

## Shoalhaven Local Environmental Plan 1985 (Amendment No )

under the

### Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*

*Kristina Keneally, M P*  
*(Minister for Planning)*

## **Shoalhaven Local Environmental Plan 1985 (Amendment No )**

Under the Environmental Planning and Assessment Act 1979

### **1 Name of plan**

This plan is *Shoalhaven Local Environmental Plan 1985 (Amendment No )*

### **2 Aim of plan**

This plan aims to:

reclassify the subject land, which is public land under the *Local Government Act 1993*, from "community" to "operational" under that Act, for the purpose of selling that surplus land for possible mixed-use development;

### **3 Land to which plan applies**

This plan applies to land situated in Shoalhaven City being:

- a) Lots 9 and 10 DP 607132, Lots 8 and 9 DP 605984, Lots 7 and 8 DP 600782, Lot 6 DP 975062, Lot 1 DP 513571, Lot A DP 161574, Lot 5 DP 975062, Lots 10 and 11 DP 606121, Lots 5 and 6 DP 813461, Lot 1 DP 194884, Lots A and B DP 158942, Lots 4 and 5 DP 1112482, Lots 2 and 3 DP 552527, Part of Part Lot 51 DP 209245 and Part of Part Lot 52 DP 209295 – commonly referred to as the Civic Precinct, Bridge Road, Nowra, as shown edged heavy black on the map marked "Shoalhaven Local Environmental Plan 1985 (Amendment No )" – Sheet 1 of 2 deposited in the office of the Council of Shoalhaven City.
- b) Lot 1 DP 7196, Lot 23 DP 7196 and Lot B DP 348180 – commonly referred to as the Owen Street Carpark, Huskisson, as shown edged heavy black on the map marked "Shoalhaven Local Environmental Plan 1985 (Amendment No )" – Sheet 2 of 2 deposited in the office of the Council of Shoalhaven City.

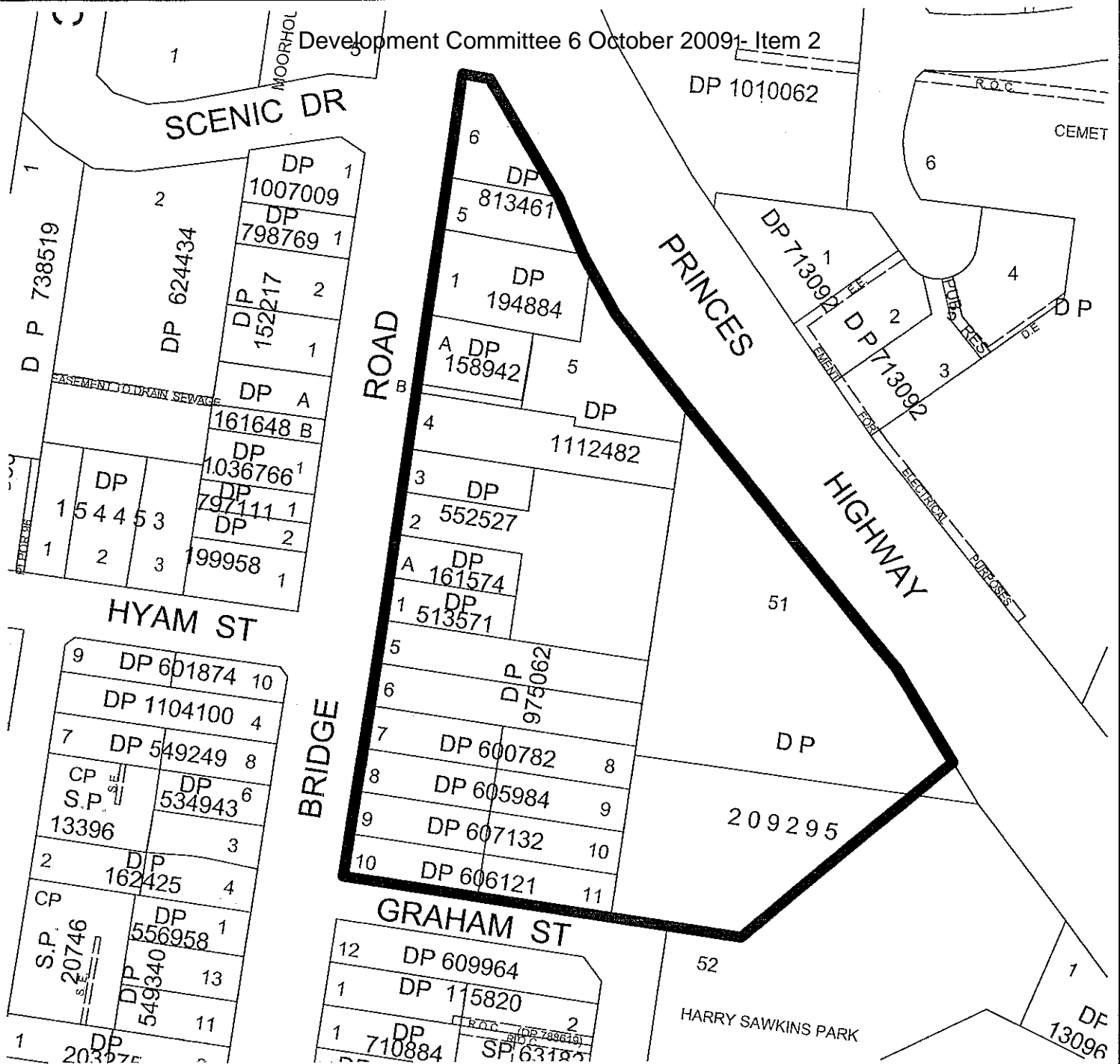
### **4 Amendment of Shoalhaven Local Environmental Plan 1985**

*Shoalhaven Local Environmental Plan 1985* is amended as set out in Schedule 1.

**Schedule 1 Amendments****[1] Schedule 11 Classification and Reclassification of Public Land as Operational Land**

Insert in alphabetical order of locality in Part 2 of the Schedule:

<b>Column 1</b>	<b>Column 2</b>
<b>Locality</b>	<b>Description</b>
NOWRA	
Bridge Road	Lots 9 and 10 DP 607132, Lots 8 and 9 DP 605984, Lots 7 and 8 DP 600782, Lot 6 DP 975062, Lot 1 DP 513571, Lot A DP 161574, Lot 5 DP 975062, Lots 10 and 11 DP 606121, Lots 5 and 6 DP 813461, Lot 1 DP 194884, Lots A and B DP 158942, Lots 4 and 5 DP 1112482, Lots 2 and 3 DP 552527, part of Part Lot 51 DP 209245 and part of Part Lot 52 DP 209295, as shown edged heavy black on the map marked "Shoalhaven Local Environmental Plan 1985 (Amendment No )"
HUSKISSON	
Owen Street	Lot 1 DP 7196 and Lot B DP 348180
Morton Street	Lot 23 DP 7196



SCALE:- 1: 2 000

LOCALITY: NOWRA

PARISH: NOWRA

ALL DIMENSIONS ARE IN METRES

SHEET 1 OF 2

SUBJECT LAND

## ENVIRONMENTAL PLANNING &amp; ASSESSMENT ACT, 1979

## SHOALHAVEN

## DRAFT LOCAL ENVIRONMENTAL PLAN

DRAWN BY D J ADAMS

DATE 29TH MAY 2009

SUPERVISING DRAFTSPERSON

PLANNING OFFICER

CERTIFICATE PLAN NO LP401

COUNCIL FILE NO 39248

AUTOCAD FILE I:/CITY/LEP/DLEP/DraftLP401/DraftLP401.DWG

DEPT. FILE NO

CERTIFICATE ISSUED UNDER SEC 65 E P A ACT

DATE

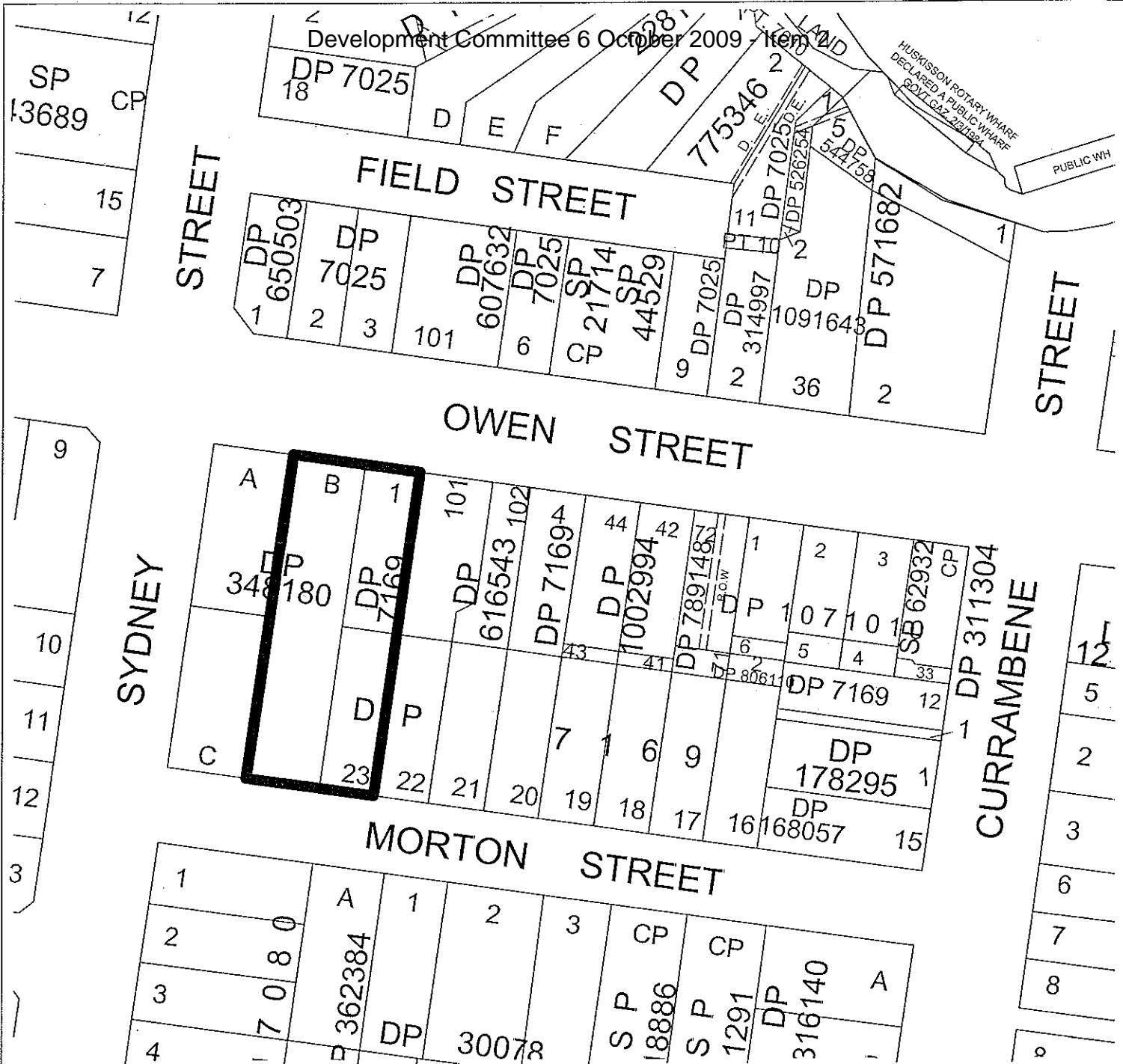
## STATEMENT OF RELATIONSHIPS WITH OTHER PLANS

THIS PLAN AMENDS SHOALHAVEN  
LOCAL ENVIRONMENTAL PLAN 1985.

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT 1979, & REGULATIONS

GENERAL MANAGER

6.7.09  
DATE



SCALE:- 1: 1 500  
ALL DIMENSIONS ARE IN METRES

LOCALITY: HUSKISSON

PARISH: CURRAMBENE



SUBJECT LAND

SHEET 2

## ENVIRONMENTAL PLANNING &amp; ASSESSMENT ACT, 1979

## SHOALHAVEN

## DRAFT LOCAL ENVIRONMENTAL PLAN

DRAWN BY D J ADAMS

DATE 29TH MAY 2009

SUPERVISING DRAFTSPERSON

PLANNING OFFICER

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## STATEMENT OF RELATIONSHIPS WITH OTHER PLANS

THIS PLAN AMENDS SHOALHAVEN  
LOCAL ENVIRONMENTAL PLAN 1985.

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT 1979 & REGULATIONS.

GENERAL MANAGER

DATE

6.7.09



*Strategic Planning and Infrastructure  
Group*

**Explanatory Statement**

**DRAFT LOCAL ENVIRONMENTAL PLAN NO. LP 401**

**Civic Precinct, Bridge Road, Nowra and Owen Street Carpark, Huskisson**

**Background**

Council has prepared the draft Local Environmental Plan (LEP) which affects:

- ▶ Lots 9 and 10 DP 607132, Lots 8 and 9 DP 605984, Lots 7 and 8 DP 600782, Lot 6 DP 975062, Lot 1 DP 513571, Lot A DP 161574, Lot 5 DP 975062, Lots 10 and 11 DP 606121, Lots 5 and 6 DP 813461, Lot 1 DP 194884, Lots A and B DP 158942, Lots 4 and 5 DP 1112482, Lots 2 and 3 DP 552527, Part of Part Lot 51 DP 209245 and Part of Part Lot 52 DP 209295 – commonly referred to as the **Civic Precinct, Bridge Road, Nowra**; and
- ▶ Lot 1 DP 7196, Lot 23 DP 7196 and Lot B DP 348180 – commonly referred to as the **Owen Street Carpark, Huskisson**

The two sites are illustrated on the attached plans, forming part of this exhibition. The draft LEP has been prepared to enable Council to sell and/ or deal on the subject land parcels as further described below.

Civic Precinct, Bridge Road, Nowra

Under the Shoalhaven LEP 1985, there is uncertainty over the classification of land in the Civic Precinct, Nowra. It has been conservatively assumed for the purpose of this draft LEP that it is currently classified as "Community" land under the Local Government Act 1993 (LG Act). The land was rezoned in 2006 to facilitate the creation of a "Civic Precinct" including the recently completed Shoalhaven Entertainment Centre. Council acquired the various parcels of land between 1980 and 1992 to be used for the civic administration centre and future civic purposes. Council initiated negotiations to sell part of the Civic Precinct to facilitate the development of a hotel to complement the recently opened Shoalhaven Entertainment Centre. This proposal is consistent with the land's Business 3(g) zoning. In order to proceed with the sale of the land and the possible subsequent construction of the hotel/ mixed use development, the land must be reclassified to "Operational" land under the LG Act.

The proposed reclassification is consistent with the business zoning under the LEP and the vision and strategic objectives of the Nowra Bombaderry Structure Plan which identifies the desire to activate the town's frontage to the Shoalhaven River (River) and strengthen the linkage between the current CBD and the River. It is also consistent with the objectives of the Northern Gateway and Civic Precincts contained in the Nowra CBD Review. The reclassification of the land will not change the zoning or the planning controls for the site, which includes Development Control Plan 119 which is currently under review.

Owen Street Carpark, Huskisson

Under the Shoalhaven LEP 1985, there is also uncertainty over the classification of the land known as Owen Street Carpark, Huskisson. For the purpose of this draft LEP it has been conservatively assumed that the land is currently classified as "Community" land under the Local Government Act 1993 (LG Act). The subject parcels were purchased by Council in 1982-83 for the purpose of providing car parking to

serve the commercial/retail area of Huskisson. It is zoned Business 3(f) (Village) and forms part of the Huskisson Town Centre (under Development Control Plan 54). Council has commenced a process to sell the land, seeking a public private partnership process to facilitate the redevelopment of the site while retaining an equivalent number of public car parking spaces to replace those which currently exist on the site. In order to complete the land sale, and the possible subsequent redevelopment, the land must be reclassified to "Operational" land under the LG Act. The reclassification of the land will not change the zoning or the planning controls for the site.

**General Requirements for classification and reclassification of land through Local Environmental Plans and Planning Proposals – Attachment 2 – Department of Planning Practice Note PN09-03 ('the Practice Note')**

	<b>Civic Precinct Nowra</b>	<b>Owen Street car park Huskisson</b>
<b>Reasons why the draft LEP is being prepared</b>	The Council intends to dispose of the land to achieve its planning objectives for the area. Council is only entitled to sell operational land. Adopting the conservative view that the land is presently community land the Council needs to reclassify the land to effect the sale. This may only be done by a Local Environmental Plan (See Part 2 of Chapter 6 of the Local Government Act 1993).	The Council intends to dispose of the land to achieve its planning objectives for the area. Council is only entitled to sell operational land. Adopting the conservative view that the land is presently community land the Council needs to reclassify the land to effect the sale. This may only be done by a Local Environmental Plan (See Part 2 of Chapter 6 of the Local Government Act 1993).
<b>Current Classification</b>	Community (uncertain)	Community (uncertain)
<b>Proposed Classification</b>	Operational	Operational
<b>Reasons for Reclassification, proposed future use, site specific requirements</b>	Council initiated negotiations to sell part of the Civic Precinct to facilitate the possible development of a four star hotel to complement the recently opened Shoalhaven Entertainment Centre, consistent with the Business 3(g) zone that was placed over the land in 2006. This is consistent with the strategic direction for the site contained in the Nowra Bomaderry Structure Plan which includes the subject site as part of Nowra CBD. It is also consistent with the Masterplan prepared for the Civic Precinct prior to the construction of the Shoalhaven Entertainment Centre.	Council is seeking a public private partnership to allow redevelopment of the site to include the same number of public car parking spaces under Council's ownership. This is consistent with the Jervis Bay Settlement Strategy which identifies Huskisson as a major tourism precinct where there is demand for development sites to accommodate tourist and residential uses. Development Control Plan (DCP) 54 – <i>Huskisson Town Centre</i> identifies the subject site for retail/ mixed use/ tourist accommodation development.
<b>Ownership</b>	Shoalhaven City Council	Shoalhaven City Council
<b>Council's interests in land - when how and why acquired</b>	Council acquired the various parcels of land via general fund revenue between 1980 and 1992 to be used for the civic administration centre and future civic purposes. Lots 5 & 6 DP 813461 were compulsorily acquired by the RTA for road purposes but has now been sold to the Council.	The subject land was acquired via general fund revenue by Council in 1982-83 for the purpose of providing car parking. Section 94 funds have been collected to recoup some of the funds spent on the acquisition.
<b>Any Agreements over the land (duration, terms, controls, agreements to dispose of the land)</b>	None	None
<b>Financial loss or gain of reclassification and benefits that may arise</b>	The site has an area of approximately 9,517sq m. The value of the land is currently unknown and would be limited by its classification as community land. Comparable	The site has an area of 2,978 23sq m. The value of the land is currently unknown and would be limited by its classification as community land but is thought to be in the order of

	<b>Civic Precinct Nowra</b>	<b>Owen Street car park Huskisson</b>
	developable land zoned 3(g) is valued at about \$225 - \$250/sq m. If the land is sold to enable development of a 4 star motel this may produce significant social and economic benefits for Nowra as a result of increased tourism.	\$655/sq m. Nearby developable land zoned 3(f) is valued at about \$1,100/sq m. If a public private partnership is achieved for the site the 87 public car spaces will be retained and there are likely to be other material public benefits in the form of additional infrastructure and 'works in kind' provided by the developer.
<b>Asset management objectives</b>	Reclassifying the land will promote, develop and foster the retention and growth of sustainable economic development within the City.	Reclassifying the land will promote, develop and foster the retention and growth of sustainable economic development within the City.
<b>Any agreements for sale or lease of land</b>	Negotiations for sale/development of the land have been suspended since Council resolved to prepare a draft LEP to reclassify the subject site.	Negotiations for sale/development of the land have been suspended since Council resolved to prepare a draft LEP to reclassify the subject site.

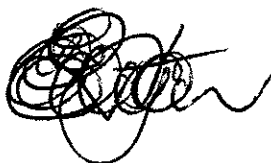
### SEPPs, LEPs, DCPs and Section 117 Directions

The following Environmental Planning Instruments and other government policies form the context for the draft LEP:

- Written Authorisation to Exercise Delegation from the Director General of the Department of Planning;
- LEPs and Council Land Best Practice Guidelines;
- LEP Practice Note – Classification and reclassification of public land through a local environmental plan;
- South Coast Regional Strategy;
- Development Control Plan 119 – Nowra Hotel Site & Civic Precinct (under review);
- Development Control Plan 54 – Huskisson Town Centre (under review);
- Shoalhaven LEP 1985;
- State Environmental Planning Policies (SEPPs): 71
- Illawarra Regional Environmental Plan No 1 Clauses: 74 and 77 (now a deemed SEPP);
- Jervis Bay Regional Environmental Plan (now a deemed SEPP);
- Ministerial Directions under Section 117 of the *Environmental Planning & Assessment Act 1979*, 1.1, 2.1, 2.2, 2.3, 2.4, 3.2, 3.3, 4.1, 4.3, 5.1, 6.1, and 6.2, and,
- Environmental Planning & Assessment Model Provisions

Please note that the left hand column in Attachment 1 of the attached Department of Planning Practice Note applies to Draft LEP No LP 401

These abovementioned documents are available for viewing with the draft LEP and any submissions made to Council during the exhibition period should take these documents into consideration



Ernie Royston  
Director Strategic Planning & Infrastructure





CLIENTS | PEOPLE | PERFORMANCE

## **Shoalhaven City Council**

### **Report for Public Hearing into Proposed Reclassification of Council Land**

**Bridge Road, Nowra**

**September 2009**



## **1.1 Background**

A "Public Hearing" is required when land is to be reclassified from "Community" to "Operational" land *(under Section 29 of the Local Government Act 1993)*.

"Operational" land has no special restrictions other than those that may apply to any piece of land.

"Community" land is generally land intended for public access and use and:

- » Cannot be sold;
- » Cannot be leased, licensed or any other estate granted over the land for more than 21 years; and
- » Must have a plan of management prepared for it.

A Public Hearing is designed to enable the community to be informed about the reclassification, and to provide opportunity for comment. A public hearing must also be chaired by an independent person.

That independent person must provide Council with a Report on the hearing. The Report is to be made available to the public by Council.

## 2. Public Hearing

### 2.1 Attendance

The public hearing was attended by two (2) Community Members of the Nowra area.

Four (4) Council officers were in attendance: Ernie Royston, John Drummond, Cinnamon Dunsford, and Marie-Louise Foley.

The public hearing was chaired and conducted by Viv Straw, with the assistance of minutes taken by Anthony Galea – both from GHD Pty Ltd.

The purpose and nature of the Public Hearing was outlined through a slide show to those attending the Hearing. Participants were then invited to represent their views and questions on the subject matter of the Public Hearing.

### 2.2 Community Questions

The following is a summary of the questions made:

- » Questions were raised in regards to the allowable height limit of new development under DCP 119, and the proposed height of the previously proposed Hotel development; and
- » Questions were raised concerning the development potential of the reclassified land, why the land needs to be reclassified and what avenues are available for Council to develop the site.

### 2.3 Community Statements

The following is a summary of the statements made:

- » Any development at the site should not be maximised or over-developed and should blend in with the existing town vision plan;
- » Open space should be preserved and visual aesthetics should be considered in the assessment of any proposed development due to the prominent location of the site and it being at the entry to the Nowra township;
- » Development of the site is preferred where the site density is not maximised and the development does not visually detract from the entry to the township given its prominent gateway location;
- » Public facilities which consider the needs of the future Nowra population and are examples of civic developments for public benefit are suggested for the site given Council's original intention that the land to be developed as a civic precinct; and
- » It is acknowledged that there is a need for increased density inner CBD residences, due to the increased number of people who want to live in the CBD.

## 3. Take-home Comment Sheet Responses

### 3.1 Provided surveys

GHD provided "Take-Home Comment Sheets" to members of the community to fill in at the Public Hearing, or to be completed after the meeting and returned to GHD by Friday 11 September 2009. Questions asked on these sheets included:

- » What is your main interest in the proposed site reclassification?
- » How do you think the proposed reclassification will impact on you and your organisation?
- » Do you think there are any opportunities arising from reclassification of the site?
- » Do you have any other comments regarding the reclassification of the site?

One response from these surveys was returned.

### 3.2 Representations

The response from the returned survey sheet was similar to those received from the Public Hearing. The following considerations and comments were also outlined:

- » Suggestion of a water feature, pool, interpretive centre, tourist information centre, cultural centre, or theme park;
- » Tourist accommodation facility was also suggested; and
- » Open space and panoramic outlook of river farmlands and mountain should be retained.

## 4. Findings and Recommendations

### 4.1 Findings

Residents present at the public hearing were not opposed to the reclassification of the land at Bridge Road, Nowra. However, the extent and type of future development and the alignment of this development with the existing town vision plan was highlighted as potential issues.

### 4.2 Recommendations

The following recommendation is made to Council in consideration of moving forward in reclassifying the land.

1. That Council ensures ongoing community consultation in relation to the future development of the site and give due consideration to the appropriateness of that development within the "Civic Precinct" and as a gateway to Nowra

**GHD**

2/57 Graham St Nowra NSW 2541

PO BOX 621 Nowra NSW 2541

T: 61 2 4424 4900 F: 61 2 4424 4999 E: noamail@ghd.com.au

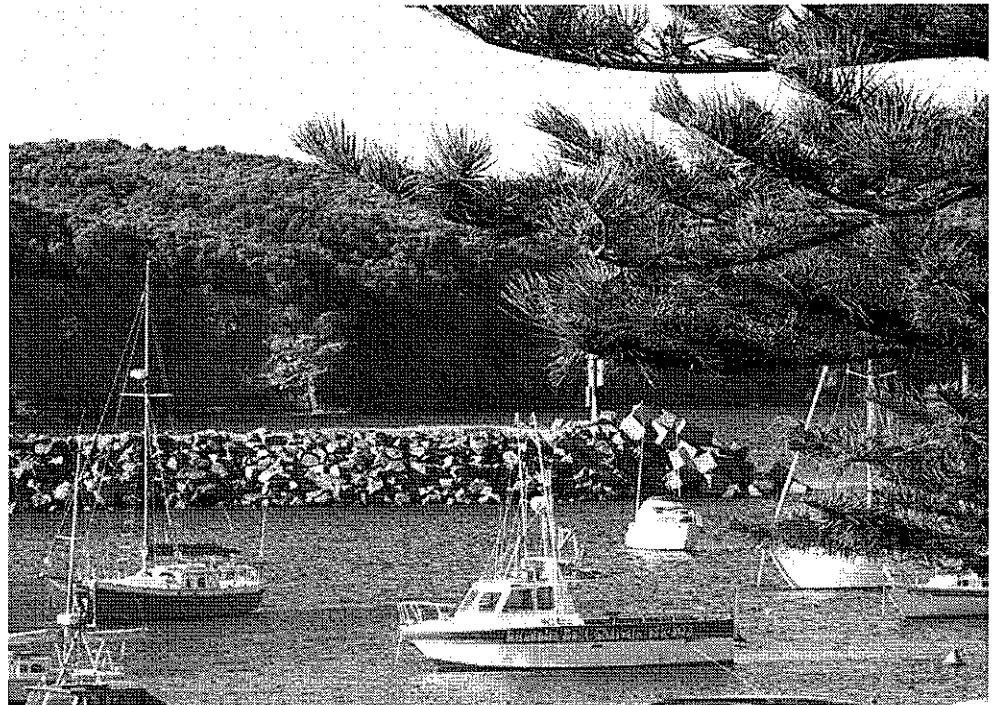
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**Document Status**

Rev No.	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
0	V. Straw A. Galea	V. Straw		V. Straw		20.09.09





## **Ulladulla Town Centre Contributions Plan**

### **Amendment No 99**

**Reference: Exhibition Draft**

**Adopted by Council: Date**  
**Effective from: Date**



Ulladulla Town Centre  
Contributions Plan  
Exhibition Draft

Prepared by:



planning consultants

Don Fox Planning Pty Ltd

In association with  
MacDonald International,  
TCG Consultants  
Buchan Consulting and  
Strategic Planning Group Shoalhaven City Council  
PO Box 42  
NOWRA NSW 2541  
telephone (02) 4429 3111  
facsimile (02) 4422 1816  
e-mail [planning@shoalhaven.nsw.gov.au](mailto:planning@shoalhaven.nsw.gov.au)  
internet [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

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Date: 31-Jul-09	
File: 38142	

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## Part A - Summary

### 1 Introduction

The *Environmental Planning and Assessment Act 1979* enables Council to levy contributions from development for the provision of public and community infrastructure, which is required as a consequence of that development. Contributions may be in the form of a monetary contribution, dedication of land to Council or the provision of a material public benefit or works-in-kind.

In order to levy contributions under the *Environmental Planning and Assessment Act 1979* Council must be satisfied that the proposed development will or is likely to require the provision of or increase the demand for the public and/or community infrastructure for which the levy is being required as detailed in the provisions of this Plan.

### 2 Future Development in Ulladulla Town Centre

*Development Control Plan (DCP) 56 Amendment No. 4 – Ulladulla Town Centre and Harbour Review* allows for future growth of the Town Centre including additional housing and retail and commercial floor space. In response to the DCP, the Ulladulla Town Centre Contributions Plan has been developed to meet the demand from future development for community and public infrastructure in this defined area.

Between 2007 and 2026, there is expected to be an increase in private residential accommodation in the Ulladulla Town Centre of approximately 435 dwellings (see Section 11.2) (*Ulladulla CBD Development Control Plan Review, 2007*). During this time, there is also expected to be an increase in retail floor space of approximately 9,900m<sup>2</sup>, commercial floor space of 870m<sup>2</sup> and tourism/hospitality floor space of 2,100m<sup>2</sup> (Source - *Ulladulla CBD Development Control Plan Review, 2007* - see also Section 11.3).

### 3 Demand for public and community infrastructure

Future development in the Ulladulla Town Centre will create a demand for new, enhanced or augmented public and community infrastructure. Under this direct contributions plan, Council will require development contributions for the following key community infrastructure:

- Local roads, including:
  - Road and footpath construction;
  - Traffic management facilities;
  - Road safety facilities;
  - Pedestrian and bicycle facilities;
  - Street furniture (including lighting, signage and landscaping); and
  - Service lanes (including land required for this purpose).

- Local bus facilities including:
  - Bus lay-bys; and
  - A bus terminal including street furniture.
- Contributions plan preparation and background studies.

Future development will also generate a demand for administration and management activities associated with this Plan and other facilities and services such as open space, recreation facilities, community facilities, car parking, traffic management and drainage works attributable to a broader area. These additional facilities and services will be catered for by reviewing and augmenting as required, the existing *Shoalhaven Contributions Plan 1993* and subsequent amendments, to take into account growth in the Town Centre currently anticipated under *DCP 56 Amendment No. 4*.

#### **4 Structure of this plan**

This Plan is arranged into five parts:

**Part A – Summary schedules**, provides a schedule of the proposed works, including summaries of the contribution rates that will apply to certain types of development.

**Part B – Administration and operation of the plan**, outlines the purpose of the Plan and the area to which it applies, describes how and when contributions are to be made and provides details regarding the ongoing management and review of the Plan.

**Part C – Expected development and demand for facilities and services**, outlines the anticipated future development and basis for increased demand for facilities and services.

**Part D – Strategy plans**, provides details of each category of public facility and service in the Plan, including details of existing provision, the nexus, what will be provided and when, apportionment and how the contributions have been calculated.

**Part E – Dictionary and References**, defines terms used in this Plan and outlines the plans, policies, studies and other information which support the contents of the Plan.

#### **5 Index to Summary Schedules**

The following summary schedules are included in this Plan:

- Works program;
- Contributions by facility/service category;
- Contributions by development type.

These are provided as summary tables only and more details are contained in the individual strategies within the Plan.

## 5.1 Summary works program

The works to be provided by funds generated by this Plan are summarised in the following table. Council's Development Contributions Codes have been applied to the individual projects numbers referred to in the schedule of works at **Appendix B**.

PROJECT CODE	SCHEDULE OF WORKS	COST SUMMARY	PRIORITY / THRESHOLD
05 ROAD 0062	1. St Vincent Street and South Street Intersection: Traffic Lights	\$511,182	Medium
	2. Boree Street and South Street Intersection: Roundabout	\$213,983	Low
	3. Princes Hwy & South Street Intersection: Traffic Lights	\$511,182	High
	4. Jubilee Avenue & South Street Intersection: Roundabout	\$213,983	Low
	5. Burrill Street and Wason Street Intersection: Traffic Lights	\$511,182	Medium
	6. St Vincent Street and Green Street Intersection: Traffic Lights	\$677,614	Medium
05 ROAD 0063	7. Princes Hwy: South St - Deering St	\$951,037	Medium
	8. Princes Hwy: Wason St – South St	\$724,500	High
	9. South Street (North side): St Vincent Street – Princes Hwy	\$367,500	Low
	10. South St: Princes Hwy - Burrill St	\$399,000	Low
	11. Boree Street (East side): Car Park – South Street	\$168,000	Low
	12. Green Street: St Vincent Street – Princes Hwy	\$504,000	Medium
	13. Deering St: Princes Hwy - Burrill St	\$252,000	Low
	14. Wason Street (Northside): Princes Hwy – Burrill Street	\$367,500	High
	15. Deering Street: St Vincent Street – Princes Hwy	\$304,500	Low
05 ROAD 0064	16. South Street/Wason Street Car Park Service Lane	\$2,542,191	Low
	17. Jubilee Avenue Service Lane	\$1,492,418	Low
	18. St Vincent Street/Deering Street/South Street/Princes Highway Service Lane	\$3,735,111	Low
	19. St Vincent Street/Boree Street Service Lane	\$689,359	Low
	20. South Street Service Lane	\$691,207	Low
05 ROAD 0065	1. Town Centre bus terminal	\$677,614	Low
05 MGMT 0001	1. Preparation of Contributions Plan	\$37,235	Complete
	2. Ulladulla CBD Development Control Plan Review (Part Costs)	\$93,101	Complete
<b>TOTAL</b>		<b>\$16,635,400</b>	

**Table 1: Summary Works Program**

Note: Priority Levels

High - Facilities anticipated being required in the period 2009-2013

Medium - Facilities anticipated being required in the period 2014-2019

Low - Facilities anticipated being required in the period 2020-2026

## 5.2 Summary schedule – contributions by facility category

The following table summarises the contributions applicable under this plan for each category of works.

CATEGORY	PROJECT CODE	CONTRIBUTION RATE
Local Roads	05 ROAD 0062 05 ROAD 0063	\$2,020.67 / ET
Service Lanes	05 ROAD 0064	per m <sup>2</sup> Land Acquisition <sup>(1)</sup> per m <sup>2</sup> Construction <sup>(1)</sup>
Local Bus Facilities	05 ROAD 0065	\$205.06 / ET
Plan Preparation	05 MGMT 0001	\$131.48 / ET

**Table 2: Summary of Contributions by Facility Category**

**Notes:** (1) Relates to specific properties only – variable rates as identified in Table 15 of this Plan.

## 5.3 Summary schedule – contributions by development type

The following table summarises the total contribution rates per development type (excluding service lanes) at the time that this Plan became effective. Contributions toward service lanes are only applicable to those properties which generate a demand for such facilities as detailed in Section 13.6 of this contributions plan.

Car parking for residential development is to be provided on-site in accordance Council's car parking code. For all other uses, contributions towards other facilities, such as car parking and stormwater drainage will be levied under Council's existing *Shoalhaven Contributions Plan 1993*.

The contribution rates at the time of payment will be subject to indexation to account for any escalation in the costs of works.

DEVELOPMENT TYPE	BASE	ETs per Dwelling / m <sup>2</sup>	CONTRIBUTION RATE
<b>Residential</b>			
Single Dwelling	Per dwelling	1.00	\$2,357.21
Multi-unit: 1 bedroom	Per dwelling	0.40	\$942.88
2 bedroom	Per dwelling	0.60	\$1,414.33
3 bedrooms	Per dwelling	0.80	\$1,885.77
4 bedrooms	Per dwelling	1.00	\$2,357.21
<b>Retail</b>	Per m <sup>2</sup> GFA	0.06	\$130.96
<b>Tourism</b>	Per m <sup>2</sup> GFA	0.07	\$157.15
<b>Commercial</b>	Per m <sup>2</sup> GFA	0.01	\$26.19

**Table 3: Summary of Contributions by Development Type**

**Notes:** (1) Apartments greater than 4 bedrooms will be treated as 1.0 ET.



## Part B – Administration and operation of the plan

### 6 Introduction

#### 6.1 What is the name of this development contributions plan?

This Plan is called the *Ulladulla Town Centre Contributions Plan*.

#### 6.2 Area to which the plan applies

This Plan applies to all types of development on land within the local government area (LGA) of Shoalhaven City Council as shown on the Map (see Figure 1).



Figure 1: Map – where this contributions plan applies

### 6.3 What is the purpose of this contributions plan?

The purpose of this Plan is to:

- (a) provide an administrative framework under which specific public facilities strategies may be implemented and coordinated;
- (b) ensure that adequate public facilities are provided for as part of any new development;
- (c) to authorise Council to impose conditions under the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this Plan applies;
- (d) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis;
- (e) ensure that the existing community is not burdened by the provision of public amenities and public services required as a result of future development;
- (f) enable Council to be both publicly and financially accountable in its assessment and administration of the contributions plan.

### 6.4 Commencement of the plan

This Plan has been prepared pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000* and takes effect from the date on which public notice was published, pursuant to the Regulation.

### 6.5 Relationship with other plans and policies

The Plan supplements the provisions of and should be read in conjunction with the *Environmental Planning and Assessment Act 1979* and Regulations thereto, Shoalhaven City Council's Local Environmental Plan, Cityplan, Management Plan, *DCP 56 Amendment No. 4 – Ulladulla Town Centre and Harbour Review* and other relevant development control plans and policies adopted by Council.

In addition to this Plan, contributions may also be levied pursuant to the *Shoalhaven Contributions Plan 1993* (as amended) which includes charges applying to the whole of the Local Government Area and Planning Area 5 which incorporates the Ulladulla Town Centre. Enquiries should be directed to Council in regard to the total amount of contributions that would be payable in respect of a specific site and development.

### 6.6 Definitions

The definitions of terms used in this Plan and are contained in **Part E - Dictionary and References**.

## **7 Policies on Levying and Payments**

### **7.1 How and when is the contribution payable?**

Payment of contributions can be made by cash, money order or bank cheque (subject to sections 7.5 and 7.6).

A contribution must be paid to Council at the time specified in the condition of development consent that imposes the contribution. If no such time is specified, the contribution must be paid prior to the issue of a subdivision certificate, in the case of subdivisions, or prior to the issue of a construction certificate or complying development certificate, in the case of other development.

### **7.2 Construction certificates and the obligation of accredited certifiers**

In accordance with the Act and the 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 Council in accordance with the Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to this requirement are where a works in kind, material public benefit, dedication of land, deferred payment or payment by instalments has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

### **7.3 Complying development and the obligation of accredited certifiers**

In accordance with the Act, accredited certifiers must impose a condition on a Complying Development Certificate, requiring monetary contributions in accordance with this Plan for all types of development.

The conditions imposed must be consistent with Council's standard development 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 development contributions condition correctly.

### **7.4 Deferral of Payment / Payment by Instalments**

Deferred payment of development contributions may be permitted in certain circumstances in accordance with the criteria outlined at **Appendix C** to this contributions plan.

For tenants and businesses operating in Shoalhaven Local Government Area, payment by instalments may also be permitted in accordance with Council Policy POL07/26 – *Payment of Section 94 Contributions by Instalments (under special circumstances)*, a copy of which is attached to this contributions plan at **Appendix D**.

## 7.5 Can the contribution be settled “in-kind” or through a material public benefit?

Council may accept an offer by the applicant to provide an “in-kind” contribution (i.e. the applicant completes part or all of work/s identified in the Plan) or through provision of another material public benefit (other than the dedication of land) in lieu of the applicant satisfying its obligations under this Plan.

Council may accept such alternatives in the following circumstances:

- (a) the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this Plan; and
- (b) the value of the works to be substituted must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications; and
- (c) the standard of the works is to Council’s full satisfaction; and
- (d) Council will require the applicant to enter into a written agreement for the provision of the works; and
- (e) the provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program; and
- (f) It must not result in piecemeal delivery of local road works or likely result in the need to reconstruct the works due to likely future adjacent developments (i.e. normally the works will need to relate to a whole street block or a discreetly defined precinct).

A work in-kind relates to the undertaking of a specific or equivalent work specified in the contributions plan, and accordingly is therefore more readily capable, in comparison to other material public benefits of meeting the above criteria. In accepting other material public benefits, Council must be satisfied that the offer provides a substantial benefit to the community not envisaged by the Plan and that this benefit warrants Council accepting responsibility in fulfilling the intent of the Plan notwithstanding a reduction in expected cash contributions.

If the construction of a work in-kind exceeds the estimated cost in the Plan and is proposed by the applicant prior to the timing proposed by the Plan, or insufficient funds have been accumulated by the Plan to offset the additional cost to the applicant, Council may consider the following:

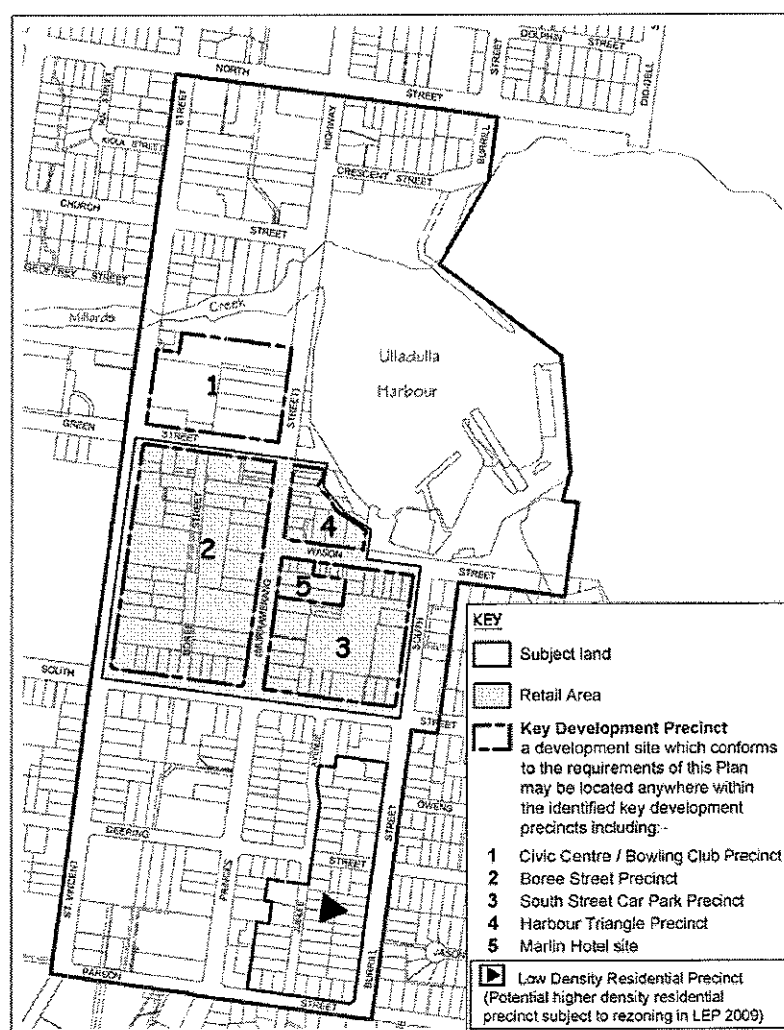
- (a) provision of the work at the applicant’s expense with Council recouping contributions from future development and reimbursing the applicant for costs exceeding the applicant’s share, up to the total estimated cost in the Plan; or
- (b) provision of the work at the applicant’s expense with Council reimbursing the applicant for the costs when such funds become allocated in Council’s budget.

Acceptance of any such alternative is at the sole discretion of Council. Council may review the valuation of works or land to be dedicated, and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by Council in determining the value of the works or land must be paid for by the applicant.

## 7.6 Voluntary planning agreements

An applicant may voluntarily offer to enter into a planning agreement with Council in connection with a development application. Under a voluntary planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The applicant's provision under a voluntary planning agreement may be additional to or instead of making contributions provided for by the Act.

Within the context of the Ulladulla Town Centre, a voluntary planning agreement will generally need to relate to a major site or discrete definable precinct. Such potential opportunities are likely to be limited due to the anticipated scale of development and fragmented ownership pattern, but could be beneficial at Key Development Sites as identified on the map at page 19 of DCP 56 Amendment No. 4 (see **Figure 2**).



**Figure 2:** Key Development Sites (Source: DCP 56 Amendment No. 4)

An applicant's offer to enter into a voluntary planning agreement, together with the draft agreement, will generally need to accompany the relevant development application. Council will publicly notify the draft agreement and explanatory note relating to the draft agreement along with the relevant application and will consider the agreement as part of its assessment of the relevant application. If Council agrees to enter into the agreement, it may impose a condition of development consent requiring the agreement to be entered into and performed.

## 7.7 Exemptions

Council will not provide exemption to development contributions made under this contributions plan other than exemptions afforded under direction of the Minister for Planning. Council does not apply discounts to the payment of development contributions unless otherwise stated in this contributions plan.

## 7.8 Goods and services tax

Monetary development contributions are exempt from the Federal Government Goods and Services Tax (GST).

## 7.9 How are contributions adjusted at the time of payment?

The contributions stated in a development consent are calculated on the basis of the development contribution rates determined in accordance with this Plan. If the contributions are not paid within the period up to 30 June after which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in the following manner:

$$\text{\$CR}_C = \frac{\text{\$ CR}_P \times \text{IPD}_C}{\text{IPD}_P}$$

Where:

$\text{\$ CR}_C$  is the amount of the contribution for the current year

$\text{\$ CR}_P$  is the amount of the original contribution as set out in the development consent

$\text{IPD}_C$  is the Implicit Price Deflator (New Engineering and Construction) for the current year as published by the ABS – see Definition at **Part E** of this plan.

$\text{IPD}_P$  is the implicit price deflator applicable during the previous financial year (i.e. at the time of the original consent).

The current contributions rates are available from Council offices.

## 7.10 Are there allowances for existing development?

Contributions will be levied according to the estimated increase in demand. An amount equivalent to the contribution attributable to any existing development on the site of a proposed new development will be allowed for in the calculation of contributions.

## **8 Accountability and Plan Review**

### **8.1 How is Council accountable for contributions?**

Separate accounting records are maintained for all development contributions made to Council. A contributions register is maintained by Council in accordance with the Regulation.

### **8.2 Term of the Plan**

This Plan caters for a planning period up to the year 2026 which is the period upon which the Ulladulla CBD Development Control Plan Review was based and for which population and employment projections were prepared.

### **8.3 Monitoring and review of the plan**

This Plan requires monitoring and review on a regular basis as it contains projections about future development including likely future populations and about the likely demands and costs of providing public and community infrastructure for those populations.

Monitoring actual developments, population changes and community demands will allow appropriate updating and amendment as necessary. The cost of works proposed by the Plan (including land values) may also need review over time if there is a concern that the indexation of costs may not be adequately reflecting actual current costs.

Council's aim is that all projections, costs and assumptions are reviewed and adjustments and/or amendments as appropriate will be made at five yearly intervals after the date of adoption of this Plan.

### **8.4 Pooling of contributions**

This Plan expressly authorises monetary contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

### **8.5 Other funding sources**

All works proposed in this Plan represent new projects to be funded pursuant to the development contributions provisions of the Act.

As noted in Part D of this plan, in order to maintain affordability of contributions, Council has resolved to require new development in the Ulladulla Town Centre to contribute only 30% of the total cost for some facilities and services (i.e. not including traffic management, service lanes, plan preparation and management). Council may review this decision as required and as part of any review of the plan as outlined as Section 8.3.

There were no grants or other external funding sources available for works proposed by this Plan, at the time of its adoption. Should such funding become available in the future, the cost of the relevant project will be reviewed and the contribution rates will be adjusted accordingly.

## **8.6 Savings and transitional arrangements**

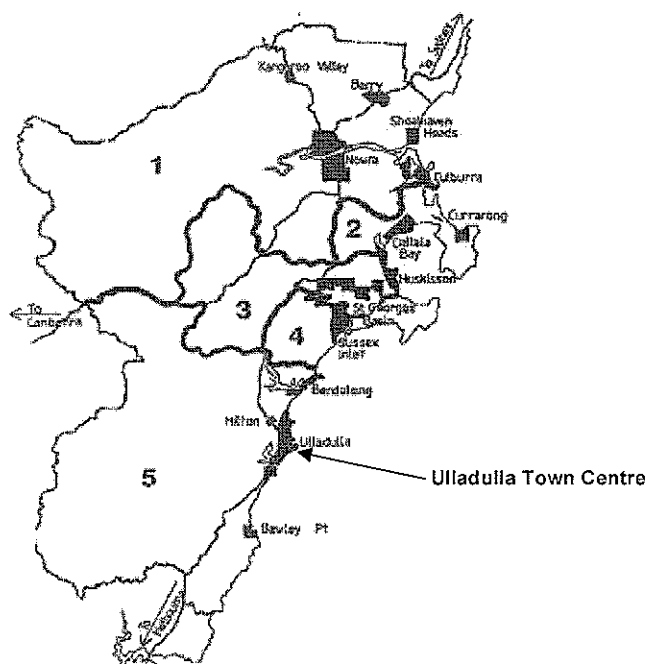
A development application which has been submitted prior to the adoption of this Plan but not determined shall be determined in accordance with the provisions of this Plan, if this Plan is effective at the date of determination of that application, or otherwise the contributions plan which applied at the date of determination



## Part C – Expected development and demand for facilities and services

### 9 Overview

The Shoalhaven Local Government Area is divided into five planning areas and comprises 49 towns and villages. The locality of Ulladulla is part of the Milton/Ulladulla district within Planning Area 5 and accommodates the majority of housing, commercial and industrial development in this planning area. The Ulladulla Town Centre is located in the Ulladulla locality (refer to **Figures 1 and 3**).



**Figure 3:** Shoalhaven LGA Planning Areas.

DCP 56 Amendment No. 4 allows for future growth of the Town Centre including additional housing, retail, commercial and tourism/hospitality development.

It is anticipated that this development will increase the residential and employment populations and activity in the Ulladulla Town Centre. This increase in population and activity is likely to result in increased demand for public facilities and services.

### 10 Population Characteristics

The Milton/Ulladulla district population at the 2006 Census was 12,682. The population of the area, the subject of this contributions plan, currently forms only a small component of the overall district population. At present, the commercial centre comprises predominantly business development with minimal mixed use residential components, with the majority of residential development in the Town Centre area being confined to the periphery within existing residential zones.

The Ulladulla CBD Development Control Plan Review indicated that most employment within the Milton/Ulladulla district and within Ulladulla is associated with servicing a local market with 55% of jobs being within in-person services and another 18% in other services (including construction - 7% and property and business services – 8%), most of which serve a local market. This employment pattern reflects the reliance on local consumer markets and the tourism sector. It is only in the areas of manufacturing and fishing that businesses were servicing broader state, national and international markets. A more detail analysis of population characteristics is provided within the Ulladulla CBD Development Control Plan Review and the following sections outline the implications for future development and the consequent demand for additional facilities and services that would be generated.

## **11 Projected Development and Population**

### **11.1 Introduction**

Residential, employment and tourism projections for Ulladulla have been undertaken as part of the Ulladulla CBD Development Control Plan Review and have informed the various tables in this section. These projections are based on a continuation of long term growth rates in the region and the maintenance of the relativities between the overall growth rate for the Shoalhaven LGA and that for the Milton/Ulladulla district.

Some assumptions about the future underpin these projections and these involve:

- An ageing of the population but the area does not become dominated by retirees;
- Growth is mainly due to continued in-migration of families as well as older persons moving in for retirement; and
- The area remains an attractive lifestyle location for families with school aged children.

Overall, there is a clear expectation for further development in the Ulladulla Town Centre to continue to the planning horizon of this Plan.

### **11.2 Residential**

The outlook for residential development within the District and overall town of Ulladulla over the period to 2026 indicates the following considerations:

- Population of Milton/Ulladulla District growing at a rate slightly below that for Shoalhaven overall;
- Population growth will include in-migration of older persons (retirement and pre-retirement) and families moving to the area;
- Milton/Ulladulla District population is projected to increase by 4,140 between 2006 and 2026 (see Table 4 below); and
- The population in Ulladulla (total, of which the Town Centre is a part) increases by 2,735 over the period to 2026 (see Table 4 below).

Resident Population	←--- Actual ---→		←----- Projections -----→			
Area 5	2001	2006	2011	2016	2021	2026
Milton/Ulladulla District	13,749	14,455	15,409	16,364	17,543	18,595
Growth rate 5 years (%)	-	5.1	6.6	6.2	7.2	6.0
<b>Ulladulla Only</b>	<b>5,755</b>	<b>6,249</b>	<b>6,849</b>	<b>7,479</b>	<b>8,242</b>	<b>8,984</b>
Growth rate 5 years (%)	-	8.6	9.6	9.2	10.2	9.0

**Table 4:** Ulladulla and District: Actual and projected residential population growth, 1991-2026.

Having regard to past population and housing growth within the Milton Ulladulla District and Ulladulla Township overall, the Ulladulla CBD Development Control Plan Review provides projections of future population and housing within the Plan area. It is expected that a proportion of new housing will not be occupied by permanent residents, but will be used as holiday homes. For the purposes of this Plan, no differentiation is made between future dwellings occupied by permanent residents and those occupied on an interim basis as holiday homes. The demand for the type of works to be funded by this Plan would be equivalently generated by permanent and transient occupants. In addition, potential exists in the longer term for dwellings initially utilised as holiday homes, to be occupied on a permanent basis.

It is envisaged that the majority of residential development will be in the form of multi-unit housing, predominantly as part of mixed use development (shop-top housing), and to a lesser extent, stand-alone residential flat buildings. For the purposes of this Plan, the cost of works will be apportioned on the basis of population projections within the CP area, and it is not necessary to differentiate the housing form to be constructed. Notwithstanding, the Ulladulla Town Centre Development Control Plan Review provides an analysis of housing projections which has been reviewed by Council having regard to the development capacity provided by the relevant planning controls.

Based on the available information, the following projections have been adopted for the purposes of this Plan:

Ulladulla Town Centre	Increase 2007-2026
Total Dwellings	435
Total Population	1,001 <sup>(1)</sup>

**Table 5:** Projected Resident and Housing Growth in Town Centre.

**Notes:** (1) based on a projected future occupancy rate of 2.3 persons per dwelling (Source: Ulladulla CBD Development Control Plan Review, 2007).

It is recognised that residential development may occur outside of the Plan area, which may generate some limited demand for the works proposed under this Plan. However, the boundaries of the Plan area have been formulated to reflect an area in which major plan changes to the urban form are planned and a significant change in the character of the area is proposed. The works proposed are located in close proximity to those properties within the Plan area.

While development outside of the Plan area may enjoy some limited benefits from these works, they would not generate sufficient demand to warrant the undertaking of the works, nor could they be considered to have a sufficient spatial nexus to warrant that they contribute to the cost of the works. It is also noted that Council will contribute to a reasonable share of the proposed works. Notwithstanding, residential development outside of this Plan area will separately contribute to community infrastructure such as public open space and community facilities, pursuant to other contributions plans adopted by Council.

### 11.3 Employment

The projected residential population growth with the Town Centre and broader district as outlined in Section 11.2, will generate an increase in local demand for goods and services and this will be reflected in a growth in employment in the area. Growth is also likely to be achieved in tourism, particularly through capturing some of the higher yield market, and this will be reflected in an increase in employment in general retailing, cafes and restaurants.

There is likely to be some growth in industrial employment (mainly manufacturing and wholesaling) generated by growth in existing businesses and some success in attracting new businesses. The growth in business activity also generates an increase in demand for commercial and business services. The industrial areas of Ulladulla are located outside of the Plan area but the Business Zones within the Plan area do permit a limited range of industrial uses. It is expected that future industrial development will be insignificant within the Plan area, but will contribute to growth generally in the Milton Ulladulla district.

As a consequence, there will be an increase in floor space requirements driven by population and employment growth. The key findings are summarised as follows:

Milton/Ulladulla Industry Sector	Floor Space (m <sup>2</sup> )			Growth (m <sup>2</sup> )
	2001	2006	2026	2006-26
Retail Trade	34,560	37,325	52,850	15,525
Tourism/Hospitality	7,329	7,916	11,155	3,239
Commercial	8,997	9,717	10,999	1,282
Industrial	51,591	53,795	60,027	6,232
<b>TOTAL</b>	<b>102,477</b>	<b>108,753</b>	<b>135,031</b>	<b>26,278</b>

**Table 6:** Growth in Business floor space by Industry Sector – Milton Ulladulla District.

Most of the retail, commercial, tourism and hospitality space in the Milton/Ulladulla district is located in the Ulladulla locality and the projected floor space for the locality is as follows:

Ulladulla	Floor Space (m <sup>2</sup> )					Growth (m <sup>2</sup> ) 2007- 26
Industry Sector	2007	2011	2016	2021	2026	
Retail Trade (80% of Milton/Ulladulla)						
Total - Retail Trade	28,155	30,001	33,638	36,000	38,045	9,890
Tourism/Hospitality (73% of Milton/Ulladulla)						
Total - Cafes/Restaurants	4,869	5,264	6,320	6,640	6,980	2,111
Commercial (88% of Milton/Ulladulla)						
Total - Commercial	8,552	9,120	8,332	8,902	9,425	873
Industrial (79% of Milton/Ulladulla)						
Total - Industrial	42,497	44,355	43,597	45,476	47,419	4,922
TOTAL	84,073	88,740	91,887	97,018	101,869	17,796

**Table 7:** Growth in Business floor space by Industry Sector – Ulladulla Total

Retail floor space includes core retail space and bulky goods on the fringe of the Town Centre. Industrial space includes manufacturing, wholesale, transport and storage and most of this is industrial land in and around Ulladulla.

The assumed number of employees per square metre of gross floor area (GFA) of commercial floor space is as follows:

Milton/Ulladulla Industry Sector	GFA per person (m <sup>2</sup> )	
	2001-2011	2016-2026
Retail Trade	36.0	40.0
Tourism/Hospitality	29.2	32.0
Commercial	20.8	18.5
Industrial	87.0	82.0

**Table 8:** Estimated employment occupancy rates 2001-2011 and 2016-2026

The above projections indicate that between 2007 and 2026 an additional 26,280m<sup>2</sup> of retail, commercial, tourism/hospitality and industry related floor space will be generated within the Milton/Ulladulla District. This increase in business-related development will generate approximately 420 additional jobs (based on the GFA per person in Table 8). A substantial proportion of this growth will occur within the Ulladulla Town Centre which will have implications in regard to an increased demand for facilities and services, as outlined below.

#### 11.4 Business floor space/employment growth in Ulladulla Town Centre

Having consideration to the above, projections of additional floor space relating to the major categories of non-residential development expected within the Ulladulla Town Centre (being the area to which this contributions plan applies) were prepared as part of the Ulladulla CBD Development Control Plan Review. Such forms of development have been categorised under the primary headings of retail trade, tourism/hospitality and commercial, and the floor space projections are depicted in Table 9

Ulladulla Town Centre	Floor Space				
	2007 m <sup>2</sup>	2011 m <sup>2</sup>	2016 m <sup>2</sup>	2021 m <sup>2</sup>	2026 m <sup>2</sup>
<b>Retail Trade</b>					
Retail Trade	28,155	30,001	33,638	36,000	38,045
<b>Tourism/Hospitality</b>					
Cafes/Restaurants/Take-aways	4,869	5,264	6,320	6,640	6,980
<b>Commercial</b>					
Communication Services	178	178	174	174	190
Finance and Insurance	2,079	2,226	2,028	2,170	2,297
Property & Business Services	6,295	6,717	6,130	6,558	6,938
<b>Total Commercial</b>	<b>8,552</b>	<b>9,120</b>	<b>8,332</b>	<b>8,902</b>	<b>9,425</b>
<b>Total - All Uses</b>	<b>41,576</b>	<b>44,385</b>	<b>48,290</b>	<b>51,542</b>	<b>54,450</b>
<b>Additional from 2007</b>	<b>N/A</b>	<b>2,809</b>	<b>6,714</b>	<b>9,966</b>	<b>12,874</b>

**Table 9:** Projected growth in non-residential floor space 2007-2026.

This analysis demonstrates that an additional 12,874m<sup>2</sup> of business floor space is projected to be developed within the Ulladulla Town Centre between the years 2007 and 2026. As a consequence, an additional 360 employees will be required to service additional business development, as depicted by Table 10.

Ulladulla Town Centre	Additional Floorspace (m <sup>2</sup> )	Employees per m <sup>2</sup>	Additional Employees
Retail Trade	9,890	40	247
Tourism/Hospitality	2,111	32	66
Commercial	873	18.5	47
<b>Total</b>	<b>N/A</b>	<b>N/A</b>	<b>360</b>

**Table 10:** Projected growth in employees in Ulladulla Town Centre 2007-2026.

The additional business-related development, together with customers, clients and workforce, will generate additional demands for facilities and services within the Ulladulla Town Centre. A range of these facilities and services will be accommodated through Council's existing Development Contributions scheme and works program, relating to the overall LGA and Planning Area 5, while this Plan as discussed below identifies the demand for local road improvements including traffic management, pedestrian/bicycle facilities, road environment, service lanes and local bus facilities specifically for the Ulladulla Town Centre to cater for future growth.

## 11.5 Tourism

### 11.5.1 The tourism economy

Tourism is of strategic importance to the Shoalhaven region and is a major driver of economic activity in the region. Shoalhaven Council estimates expenditure by day visitors to be worth \$120 million per year and by domestic overnight visitors to be \$359 million.

Shoalhaven has a population of around 96,000 people and with tourist visitors, this population increases to around 320,000 people during the holiday peaks, including the three weeks from Boxing Day and two weeks over the Easter period.

Tourism is a major driver of the local economy in the LGA however, revitalisation of the local tourist facilities is required if future opportunities are to be captured for the town and for its surrounding areas. This will require investment in infrastructure and facilities to provide facilities and a Town Centre character that will support future development.

#### 11.5.2 Tourist and visitor accommodation

Tourist and visitor accommodation facilities in the Shoalhaven LGA fall into a number of categories, including: backpackers accommodation, bed and breakfasts, cabins, cottages, units, caravan/camping parks, eco tourism resorts, group accommodation, guesthouses, health retreats, holiday homes, hotels, houseboats, motels, national parks - camping, serviced apartments and real agent estate managed private holiday house lettings.

In Planning Area 5, which includes Milton, Ulladulla and Mollymook, there are currently a total of 71 tourist accommodation operators, accounting for a total of 1,734 rooms and sites. There are also an estimated 1,885 holiday houses in this Milton/Ulladulla district.

Commercial accommodation and holiday homes, in the Milton/Ulladulla District have the capacity to double the local population, as they accommodate almost 15,000 people.

#### 11.5.3 Future tourism market

The *Shoalhaven Tourism Strategy* recognises that the market is competitive and that Shoalhaven cannot rely on existing tourism products and existing business practices in order to compete with other regions. There are a number of identified emerging market trends including:

- A growing short break market out of Sydney, which looks for a weekend away in an accessible location;
- An increasing interest in nature based tourism;
- A growing demand for adventure activities;
- A strong demand for quality accommodation with personalised service;
- A growth in accommodation including resorts and day spas;
- A strong demand for serviced apartment accommodation; and
- A declining interest in motels for holiday stays.

#### 11.5.4 Directions for Ulladulla Town Centre

In the case of Ulladulla Town Centre there are a number of key issues and desirable future directions, including:

- Developing Ulladulla Harbour, including a marina development component - this is one of the key recommendations of the *Tourism Master Plan*;
- Open up the area adjacent to the harbour to development, which includes cafes, restaurants, and possibly serviced apartments;
- Encourage a concentration of visitor-related retail in close proximity to the harbour;

- Build a broader experience for visitors to Milton and Ulladulla in order to lengthen visitor stays;
- Develop tourist related accommodation in proximity (walking distance) to the Harbour;
- Provision of a cultural centre in the form of a town square, including space for harbour-side markets and other festive activities. This may require augmenting parking and Princes Highway modifications; and
- Redevelopment of the commercial core taking advantage of the natural amphitheatre and the construction of foreshore boardwalks, boating facilities relocation and Council car parking.

These potential strategies inform the planning controls in DCP 56 Amendment No. 4 and the range of required facilities/services to be provided through this Plan.

## 12 Demand for public facilities and services

One of the fundamental principles of development contributions is the relationship, or 'nexus', between the expected types of development and the demonstrated demand for new, augmented or embellished public and community infrastructure created by that development. Key aspects of determining nexus are:

- whether the anticipated development actually creates a demand or increases the demand for a particular public facility;
- whether the estimates of demand for each item of public infrastructure to which the proposed development contribution relates are reasonable;
- what types of facilities will be required to meet that demand;
- whether the proposed development contribution is based on a reasonable apportionment between existing demand and new demand for public infrastructure to be created by the proposed development to which the contribution relates;
- whether the proposed development contribution is based on a reasonable estimate of the cost of proposed public infrastructure; and
- when facilities will be provided to meet the demand of the development – often expressed as timing or thresholds.

Consistent with Council's existing contributions plans, different forms of **residential** development are translated to equivalent tenements ("ETs") for the purposes of calculating contribution rates. This methodology has been adopted for the purposes of this Plan.

With respect to different development types of **non-residential** development, the ETs outlined at Section 5.3 of Part A of this Plan, are derived based on the traffic generating rates as stated in the RTA Guide to Traffic Generating Development as the contributions sought by this Plan relate primarily to local road facilities. In order to allow a reasonable comparison between residential and non-residential land uses for the purposes of calculating ETs for the latter, a single dwelling which generates 9 Daily Vehicle Trips (DVTs) and represents 1.0 ET has been assumed to have a gross floor area of approximately 100m<sup>2</sup>



For example 100m<sup>2</sup> of retail floor space (in a Town Centre with between 30,000-40,000m<sup>2</sup> of gross leasable floor area (GLFA)) generates 50 DVTs. Accordingly, the rate per 100m<sup>2</sup> of retail would be almost 6 times that of a single dwelling house. This equates to 0.06 ETs per square metre or retail space. Table 11 summarises the calculations for various land use types.

It should be noted that this methodology varies to the existing Shoalhaven Contribution Plan 1993 (as amended) as that plan seeks contributions toward other types of facilities, such as open space and recreation for which measures for utilisation are different.

The methodology described above provides a reasonable basis to distribute the cost of proposed works between different types of development anticipated for the Town Centre. Accordingly, total costs of works will be divided by total ETs projected for the Ulladulla Town Centre during the term of the Plan, being a total of 991 ETs determined as follows:

DEVELOPMENT TYPE	PROJECTED ADDITIONAL DEVELOPMENT <sup>(1)</sup>	BASE <sup>(2)</sup>	ADDITIONAL ETs
<b>Residential</b>			
Single Dwelling	0	Per dwelling (1.00 ET)	0
Multi-unit: 1 bedroom	22 (5%)	Per dwelling (0.40 ET)	9
2 bedroom	261 (60%)	Per dwelling (0.60 ET)	151
3 bedrooms	130 (30%)	Per dwelling (0.80 ET)	104
4 bedrooms <sup>(2)</sup>	22 (5%)	Per dwelling (1.00 ET)	22
<b>Retail</b>	9,890m <sup>2</sup>	Per m <sup>2</sup> GLFA (0.06 ET)	549
<b>Tourism</b>	2,111m <sup>2</sup>	Per m <sup>2</sup> GLFA (0.07 ET)	141
<b>Commercial</b>	873m <sup>2</sup>	Per m <sup>2</sup> GLFA (0.01 ET)	10
<b>Total Additional ETs</b>			<b>991</b>

**Table 11: Total Additional ETs**

- Notes:** (1) Calculated based on total projected increase of 435 dwellings and assumed product mix as shown in parentheses.  
(2) All ETs have been rounded to two decimal places.  
(3) Apartments greater than 4 bedrooms will be treated as 1.0 ET.

It is also necessary to ensure that new development only contributes to its share of the total demand for public facilities and services, rather than any demand generated by the existing population, which may result out of a deficiency in existing facilities. This is known as 'apportionment'.

The increased usage of and demand for new public facilities as a consequence of future development in the Ulladulla Town Centre are likely to exceed the capacity of existing public facilities in the area. Accordingly, it will be necessary for new and embellished public facilities to be provided to cater for the anticipated demand of that development.

Part D of this Plan establishes the nexus between the anticipated development and the demand for additional or embellished public facilities and if relevant, details how that nexus has been apportioned, to ensure that contributions reflect the demand of new development, rather than existing demand or past deficiencies.

**Part D – Strategy Plans****13 Local Roads****13.1 Introduction**

The existing local road and street network and associated facilities within and around the Ulladulla Town Centre are generally adequate to meet the demands of existing development. The projected development within the Town Centre will generate additional traffic and transport demands. These additional traffic and transport demands relate to the road surface and sub-surface, traffic management and road safety measures, pedestrian and bicycle connectivity and service lanes for loading and unloading of goods and people.

In addition, increased residential densities, increased tourism and demands of a growing local workforce will require changes in the character of the road environment within the Town Centre to cater for the demands of these populations. Such demands include cafes, restaurants and tourist attractions, as well as:

- pedestrian walkways and through-site links;
- way-finding signage;
- public gathering points – civic squares;
- street lighting and street furniture;
- paving and landscaping (including tree planting).

These elements play an important role in improving the functionality, safety and aesthetics of the local road environment and creating a sense of place and local community. Such improvements will be required to meet the demands of new residents, employees and visitors to the area.

The existing local road environment within the Ulladulla Town Centre is presently satisfactory in meeting the reasonable amenity requirements of the existing businesses, workforce, tourists and residents, which it serves. However, DCP 56 Amendment No. 4 provides for new development within the Town Centre as part of a revitalisation program, which will require an improvement in the amenity of local streets and civic spaces. While an increase in residents, tourists and workers is projected for the Town Centre, no additional public open space is proposed under this Plan and improvements to amenity are to be focused on augmenting the quality and extent of the local road environment. However, public open space is levied under the Shoalhaven Contributions Plan 1993 and subsequent amendments or as a result of development of Key Development Sites under the accelerate growth strategy in DCP 56 Amendment No. 4.

## 13.2 Existing Provision

### 13.2.1 Roads and traffic management

The Ulladulla Town Centre road network is not included in the Shoalhaven City Council's Development Contributions Plans 1993 or subsequent amendments and upgrading of the roads is determined via Council's Asset Management Plan and on an "as needed" basis.

The Ulladulla CBD Development Control Plan Review outlines the existing and predicted traffic volumes of the two main north/south links (Princes Highway and St Vincent Street) and the main east/west link (Green Street), summarised in the following table.

ROAD	TRAFFIC VOLUME (AADT)		INCREASE 2003-2026
	2003	2026	
The Princes Highway @ Millards Creek	14,110	18,280	4,170
St Vincent Street @ Millards Creek	6,000	9,240	3,240
Green Street (West of St Vincent Street)	4,400	6,910	2,510

**Table 12:** Existing and estimated traffic volumes for key streets in Ulladulla Town Centre (Source: Ulladulla CBD Development Control Plan Review)

Shoalhaven LEP 1985 indicates a road reservation which will accommodate the construction of a bypass of Ulladulla which is to be located approximately 1km west of the Town Centre. This bypass is also identified in The Milton/Ulladulla Structure Plan which was prepared by Shoalhaven City Council in association with Monaro Consultants Pty Ltd in September 1996. The bypass is targeted for construction in approximately 2025-2030. Hence, the Ulladulla CBD Development Control Plan Review has been prepared on the basis that the Ulladulla bypass may not be operational until 2026. A bypass constructed in 2026 would accommodate approximately 10,000 vehicles per day.

The Ulladulla CBD Development Control Plan Review indicates that the Princes Highway currently has a traffic volume of 14,110 vehicles per day. AUSTROADS Roadway Capacity Guidelines indicate the section of highway between Green Street and Wason Street would have a capacity in the order of 12,000 vehicles per day in order to be categorised as having a reasonable level of service. Therefore, there is possibly a demand for upgrading of the Princes Highway in this location. Alternatively, construction of the bypass would reduce average annual daily traffic flows on the Princes Highway to 10,290 vehicles per day. Accordingly, the existing need to upgrade the highway is marginal and may not be expected to be pursued in the circumstances unless required to facilitate the direct demands of development in the Town Centre.

This analysis has also confirmed that St Vincent Street is essentially a residential street and the road pavement was not designed for the volume of traffic currently using it. The initial construction involved the placement of a nominal 150mm - 200mm of road base and there have been a number of road pavement repairs since the original construction.

However, there has been a tendency for the road pavement to fail adjacent to the existing repair works. Therefore, an upgrade of this road pavement is anticipated to be required prior to 2016 to accommodate the demands of future development.

The existing traffic volumes on the Princes Highway coupled with the high level of pedestrian activity in this location, are likely to be the source of ongoing traffic and pedestrian conflicts. Whilst the construction of the Ulladulla Bypass would alleviate this situation by reducing the status of this section of the Highway to that of a local road, the timing of the construction of the Bypass could potentially be beyond the 2026 timeframe of the current investigation.

The 1996 Milton/Ulladulla Structure Plan (*Shoalhaven City Council in association with Monaro Consultants P/L*) proposed moving traffic away from the Highway and onto St Vincent Street due to the increasing problems with pedestrian safety on the Highway. The Structure Plan included construction of a number of traffic facilities and traffic calming devices, several of which have been installed since 1996.

Efficient pedestrian and bicycle circulation is necessary to ensure that the Ulladulla CBD functions as a viable retail and tourist hub and adequately meets the demands of the resident and worker population and tourists.

Ulladulla CBD pedestrian/bicycle linkages provided on public land are generally restricted to:

- footpaths within the road reserves;
- access through Council owned and managed car parks;
- the covered walkway adjacent to the northern facade of 84 Princes Highway (Lot 1 DP 531711); and
- informal access to the harbour and foreshore area to the north of 84 Princes Highway (Lot 1 DP 531711).

Pedestrian linkages have generally occurred on private land, as covered walkways though arcades in the following locations:

- pedestrian link from Wason Street through the retail arcade which connects to the South Street car park at the rear;
- linkages through a number of shopping arcades from the Boree Street car park to the Princes Highway; and
- the north south link along the laneway leading from Green Street to the Rowans arcade and then connecting with the two adjacent shopping complexes.

Existing pedestrian crossing facilities are provided in the following locations:

- within the signalised intersection at the corner of Wason Street and the Princes Highway; and
- pedestrian threshold located immediately to the south of the Green Street/Princes Highway intersection.

### **13.2.2 Road environment improvements**

Prior to 2000, several plans were produced by Council to facilitate road environment improvements for the Princes Highway between Green Street and Wason Street and for Wason Street between the Princes Highway and Burrill Street.

These improvements have now been implemented and included footpath paving, landscaping, guardrails and general street furniture.

Whilst these works have resulted in a positive improvement in terms of pedestrian safety and general civic amenity, there is a need to extend the physical boundaries of these existing works to create a cohesive road environment throughout the remainder of the Town Centre to cater for the increased demands of future residential and non-residential populations.

### **13.2.3 Service lanes**

There are currently limited formal areas available for delivery vehicles to service existing retail and commercial development within the Ulladulla Town Centre and most occurs from the street, thereby impacting on safety and efficiency of the public road network.

The existing on-street loading zones are as follows:

- Princes Highway - on east side of the road, south of intersection with Green Street;
- Green Street - on south side of the road, west of intersection with Princes Highway; and
- St Vincent Street - on west side of the road (at main entrance to Ulladulla High School), north of intersection with South Street.

Some other retail operations utilise South Street and Boree Street car parks for servicing purposes.

## **13.3 Nexus to Development**

### **13.3.1 Roads and traffic management**

The road hierarchy is not proposed to change within DCP 56 Amendment No. 4, however traffic increases on St Vincent Street and Green Street, and increased use of other local streets in the Town Centre as a result of future development will necessitate traffic management measures.

Proposed traffic management measures primarily involve intersection treatments such as the installation of traffic lights and roundabouts. These measures will increase the capacity of the intersections and provide improved safety and traffic calming effects. The traffic lights will also indirectly provide improved pedestrian and bicycle connectivity and safety by allowing greater ease in crossing of roads at critical junctions within and on approaches to the Town Centre.

With the projected redevelopment of the Ulladulla Town Centre, the efficient functioning of the traffic and transport management system is critical. The existing road system and associated traffic management facilities should be capable of catering for the increased traffic volumes, to ensure that the road network can accommodate the projected level of development activity.

The proposed traffic management works are to be undertaken to maintain the existing level of service. The traffic management works will benefit all development within the Town Centre and hence contribution for such facilities should be applied to all developments. In order to define the level of contribution required for non-residential development, the additional amount of traffic generated by a development should be calculated as a proportion of existing flows and then the proportionate contribution applied accordingly. This will ensure that the contribution paid is consistent with the traffic usage levels of the development.

It has become a necessity that (following the corporate RTA move away from use of warrants for pedestrian facilities), tight guidelines on pedestrian demands must now be incorporated as part of planning for future development. The impacts of development from a pedestrian safety point of view have been addressed, and the demands generated by pedestrians must be met. In some cases, a contributions plan may be a more appropriate mechanism if the use of facilities will be by more than one development instead of, or in addition to, facilities provided in conjunction with individual developments.

### **13.3.2 Road environment improvements**

The increases in residential, worker and tourist populations in the Town Centre will generate a demand for improvements which are ancillary to the works on the vehicular carriageway. These 'street furniture' improvements include footpath paving, street tree planting, lighting, seating and landscaping to augment the existing road environment. In order to provide a coordinated approach to the provision of and funding of such facilities a detailed strategy for road environment improvements has been prepared as part of the Ulladulla CBD Development Control Plan Review.

### **13.3.3 Service Lanes**

Planning of delivery service arrangements should seek to separate heavy vehicle movements from through traffic routes, car parks and key pedestrian zones wherever practical and primarily via rear service lanes in accordance with DCP 56 Amendment No. 4. With new developments there is a need to ensure that there is no conflict with pedestrian access way or entrances and servicing arrangements.

## **13.4 Strategy – Proposed Works**

### **13.4.1 Roads and traffic management**

The strategy for the provision of traffic management measures is outlined within the Ulladulla CBD Development Control Plan Review. A total of five intersections are to be provided with traffic lights and an additional two intersections are to have roundabouts installed to primarily increase intersection capacity to maintain an adequate level of service within the road network as future development proceeds. Other functions of the intersection improvements include improved accessibility to parking areas, traffic calming and enhanced pedestrian and bicycle connectivity and safety (see **Appendix A**)

### 13.4.2 Road environment improvements

The Ulladulla Harbour Concept Plan (NSW Government Architects Office, 2004) and the previous Ulladulla DCP 56 (Amendment No. 3) encourage various road environment improvements within the Town Centre. Some of these works have been undertaken although further works are required to provide for the implementation of a more comprehensive programme to facilitate the revitalisation of the Town Centre to cater for the demands of new development.

The Ulladulla CBD Development Control Plan Review documents the analysis of existing and future road environment improvements required for the Town Centre and a strategy for implementation. A works programme has been developed which provides for the augmentation of past road environment improvements (see **Appendix A**).

### 13.4.3 Service lanes

In order to provide reasonable separation of service vehicles (particularly for heavy vehicles servicing larger retail premises) from through traffic routes, motor vehicle parking areas and pedestrian ways, DCP 56 Amendment No. 4 provides for a system of rear service lanes to be constructed within the Town Centre. Rear service lanes will also enable affected properties to develop their full frontage and provide the potential to create double frontages. In the absence of appropriate rear service lane access, it is likely that further intensification of development on these properties would not be possible (see **Appendix A**).

## 13.5 Apportionment

### 13.5.1 Roads and traffic management facilities

The Ulladulla CBD Development Control Plan Review provides TRACKS modelling for 2003 and projected traffic volumes for 2026, for three key locations within the road network (Princes Highway, St Vincent Street and Green Street). The modelling estimates the following rate of increase in traffic volumes at the locations examined between 2003 and 2026:

- Princes Highway at Millards Creek - 23%
- St Vincent Street at Millards Creeks - 35%
- Green Street (west of St Vincent Street) - 36%

While a proportion of the traffic on the Princes Highway (and to a lesser extent St Vincent Street) is through traffic, it is nonetheless expected that the majority of traffic will access development within the Town Centre. The purposes of such trips could be inclusive of normal shopping requirements, business purposes or a rest stop for travelling tourists. Green Street, which is likely to cater for predominantly local traffic, was modelled to have a 36% increase in traffic volume, being the greatest increase of the three locations analysed.

The potential traffic generation of the existing residential and non-residential floor space within the Ulladulla Town Centre has been calculated at approximately 18,000 daily vehicle trips (DVTs) (calculated using the RTA's *Guide for Traffic Generating Development*).

Similarly, the potential increase in DVTs associated with the projected growth in residential and non-residential floor space to 2026 has been estimated at approximately 8,500 DVTs.

Accordingly, the existing traffic generation of the Town Centre constitutes approximately 68% of the total traffic generation in the Town Centre.

Accordingly, for the purposes of conservatively apportioning the reasonable costs of proposed traffic management facilities to new development, an apportionment rate of 30% has been adopted by Council. This apportionment rate will be applied equally to all intersection treatments, which all form part of the overall strategy for the future traffic management requirements of the Town Centre.

### 13.5.2 Road environment

The road environment works are to be implemented as part of this Plan are constrained to focus on providing facilities to meet the demands associated with the projected increase in residents, tourists and workers within the Town Centre. Accordingly, new development will be required to pay 100% of the cost of the proposed works.

As discussed in Section 8.5 of this plan, Council has resolved to temporarily subsidise the cost of some road environment facilities by 70% although this may be reviewed as part of Council's ongoing management of the plan.

Alternatively, new development could undertake the required works adjacent to the development site as 'works in kind'. In this instance it may still be necessary for a partial monetary contribution to be made towards any centralised road environment improvements which are not directly adjacent to the development site. Section 2.5 of this Plan specifies the matters to be addressed should a proposal intend to provide works in kind.

### 13.5.3 Service Lanes

It is recognised that the demand for rear service lanes, as identified by DCP 56 Amendment No. 4, is generated only by those properties to which access will be provided and accordingly, only such properties will be required to contribute to the cost of service lanes. This Plan requires dedication of land for the provision of service lanes from those properties identified on the Map at **Appendix A** and listed in Table 14. This Plan also requires properties identified in Table 14 to provide monetary contributions toward the acquisition (i.e. where access is provided but dedication is not required) and construction of these facilities, calculated in accordance with Section 13.7.3 of this Plan.

The dedication of land is to occur at the same time as payment of monetary development contributions applicable to any development consent granted for the land by Council and in all circumstances, prior to occupation of the development. Should the developer wish to construct that part of the service lane within their land in lieu of a monetary contribution, this will be at the discretion of Council and any such works are to be completed to the satisfaction of Council subject to the provisions of Section 7.5 of this plan.

Should the construction of a service lane be required prior to development of all affected properties, Council may enter into negotiations with affected landowners.



### 13.6 Works and contributions summary

The following table summarises all local road facilities for which a contribution is required under this plan:

PROJECT CODE	FACILITY	DESCRIPTION	COST SUMMARY	TIMING/ THRESHOLD
05 ROAD 0062	1. Roads and traffic management	St Vincent St / South St Intersection: Traffic lights	\$511,182	Medium
	2. Roads and traffic management	Boree St / South St Intersection: Roundabout	\$213,983	Low
	3. Roads and traffic management	Princes Hwy / South St Intersection: Traffic lights	\$511,182	High
	4. Roads and traffic management	Jubilee Ave / South St Intersection: Roundabout	\$213,983	Low
	5. Roads and traffic management	Burrill St / Wason St Intersection: Traffic lights	\$511,182	Medium
	6. Roads and traffic management	St Vincent St / Green St Intersection: Traffic lights	\$677,614	Medium
Sub-total			\$2,639,128	
05 ROAD 0063	7. Road Environment Improvement	Princes Hwy: South St – Deering St	\$951,037	Medium
	8. Road Environment Improvement	Princes Hwy: Wason St – South St	\$724,500	Low
	9. Road Environment Improvement	South Street (North side): St Vincent St – Princes Hwy	\$367,500	Low
	10. Road Environment Improvement	South Street: Princes Hwy – Burrill St	\$399,000	Low
	11. Road Environment Improvement	Boree Street (East side): Car Park – South St	\$168,000	Medium
	12. Road Environment Improvement	Green Street: St Vincent St – Princes Hwy	\$504,000	Low
	13. Road Environment Improvement	Deering Street: Princes Hwy – Burrill St	\$252,000	High
	14. Road Environment Improvement	Wason Street (Northside): Princes Hwy – Burrill St	\$367,500	Low
	15. Road Environment Improvement	Deering Street: St Vincent St – Princes Hwy	\$304,500	Medium
Sub-total			\$4,038,037	
05 ROAD 0064	16. Service Lane	South St/Wason St Car Park Service Lane	\$2,542,191	Low
	17. Service Lane	Jubilee Ave Service Lane	\$1,492,418	Low
	18. Service Lane	St Vincent St/Deering St/South St/Princes Hwy Service Lane	\$3,735,111	Low
	19. Service Lane	St Vincent St/Boree St Service Lane	\$689,359	Low
	20. Service Lane	South St Service Lane	\$691,207	Low
Sub-total			\$9,150,286	
TOTAL			\$15,827,450	

Table 13: Local Roads Works Summary (see also Appendix A)

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Ulladulla Town Centre  
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The following table lists all land affected by proposed services lanes for which a contribution is required under this plan:

ADDRESS	LOT/DP	LAND DEDICATION REQUIRED (m <sup>2</sup> )	TIMING/ THRESHOLD
<b>05 ROAD 0064 - 16. South St/Wason St Car Park Service Lane</b>			
83 South Street	Lot A DP 157079	0	Prior to Occupation
128 Princes Highway	Lot 2 DP 83164	140.9	Prior to Occupation
124 Princes Highway	Lot 1 DP 153727	140.9	Prior to Occupation
122 Princes Highway	Lot 10 DP 791198	81.1	Prior to Occupation
120 Princes Highway	Lot 1 DP 713265	0	Prior to Occupation
118 Princes Highway	Lot 100 DP 719023	0	Prior to Occupation
114 Princes Highway	CP SP 69933	214.4	Prior to Occupation
112 Princes Highway	Lot 12 DP 759018 Sec 2	168.7	Prior to Occupation
110 Princes Highway	Lot 11 DP 759018 Sec 2	0	Prior to Occupation
85 South Street	Lot 11 DP 791198	1231.7	Prior to Occupation
20A Wason Street	Lot 3 DP 521826	0	Prior to Occupation
22 Wason Street	Lot 6 DP 37670	140.9	Prior to Occupation
Princes Highway	Lot 1 DP 155320	141.4	Prior to Occupation
24 Wason Street	Lot 1 DP 155427	0	Prior to Occupation
26 Wason Street	Lot 20 DP 1098368	0	Prior to Occupation
28 Wason Street	Lot 2 DP 155366	0	Prior to Occupation
30 Wason Street	Lot 12 DP 618459	0	Prior to Occupation
32 Wason Street	Lot 11 DP 618459	0	Prior to Occupation
<b>Total</b>		<b>2260</b>	
<b>05 ROAD 0064 - 17. Jubilee Ave Service Lane</b>			
13 Jubilee Avenue	Lot 9 DP 25155	172	Prior to Occupation
11 Jubilee Avenue	Lot 11 DP 506212	339	Prior to Occupation
7 Jubilee Avenue	Lot 13 DP 393485	126	Prior to Occupation
5 Jubilee Avenue	Lot 12 DP 393485	102.4	Prior to Occupation
3 Jubilee Avenue	Lot 11 DP 393485	110.35	Prior to Occupation
1 Jubilee Avenue	Lot 10 DP 393485	236	Prior to Occupation
84 South Street	Lot 7 DP 22193	45	Prior to Occupation
86 South Street	Lot 8 DP 22193	49.5	Prior to Occupation
88 South Street	Lot 9 DP 22193	58	Prior to Occupation
144 Princes Highway	Lot 2 DP 25155	0	Prior to Occupation
Princes Highway	Lot X DP 409489	0	Prior to Occupation
142 Princes Highway	Lot 2 DP 507429	0	Prior to Occupation
140 Princes Highway	Lot 1 DP 507429	0	Prior to Occupation
138 Princes Highway	Lot 1 DP 22193	0	Prior to Occupation
136 Princes Highway	Lot 2 DP 22193	0	Prior to Occupation
134 Princes Highway	Lot 3 DP 22193	0	Prior to Occupation
132 Princes Highway	Lot 4 DP 22193	0	Prior to Occupation
130 Princes Highway	Lot 5 DP 22193	0	Prior to Occupation
<b>Total</b>		<b>1,238.25</b>	

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ADDRESS	LOT/DP	LAND DEDICATION REQUIRED (m <sup>2</sup> )	TIMING/ THRESHOLD
<b>05 ROAD 0064 - 18. St Vincent St/Deering St/South St/Princes Hwy Service Lane</b>			
62 South Street	Lot 1 DP 19751	85.5	Prior to Occupation
64 South Street	Lot 2 DP 19751	89.4	Prior to Occupation
66 South Street	Lot 3 DP 19751	86.5	Prior to Occupation
68 South Street	Lot 4 DP 19751	86.6	Prior to Occupation
110 St Vincent Street	Lot 1 DP 349731	210.2	Prior to Occupation
South Street	Lot 5 DP 130607	331.1	Prior to Occupation
70 South Street	Lot 1 DP 513718	302.9	Prior to Occupation
72 South Street	Lot 20 DP 738247	78.3	Prior to Occupation
Princes Highway	Lot 21 DP 738247	276.7	Prior to Occupation
41 Deering Street	Lot 9 DP 21597	354.8	Prior to Occupation
137 Princes Highway	Lot 4 DP 524007	515	Prior to Occupation
135 Princes Highway	Lot 9 DP 37939	188.3	Prior to Occupation
141 Princes Highway	Lot 1 DP 509202	189.1	Prior to Occupation
<b>Total</b>		<b>2,794.4</b>	
<b>05 ROAD 0064 - 19. St Vincent St/Boree St Service Lane</b>			
23 Boree Street	Lot 1 DP 1035927	0	Prior to Occupation
59 South Street	Lot 1 DP 530697	239.5	Prior to Occupation
63 South Street	Lot 2 DP 530697	116.7	Prior to Occupation
65 South Street	Lot 1 DP 155555	116.5	Prior to Occupation
67 South Street	Lot 2 DP 155555	113	Prior to Occupation
69 South Street	Lot 3 DP 155555	118.5	Prior to Occupation
<b>Total</b>		<b>704.2</b>	
<b>05 ROAD 0064 - 20. South Street Service Lane</b>			
89 South Street	Lot 20 DP 759018 Sec 2	277	Prior to Occupation
85 South Street	Lot 11 DP 791198	39.9	Prior to Occupation
95 South Street	Lot C DP 157448	17.9	Prior to Occupation
97 South Street	Lot B DP 157448	0	Prior to Occupation
99 South Street	Lot A DP 157448	0	Prior to Occupation
27 Burrill Street South	Lot 7 DP 790985	315	Prior to Occupation
<b>Total</b>		<b>649.8</b>	

**Table 14:** Properties affected by service lane requirements including land dedication and/or monetary contributions (see also Section 13 7 3 and **Appendix B**)

PROJECT CODE	SERVICE LANE DESCRIPTION	LAND ACQUISITION COST (m <sup>2</sup> )	CONSTRUCTION COST (m <sup>2</sup> )
05 ROAD 0064	16. South St/Wason St Car Park	\$647	\$477
05 ROAD 0064	17. Jubilee Ave	\$856	\$349
05 ROAD 0064	18. St Vincent St/Deering St/South St/ Princes Hwy	\$664	\$672
05 ROAD 0064	19. St Vincent St/Boree St	\$679	\$300
05 ROAD 0064	20 South Street	\$679	\$384

**Table 15:** Service lanes - average land and construction costs per m<sup>2</sup> (see also Section 13 7 3 and **Appendix B**)

## Development Committee 6 October 2009 - Item 5

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### 13.7 Calculation of Contribution Rate

#### 13.7.1 Roads and Traffic Management Facilities (05 ROAD 0062)

The formula for the calculation of the contribution rate for traffic management works is as follows:

$$\begin{aligned}
 \text{Contribution rate per ET} &= \frac{\text{Total Cost} \times \text{Apportionment} \times \text{Council Subsidised Rate}}{\text{Total Additional ETs}} \\
 &= \frac{\$2,639,128 \times 30\% \times 100\%}{991} \\
 &= \frac{\$791,738}{991} \\
 &= \$798.66 \text{ per ET}
 \end{aligned}$$

#### 13.7.2 Road Environment Improvements (05 ROAD 0063)

The formula for the calculation of the contribution rate for road environment works is as follows:

$$\begin{aligned}
 \text{Contribution rate per ET} &= \frac{\text{Total Cost} \times \text{Apportionment} \times \text{Council Subsidised Rate}}{\text{Total Additional ETs}} \\
 &= \frac{\$4,038,037 \times 100\% \times 30\%}{991} \\
 &= \frac{\$1,211,411}{991} \\
 &= \$1,222.01 \text{ per ET}
 \end{aligned}$$

#### 13.7.3 Service Lanes (05 ROAD 0064)

The formula for the calculation of the contribution rate for service lanes is as follows:

For properties which are required to dedicate land:

$$\begin{aligned}
 \text{Contribution Rate} &= \text{Dedication of Land as per Table 14 of this Plan} \\
 &\quad \text{plus} \\
 &\quad 0.5W \times F \times C \\
 &\quad \text{plus} \\
 &\quad 0.5W \times F \times L \\
 &\quad \text{less} \\
 &\quad \text{Credit}_L \text{ (for land dedicated)}
 \end{aligned}$$

Where:

- W = Service lane width in metres (NB: DCP 56 Amendment 4 provides for 7 metre wide service lanes)
- F = Frontage width in metres
- C = Construction cost per m<sup>2</sup> (as per Table 15)
- L = Land acquisition cost per m<sup>2</sup> (as per Table 15)
- Credit<sub>L</sub> = Total area of land dedicated x L

For properties which **are not required** to dedicate land:

Contribution Rate =  $0.5W \times F \times C$

plus

$0.5W \times F \times L$

Where:

W = Service lane width in metres (NB: DCP 56 Amendment 4 provides for 7 metre wide service lanes)

F = Frontage width in metres

C = Construction cost per m<sup>2</sup> (as per Table 15)

L = Land acquisition cost per m<sup>2</sup> (as per Table 15)

## 14 Local Bus Facilities

The projected development within the Town Centre will generate additional demand for public transport and this demand will require upgrading of public transport facilities such as a bus terminal and bus lay-bys.

### 14.1 Existing Facilities

Within the Ulladulla CBD public transport is provided by two local bus companies and one taxi company. There are two bus stops located on both sides of the Princes Highway - one just south of Wason Street and another just north of Deering Street. The major stop is at Wason Street and is utilised by the two local bus companies. They provide a link from Burrill Lake in the south to Mollmook and Milton in the north and utilise the Princes Highway bus stop.

There are also two inter-district bus providers which provide a link from the south to connect with the train service at Bomaderry as well as continuing to Sydney and links to Bega, Canberra and Melbourne in the south.

Tourist buses currently use the Princes Highway bus stop on their way through Ulladulla. This can sometimes be for periods up to two hours. There are no alternative stopping points for the tourist buses. The existing bus stops are legally designed for short term drop off and pick up and are not intended for long term parking.

### 14.2 Nexus to development

A bus terminal or bus stop improvements are to be provided to augment the existing bus stop facility to cater for increased demands associated with the projected growth in the Town Centre. The additional facility will provide for the longer term parking demands of tourist buses and allow the existing bus stop to more effectively service local bus services. The provision of a bus interchange within the Town Centre will also benefit both future business and residential development through a reduction in traffic conflicts and more appropriate access to public transport facilities.

### 14.3 Strategy – Proposed Works

The strategy for the provision of a bus terminal to cater for long term (tourist) buses is outlined within the Ulladulla CBD Development Control Plan Review.

Long term (tourist) bus parking is recognised as an obstacle to growth in Ulladulla Town Centre. The bus parking facility is proposed to be located with good accessibility from the Ulladulla Town Centre Core Area and Ulladulla Visitors Centre and close to Harbour foreshore.

### 14.4 Apportionment

The local bus facility improvements to be implemented as part of this Plan are focused on providing facilities to meet the demands associated with the projected increase in residents, tourists and workers within the Town Centre. Accordingly, new development will be required to pay 100% of the cost of the proposed works.

As discussed in Section 8.5 of this plan, Council have resolved to temporarily subsidise this cost by 70% although this may be reviewed as part of Council's ongoing management of the plan.

### 14.5 Works and contributions summary

The following table summarises all local bus facilities for which a contribution is required under this plan:

PROJECT CODE	FACILITY	DESCRIPTION	COST SUMMARY	TIMING/ THRESHOLDS
05 ROAD 0065	1. Local bus facilities	Town centre bus terminal / lay-bys	\$677,614	Low

*Table 16: Local bus facilities works summary*

### 14.6 Calculation of Contribution Rate

#### 14.6.1 Local Bus Facilities (05 ROAD 0065)

The formula for the calculation of the contribution rate for local bus facilities is as follows:

$$\begin{aligned}
 \text{Contribution rate per ET} &= \frac{\text{Total Cost} \times \text{Apportionment} \times \text{Council Subsidised Rate}}{\text{Total Additional ETs}} \\
 &= \frac{\$677,614 \times 100\% \times 30\%}{991} \\
 &= \frac{\$203,284}{991} \\
 &= \$205.06 \text{ per ET}
 \end{aligned}$$

## **15 Plan Preparation and Studies**

### **15.1 Introduction**

The Ulladulla Town Centre, together with Planning Area 5 and the Shoalhaven LGA overall, is incorporated within Council's broader development contributions scheme applying generally to the LGA.

Under this broader scheme, Council levies contributions towards the formulation of that Plan and its administration and management, pursuant to Contributions Plan - Amendment No. 91. This broader development contributions scheme and associated contribution requirements will continue to apply to future development within the Ulladulla Town Centre.

In addition to the above, Council has incurred costs associated directly with the preparation of this contributions plan, which is to apply specifically to the Ulladulla Town Centre. Those costs which do not relate to Amendment No. 91 include the cost of the preparation of this Plan and background studies. These costs will be included within this Plan for which contributions will be sought from future development within the Ulladulla Town Centre.

### **15.2 Nexus to Development**

The cost of works relate only to the preparation of this Plan and work associated with the preparation of background studies that relate directly to the preparation of this Plan. This work was undertaken by consultants on a contractual basis, and relates to the following:

- Preparation of contributions plan (DFP Pty Ltd); and
- Costs associated with the preparation of the Ulladulla CBD Development Control Plan Review that relates specifically to informing the preparation of this Plan (MacDonald International, TCG Consultants and Buchan Consulting).

The Ulladulla CBD Development Control Plan Review was prepared to inform both the preparation of the new Development Control Plan for the Town Centre and this contributions plan. Accordingly, the cost of that review has been apportioned and only that component relating to the preparation of this Plan has been included. No costs associated with the preparation of the new DCP have been included, as this relates to Council's normal strategic planning function.

### **15.3 Apportionment**

The purpose of this Plan is to provide a mechanism to fund facilities and services required as a consequence of future development within the Ulladulla Town Centre. As the cost of the above works relate only to the preparation of this Plan and associated background studies, they are apportioned 100% to new development.



#### 15.4 Works and contributions summary

The following table summarises the costs of preparing this plan and the studies which were required for this purpose and for which a contribution is required under this plan:

PROJECT CODE	FACILITY TYPE	DESCRIPTION	COST SUMMARY	TIMING/ THRESHOLD
05 MGMT 0001	1. Preparation of Contributions Plan	Consulting services	\$37,235	Completed
	2. Ulladulla CBD Development Control Plan Review (Part Costs)	Consulting services	\$93,101	Completed

**Table 17:** Plan Preparation and Studies Works Costs

#### 15.5 Calculation of Contribution Rate

##### 15.5.1 Plan Preparation and Studies (05 MGMT 0001)

The formula for the calculation of contribution rates for contributions plan preparation and studies is as follows:

$$\begin{aligned}
 \text{Contribution rate per ET} &= \frac{\text{Total Cost} \times \text{Apportionment} \times \text{Council Subsidised Rate}}{\text{Total Additional ETs}} \\
 &= \frac{\$130,336 \times 100\% \times 100\%}{991} \\
 &= \frac{\$130,336}{991} \\
 &= \$131.48 \text{ per ET}
 \end{aligned}$$

## Part E – Dictionary and References

### 16 Dictionary

Terms used in this Plan have the following meanings:

**“Act”**, means the *Environmental Planning and Assessment Act 1979*.

**“applicant”**, means the person(s) or organisation(s) submitting a development application.

**“apportionment”**, means the process by which the assessed demand or cost is related specifically to the development from which contributions may be sought. Apportionment seeks to ensure that new development only pays its share or portion of the cost of the facility or work for which it has created a demand;

**“contribution”**, means the same as **“development contribution”**;

**“contributions plan”**, means a contributions plan referred to in the Act.

**“community infrastructure”** means public amenities and public services, but does not include water supply or sewerage services.

**“Council”**, means the Shoalhaven City Council.

**“DCP”**, means a Development Control Plan adopted by Council under the Act.

**“development”**, has the meaning under Section 4 of the Act which in relation to land means:

- (a) the use of land; and
- (b) the subdivision of land; and
- (c) the erection of a building; and
- (d) the carrying out of a work; and
- (e) the demolition of a building or work; and
- (f) any other act, matter or thing referred to in section 26 that is controlled by an environmental planning instrument.

**“development consent”**, means consent under Part 4 of the Act to carry out development and includes, unless expressly excluded, a complying development certificate.

**“development contribution”**, means the making of a monetary contribution, dedication of land or the providing of a material public benefit as works in kind, or any combination of the above as referred to in the Act for the provision of public or community infrastructure;

**"Implicit Price Deflator (IPD)"**, is a standard measure of price movements published by the Australian Bureau of Statistics (Note: Council uses the IPD for New Engineering and Construction to best reflect changes in the cost of works).

**"key community infrastructure"** means:

- (a) local roads,
- (b) local bus facilities,
- (c) local parks,
- (d) local sporting, recreational and cultural facilities and local social facilities (being community and child care centres and volunteer rescue and volunteer emergency services facilities),
- (e) local car parking facilities,
- (f) drainage and stormwater management works,
- (g) land for any community infrastructure (except land for riparian corridors),
- (h) district infrastructure of the kind referred to in paragraphs (a)–(e) but only if there is a direct connection with the development to which a contribution relates.

For the purposes of this definition, **facilities** means buildings and works.

**"LEP"**, means a Local Environmental Plan made by the Minister under the Act.

**"LGA"**, means the Local Government Area.

**"material public benefit"**, means a facility or work which is offered by a developer as a finished entity either in return for a reduction in the amount of monetary contributions required for the same category of contribution or as an additional or partial additional benefit under a Planning Agreement;

**"planning agreement"**, means a planning agreement referred to in the Act.

**"public infrastructure"** means:

- (a) public amenities and public services, and
  - (b) affordable housing, and
  - (c) transport infrastructure,
- but does not include water supply or sewerage services.

**"Regulations"**, means the *Environmental Planning and Assessment Regulations 2000*.

**"works-in-kind"**, means the carrying out of work which is identified in the costed works schedules which form part of this contributions plan in return for a reduction in the amount of monetary contributions (but not a reduction in the total quantum of contributions) required for the same category of contribution;

## 17 References

The following legislation, plans and policies, studies, technical guides and other information have been used to formulate the contents of the Plan:

Australian Bureau of Statistics, 2001 and 2006 Census Data;

Department of Planning (DIPNR 2005), *Development Contributions Practice Notes*;

Department of Urban Affairs & Planning (June 1997), *The Section 94 Contributions Manual*;

*Environmental Planning and Assessment Act 1979*;

*Environmental Planning and Assessment Amendment Act 2008*;

*Environmental Planning and Assessment Regulation 2000*;

NSW Government Architects Office (May 2004), *Ulladulla Harbour Concept Plan*;

NSW Roads and traffic Authority (October 2002 – Version 2.2), *Guide to Traffic Generating Development*;

Shoalhaven City Council *Shoalhaven Development Contributions Plans 1993 as amended*;

*Ulladulla CBD Development Control Plan Review* consisting of:

- Buchan Consulting (August 2007), *Ulladulla Economic Analysis*;  
and
- MacDonald International and TCG Consultants, (29 June 2007), *Ulladulla CBD Development Control Plan Review*.

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Shoalhaven City Council Contributions Plan Amendment No. 99 - Ulladulla  
Centre, being this written Statement and accompanying maps.

Adopted by Council:

and

Became effective from:

A handwritten signature in black ink, appearing to read 'R D Pigg'.

R D Pigg  
General Manager

Date: 5 . 8 . 09

Ulladulla Town Centre  
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## Appendix A

### Location of proposed works



SHOALHAVEN CITY COUNCIL  
ULLADULLA TOWN CENTRE  
CONTRIBUTIONS PLAN

FILE NO: 38142  
FACILITY: ROADS  
PROJECT: 05 ROAD 0062



PROJECT NO.  
05 ROAD 0062

Ulladulla Town Centre  
Contributions Plan  
Exhibition Draft



PROJECT NO.  
05 ROAD 0063

SHOALHAVEN CITY COUNCIL  
**ULLADULLA TOWN CENTRE  
CONTRIBUTIONS PLAN**

FILE NO: 38142  
FACILITY: ROADS  
PROJECT: 05 ROAD 0063

Ulladulla Town Centre  
Contributions Plan  
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PROJECT NO.  
05 ROAD 0064

SHOALHAVEN CITY COUNCIL  
**ULLADULLA TOWN CENTRE  
CONTRIBUTIONS PLAN**

FILE NO: 38142  
FACILITY: ROADS  
PROJECT: 05 ROAD 0064



Ulladulla Town Centre  
Contributions Plan  
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## Appendix B Works Schedule

Project Code / Ref	Description	Land Acquisition Cost <sup>(1)</sup>	Construction Cost <sup>(1)(2)</sup>	Total Facility Cost <sup>(1)</sup>	Apportioned to New Development	Apportioned Facility Cost	Council Subsidised Rate	Cost to New Development	Cost to Council	Timing <sup>(3)</sup>
<b>05 ROAD 0062 - Roads and Traffic Management</b>										
1	South Street & St Vincent Street Intersection: Traffic Lights	\$ -	\$ 511,182	\$ 511,182	30%	\$ 153,355	0%	\$ 153,355	\$ 357,828	Medium
2	Boree Street and South Street Intersection: Roundabout	\$ -	\$ 213,983	\$ 213,983	30%	\$ 64,195	0%	\$ 64,195	\$ 149,788	Low
3	Princes Hwy & South Street Intersection: Traffic Lights	\$ -	\$ 511,182	\$ 511,182	30%	\$ 153,355	0%	\$ 153,355	\$ 357,828	High
4	Jubilee Avenue & South Street Intersection: Roundabout	\$ -	\$ 213,983	\$ 213,983	30%	\$ 64,195	0%	\$ 64,195	\$ 149,788	Low
5	Wason Street & Burrill Street Intersection: Traffic Lights	\$ -	\$ 511,182	\$ 511,182	30%	\$ 153,355	0%	\$ 153,355	\$ 357,828	Medium
6	St Vincent Street and Green Street Intersection: Traffic Lights	\$ -	\$ 677,614	\$ 677,614	30%	\$ 203,284	0%	\$ 203,284	\$ 474,330	Medium
	<b>Sub-Total</b>	\$ -	\$ 2,639,128	\$ 2,639,128	N/A	\$ 791,738	N/A	\$ 791,738	\$ 1,847,389	N/A

### Notes:

- (1) Costs based on valuations prepared by MacDonald International in August 2007 held on Council's file, adjusted according to IPD Increase between 2007/08 and 2008/09
- (2) Costs based on estimates prepared by MacDonald International in August 2007 held on Council's file, adjusted to include 5% for Council Project Management & Coordination and according to IPD Increase between 2007/08 and 2008/09
- (3) High = 2009-2013, Medium = 2014-2019, Low = 2020-2026

Date: 31-Jul-09  
File: 38142

Appendix B

Ulladulla Town Centre  
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Project Code / Ref	Description	Land Acquisition Cost <sup>(1)</sup>	Construction Cost <sup>(1)(2)</sup>	Total Facility Cost <sup>(1)</sup>	Apportioned to New Development	Apportioned Facility Cost	Council Subsidised Rate	Cost to New Development	Cost to Council	Timing <sup>(3)</sup>
<b>05 ROAD 0063 - Road Environment Improvements</b>										
7	Princes Hwy: South St – Deering St	\$ -	\$ 951,037	\$ 951,037	100%	\$ 951,037	30%	\$ 285,311	\$ 665,726	Medium
8	Princes Hwy: Wason St – South St	\$ -	\$ 820,269	\$ 724,500	100%	\$ 724,500	30%	\$ 217,350	\$ 507,150	High
9	South Street (North side): St Vincent Street – Princes Highway	\$ -	\$ 416,079	\$ 367,500	100%	\$ 367,500	30%	\$ 110,250	\$ 257,250	Low
10	South Street: Princes Hwy – Burrill St	\$ -	\$ 451,743	\$ 399,000	100%	\$ 399,000	30%	\$ 119,700	\$ 279,300	Low
11	Boree Street (East side): Car Park – South Street	\$ -	\$ 190,207	\$ 168,000	100%	\$ 168,000	30%	\$ 50,400	\$ 117,600	Low
12	Green Street: St Vincent Street – Princes Highway	\$ -	\$ 570,622	\$ 504,000	100%	\$ 504,000	30%	\$ 151,200	\$ 352,800	Medium
13	Deering Street: Princes Highway – Burrill Street	\$ -	\$ 285,311	\$ 252,000	100%	\$ 252,000	30%	\$ 75,600	\$ 176,400	Low
14	Wason Street (Northside): Princes Highway – Burrill Street	\$ -	\$ 416,079	\$ 367,500	100%	\$ 367,500	30%	\$ 110,250	\$ 257,250	High
15	Deering Street: St Vincent Street – Princes Highway	\$ -	\$ 344,751	\$ 304,500	100%	\$ 304,500	30%	\$ 91,350	\$ 213,150	Low
	<b>Sub-Total</b>	\$ -	\$ 4,446,098	\$ 4,038,037	N/A	\$ 4,038,037	N/A	\$ 1,211,411	\$ 2,826,626	N/A

**Notes:**

- (1) Costs based on valuations prepared by MacDonald International in August 2007 held on Council's file, adjusted according to IPD Increase between 2007/08 and 2008/09
- (2) Costs based on estimates prepared by MacDonald International in August 2007 held on Council's file, adjusted to include 5% for Council Project Management & Coordination and according to IPD Increase between 2007/08 and 2008/09
- (3) High = 2009-2013, Medium = 2014-2019, Low = 2020-2026

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Project Code / Ref	Description	Land Acquisition Cost <sup>(1)</sup>	Construction Cost <sup>(1)(2)</sup>	Total Facility Cost <sup>(1)</sup>	Apportioned to New Development	Apportioned Facility Cost	Council Subsidised Rate	Cost to New Development	Cost to Council	Timing <sup>(3)</sup>
<b>05 ROAD 0064 - Service Lanes</b>										
16	South Street/Wason Street Car Park Service Lane	\$ 1,463,218	\$ 1,078,973	\$ 2,542,191	100%	\$ 2,542,191	0%	\$ 2,542,191	\$ -	Low
17	Jubilee Avenue Service Lane	\$ 1,060,342	\$ 432,076	\$ 1,492,418	100%	\$ 1,492,418	0%	\$ 1,492,418	\$ -	Low
18	St Vincent Street/Deering Street/South Street/Princes Highway Service Lane	\$ 1,856,268	\$ 1,878,843	\$ 3,735,111	100%	\$ 3,735,111	0%	\$ 3,735,111	\$ -	Low
19	St Vincent St/Boree St Service Lane	\$ 478,372	\$ 210,988	\$ 689,359	100%	\$ 689,359	0%	\$ 689,359	\$ -	Low
20	South Street Service Lane	\$ 441,417	\$ 249,790	\$ 691,207	100%	\$ 691,207	0%	\$ 691,207	\$ -	Low
	<b>Sub-Total</b>	<b>\$ 5,299,616</b>	<b>\$ 3,850,669</b>	<b>\$ 9,150,286</b>	<b>N/A</b>	<b>\$ 9,150,286</b>	<b>N/A</b>	<b>\$ 9,150,286</b>	<b>\$ -</b>	<b>N/A</b>
<b>05 ROAD 0065 - Local Bus Facilities</b>										
1	Town centre bus terminal	\$ -	\$ -	\$ 677,614	100%	\$ 677,614	30%	\$ 203,284	\$ 474,330	Low
	<b>Sub-Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 677,614</b>	<b>N/A</b>	<b>\$ 677,614</b>	<b>N/A</b>	<b>\$ 203,284</b>	<b>\$ 474,330</b>	<b>N/A</b>

**Notes:**

- (1) Costs based on valuations prepared by MacDonald International in August 2007 held on Council's file, adjusted according to IPD Increase between 2007/08 and 2008/09
- (2) Costs based on estimates prepared by MacDonald International in August 2007 held on Council's file, adjusted to include 5% for Council Project Management & Coordination and according to IPD Increase between 2007/08 and 2008/09
- (3) High = 2009-2013, Medium = 2014-2019, Low = 2020-2026

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Project Code / Ref	Description	Land Acquisition Cost <sup>(1)</sup>	Construction Cost <sup>(1)(2)</sup>	Total Facility Cost <sup>(1)</sup>	Apportioned to New Development	Apportioned Facility Cost	Council Subsidised Rate	Cost to New Development	Cost to Council	Timing <sup>(3)</sup>
<b>05 MGMT 0001 - Plan Preparation and Studies</b>										
1	Preparation of Contributions Plan	\$ -	\$ 37,235	\$ 37,235	100%	\$ 37,235	0%	\$ 37,235	\$ -	- Complete
2	Ulladulla CBD Development Control Plan Review (Part Costs)	\$ -	\$ 93,101	\$ 93,101	100%	\$ 93,101	0%	\$ 93,101	\$ -	- Complete
	<b>Sub-Total</b>	\$ -	\$ 130,336	\$ 130,336	N/A	\$ 130,336	N/A	\$ 130,336	\$ -	- N/A
	<b>TOTALS</b>	\$ 5,299,616	\$ 11,066,231	\$16,635,400	N/A	\$ 14,788,011	N/A	\$ 11,487,055	\$ 5,148,345	N/A

**Notes:**

- (1) Costs based on valuations prepared by MacDonald International in August 2007 held on Council's file, adjusted according to IPD Increase between 2007/08 and 2008/09
- (2) Costs based on estimates prepared by MacDonald International in August 2007 held on Council's file, adjusted to include 5% for Council Project Management & Coordination and according to IPD Increase between 2007/08 and 2008/09
- (3) High = 2009-2013, Medium = 2014-2019, Low = 2020-2026

## Appendix C

### Criteria for Deferred Payment of Development Contributions

Council will review each situation on its merit and according to the following criteria:

- (a) an application for deferred payment or payment by instalments is to be made in writing to Council explaining the circumstances of the request;
- (b) the decision to allow deferred payment will be at the sole discretion of Council;
- (c) the timing or the manner of the provision of public facilities included in the works program will not be prejudiced;
- (d) the works project to which the request applies does not relate to public safety or health;
- (e) the amount of the contribution or outstanding balance is not less than \$5,000;
- (f) where the applicant intends to make a contribution by way of a planning agreement, material public benefit, works-in-kind or land dedication in lieu of a cash contribution and Council and the applicant have a legally binding agreement for the provision of the works or land dedication;
- (g) there are circumstances justifying the deferred payment or payment of the contribution by instalments;
- (h) the maximum period of deferred payment of the contribution is two years from the standard payment date; and
- (i) the maximum period for payment by instalments is five years from the standard payment date;
- (j) deferred payments and payments by instalments are subject to interest charges equivalent to that applied to overdue rates and an administration charge equivalent to the bank guarantee lodgement fee for subdivision related matters as stated in Council's Fees and Charges.

If Council does decide to accept deferred payment or payment by instalments, Council will require the applicant to provide a bank guarantee with the following conditions:

- the bank guarantee be by a bank equal to the value of the contribution payable or the amount of the outstanding contribution, plus interest and the administration charge;
- the bank unconditionally pays the guaranteed sum to Council if Council so demands in writing;
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;
- the bank's obligations are discharged when payment to Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required;
- where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution, accrued interest and other charges are paid.

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## Appendix D

### Council Policy POL07/26:

#### ***Payment of Section 94 Contributions by Instalments (under special circumstances)***



City Administrative Centre  
Bridge Road (PO Box 42), Nowra NSW Australia 2541 - DX 5323 Nowra  
Phone: (02) 4429 3111 - Fax: (02) 4422 1816

Southern District Office  
Deering Street Ulladulla - Phone: (02) 4429 8999 - Fax: (02) 4429 8939

Email: [council@shoalhaven.nsw.gov.au](mailto:council@shoalhaven.nsw.gov.au)

Website: [www.shoalhaven.nsw.gov.au](http://www.shoalhaven.nsw.gov.au)

For more information contact the Strategic Planning Group

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#### **Payment of Section 94 Contributions by Instalments (under special circumstances)**

*Policy Number: POL07/26 • Adopted: 30/01/2007 • Minute Number: MIN07 61 • File: 1057 • Produced By: Strategic Planning Group • Review Date: 06/09/2008*

##### **1. PURPOSE**

To enable the payment of section 94 contributions by instalment under certain circumstances.

##### **2. STATEMENT**

Council resolved to permit the payment of section 94 contributions by instalments over 5 years when special circumstances can be demonstrated for tenants or businesses operating in the Shoalhaven Local Government Area. This is in addition to the option of deferred payment of section 94 contributions already allowed for in Council's Contributions Plan

##### **3. PROVISIONS**

Payment of section 94 contributions by instalment is only available to tenants or businesses operating in the Shoalhaven Local Government Area. Payment by instalments over a maximum of 5 years is possible in special circumstances.

Requests for payment of section 94 contributions by instalments are by application to Council. The application is to include the reasons why special circumstances apply, and will be determined at Council's discretion. Special circumstances will relate to the financial circumstances of the applicant, the amount of the contribution, the works that the contribution is applied to and its location and for tenants, the nature and duration of the tenancy.

Payment by instalments will not be considered when the works/projects to which the contributions apply are essential infrastructure, or relate to public safety or health, or the amount of contributions is less than \$5,000.

Payments will be subject to an interest charge equivalent to that applied to overdue rates and an administration charge equivalent to the bank guarantee lodgement fee for subdivision related matters, as shown in Council's Fees & Charges.

The full amount of contributions plus interest is to be secured by bank guarantee, to be accepted by Council before release of plans or construction certificate.

The administration charge is to be paid at the time of lodgement of the bank guarantee.

# Development Committee 6 October 2009 - Item 5

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Exhibition Draft

*Shoalhaven City Council - Payment of Section 94 Contributions by Installments*

## 4. IMPLEMENTATION

Because the policy applies to specific development and subdivision applications, implementation of this policy is the responsibility of Development & Environmental Services Group. The following implementation procedures will apply:

- Calculations for the amount of the Bank Guarantee plus interest and the instalment schedule are to be checked and signed off by Finance Section (refer to Financial Accountant) prior to entering an agreement with the developer
- It is usual practice not to have an expiry date on the Bank Guarantee and it is to be unconditional. If an expiry date is included it must be at least 1 month after the due date for payment of the contribution. Under no circumstances should the Bank Guarantee have an expiry date on or before the due date
- The Bank Guarantee for the correct amount (including interest) plus lodgement fee is to be received and confirmed as complying with Council's requirements prior to the release of linen plans or construction certificate (refer to Financial Accountant).
- The original Bank Guarantee is to be forwarded to Finance Section (Financial Accountant) with the SF or DA file so that it can be checked, registered as a legal document and placed in the safe. The file must accompany the original Bank Guarantee so that the legal document number can be noted on the front of the file and a copy of the Bank Guarantee placed on the file
- When all the amounts owing (including interest) have been paid, a memo is to be sent to the Financial Accountant requesting that the Bank Guarantee be released.
- If amounts owing (including interest) have not been paid by the due date, Development & Environmental Services Group should send a letter to the applicant warning that the Bank Guarantee will be called up if payment is not made by a specific date (within 1 week).
- If amounts owing (including interest) have still not been paid despite the warning letter, a memo is to be sent to the Financial Accountant requesting that the Bank Guarantee be called up. This must be done at least 2 weeks before any expiry date on the Bank Guarantee
- Although Council has agreed to payment by instalments in certain circumstances, it is preferred that a Bank Guarantee for the full amount due (including interest) be held by Council until all the contributions plus interest due have been paid
- It is not preferred that the Bank Guarantee amount be reduced progressively (for example, following part payment). Any reduction to the Bank Guarantee amount is to be requested via a memo to the Financial Accountant who will then contact the bank. It is usual practice for the bank to replace an existing Bank Guarantee with a new Bank Guarantee when the amount is reduced.

## 5. REVIEW

This policy will be reviewed within 12 months of election of a new Council

## 6. APPLICATION OF ESD PRINCIPLES

None applicable