



# Section 94 Contributions Plan

*Amendment No.74*

## ***Car Parking***

01CARP0001	Nowra
01CARP0002	Berry
01CARP0003	Bomaderry
01CARP0004	Kangaroo Valley
02CARP0001	Culburra
03CARP0001	Sanctuary Point
03CARP0002	Huskisson
04CARP0001	Sussex Inlet
05CARP0001	Ulladulla
05CARP0002	Milton

Reference: 28706

Adopted by Council: date

Effective from: date

---

### **Disclaimer**

Every effort has been made to provide accurate and complete information. However, Shoalhaven City Council assumes no responsibility for any direct, indirect, incidental, or consequential damages arising from the use of information in this document.

### **Copyright Notice**

No part of this publication may be reproduced in any form, or stored in a database or retrieval system, or transmitted or distributed in any form by any means, electronic, mechanical photocopying, recording, or otherwise without written permission from Shoalhaven City Council.  
All rights reserved.

Copyright © 2007, Shoalhaven City Council

## Table of Contents

1.	INTRODUCTION.....	1
2.	DEFINITIONS.....	1
3.	NAME OF THE PLAN .....	1
4.	LEGAL CONTEXT .....	1
5.	PURPOSE OF THE PLAN .....	1
6.	COMMENCEMENT OF THE PLAN.....	1
7.	RELATIONSHIP WITH OTHER PLANS .....	1
8.	AREA TO WHICH THE PLAN APPLIES .....	1
9.	ASSESSMENT OF DEMAND.....	1
10.	CONTRIBUTION ASSESSMENT .....	2
11.	CONTRIBUTION RATES .....	2
12.	REVIEW OF CONTRIBUTION RATES.....	2
13.	PAYMENT OF CONTRIBUTIONS.....	2
14.	CONSTRUCTION SCHEDULE.....	4
15.	REFERENCES.....	4
	APPENDICES.....	4
	APPENDIX A .....	5

## **1. Introduction**

Section 94 contributions for car parking were included in Council's 1993 Contributions Plan and Amendments 69 & 80 with Council providing a 30% discount to development. Under resolution MIN07.513 of 24<sup>th</sup> April 2007, Council has decided to remove the discount and require developer contributions to meet 100% of the contribution rate. This amendment will authorise this decision and set a revised contribution rate.

This amendment is in addition to amendments under consideration for specific centres including Berry, Nowra, Huskisson and Ulladulla. Car parking contributions at Berry are the subject of Contributions Plan draft Amendment No. 94, which was exhibited from 13<sup>th</sup> December 2006 until 16<sup>th</sup> February 2007.

## **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 No. 74 (Car Parking) of the Shoalhaven City Council Section 94 Contributions Plan 1993.

## **4. Legal Context**

This Contributions Plan has been prepared by Shoalhaven City Council pursuant to Section 94 of the Environmental Planning and Assessment Act and in accordance with the Environmental Planning and Assessment Regulation.

## **5. Purpose of the Plan**

The purpose of Amendment No. 74 is to authorise the removal of the 30% discount applying to car parking contributions under Council's 1993 Contributions Plan and Amendments 69 & 80 and to make some additional administrative changes.

## **6. Commencement of the Plan**

This Plan will take effect from the date on which public notice is published, pursuant to the EP&A Regulation.

## **7. Relationship with Other Plans**

This Contributions Plan is Amendment No. 74 of the Shoalhaven City Council Section 94 Contributions Plan 1993 (as amended). It applies to projects 01CARP0001, 01CARP0002, 01CARP0003, 01CARP0004, 02CARP0001, 03CARP0001, 03CARP0002, 04CARP0001, 05CARP0001 and 05CARP0002 in the Contributions Plan. This Plan is a supplement to Council's *Cityplan*, Management Plan and Local Environment Plan.

## **8. Area to Which the Plan Applies**

For each project affected by this Plan, the area to which the Plan applies is shown on the Contribution Area Maps in the 1993 Contributions Plan and Amendments 69 & 80.

## **9. Assessment of Demand**

Commercial, retail and other development creates the need for car parking. For development occurring within the Contributions Areas defined in the 1993 Plan and Amendments 69 & 80, Council has determined that development should not provide parking on site but should make contributions to Council to provide public parking spaces. This will provide a coordinated approach to the supply of parking in central business districts and ensure the safety and amenity of pedestrians and motorists.

## 10. Contribution Assessment

The contribution rate is specified on a '\$ per parking space' basis. The number of car parking spaces which will be the subject of contributions will be determined following assessment of a Development Application in accordance with Council's

Development Control Plan No. 18 (Car Parking Code).

## 11. Contribution Rates

Table 1 summarises current and proposed contribution rates for projects affected by this amendment.

**Table 1**  
**Current and Proposed Contribution Rates**

Project code	Description	Existing Discounted contribution rate (per space)	Contribution rate under this amendment (per space)
01CARP0001	Nowra	\$16,564.03	\$23,662.90
01CARP0002	Berry	\$6,313.93	\$9,019.90
01CARP0003	Bomaderry	\$5,586.07	\$7,980.10
01CARP0004	Kangaroo Valley	\$2,052.40	\$2,932.00
02CARP0001	Culburra	\$3,587.13	\$5,124.47
03CARP0001	Sanctuary Point	\$3,993.62	\$5,705.17
03CARP0002	Huskisson	\$8,226.47	\$11,752.10
04CARP0001	Sussex Inlet	\$3,715.12	\$5,307.31
05CARP0001	Ulladulla	\$13,408.89	\$19,155.56
05CARP0002	Milton	\$4,553.51	\$6,505.01

## 12. Review of Contribution Rates

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.

## 13. Payment of Contributions

The contribution is expected for all development in the Contribution Areas defined in the 1993 Contributions Plan and Amendments 69 & 80. Credit for existing land use is determined at the time of a Development Application.

### *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 or complying development certificate in any

other case.

### *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 the council. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

#### *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 residential development.

The conditions imposed must be consistent with Council's standard section 94 consent conditions and be strictly in accordance with this Plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the section 94 condition correctly.

#### *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<sub>c</sub> = contribution rate for the current year

CR<sub>p</sub> = contribution rate for the previous financial year

IPD<sub>c</sub> = implicit price deflator index for current year

IPD<sub>p</sub> = implicit price deflator index for previous financial year

#### *Deferral of payment*

In exceptional circumstances, Council may permit deferred payment provided the following criteria are met:

- The works to which the contribution is to be applied are not essential works or relate to public health or safety;
- The maximum deferral is two years from the standard payment date;
- A bank guarantee is provided for the full amount plus interest charges;
- Interest will be charged equivalent to that charged on overdue rates for the period of the bank guarantee;
- Payment of an administration fee equivalent to the bank guarantee lodgement fee for subdivision related matters, to be paid at the time of lodgement of the bank guarantee;
- The amount of the contribution exceeds \$5,000.

Council will also consider an application for payment by instalments over 5 years for tenants or businesses operating in the Shoalhaven Local Government Area that can demonstrate special circumstances.

An application for deferral or payment by instalments will need to be submitted to Council and will be determined at Council's discretion.

#### *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.

### *Exemptions and Discounts*

Council does not allow standard exemptions or discounts for contributions in this Plan.

### *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 or to bring forward the construction of a facility ahead of Council's budgeted works program.

If construction of a facility is requested by an Applicant in advance of its inclusion in Council's budgeted 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.

These options apply to all works described in this Plan, including works to be fully funded by Council.

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. Acceptance of any such alternative is at the sole discretion of Council.

Works In Kind and other Material Public Benefits are subject to Council approval, and will be expected to comply with the requirements of any relevant Development Control Plan, Planning Policy, this Contribution Plan amendment and relevant construction standards. Council will require the applicant to enter into a written agreement for the provision of the works.

### *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.

## **14. Construction Schedule**

The estimated schedule for construction of projects is that published in Council's 1993 Contributions Plan and Amendments 69 & 80.

## **15. References**

- Shoalhaven City Council Contributions Plan 1993
- Shoalhaven City Council Contributions Plan 1993 Amendment No. 69
- Shoalhaven City Council Contributions Plan 1993 Amendment No. 80
- Shoalhaven City Council Development Control Plan No. 18 (Car Parking Code)

## **Appendices**

Section 94 Contributions Plan Amendment No. 74 (Car Parking) being this written Statement and accompanying maps, was

Adopted by Council:

and

Became effective from:



R D Pigg  
General Manager

## APPENDIX A

### 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.

#### *Contribution Area*

Land which is the subject of a contributions plan.

#### *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.