

**SECTION 94 CONTRIBUTIONS PLAN, 1993**

**AMENDMENT No. 48**

**01 ROAD 0126 : Construct traffic facilities Nowra CBD.**

**File No. 97/2865**

<b>Exhibition from:</b>	Thursday, 19 <sup>th</sup> February 1998
<b>To:</b>	Thursday, 19 <sup>th</sup> March 1998
<b>Adopted:</b>	Tuesday, 31 <sup>st</sup> March 1998
<b>Effective From:</b>	Wednesday, 13 <sup>th</sup> May, 1998

**1. INTRODUCTION / BACKGROUND**

In the process of considering two development applications for large retail developments in Nowra's Central Business District (CBD), Council has identified the need to amend the Contributions Plan to address increased demands attributable to the developments (refer Minute Nos. 98.0031 and 97.2502 made on 3<sup>rd</sup> February 1998 and 16<sup>th</sup> December 1997 respectively).

This amendment to the Plan is for the construction of various traffic control facilities in and around the CBD. The need to upgrade or provide other works or services as a result of these two developments will be considered in separate amendments to the Plan if required. This amendment incorporates amendment number 34 and forms part of amendment number 38 being the review of the whole Section 94 Contributions Plan.

In 1991 Council developed a Traffic and Car-Parking strategy for the Nowra CBD. The purpose of the strategy was to identify those works necessary to cater for the expansion of Nowra's CBD up to the year 2011.

This amendment is required because the scale of the two proposed retail developments will generate sufficient additional traffic to require a number of intersections to be upgraded to adequately cater for the expected traffic volumes when the developments commence operation.

Traffic impact statements for both developments have not yet been finalised by the respective applicants. The analysis undertaken by Council to determine the traffic facilities which are required for these two developments has therefore been based on information contained in the development applications submitted by both developers.

Should future traffic patterns change due to further development proposals or alternative traffic management initiatives, it may be necessary to again review the Contributions Plan.

The works proposed in this amendment will form part of the overall measures that will be required to resolve traffic issues associated with the two retail developments. Other traffic issues to be resolved outside of this amendment may include other intersection works, car parking, pedestrians, site access, etc. It is considered that Section 90 of the EPA Act will allow these other issues to be addressed.

## **2. PURPOSE OF THE PLAN** (Cl.26(1)(a)EP&A Regs 1994)

The purpose of the Plan is to fund a portion of the costs for the construction of traffic facilities in the Nowra CBD by way of a Section 94 contribution on the development of land within the relevant benefit areas.

## **3. LAND TO WHICH THE PLAN APPLIES** (Cl.26(1)(b)EP&A Regs. 1994)

The Plan applies to land which is the subject of the proposed Nowra Mall expansion on O'Keefe Avenue and the proposed "Woolworths" development at Collins Way and situated in the benefit areas numbered 1 and 2 respectively and shown hatched and bounded by a thick black line on the accompanying map (Attachment A).

The land on which the Nowra Mall expansion is proposed may generally be described as the existing Coles/Nowra Mall site including the adjacent off-street car park on the western side of O'Keefe Avenue plus the existing Ex-servicemans Club and bowling green plus the off-street car park on the eastern side of O'Keefe Avenue plus O'Keefe Avenue itself between these sites. The land comprises the following :

- Lot 2 DP 593215 Kinghorne Street
- Lot 1 DP 795610 Kinghorne Street
- Lot 1 DP 601786 Junction Street
- Lot 2 DP 603150 O'Keefe Avenue
- O'Keefe Avenue road reserve between the above lots

The land on which the Woolworths development is proposed may generally be described as all land south of North Street between Osborne Street and Collins Way up to and including Council's off-street car park plus 2 houses fronting Collins Way plus 4 houses fronting Osborne Street plus Council's car park north of the School of Arts Annex between Berry Street and Collins Way plus a section of Collins Way itself. The land comprises the following :

- Lot 20 and part Lot 21 DP 801794
- Part Lot 1 DP 580440

- Lot none DP 152075
- Lot M DP 162863
- Lot B DP 408997
- Lot A DP 398969
- Lot 1 DP 508216
- Lot 1 DP 391906
- Lot 1 DP 526713
- Lot 1 DP 715899
- Lot A DP 157183
- Lot 1 DP 781024
- Lot 2 DP 156506
- Lot 3 DP 154105
- Lots 1 and 2 DP 581350
- Lot 1 DP 781201
- Lots 1 and 2 DP 860572
- Lots 1 and 2 DP 508711
- Lot 1 DP 780892
- part of Collins Way road reserve

The proponents of the Woolworths development have indicated that their plans may be amended to include an additional second stage, in which case the above description may be expanded to include additional land.

#### **4. RELATIONSHIP BETWEEN EXPECTED DEVELOPMENT and DEMAND (NEXUS)** (Cl.26(1)(c)EP&A Regs. 1994)

Council has a computer based traffic and landuse model of the City which includes the Nowra Urban Area and its CBD. This model was used to estimate likely increases in traffic flows in and around the CBD as a result of both development proposals. Table 1 shows the modelled present day (1997) and future (2006) daily traffic flows on roads at a number of intersections respectively, both with and without the proposed developments. All traffic volumes shown are estimated average weekday daily volumes outside of school holidays.

The proposed developments will generate a significant amount of additional traffic in and around the CBD. This additional traffic attributable to the developments will increase the demands on the existing road network.

Intersection	Link Used	Modelled Traffic Volumes			
		Without Developments		With Developments	
		1997	2006	1997	2006
Hwy/Bridge	Bridge Rd *	17,250	17,250	18,260	18,260
Bridge/North/Berry	North St (east)	5,390	8,620	11,590	14,820
Hwy/Moss	Moss St (west)**	5,990	9,580	8,070	11,660
O'Keefe/North	to Highway**	5,990	9,580	8,070	11,660

Modelled volumes are average weekday daily volumes outside of school holidays

Modelled volumes have been rounded to nearest 10 vehicles

\*Bridge Road is nearing capacity and has limited ability to carry additional traffic

\*\* These links have been modelled as one for consistency between options

TABLE 1

When the two developments commence trading, they will generate sufficient additional traffic to require the upgrading of a number of intersections. The upgrades will also be needed to satisfy future increased demands on the road system from the two developments. The intersections are proposed to be upgraded with traffic signals and associated roadworks in order to maintain public safety and avoid excessive and unacceptable traffic congestion and delays in and around parts of the CBD including the Princes Highway.

**5. FORMULA TO DETERMINE CONTRIBUTION** (Cl.26(1)(d)EP&A Regs. 1994)

The proportion of the cost of upgrading each intersection which is attributable to each development has been calculated by inputting traffic volumes determined from Table 1 into the following formula :

$$\text{Contribution per intersection} = \frac{\text{Traffic generated by development}}{\text{Total traffic in 2006}} \times \text{cost of upgrading}$$

The contributions for each intersection were then added to determine the total contribution for each development. Details of the arithmetic on which the contributions are based are shown in the spreadsheet in Attachment "B".

The year 2006 is considered to be appropriate for the apportionment of costs as this allows time for background traffic to increase and for the utilisation of the proposed developments to better match the assumed traffic generation.

**6. CONTRIBUTION RATES** (Cl 26(1)(e)EP&A Regs. 1994)

Table 2 shows the estimated costs for all intersection improvements and how the costs are to be distributed.

Intersection	Total Cost	Nowra Mall	Woolworths	Council
A Hwy/Bridge Rd	\$364,500	\$5,391	\$15,069	\$344,040
B Bridge/North/Berry	\$194,400	\$8,746	\$78,178	\$107,476
C Hwy/Moss/North	\$1,032,750	\$70,337	\$130,389	\$832,024
D O'Keefe/North	\$194,400	\$13,240	\$24,544	\$156,616
<b>Total Costs</b>	<b>\$1,786,049</b>	<b>\$97,714</b>	<b>\$248,180</b>	<b>\$1,440,155</b>

TABLE 2

Based on Table 2, the contributions payable by each development are in accordance with the following schedule :

Benefit Area 1	Nowra Mall expansion	\$ 97,714
Benefit Area 2	Woolworths development	\$ 248,180

Council's share of the total cost is \$ 1,440,155. All intersections along the Princes Highway are under the care and control of the Roads and Traffic Authority (RTA). Discussions are currently being held with the RTA to ascertain if there is any funding available towards the works, however no commitment has been given to date. If any funding is secured, Council will reconsider the apportionment of costs accordingly.

**7. TIMING OF CONTRIBUTION PAYMENT and CONDITIONS ALLOWING DEFERRED OR PERIODIC PAYMENT** (Cl.26(1)(f)EP&A Regs. 1994)

**7.1 METHOD AND TIMING OF PAYMENT**

There are three possible methods of payment for Section 94 contributions :-

- cash;
- money order; or,
- bank cheque.

For the proposed retail developments, payment will be made prior to the issuing of the building permit(s).

## **7.2 DEFERMENT AND PERIODIC PAYMENTS**

Under exceptional circumstances only, and subject to suitable financial undertakings, Council may consider allowing periodic payment of contributions or deferment of the condition(s) requiring payment of monetary contributions provided the following criteria are satisfied :

- (a) The contributions do not relate to facilities or services which, if not provided with the development, could threaten public safety and/or health;
- (b) The maximum deferral period would not exceed two (2) years from the date of the issue of the building permit, release of the linen plan or the endorsement date of the development approval (whichever is applicable); and,
- (c) The applicant will be required to provide:
  - a bank guarantee for the required amount, plus a penalty interest rate apportioned over the period of the bank guarantee; and,
  - minor administration fee.

Deferral of contribution payments will be assessed on individual merit and applicants should not rely on previous precedent set by the Shoalhaven City Council or any other local government authority. The penalty interest rate applying to all authorised deferred payment applications will be in accordance with the current interest rate charged by Council on overdue rate arrears.

Deferred or periodic contribution payments will be subject to the approval of the Assistant General Manager, after considering the circumstances of the case.

## **7.3 LAND DEDICATION**

Where applicable, Council may permit the dedication of land for open space, community facilities, drainage or roads to offset the monetary contribution. The assessment of the suitability of land for dedication occurs at the development or subdivision application stage.

Should the development be approved, the applicant will need to contact Council to arrange the valuation of the land proposed to be dedicated. Upon agreement of the land's value and the exchange of contracts, Council will offset the value of the land, as determined by an independent valuer, against the monetary contribution payable. Any difference between the contribution payable and the land value shall be paid prior to issuing the building permits.

## **7.4 WORKS - IN - KIND**

Council may accept the construction of amenities or the provision of services to offset the monetary contribution, provided such works are in accordance with the schedules contained in this Plan. Any difference between the contribution payable and the value of the works-in-kind shall be paid prior to issuing the building permits.

The applicant will need to initiate this option by providing Council with full details of the proposed works prior to construction. Council will then consider the request and advise the applicant accordingly.

**8. WORKS SCHEDULE OF PUBLIC FACILITY TO BE PROVIDED** (Cl 26(1)(g)EP&A REGS. 1994)

Relevant intersection upgradings are to be completed prior to the commencement of trading of each development. The actual timing of the various intersection upgradings will depend on the timing of the two retail developments and the order in which they are undertaken. If both developments proceed, all works will be completed within 5 years of the commencement of construction of the developments.

**9. ESTIMATED COSTS** (Cl.26(1)(g)EP&A Regs. 1994)

The estimated cost of each intersection upgrading is as follows :

	<u>Location</u>	<u>Cost</u>
A	SH1/Bridge Rd	\$364,500
B	Bridge/North/Berry	\$194,400
C	SH1/Moss/North	\$1,032,750
D	O'Keefe/North	\$194,400

The costs estimated for the Highway intersections were based on the Nowra Bridges Study. Estimates for other intersections were based on a standard cost of \$120,000 per set of signals plus an amount for civil works (including pavement, K&G, medians, drainage, service relocation, etc), survey and design and administration.

Final traffic impact statements for both developments have not yet been submitted, resulting in Council's inability to finalise intersection treatment details. If appropriate, a review of the proposed works and estimates will be undertaken following receipt of additional information.

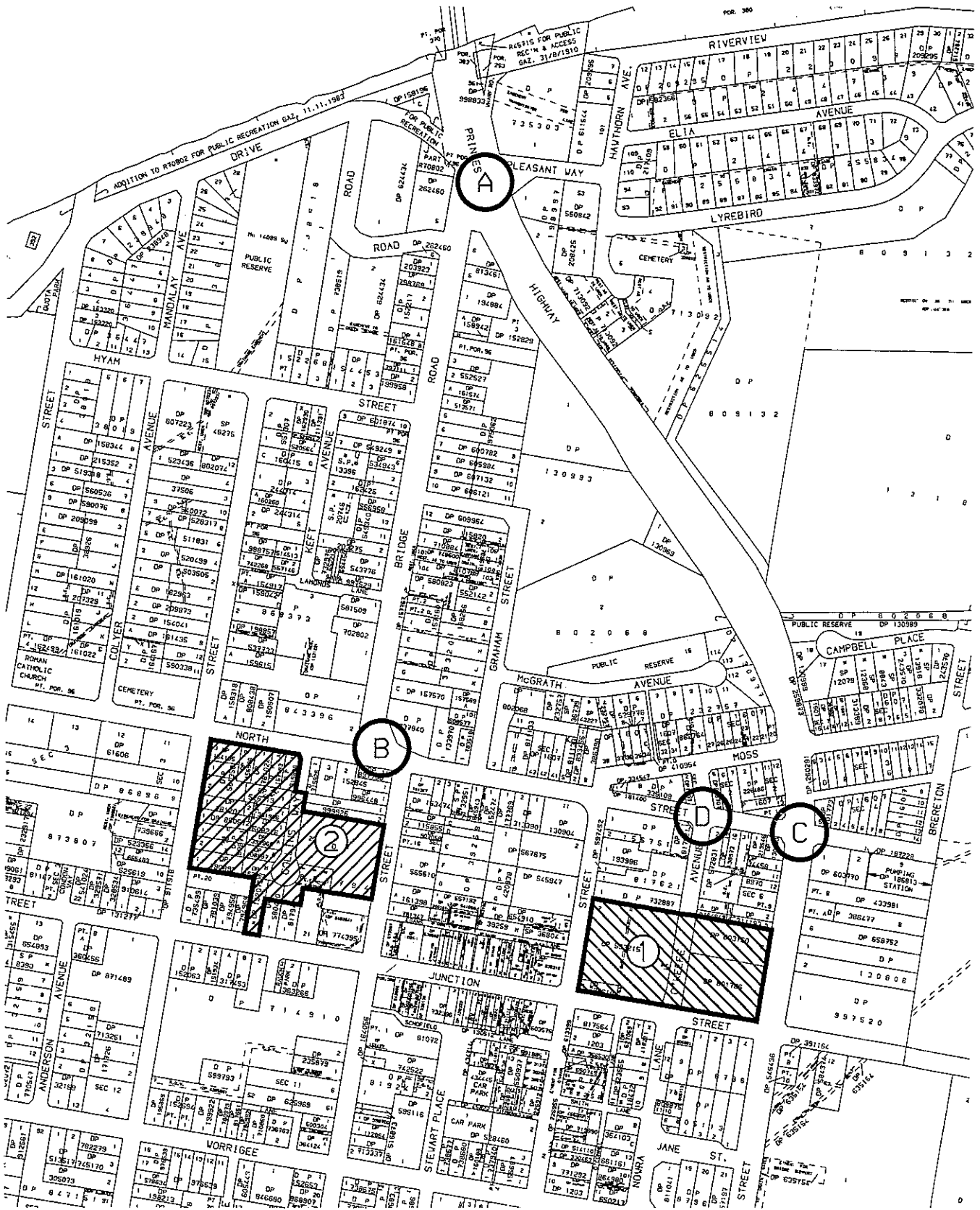
Coles Only Intersection	Link Used	Total Cost	Modelled Traffic Volumes				2006 Traffic Increase	Levy
			Without Development 1997	Without Development 2006	With Development 1997	With Development 2006		
Hwy/Bridge	Bridge Rd	\$364,500	17,253	17,253	17,512	259	\$5,391	
Bridge/North/Berry	North St (east)	\$194,400	5,386	8,618	5,792	406	\$8,746	
Hwy/Moss/North	west of Hwy	\$1,032,750	5,986	9,578	6,686	700	\$70,337	
O'Keefe/North	to Hwy	\$194,400	5,986	9,578	6,686	700	\$13,240	
<b>Total Coles Contribution =</b>							<b>\$97,714</b>	

Woolworths Only Intersection	Link Used	Total Cost	Modelled Traffic Volumes				2006 Traffic Increase	Levy
			Without Development 1997	Without Development 2006	With Development 1997	With Development 2006		
Hwy/Bridge	Bridge Rd	\$364,500	17,253	17,253	17,997	744	\$15,069	
Bridge/North/Berry	North St (east)	\$194,400	5,386	8,618	11,183	5,797	\$78,178	
Hwy/Moss/North	west of Hwy	\$1,032,750	5,986	9,578	7,370	1,384	\$130,389	
O'Keefe/North	to Hwy	\$194,400	5,986	9,578	7,370	1,384	\$24,544	
<b>Total Woolworths Contribution =</b>							<b>\$248,180</b>	

Coles & Woolworths Intersection	Link Used	Total Cost	Modelled Traffic Volumes				2006 Traffic Increase	Total S94
			Without Development 1997	Without Development 2006	With Development 1997	With Development 2006		
Hwy/Bridge	Bridge Rd	\$364,500	17,253	17,253	18,256	1,003	\$20,459	
Bridge/North/Berry	North St (east)	\$194,400	5,386	8,618	11,589	6,203	\$86,924	
Hwy/Moss/North	west of Hwy	\$1,032,750	5,986	9,578	8,070	2,084	\$200,726	
O'Keefe/North	to Hwy	\$194,400	5,986	9,578	8,070	2,084	\$37,784	
<b>Total developer contributions =</b>							<b>\$345,894</b>	

Modelled traffic volumes are estimated average weekday daily volumes outside of school holidays  
2006 traffic increases for the "Coles & Woolworths" option were obtained by adding "Coles Only" and "Woolworths Only" increases





**SHOALHAVEN CITY COUNCIL  
CONTRIBUTION PLAN AREA 1  
AMENDMENT NO. 48**

FILE NO: 97/2865

ADOPTED: 31/3/1998

EFFECTIVE FROM: 13/5/1998

FACILITY: TRAFFIC FACILITIES

PROJECT: NOWRA CBD AND ACCESS

PROJECT No:  
**01 ROAD 0126**

