



Section 94 Contributions Plan

Draft Amendment No. 78

Fire Control & Emergency Services

Reference: 28710

Adopted by Council: xxxxx

Effective from: xxxxx

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1. Introduction

The Fire Control & Emergency Services component of the Section 94 Contributions Plan has been updated as part of the Section 94 Major Review. This amendment to the Contributions Plan identifies the provision of and demand for services, and authorises contributions from future development within the City of Shoalhaven based on a Citywide Contributions Area.

The level of service is based on strategies designed to provide an adequate level of protection to new development from bushfire, flood, and other emergencies. In recent years, a greater investment in fire protection services has become necessary. In the case of bushfire services, this amendment is based on the NSW Rural Fire Service's (RFS) 2005/2006 Standard of Fire Cover Annual Report – Shoalhaven District. In the case of Emergency Services, Council is yet to consider the draft SES Strategic Plan which will guide the demand for contributions. Hence, the Plan will need to be further amended when this is adopted.

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 78 (Fire Control & Emergency Services) of the Shoalhaven City Council Section 94 Contributions Plan 1993. Two projects are identified in the Contributions Plan as follows:

- CW FIRE 0001
- CW SFCC 0001

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 fire control facilities and equipment from future development in the Shoalhaven is addressed;
- b) ensure the timely provision of these facilities;
- c) authorise Council to require contributions toward the cost of the proposed fire control facilities, as a condition of development consent;
- d) ensure equitable apportionment of costs between existing and future development as a result of new development;
- e) provide a framework for administration and management of this plan.

6. Commencement of the Plan

This Plan will take effect from the date identified in the public notice published pursuant to the EP&A Regulation.

7. Relationship with other plans and policies

This Contributions Plan is amendment number 78 of the Shoalhaven City Council Section 94 Contributions Plan 1993. This Plan is a supplement to Council's *Cityplan*, Management Plan, and Local Environmental Plan. The level of service is based on the NSW Rural Fire Service's 2005/2006 Standard of Fire Cover Annual Report – Shoalhaven District.

8. Area to which the Plan applies

This Plan applies to all land within the Shoalhaven LGA, as shown in the Contribution Area Maps in Appendix B.

9. Assessment of Demand

New development will generate the demand for an increase in the provision of Fire & Emergency Services.

Various types of plant and equipment (fire tankers, personnel transport, boats, SES vehicles, call-out systems, breathing apparatus), new fire stations and the upgrade of some existing stations are required in strategic areas in the Shoalhaven to ensure response times are acceptable.

Demand for bushfire and emergency services is generated by all types of development (residential, tourist, commercial and industrial development) and S94 contributions will be levied for all types of development. Based on Council's adopted population growth estimates, future residential demand is equivalent to 5,902 additional dwellings to 2016. In the recently adopted Contributions Plan

Amendment No. 91 for Plan Administration, and based on forecasts from the Nowra Bomaderry Structure Plan, an increase of 44,650 m² of traditional retail floor space, 10,000 m² bulky goods retail floor space, 19,200 m² commercial floor space and 320,000 m² industrial floor space is projected to 2016. Using RTA traffic generating guidelines, this is equivalent to an additional 6,611 Equivalent Tenements (ET). This results in contributions being calculated on the basis of an additional 12,513 ET's to 2016. This approach will provide equity and certainty in applying this contribution.

10. Contribution Payment

RFS Funding Formula

As prescribed by the State Government, Council is responsible for 13.3% of the funding of RFS works. It is this amount which is included in the cost estimates in this Plan. The remainder is funded by the NSW Government and the Fire Insurance Levy.

Scope of works

Fire protection services:

Table 1 lists the items included in the RFS Standard of Fire Cover 2005/2006 Annual Report.

Table 1
Proposed works for fire protection services

LOCATION	ITEM	13.3 % COST COMPONENT	EXPECTED TIMING
Bawley Point	Extend Station	\$19,950	2008
	Acquire Cat.13 Tanker	\$19,950	2008
	S.C.B.A & Equip	\$4,256	2009
	Acquire Cat.12 Personnel		
Broughton Vale/Berry	Carrier	\$6,650	2012
	Build New Station	\$39,900	2011
	Acquire Cat.7 Tanker	\$19,950	2011
	Acquire Cat.11 Tanker	\$39,900	2011
Callala Bay	S.C.B.A & Equip	\$4,256	2011
	Extend Station	\$13,300	2012
Cambewarra	Acquire Cat.7 Tanker	\$19,950	2007
	Build New Station	\$23,940	2007
	S.C.B.A & Equip	\$4,256	2007
	Acquire Cat.11 Tanker	\$39,900	2010
Cudmirrah	Acquire Cat.1 Tanker	\$33,250	2010
	Acquire Cat.7 Tanker	\$19,950	2008
Culburra	Build New Station	\$39,900	2011
	Acquire Cat.11 Tanker	\$39,900	2008
	Acquire Cat.15 Boat	\$19,950	2010
	Acquire Cat.7 Tanker	\$19,950	2014
Currarong	Acquire Cat.7 Tanker	\$19,950	2009
	Acquire Cat.12 Personnel		
Basin View	Carrier	\$6,650	2008
	Acquire Cat.15 Boat	\$19,950	2010
Depot Beach	Acquire Cat.7 Tanker	\$19,950	2010
Falls Creek	Acquire Cat.11 Tanker	\$39,900	2010
	Acquire Cat.7 Tanker	\$19,950	2010
Fishermans Paradise	Build New Station	\$33,250	2010
	Acquire Cat.12 Personnel		
	Carrier	\$6,650	2010
	Acquire Cat.2 Tanker	\$26,600	2013
Greenwell Point	Extend Station	\$26,600	2010
	S.C.B.A & Equip	\$4,256	2008
	Acquire Cat.15 Boat	\$19,950	2014
	Acquire Cat.2 Tanker	\$26,600	2016
Huskisson	Extend Station	\$26,600	2012
	Acquire Cat.11 Tanker	\$39,900	2010
	Acquire Cat.12 Personnel		
	Carrier	\$6,650	2013
Kangaroo Valley	Acquire Cat.7 Tanker	\$19,950	2014
	S.C.B.A & Equip	\$4,256	2007
	Acquire Cat.7 Tanker	\$19,950	2015

LOCATION	ITEM	13.3 % COST COMPONENT	EXPECTED TIMING
Kioloa	Acquire Cat.7 Tanker	\$19,950	2007
Manyana	Build New Station	\$39,900	2009
	Acquire Cat.2 Tanker	\$26,600	2019
	S.C.B.A & Equip	\$4,256	2010
	Acquire Cat.15 Boat	\$19,950	2010
Milton	Extend Station	\$46,550	2012
	S.C.B.A & Equip	\$4,256	2010
	Acquire Cat.12 Personnel Carrier	\$6,650	2014
Mundamia/Illaroo Rd	Build New Station	\$39,900	2007
	Acquire Cat.11 Tanker	\$39,900	2009
	Acquire Cat.7 Tanker	\$19,950	2009
	S.C.B.A & Equip	\$4,256	2009
Shoalhaven Heads	Acquire Cat.1 Tanker	\$26,467	2007
	S.C.B.A & Equip	\$4,256	2007
	Acquire Cat.11 Tanker	\$39,900	2008
St. Georges Basin	Build New Station	\$46,550	2009
	Acquire Cat.11 Tanker	\$39,900	2009
	Specialist CABA Appliance	\$33,250	2011
	Acquire Cat.1 Tanker	\$26,467	2014
Sussex Inlet	Extend Station	\$15,960	2011
	Acquire Cat.11 Tanker	\$39,900	2010
	Acquire Cat.7 Tanker	\$19,950	2017
Tomerong	Extend Station	\$15,960	2009
	Acquire Cat.7 Tanker	\$19,950	2010
	Acquire Cat.1 Tanker	\$33,250	2013
Wandandian	Extend Station	\$13,300	2015
	Acquire Cat.1 Tanker	\$33,250	2016
Worrowing Heights	Build New Station	\$46,550	2009
	Acquire Cat.11 Tanker	\$39,900	2009
	Acquire Cat.7 Tanker	\$19,950	2010
Recoupment of expenditure from 1993 FIRE Plan (excluding project 01FIRE0009, Nowra Fire Control Centre)		\$230,092	
TOTAL WORKS, RFS		\$1,833,540	

Note: S.C.B.A = Self Contained Breathing Apparatus

Shoalhaven Fire Control Centre:

The Shoalhaven Fire Control Centre project has three components, as shown in Table 2:

- The cost of upgrading infrastructure (an extension to the Shoalhaven Fire Control Centre);
- Construction of a new Training Centre;
- The amount yet to be recouped from project 01FIRE0009 in the 1993 Section 94 Contributions Plan.

Table 2
Proposed works, Shoalhaven Fire Control Centre

ITEM	COST	EXPECTED TIMING
Shoalhaven Fire Control Centre Extension	\$1,600,000	2011/12
Training Centre	\$250,000	2012/13
Recoupment of expenditure from 1993 FIRE Plan (project 01FIRE0009, Nowra Fire Control Centre)	\$550,503	
TOTAL WORKS, SHOALHAVEN FIRE CONTROL CENTRE	\$2,400,503	

11. Construction Schedule

The expected supply of services and construction of proposed works is anticipated for 2007- 2020, as shown in Table 1. This is considered consistent with the expected rate of development.

12. Apportionment of Costs

Method of apportioning costs to the Contribution Area

The facilities required to provide adequate protection for new development from bushfire activity are in accordance with the NSW Rural Fire Service's 2005/2006 Standard of Fire Cover Annual Report – Shoalhaven District.

It is expected that the level of service for Emergency Services will be prescribed in the Shoalhaven SES Strategic Plan 2007-12, but this is yet to be presented to Council.

The level of services outlined in the 2005/2006 RFS Standard of Fire Cover are based on the following:

1. Structures requiring protection.
2. Population size and growth.
3. Assessment of bushfire risk.
4. Geographic location.

Council's existing fleet of fire fighting vehicles will be inadequate to cater for the expected increase in development – new plant and equipment will be required to meet these needs and new buildings to house them.

Costs shown in Tables 1 relate to the net cost; i.e. a smaller or older tanker may have been traded in to provide the better tanker.

Council's cost share of the proposed works includes items that were identified in the 1993 Section 94 Contributions Plan (Fire & Emergency Services) that are still required now (as stated in the RFS Standard of Fire Cover) but have yet to be provided. Developer contributions will be required to meet the cost of facilities and equipment over and above Council's share.

Council has also spent funds in advance of development, such that the account balance for all projects other than the Fire Control Centre is in deficit by \$251,385. This amount is to be recouped from future development and has been included in the cost estimates.

Future RFS & SES Requirements

Council will consider future Emergency Services requirements when the Shoalhaven SES Strategic Plan 2007-12 becomes available.

Grant funding

Note that 13.3% of the total cost of RFS works is to be funded through Council (whether the source of funding is through Council's budget, grant funding or developer contributions). It is this amount which is included in the cost estimates in this Plan. This percentage is set by the State Government. The remainder is funded by the NSW Government and the Fire Insurance Levy.

13. Contributions Formula

The Section 94 contribution has been calculated by dividing the developer cost share (including plant, equipment and infrastructure) by the estimated total additional ET's to 2016; i.e.:

$$\text{Contribution} = \frac{\text{Estimated Developer Cost share of Plant, Equipment and Infrastructure}}{\text{Number of Expected ETs to 2016}}$$

14. Contributions Rates

CW FIRE 0001

The cost of proposed works and contribution rate are listed in Table 1.

CONTRIBUTION AREA	TOTAL COST OF WORKS (13.3% Cost Component)	DEVELOPER COST SHARE	COUNCIL COST OF WORKS	PROJECTED ETs	CONTRIBUTION RATE (\$ per ET)
Citywide	\$1,946,590	\$1,833,540	\$113,050	12,513	\$146.53

CW SFCC 0001 (Shoalhaven Fire Control Centre):

The proposed works and contribution rate are listed in Table 2.

CONTRIBUTION AREA	DEVELOPER COST SHARE	PROJECTED ET's	CONTRIBUTION RATE (\$ per ET)
Citywide	\$2,400,503	12,513	\$191.84

accordingly.

15. Review of Contribution Rates

Annual 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.

Review of project costs

Final construction costs will be reviewed and this Plan amended if the actual cost is significantly different from the estimates used in this Plan.

Receipt of grant funding

Should grant funding be made toward these projects, such funds will be used to reduce the total cost of the relevant project and contribution rates will be adjusted

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 the 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 residential 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 contribution 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. Pooling of Contributions

The works and services described in Tables 1 & 2 of this Plan are to be introduced progressively in response to the rate and location of future development, and have been grouped into two projects in the Contributions Plan. This Plan authorises the pooling of contributions and their progressive application according to the staging of works described in Table 1 for the project CW FIRE 0001 and Table 2 CW SFCC 0001. This will not prejudice the carrying out of the works for which contributions have been made.

18. 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.
- NSW Rural Fire Service, 2005/2006 Standard of Fire Cover Annual Report – Shoalhaven District.

19. Appendices

- A Definitions
- B Contribution Area Maps

Section 94 Contributions Plan Amendment Number 78, being this written Statement and accompanying maps, was

Adopted by Council:

and

Became effective from:



R D Pigg
General Manager

Date: 21.06.07

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

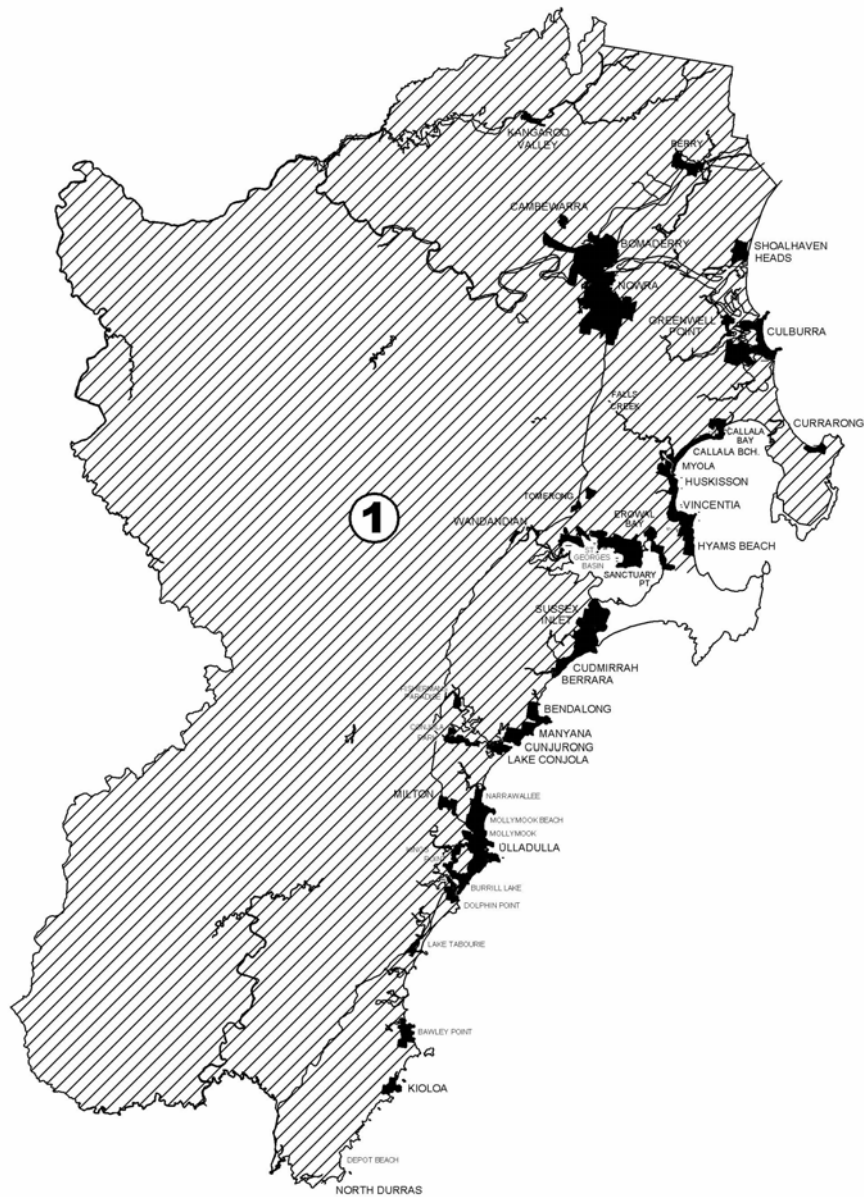
A type of material public benefit where construction of some or all of the works contained in a contributions plan is by the developer.

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.



SHOALHAVEN CITY COUNCIL
**S94 CONTRIBUTION PLAN
DRAFT AMENDMENT NO.78**

FILE NO: 28710

FACILITY: CITY WIDE SHOALHAVEN FIRE CONTROL CENTRE

PROJECT: CONTRIBUTION AREA

Drawing File: Sect94/DraftSection94/DraftAmendment78/Amendment78

PROJECT NO.
CW SFCC 0001