrastructure identified in this Amendment, the Amendment authorises monetary development contributions paid for different active recreation contribution projects to be pooled and applied progressively to projects in or across each of Council's five planning areas. A pool of contributions will be dedicated to each planning area and any specific district projects. Delivery of the projects in each planning area is detailed in Section 10 of this Amendment.

#### 6. Development Apportionment

Development apportionment for planning area and district projects detailed in this Amendment is based on the following population projections which Council adopted in May 2008. Equivalent Tenement (ET) is based on an average size of 2.39 persons per household which was identified in the 2006 Australian Bureau of Statistics Census.

Planning Area	2006 Population	2021 Population projection	% Change from 2006 to 2021	Population change from 2006 -2021	Estimated ETs
1	43,251	55,460	28%	12,209	5,108
2	6,688	6,610	-1%	-78	-33
3	18,479	22,669	23%	4,190	1,753
4	4,365	5,611	29%	1,246	521
5	19,412	23,424	21%	4,012	1,679
District (Hockey) ( 1-5)	92,195	113,774	23%	21,579	9,029

## 7. Retained and Updated Projects

This Amendment retains and updates the following three active recreation projects currently contained in the 1993 Plan.

### Planning Area 2

Project	Venue	Improvement work to meet demand	Estimated cost
02AREC 0002	Culburra Sporting Complex (Proposed Long Bow Subdivision – Culburra Road, Culburra)	To be negotiated via a Voluntary Planning Agreement if this proposal goes ahead	To be determined when development capacity of proposed subdivision is known.

### Planning Area 3

Project	Venue	Recoupment cost apportioned to development
03AREC 2003	Bay and Basin Leisure Centre – The Wool Road, Vincentia (Total cost = \$4,584,000)	\$749,931*
	Cost apportioned per ET (total ETs = 1,753)	\$248

### Planning Area 5

Project	Venue	Recoupment cost apportioned to development
05AREC 2002	Ulladulla Leisure Centre Indoor Swimming Pool (Total cost = \$2,250,000)	\$386,541*
	Cost apportioned per ET (total ETs = 5,108)	\$76

\* indicates an apportionment to development that was determined in the 1993 Plan. This Amendment recalculates the cost apportion per ET based on revised populations adopted by Council in May 2008.

The spatial contribution area maps for these retained and updated projects are shown in *Appendix A*.

## 8. Reallocation of available contributions for deleted projects

This Amendment deletes the following 7 active recreation projects and reallocates the available contributions to reduce the overall cost of new projects identified in Section 10 of this Amendment. The reallocation of available contributions, as detailed in Section 10, is retained in the Planning Area or project location where demand for recreation facilities was identified in the 1993 Plan.

The reallocation of available contributions, portioned at 100% development contributions, recognises that existing active recreation facilities provided by Council and not identified in the 1993 Plan have been provided and upgraded to meet subsequent development demand. Therefore although contributions have been paid, development has benefited from these existing facilities.

This reallocation also applies to contributions paid to Council after this Amendment becomes effective which are related to past Development Consents where contributions have not yet been paid. Subsequently, available contributions refer to amounts available in October 2009. Details in the following table also references past Council minutes which have reallocated Contributions in anticipation this Amendment.

### Planning Area 1

Project	Venue ( <u>proposed facilities</u> )	Reason for deletion (relevant Council Minute)
01AREC 0001	Nowra Fair Sporting Complex – Junction Street, Nowra ( <u>Football &amp; Cricket</u> )	Project no longer being built to the scale shown in the 1993 Plan due to site constraints. Key components of the project have been built or proposed to be built at other venues (Min08.150).
	Cambewarra Road Sporting Complex (now known as Bernie Regan Sporting Complex - West Cambewarra Road, North Nowra ( <u>Football &amp; Cricket</u> ))	Project no longer being built to the design shown in the 1993 Plan. The district hockey facility is also being located at this venue (Min08.150).
	Narang Road (now known as Narang Road Tennis Complex) ( <u>Tennis</u> )	Facility constructed as per proposal in the 1993 Plan.
	Park Road Tennis Courts – Park Road, Worrigea ( <u>Tennis</u> )	Project has been constructed and later demolished to provide and “cluster” such facilities at Narang Road Tennis Complex.

		(Min05.596).
	Nowra West Tennis Courts - Cavanagh Lane, West Nowra ( <u>Tennis</u> )	Project not constructed. Council's Sportsground Strategic Plan 2008 - 2036 recommends to "cluster" such facilities at Narang Road Tennis Complex (Min08.150).
	Solon Tennis Courts - Stanbury Place, Worrigeer ( <u>Tennis</u> )	Project not constructed. Council's Sportsground Strategic Plan recommends to "cluster" such facilities at Narang Road Tennis Complex (Min08.150).
	Allsands Sporting Complex – Worrigeer Road, Worrigeer ( <u>Football &amp; Cricket</u> )	Project not constructed. Council's Sportsground Strategic Plan recommends to "cluster" such facilities at South Nowra Soccer Fields and Lyrebird Sports Park (Min08.150).
	Worrigeer Estate Sporting Complex – Isa Road, Worrigeer ( <u>Football &amp; Cricket</u> )	Project not constructed. Council's Sportsground Strategic Plan recommends to "cluster" such facilities at South Nowra Soccer Fields and Lyrebird Sports Park (Min08.150).
	Cambewarra School – Main Rd, Cambewarra ( <u>Football &amp; Cricket</u> ) (part of school oval in Council ownership)	Project not constructed. Council's Sportsground Strategic Plan recommends to "cluster" such facilities at Ray Abood Village Green (Min08.150).
	Total project cost estimated in 1993	\$9,239,680
	Total development contributions estimated in 1993 (65%)	\$6,005,792
	Total contributions available Oct 2009 (includes interest)	\$3,683,818



## Planning Area 2

Project	Venue ( <u>proposed facilities</u> )	Reason for deletion (relevant Council Minute)
02AREC 0001	Callala Bay Sporting Complex – Emmett Street, Callala Bay ( <u>Tennis, Football &amp; Cricket</u> )	Majority of Facility constructed as per proposal in the 1993 Plan. Future expansion of the complex dependent on future rezoning in this area.
	Total project cost estimated in 1993	\$2,615,825
	Total development contributions estimated in 1993 (50%)	\$1,310,064
	Total contributions available Oct 2009 (includes interest)	\$23,482

Through deleting 02AREC0001, available contributions and any additional contributions from current consents will be allocated to future sportsground improvements in Area 2.

### Planning Area 3

Project	Venue ( <u>proposed facilities</u> )	Reason for deletion (relevant Council Minute)
03AREC 0001	Sanctuary Point Sporting Complex - Larmer Avenue, Sanctuary Point ( <u>Football &amp; Cricket</u> )	Project not constructed. Council has resolved not to build the facility proposed at this site due to site constraints (Min 07.1425). Council has reallocated part funds to expand existing facilities with the area.
	Vincentia Sporting Fields - Argyle Street, Vincentia ( <u>Football &amp; Cricket</u> )	Project not constructed and considered to have significant environmental constraints. Council has reallocated part funds to expand existing facilities within the area (Min 06.878 & Min08.150).
	Huskisson Tennis Courts – Park Street, Huskisson ( <u>Tennis</u> )	Facility constructed as per proposal in the 1993 Plan.
	Jervis Bay & St Georges Basin District Sporting Complex – The Wool Road, Vincentia (now known as Vincentia Sportsground) ( <u>Netball, Football &amp; Cricket</u> )	Project no longer being built to the scale shown in the 1993 Plan due to site constraints. Key elements of the project have been built or proposed to be built at other venues (Min08.150).
	Vincentia High School – The Wool Road, Vincentia (Basketball)	Facility constructed as per proposal in the 1993 Plan.
	Total project cost estimated in 1993	\$8,651,435
	Total development contributions estimated in 1993 (25%)	\$2,162,858
	Total contributions available Oct 2009 (includes interest)	\$897,547

#### Planning Area 4

Project	Venue ( <u>proposed facilities</u> )	Reason for deletion (relevant Council Minute)
04AREC 0001	Cudmirrah Sporting Complex - Fifth Avenue, Cudmirrah ( <u>Football &amp; Cricket</u> )	Project not constructed. Council's Sportsground Strategic Plan 2008 - 2036 recommends to "cluster" such facilities at Thomson Street Sporting Complex (Min08.150).
	Thomson Street Sporting Complex - Thomson Street, Sussex Inlet ( <u>Netball, Tennis, Football &amp; Cricket</u> )	Majority of Facility constructed as per proposal in the 1993 Plan. Existing facility deemed in Sportsground Strategic Plan 2008 - 2036 to have capacity to meet needs of current population projections.
	Total project cost estimated in 1993	\$1,809,750
	Total development contributions estimated in 1993 (42%)	\$760,095
	Total contributions available Oct 2009 (includes interest)	\$43,306

## Planning Area 5

Project	Venue ( <u>proposed facilities</u> )	Reason for deletion (relevant Council Minute)
05AREC 0001	Lake Conjola Sporting Complex - Thorne Street, Lake Conjola (now known as Lake Conjola Sports field)	Partially constructed. Existing facility deemed in Sportsground Strategic Plan 2008 - 2036 to have capacity to meet needs of current population projections.
	Kioloa Sporting Complex - Murramarang Road, Kioloa (now known as Kioloa Sportsgrounds)	Partially constructed. Existing facility deemed in Sportsground Strategic Plan 2008 - 2036 to have capacity to meet needs of current population projections.
	West Ulladulla Sporting Complex - Camden Street, Ulladulla (now known as Ulladulla Sports Park)	Project no longer being built to the design shown in the 1993 Plan. Additional facilities also proposed for this venue in the Sportsground Strategic Plan 2008 - 2036 (Min08.150).
	Village Drive Sports Field - Village Drive, Ulladulla	Not constructed. This site is currently providing a passive recreation function and is not able to accommodate two full sized playing fields.
	Total project cost estimated in 1993	\$4,191,512
	Total development contributions estimated in 1993 (39%)	\$1,634,690
	Total contributions available Oct 2009 (includes interest)	\$225,711

District

Project	Venue ( <u>proposed facilities</u> )	Reason for deletion (relevant Council Minute)
01AREC 0002	Nowra Fair Sporting Complex – Junction Street, Nowra ( <u>Basketball &amp; Netball</u> )	Project no longer being built to the scale shown in the 1993 Plan due to site constraints. Key components of the project have been built or proposed to be built at other venues (Min08.150).
	Callala Bay Sporting Complex – Emmett Street, Callala Bay ( <u>Netball</u> )	Majority of Facility constructed as per proposal in the 1993 Plan. Future expansion of the complex dependent on future rezoning in this area (Min08.150).
	Total project cost estimated in 1993	\$2,801,465
	Total development contributions estimated in 1993 (60%)	\$1,680,879
	Total contributions available Oct 2009 (includes interest)	\$843,920

Project	Venue ( <u>proposed facilities</u> )	Reason for deletion (relevant Council Minute)
CWARE C0003 (referred in 1993 Plan as 01AREC 0003)	Sanctuary Point Sporting Complex - Larmer Avenue, Sanctuary Point ( <u>Hockey</u> )	Council has resolved not to build the facility proposed at this site due to site constraints. Council has reallocated part funds to expand existing facilities with the area.
	Nowra Fair Sporting Complex – Junction Street, Nowra ( <u>Hockey</u> )	Project no longer being built to the scale shown in the 1993 Plan due to site constraints. Key components of the project have been built or proposed to be built at other venues (Min08.150).
	Total project cost estimated in 1993	\$3,557,519
	Total development contributions estimated in 1993 (44%)	\$1,125,448
	Total contributions available Oct 2009 (includes interest)	\$1,212,982

## 9. New Recoupment Project

This Amendment contains the following active recreation project for which recoupment of costs is sought for construction of facilities which Council has undertaken in anticipation of new development and detailed per Planning Area.

### Planning Area 4

Project	Venue	Recoupment cost apportioned to development
04AREC 0003	Sussex Inlet Aquatics Centre – Thomson Street, Sussex Inlet (Total cost in 2004 plus annual indexation = \$3,264,285– apportioned at 29%)	\$946,642
	Cost apportioned per ET (total ETs = 521)	\$1,817

The spatial contribution area maps for this recoupment projects is shown in *Appendix A*.

## 10. New Projects

This Amendment contains the following 7 active recreation projects for inclusion into the 1993 Plan to meet anticipated development demand up to the year 2021. As detailed in Section 1 of this Amendment, Council's Sportsground Strategic Plan 2008 – 2036 has formed the basis for review of the 1993 Plan and details the future sporting facilities to meet the needs of the Shoalhaven Community up to 2036.

Whilst an indicative period for delivery of improvements is detailed below, the final delivery for these projects will be determined in Council's annual Management Plan. References in the following tables to "available contributions from deleted projects" refer to amounts detailed in Section 8 of this Amendment– "Reallocation of available contributions for deleted projects".

### Planning Area 1

Project	Venue	Improvement to meet demand ( <u>indicative delivery</u> )	Estimated cost
01AREC 0004	Artie Smith Oval - Cambewarra Road, Bomaderry	Floodlighting to Australian Standard ( <u>2013-2016</u> )	\$113,050

		Irrigation ( <u>2009-2012</u> )	\$151,550
Berry Sports Complex – North Street, Berry	Additional Car Parking ( <u>2013-2016</u> )	\$280,300	
	2 Synthetic Netball Courts ( <u>2013-2016</u> )	\$250,000	
Bomaderry Sports Complex – Cambewarra Road, Bomaderry	Floodlighting to Australian Standard <u>2009-2012</u> )	\$89,000	
Drexel Oval – Pitt Street, North Nowra	Irrigation ( <u>2009-2012</u> )	\$75,000	
Gordon Ravell Oval – South Street, Greenwell Point	Irrigation ( <u>2013-2016</u> )	\$80,400	
Lyrebird Sports Park – St Anns Street, Nowra	Floodlighting to Australian Standard (Fields 1 & 2) ( <u>2009-2012</u> )	\$83,300	
	Upgrade amenities building <u>2009-2012</u> )	\$300,000	
Narang Road Tennis Complex – Narang Road, Bomaderry	2 additional tennis courts ( <u>2013-2016</u> )	\$550,000	
Nowra Showground – West Street, Nowra	Floodlighting to Australian Standard ( <u>2017-2021</u> )	\$325,000	
	Gymnasium upgrade ( <u>2009-2012</u> )	\$500,000	
Sharman Park – Elvin Court, North Nowra	Irrigation (Field 2) ( <u>2013-2016</u> )	\$27,500	
South Nowra Soccer Fields – Princes	Irrigation (Fields 3 & 4) ( <u>2009-2012</u> )	\$128,180	



	Highway, South Nowra	3 Additional Senior Sports Fields/ 1 Additional Amenities Building/ 90 Car Park Spaces ( <u>2017-2021</u> )	\$3,195,240
		2 Additional Senior Sports Fields ( <u>2009-2012</u> )	\$1,200,000
	Vic Zealand Oval – Shoalhaven Heads Road, Shoalhaven Heads	Irrigation (Complete System) ( <u>2009-2012</u> )	\$70,800
		Additional Car Parking ( <u>2013-2016</u> )	\$297,000
	West Street Oval – Plunkett Street, Nowra	Irrigation ( <u>2013-2016</u> )	\$138,600
	Total estimated project cost		\$7,846,920
	Less available contributions from deleted projects		\$3,683,818
	Revised total estimated project cost		\$4,163,102
	Total cost apportioned to development at 28%		\$1,165,669
	Cost apportioned per ET (total ETs = 5,108)		\$228

Project code	Venue	Improvement to meet demand (indicative delivery)	Estimated cost
01AREC 0005	Northern (Nowra) Shoalhaven Leisure Centre	Indoor 51m Pool ( <u>2009-2012</u> )	\$9,525,000
		Health & fitness facilities ( <u>2013-2016</u> )	\$6,720,000
		25m Leisure pool ( <u>2017-2021</u> )	\$2,000,000
	Total estimated project cost		\$18,245,000
	Total cost apportioned to development at 28%		\$5,108,600
	Cost apportioned per ET (total ETs = 5,108)		\$1,000

Project code	Venue	Improvement to meet demand (indicative delivery)	Estimated cost
01AREC 0006	Northern Shoalhaven Sports Stadium	4 Court indoor sports stadium ( <u>2013-2016</u> )	\$12,231,400
	Total estimated project cost		\$12,231,400
	Less available contributions from deleted projects		\$843,920
	Revised total estimated project cost		\$11,387,480
	Total cost apportioned to development at 28%		\$3,188,494
	Cost apportioned per ET (total ETs = 5,108)		\$624

### Planning Area 3

Project code	Venue	Improvement to meet demand ( <u>indicative delivery</u> )	Estimated cost
03AREC 0004	Frances Ryan Reserve – Kerry Street, Sanctuary Point	Floodlighting to Australian Standard ( <u>2009-2012</u> )	\$85,500
		Expansion of 1 Junior Sports Field ( <u>2013-2016</u> )	\$99,600
	Huskisson Sportsground – Park Road, Huskisson	Amenities Building upgrade ( <u>2009-2012</u> )	\$300,000
	Proposed Worrowing Heights site – The Wool Road, Worrowing Heights	Land acquisition ( <u>2009-2012</u> )	\$611,000
		4 Additional Senior Sports Fields / Amenities Building / carp parking ( <u>2017-2021</u> )	\$3,585,232
	St Georges Basin Sports Fields – Panorama Road, St Georges Basin	Sealed Entrance Road and Car Park Spaces ( <u>2013-2016</u> )	\$151,500
		2 Additional Senior Sports Fields / Amenities Building ( <u>2009-2012</u> )	\$1,940,920
	Bay & Basin Skate Park – Larmer Avenue, Sanctuary Point	Skate park construction ( <u>2009-2012</u> )	\$450,900
	Total estimated project cost		\$7,224,652

	Less available contributions from deleted projects	\$897,547
	Revised total estimated project cost	\$6,327,105
	Total cost apportioned to development at 23%	\$1,455,234
	Cost apportioned per ET (total ETs = 1,753)	\$830

#### Planning Area 4

Project code	Venue	Improvement to meet demand ( <u>indicative delivery</u> )	Estimated cost
04AREC 0004	Finkernagel Reserve – Sandpiper Way, Sussex Inlet	Irrigation ( <u>2013-2016</u> )	\$80,700
	Thomson Street Sporting Complex	Field 4 extension (Land acquisition) ( <u>2009-2012</u> )	\$50,000
	Total estimated project cost		\$130,700
	Less available contributions from deleted projects		\$43,306
	Revised total estimated project cost		\$87,394
	Total cost apportioned to development at 29%		\$25,344
	Cost apportioned per ET (total ETs = 521)		\$49

## Planning Area 5

Project code	Venue	Improvement to meet demand (indicative delivery)	Estimated cost
05AREC 0004	Bill Andriske Oval – Mitchell Parade, Mollymook	Irrigation ( <u>2009-2012</u> )	\$80,700
	Frogs Holla Reserve – Matron Porter Drive, Milton	Floodlighting to Australian Standard (Fields 2, 3 & 4) ( <u>2017-2021</u> )	\$157,500
	Milton Showground – Croobyar Road, Milton	1 Additional Croquet Court ( <u>2013-2016</u> )	\$150,000
	Ulladulla Sports Park - Camden Street, Ulladulla	Floodlighting to Australian Standard (Fields 2 & 3) ( <u>2009-2012</u> )	\$240,000
		2 Additional Senior Sports Fields / Amenities Building / Car parking ( <u>2009-2012</u> )	\$4,411,180
		Skate park extension ( <u>2013-2016</u> )	\$400,800
	Total estimated project cost		\$5,440,180
	Less available contributions from deleted projects		\$225,711
	Revised total estimated project cost		\$5,214,469
	Total cost apportioned to development at 21%		\$1,095,038
	Cost apportioned per ET (total ETs = 1,679)		\$652

## District Projects

Project code	Venue	Improvement to meet demand ( <u>indicative delivery</u> )	Estimated cost
CWARE C0004	Bernie Regan Sporting Complex - West Cambewarra Road, North Nowra	First synthetic hockey field ( <u>2009-2012</u> )	\$1,629,300
		Seal entrance road ( <u>2013-2016</u> )	\$500,000
		Seal car park ( <u>2013-2016</u> )	\$312,500
		Amenities building ( <u>2009-2012</u> )	\$837,850
		Second synthetic hockey field ( <u>2017-2021</u> )	\$1,302,300
	Total estimated project cost		\$4,581,950
	Less available contributions from deleted projects		\$1,212,982
	Revised total estimated project cost		\$3,368,968
	Total cost apportioned to development at 23%		\$774,863
	Cost apportioned per ET (total ETs = 9,029)		\$86

The spatial contribution area maps for these new projects are shown in *Appendix A*.

Layout plans of these venues are shown in Council's Sportsground Strategic Plan 2008-2036.

## **11. Land to which the Amendment Applies**

Spatial contribution area maps for active recreation projects within the Amendment apply to specific planning areas. Each active recreation project area is shown hatched and bordered by a thick black line on the associated contribution area map. (see *Appendix A*).

## **12. Nexus**

One of the fundamental principles of development contributions is the relationship, or 'nexus', between the expected types of development and the demonstrated demand for new, augmented or embellished community infrastructure created by that development. Key aspects of determining the nexus of active recreation projects detailed in this Plan are:

- whether the expected development yield actually creates a demand or increases the demand for active recreation infrastructure;
- whether the estimates of demand for each item of community infrastructure to which the proposed development contribution relates are reasonable;
- where appropriate, whether the proposed development contribution is based on a reasonable apportionment between existing development;
- whether the proposed development contribution is based on a reasonable estimate of the cost of proposed community infrastructure; and,
- when community infrastructure will be provided to meet the demand of the development – often Council provides part or all of the infrastructure in anticipation of development demand.

The nexus of this Amendment is based on Council's:

- Population projections up to 2021 (adopted by Council in May 2008 – Min08.622);
- Sportsground Strategic Plan 2008-2036 - high priority projects only (adopted by Council in January 2009); and,
- Capital Works Program identified in the 20009/10 Management Plan.

The outcome of reviewing the above information has informed and substantiated the need for active recreation projects detailed in this Amendment. As detailed in this Amendment, Council's strategic preference is to increase capacity and expand existing active recreation facilities prior to considering construction of additional new facilities.

### 13. Demand Generated by Different Types of Development

The cost levied on new development will be equivalent to its proportion of potential active recreation demand for new or upgraded active recreation facilities. Contributions will be charged per additional ET for residential and some tourism development.

### 14. Contributions Formula

Contribution rate is based on the following formula:

$$\text{Contribution} = \frac{\text{Estimated Project Cost}}{\text{Estimated number of all future Lots/Dwellings (E.T.'s)}}$$

### 15. Contribution Rates Summary

Contribution rates relating to individual planning Area are summarised below:

Planning Area	Contribution Projects (individual rates)	Contribution Rate
1	01AREC0004 (\$228) 01AREC0005 (\$1,000) 01AREC0006 (\$624) CWAREC0004 (\$86)	\$1,584
2	02AREC0002	Subject to future re-zoning or development approval
3	03AREC2003 (\$248) 03AREC0004 (\$830) CWAREC0004 (\$86)	\$1,136
4	04AREC0003 (\$1,817) 04AREC0004 (\$49) CWAREC0004 (\$86)	\$1,942
5	05AREC2002 (\$76) 05AREC0004 (\$652) CWAREC0004 (\$86)	\$806



## **16. Review of Contribution Rates**

Contribution rates 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.

The cost of works proposed by the Amendment (including land values) may also need review over time if there is a concern that the indexation of costs may not be adequately reflecting actual current costs.

It is anticipated that all projections, costs and assumptions are reviewed at five yearly intervals, generally in line with Census dates.

## **17. Payment of Contributions**

### **17.1 Method and Timing of Contributions**

Payment of contributions can be made by cash, money order or bank cheque.

A contribution must be paid to the Council at the time specified in the condition of development consent that imposes the contribution. If no such time is specified, the contribution must be paid prior to the issue of a subdivision certificate in the case of subdivisions, or prior to the issue of a construction certificate or complying development certificate in the case of other development.

### **17.2 Allowance for Existing Land Use**

Contributions will be levied on all development according to the estimated increase in demand. An amount equivalent to the contribution attributable to any existing development on the site of a proposed new development will be allowed for in the calculation of contributions.

### **17.3 Construction Certificates and the Obligations of Accredited Certifiers**

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. Failure to follow this procedure may render such a certificate invalid.

Where Council has agreed to an alternative payment method (provision of works in kind or other material public benefit, dedication of land, deferred payment or payment by instalments), Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

#### **17.4 Complying Development and the Obligations of Accredited Certifiers**

Accredited certifiers must impose a condition on a Complying Development Certificate requiring monetary contributions in accordance with this Amendment, for all types of development.

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

#### **17.5 Adjustment of Contributions at the time of Payment**

The contributions stated in the conditions of consent for a development are calculated on the basis of the contribution rates determined in accordance with this Amendment. If the contributions are not paid within the financial year in which consent is 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 the time of payment in the following manner:

$$\text{\$CRC} = \text{\$CRP} \times \text{IPDC} \div \text{IPDP}$$

Where:

- \$ CRC is the amount of the contribution for the current financial year
- \$ CRP is the amount of the original contribution as set out in the development consent
- IPDC is the implicit price deflator for the current financial year
- IPDP is the implicit price deflator applicable at the time of the original consent
- Current contribution rates are available from Council offices.

#### **17.6 Deferral of Payment and Payment by Instalments**

Deferred payment of development contributions may be permitted in exceptional circumstances. For tenants or businesses operating in the Shoalhaven Local Government Area, payment by instalments may also be permitted.

Council will review each situation on its merit and according to the following criteria:

- an application for deferred payment or payment by instalments is to be made in writing to Council explaining the circumstances of the request;
- the decision to allow deferred payment will be at the sole discretion of Council; the timing or the manner of the provision of public facilities included in the works program will not be prejudiced;

- the works project to which the request applies does not relate to public safety or health;
- the amount of the contribution or outstanding balance is not less than \$5,000; the applicant intends to make a contribution by way of a planning agreement, material public benefit, works-in-kind or land dedication in lieu of a monetary contribution and Council and the applicant have a legally binding agreement for the provision of the works or land dedication;
- there are circumstances justifying deferred payment or payment of the contribution by instalments;
- the maximum period of deferred payment of the contribution is two years from the standard payment date;
- the maximum period for payment by instalments is five years from the standard payment date;
- deferred payments and payments by instalments are 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 stated in Council's Fees & Charges.

If Council agrees to accept deferred payment or payment by instalments, Council will require the applicant to provide a bank guarantee with the following conditions:

- the bank guarantee be by a bank equal to the value of the contribution payable or the amount of the outstanding contribution, plus interest and the administration charge;
- the bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing;
- 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 the development;
- the bank's obligations are discharged when payment to the Council is made in accordance with the 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, accrued interest and other charges are paid.

### **17.7 Exemption and Discounts**

Council will not provide exemption to development contributions made under Council's 1993 Plan other than exemptions afforded under direction of the Minister for Planning. Council does not apply discounts to the payment of development contributions.

### **17.8 Works in kind and other material Public Benefits**

Council may accept an offer by the applicant to provide an “in-kind” contribution (i.e. the applicant completes part or all of the work/s identified in the Amendment) or through provision of another material public benefit in lieu of making a monetary contribution as otherwise required under this Amendment.

Council will consider such alternatives in the following circumstances:

- 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 Amendment;
- 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 or a person who can demonstrate equivalent qualifications;
- the standard of the works is to Council’s full satisfaction;
- Council will require the applicant to enter into a written agreement for the provision of the works;
- 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 in this Amendment; and
- It must not result in piecemeal delivery of any works (e.g. streetscape and public domain works) or likely result in the need to reconstruct the works due to likely future adjacent developments (i.e. normally the works will need to relate to a whole street block or a discreetly defined precinct).

Work in-kind relates to the undertaking of a specific or equivalent work specified in the Amendment, and is therefore more readily capable, in comparison to other material public benefits, of meeting the above criteria. In accepting other material public benefits, Council must be satisfied that the offer provides a substantial public benefit not envisaged by the Amendment and that this benefit warrants Council accepting responsibility in fulfilling the intent of the Amendment notwithstanding a reduction in expected monetary contributions.

If the construction of a work in-kind exceeds the estimated cost in the Amendment or is proposed by the applicant prior to the timing proposed by the Plan, or insufficient funds have been accumulated by the Amendment to offset the additional cost to the applicant, Council may consider the following:

- provision of the work at the applicant’s expense with Council recouping contributions from future development and reimbursing the applicant for costs exceeding the applicant’s share, up to the total estimated cost in the Amendment; or

- provision of the work at the applicant's expense with Council reimbursing the applicant for the costs when such funds become allocated in Council's budget.

Acceptance of any such alternative is at the sole discretion of Council and will be the subject of a formal agreement between parties. Council may review the value of works 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 must be paid for by the applicant.

### **17.9 Goods and Services Tax**

Monetary development contributions are exempt from the Federal Government Goods and Services Tax (GST).

### **17.10 Voluntary Planning agreements**

An applicant may voluntarily offer to enter into a planning agreement with Council in connection with a development application. Under a voluntary planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The applicant's provision under a voluntary planning agreement may be additional to or instead of making monetary contributions under this Amendment. Refer to Council's policy on Voluntary Planning Agreements for more information.

### **17.11 Land dedication**

Council may require dedication of land for projects identified in this Amendment. Such land will be assessed at the development or subdivision stage when Council will commission a valuation of the subject land. The value of the land may be offset against the monetary contribution.

Where land has not been identified for acquisition in this Amendment, a monetary contribution will be required.

### **17.12 Transitional arrangements**

A development application which has been submitted prior to the adoption of this Amendment but not determined shall be determined in accordance with the provisions of this Amendment, if this Amendment is effective at the date of determination of that application, and with the provisions of any other development contributions plans which apply at the date of determination.

## 18. **References**

Sportsground Strategic Plan 2008 - 2036

Section 94 Environmental Planning & Assessment Act, 1979

Shoalhaven City Council Contributions Plan 1993

Plan Amendment 77 - Active Recreation, being this written Statement and accompanying maps, was

Adopted by Council: 27<sup>th</sup> January 2010

and

Became effective from: 10<sup>th</sup> February 2010

A handwritten signature in black ink, appearing to read 'R. Pigg'. The signature is stylized with a large 'R' and a cursive 'Pigg'.

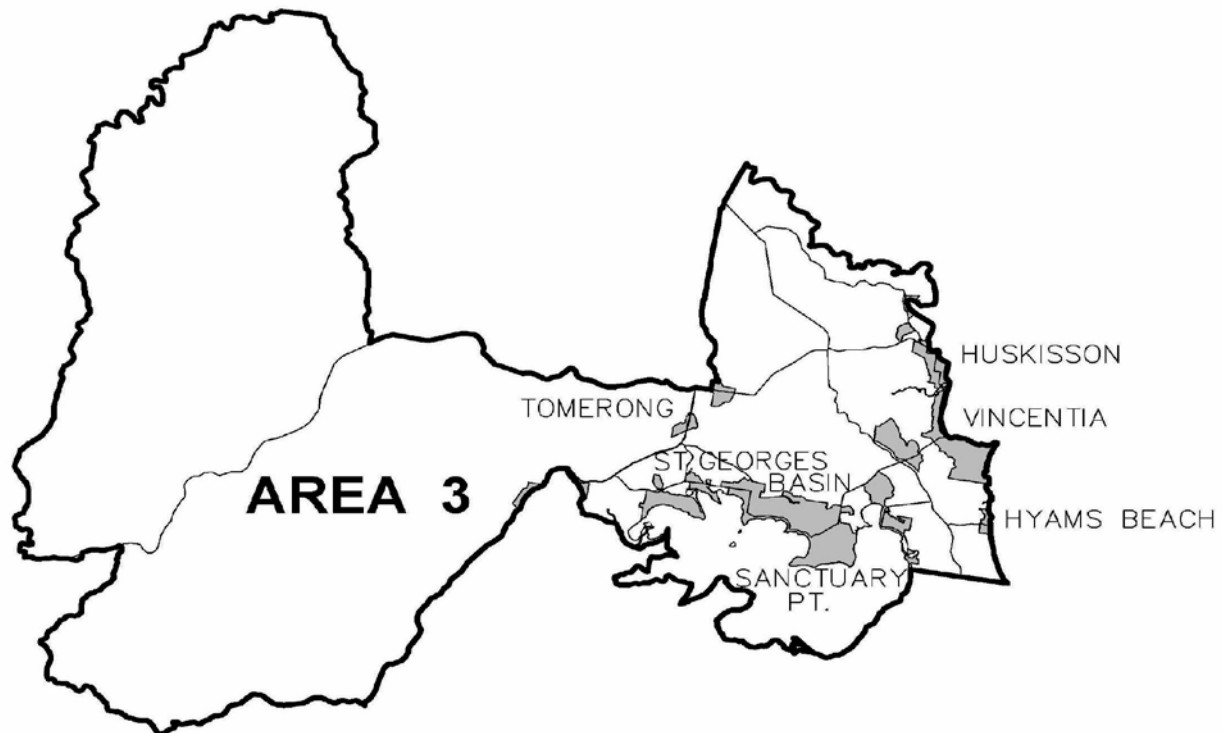
R. Pigg  
General Manager

## Appendix A – Spatial contribution area maps



SHOALHAVEN CITY COUNCIL  
CONTRIBUTIONS PLAN  
ACTIVE RECREATION  
AMENDMENT NO. 73  
FILE NO: 28705E  
FACILITY: ACTIVE RECREATION  
CONTRIBUTION PROJECTS: 01AREC004  
01AREC0005

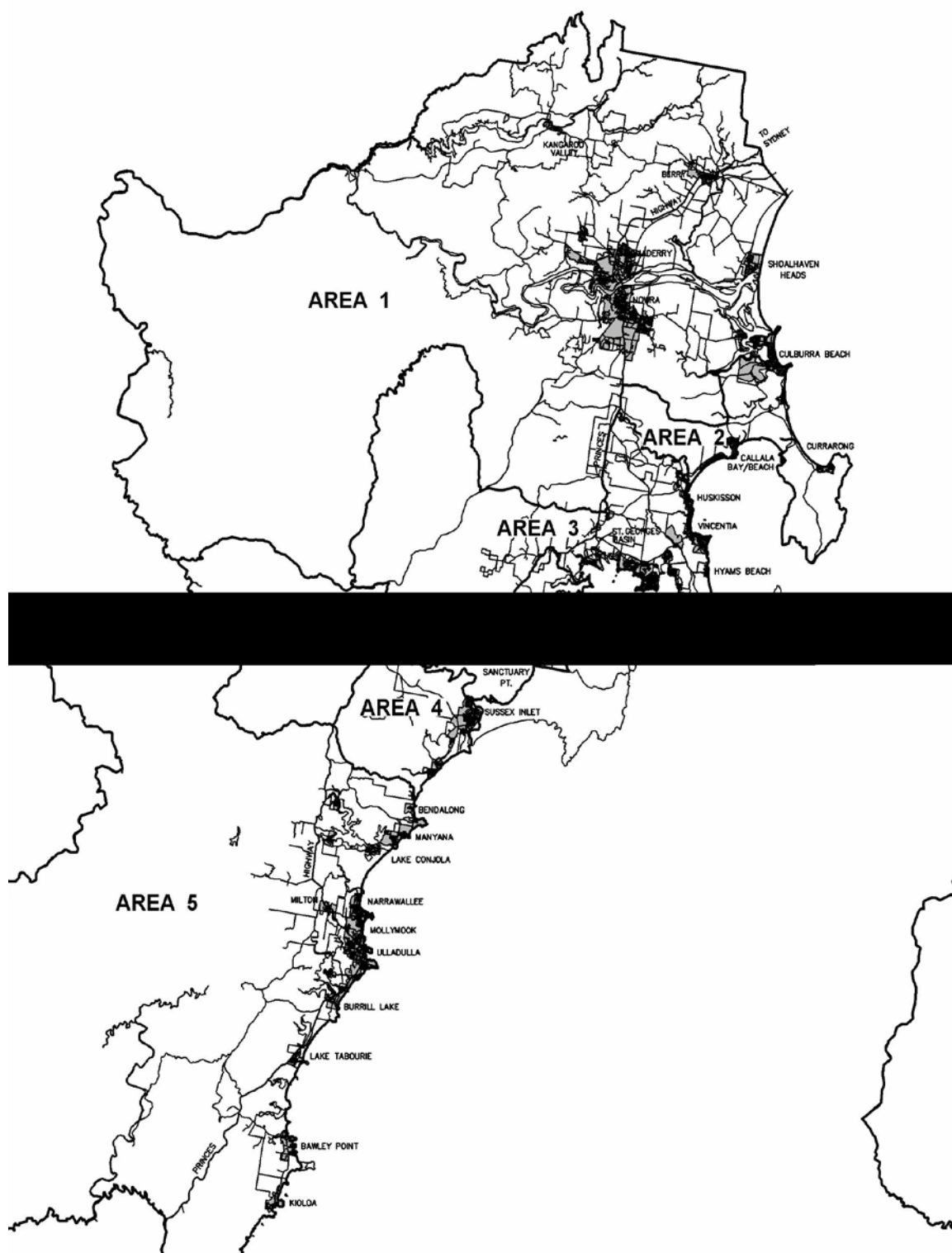




SHOALHAVEN CITY COUNCIL  
CONTRIBUTIONS PLAN  
ACTIVE RECREATION  
AMENDMENT NO. 73  
FILE NO: 28705E  
FACILITY: ACTIVE RECREATION  
CONTRIBUTION PROJECTS: 03AREC2003  
03AREC0004



SHOALHAVEN CITY COUNCIL  
CONTRIBUTIONS PLAN  
ACTIVE RECREATION  
AMENDMENT NO. 73  
FILE NO: 28705E  
FACILITY: ACTIVE RECREATION  
CONTRIBUTION PROJECTS: 05AREC2002  
05AREC0004



**SHOALHAVEN CITY COUNCIL**  
**CONTRIBUTIONS PLAN**  
**ACTIVE RECREATION**  
**AMENDMENT NO. 73**  
**FILE NO: 28705E**  
**FACILITY: ACTIVE RECREATION**  
**CONTRIBUTION PROJECTS: CWAREC004**