



DRAFT FOR EXHIBITION

Car Parking

Contributions Plan Amendment 74.1

Adopted:

Effective:

Reference: 28706E

Shoalhaven City Council
PO Box 42
NOWRA NSW 2541
telephone (02) 4429 3111
facsimile (02) 4422 1816
e-mail planning@shoalhaven.nsw.gov.au
internet www.shoalhaven.nsw.gov.au

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1. Introduction

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

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

- Changes that have occurred in strategies or policies;
- A need for increased flexibility to make implementation of the CP easier;
- A need to spend accumulated Contributions funds;
- Changes in project details;
- Adding new projects where it is appropriate;
- Effect a closer integration between the CP and the long and short term works and financial programs of Council;
- Reflect changes in development demand; and,
- Improve the format of the CP.

2. Legal

This Contributions Plan Amendment 74.1 – Car Parking 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 of the Amendment is to fund the cost of providing public car parking facilities by way of a levy on new (future) commercial development on land within designated Contribution Areas, being the Central Business Districts (CBD) of the urban areas within the City of Shoalhaven.

A further aim of this Amendment is to delete certain projects from the Contributions Plan where it is no longer required and revise the contribution rate for retained projects.

4. Project Selection

In accordance with Council's car parking code development is required to provide all parking on site. However, in the central business districts of retail centres, it is generally undesirable as it:

- fragments car parking facilities;
- fragments commercial areas; and
- contributes to conflict between traffic and pedestrian movements.

Under these circumstances, and where it is not appropriate for development to provide all or part of the required car parking on site, it is preferable to concentrate the parking into larger facilities funded by development contributions.

This Amendment investigates car parking at the following retail centres:

- Nowra;
- Bomaderry;
- Kangaroo Valley;
- Culburra;
- Sanctuary Point;
- Sussex Inlet;
- Ulladulla; and
- Milton.

At other locations, car parking requirements will be determined in the development assessment process.

In assessing the need for future car parking spaces at a CBD, the following procedure has been used:

- Determine the existing and likely future retail and non-retail (office & commercial) floor space.
- Determine the existing car parking requirement.
- Estimate the anticipated increase in floor space by the year 2016, based on estimated population growth.
- Calculate the number of future spaces required to satisfy the increase in commercial floor space.
- Estimate the proportion of these future car parking spaces to be provided by developers and the number to be provided by Council.

5. Deleted Projects

This Amendment deletes project 02CARP0001 – Culburra (Prince Edward Avenue) from the 1993 CP because the available facility is sufficient to meet future demand and additional car parking will be provided in accordance with the Voluntary Planning Agreement between Council and Siblow Pty Ltd.

6. Updated and Retained Project

This Amendment updates and retains the following 7 car parking projects, currently contained in the 1993 CP:

6.1 01CARP3001 – Nowra

This Amendment retains the multi storey parking stations at Egans Lane and Lawrence Avenue as well as incorporating the recoupment of recently constructed car parks at the following locations:

- Old gas works site – Bridge Road/ Lamonds Lane (Project does not include remediation of this site);
- 9 Haigh Avenue;
- 67 Kinghorne Street; and
- Completion of Collins Way Car Park

Parking for the Nowra CBD will be further assessed in conjunction with a Nowra CDB Master Plan and Development Control Plan.

6.2 01CARP3003 – Bomaderry

This Amendment incorporates the completion of car parking development on the existing Council owned land (42 Coomea Street), and recoupment of these costs.

6.3 01CARP3004 – Kangaroo Valley

This Amendment incorporates the northern expansion of the existing car park (169 Moss Vale Rd), as shown in DCP 66.

6.4 03CARP3001 – Sanctuary Point

When considered in conjunction with the requirements of DCP 23 Sanctuary Point, which requires the provision of car parking spaces by development in parts of Kerry Street, there are sufficient car parking spaces available at Sanctuary Point to service future demand. Work is required to complete car park construction by additional kerb & guttering, surface sealing, line marking and landscaping.

6.5 04CARP3001 – Sussex Inlet

There is sufficient land area to provide the car parking spaces to meet future demand. Additional work is required to complete construction at 45-47 Ellmoos Ave.

6.6 05CARP3001 – Ulladulla

This Amendment incorporates the recoupment of costs for recently constructed car parks at the following locations:

- 19 Boree Street
- 94 St Vincent Street
- 96 St Vincent Street

Future car parking needs for Ulladulla will be considered as development of the CBD proceeds.

6.7 05CARP3002 – Milton

This Amendment incorporates the completion of the car park at 84 Princes Highway, Milton which has been partially constructed.

7. Land to which the Amendment Applies

The Amendment applies to the lands situated within the Contribution Areas associated with the individual car park projects contained within this document. The subject areas are shown hatched and bordered by a thick black line on the Contribution Area maps for each project in this Amendment (Appendix A).

8. Nexus

New commercial development that increases customer and staff numbers in the CBD requires car parking to be provided (given the limited scope of public transport options in many centres). Where this car parking cannot or should not be provided on the site of the development, it will be provided by Development Contributions.

The location of proposed car parking is either central to the relevant contribution areas, or within easy walking distance, with acceptable vehicle access.

For some locations, construction work has commenced ahead of peak demand and there recoupment applies. For other locations, construction work will commence when the demand from new development justifies a set of additional car parking spaces.

9. Contributions Formula

Contribution rate is determined by dividing the estimated cost of the car parking project by the number of new car parking spaces to be constructed:

$$\text{Contribution} = \frac{\text{Estimated Project Cost}}{\text{Number of New Car Parking Spaces to be Provided}}$$

Cost estimates and car parking spaces are shown in Appendix B.

10. Contribution Rates

Contribution rates relating to Car Parking projects are summarised in Table 2:

Table 1 – Contribution Rates

Project Code	Contribution Rate
01CARP3001 Nowra	\$21,844.93 / Space
01CARP3003 Bomaderry	\$6,610.97 / Space
01CARP3004 Kangaroo Valley Car Parking	\$2,864.20 / Space
03CARP3001 Sanctuary Point Car Parking	\$4,864.13 / Space
04CARP3001 Sussex Inlet Car Parking	\$5,913.90 / Space
05CARP3001 Ulladulla Car Parking	\$16,396.84 / Space
05CARP3002 Milton Car Parking	\$9,024.48 / Space

11. 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. Where significant departures from this Amendment occur, Council will consider amending the CP.

12. Estimated Costs

The costs estimated in this Amendment include:

- cost of land acquisition (or actual purchase cost)
- construction cost of driveways and car park spaces
- site establishment and preliminaries
- landscaping, and
- design costs.

For existing Council land purchased for car parking, land costs are actual purchase prices indexed using the Implicit Price Deflator to 2009. Construction cost estimates are based on known construction costs of previous work. The cost estimates used in this Amendment do not include the costs for maintenance.

13. Schedule of Facilities

The following construction schedule is proposed.

Project Number	Location	Estimated Year of Construction
01 CARP 3001	Nowra	Existing
01 CARP 3003	Bomaderry	Existing
01 CARP 3004	Kangaroo Valley	2009-10
03 CARP 3001	Sanctuary Point	2009-12
04 CARP 3001	Sussex Inlet	2009-12
05 CARP 3001	Ulladulla	Existing
05 CARP 3002	Milton	2009-10

This schedule is a guide only. Actual construction dates will be dependant on the rate of new development and budget allocation within Council's capital works program.

14. Payment of contributions

14.1 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.

14.2 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.

14.3 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.

14.4 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 the CP, for all types of development.

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

14.5 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 the CP. 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.

14.6 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.

14.7 Exemption and discounts

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

14.8 Works in kind and other material public benefits

The 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 CP) or through provision of another material public benefit in lieu of making a monetary contribution as otherwise required under the CP.

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 the CP;
- 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 the CP; 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 CP, 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 CP and that this benefit warrants Council accepting responsibility in fulfilling the intent of the CP notwithstanding a reduction in expected monetary contributions.

If the construction of a work in-kind exceeds the estimated cost in the CP or is proposed by the applicant prior to the timing proposed by the pan, or insufficient funds have been accumulated by the CP 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 CP; 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 the 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.

14.9 Goods and Services Tax

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

14.10 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 the CP. Refer to Council's policy on Voluntary Planning Agreements for more information.

14.11 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.

14.12 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.

15. References

Section 94 Environmental Planning & Assessment Act, 1979;

Clauses 26-38 (inclusive) Environmental Protection and Authority Regulations 2000;

Shoalhaven City Council Contributions Plan 1993; and,

Shoalhaven City Council Contributions Plan Manual.

CP Amendment 74.1 – Car Parking, being this written Statement and accompanying maps, was

Adopted by Council: XXXXXXXXXXXXXXXX

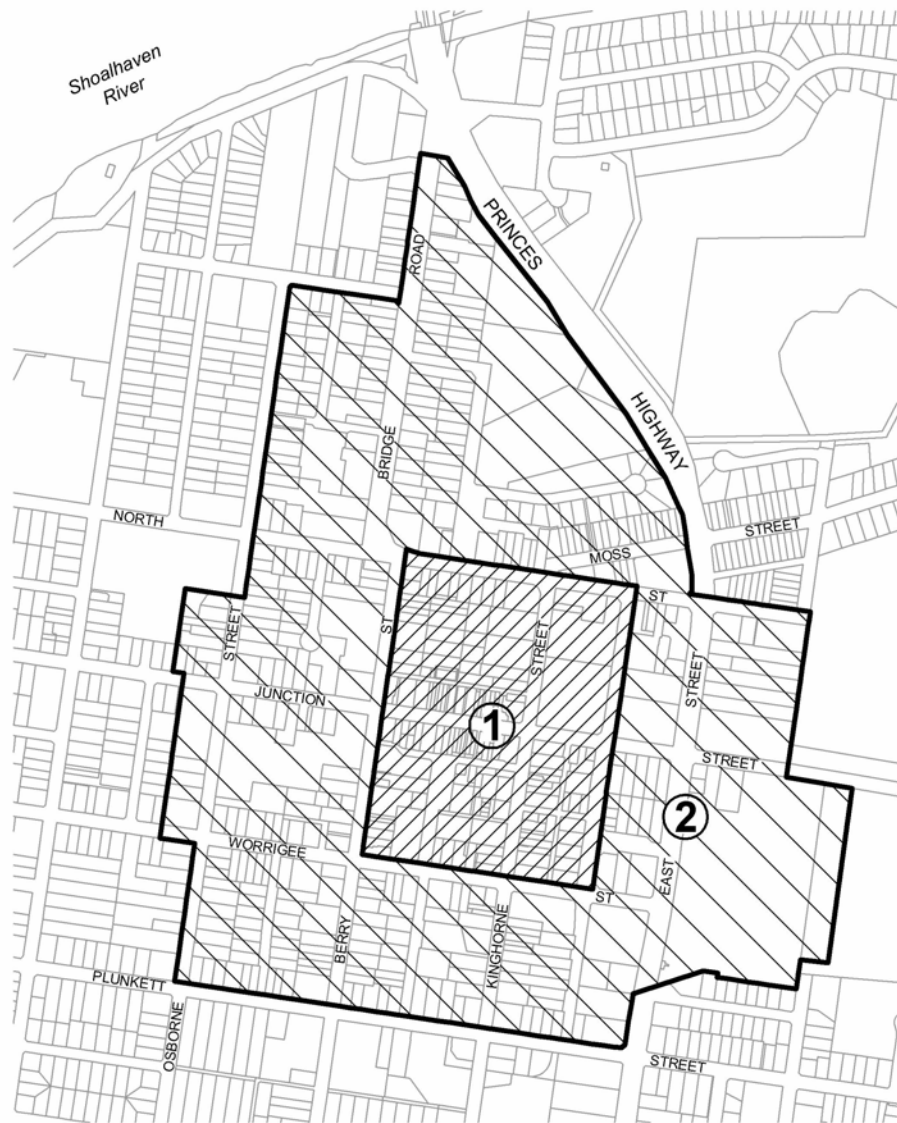
and

Became effective from: XXXXXXXXXXXXXXXX

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

R. Pigg
General Manager

Appendix A – Contribution Area Maps



Contribution for Parking



Parking to be provided On-Site

SHOALHAVEN CITY COUNCIL

DRAFT S94 CONTRIBUTION PLAN

AMENDMENT NO.74.1

CAR PARKING

FILE NO: 28706
FACILITY: CAR PARKING
PROJECT: NOWRA

PROJECT NO.
01 CARP 3001





SHOALHAVEN CITY COUNCIL
DRAFT S94 CONTRIBUTION PLAN
AMENDMENT NO.74.1
CAR PARKING

FILE NO: 28706
 FACILITY: CAR PARKING
 PROJECT: BOMADERRY

PROJECT NO.
 01 CARP 3003





SHOALHAVEN CITY COUNCIL
DRAFT S94 CONTRIBUTION PLAN
ROADS
AMENDMENT NO. 74.1

FILE NO: 28706
FACILITY: CAR PARKING
PROJECT: KANGAROO VALLEY

PROJECT NO.
01 CARP 3004



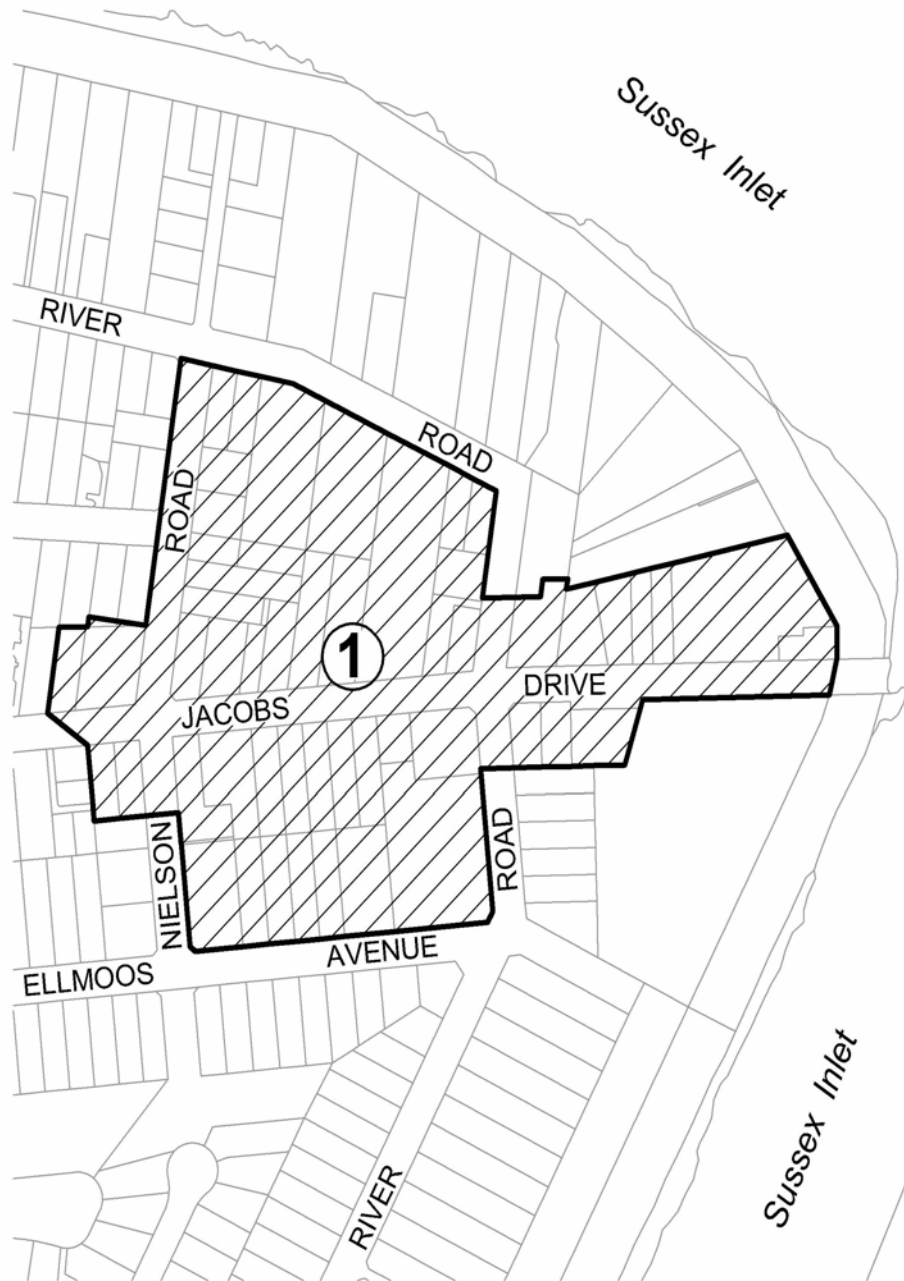


SHOALHAVEN CITY COUNCIL
DRAFT S94 CONTRIBUTION PLAN
ROADS
AMENDMENT NO. 74.1

FILE NO: 28706
FACILITY: CAR PARKING
PROJECT: SANCTUARY POINT

PROJECT NO.
03 CARP 3001



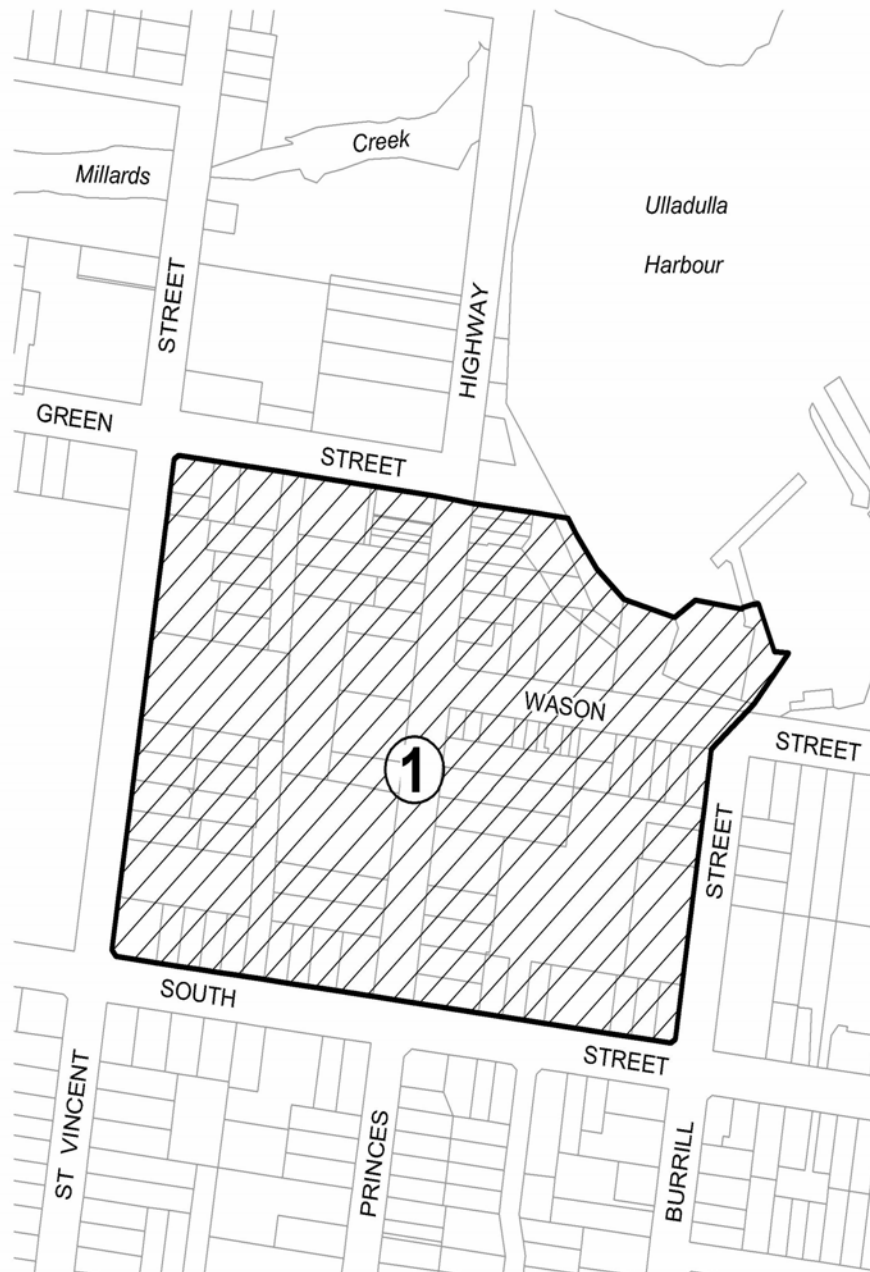


SHOALHAVEN CITY COUNCIL
DRAFT S94 CONTRIBUTION PLAN
AMENDMENT NO.74.1
CAR PARKING

FILE NO: 28706
FACILITY: CAR PARKING
PROJECT: SUSSEX INLET

PROJECT NO.
04 CARP 3001



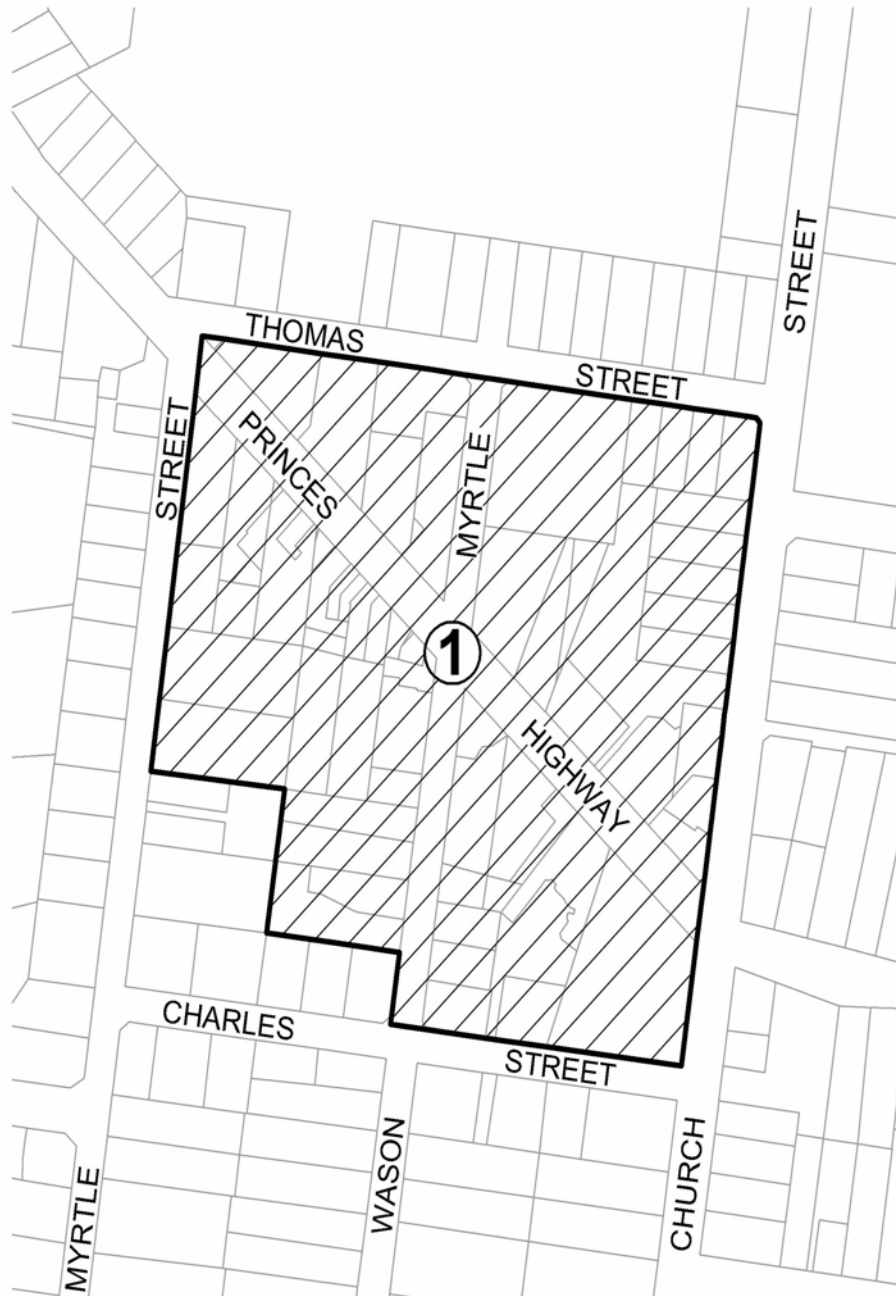


SHOALHAVEN CITY COUNCIL
DRAFT S94 CONTRIBUTION PLAN
AMENDMENT NO.74.1
CAR PARKING

FILE NO: 28706
 FACILITY: CAR PARKING
 PROJECT: ULLADULLA

PROJECT NO.
 05 CARP 3001





SHOALHAVEN CITY COUNCIL
DRAFT S94 CONTRIBUTION PLAN
AMENDMENT NO.74.1
CAR PARKING

FILE NO: 28706
 FACILITY: CAR PARKING
 PROJECT: MILTON

PROJECT NO.
 05 CARP 3002



Appendix B – Updated and Retained Projects

Project No.	Locality	Car park location	Number of spaces	Land cost (note 1)	Construction cost (note 2)	Estimated total cost
01CARP3001	Nowra	Egans Lane Parking Station 8 Lawrence Ave Parking Station Collins Way Old Gasworks site 9 Haigh Avenue 67 Kinghorne St Total	220 300 110 196 34 40 900	N/A N/A \$946,550 N/A \$241,573 \$417,228 \$1,605,351	\$10,251,189 \$6,601,499 \$64,550 \$910,755 \$110,271 \$116,824 \$18,055,088	\$10,251,189 \$6,601,499 \$1,011,100 \$910,755 \$351,844 \$534,052 \$19,660,439
01CARP3003	Bomaderry	42 Coomea St	54	\$138,021	\$218,971	\$356,992
01CARP3004	Kangaroo Valley	part 169 Moss Vale Rd	48	\$7,482	\$130,000	\$137,482
03CARP3001	Sanctuary Point	Kerry St. (road reserve)	118	\$0	\$573,967	\$573,967
04CARP3001	Sussex Inlet	16 Nielsen Rd 45 & 47 Ellmoos Ave Total	57 69 126	N/A \$527,210 \$527,210	\$87,979 \$129,963 \$217,942	\$87,979 \$657,173 \$745,152
05CARP3001	Ulladulla	19 Boree St 94 St. Vincent St 96 St. Vincent St Total	35 27 31 93	\$291,206 \$428,220 \$428,220 \$1,147,646	\$97,240 \$140,010 \$140,010 \$377,260	\$388,446 \$568,230 \$568,230 \$1,524,906
05CARP3002	Milton	84 Princes H'way	65	\$171,591	\$415,000	\$586,591

Note 1. For land acquired by SCC, land cost is purchase price indexed to 2009. Land area required is based on 29 m² per space, which includes an allowance for access driveways and landscaping.

Note 2. Actual construction costs since 1993 are used otherwise cost, estimates are used.