



# **Contributions Plan 1993**

## **Amendment No. 96**

### **St. Georges Basin Village Centre**

### **Development Contributions Plan**

Projects

**03ROAD 2023**

St. Georges Basin Village Access Road & Traffic Facilities

**03ROAD 0113**

St. Georges Basin Village Centre Service Lane

**03DRAI2001**

St. Georges Basin Village Centre Drainage

**03OREC0012**

St. Georges Basin Village Green

**03CARP0004**

St. Georges Basin Public Car Parking

Adopted: 12 May 2009

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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.

Appendix A contains a map from DCP 17.2 that illustrates the types of infrastructure that is required. This contributions plan will apply to the same land as the DCP plus some adjoining land and will authorise Council to require development contributions as development occurs.

A number of capital works projects are included in the works schedule of this Plan. These include new road works and roundabouts to provide access to the Village Centre, extension and augmentation of stormwater drains, the creation of urban open space in the form of a Village Green with public toilets and the provision for a small number of public car parking spaces to supplement car parking provided on the site of larger developments. For administrative purposes, these projects are identified separately but the Plan allows for contributions to all these projects to be pooled and progressively applied to those projects of highest priority as development occurs.

## 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 St. Georges Basin Village Centre Development Contributions Plan.

The projects identified in this Plan are listed in Table 1.

**Table 1**

Project code	Project description
03ROAD2023	St. Georges Basin Village Centre Access Road & Traffic Facilities
03ROAD0113	St. Georges Basin Village Centre Service Lane
03DRAI2001	St. Georges Basin Village Centre Drainage
03OREC0012	St. Georges Basin Village Green
03CARP0004	St Georges Basin Public Car Parking

#### **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 a supplement to Council's Local Environmental Plan, **Cityplan**, Management Plan and DCP 17.2.

In addition to this Plan, contributions may also be levied pursuant to the *Shoalhaven City Council Contributions Plan 1993* (as amended) which includes contributions applying to the whole of the Local Government Area and Planning Area 3, which incorporates the St. Georges Basin Village Centre. Enquiries should be directed to Council in regard to the total amount of development contributions that would be payable in respect of a specific site and development.

Projects 03ROAD0023 and 03DRAI0001 will be deleted from *Shoalhaven City Council Contributions Plan 1993* and be replaced with projects 03ROAD2023 and 03DRAI2001 in this Plan, which provide an updated design and cost estimate for these works. Any accumulated developer funds will be transferred accordingly. Projects 03ROAD0113 and 03OREC0012 are new projects.

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

## **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 includes all land zoned 3(g) Business (Development Area).

This Plan comprises a number of capital works projects. The Contribution Area for each project is shown in separate Contribution Area Maps in Appendix D. Any development on land within the Contributions Area is expected to make contributions in accordance with this Plan. Redevelopment on land within the Contributions Area is expected to make contributions to the extent that future demand exceeds existing demand. An allowance for existing demand will be made at the time an application for development is assessed.

Contributions made under this Plan are in addition to those required under *Shoalhaven City Council Contributions Plan 1993* (as amended).

## **10. Assessment of Demand**

DCP 17.2 provides for future growth at St. Georges Basin which, at full development, will result in a significant increase in development density compared to existing development. In recognition, the DCP provides for key community infrastructure, described in detail in following sections, to meet the demand generated by new development. In the absence of this infrastructure, development would not be able to proceed.

Existing premises fronting Island Point Road in DCP 17.2 area will also generate demand for, and benefit from, this infrastructure, particularly in regard to service access, drainage improvements, urban open space, and improved access to the Village Centre for a larger number of patrons and customers. Consequently, this Plan requires contributions at the time of redevelopment or expansion of existing premises.

The zoning of the land permits a wide range of land uses. Because of this diversity and the difficulty in predicting the exact type of development and demand generation for each land parcel, it is considered reasonable to base contributions on Equivalent Tenements (ET).

## **11. Village Access Road and associated Traffic Facilities**

### **11.1 Strategy**

To facilitate development of the Village Centre, a new access road is required and provided for in DCP 17.2. As shown in Appendix A, the proposed road will join Island Point Road in two locations (opposite Tasman Road in the north and opposite Collett Place, via the Anson Street Extension (Project 03ROAD2112), in the south) where new roundabouts are proposed. This will form part of the local road network, including connection to a proposed extension of Anson Street.

### **11.2 Existing provision**

The proposed access road has not been constructed at the time of commencement of this Plan.

### **11.3 Relationship to Shoalhaven City Council Contributions Plan**

This project has been foreshadowed for some time and was described as project 03ROAD0023 in *Shoalhaven City Council Contributions Plan 1993*. With the passage of time and the availability of more detailed designs and cost estimates, project 03ROAD0023 has been replaced by 03ROAD2023 (as detailed in this Plan).

### **11.4 Assessment of future demand and nexus to development**

The proposed access road is a critical part of the local road network and is necessary to enable land zoned 3(g) Business (Development Area) to the east of Island Point Road to develop; i.e. these properties would not be able to develop in the absence of this road.

The new access road will also become the point of entry for the proposed service lane. Consequently, it is reasonable that properties fronting Island Point Road also make a contribution when development or redevelopment occurs.

### **11.5 Proposed Works**

The concept layout for the proposed works is shown in Appendix A and more detailed plans are shown in Appendix E.

### **11.6 Timing**

The proposed works will be undertaken progressively as development proceeds but this is expected in the period 2010 – 2015.

### **11.7 Cost Estimate**

The cost estimate of the proposed access road, prepared by Council staff, is shown in Table 2.

**Table 2****Estimated costs for St. Georges Basin Village Centre Access Road,  
03ROAD2023**

Item	Estimated Cost
Site establishment	\$5,000
Traffic control	\$10,000
Earthworks	\$831,050
Road pavement construction	\$602,685
Kerb construction	\$82,250
Paving	\$129,200
Retaining walls	\$25,500
Roadside items	\$20,875
Works on-cost	\$255,990
Survey, design & administration	\$170,750
Alteration to public utilities	\$40,000
Land costs	\$293,293
<b>Total</b>	<b>\$2,466,593</b>

**11.8 Cost Apportionment**

Because the purpose of the access road is to provide for future development within the St. Georges Basin Village Centre, the cost will be apportioned 100% to future development. Given the diversity in types of development and development densities, it is reasonable to apportion costs across the Contribution Area on the basis of number of ETs in the Contribution Area Map as shown in Appendix D.1. The estimated ETs for this Contribution Area is 405.4 ETs.

**11.9 Calculation of Contribution Rate**

The formula for the calculation of the contribution rate is as follows:

$$\begin{aligned}
 \text{Contribution per ET} &= \text{Total cost (\$)} \div \text{No. ET} \\
 &= \$2,466,593 \div 405.4 \\
 &= \$6,084.40 \text{ per ET}
 \end{aligned}$$

## **12. Service Lane**

### **12.1 Strategy and proposed works**

In order to provide reasonable separation of service vehicles, including heavy vehicles servicing larger retail premises, from motor vehicle parking areas and pedestrian ways, and to better manage the entry and exit of service vehicles using Island Point Road. DCP 17.2 provides for a service lane to be constructed between the Village Access Road and Island Point Road via the extension of Anson Street as shown in Appendix A.

The location of the proposed service road will provide service access to at least one proposed large retail premises as well as rear service access for certain properties that are currently serviced directly from Island Point Road. A further advantage for these properties is the ability to develop their full frontage and the potential to create double frontages. In the absence of appropriate rear service vehicle access, further development of these properties would not be possible to the same extent.

### **12.2 Existing provision**

There is no service lane at the time of commencement of this Plan.

### **12.3 Land dedication and service lane construction**

It is recognised that this type of facility is of primary benefit only to those properties where service access is created. Consequently, this Plan requires those properties as shown in the Contributions Area Map in Appendix D.2 and listed in Table 3, at the same time as payment of monetary contributions is normally made following determination of an application for development, to dedicate that part of their land as identified in Appendix A for the provision of service access and, prior to occupation of the development, to construct that part of the service lane to Council requirements.

If Council requires the creation of the service access lane to occur prior to development of all affected properties, Council will enter negotiations with affected landowners.

### **12.4 Timing**

The construction of the proposed service lane will be dependant on negotiations with landowners but will occur generally as development proceeds.

**Table 3****Properties required to dedicate land for the creation of a service access lane, St. Georges Basin Village Centre**

Lot	Deposited	Address
1	1093012	136 Island Point Road
2	1093012	The Old Wool Road
38	25550	138 Island Point Road
39	25550	140 Island Point Road
40	25550	142 Island Point Road
41	740714	144 Island Point Road
1	1006836	Island Point Road
43	25550	148 Island Point Road
44	25550	150 Island Point Road
45	25550	152 Island Point Road

**13. Stormwater Drainage****13.1 Strategy**

Much of the land in the Contributions Area is currently undeveloped and carrying native vegetation. Development throughout the Contribution Area will make significant alterations to the drainage characteristics of the stormwater catchment, requiring significant investment in drainage infrastructure.

Whilst some works will be provided on individual development sites, Council has undertaken drainage investigations with a view to providing an integrated drainage network connecting to Council's existing system. This is considered a cost effective drainage approach which will minimise overflow and environmental impacts at the point of discharge, whilst allowing flexibility in design solutions on individual development sites.

A concept plan of existing and future drainage works is located in Appendix F.

In addition to works designed to manage the expected increase in stormwater flow rates and volumes, facilities are required downstream to maintain a high quality of water discharge, which is into St. Georges Basin, a sensitive receiving water body.

Existing development adjoining Island Point Road is currently serviced by the existing drainage network. However, future redevelopment is likely to discharge to, and benefit from, the improved drainage infrastructure proposed in this Plan and a contribution will be expected under those circumstances.

### **13.2 Existing provision**

The existing drainage network serves a number of properties in Island Point Road and delivers stormwater to St. Georges Basin via Collett Place. It is proposed that this network be extended upstream into the catchment to facilitate future development of the Village Centre.

However, an upgrade of the existing network generally along Collett Place is required. The upgrade work will provide for existing stormwater flows as well as the expected additional flows generated from development areas, so 50% of the upgrading costs will be borne by Council.

### **13.3 Relationship to Shoalhaven City Council Contributions Plan**

This project has been foreshadowed for some time and is described as project 03DRAI0001 in *Shoalhaven City Council Contributions Plan 1993*. With the passage of time and the availability of more detailed designs and cost estimates, this has been replaced by 03ROAD2001 (as detailed in this Plan).

### **13.4 Assessment of future demand and nexus to development**

Council has undertaken extensive design investigations to determine the extent of drainage works required to service the Village Centre and adjoining properties, assuming a full development scenario. Notwithstanding the need for additional drainage works within development sites, development of these areas cannot proceed in the absence of these works.

The primary catchment area for drainage, as shown in Appendix D.3, aligns closely with the development areas in DCP 17.2.

### **13.5 Proposed Works**

A concept plan for the proposed works is shown in Appendix F.

### **13.6 Timing**

The proposed works will be undertaken progressively as development proceeds but this is expected in the period 2010 – 2015.

### **13.7 Cost Estimate**

The cost estimate for the proposed drainage works is taken from Appendix F, prepared by Council staff, and summarised in Table 4.

**Table 4****Estimated costs of St. Georges Basin Village Centre drainage works,  
03DRAI2001**

Works Area	Estimated Cost
1	\$53,256
2	\$541,992
3	\$234,062
Council Share (Collett PI)	\$305,430
Total	\$1,134,740

**13.8 Cost Apportionment**

The primary catchment area for drainage aligns closely with the development areas in DCP 17.2. The primary catchment area can be divided into three sub-catchments, each using a separate part of the proposed extension to the drainage network, thereby providing a close relationship between developable area and drainage costs. It is therefore reasonable to apportion 100% of costs across the Contribution Area on the basis of \$ per m<sup>2</sup> of englobo land area that are shown as Works Areas 1,2 & 3 in Appendix D.3.

For the purpose of calculating a contribution rate, the land area contained in each sub-catchment (Works Area) of the Contribution Area, as shown in Appendix D.3, is applied as a global estimate of future development area. Costs have been apportioned to each sub-catchment (Works Area) in accordance with the expected demand generated for each part of the drainage network. Each sub-catchment (Works Area) also contributes proportionally to 50% of the costs of upgrading the existing drainage network in Collett Place.

**13.9 Calculation of Contribution Rate**

The formula for the calculation of the contribution rate is as follows:

$$\text{Contribution per m}^2 = \frac{\text{Total Costs} \times \text{Apportionment}}{\text{Englobo Land Area (m}^2\text{)}}$$

For each sub-catchment, the values applied in this formula are shown in Table 5.

**Table 5**  
**Contribution rate calculations, 03DRAI2001**

Contribution area	Costs attributable	Land area (m <sup>2</sup> )	Contribution rate (\$/m <sup>2</sup> englobo land area)
1	\$53,256	5,200	\$10.24
2	\$541,992	62,600	\$8.66
3	\$234,062	39,500	\$5.93
Council share	\$305,430		
Total	\$1,134,740		

## **14. Village Green**

### **14.1 Strategy**

DCP 17.2 provides for a greater development height and density within the St. Georges Basin Village Centre. To offset potential impacts, and to provide a convenient place for residents and retail customers to circulate and relax, the DCP provides for the creation of an area of urban open space referred to in the DCP as the Village Green, located on part Lot 2 DP 785956 as shown in Appendix D.4.

The location has been selected as reasonably central to the development precinct but also permitting further advantages. The location has experienced local overland stormwater flows in the past, and although new drainage works described in this Plan will minimise future problems, development upstream of this location is likely to impact on runoff characteristics. Consequently, intensive development at this location could be problematic.

The creation of urban open space at this location is a more suitable land use. Development of the western and eastern ends of this land for car parking also suits the land use and is a suitable location for the provision of additional public car parking, being in close proximity to smaller businesses along Island Point Road.

### **14.2 Proposed works**

The design of the Village Green will be based on a combination of paved, grassed and landscaped areas whilst retaining the potential to transport overland stormwater flows. A public toilet is also proposed. This project will be referred to as 03OREC0012.

### **14.3 Existing provision**

The proposed location is currently vacant land that will require acquisition by Council. Whilst there are other parcels of open space at St. Georges Basin, these are remote from the Village Centre and an additional area of open space located within the Village Centre becomes warranted when full development potential is realised.

#### 14.4 Nexus to development

DCP 17.2 recognises that additional urban open space is warranted to offset the greater development density that the DCP allows for. Furthermore, the proposed Village Green creates a necessary place for the circulation and other open space needs of the customers of the retail premises which is not provided on their sites, as well as providing an opportunity to minimise future drainage risks. Residential development within and adjoining commercial development areas will also generate demand for this facility being in easy walking distance to retail premises and expected to provide a high degree of patronage.

#### 14.5 Timing

The timing of this project will depend on negotiations with the current landowner but is expected in the period 2010 - 2015.

#### 14.6 Cost Estimate

The estimated costs are summarised in Table 6. Construction costs are taken from Rawlinson's Construction guide. Land costs are based on an independent valuation.

**Table 6**  
**Estimated Costs – Village Green – 03OREC0012**

Item	Area	Base	Estimated Cost
Land Acquisition	868 m <sup>2</sup>	\$150.95 per m <sup>2</sup>	\$131,040
Embellishment	868 m <sup>2</sup>	\$65 per m <sup>2</sup>	\$56,428
Toilet block			\$90,000
Total			\$277,468

#### 14.7 Cost Apportionment

The demand for urban open space is driven by the development densities permitted in DCP 17.2, so 100% of costs should be apportioned to development. It is expected that over time, existing development sites are likely to undergo re-development or expansion, and contributions will be expected at this time.

Demand for this facility is generated by all types of development within the contributions area. Given the diversity in types of development and development densities, it is reasonable to apportion costs on the basis of number of ETs in the Contribution Area shown in Appendix D.4. The estimated ETs for this Contribution Area is 405.4 ETs.

## **14.8 Calculation of Contribution Rate**

The formula for the calculation of the contribution rate is as follows:

Contribution per ET = Total cost (\$) ÷ No. ET

= \$277,468 ÷ 405.4

= \$684 per ET

## **15. Car Parking**

### **15.1 Strategy**

Currently, there is no opportunity for commercial development to make contributions to public car parking at St. Georges Basin. This means that a development must provide all car parking requirements on the site of the development. For larger development sites, this is not usually an issue and is often preferred by the developer.

However, it is not always satisfactory for smaller development sites, either because of a limitation of land area or because it creates unsatisfactory traffic issues. Consequently, this Plan provides for contributions toward a small number of parking spaces to resolve these potential issues. This will also provide for some overflow parking at major retail premises during peak periods.

As applies elsewhere in the Shoalhaven LGA, these provisions apply only to commercial development, and residential development is expected to provide all parking requirements on site.

### **15.2 Existing provision**

Apart from public car parking within road reserves, car parking at St. Georges Basin has been provided on existing development sites. Contribution toward public car parking at St. Georges Basin is not currently available in *Shoalhaven City Council Contributions Plan 1993*.

### **15.3 Assessment of future demand**

It is expected that larger retail premises will provide all parking requirements on site and therefore not choose to make contributions to Council. However, there are a number of properties generally along Island Point Road that may not be able to provide all parking requirements on site if full development or redevelopment potential is to be realised.

Furthermore, it is undesirable to create multiple access points to these properties along Island Point Road, it being more efficient and safer to direct vehicles to larger car parks.

Given that the option of making contributions occurs only for limited properties, an exact calculation of the number of parking spaces is not warranted. DCP 17.2 makes provision for 20 additional car parking spaces and this figure has been adopted for the purpose here. In any case, the cost per space is relatively independent of the number of spaces to be provided, so a contribution rate based on \$ per space provides reasonable flexibility.

## 15.4 Nexus to development

Car parking demand has a direct nexus with the floor space of a development. This Plan allows commercial development to make a contribution to a small number of public car parking spaces in the event that all parking requirements cannot be provided on development sites along Island Point Road.

## 15.5 Proposed Works

DCP 17.2 provides for 20 spaces of public car parking generally located as shown in Appendix A.

## 15.6 Timing

Additional car parking spaces will be provided as development or redevelopment of properties along Island Point Road occurs.

## 15.7 Cost Estimate

Table 7 summarises estimated costs for additional car parking at St. Georges Basin Village Centre. Construction costs are based on typical costs for car park construction across the Shoalhaven. Land costs are based on an independent valuation.

**Table 7**

### **Estimated costs – additional car parking St Georges Basin Village Centre 03CARP0004.**

Item	Quantity	Base	Estimated Cost
Construction	20	\$3,000 per space	\$60,000
Land cost	682 m <sup>2</sup>	\$150.95 per m <sup>2</sup>	\$102,960
Total		\$8,148 per space	\$162,960

## 15.8 Cost Apportionment

Consistent with car parking contributions in other locations throughout the Shoalhaven LGA, 100% of the cost per space will be apportioned to development.

The Contributions Area Map in Appendix D.5 identifies those properties where a contribution for public car parking would be considered when commercial development or redevelopment occurs. Properties outside this area but within the area of DCP 17.2 that are the subject of commercial development would normally be expected to provide all parking requirements on site.

### **15.9 Contribution Rate**

The contribution rate for car parking is that shown in the total in Table 7; i.e.:

Contribution per space = \$8,148

### **15.10 Car Parking Standard**

Council's *DCP 18 Car Parking Code* applies to commercial development and this is to be applied as the standard for the quantity of car parking spaces that will be the subject of contributions.

## **16. Pooling of contributions**

This Plan expressly authorises monetary s94 contributions paid for different purposes to be pooled and applied progressively for those purposes.

## **17. Other funding sources**

There were no grants or other external funding sources available for works proposed by this Plan, at the time of its adoption. Should such funding become available in the future, the cost of the relevant project will be reviewed and the contribution rates will be adjusted accordingly.

## **18. Construction Schedule**

Construction of these facilities will occur generally as development proceeds. However, construction of the access road and associated drainage works is considered a high priority to facilitate development and ensure the integrity of the existing drainage network. It is likely that the works will be constructed in stages, depending on the actual rate of development, amount of developer contributions received and competing priorities in Council's works program. Clause 20.8 of this Plan provides for construction of the works, or stages of the works, by others in advance of Council's works program under certain circumstances.

## **19. Review of Contribution Rates**

Contribution rates will be adjusted annually on 1<sup>st</sup> 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.

## **20. Payment of Contributions**

### **20.1 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.

### **20.2 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.

### **20.3 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.

### **20.4 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.

## **20.5 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.

## **20.6 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.

## **20.7 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.

## **20.8 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.

## **20.9 Goods and Services Tax**

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

## **20.10 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.

### **20.11 Land Dedication**

Other than as required under clause 12.3, Council may accept dedication of land in lieu of payment of monetary contributions, under similar terms as for other material public benefit.

### **21. 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.

### **22. 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. 18 – Car Parking Code.
- Shoalhaven City Council Development Control Plan No.17 Amendment No.2.

### **23. Appendices**

Appendix A - Extract from DCP 17.2

Appendix B - Definitions

Appendix C - Locality Map

Appendix D - Contribution Area Maps

D.1 - St. Georges Basin Village Centre Access Road  
Contribution Area Map

D.2 - Service Lane Contribution Area Map

D.3 - Stormwater Drainage Contribution Area Map

D.4 – Village Green Contribution Area Map

D.5 – Car Parking Contribution Area Map

Appendix E - Concept plan for road works

Appendix F - Concept plan for stormwater drainage

St. Georges Basin Village Centre Development Contributions Plan, being this written statement and accompanying maps, was

Adopted by Council: 12 May 2009

and

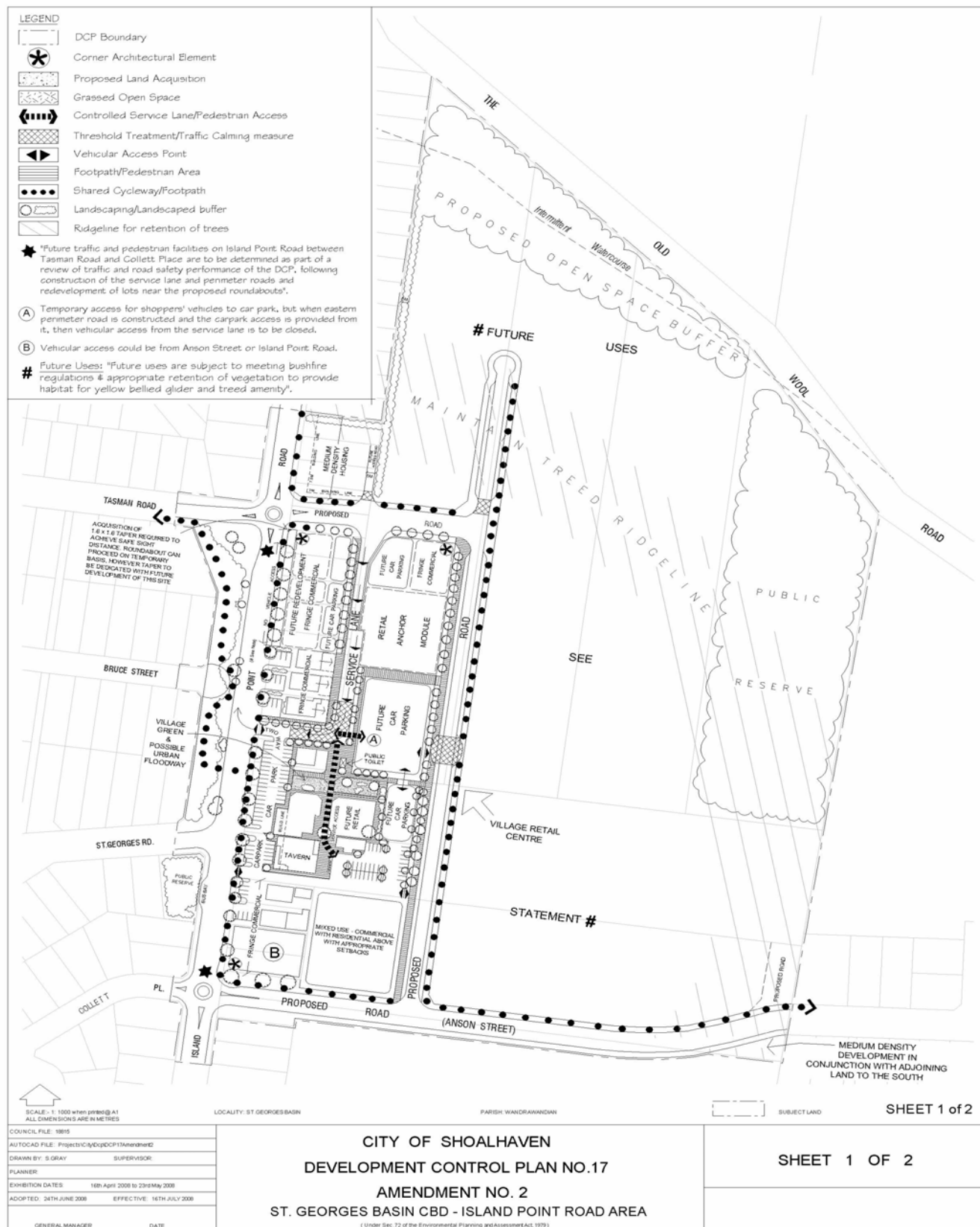
Became effective from: 9 June 2009

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

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**

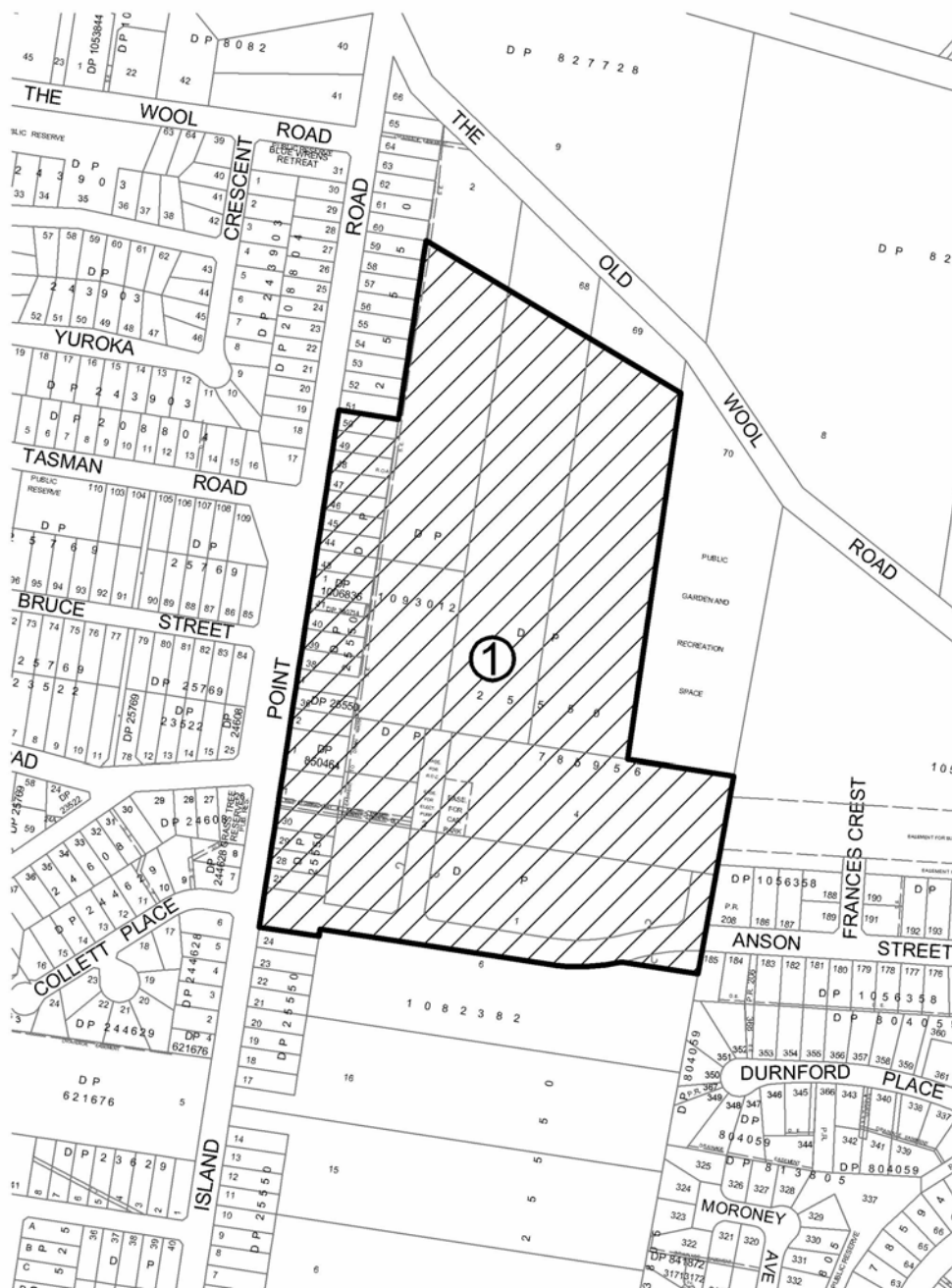
A list of the works to be undertaken by Council.

### **Works Schedule**

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



## Appendix D.1 - St. Georges Basin Village Centre Access Road Contribution Area Map



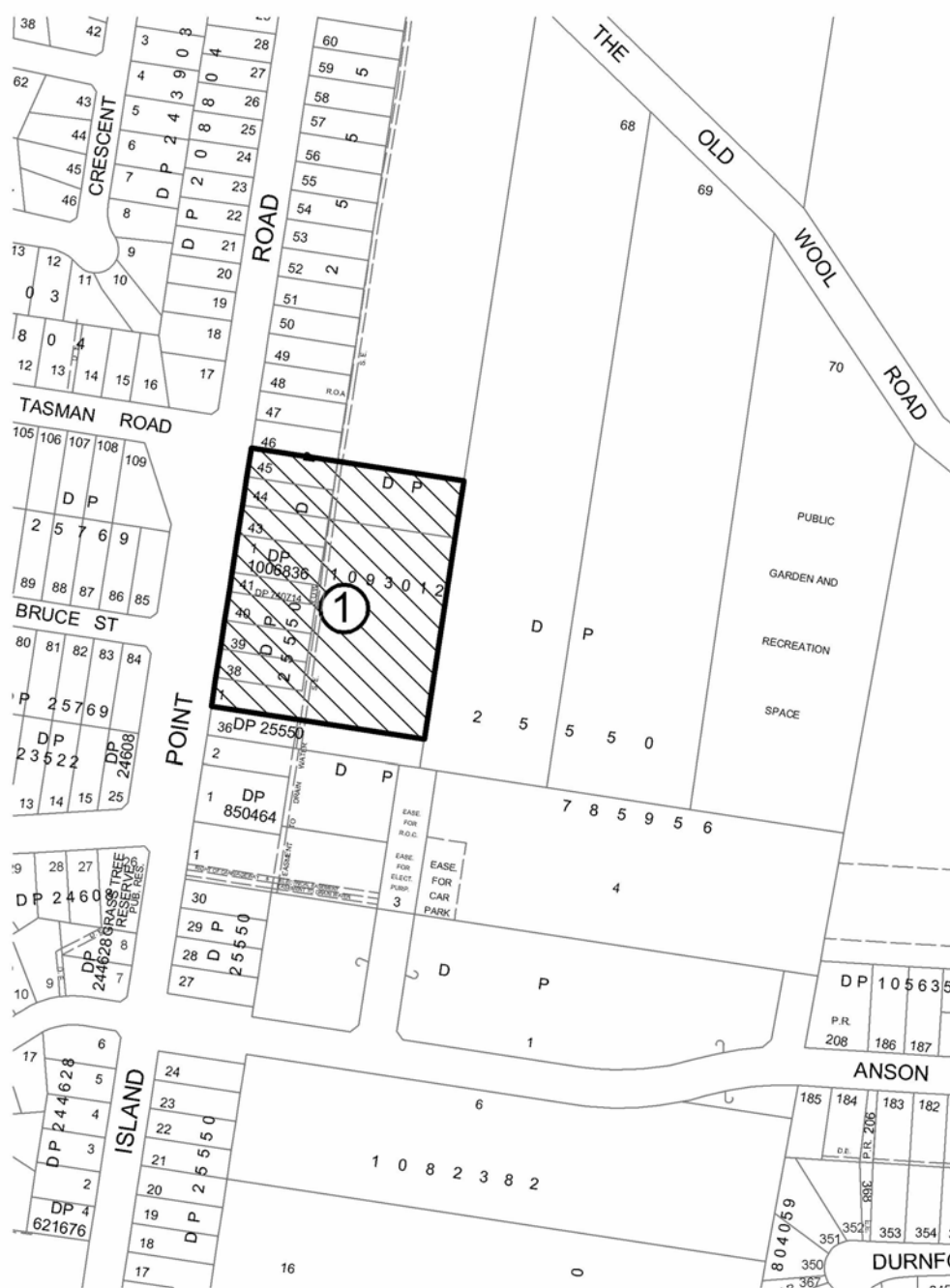
**SHOALHAVEN CITY COUNCIL**  
**ST. GEORGES BASIN VILLAGE CENTRE**  
**CONTRIBUTIONS PLAN**

FILE NO: 36569  
 FACILITY: ST. GEORGES BASIN VILLAGE ACCESS ROAD  
 PROJECT: DCP17.2 - ST. GEORGES BASIN VILLAGE CENTRE

PROJECT NO.  
 03 ROAD 2023



## Appendix D.2 - Service Lane Contribution Area Map



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

FILE NO: 36569

FACILITY: ST. GEORGES BASIN VILLAGE SERVICE ROAD

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

PROJECT NO.  
 03 ROAD 0113



## Appendix D.3 - Stormwater Drainage Contribution Area Map



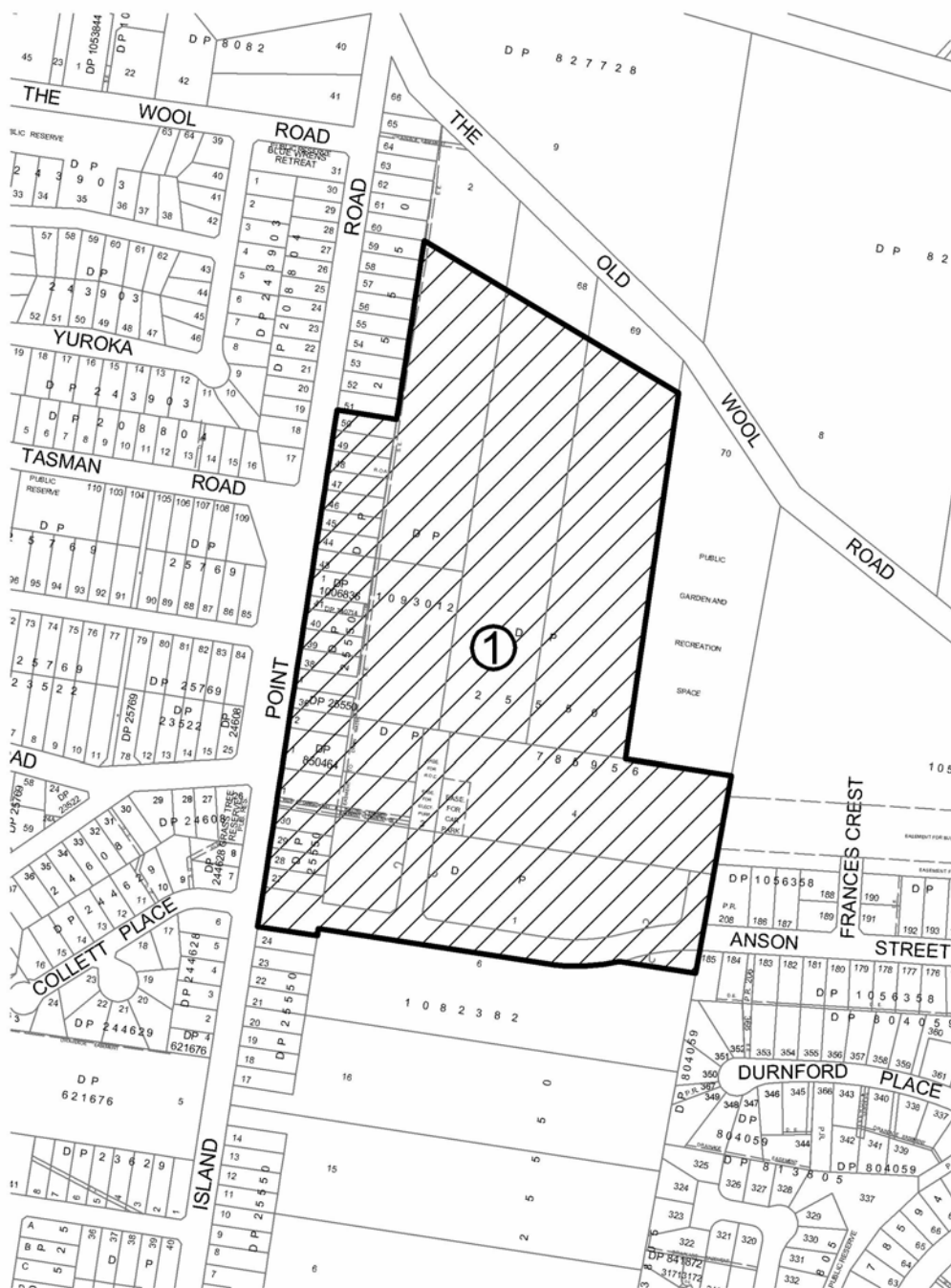
**SHOALHAVEN CITY COUNCIL**  
**ST. GEORGES BASIN VILLAGE CENTRE**  
**CONTRIBUTIONS PLAN**

FILE NO: 36569  
 FACILITY: DRAINAGE  
 PROJECT: DCP17.2 - ST. GEORGES BASIN VILLAGE CENTRE

PROJECT NO.  
 03 DRAI 2001



## Appendix D.4 – Village Green Contribution Area Map



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

FILE NO: 36569

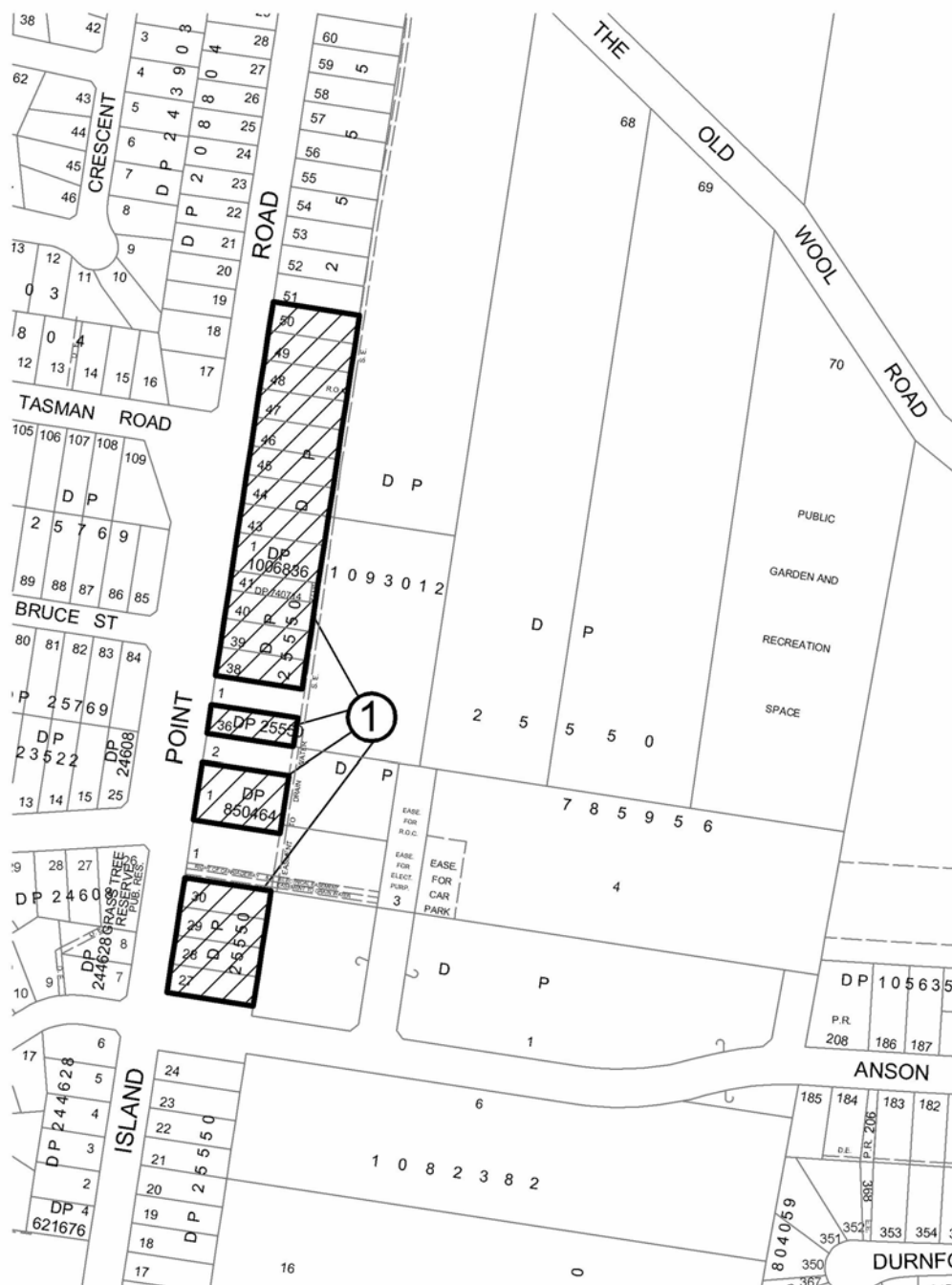
FACILITY: ST. GEORGES BASIN VILLAGE GREEN

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

PROJECT NO.  
03 OREC 0012



## Appendix D.5 – Car Parking Contribution Area Map



SHOALHAVEN CITY COUNCIL

### ST. GEORGES BASIN VILLAGE CENTRE CONTRIBUTIONS PLAN

FILE NO: 36569

FACILITY: ST. GEORGES BASIN VILLAGE, PROVISION FOR  
PUBLIC CAR PARKING

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

PROJECT NO.  
03 CARP 0004



## Appendix E – Concept plan for road works

