

Shoalhaven Contributions Plan

Amendment No. 2

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Introduction

The Shoalhaven Contributions Plan 2010 – Amendment 2 proposes the following amendments to the current Shoalhaven Contributions Plan 2010:

- Making five (5) contributions projects inactive
- Change of scope for one (1) contributions project
- Recouping costs for four (4) completed contributions projects
- Accredited certifier clause change.

Contributions Plan 2010 Background

CP2010 allows Council to levy contributions on development consents and complying development certificates issued for land within Shoalhaven. These contributions are collected for the provision of community infrastructure projects (projects detailed in the Plan) to meet demand created by this development. CP2010 can be viewed at the following internet link:

www.shoalhaven.nsw.gov.au?MyCouncil/Publicexhibition/Documentsonexhibition.aspx

Contributions Projects to be made inactive

The following five (5) projects are proposed to be made inactive. In doing this, the inactive contributions projects relate to all contributions collected or still to be collected for consents already issued. When these projects have been made inactive they cannot be levied on future consents.

In making a contributions project inactive, Council can consider substituting an inactive project and use these contributions funds collected to fully or part fund works which are more appropriate to meet the identified development demand within the catchment area that contributions were collected. Where contributions funds have been collected and not spent for the contributions projects to be made inactive, substitution projects for expenditure of these funds are identified below. The project pages taken from CP2010 are provided as **Attachment 'A'** or can be viewed in CP2010 by using the Project Search function and entering the Project Code below.

Project Name (Project code)	Estimated Cost	Council Cont. (%)	Dev. Cont. (%)	Rational (Substitution project)
South Nowra Industrial Estate GPT and Artificial Wetlands (01DRAI2002)	\$930,774	\$491,449 (52.8%)	\$439,326 (47.2%)	Project to be incorporated into re- alignment of Flinders Road, from Browns Road to Bellevue Street.
			Available contributions funds = \$162,724	(The available contributions to fund upgrade of drainage west of Bellevue Street – between Central Avenue and Jellico Street)
Moss Vale Road/Carters Road intersection upgrade (01ROAD2127)	\$102,726	\$78,401 (76.32%)	\$24,326 (23.68%)	Project is the responsibility of a NSW Roads & Maritime Service given that Moss Vale Road is a State road.
			No available contributions funds.	
Naval College Road realignment and construction (03ROAD2033)	\$9,522,180	\$9,062,259 (95.17%)	\$459,921 (4.83%)	Project demand for realignment is not anticipated to be reached within the next 20 years. (The available contributions to fund safety upgrades to Naval College Road)
			Available contributions funds = \$287,264	
Southern Link Road (05ROAD3011)	\$5,720,348	\$4,295,982 (75.1%)	\$1,424,367 (24.9%)	Project expected to be funded by NSW Roads & Maritime Service as part of Ulladulla bypass in 25+ years.

Project Name (Project code)	Estimated Cost	Council Cont. (%)	Dev. Cont. (%)	Rational (Substitution project)
			Available contributions funds = \$401,771	(The available contributions to fund safety upgrades / road widening for the Princes Highway 60km zone between Milton and Ulladulla)
Graham's Road / unnamed road gravel upgrade (01ROAD2072)	\$471,956	\$372,610 (78.95%)	\$99,347 (21.05%)	Sealing of the road cannot be economically justified. Road to remain unsealed.
			Available contributions funds = \$21,019	(The available contributions to fund safety upgrades to Graham's Road)

Contributions project for change of scope

The following one (1) project has been identified to change the project's scope of works. In this circumstance the change results in a downsize of the initial proposed works and a lesser project cost total and apportionment cost to Council and Development. The current and revised project page with supporting estimates for inclusion in CP2010 is shown as **Attachment 'B'** or can be viewed in CP2010 by using the Project Search function and entering the Project Code below.

Current / Revised Project Name (Project code)	Estimated Cost	Council Cont. (%)	Dev. Cont. (%) \$ / ET	Rational / Comment
Current - Northern Shoalhaven Leisure Centre (01AREC2007)	\$20,251,844	\$14,759,544	\$5,492,300 (27.12%) \$815.62 / ET	Nowra Pool to become the future Northern Shoalhaven Leisure Centre project (identified in April 2013 Development Committee Report).

Current / Revised Project Name (Project code)	Estimated Cost	Council Cont. (%)	Dev. Cont. (%) \$ / ET	Rational / Comment
Revised – Nowra Pool Expansion (01AREC3007)	\$7,250,000	\$4,810,000	\$2,440,000 (100%) \$362.36 / ET	Future development to fully fund costs associated with providing the additional 2 Lanes and supporting facilities to meet future population needs.

The change of scope for the Northern Leisure Centre removes the requirement for CP2010 to fund an upgrade of Bomaderry Aquatic Centre in the short term. A revised scope of works for Bomaderry Aquatic Centre can be considered by Council in the future for inclusion in CP2010.

Contributions Projects completed

The following four (4) projects have been completed and will be identified in CP2010 as completed. These projects will remain in CP2010 until the remaining development contributions owing to Council have been collected. The existing project page in CP2010 is shown as **Attachment 'C'** or can be viewed in CP2010 by using the Project Search function and entering the Project Code below.

Project Name (Project code)	Estimated Cost	Council Cont. (%)	Dev. Cont. (%) \$ / ET	Comment (Remaining cost to be recouped by Council)
Broughton Vale Road (01ROAD2042)	\$434,197	\$352,785	\$81,412 (18.75%)	Project completed \$55,905
Brogers Creek Road (01ROAD2043)	\$925,040	\$855,662 (82.5%)	\$69,378 (7.5%)	Project has been partially completed. The remaining unsealed section of the road is flood-prone and is less costly to maintain in its current form than sealed road. (\$7,431.59)

Project Name (Project code)	Estimated Cost	Council Cont. (%)	Dev. Cont. (%) \$ / ET	Comment (Remaining cost to be recouped by Council)
Princes Highway - South Nowra (kerb/gutter & acceleration/deceleration lane) (01ROAD3102)	\$644,129	\$429,956 (66.75%)	\$214,173 (33.25%)	Project has been completed as part of NSW Roads & Maritime Service's current work to duplicate the highway at South Nowra. (\$121,300)
Service Road Western Side of Highway, South Nowra (between Jellicoe Street and Central Avenue) (01ROAD3103)	\$436,564	\$428,401 (98.13%)	\$8,164 (1.87%)	Project being undertaken as part of NSW Roads & Maritime Service's current work to duplicate the highway at South Nowra. (\$28,892)

Accredited certifier clause change

As detailed in CP2010 Section 4.11, text relating to the obligation of accredited certifiers indicates that a certifying authority must not issue a construction certificate unless it has verified that payment of monetary contributions has been satisfied. However, since trialling this procedure it has been determined that it is difficult for Council staff to calculate and receipt payment of these contributions without viewing the approved plans. Therefore, to resolve this matter replacement text for this clause is detailed below.

Current text

Constructions Certificates and the obligation of accredited certifiers

In accordance with section 94EC of the *Environmental Planning and Assessment Act 1979* (NSW) and clause 146 of the *Environmental Planning and Assessment Regulation 2000* (NSW), 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 Council issued 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 Council in accordance with clause 142(2) of the *Environmental Planning and Assessment Regulation 2000* (NSW). Failure to follow this procedure may render such a certificate invalid, exposing the certifier to legal action.

The only exceptions to this requirement are where a works in kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed to by Council in writing. In such cases, Council will issue a letter confirming that it agrees to the alternative payment method.

Proposed text change

Complying Development Certificate and the obligation of accredited certifiers

In accordance with section 94EC of the *Environmental Planning and Assessment Act 1979* (NSW) and clause 146 of the *Environmental Planning and Assessment Regulation 2000* (NSW), a certifying authority issuing a Complying Development Certificate for secondary dwellings under the SEPP (Affordable Rental Housing 2009), must impose a condition that requires payment of monetary contributions prior to commencement of works. This payment can be made to Council three working days after Council has received the consent from the accredited certifier.

In particular, the certifier must ensure that the applicant provides them a Council issued receipt(s) confirming that contributions have been fully paid upon following the requirements of clause 142(2) of the *Environmental Planning and Assessment Regulation 2000* (NSW). Failure to follow this procedure may render such a certificate invalid, exposing the certifier to legal action.

The only exceptions to this requirement are where a works in kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed to by Council in writing. In such cases, Council will issue a letter confirming that it agrees to the alternative payment method.