



DRAFT FOR EXHIBITION

Shoalhaven City Council Contributions Plan

Amendment No.98

Princes Highway – Warra Warra Road Roundabout,
South Nowra

01 ROAD 0146

Reference: 36856

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1. Introduction

Continued development of the South Nowra precinct between Central Avenue and Warra Warra Road is dependant upon improved traffic facilities along and adjoining the Princes Highway. Council and NSW RTA have agreed to a strategy that includes construction of a new roundabout at the junction of the Princes Highway and Warra Warra Road, two through lanes in either direction, a central median for the entire length of the precinct and deceleration lanes for access into development sites adjoining the Highway.

Council resolved (MIN08.129) to provide \$0.5m in the 2008/2009 Management Plan as a contribution towards the proposed roundabout. Council had previously resolved (MIN07.1524) to prepare Section 94 Contributions Plan Amendment No. 98 with the intention of recouping some of this expenditure.

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 98 (Princes Highway / Warra Warra Road Roundabout, South Nowra) of the Shoalhaven City Council Section 94 Contributions Plan 1993. The project is identified in the Contributions Plan as 05 ROAD 0146.

4. Legal context

This Contributions Plan amendment has been prepared by Shoalhaven City Council pursuant to the Environmental Planning and Assessment Act and in accordance with the Environmental Planning and Assessment Regulation.

5. Purpose of the Plan

The purpose of this Plan is to:

- Ensure that the demand for road infrastructure generated by future development in parts of South Nowra is addressed;
- Authorise Council to require developer contributions toward the cost of the works;
- Ensure equitable apportionment of costs between existing and future development;
- Provide a framework for administration and management of this plan.

6. Commencement of the plan

This Plan will take effect from XXXX.

7. Relationship with other plans and policies

This Contributions Plan is amendment number 98 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.

8. Area to which the Plan applies

The area to which this plan applies is shown in the Contribution Area Map in Appendix B. The area includes:

- Infill development and redevelopment of land zoned 4(c) Industrial (Special) and 4(a) Industrial (General) in the vicinity of Princes Highway,
- Development of land zoned 3(g) Business (Development Area) in the vicinity of Warra Warra Road and the extension of Old Southern Road, and
- The proposed expansion of extractive operations of South Coast Concrete Crushing & Recycling Pty. Ltd. (SCCCR) on land adjoining the Princes Highway.

It is noted that some of these lands are affected by flooding, may be affected by other constraints to development, and/or may not be developed within the timeframe of the draft plan, so the draft plan assumes that only that proportion shown in the Contribution Area Map will be developed in the short to medium term in assessing the demand for the works and in setting a contribution rate.

Contributions are expected from future development of land within the contribution area. Contributions will also be expected if redevelopment occurs on these properties, to the extent that redevelopment increases the demand for the works over that of existing development.

9. Assessment of Demand

To comply with the requirements of NSW RTA to maintain capacity of the Princes Highway, continued development of the South Nowra area cannot continue unless traffic movements to and from these properties are limited to left in – left out movements. Council and NSW RTA have agreed to a strategy that includes construction of a new roundabout at the intersection of the Princes Highway and Warra Warra Road, with two through lanes in either direction, a new central median for the entire length between Central Avenue and Warra Warra Road and deceleration lanes for access into development sites adjoining the Highway. There is an existing roundabout at the intersection of Princes Highway and Central Avenue to the north of Warra Warra Road.

The demand for the roundabout and median strip is therefore attributable to expected future local development of the areas generally adjoining Princes Highway between Central Avenue and Warra Warra Road and requiring access to the proposed roundabout, as shown in the Contributions Area Map in Appendix B. Existing local traffic volumes and through traffic do not precipitate the need for the works.

Contributions will be determined in accordance with the expected increase in peak hour vehicle trips generated by development within the Contributions Area. For industrial and commercial development, this is estimated to be 1.0 and 1.5 trips per 100 m² of floor space respectively, rates which are consistent with RTA guidelines. Future floor space is assumed to be 30% of the developable land area available to future development, the balance assumed to be taken up by car parking, retained vegetation or some other passive use. In the case of the proposed expansion of SCCR, a traffic study included with the development application indicates an additional 55 peak hour trips will be generated. It is estimated that existing development occupies approximately 19,620 m² of floor space. Relevant values derived from these assumptions are listed in Table 1.

TABLE 1

Expected Peak One-Hour Traffic Generation Rates for Each Type of Development

Type of development	Land area available for future development	Assumed increase in floor space	Peak one-hour traffic generation	
			Trips	% of total increase
Industrial	114,600 m ²	34,380 m ²	344	38.3%
Commercial	75,000 m ²	22,500 m ²	337	37.5%
SCCR expansion		n/a	55	6.1%
Existing development			163	18.1%

10. Estimated Cost of Facility

10.1 Scope of Works:

The proposed roundabout is the only works item included in this plan.

A median strip will be required between Central Avenue and Warra Warra Road, but it is expected that this will be provided by development fronting the Princes Highway as development proceeds. Whilst the existing contributions plan makes provision for the deceleration lane, it is expected that this will be provided by development, in lieu of monetary contribution, as development proceeds.

In the long term as land adjoining Warra Warra Road develops, additional local road works will become necessary. It is expected these will be provided by development and/or by a future amendment to the Contributions Plan.

The location of the roundabout is shown in the Locality Map in Appendix C.

10.2 **Cost Estimate:**

Council has resolved to contribute \$500,000 toward the total cost of \$2.2m for the roundabout. It is this amount that is to be recouped under this plan. The balance of the cost will be funded by RTA.

11. Construction Schedule

RTA has advised that construction of the roundabout will occur in 2009.

12. Apportionment of Costs

It is estimated that existing development occupies approximately 19,620 m² of floor space, which is considered Council's share of the cost of the works. Based on peak hour trips, this represents 18.1% of the cost (refer Table 1). The remaining cost will be recouped by contributions from future development, apportioned in accordance with peak hour trip generation.

13. Contributions Formula

The cost share for each type of development is calculated in the same proportion as the expected increase in peak hour traffic as per the values in column 5 of Table 1.

i.e. Cost Share (\$) = \$500,000 x % of total increase in peak hour trips

Contribution rates for industrial and commercial development are calculated by dividing the cost share by the expected increase in developed land area as per the values in column 2 of Table 1.

i.e. Contribution Rate (\$/m²) = Cost Share ÷ englobo land area developed

For the expansion of SCCR operations, a lump sum contribution is expected.

14. Contribution Rates

Table 2 summarises cost share and contribution rates.

TABLE 2

Cost Share and Contribution Rates

Type of development	Cost share	Contribution rate
Industrial	\$191,324	\$1.67/m ² land area
Commercial	\$187,430	\$2.50/m ² land area
SCCCR expansion	\$30,590	
Existing development (Council)	\$90,565	
Total	\$500,000	

15. 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.

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 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 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 contributions 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. 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.

18. Appendices

- A Definitions
- B Contribution Area Map
- C Works Locality Map

Section 94 Contributions Plan Draft Amendment No.98, Princes Highway – Warra Warra Road Roundabout, South Nowra, being this written Statement and accompanying maps, was

Adopted by Council: XXXX

and

Became effective from: XXXX



R D Pigg
General Manager

Date: 31 – 7 - 08

Appendix A - Definitions

The following definitions apply to terminology used in the 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 B – Contributions Area Map



PROJECT NO.
01 ROAD 0146

SHOALHAVEN CITY COUNCIL
S94 CONTRIBUTIONS PLAN
DRAFT AMENDMENT NO. 98
CONTRIBUTION AREA MAP
FILE NO: 36856
FACILITY: ROADS
PROJECT: WARRARA ROAD, SOUTH NOWRA

Appendix C – Locality Map



PROJECT NO.
01 ROAD 0146

SHOALHAVEN CITY COUNCIL
S94 CONTRIBUTIONS PLAN
DRAFT AMENDMENT NO. 98
LOCALITY MAP

FILE NO: 36856
FACILITY: ROADS
PROJECT: WARRA WARRA ROAD, SOUTH NOWRA