



# **Section 94 Contributions Plan**

*Draft Amendment No.94*

Berry CBD Car Parking

**01CARP0002**

Berry CBD Car Parking.

Reference: 35185

November 2006

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## Introduction

The majority of Berry CBD is zoned 3(a) Business “A” (Retail) Zone under the Shoalhaven Local Environmental Plan 1985. The objective of this zoning is to allow for retail, commercial and business activities.

In the current Section 94 Contributions Plan (Amendment No.80 Berry Car Parking, 01 CARP 0002), the Benefit Area covered land west of Alexandra Street that was zoned 3(f) Business “F” (Village) Zone. This area of land has not been included within the subject area for draft Amendment 94 for the following reasons:

- Historically, demand for contribution payments in the fringe commercial areas has been low. The additional increase in car parking within the fringe area may unnecessarily inflate the cost associated with providing car parking to the retail core;
- Additional development in this area is able to provide their car parking requirements on-site;
- This area is zoned fringe retail and is inconsistent with the objective of a Contributions Plan for parking rationalisation;
- Contributions that were received so far from the excluded 3(f) Commercial zone have been put to the purpose of CP Amendment No.80; and
- Previously, Council has been requested to amend the Contributions Plan due to the large distance between the 3(f) Commercial land and the parking spaces provided.

Large land area allotments have also been excluded from the Contributions Area because it is considered appropriate that car parking should be provided on site for these lots.

Under proposals contained in draft amendment no. 5 of DCP 49, there is potential for an additional 1630 m<sup>2</sup> of floor space in the CBD core retail area. In anticipation of new retail and commercial development, Council has resolved that the Section 94 project to fund new car parking facilities be amended.

This draft Plan makes provision for the funding of 44 new car parking spaces and the recoupment of expenditure on 25 spaces provided in advance of development. In addition, a service road to the north of Princess Street is proposed to be constructed to allow efficient access for potential future development.

Draft Contributions Plan Amendment No.94 proposes that car parking spaces required to meet the demand of future development be provided as follows:

- 25 existing spaces provided by Council in advance of development;
- 20 new spaces to be provided on land to be acquired, as described in draft Amendment No.5 of DCP 49 and Appendix C; and
- 24 new spaces to be provided via improved on-street parking.

## **1. Definitions**

The definitions of terms used in this plan are listed in *Appendix A*.

## **2. Name of the Plan**

This Contributions Plan is draft amendment number 94 (Berry Car Parking) of the Shoalhaven City Council Section 94 Contributions Plan 1993. This project is identified in the Contributions Plan as project number 01 CARP 0002.

## **3. Legal context**

This draft Contributions Plan amendment 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.

## **4. Purpose of the Plan**

The purpose of this Plan is to:

- a) ensure that the demand for car parking arising from future development in Berry CBD is met;
- b) ensure the timely provision of these facilities;
- c) authorise Council to require contributions toward the cost of the proposed car parking facilities, as a condition of development consent;
- d) ensure equitable apportionment of costs between existing and future development as a result of new commercial development; and

- e) provide a framework for administration and management of this plan.

## **5. Commencement of the Plan**

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

## **6. Relationship with Other Plans and Policies**

This Contributions Plan is amendment number 94 of the Shoalhaven City Council Section 94 Contributions Plan 1993. This Plan is a supplement to Council's **Cityplan**, Management Plan, Development Control Plan No.49 (draft Amendment No. 5), Development Control Plan No.18 (Car Parking Code) and Local Environmental Plan.

## **7. Project Location**

The subject area is bounded by Albert Street, Albany Street, Princess Street, and Prince Alfred Street. Queen Street (Princes Highway) dissects the centre of the subject area.

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

The Contribution Area for this project (01 CARP 0002) covers the commercial precinct of Berry, being land zoned 3(a) bounded by Albert, Prince Alfred, Princess, and Alexandra Streets, but excluding certain lots. This area is shown in the Contribution Area Map in *Appendix B* to this Plan.

Development on land within the Contributions Area is expected to make a contribution to car parking as required, where it is undesirable to require parking to be provided on site. Development on land outside the Contributions Area is expected to provide all parking required on site and is not required to make contributions.

## **9. Assessment of Demand**

This plan provides that developers outside of the area marked on the Contribution Area map will be required to provide their car parking

requirements on-site. These areas are either remote from the retail core or have a site area of sufficient size to provide on-site car parking and basement car parking if necessary. DCP 18 applies to commercial development in the CBD and this has been applied on the standard for car parking requiring contributions. It should be noted that DCP 18 does not fully account for the variation in parking demand created by tourist and visitor demand. Consequently, this Plan requires contributions only for core commercial development.

An analysis of existing supply and demand for car parking has been carried out through ground surveys in August 2006. On-street and off-street parking facilities were counted.

The breakdown of the existing parking in Berry CBD is as follows:

Private On-Site Parking:	174 spaces
Public On-Street Parking:	297 spaces
Public Off-Street Parking	65 spaces
<b>Total Spaces:</b>	<b>536 spaces</b>

The current Gross Floor Area used for retail and non-retail commercial land uses was also measured. From here, by referring to Car Parking Code DCP No.18, the number of spaces required for the current land uses in Berry's CBD was calculated.

The existing commercial floor space in the Berry CBD subject area amounts to:

<b>EXISTING LAND USE</b>	<b>AREA m<sup>2</sup></b>	<b>CAR PARKING DEMAND BY DCP NO.18</b>
COMMERCIAL FLOORSPACE	1,239	52
HOTELS/CLUBS	1,320	55
OUTDOOR EATING AREAS	251	11
RETAIL - SHOPS	9,158	286
RETAIL - SUPERMARKETS	305	12
RETAIL – STORAGE (25% of Shops/Supermarket Area)	N/A	47
SERVICE STATIONS	250	12
TOURIST ACCOMODATION	1,340	35
<b>TOTAL</b>	<b>13,863</b>	<b>511</b>

Current Car Parking Supply	536 Spaces
Current Car Parking Demand	511 Spaces
Current Car Parking Situation	Surplus of 25 spaces

It is concluded that a surplus of 25 spaces has been provided in advance of future development. Draft Contributions Plan Amendment No.94 proposes to recoup costs associated with this number of spaces. Actual costs indexed to 2006/07 financial year are equivalent to \$6,267 per space.

The future car parking requirements for 2016 in Berry's CBD has been calculated by using the floor space estimates from Berry DCP No.49 Draft Amendment No.5, then using the following formula in accordance with DCP No.18.

Office-style development is known to form a large percentage of the non-retail floor space component.

PROJECTED ADDITIONAL FLOOR SPACE	AREA m <sup>2</sup>	CAR PARKING DEMAND BY DCP NO.18
COMMERCIAL FLOORSPACE	231	10
HOTELS/CLUBS	0	0
OUTDOOR EATING AREAS	13	2
RETAIL - SHOPS	1,358	42
RETAIL - SUPERMARKETS	28	1
RETAIL – STORAGE (25% of Shops/Supermarket Area)	N/A	7
SERVICE STATIONS	0	0
TOURIST ACCOMODATION	0	0
<b>TOTAL</b>	<b>1,630</b>	<b>62</b>

An additional 7 spaces will be required to replace existing spaces following future development, making a total of 69 spaces.

## 10. Estimated Cost of Facility

### *Scope of Works*

This Plan provides for the following works, in accordance with Development Control Plan No.49 (draft Amendment No.3)

- Provision of 20 spaces on Lot 1 DP209665 & Lot 1 DP 578257 in Princess Street near the rear of Berry Hotel;
- Construction of a new service lane connecting the existing off-street car park at the rear of the nursery joining Princess Street and the new car park;
- Reinforcement of the existing off-street car park in Princess Street to a five tonne standard;
- Provision of 24 new on-street car parking spaces – location still to be determined under DCP 49 (Amendment No.3); and
- Recoupment of the 25 spaces provided in advance of development.

An extract from DCP 49 (draft Amendment No.5) which includes the service lane and car parking facilities proposed for Berry CBD is included in *Appendix B*.

### *Land Costs*

The value of land to be acquired for the purpose of providing car parking facilities in Berry has been determined by independent valuation, and is included in Table 1.

### *Estimated Costs*

For each part of the car park and service lane works, the estimated costs are summarised in Table 1.

Table 1  
01 CARP 0002 - Estimated Cost Summary

<b>PROJECT COMPONENT</b>	<b>ESTIMATED COST (\$)</b>
Construction Costs	\$278,390
Land Costs	\$770,127
Administration & On-Costs	\$225,431
Estimated Recoupment Costs (from 25 space surplus)	\$156,675
<b>ESTIMATED TOTAL COSTS</b>	<b>\$1,430,623</b>

For more detailed information relating to estimated costs, refer to the Estimated Cost Tables in *Appendix C* of this Plan.

## **11. Construction Schedule**

Construction of the facility is anticipated for 2007- 2012. This is considered consistent with the expected rate of development. It is possible that the works will be constructed in stages, depending on the actual rate of development and competing priorities in Council's works program. Clause 17.8 of this Plan provides for construction of the works, or stages of the works, in advance of Council's works program under certain circumstances.

## **12. Apportionment of Costs**

### *Method of Apportioning Costs to the Contribution Area*

The Contribution Rate for the proposed car parking facilities and service road in Berry was calculated from a single Contribution Area, and determined on the basis of dollars per car space.

The future car parking requirements for 2016 in Berry's CBD has been calculated by using the floor space estimates from Berry Development Control Plan No.49 (Draft Amendment No.5), then using the formula in accordance with Development Control Plan No.18 – Car Parking Code. Because future

development generates the demand for the additional parking spaces, these will be fully funded by developer contributions.

Given that a surplus of 25 car spaces have been provided by Council in advance of future development, this cost share of the works will be met by contributions arising from future development. This amount is included in the cost tables for the purposes of recoupment.

See Table 1 for the Estimated Cost Summary of 01 CARP 0002.

#### *Grant Funding*

At the time of commencement of this Plan, no funds were available from grants or other sources.

### **13. Contributions Formula**

The contribution rate has been calculated by dividing the additional estimated floor space for 2016 by the total cost of works to provide for the 69 car spaces required to meet future demand, fully funded by development.

$$\text{Contribution Rate (\$ per parking space)} = \frac{\text{Estimated Cost}}{69}$$

### **14. Contribution Rates**

In accordance with the formula in Clause 15.1, the following contribution rate has been calculated for the provision of car parking facilities within the Berry CBD.

Table 2  
Contribution Rate required to meet future demand (\$ per parking space)

CONTRIBUTION AREA	CONTRIBUTION AREA DEVELOPER COST SHARE	CONTRIBUTION RATE (\$ PER CAR SPACE)
1	\$1,430,623	<b>\$20,734</b>

The number of car parking spaces required by a development will be assessed under the terms of DCP 18 at the time of development application.

## **15. Review of Contribution Rates**

### *Annual Review of Contribution Rates*

The above contributions 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.

### *Review of Project Costs*

Final construction costs will be reviewed and this Plan amended if the actual cost is significantly different from the estimates used in this Plan.

### *Receipt of Grant Funding*

Should grant funding be made toward this project, such funds will be used to reduce the total cost of the relevant part of the project, and contribution rates will be adjusted accordingly.

## **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 the 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 residential 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 1<sup>st</sup> 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:

$$CRc = CRp \times IPDc \div IPDp$$

where

CRc = contribution rate for the current year

CRp = contribution rate for the previous financial year

IPDc = implicit price deflator index for current year

IPDp = implicit price deflator index for previous financial year

### **16.5 Deferral of Payment**

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

- The maximum deferral is two years from the standard payment date; and
- The provision of a bank guarantee for the required amount, plus an interest charge equivalent to that charged on overdue rates for the period of the bank guarantee, plus an administration fee.

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

### **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; and
- 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. Should the development be approved, the applicant should contact Council to arrange for a valuation of the subject land.

## 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.
- Shoalhaven City Council Development Control Plan No. 18 – Car Parking Code.
- Shoalhaven City Council Development Control Plan No.49 draft amendment No.5.

## 18. Appendices

- A Definitions
- B Contribution Area Map
- C Estimated Cost Tables

Section 94 Contributions Plan Draft Amendment No.94, *Berry Car Parking*, being this written Statement and accompanying maps, was

Adopted by Council: XXXX

and

Became effective from: XXXX



R D Pigg  
General Manager

Date: 12 – 12 - 06

## **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.

#### *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.

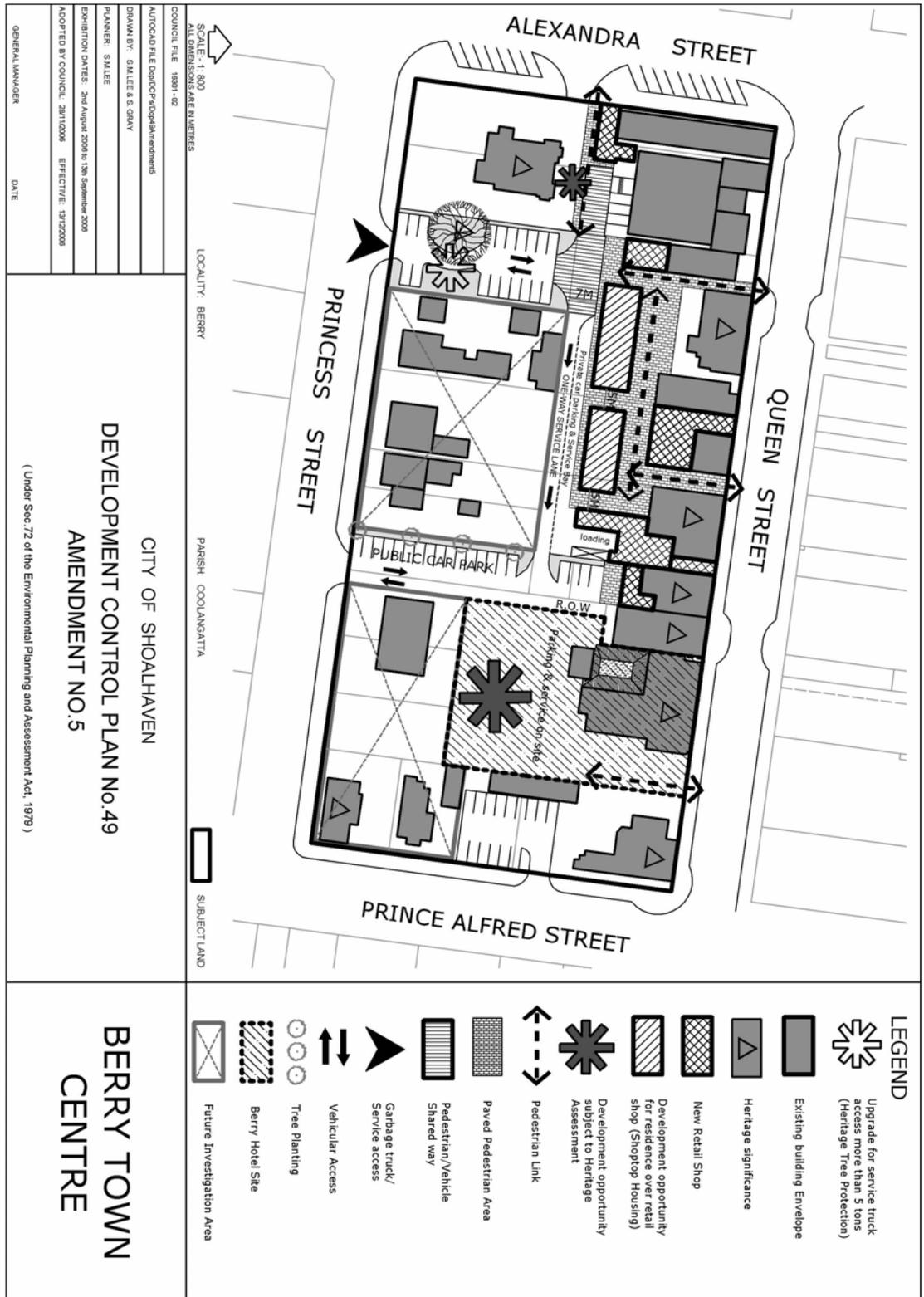
*Works Program*

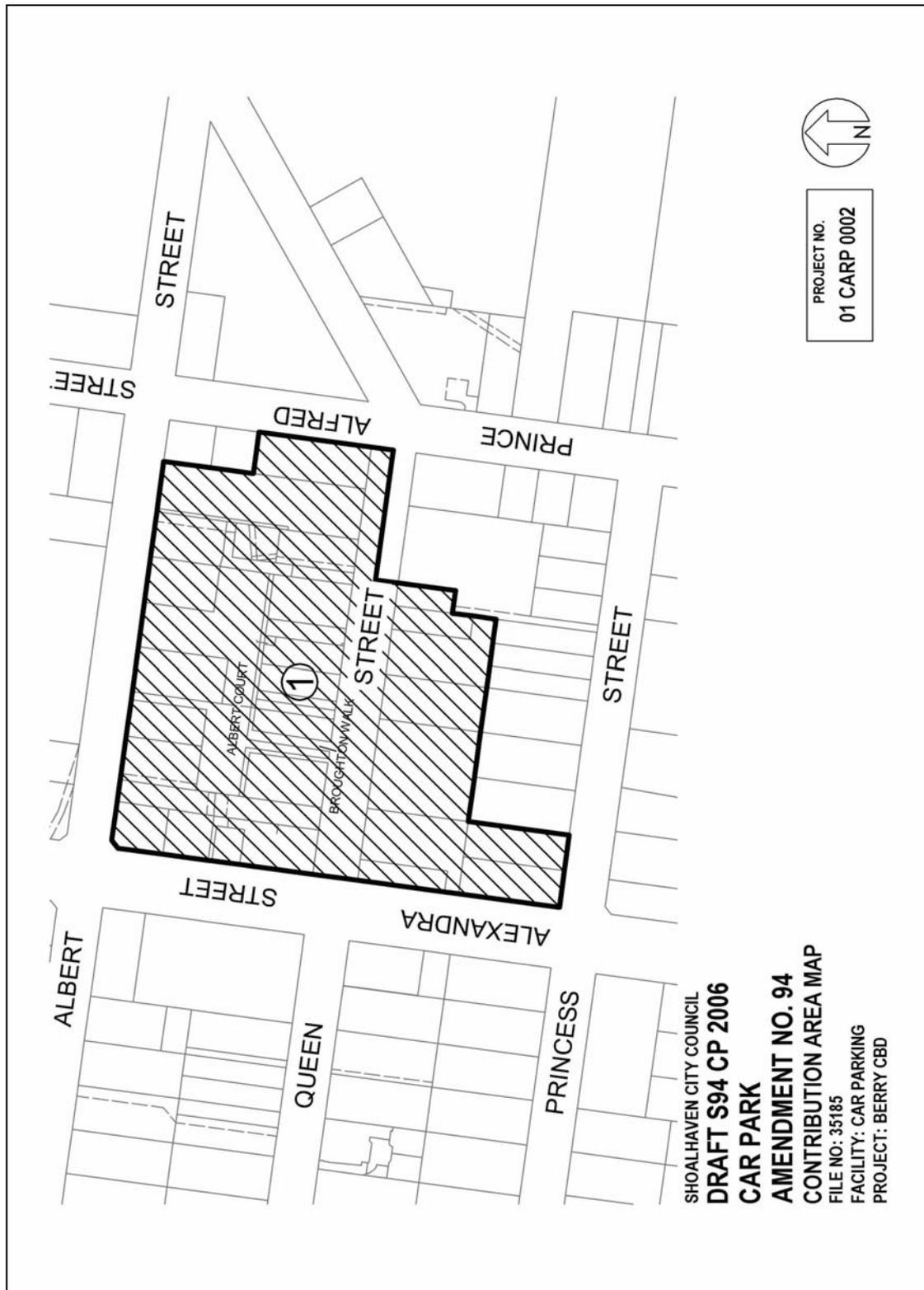
A list of the works to be undertaken by Council.

*Works Schedule*

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







**APPENDIX C****COST SCHEDULE - PROJECT SUMMARY****01 CARP 0002 - Berry CBD Car Parking**

DESCRIPTION	QUANTITY	RATE	TOTAL
20 Car Parking Spaces & Service Road off Princes St (incl. Land Acquisition)			\$965,837
24 On-Street Car Parking Spaces			\$82,680
<b>SUB TOTAL</b>			<b>\$1,048,517</b>
Survey & Design	3.0%	\$1,048,517	\$31,456
Supervision	3.0%	\$1,048,517	\$31,456
Administration & On-costs	15.5%	\$1,048,517	\$162,520
<b>ESTIMATED ADMINISTRATIVE COSTS</b>			<b>\$225,431</b>
25 Recouped at current full Contribution Rate	25	\$6,267.00	\$156,675
<b>ESTIMATED TOTAL PROJECT COST</b>			<b>\$1,430,623</b>

**PRINCESS STREET - 20 SPACES AND SERVICE ROAD**

DESCRIPTION	QUANTITY	RATE	TOTAL
Works Site Establishment	1 item	\$7,812	\$7,812
Works Site De-establishment	1 item	\$914	\$914
Traffic Management Plan	1 item	\$6,437	\$6,437
Environmental Management Plan	1 item	\$5,513	\$5,513
Prepare Safety Plan	1 item	\$1,838	\$1,838
Prepare and Implement Quality Plan	1 item	\$1,838	\$1,838
Work as Executed Drawings	1 item	\$1,838	\$1,838
Clearing, Grubbing & Mulching	1495	\$6.05	\$9,045
Pavement - Service Road	1511	\$39.03	\$58,974
Kerb & Gutter/Drainage	91	\$110.78	\$10,081
Street Lighting	10	\$960.00	\$9,600
Tree Planting	10	\$200.00	\$2,000
Car Parking	20	\$2,860.00	\$57,200
Footpath	580	\$39.00	\$22,620
<b>ESTIMATED PROJECT COSTS</b>			<b>\$195,710</b>
Land Costs + 15% Contingencies			\$770,127
<b>ESTIMATED TOTAL PROJECT COST</b>			<b>\$965,837</b>

**COST OF 24 ON-STREET SPACES**

DESCRIPTION	QUANTITY	RATE	TOTAL
Car Parking	24	\$2,860.00	\$68,640
Footpath	360	\$39.00	\$14,040
<b>ESTIMATED TOTAL PROJECT COST</b>			<b>\$82,680</b>

**LAND ACQUISITION COSTS**

LOT	AREA m <sup>2</sup>	RATE PER m <sup>2</sup>	COMMENTS
Lot 1 DP 209665	496		House & Land
Lot 1 DP 578257	238.41	\$275.00	
Lot 1 DP 121360	99.04	\$275.00	
Lot 2 DP 209665	239.34	\$275.00	
Lot 1 DP 1038574	140.7	\$275.00	\$5000 for Shed
Lot 1011 DP 872963	281.33	\$275.00	
Land Cost	<b>1494.82</b>		
15% Contingencies			
<b>Total Land Acquisition Costs</b>			

