

APPENDIX A: PROPOSED WEBSITE CHANGES

Item 1	Legal Basis for Contributions		
Section of Website			
Existing:	1.3	New:	1.3
Issue/ Justification:			
This Section outlines the legal basis whereby Council is able to collect development contributions. A general review of this Section has been undertaken and additional information added to help improve the accuracy, transparency, and readability of this Section. This includes outlining: • The part of the Environmental Planning & Assessment Act 1979 (the Act) relating to development contributions. • The mechanism used to collect contributions in the Shoalhaven Local Government Area (LGA). • The various ways contributions may be satisfied under the Act. • What developer contributions are utilised for within the Shoalhaven LGA.			
Proposed Amendment:			
Replace existing Section 1.3 with the following: Part 7 of the EP&A Act enables Council, other consent authorities and accredited certifiers, via the Shoalhaven Contributions Plan 2019, to levy development contributions for the provision of community infrastructure generated as a consequence of that development. Section 7.11 development contributions apply to the whole of the Shoalhaven Local Government Area and may be imposed as a condition of consent for a number of development types, including (not exclusively) subdivisions, residential, commercial, retail and industrial development applications and complying development certificates. Development contribution requirements may be satisfied by one or a combination of the following: • Dedication of land. • A monetary contribution. • Material public benefit. Funds levied contribute towards: • The provision, extension or augmentation of community infrastructure that will, or is likely to be required as a consequence of that development. • The recoupment of the cost of providing existing community infrastructure if: – The development concerned will, if carried out, benefit from the provision of the existing public infrastructure, and – The existing public infrastructure was provided within the area by a consent authority in preparation for, or to facilitate, the carrying out of development in the area.			

Item 2	Land to Which This Plan Applies		
Section of Website			
Existing:	2.3	New:	2.3
Issue/ Justification:			

The existing planning area mapping in this Section was directly transferred from Shoalhaven Contributions Plan 2010 and is outdated. As a result, a new map theme has been prepared to provide a consistent “look and feel” with other mapping updates that form part of this Amendment. No changes to the planning area catchments have been made.

Proposed Amendment:

Replace the existing planning areas map (Figure 2.3.1) with the following map.



Item 3	Transitional Arrangements Provision		
Section of Website			
Existing:	N/A	New:	2.7
Issue/ Justification:			
This provision was not transferred over from the Shoalhaven Contributions Plan 2010 and the provision is necessary for providing an understanding of the Plan’s application and to provide clarification for development applications. The wording has been expanded to include reference to complying development certificates.			
Proposed Amendment:			
Insert the following sentence into new Section 2.7 (Transitional Arrangements) of the Plan: A development application or an application for a complying development certificate that has been submitted prior to this Plan becoming effective, but not yet determined, shall be determined in accordance with the provisions of the Plan which applied at the date of determination of the application or issue of the complying development certificate.			

Item 4	Population Growth				
Section of Website					
Existing:	3.1	New:	3.1		
Issue/Justification:					
Population projections require updating in accordance with the most recent statistical data that has been prepared by ID Forecast. The population projections inform the apportionment rates and assumptions that underpin the Plan and therefore have been updated accordingly.					
Proposed Amendment:					
Replace the existing Forecast ID projections with the following updated projections.					
Year/Area	2016	2021	2026	2031	2036
Planning Area 1	47,670	49,761	52,307	55,549	59,536
Planning Area 2	7,233	7,266	7,410	7,707	8,028
Planning Area 3	21,402	22,162	22,388	23,033	23,662
Planning Area 4	4,394	4,449	4,585	4,739	4,922
Planning Area 5	21,079	21,701	22,551	23,506	24,271
TOTAL	101,778	105,338	109,242	114,533	120,419

Item 5		Equivalent tenements (ETs) for residential development (Table 3.7.1)	
Section of Website			
Existing:	3.7	New:	3.7
Issue/Justification:			
Currently, depending on the type of residential development, various ET rates are applicable based on the number of bedrooms. The Plan currently specifies that the medium density			

methodology “recognises the demand for community infrastructure is less for this development type”. This, however, is not generally the case.

It is proposed to amend the ET rate applying to all residential developments (excluding development under the Affordable Rental Housing SEPP) to 1ET per dwelling. This is considered a more equitable and accurate reflection of the demand placed on infrastructure and it enables development contributions to be applied in a more consistent manner. This also resolves/avoids the “topping up” of contributions to 1ET required at the subdivision stage of medium/high density development which is often unnecessarily confusing for staff and applicants. It is noted that development under the Affordable Rental Housing SEPP cannot be subdivided and the rates remain lower to acknowledge this and the nature of the development.

The commentary regarding “media rooms” (and the like) and the multi-unit methodology will need to be amended specifically relating to the Affordable Rental Housing SEPP.

Proposed Amendment:

Delete the following content from Section 3.7 (see excerpt below):

The application of ETs for multi-units (i.e. based on the number of bedrooms per unit) applies a rate recognising that demand for community infrastructure is less for this development type.

Development under *State Environmental Planning Policy (Affordable Rental Housing) 2009* will be charged on a rate per bedroom as per the rate for a dual occupancy development.

Where a room in a development is:

- ✓ Proposed as a “study”, “home theatre”, “media room” or the like; and
- ✓ Is of appropriate dimensions and capable of being used as a bedroom,

it is to be treated as a bedroom for the purposes of calculating contributions under this Plan.

Insert a new methodology for development under the Affordable Rental Housing SEPP and commentary regarding “media rooms” (and the like) as follows:

- “The application of ETs for development under *State Environmental Planning Policy (Affordable Rental Housing) 2009* (i.e. based on the number of bedrooms per unit) applies a rate recognising that demand for community infrastructure is less for this development type”. Where a room in a development under the Affordable Rental Housing SEPP is:
 - Proposed as a “study”, “home theatre”, “media room” or the like; and
 - Is of appropriate dimensions and capable of being used as a bedroom,
 it is to be treated as a bedroom for the purposes of calculating contributions under this Plan, where Council considers it reasonable to do so.

Amend Table 3.7.1 as follows:

Table 3.7.1: ET rate applied to residential developments

Development type	ETs applied	Relevant community infrastructure levied
Dwellings (excluding development under the Affordable Rental Housing SEPP) Residential subdivision lot	1.0	AREC (Active recreation) CFAC (Community facilities) FIRE (Fire & emergency serv.)
Boarding house (including New Generation Boarding Houses)	0.2	MGMT (Plan management)

	per boarding house bedroom		OREC (Passive recreation) ROAD (Road & traffic)
	Development under the Affordable Rental Housing SEPP (excluding boarding houses)		
	1 bedroom	0.4	
	2 bedroom	0.6	
	3 bedroom	0.8	
	4 bedroom	1.0	
		DRAI (Drainage) – in m ² (see 'Drainage calculations' above)	

Item 6	Table 3.7.2: ET rate applied to tourism accommodation developments		
Section of Website			
Existing:	3.7	New	3.7
Issue/Justification:			
Currently, the below development types are grouped together. In order to improve readability, it is proposed to list the development types in a more user-friendly way. The Bed & Breakfast commentary has been expanded to convey Council's intent more effectively. As some motel rooms have more than one bedroom, 'motel room' has been added to the 2, 3 and 4 bedroom development type list.			
Proposed Amendment:			
Amend the wording in Table 3.7.2 to the following:			
Table 3.7.2: ET rate applied to tourism accommodation developments			
Development type	ETs applied	Relevant community infrastructure levied	
Per 1 bedroom: - Unit - Relocatable dwelling - Motel room - Cabin Per caravan park site Per camp site Per Bed & Breakfast bedroom where: - The dwelling is greater than 300m²; or - There are more than 3 guest bedrooms	0.4	AREC (Active recreation) FIRE (Fire & emergency serv.) MGMT (Plan management) OREC (Passive recreation) ROAD (Road & traffic)	
Per 2 bedroom: - Unit - Relocatable dwelling	0.6		

	• Motel room • Cabin		
	Per 3 bedroom: • Unit • Relocatable dwelling • Motel room • Cabin	0.8	
	Per 4 bedroom: • Unit • Relocatable dwelling • Motel room • Cabin	1.0	
		DRAI (Drainage) – in m ² (see 'Drainage calculations' above)	

Item 7	Land Dedication or Acquisition		
Section of Website			
Existing:	3.10	New:	3.10
Issue/Justification:			
A general review of this Section has been undertaken to update in accordance with Council's most up to date legal advice relating to the dedication of land. Council cannot accept dedication of land in part or full satisfaction of a condition of consent in all circumstances.			
Proposed Amendment:			
Replace the wording under the 'Dedication of land' subheading with the following: This Plan authorises Council, via the imposition of a condition of development consent under 7.11(3) of the EP&A Act, to require in connection with any development on land to which this Plan applies (and in addition to any monetary contribution that may be sought), the dedication free of cost to the Council of any part of the development site that is land that is to be acquired under this Plan. A condition imposed under 7.11(3) is a condition that requires the payment of a monetary contribution towards the recoupment of the cost of public amenities or public services that Council has already provided that would benefit the development (not yet to be provided as per 7.11(1)). The area of land that may be required in the consent shall not exceed the area equivalent to the monetary contribution otherwise authorised by this Plan. Council will credit only the amount provided in the Plan. For the purposes of this clause, the value of the land is to be calculated in accordance with the value of the land as indexed by the Land Value Index established under this Plan. The monetary development contribution otherwise authorised by this Plan shall be reduced by an amount corresponding to the value of the land required to be dedicated. Where the value of the land exceeds the monetary development contribution otherwise authorised, the developer may offer to enter into a voluntary planning agreement dealing with an appropriate settle-up in exchange for the dedication of the remainder.			

Where land cannot be dedicated via the imposition of a condition of development consent, it may be appropriate to consider whether such an outcome could be achieved via a voluntary planning agreement.

Item 8	Planning Agreements		
Section of Website			
Existing:	4.4	New:	4.4
Issue/Justification:			
A general review of this Section has been undertaken and additional information added to ensure greater consistency with the <i>Environmental Planning and Assessment Act 1979</i> and Council's Voluntary Planning Agreement policy. The proposed amendments will help to improve the accuracy, transparency, and readability of this Section in relation to planning agreements.			
Proposed Amendment:			
Replace the existing wording with the following: Section 7.4 of the EP&A Act allows Council to enter into a planning agreement with a developer and sets out the legislative requirements for those agreements. A planning agreement is an alternative mechanism for providing development contributions and may be used in place of, or to supplement Council's adopted Section 7.11 Development Contribution Plan (in part of full). Development contributions may be satisfied through one of a combination of the following mechanisms: • Dedication of land. • A monetary contribution. • Material public benefit. • A combination of some or all of the above. Under a planning agreement, a developer may agree to provide or fund public amenities and public services, affordable housing and transport or other infrastructure. Refer to Council's Voluntary Planning Agreement Policy [Insert link] for more information. Planning agreements entered into by Council (or under preparation) can be viewed on Council's Planning Register.			

Item 9	Deferred or Periodic Contributions Payments		
Section of Website			
Existing:	4.7	New:	4.7
Issue/Justification:			
Council has no legal obligation to defer contribution payments or take periodic payments, however Council may consider flexibility in certain circumstances, as outlined in Council's Payment of Development Contributions and Section 64 Headwork Charges by Deferment or Instalments (under special circumstances) Policy. The wording in this section has been refined to rely on the Policy and delete any duplicated content.			
Proposed Amendment:			
Replace the existing wording with the following:			

Council is not legally obliged to defer contributions payments or take periodic payments; however, deferred or periodic payment of contributions may be permitted in certain circumstances. For further information please refer to Council's [*Payment of Development Contributions and Section 64 Headwork Charges by Deferment or Instalments \(under special circumstances\)*](#) Policy.

Item 10		Accredited Certifier Obligations	
Section of Website			
Existing:	4.10	New:	4.10
Issue/Justification:			
A general review of this Section has been undertaken to improve overall readability, ensure the information being provided is accurate and identify relevant sections of the appropriate legislation.			
Proposed Amendment:			
Replace the existing wording with the following: Failure to adhere to the below information may render a certificate invalid, exposing the accredited certifier to legal action. In accordance with Section 7.21 of the EP&A Act and clause 136L of the EP&A Regulations, accredited certifiers have the same obligations as Council when issuing certificates and are required to undertake the following: • Impose a condition on a complying development certificate, requiring that monetary contributions be paid in accordance with this Plan and prior to the commencement of works. • Prior to issuing a construction certificate for building works or subdivision associated with a development consent, verify that each condition requiring payment of monetary contributions has been satisfied. It is the professional responsibility of the accredited certifier to: • Accurately calculate development contributions and to apply the contribution condition correctly. • Ensure the conditions they have imposed are in accordance with Council's standard development contributions consent conditions, this Plan and any current directions given by the Minister under section 7.17 of the EP&A Act. • Ensure that the applicant provides them with a Council issued receipt(s) confirming that contributions have been paid, in full. Copies of such receipts must be included with copies of the certified plans provided to Council in accordance with clause 142(2) of the EP&A Regulations. • Forward certificates to Council within the legislated timeframe. Only conditions requiring monetary contributions can be imposed by accredited certifiers. The only exception to this requirement is 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 instances, Council will issue a letter confirming that it agrees to the alternative payment method. Accredited certifiers should refer to Section 3 of this Plan regarding the calculation of development contributions and the online calculator.			

Item 11	Refunds		
Section of Website			
Existing:	4.12	New:	4.12
Issue/Justification:			
Council has no legal obligation to refund development contributions but may consider refunds under certain circumstances and in accordance with Council's Developer Contributions Refund Procedure. The wording in this Section has been refined to provide more helpful and accurate information to applicants.			
Proposed Amendment:			
Replace the existing wording with the following: Council is not obligated under legislation to refund development contributions. However, Council may consider refunding development contribution payments where: • A developer has surrendered their consent within 12 months of paying the contributions. • Council has made an error in calculating development contributions. • The refund request is the result of a Works-in-Kind Agreement or Planning Agreement. Where development contributions consist of a City-Wide Plan Management Contribution, Council will only be able to provide a partial refund. These costs are associated with the formulation, administration and management of the Plan. A refund will not be possible when a project has commenced, money has been expended, or the development contribution is for a recoupment project. Where a refund cannot be supported, Council may consider a credit as appropriate to the circumstances. For further information, please contact Council's Developer Contributions Coordinator on 4429 3111.			

Item 12	Definitions		
Section of Website			
Existing:	Section 5	New:	Section 5
Issue/Justification:			
The current gross floor area definition in the Plan has been superseded by the Standard Instrument LEP definition. It is proposed to amend the definition to refer to the Standard Instrument LEP to avoid duplication and future administrative tasks, should the LEP definition change in the future.			
Proposed Amendment:			
Replace the existing gross floor area definition with the following: Gross Floor Area has the same meaning as Shoalhaven LEP 2014.			

Item 13	Schedule 1 Infrastructure Projects Schedule 3 Contributions Project Rates
Section of Website:	
Schedules 1 and 3; and throughout Plan.	

Justification:

It is proposed to delete Schedules 1 and 3 as the information contained within these schedules is also duplicated within the projects section of the website. The information in the projects list is dynamic compared to information contained in either schedule.

Currently, the Plan refers to Schedules 1 and 3 throughout. Where this is the case, it is proposed to replace the reference to either schedule and replace with "in this Plan".

The deletion will reduce the resourcing required in the administration and maintenance of the Plan without affecting its usability.

Proposed Change:

- Delete Schedule 1 and 3.
- Delete references to Schedules 1 and 3 throughout the Plan and replace with "in this Plan."

Item 14		Schedule 2 Old Subdivision Properties	
Section of Website			
Existing:	Schedule 2	New:	Schedule 2
Issue/Justification:			
The list of Old Subdivision Properties in Schedule 2 is outdated and needs to be updated to remove properties that have paid or have otherwise resolved development contributions. The revised list only includes properties that have not yet paid development contributions.			
Proposed Amendment:			
Replace the Old Subdivision Properties list with the following:			
Location	Address	UTE	Description
Basin View	57 Reserve Rd	17086	Lot 318 DP 8399
Falls Creek	Hart Rd	43291	Lot 15 DP 15461
Falls Creek	Sinclair Rd	43300	Lot 28 DP 15461
St Georges Basin	28 The Basin Rd	7042	Lot 61 DP 8082
St Georges Basin	Island Point Rd	38569	Lot 32 DP 8082
St Georges Basin	7 Park Road	19247	Lot 3 DP 9699 Sec K*
St Georges Basin	12 Park Road	19259	Lot 10 DP 9699 Sec K*
St Georges Basin	16 Park Road	94567	Lot 2 DP 1062876
Callala Bay	6 Emmett St	27500	Lot 13 DP 9063 Sec 6*
Callala Bay	Sheaffe St	28513	Lot 21 DP 9063 Sec 7*
Callala Bay	3 Sheaffe St	35414	Lot 3 DP 9063 Sec 6*
Callala Bay	Sheaffe St	28507	Lot 15 DP 9063 Sec 7*
Callala Bay	12 Woodhill St	28838	Lot 6 DP 9063 Sec 6*
Callala Bay	7 Woodhill St	28518	Lot 26 DP 9063 Sec 7*
St Georges Basin	Grange Road	6394	Lot 7 DP 9699 Sec A

St Georges Basin	Grange Road	6395	Lot 8 DP 9699 Sec A
St Georges Basin	Grange Road	6396	Lot 9 DP 9699 Sec A
St Georges Basin	Grange Road	6397	Lot 10 DP 9699 Sec A
St Georges Basin	The Basin Rd	7041	Lot 60 DP 8082
Tomerong	Evelyn Rd	43766	Lot 15 DP 10814
Tomerong	Evelyn Rd	43776	Lot 45 DP 10814
Callala Bay	Cook St	28506	Lot 14 DP 9063 Sec 7*
Callala Bay	Cook St	28505	Lot 13 DP 9063 Sec 7*
Lake Tabourie	10 River Rd	26103	Lot 7 DP 259901
Bawley Point	77 Tingira Dr	26733	Lot 378 DP 246407
Old Errowal Bay	2 McGowen St	14847	Lot 22 DP 12958 Sec B
Kioloa	18 Kurrawa Dr	27034	Lot 51 DP 261112
Fishermans Paradise	8 Alma Av	29921	Lot 205 DP 26974
Conjola Park	12 Kurrajong Cr	118344	Lot 1060 DP 1204092
St Georges Basin	205 Grange Rd	119669	Lot 1 DP 1223665
Callala Bay	47 Lackersteen St	27787	Lot 12 DP 9063 Sec 4A*
Callala Bay	Chisolm St	35365	Lot 10 DP 9063 Sec 21*
Callala Bay	49 Lackersteen St	117497	Lot 122 DP 1190991
Callala Bay	47 Lackersteen St	117496	Lot 121 DP 1190991
Callala Bay	49A Lackersteen St	117498	Lot 123 DP 1190991
Callala Bay	12 Cook St	120445	Lot CP SP 95255
Callala Bay	1/12 Cook St	120446	Lot 1 SP 95255
Callala Bay	2/12 Cook St	120447	Lot 2 SP 95255
Callala Bay	3/12 Cook St	120448	Lot 3 SP 95255
Callala Bay	4/12 Cook St	120449	Lot 4 SP 95255
Callala Bay	5/12 Cook St	120450	Lot 5 SP 95255
Callala Bay	6/12 Cook St	121272	Lot 7 SP 95255
Callala Bay	7/12 Cook St	121273	Lot 8 SP 95255
Callala Bay	8/12 Cook St	121274	Lot 9 SP 95255
Callala Bay	9/12 Cook St	121275	Lot 10 SP 95255
Callala Bay	10/12 Cook St	121276	Lot 11 SP 95255
Callala Bay	7 Chisholm St	119439	Lot 1 DP 1216670
Callala Bay	9 Chisholm St	119440	Lot 2 DP 1216670
Callala Bay	11 Chisholm St	120895	Lot 1 DP 1238459
Callala Bay	11A Chisholm St	120896	Lot 2 DP 1238459

	Callala Bay	13 Chisholm St	119442	Lot 4 DP 1216670
	Callala Bay	15 Chisholm St	119443	Lot 5 DP 1216670
	Tomerong	65 Cambourne Rd	115977	Lot 1 DP 1161553
	Tomerong	65A Cambourne Rd	115978	Lot 2 DP 1161553
	St Georges Basin	5 Park Road	19246	Lot 1 DP 9699 Sec K*

Item 15	Schedule 6 Projects Exempt from Residential Cap		
Section of Website			
Existing:	Schedule 6	New	N/A
Issue/Justification:			
Following this Amendment, there will no longer be any projects exempt from the residential cap as 03ROAD3011 (Hart Road bitumen upgrade (Entire road length), Falls Creek) is proposed for deletion as part of this Amendment. Additionally, as the NSW Department of Planning, Industry and Environment's review of the NSW infrastructure contributions system proposes to remove all exemptions from the cap, this Schedule is no longer considered to be necessary.			
Proposed Amendment:			
Delete Schedule 6.			

Item 16	Schedule 7 Land Acquisition		
Section of Website			
Existing:	Schedule 7	New:	Schedule 7
Issue/Justification:			
The existing list of projects that include land acquisition is out of date. It is proposed to amend Schedule 7 to ensure the list of properties/areas identified for acquisition within the Plan are correct and up to date. This includes adding recently added projects and deleting projects that are no longer active/current or are proposed for deletion as part of this Amendment. It would also be helpful to add an additional column to identify where acquisition for a project has been completed.			
Proposed Amendment:			
Add the following projects to Schedule 7 which include acquisition: • 01DRAI0006 Moss Vale Road South URA Drainage • 01OREC0015 Moss Vale Road South URA Passive Recreation • 01ROAD0154 Moss Vale Road South URA Roads Delete the following projects from Schedule 7: • 02CFAC0004 Culburra Community Centre (Proposed Long Bow Point Subdivision) • 02OREC0005 Land Acquisition for Passive Open Space – Long Bow Point Subdivision • 03CFAC3001 Bay & Basin Community Centre and Branch Library Insert a new column in Schedule 7 which identifies where acquisition has been completed and note that the acquisition for the following projects has been completed:			

- 01CARP3001 Nowra car parking (Egans Lane, Lawrence Ave, Collins Way, Bridge Road, Lamonds Lane, 9 Haigh Avenue & 67 Kinghorne Street)
- 01ROAD0145 Mundamia URA Access Roads
- 03CARP0004 St Georges Basin Village Centre car parking (Island Point Road)
- 04CARP3001 Sussex Inlet car parking (16 Nielson Road & 45-47 Ellmoos Avenue)

Item 17	Schedule 8 – Inactive Projects		
Section of Website			
Existing:	Schedule 8	New:	Schedule 8
Issue/Justification:			
Six projects are proposed for deletion as part of this Amendment. It is appropriate that these soon to become inactive projects be included in Schedule 8. This will ensure that the list of inactive projects identified within the Plan is up to date at the time of this Amendment.			
Proposed Amendment:			
Insert the following projects into Schedule 8:			
Project Code		Project Name	
02CFAC0001		Callala Bay Community and Child Care Centre (Emmett Street)	
02AREC0002		Culburra & District Sporting Complex Site	
02CFAC0004		Culburra Community Centre (Proposed Long Bow Point Subdivision)	
02OREC0005		Land Acquisition for Passive Open Space – Long Bow Point Subdivision.	
03ROAD2014		Sinclair Road upgrade Parts 1 & 2 (Princes Highway to Hart Road)	
03ROAD3011		Hart Road bitumen upgrade (Entire road length), Falls Creek	