



# **Drainage Contributions Plan Amendment 76.1**

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

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

Reference: 28708E

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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 76.1 – Drainage (Amendment) 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 a portion of the cost of providing public drainage facilities by way of a levy on new (future) development on land within designated Contribution Areas.

A further aim of this Amendment is to delete certain projects from the CP and revise the contribution rates for retained projects.

## **4. Project Selection**

The drainage schemes included in this Amendment were selected using the following three criteria:

1. To enable provision of effective stormwater drainage systems within a reasonable time period
2. To assist areas currently zoned for medium density, commercial and industrial purposes, where development may be impeded by the absence of a drainage system, and
3. To prevent land degradation associated with drainage in urban areas.

## 5. Deleted Projects

Table 1 shows 10 projects that have been deleted from the 1993 Contributions Plan and the reasons for deletion.

**Table 1 – Deleted Projects**

Deleted Project	Reason for Deletion
01 DRAI 0004 Jellicoe Street South Nowra – Box Culvert	Project completed.
05 DRAI 0001 Princes Highway, South Ulladulla – Drainage Pipeline	Proposed Drainage Area Developed.
05 DRAI 0003 St Vincent Street, Ulladulla – Drainage Pipeline	Proposed Drainage Area Developed.
05 DRAI 0004 Deering Street, Ulladulla – Inter allotment Drainage	Proposed Drainage Area Developed.
05 DRAI 0006 Princes Highway Mollymook – Inter allotment Drainage	No contributions received – Project no longer required as proposed drainage area developed.
05 DRAI 0007 Princes Highway Mollymook – Inter allotment Drainage	No contributions received – Project no longer required as proposed drainage area developed.
05 DRAI 0008 Princes Highway Mollymook – Inter allotment Drainage	Proposed Drainage Area Developed.
05 DRAI 0011 – North Street Ulladulla – Inter allotment Drainage	Proposed Drainage Area Developed.
05 DRAI 0013 - South Street/ Burrill Street South/ Jubilee Avenue/ Princes Highway, Ulladulla – Road Drainage	Project no longer required.

## 6. **Updated and Retained Project**

This Amendment updates and retains 5 drainage projects, currently contained in Shoalhaven Contributions Plan 1993 as amended. Details of updated and retained projects are shown in Appendix A.

## 7. **Recoupment Projects**

This Amendment retains 2 drainage projects for recoupment of costs. Details on recoupment projects are shown in Appendix B.

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

The Amendment applies to the lands situated within the Contribution Areas associated with individual drainage projects. 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 C).

## 9. **Nexus**

The demand for new drainage facilities is directly related to the potential runoff from a developed catchment area. In some cases new drainage facilities are required and in other cases, the augmentation of existing drainage facilities is required to increase drainage capacity. Contributions will be levied on new developments within the drainage catchment area.

## 10. **Contributions Formula**

Contribution rate is determined by dividing the estimated cost of the project by the total area (m<sup>2</sup>) within the contribution area.

$$\text{Contribution} = \frac{\text{Estimated Project Cost}}{\text{Total area (m}^2\text{)}}$$

The contribution rate is then applied to the total land area of new development.

## 11. Contribution Rates

Contribution rates relating to Drainage projects are summarised in Table 2:

**Table 2 – Contribution Rates**

<b>Project Code</b>	<b>Contribution Rate</b>
01 DRAI 2002	\$0.60 / m <sup>2</sup>
01 DRAI 2003	\$0.95 / m <sup>2</sup>
05 DRAI 2002	\$4.97 / m <sup>2</sup>
05 DRAI 2005	\$1.72 / m <sup>2</sup>
05 DRAI 2009	\$3.63 / m <sup>2</sup>
05 DRAI 2010	\$4.39 / m <sup>2</sup>
05 DRAI 2012	\$5.53 / m <sup>2</sup>

## 12. 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 the CP occur, Council will consider amending the CP.

## 13. Estimated Costs

The cost of a project may include:

- Survey, design and other studies
- Acquisition of land including the cost of establishing easements
- Construction of drainage pipelines and facilities including pollution control devices
- Construction of detention, retention or sedimentation basins
- All ancillary works
- Restoration works

- Associated administrative costs.

The estimated costs and apportionment are shown in the Appendices of this Amendment.

#### 14. Schedule of Facilities

Table 3 shows the proposed construction schedule.

**Table 3 – Construction Schedule**

<b>Project Number</b>	<b>Description</b>	<b>Estimated Year of Construction</b>
01 DRAI 2002	South Nowra Industrial Estate	2010/11
01 DRAI 2003	Illaroo Road, North Nowra	2010/12
05 DRAI 2002	Camden Street, Ulladulla	Development Dependent
05 DRAI 2009	Boree Street, Ulladulla	Existing
05 DRAI 2010	Section 6 & Kingsley Ave, Ulladulla	2010/15
05 DRAI 2012	St Vincent Street, Ulladulla	2010/15

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

#### 15. Payment of contributions

##### 15.1 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.



## **15.2 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.

## **15.3 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.

## **15.4 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.

## **15.5 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.

#### **15.6 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.

### **15.7 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.

### **15.8 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 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 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.

## **15.9 Goods and Services Tax**

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

## **15.10 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.

## **15.11 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.

### **15.12 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.

### **16. 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 76.1 - Drainage, 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 – Updated and Retained Projects

<b>Project</b>		<b>01 DRAI 2002</b>				
Description		South Nowra Industrial Estate – Gross Pollutant Trap and Artificial Wetlands				
Estimated Cost		\$827,629				
01 DRAI 2002	Total Catchment Area (m <sup>2</sup> )	Existing Development (m <sup>2</sup> )	Potential Development (m <sup>2</sup> )	Contribution Rate (\$ / m <sup>2</sup> )	Council Share	Development Share
1	1,389,216	733,634	655,582	\$0.60	\$437,064.34 (52.8%)	\$390,564.66 (47.2%)

<b>Project</b>		<b>01 DRAI 2003</b>				
Description		Illaroo Road, North Nowra – Wet Retention Pond and Gross Pollutant Trap				
Estimated Cost		\$208,980				
01 DRAI 2002	Total Catchment Area (m <sup>2</sup> )	Existing Development (m <sup>2</sup> )	Potential Development (m <sup>2</sup> )	Contribution Rate (\$ / m <sup>2</sup> )	Council Share	Development Share
1	219,263	187,188	32,075	\$0.95	\$178,409.25 (85.4%)	\$30,570.75 (14.6%)

<b>Project</b>		<b>05 DRAI 2002</b>				
Description		Camden Street/ Deering Street, Ulladulla – Interallotment Drainage				
Estimated Cost		\$30,000				
05 DRAI 2002	Total Catchment Area (m <sup>2</sup> )	Existing Development (m <sup>2</sup> )	Potential Development (m <sup>2</sup> )	Contribution Rate (\$ / m <sup>2</sup> )	Council Share	Development Share
1	6,038	1,330	4,708	\$4.97	\$6,608.15 (22%)	\$23,391.85 (78%)

<b>Project</b>		<b>05 DRAI 2010</b>				
Description		Section 6 and Kingsley Ave, Ulladulla - Drainage				
Estimated Cost		\$868,590				
05 DRAI 2010	Total Catchment Area (m <sup>2</sup> )	Existing Development (m <sup>2</sup> )	Potential Development (m <sup>2</sup> )	Contribution Rate (\$ / m <sup>2</sup> )	Council Share	Development Share
1	197,870	166,882	30,988	\$4.39	\$732,561.97	\$136,028.03

<b>Project</b>		<b>05 DRAI 2012</b>				
Description		St Vincent Street, Ulladulla - Drainage				
Estimated Cost		\$234,830				
05 DRAI 2012	Total Catchment Area (m <sup>2</sup> )	Existing Development (m <sup>2</sup> )	Potential Development (m <sup>2</sup> )	Contribution Rate (\$ / m <sup>2</sup> )	Council Share	Development Share
1	42,460	37,339	5,121	\$5.53	\$206,507.71 (87.9%)	\$28,322.29 (12.1%)

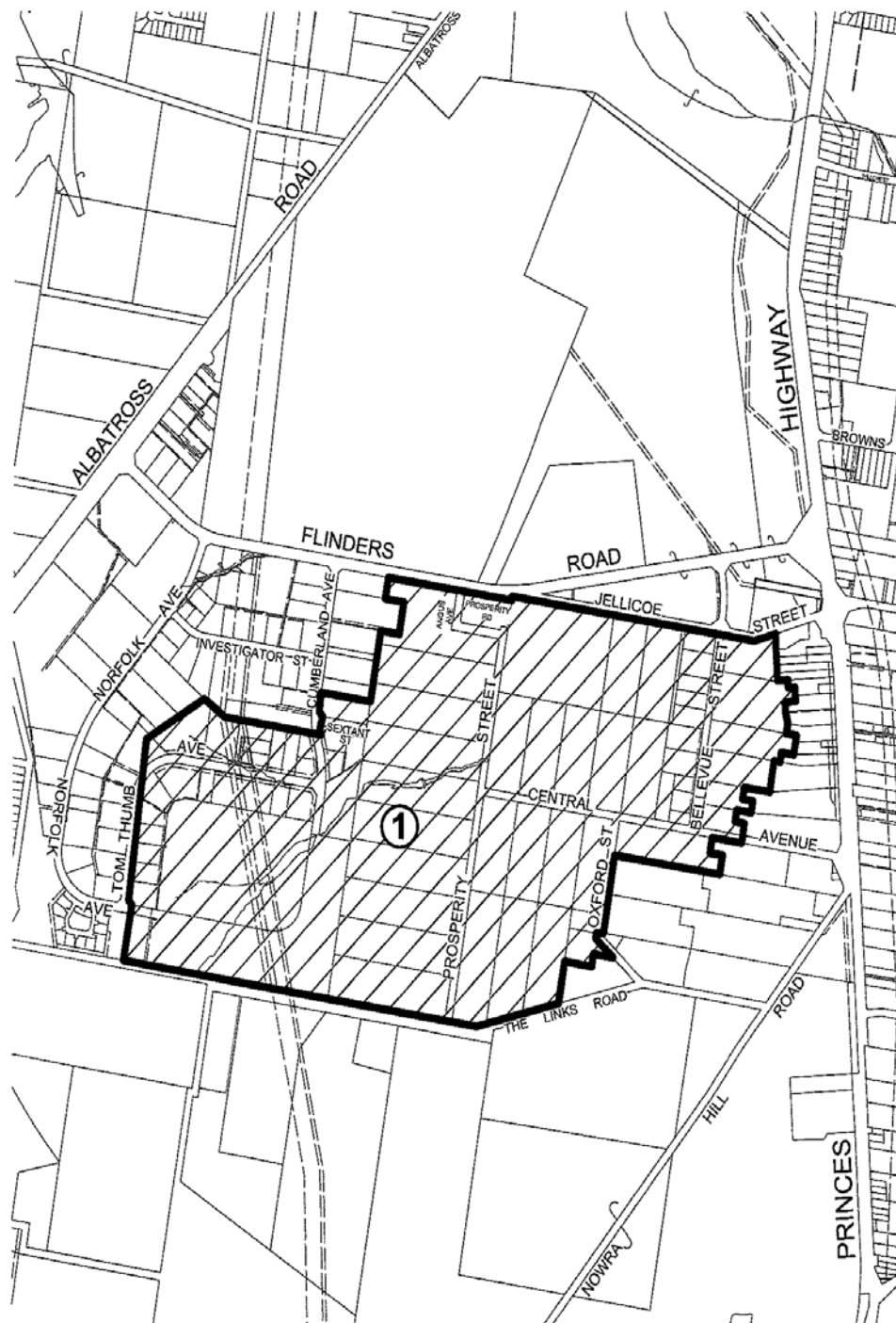


## Appendix B – Recoupment Projects

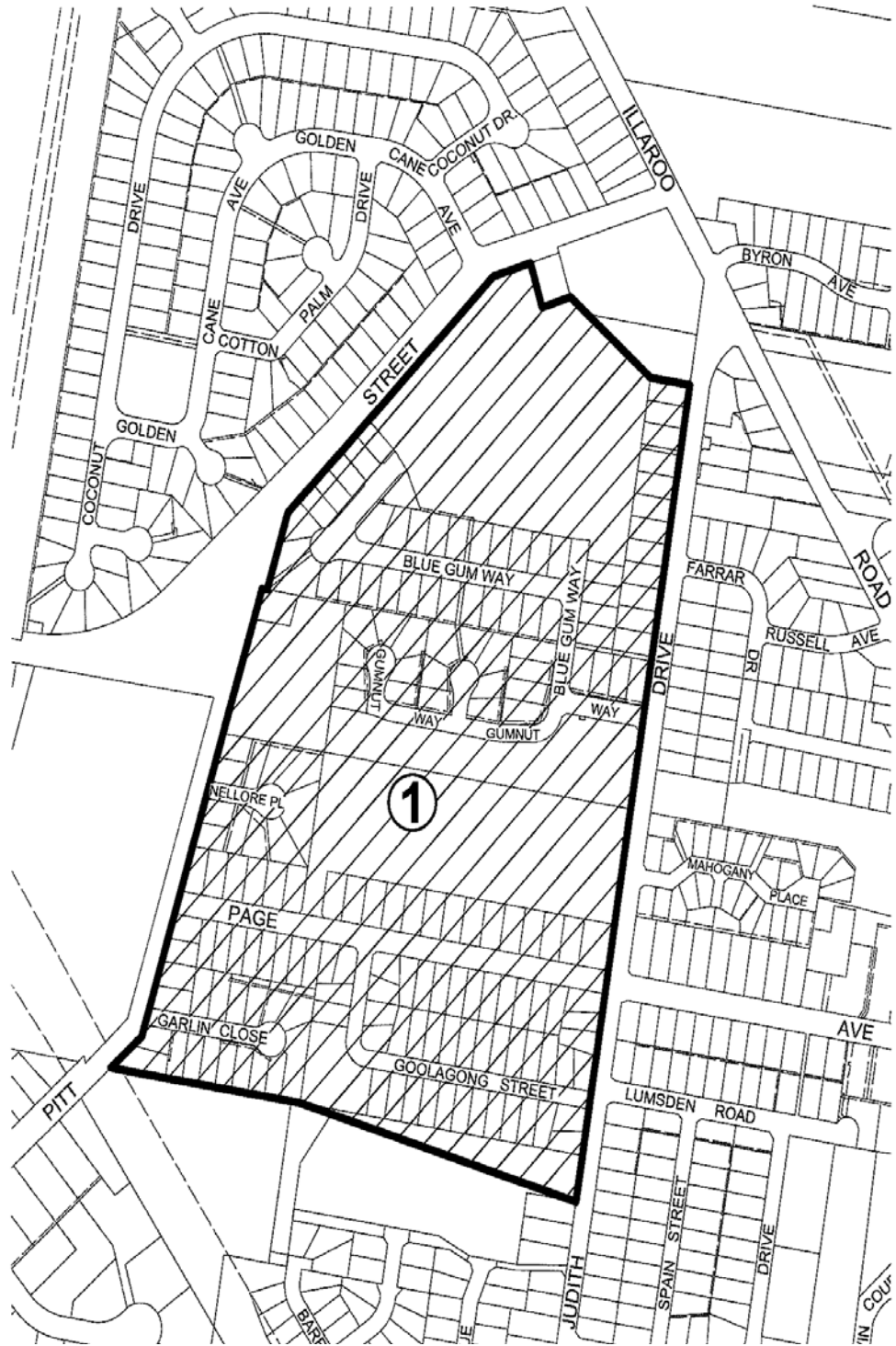
<b>Project</b>		<b>05 DRAI 2005</b>				
Description		New Street, Ulladulla – Drainage Pipeline				
Total Cost		\$33,916				
05 DRAI 2005	Total Catchment Area (m <sup>2</sup> )	Existing Development (m <sup>2</sup> )	Potential Development (m <sup>2</sup> )	Contribution Rate (\$ / m <sup>2</sup> )	Council Share	Development Share
1	19695	7704	11991	\$1.72	\$13,266.76 (39.1%)	\$20,649.24 (60.9%)

<b>Project</b>		<b>05 DRAI 2009</b>				
Description		Boree Street, Ulladulla – Drainage				
Total Cost		\$150,000				
05 DRAI 2009	Total Catchment Area (m <sup>2</sup> )	Existing Development (m <sup>2</sup> )	Potential Development (m <sup>2</sup> )	Contribution Rate (\$ / m <sup>2</sup> )	Council Share	Development Share
1	41,270	39,105	2,165	\$3.63	\$142,131.09 (94.8%)	\$7,868.91 (5.2%)

## Appendix C – Contribution Area Maps



**SHOALHAVEN CITY COUNCIL**  
**CONTRIBUTIONS PLAN**  
**AMENDMENT NO. 76.1**  
**DRAINAGE**  
FILE NO: 28708E  
FACILITY: DRAINAGE  
PROJECT: SOUTH NOWRA INDUSTRIAL AREA  
GROSS POLLUTANT TRAP & WETLANDS (SEDIMENT CONTROL)  
CONTRIBUTIONS PROJECT NO.: 01DRAI2002



**SHOALHAVEN CITY COUNCIL  
CONTRIBUTIONS PLAN  
AMENDMENT NO. 76.1  
DRAINAGE**

FILE NO: 28708E

FACILITY: DRAINAGE

PROJECT: RETENTION BASIN & GROSS POLLUTANT TRAP

CONTRIBUTIONS PROJECT NO.: 01DRAI200



**SHOALHAVEN CITY COUNCIL**

**CONTRIBUTIONS PLAN**

**AMENDMENT NO. 76.1**

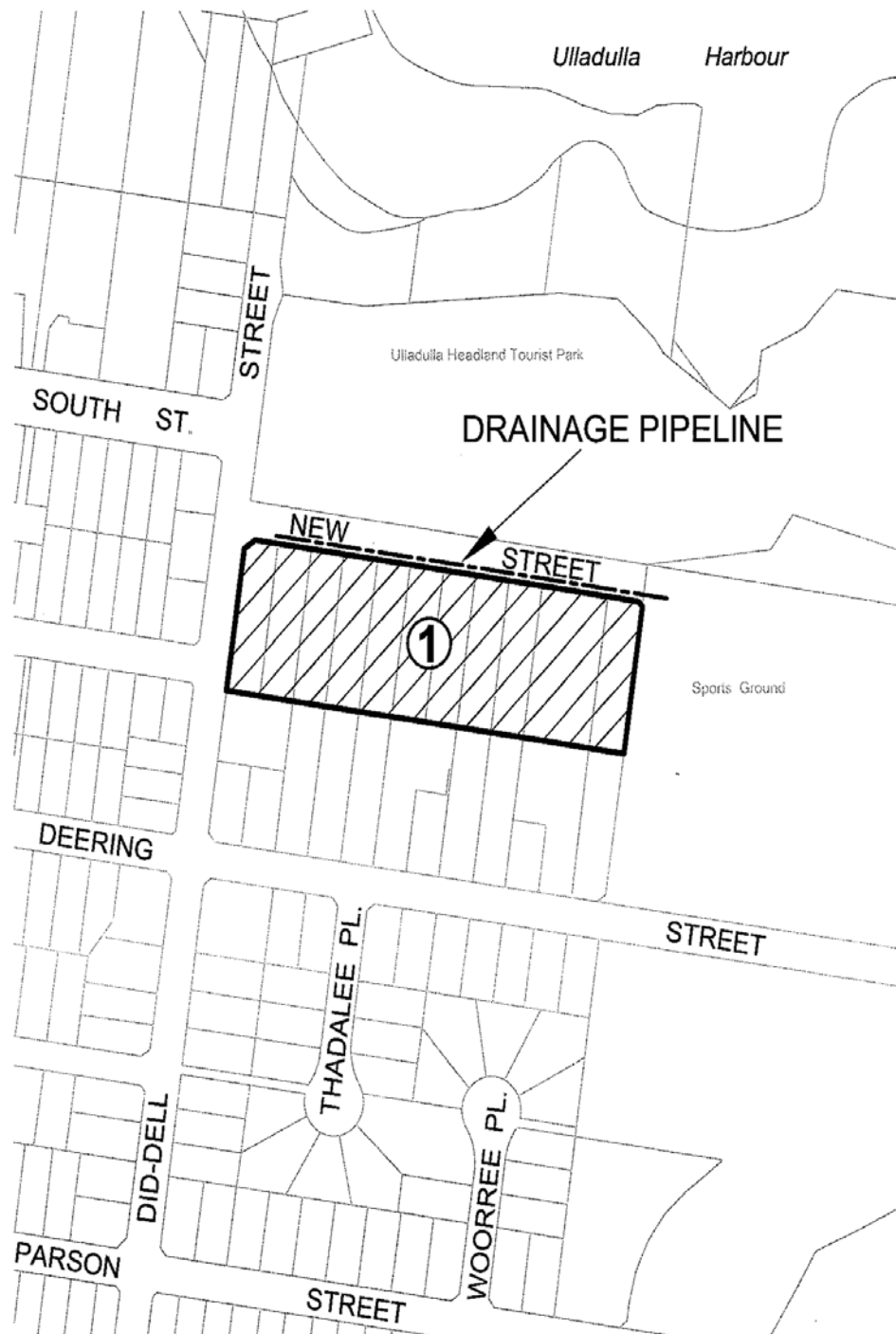
**DRAINAGE**

**FILE NO: 28708E**

**FACILITY: DRAINAGE**

**PROJECT: CAMDEN STREET/DEERING STREET, ULLADULLA - DRAINAGE**

**CONTRIBUTIONS PROJECT NO.: 05DRAI2002**



**SHOALHAVEN CITY COUNCIL**

**CONTRIBUTIONS PLAN**

**AMENDMENT NO. 76.1**

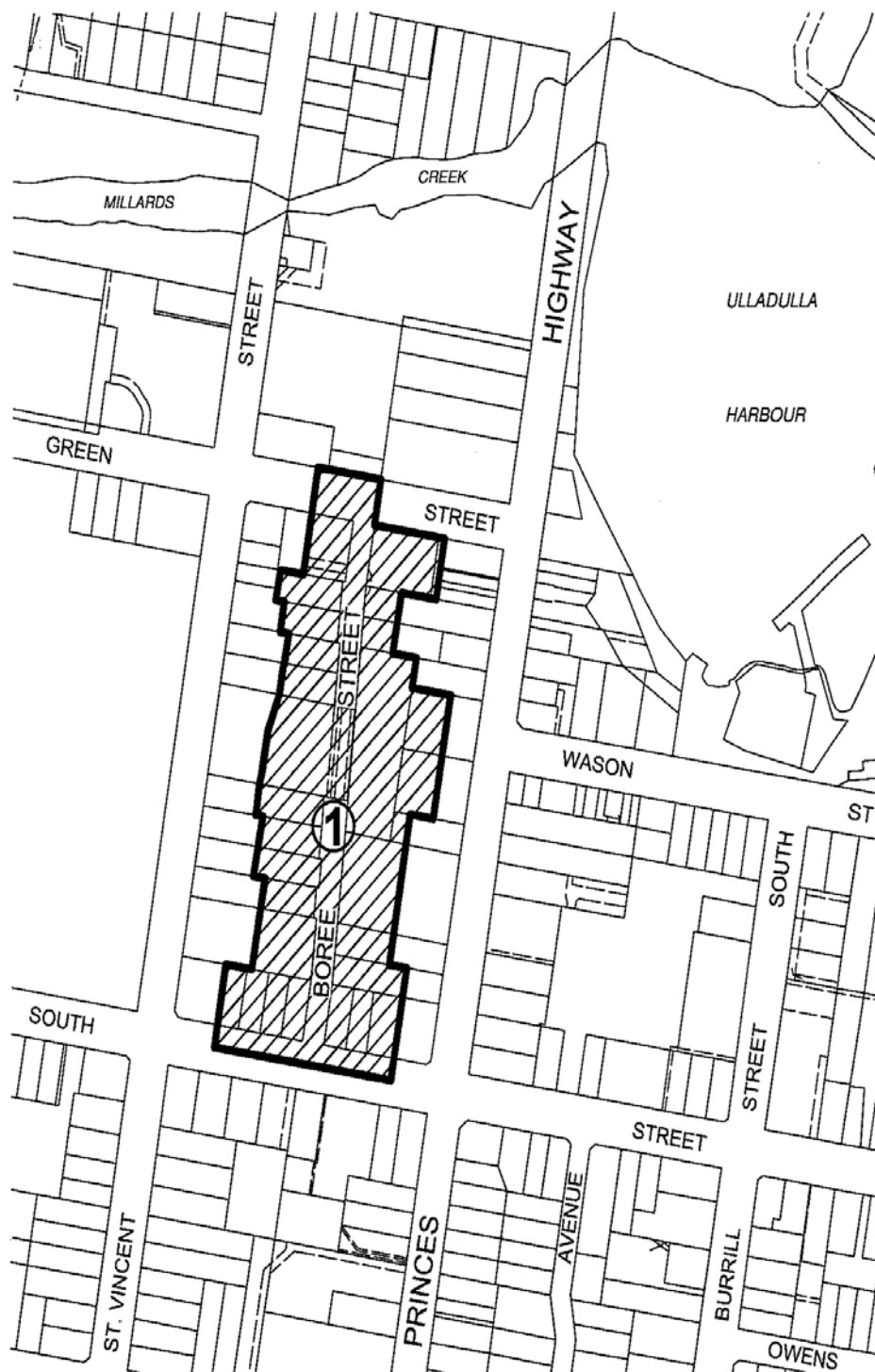
**DRAINAGE**

FILE NO: 28708E

FACILITY: DRAINAGE

PROJECT: NEW STREET, ULLADULLA - DRAINAGE

CONTRIBUTIONS PROJECT NO.: 05DRAI2005



**SHOALHAVEN CITY COUNCIL**

**CONTRIBUTIONS PLAN**

**AMENDMENT NO. 76.1**

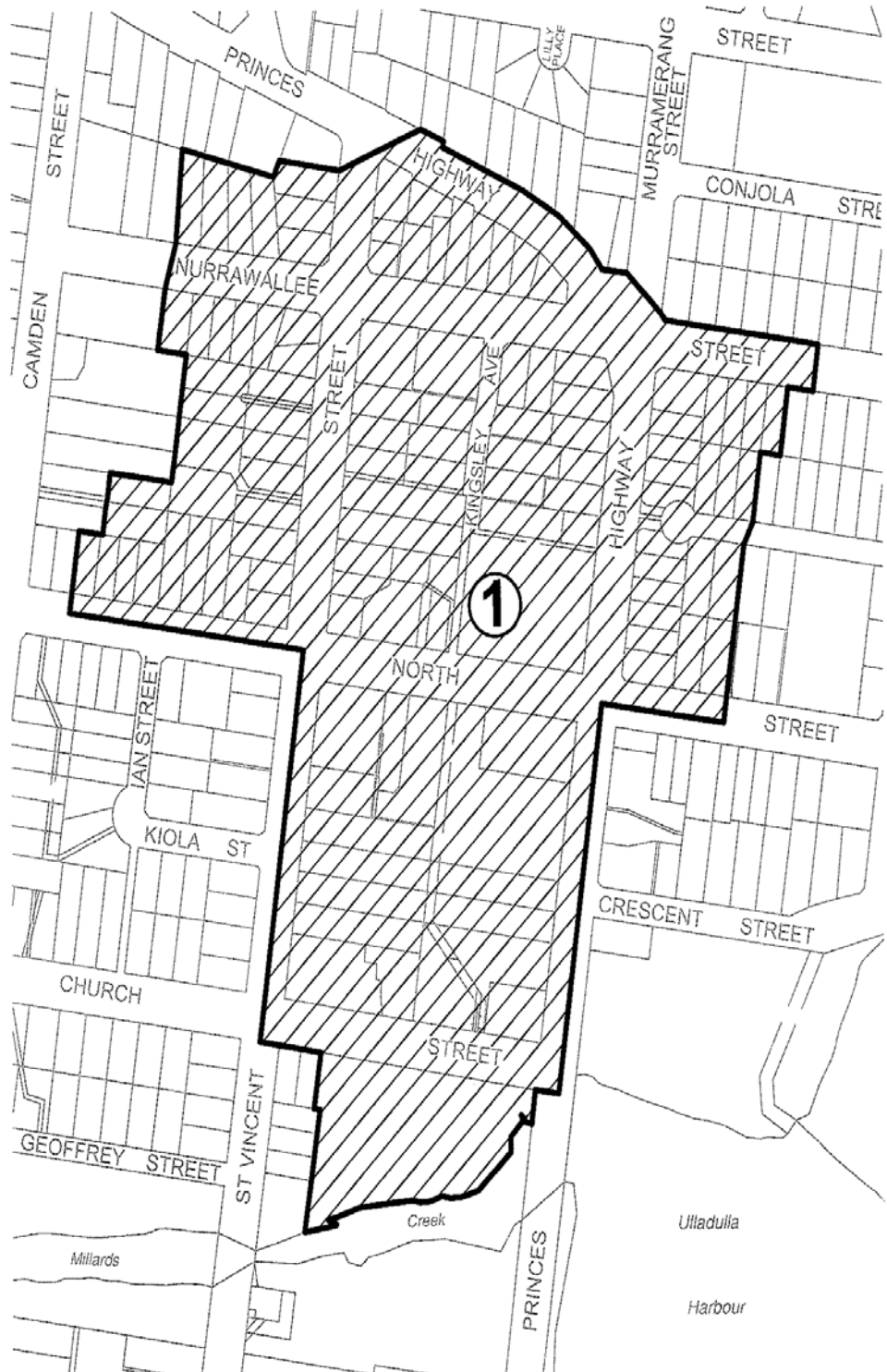
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FILE NO: 28708E

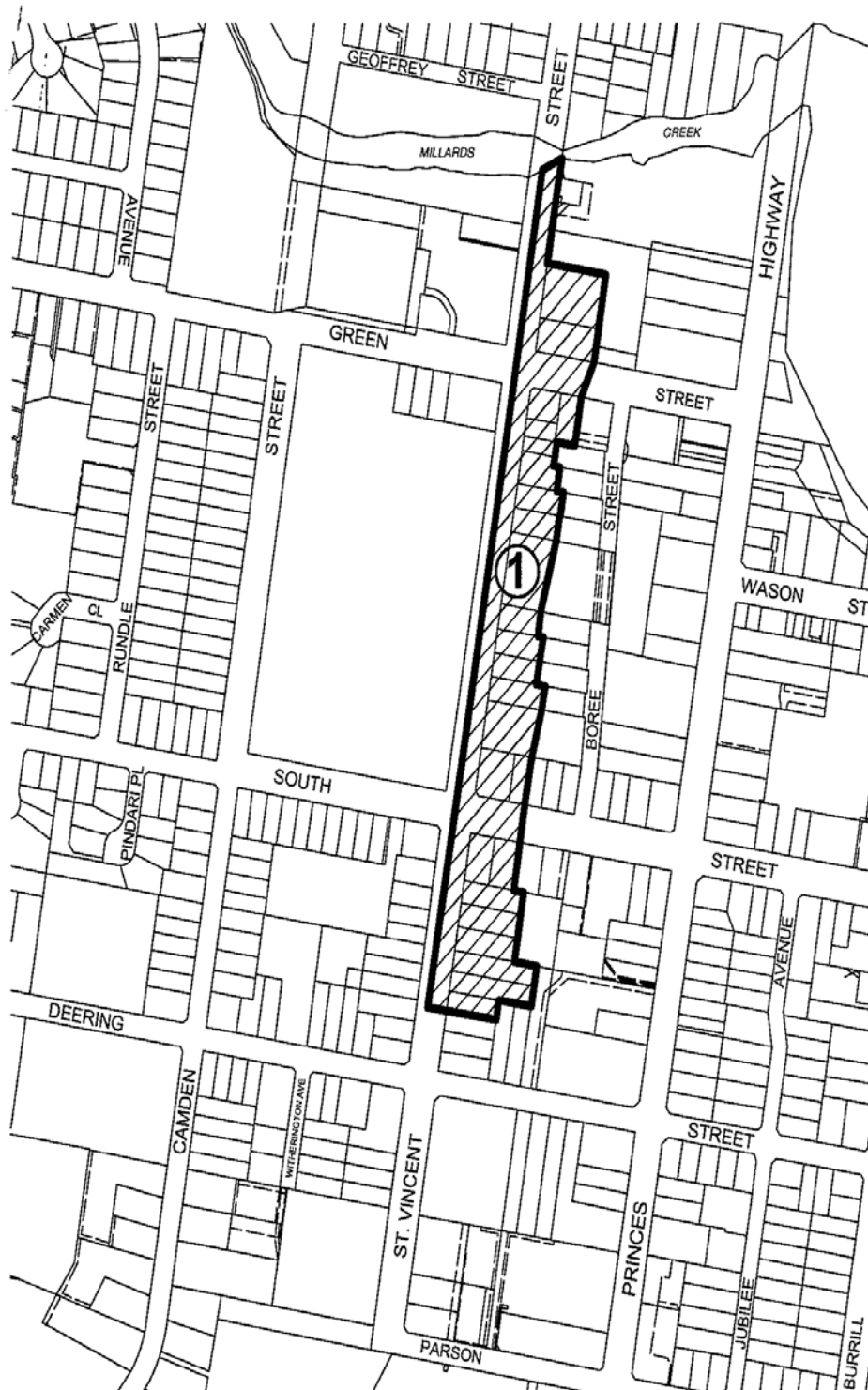
FACILITY: DRAINAGE

PROJECT: DRAINAGE – BOREE STREET, ULLADULLA

CONTRIBUTIONS PROJECT NO.: 05DRAI0009



**SHOALHAVEN CITY COUNCIL**  
**CONTRIBUTIONS PLAN**  
**AMENDMENT NO. 76.1**  
**DRAINAGE**  
 FILE NO: 28708E  
 FACILITY: DRAINAGE  
 PROJECT: KINGSLEY AVENUE, ULLADULLA  
 DRAINAGE – SECTION 6  
 CONTRIBUTIONS PROJECT NO.: 05DRAI2010



**SHOALHAVEN CITY COUNCIL  
CONTRIBUTIONS PLAN  
AMENDMENT NO. 76.1**

**DRAINAGE**

FILE NO: 28708E

FACILITY: DRAINAGE

PROJECT: DRAINAGE – ST VINCENT STREET, ULLADULLA

CONTRIBUTIONS PROJECT: 05DRAI0012