



Contributions Plan 1993

Amendment No. 96

Anson Street Extension, St Georges Basin

Project 03ROAD2112

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1. Introduction

Council has prepared DCP 17 Amendment No. 2 (DCP 17.2) that applies to certain land at St. Georges Basin generally referred to as the St. Georges Basin Village Centre. The DCP recognises that key community infrastructure and services will be required to meet the demands of development.

In addition to works in the Village Centre, DCP 17.2 provides for an extension of Anson Street to join the Village Access Road and complete the local road network. This work was the subject of Amendments 37 & 88 of Council's 1993 Contributions Plan, which was adopted by Council in 2005. Since that time, additional engineering design has been undertaken and the cost of the proposed work has been reviewed. Amendment No. 96 allows for the revised costs to be incorporated into the Contributions Plan.

Appendix A contains a map from DCP 17.2 that illustrates the infrastructure that is required, including the proposed extension of Anson Street. This contributions plan will authorise Council to require contributions from development as development occurs within the designated contributions area.

2. Definitions

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

3. Name of the Plan

The name of this Plan is Amendment No. 96 of Shoalhaven City Council Contributions Plan 1993.

The project identified in this Plan is 03ROAD2112, Anson Street Extension, St. Georges Basin.

4. Legal context

This Contributions Plan 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.

5. Purpose of the Plan

The purpose of this Plan is to:

- provide an administrative framework under which specific public facilities strategies may be implemented and coordinated;
- ensure that adequate public facilities are provided for as new development proceeds and made available in a reasonable timeframe;
- authorise Council to impose conditions requiring development contributions when granting consent to development on land to which this Plan applies;

- provide a comprehensive and equitable strategy for the assessment, collection, expenditure, accounting and review of development contributions;
- ensure that the existing community is not unreasonably burdened by the provision of public amenities and public services required as a result of future development;
- enable the Council to be publicly and financially accountable in its assessment and administration of the development contributions plan.

6. Commencement of the Plan

This Plan will take effect following public notice in accordance with the Environmental Planning and Assessment Regulation.

7. Relationship with Other Plans and Policies

This Contributions Plan is an amendment to Council's Contributions Plan 1993 and a supplement to Council's Local Environmental Plan, **Cityplan**, Management Plan and DCP 17.2.

Council's policies on Deferred Payment of Development Contributions, Payment of Development Contributions by Instalments and Voluntary Planning Agreements relate specifically to this Plan.

Project 03ROAD0112, which was the subject of Amendments 37 & 88 of Council's 1993 Contributions Plan, will be deleted and replaced with project 03ROAD2112 following adoption of this amendment.

8. Project Location

The works included in this plan are shown in the Locality Map in Appendix C and are consistent with the extract from DCP 17.2 contained in Appendix A.

9. Area to which the Plan applies

The land to which this plan applies is shown in the Contributions Area Map in Appendix D.

Any subdivision or any development other than a single detached dwelling on land within the Contributions Area is expected to make contributions in accordance with this Plan. An allowance for existing demand will be made at the time an application for development is assessed.

10. Assessment of Demand

The extension of Anson Street will finalise an important component of the local road network at St. Georges Basin and satisfy demand for improved access to the Village Centre for residents in an area generally east of Island Point Road, St. Georges Basin. Much of this area is already developed and this share of the total cost will be borne by Council.

The number of existing dwellings in the Contributions Area was estimated to be 633 and at full development the Contributions Area is expected to contain 788 dwellings. Consequently, Council's share of the total cost will be $633 \div 788 = 80.3\%$. It should be noted that the zoning of the land permits a wider range of land uses other than single detached dwellings. Whilst there is some remaining subdivision potential within the Contributions Area which will generate demand for the work, there is also some potential for dual occupancy and medium density residential development which is also expected to generate demand.

11. Scope of Works

The proposed extension to Anson Street is included in the scope of works for the St. Georges Basin Village Centre as shown in Appendix E. The proposed extension comprises of Lots 3 & 5 DP 1082382 which links Island Point Road to the existing western end of Anson Street.

12. Timing of Works

It is not possible to determine accurately when this work will be constructed because this will be dependant on the rate of development. Works will be commenced when the level of development justifies construction, sufficient developer contributions have been received, and the work is included in Council's works schedule. For these reasons, Council is prepared to negotiate with developers on the timing of works, as described in section 17.8 of this Plan, and to construct the works in stages. Despite these limitations, it is expected that the works described in this Plan will be constructed by Council in 2010 – 2013.

13. Cost Estimate

Table 1 summarises the cost of the work.

14. Cost apportionment

The Council share of total cost is $80.3\% = \$1,521,449$. The cost share by development is \$372,551.

Table 1
Cost estimate, project 03ROAD2112

Item	Estimated cost
Site establishment	\$5,000
Traffic control	\$3,000
Earthworks	\$535,950
Pavement construction	\$470,680
Kerb construction	\$59,200
Paving	\$109,200
Roadside items	\$7,325
Sub-total	\$1,190,355
On-costs (15%)	\$178,560
Survey, design, administration (10%)	\$119,040
Land costs	\$406,000
Total	\$1,894,000

15. Calculation of Contribution Rates

For this project, Council calculates development contributions on the basis of equivalent tenements (ET). For residential development, a single detached dwelling is rated as 1.0 ET. For medium density residential development, the number of ET is calculated as follows:

1 bedroom unit = 0.4 ET

2 bedroom unit = 0.6 ET

3 bedroom unit = 0.8 ET

4 bedroom unit = 1.0 ET

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

The Contribution Rate is calculated by the following formula:

$$\begin{aligned}\text{Contribution Rate (\$/ET)} &= \text{Total cost (\$)} \div \text{No. ET} \\ &= \$1,894,000 \div 778 \\ &= \$2,403.55 / \text{ET}\end{aligned}$$

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 Plan (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.

Council's aim is that all projections, costs and assumptions are reviewed at five yearly intervals, generally in line with Census dates. Where significant departures from this Plan occur, Council will consider amending this Plan.

17. Payment of Contributions

17.1 Method and Timing of Payment

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 types of 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 Obligation 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 Obligation of Accredited Certifiers

Accredited certifiers must impose a condition on a Complying Development Certificate requiring monetary contributions in accordance with this Plan, 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 Plan. 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 Plan. 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 Exemptions 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.

17.8 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 Plan) or through provision of another material public benefit in lieu of making a monetary contribution as otherwise required under this Plan.

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

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

17.9 Goods and Services Tax

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

17.10 Planning Agreements

An applicant may voluntarily offer to enter into a planning agreement with the Council in connection with a development application. Under a 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 planning agreement may be additional to or instead of making monetary contributions under this Plan. Refer to Council's policy on Voluntary Planning Agreements for more information.

17.11 Land Dedication

Council may accept dedication of land in lieu of payment of monetary contributions, under similar terms as for other material public benefit.

17.12 Transitional Arrangements

A 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 of determination of that application, and with the provisions of any other development contributions plans which apply at the date of determination.

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.
- Shoalhaven City Council Development Control Plan No.17.2.

19. Appendices

Appendix A - Extract from DCP 17.2

Appendix B - Definitions

Appendix C - Locality Map

Appendix D - Contribution Area Map

Appendix E - Concept plans for road works

Shoalhaven City Council Contributions Plan 1993 Amendment 96, being this written statement and accompanying maps, was

Adopted by Council: 12 May 2009

and

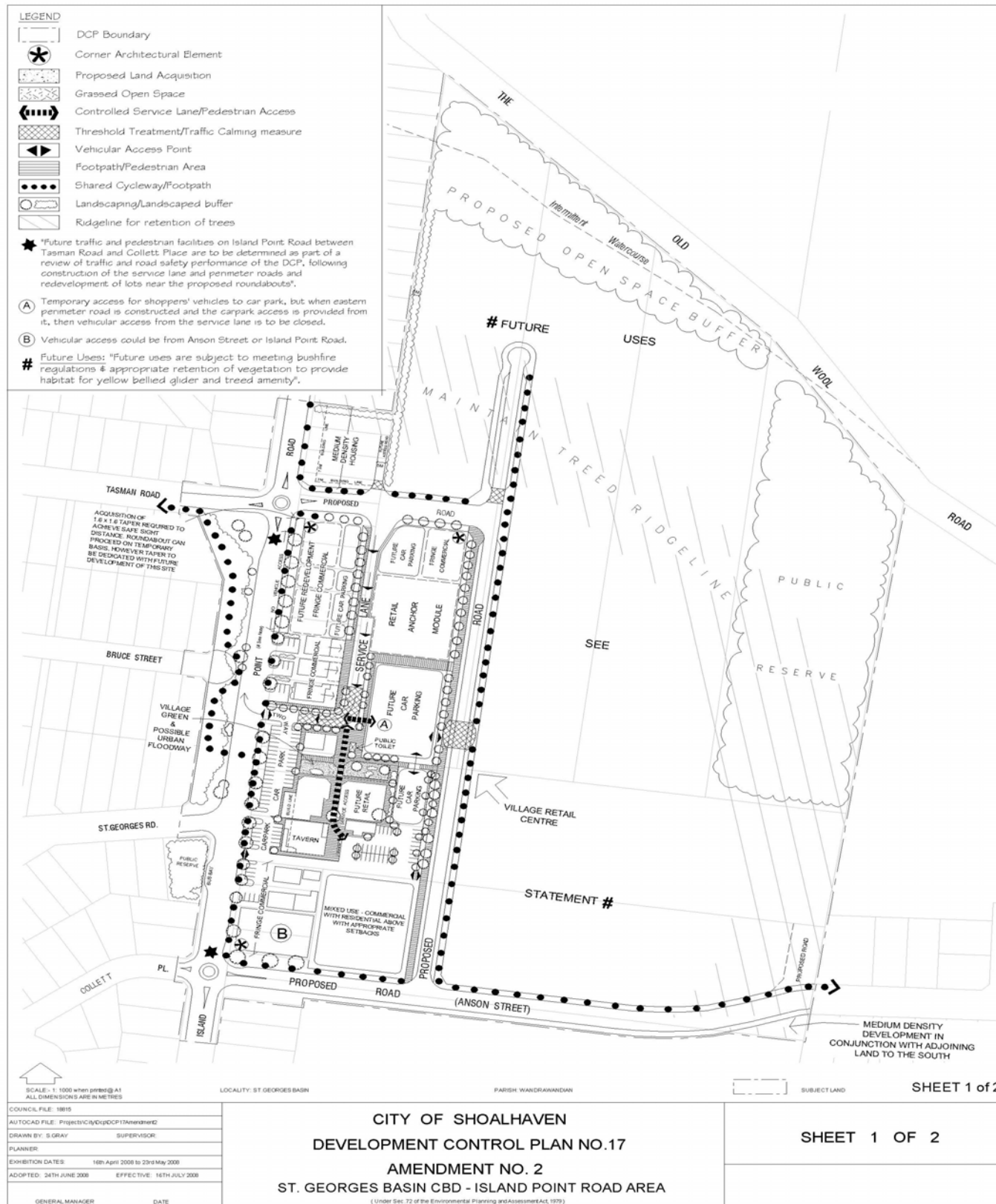
Became effective from: 9 June 2009

A handwritten signature in black ink, appearing to read 'R D Pigg'.

R D Pigg
General Manager

Date: 4 . 6 . 09

Appendix A - Extract from DCP 17.2



Appendix B - Definitions

The following definitions apply to terminology used in this Plan:

Anticipated Development

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

Apportionment

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

Contributions Plan

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

Contribution rate

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

Deferral

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

Development Consent

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

Development Contribution

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

Development Control Plan (DCP)

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

Dwelling

A building used as a separate domicile.

Equivalent Tenement (ET)

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

Implicit Price Deflator (IPD)

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

Material Public Benefit

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

Medium Density Development

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

Nexus

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

Patronage Factor

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

Residential Development

Development for the construction of dwellings.

Transitional Arrangements

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

Works In Kind

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

Works Program

A list of the works to be undertaken by Council.

Works Schedule

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

Appendix C – Locality Map



SHOALHAVEN CITY COUNCIL
**ST. GEORGES BASIN VILLAGE CENTRE
 CONTRIBUTIONS PLAN**

FILE NO: 36569

FACILITY: ACCESS ROAD, SERVICE LANE, VILLAGE GREEN
 & CAR PARKING

PROJECT: DCP17.2 - ST. GEORGES BASIN VILLAGE CENTRE

LOCALITY MAP



Appendix D – Contribution Area Map

SHOALHAVEN CITY COUNCIL
**ANSON STREET EXTENSION
CONTRIBUTIONS PLAN**
FILE NO: 36569
FACILITY: ROADS
PROJECT: ANSON STREET EXTENSION, ST. GEORGES BASIN



PROJECT NO.
03 ROAD 2112



Appendix E – Concept plans for road works

