

**REVIEW OF DEVELOPER CONTRIBUTIONS
& ASSOCIATED WORKS
PROPOSED RESIDENTIAL
& COMMERCIAL DEVELOPMENT
VINCENTIA DISTRICT CENTRE**

Prepared for
Stockland

Project No: 6376

February 2006

E:\PROJECTS\6376 Vincentia Planning Agreement\Reports\6376.doc

Document History and Status

Version	Issued To	Qty	Date	Reviewed
Draft	Project Manager	1	16/12/2005	Paul Grech
Draft (pdf copy)	G Ward (Stockland) M Wells (Forbes Rigby)	1	04/01/2006	Paul Grech/Roger Gain
Final Draft (pdf copy)	G Ward (Stockland) M Wells (Forbes Rigby)	1	18/01/2006	Paul Grech
Final Draft (pdf copy)	G Ward (Stockland) M Wells (Forbes Rigby)	1	25/01/2006	Roger Gain
Final (pdf copy)	G Ward (Stockland) M Wells (Forbes Rigby)	1	02/02/2006	Paul Grech

Printed:	2 February 2006
File Name:	E:\PROJECTS\6376 Vincentia Planning Agreement\Reports\6376.doc
Project Manager:	Paul Grech
Client:	Stockland
Name of Document:	Review of Developer Contributions
Project Number:	6376

TABLE OF CONTENTS

	Page
1.0 INTRODUCTION.....	1
1.1 Commission	1
1.2 Purpose of this Report.....	1
1.3 Subject Site	1
1.4 References.....	4
1.5 Background.....	5
1.6 Principles of Section 94.....	6
1.7 Shoalhaven City Council Section 94 Contribution Plan 1993.....	7
1.8 General Discrepancies with Council's CP.....	9
2.0 STATEMENT OF COMMITMENTS.....	10
2.1 Open Space and Recreation Facilities.....	11
2.1.1 Environmental Lands	11
2.1.2 Passive Open Space	12
2.1.3 District Walking Tracks	13
2.1.4 Active Recreation Facilities.....	14
2.1.5 Bay and Basin Leisure Centre	15
2.2 Community Facilities	16
2.2.1 Bay and Basin Community Centre and Library	16
2.2.2 Library Facilities.....	17
2.2.3 Arts Centre	18
2.2.4 Mobile Children's Services.....	18
2.2.5 Northern Shoalhaven Integrated Children's Services.....	19
2.2.6 Northern Shoalhaven Community Transport and Family Support Services.....	19
2.2.7 Shoalhaven Multi Purpose Cultural and Convention Centre.....	19
2.3 Bushfire Management Facilities.....	20
2.3.1 District Bushfire Management Facilities	20
2.3.2 City Wide Bushfire Management Facilities.....	21
2.4 Traffic Management	22
2.5 Project Management Costs	30
3.0 CONCLUSION	30

TABLE OF ILLUSTRATIONS

- 1 Regional Location
- 2 Masterplan
- 3 Proposed S94 Facilities in Vicinity of Subject Site

TABLE OF APPENDICES

- A S94 Contributions Calculations
- B S94 Contributions and Additional Facilities to be provided by Stockland
(Component of Statement of Commitments)

1.0 INTRODUCTION

1.1 Commission

Don Fox Planning has been commissioned by Stockland Developments Pty Ltd (Stockland) to review developer contributions towards the provision of facilities and services in association with the development of their landholdings within the Vincentia Coastal Village District Centre. These facilities and services include open space and recreation facilities, community facilities, bushfire management, roadworks and administration costs. They relate to matters that Council would normally consider in accordance with its adopted Section 94 Contributions Plan, plus other matters identified during pre-lodgement discussions with Council.

The subject development is one which has been declared a project under the terms of Section 75B(1)(a) of the Environmental Planning and Assessment Act 1979 (the Act) and will, therefore be assessed by the Department of Planning (DoP) and determined by the Minister in accordance with the provisions of Part 3A of the Act. This report is to accompany applications to the DoP for the following:

- Concept plan approval for the overall district centre landholdings (both commercial and residential components) in accordance with Division 3 of Part 3A of the Act; and
- Project approval for the subdivision of the residential components of the district centre in accordance with Division 4 of Part 3A of the Act.

We note that the components of the overall concept plan for which project approval is not to be sought at this time, are the shopping centre/commercial component and adaptable housing precinct adjacent to the existing leisure centre. An application for project approval of these components will be lodged in the future, but they nonetheless addressed as far as relevant in this report.

In accordance with Section 94B(2) of the Act, the Minister (being the consent authority in this case) may impose a condition under Section 94 of the Act when granting consent, but is not bound by a Contributions Plan (CP). Notwithstanding, the Minister must take into consideration the CP when making a decision and, accordingly, Council's CP is reviewed within this document.

1.2 Purpose of this Report

The Director-General will require a "Statement of Commitments" from the proponent outlining environmental management and mitigation measures to be undertaken as part of the development to accompany the applications for project approval. The purpose of this report is to review the various issues associated with the provision of facilities and services which are appropriately required to be provided in association with the development, inclusive of contributions towards such facilities and services as reflected within Council's Section 94 CP, and provide recommendations for inclusion within the Statement of Commitments.

1.3 Subject Site

The regional location of the subject site is depicted upon **Illustration 1**. The site is located near the intersection of The Wool Road and Jervis Bay Road (Naval College Road) to the west of the existing urban area of Vincentia and Jervis Bay.

Don Fox Planning



Illustration 1 – Regional Location

We have been provided with a preliminary Masterplan for the development of the site, which we include as **Illustration 2**. It is noted that this is a preliminary version of the Masterplan for reference purposes only and may be amended prior to finalisation and submission with the applications to the Minister.



Illustration 2 – Masterplan

Don Fox Planning

1.4 References

For the purposes of preparing this report we have sourced the following documents:

- Shoalhaven City Council Section 94 Contributions Plan 1993 – various amendments. It is noted that a comprehensive Section 94 Contributions Plan document is not available from Council, but copies of the various amendments which make up the CP as relevant to the proposed development were provided by Council.
- Shoalhaven City Council Playground Strategy Review, April 2004.
- Shoalhaven City Council Park Enhancement Policy, August 2004.
- Shoalhaven City Council Icon Parks Policy, adopted 17/12/02.
- Shoalhaven City Council Community Plan 2005-2010.
- Jervis Bay Settlement Strategy prepared by Shoalhaven City Council and the Department of Infrastructure, Planning & Natural Resources, October 2003.
- Population and Dwelling Trends 2002 prepared by Shoalhaven City Council.
- Report entitled “*Report on Road Improvement Requirements, Proposed Vincentia District Centre*” November 2005 prepared by Masson Wilson Twiney (MWT) for Stockland.
- Report entitled “*Traffic Forecasting Report, Development Masterplan for Land on the Wool Road and Naval College Road, Vincentia*” November 2005 prepared by Masson Wilson Twiney (MWT) for Stockland.
- Population Projections 2001-2031, 2004 Release, prepared by the Department of Infrastructure, Planning & Natural Resources, Transport and Population Data Centre.
- Planning for Bushfire Protection Guidelines, 2001, NSW Rural Fire Service and Department of Planning.
- City of Shoalhaven Local Environmental Plan 1985.
- The Section 94 Contributions Manual prepared by the then Department of Urban Affairs & Planning (June 1997) (“*The S94 Manual*”).
- The Environmental Planning and Assessment Act 1979 (as amended).
- The Environmental Planning and Assessment Regulation 2000 (as amended).
- Various decisions of the Land & Environment Court inclusive of Group Development Services Pty Ltd –v- Baulkham Hills Shire Council [2004] NSW LEC 537 and Rose Consulting Group –v- Baulkham Hills Shire Council [NSW LEC No’s 10001, 10003, 10004, 10005 and 10071 of 2001].
- “*Vincentia Draft Local Environmental Plan*” – November 1996, study prepared by Shoalhaven City Council, Planning Services Division.

Don Fox Planning

- “*Vincentia Draft Local Environmental Plan*” July 1991, study prepared by Shoalhaven City Council Town Planning Department.

1.5 Background

The subject land is currently vacant and located on the periphery of the existing Vincentia urban area. The land has been zoned since 1999 to permit a range of forms of urban development for the purposes of forming a “district centre” for the Jervis Bay locality. The site is opposite the existing Vincentia High School and proposed TAFE College site, with the Jervis Bay National Park located to the north, east and west. The land is currently zoned Residential 2(c) (Living Area), Commercial 3(a) (Retail), Special Uses 5(e) Road Widening, Natural Hazards 9(a) (Urban Flooding) and 7(d2) Environmental Protection, under Shoalhaven LEP 1985.

Council prepared what were effectively local environmental studies for the Vincentia area dated July 1991 and November 1996, which preceded the zoning of the land. These studies recommended the rezoning of the lands to facilitate development of approximately 800 residential lots and a new district commercial centre. The studies also analysed and made recommendations in regard to consequent need for open space, recreation facilities, community facilities and roadworks.

A more recent planning document, the “*Jervis Bay Settlement Strategy*” 2003, (page 69) notes that the component of the site zoned for residential development could provide for up to 850 dwellings, but this yield might not ultimately be realised due to a number of environmental constraints. In addition, there is a small area of Residential 2(c) land to the south of the Wool Road adjacent to the proposed TAFE College site, which is also constrained due to threatened species issues.

Accordingly, Council has planned for the development of the subject site for urban purposes for some time, however a clear and comprehensive program for provision of facilities and services that may consequently be required is not evident. It is apparent that numerous amendments to Council’s base 1993 Section 94 Contributions Plan (CP) has occurred in reflection of this planning, but without being based on a comprehensive strategy.

The majority of the components of Council’s Section 94 CP have been amended since the zoning of the subject site for urban purposes and either directly refer to development on the subject site, or indirectly by recognition in population estimates. Due to this gradual process of review, inconsistencies arise within the various components of the current composite Section 94 CP.

The need for review and rationalisation of Council’s Section 94 Contributions Plan’s components is recognised by Council. Council’s July-September 2005 Quarterly Report identifies the task of continuing the major review of the plan. This Quarterly Report targets the finalisation of the overall plan by the end of the December 2005 Quarter, however this has not been achieved.

As part of the process of preparing a detailed Masterplan for the site, a consultative process was entered into between Stockland and Council officers with the objective of formulating a planning agreement as provided for by Section 93F of the Act, in accordance with the recent legislative amendments. A planning agreement was seen as a potentially helpful mechanism to resolve a number of interrelated issues such as the transferral of environmental lands into public ownership including providing for its long

term management and the rationalisation of appropriate roadworks identified within the more up-to-date MWT reports, as opposed to the earlier requirements of Council's Section 94 Plan. This approach was also seen as a way of cooperatively resolving the provision of appropriate facilities and services and payment of S94 contributions, where potential for disputes existed due to the current state of Council's S94 CPs.

Initial and amended planning agreement proposals were submitted to Shoalhaven City Council and were constructively considered by Council officers. The amended proposal was subsequently presented to a Council briefing on November 21, 2005 with the outcome being that Councillors in attendance clearly stated a preference to rely on the Section 94 Contributions Plan and Section 79C conditions that would be applied to the development. This was confirmed in a letter to Stockland dated November 22, 2005.

Development of the subject site is now to be considered within the ambit of State Environmental Planning Policy (State Significant Development) 2005. Accordingly, in issuing a consent for development on the subject site, Section 94B(2) of the Act provides that the Minister is not bound by any Section 94 CP, although such plans must be taken into consideration when imposing conditions. Accordingly, the Minister in determining the development applications for the subject site, may impose conditions which are not based on Council's Section 94 CP, but more broadly in regard to ensuring that the specific and reasonable provision of infrastructure, facilities and services required as a consequence of the development will be provided by Stockland.

Accordingly, the purpose of this report is to outline those infrastructure facilities and services which will be provided by Stockland in conjunction with the development of the subject site and, to assess the reasonableness of the contributions that would be sought by Council.

This will form a component of the total Statement of Commitments to be provided by Stockland in conjunction with the development applications for the land.

1.6 Principles of Section 94

Section 94 of the Act enables Councils and other consent authorities, such as the Minister, to levy reasonable contributions for public amenities and services, required as a consequence of development. The current Shoalhaven Section 94 CP was prepared at the time when the power to levy a contribution relied solely on there being a nexus between the development being levied and the need for the public amenity or service for which the levy is required. As outlined by the Section 94 Manual (page 2), generally such contributions can only be required for:-

- Capital costs including land acquisition costs;
- Public facilities for which the Council has responsibility to provide;
- Public facilities which are needed as a consequence of or to facilitate new development;
- Road maintenance (excessive wear and tear caused by new development);
- Costs associated with the planning stage which result in the establishment of the contributions plan where this can be shown to be outside of the normal function of the Council; and

- Salary costs of Section 94 staff where the costs are non-recurrent.

The current Section 94 provisions of the Act provide for contributions to be obtained by Councils either by way of planning agreements, a fixed rate basis (currently 1% of development costs) or in accordance with a valid Contributions Plan (CP). As outlined above, Council has effectively required that the assessment of contributions be determined based on its current CP. The fundamental basis of a CP is to provide public accountability, by displaying Council's policy for the assessment, collection, spending and administration of contributions.

The CP is intended to explain how the nexus between new development and the need for public facilities was established and show how monetary contributions were arrived at, and how they will be spent. The records, accounts, registers and annual reports which are required to supplement the CP are further mechanisms to enable the public to examine Council's performance and the management of Section 94 contributions and, if warranted, to challenge their performance.

The need to provide greater public accountability of Council's administration and management of Section 94 Contributions was highlighted by the findings of the Simpson Inquiry, presented to the then Minister for Planning in October 1989. As outlined by the Section 94 Contributions Manual, while Section 94 has been amended on a number of occasions, the key findings of the Simpson enquiry remain valid, in particular the following matters are relevant to the implementation of Section 94:-

- Sound strategic planning and physical justifications;
- Efficiency;
- Economic responsibility;
- Public and financial accountability;
- Equity;
- Consistency; and
- Certainty.

1.7 Shoalhaven City Council Section 94 Contribution Plan 1993

Council's Section 94 Plan commenced operation in 1993 and has been amended on a number of occasions by deleting proposed facilities and introducing new facilities for which contributions are to be sought. The range of facilities included within Council's current CP, in the district of the subject site are depicted on **Illustration 3** (number 1 to 7). Note, in addition to these district facilities a number of LGA –wide facilities are proposed which are to be mostly located in Nowra. **Illustration 3** also shows facilities to be provided by Stockland in conjunction with development of the site.

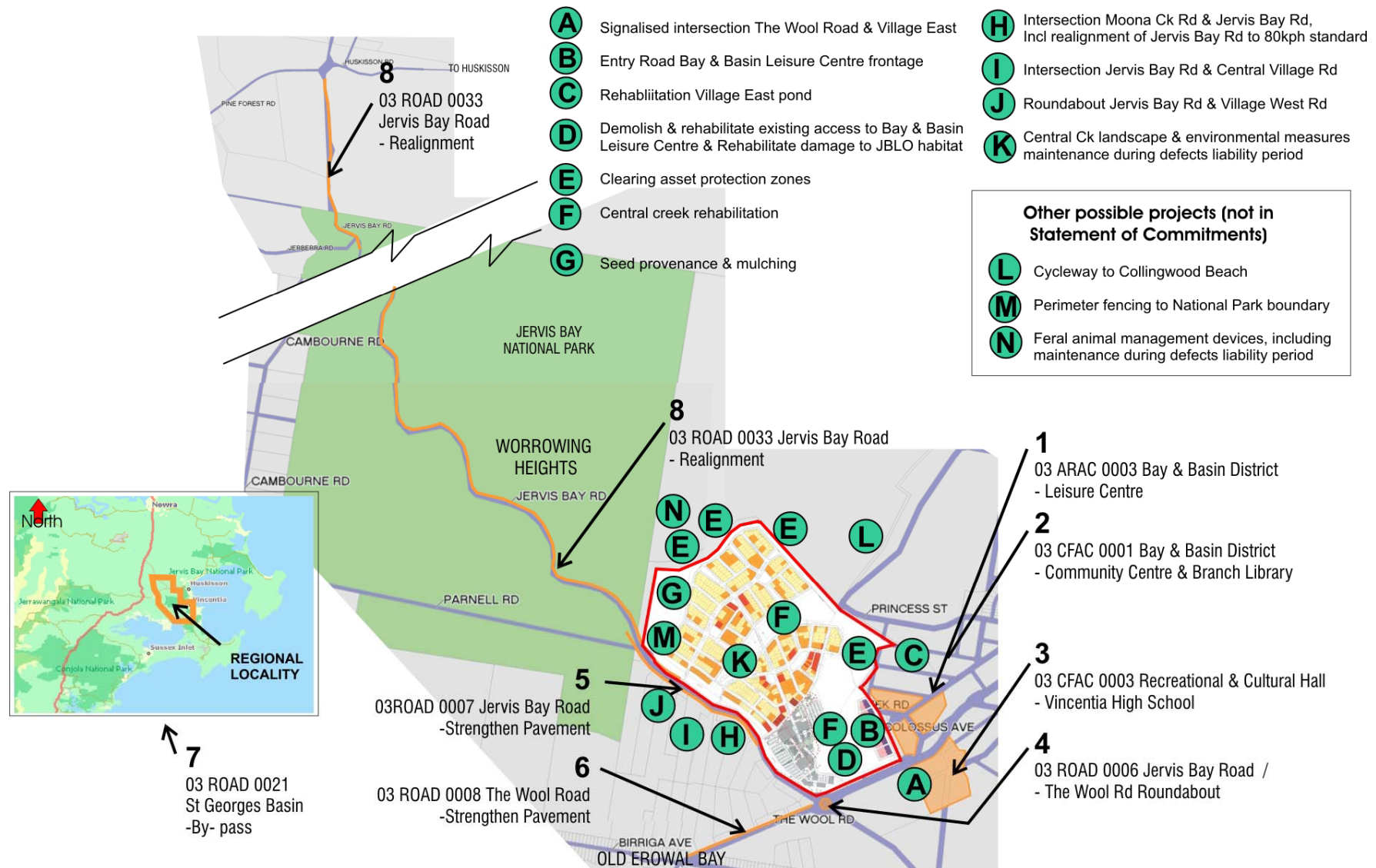


Illustration 3 – Facilities in CP in District of Subject Site

Don Fox Planning

This historical evolution of the plan has created many inefficiencies with the administration of Section 94 funds, uncertainty as to how the funds are being utilised and potential inconsistencies and inequities. Many components of the Section 94 Plan are based on different planning horizons with different population forecasts.

With the deletion of some facilities and services, the use of funds collected in the past is not clearly identified as to the intended area for expenditure. Council's annual statement provided within its Annual Report, includes only consolidated figures, so it is not possible to determine contributions received and expenditure undertaken for the various components of the Section 94 Plan. As at June 30, 2005, these figures show that Council has provided \$43.54 million worth of works to date and currently holds \$16.65 million worth of Section 94 funds which are yet to be expended. The Statement does not outline estimated cost of works committed but not undertaken. It is not possible to determine the situation specific for those Section 94 Plan components which relate to the subject site and proposed development, but this information has been requested from Council. This is important because there should be some transparency in regard to the contributions received to date, relative to the forecast expenditure to determine the reasonableness of contributions remaining to be levied by Council. This will also allow for some scrutiny of funds previously obtained by Council for facilities now deleted from the CP.

Notwithstanding the above, there is sufficient information available, particularly with studies prepared specifically for the applications, to provide a basis to assess facilities and services that may be reasonably required as a consequence of the subject proposal.

The incremental approach undertaken by Council in the evolution of its CP raises questions in regard to the rationale for continual additions to the community facilities to be provided. There appears to be no overall comprehensive community facilities plan, into which the various components fit. This results in the potential overlapping of function for various facilities and an unclear nexus in many cases.

Of particular concern is the poor correlation between road works required for development in the Vincentia area (Area 3 in general) and the requirements of Council's Section 94 Plan. This inadequacy has manifested in Council officers requesting significant additional road work facilities in pre-DA discussions, notwithstanding that these facilities will effectively be required as a consequence of a range of developments of which the Stockland proposal would be only a component. There is no doubt that in a number of these cases, the additional road facilities requested by Council are ones which should be included within Section 94 Plans (sometimes instead of facilities which are included in the Section 94 Plan) but Council officers have requested that Stockland fund these facilities wholly. In this regard MWT has undertaken a detailed traffic assessment to provide a reasonable rationale for the determination of appropriate road works, either funded directly by Stockland or proportionally (whether or not as part of Council's CP). It is noted that Council is in the process of providing comprehensive review of a Section 94 Plan, and many of the inadequacies with this current plan can be resolved in the short term, with the introduction of its new Section 94 Plan.

1.8 General Discrepancies with Council's CP

It is noted that some of the Section 94 rates determined in our calculations differ from those advised by Council. Some of these differences arise even though we understand that we have calculated the rates based on the formulae provided within the relevant Section 94 Plan components. Some of the variances may have arisen for the following reasons:-

- The CPs are not specific in regard to the whether the levies will be applied to non-residential development as well as residential development. The population projections within the Contributions Plans do not appear to take into consideration non-residential traffic generators and therefore to apply the full rate to residential and again to non-residential components would be a form of double counting. Advice from Council is that some Section 94 components will be levied on both residential and commercial development. Where this is relevant, MWT has calculated ETs (equivalent tenements) for commercial components based on traffic generation rates and calculated contribution rates on the total number of ETs. This is considered a reasonable approach as the majority of these items relate to road works.
- The population figures used to calculate contributions are derived from Council's CP Amendment 67 for Project CW CFAC 0001, adjusted to take account of the proposed commercial development within the subject site. Amendment 67 population projections were used because they appear to be the latest relevant figures. The figures for Area 3, which cover the subject site, were adapted from CP Amendment 67 Project 03 CFAC 0002.
- Council provided Section 94 Fees calculation sheets for preliminary plans on September 9, 2005. These sheets specified a rate per E.T. which was understood to be generated by Council's internal Section 94 computer base calculation program. However, these rates do not appear to exactly correlate with rates generated by applying the formulae in the CP. The variables applied by DFP include the most relevant data obtained from Council, such as population projections and cost escalation indices. In some instances the DFP calculated rate is higher than the Council advised rate. Accordingly this report expresses the Council's position as based on the rate advised on September 9, 2005, and the DFP position as the rate determined by applying the CP formulae and best currently available variables with other adjustments as discussed in the report.
- Costs of facilities have been indexed in accordance with indices provided by Council, to the September 2005 quarter. This provides for comparisons with rates advised by Council during pre-DA discussions.
- Council has indicated that the Section 94 contributions payable for a medium density dwelling would be the same as that required for a dwelling house (ie. a standard E.T.). In our view there should be a differentiation based on assumed occupancy ratios.

We note that the contributions calculated do not include the adaptable housing in the Village East Precinct which is to be subject to a future separate development application. Therefore, the Village East Precinct should not be subject to Section 94 levies for facilities already funded by preceding development within the subject site, and contributions considered appropriate can be outlined in a further submission to accompany the application for the adaptable housing component.

2.0 STATEMENT OF COMMITMENTS

That component of the Statement of Commitments which is addressed within this report, relates to the following facilities and services:

- Open space and recreation facilities;
- Community facilities;
- Bushfire management;
- Roads; and
- S94 Administration Costs.

Appendix A provides a summary of the cash contributions proposed to be paid towards the above facilities, having regard to Council's Section 94 Contributions Plans. **Appendix B** provides a summary of the total commitments proposed within the ambit of this report, which include matters within the above categories, but beyond the limitations of Council's Section 94 Contributions Plans.

The following sections of this report provide the rationale behind the determination of the commitments proposed.

2.1 Open Space and Recreation Facilities

2.1.1 Environmental Lands

The majority of the Stockland landholdings are zoned for urban purposes (either Residential 2(c) or Business 3(a)), with a small proportion located within environmental protection, flood-affected and road widening zones. The total area of the subject site is 126.5 hectares including unmade roads which traverse the land.

The subject Masterplan proposes that approximately 47.5 hectares (38%) of the site is to be dedicated to the National Parks & Wildlife Service at no cost. This land will effectively form an extension to the adjoining Jervis Bay National Park and provides an appropriate mechanism for the ongoing management of the land in a manner consistent with the adjoining National Park with which similar environmental attributes are shared. The increase in the area of the Jervis Bay National Park will have the following benefits:

- The long term preservation of the land identified as having significant environmental qualities;
- Potential for education and scientific research;
- Preservation of habitat associated with threatened species (eg. Eastern Bristle Bird) and flora species (eg. Orchids); and
- Limited walking trails, consistent with environmental management objectives.

There is no statutory planning provision requiring the dedication of the land for public purposes, or provision for its acquisition for public purposes. Notwithstanding, detailed investigations undertaken as part of the design of the development on the site, has revealed that the "environmental lands" have qualities that would be consistent with that of the adjoining National Park. This outcome would be preferable from an environmental conservation viewpoint, as opposed to the retention and management of the lands as part of the planned urban development of the Vincentia District Centre.

Accordingly, the dedication of that part of the site identified as environmental lands within the Masterplan, to the National Parks & Wildlife Service at no cost, is included within the Statement of Commitments.

2.1.2 Passive Open Space

In providing new areas of public open space, Council has made a distinction between “active” and “passive” open space. This is recognised within Council’s Section 94 Contributions Plan Amendment No. 75 – Area 3 Passive Open Space (page 1), which notes that the definition of active open space essentially reflects organised sports rather than a level of activity. Conversely, passive open space can provide informal active recreational opportunities.

5 years subsequent to the rezoning of the land for urban development, Council adopted CP Amendment No. 75 in October 2004, which has a number of functions including the following:

- Deletion of 9 pre-existing projects contained within Council’s Section 94 Plan for the acquisition and embellishment of public open space within Area 3. This was inclusive of open space within the Vincentia Town Area, as it was concluded to be “*essentially developed with adequate passive open space to meet capacity demand*” (page 2).
- Specification of land that is required to be acquired and embellished for public open space purposes within the Vincentia expansion area, being the land within the subject site zoned Residential 2(c). (Refer to Appendix G of CP Amendment No. 75).

CP Amendment No. 75 does not provide any researched basis for the requirement of additional open space within the subject site. The plan notes that there is no need for additional open space within the existing Vincentia Town Area (page 2) and generally notes that the City of Shoalhaven is well-endowed with passive open space, notwithstanding that it may often be poorly embellished and difficult to access (pages 3-4). In terms of determining a causal nexus, the Plan states the following at page 4:

“Council has, therefore, examined the potential for development and the likely future population characteristics in the relevant areas to arrive at an estimate of passive open space requirements and has identified certain lands for such a purpose in this plan. Such land may include areas of urban bushland and land for the protection of local creeks and streams.”

There are no known accompanying background studies and the above statement does not provide a definitive nexus with the needs of the incoming population of the subject site. When taking into consideration the expansive areas of National Park which adjoins the land, the proposed augmentation of this National Park and substantial areas of existing parkland within the nearby established areas of the Vincentia Township, including beaches and foreshores parks along Jervis Bay, there appears unlikely to be a sound basis to this statement.

In terms of calculating the quantum of open space that would be required for the development of the site, the following is provided at page 3 of CP Amendment No. 75:

“Given the potential for 700 new lots in the expansion area 19,656m² of passive open space is required to meet future demand.”

Assuming an approximate occupancy ratio for dwellings of 2.8 persons, the above required provision of passive open space would correspond with a rate of 1 hectare per 1,000 persons. This roughly equates to the numerical standard historically applied to residential development in NSW, to reflect the local or passive open space component of

the 2.83 hectare per 1,000 persons standard. However, such a basic standards-based demand assessment also requires an assessment of existing supply to determine actual need.

The lack of any substantive analysis of the existing supply of public open space and future demands results in a failure to establish any nexus between open space and recreation facilities required by Council's Section 94 Plan and the needs of the incoming population of future development. Either some explicit baseline standards should be applied or preferably a needs-based assessment should be undertaken, which analyses both the demand and supply of public open space to determine future needs, as recommended by the Section 94 Manual (Section 4.3.5) and the publication entitled "*Outdoor Recreation and Open Space: Planning Guidelines for Local Government*" (DOP 1992). The traditional Section 94 approach, being that requested by Council, demands that there be some researched basis to determining the requirements for additional facilities and services.

Notwithstanding the above, the proposal does provide areas of public parkland for informal recreational subject activity to form part of the hierarchy of open space in the region. These areas comprise a combination of small parks and large central street medians, which form the function of a traditional street square (contained within the road reservation). The proposed parks with an area of 3.3 ha would more than satisfy the requirement for the provision of 19,656m² of "passive open space" as required by Section 94 CP Amendment No. 75. **The Statement of Commitments is to provide for the dedication of these lands at no cost to Council. This would be consistent with the requirements of Clause 12.3 of the CP. Consequently, no cash contribution for this component of the Section 94 Contribution requirements will be required.**

2.1.3 District Walking Tracks

Council adopted Section 94 CP 2004, Amendment No. 75 – City-Wide Passive Open Space, to also provide for "*City-wide Icon and District Parks and Walking Tracks*". These facilities are referred to as "CW OREC 001" (adopted by Council October 19, 2004 – Reference 28707). The CP describes the project as involving the upgrading and establishment of Shoalhaven City Icon and District Parks and Walking Tracks as follows:

"The concept of icon parks has been developed in recognition of the importance of certain high profile locations to the economic and social fabric of the City. The Parks and Recreation Economic Development Tourism and Commercial Operations sections of Council, as well as critical community stakeholders, support the development of Icon Parks. The concept is also supported by the state government in recognition of improved access for the broader local community and planned improvements to the public reserves.

Icon & District Parks will become the "flagship" parks of the Shoalhaven and will be the equal of high profile locations on the NSW North and South Coasts."

The CP (page 3) also outlines the criteria used for choosing icon and district parks, as follows:

- *Current high visitation;*
- *Impact on visitor perceptions of the Shoalhaven;*
- *Likelihood of flow-on commercial benefits;*

- *Supporting/surrounding attractions; and*
- *Significance to tourism.”*

As with the passive open space Section 94 requirements discussed above, there are no known background documents to substantiate any nexus between the incoming population of the proposed development and the embellishment of icon and district parks, as described above. Indeed, the above description and nomination criteria for such parks clearly outline that any nexus between works proposed to these parks would be linked primarily to businesses particularly with a tourism orientation and tourists themselves.

The works schedule within the CP provides minimal detail in regard to the proposed use of funds to be spread over 50 parks and walking track facilities, of which only one is within the immediate vicinity of the site, being the Vincentia Foreshore Reserve. The types of works proposed are generally limited to landscaping, play equipment and facility development and upgrade. These generic descriptions of proposed works may potentially involve what is maintenance and repairs of open space, for which Section 94 funds would not appropriately be utilised. Play equipment used by resident (as opposed to tourist) children would be more relevantly located in walking distance to residents and, accordingly, the local parks proposed in the subject development would meet this need.

Having regard to the failure of the Section 94 Plan to demonstrate a nexus between the proposed works and the incoming population of the subject site, and any legitimate proposed use of the funds, **the Statement of Commitments does not include a cash contribution to this component of the CP. Alternatively, the needs of the incoming population of the subject estate in regard to walking trails and parkland generally, will be satisfied by the facilities to be provided within the subject site** (as described within the documentation to be submitted with the development plans). This would be in addition to the substantial existing facilities available within the area.

2.1.4 Active Recreation Facilities

Council has provided some limited information in regard to active recreational facilities to be funded through Section 94. This information appears to relate to the original 1993 Section 94 Plan, which has not been available from Council as a complete document. Those facilities for which the incoming population of the subject estate would be required to contribute under Council's Section 94 Plan are as follows:

- 03 AREC 0001 – Provision of tennis, football, cricket, basketball and netball facilities to be constructed in Huskisson, Vincentia High School, Cross Roads and Sanctuary Point. The collection area for these facilities is limited to “Area 3” which is the district which includes Vincentia. Funds for these works were expected to be expended between the years 1994 and 2008.

The facilities proposed to be provided by Council in the CP for Area 3 are substantial and appear to relate to a need generated by both the original and projected population.

- CW AREC 0003 – This component provides for the provision of hockey facilities to be located within Sanctuary Point and Nowra Fair. The Section 94 Contributions are sought from the whole of the LGA. The works to be provided under this component of the CP were expected to be constructed between the years 1998 and 2005.

From the information provided by Council, it is not possible to determine a nexus between the demands that may be generated by the incoming population of new developments such as the proposed residential estate, and the need for additional recreation facilities, in particular the playing fields and basketball and netball courts referred to above. However, the works schedule does provide specific details in regard to facilities, land to be acquired and their location. While the proposed development will provide extensive areas of open space in various forms, no playing fields or basketball or netball facilities will be constructed.

The current CP component relating to the Bay and Basin Leisure Centre located on Council land immediately to the north-east of the subject site, does identify playing fields which would form part of this integrated recreation complex (refer to Figure 8.30 of CP, Amendment No. 17). While this CP component does include costs for roadworks and water quality control relating to the playing fields, it is not clear as to whether the cost of the fields are included.

Notwithstanding the lack of background information, it is recognised that the high order recreational demands of the incoming population of the residential estate may be met by requiring access to facilities beyond the residential estate. As a general principle, it is our view that district or LGA wide facilities such as playing fields and netball courts should be contributed to from Section 94 across the whole of the district or LGA. This takes into consideration some variability between different households in regard to recreational pursuits and the nature of sporting competitions and usage of larger regional facilities which may or may not coincide with neighbourhood or district boundaries.

The only exception to the above is the partial funding proposed under this CP component for basketball facilities. These facilities are part of a hall in the school grounds which are also partially funded as a “community hall” under a different component of the CP. For the reasons outlined at Section 2.2.1 of this report, payment of S94 levies towards either the basketball or the “community hall” facility is not considered to be justified.

Accordingly, while Council's Section 94 plan provides minimal detail and justification, the payment of contributions required by the plan towards such facilities is considered a reasonable and pragmatic approach to determining appropriate and reasonable contribution requirements. Accordingly, **the Statement of Commitments provides for the payment of the cash contribution as calculated by DFP towards the proportional costs of 03AREC0001 & CWAREC0003 facilities (share between the original and projected population) in Council's CP except the costs associated with the hall/basketball court in the Vincentia High School.**

2.1.5 Bay and Basin Leisure Centre

On April 20, 1999 Council adopted Amendment No. 17 to the Section 94 CP 1993 to provide for proportional funding of the Bay and Basin District Leisure Centre, inclusive of a proportion of the costs of road constructions, pollution control works, car park construction and land acquisition. At that time, the subject site had not been zoned for urban purposes, but as this was foreseeable, the CP Amendment No. 17 assumed that the area would be rezoned and the future incoming population would accordingly contribute. The Bay and Basin District Leisure Centre has subsequently been constructed and is located immediately to the east of the subject site, adjacent to the Wool Road. The CP requires the proposed development to contribute to the construction of this facility, on a recoupment basis.

The Bay and Basin Leisure Centre was proposed as an integrated wet/dry leisure centre. Project 03AREC0003 comprises the construction of a 25 metre by 8 lane indoor heated swimming pool, plus a children's wading pool. The project also includes toilet/change rooms, plant room and storage areas and involves the leisure centre's share of road, pollution control and land costs, together with 100 parking spaces.

Limited background information is available regarding demonstrating a nexus between incoming population associated with new development and a need for the Bay and Basin District Leisure Centre. The CP Amendment No. 17 document does refer to Council's adopted strategy for the provision of aquatic leisure facilities throughout the city, and provides some information regarding population projections and the economic rationale of having an integrated Leisure Centre. Information has been requested from Council to allow the analysis of the progress Council has made in recouping proportional costs, but this was not provided at the time of preparing this report. **Subject to any review that may arise as a consequence of further information, it is pragmatically conceded to adopt the cash contribution requirements that would normally be applied by Council (as calculated by DFP). Accordingly, this is reflected in the Statement of Commitments.**

2.2 Community Facilities

While the following sections outline the community facilities currently for which contributions are potentially levied from the proposed development, the Vincentia Draft LEP (1991 and 1996) studies identify a need for only a child care centre, youth facilities and community centre, as a consequence of the proposed development. The child care centre is to be effectively provided on a commercial basis within the District Centre, while the Bay and Basin District Community Centre would cater for the remaining identified items.

2.2.1 Bay and Basin Community Centre and Library

Section 94 CP 2004, Amendment No. 67 – Area 3 Community Facilities was adopted by Council on January 27, 2004. This CP provides for the provision of the following community centre facilities for which contributions would be sought from the proposed development:-

- Stage 1 of the Bay and Basin District Community Centre and Branch Library which involves the construction of a facility of approximately 1,200m² of floor area providing children's centre, respite centre, employment outreach centre, youth centre, disabled facilities centre and community hall (reference 03CFAC0001).
- The Bay and Basin District Recreational and Cultural Hall, which in effect is partial funding for the construction of a hall at Vincentia High School intended for use as a multi-purpose facility. The hall also accommodates an indoor basketball court. The cost of the hall has been shared equally between Council's active recreation (refer to Section 2.1.4 of this report) and community facilities CP components.

While the desirability for the "Bay and Basin District Recreational & Cultural Hall" (Reference 03CFAC0003) is not disputed, there is no clear nexus established between this facility and the needs of the incoming population of the region, in particular the subject site. The need however seems one that is generated by the school itself. Council's community directory refers only to the Vincentia Community Hall located at the Wool Road (rear of Bi-Lo car park) and not that located within the school.

The Bay and Basin District Community Centre (Reference 03CFAC0001) is identified within CP Amendment 67 as providing a multi-purpose facility to be integrated with the leisure centre located near to the east of the subject site. The CP provides some rationale in regard to the range of facilities provided in the centre and is generally considered to be a reasonable requirement. **The cash contribution required for this component of the CP as calculated by DFP is included within the Statement of Commitments.**

Having regard to the proposed Bay & Basin District Community Centre, which is also included within the same CP (Reference 03CFAC0001 – Stage 1) any further contribution towards the additional facility within the Vincentia High School (Reference 03CPAC0003) is not considered to be justified. The cost of this hall was equally shared within this CP component being Amendment No. 67 and the active recreation CP component. **The contribution required towards this facility is accordingly not included within the Statement of Commitments.**

2.2.2 Library Facilities

City Wide and District Wide library facilities are provided for within two components of the review of Council's Section 94 Plan, 1993, being:-

- Section 94 CP 2004 Amendment No. 67 – City Wide and Multiple Area Community Facilities – (CWCFAC 0001) - Stage 1 Shoalhaven City Library Extensions
- Section 94 CP 2004 Amendment No. 67 – Area 3 Community Facilities (Reference 03CFAC0001) – Bay and Basin District Community Centre and Branch Library.

The information provided within the CP does not demonstrate a nexus between population growth and the need for extensions to the existing Shoalhaven City Library. The documentation provided simply outlines the importance of libraries to local communities and the increasing trend towards information technology. No information is provided with regard to the capacity of Council's existing library network, and its standard of service to the existing and future population relative to NSW State Library standards, being the common and appropriate practice for CPs. If there is new technology introduced into the library, this will benefit the entire population and must be apportioned accordingly.

The CP when adopted provided for city library extensions at an estimated cost of approximately \$4.9 million to be apportioned between existing and future development. While the documentation available does not adequately demonstrate a need for the extension, resulting from future development, the rationale for proportioning is appropriate. Information requested from Council but not yet received would assist in at least determining whether the funds have been appropriately expended. **At this stage, having regard to the lack of any demonstrated nexus, the distance from the subject site to the City Library, and the more immediate proximity of the proposed District Branch Library, the Statement of Commitments does not provide for payment of this contribution component.**

CP Amendment No. 67 also provides limited information in regard to establishing a need for the Bay and Basin District Community Centre and Branch Library (Reference 03CFAC0001). The documentation provides similar comments in regard to the role of libraries generally and the emerging trend towards information technology. This library represents Stage 2 of the Bay and Basin Community Centre which is proposed to be integrated within the Bay and Basin Leisure Centre located immediately to the east of the subject site. The cost of this branch library as provided within the CP was approximately

\$4.02 million which is to be proportionally contributed to by the existing and projected development within Area 3. **Having regard to the above comments, the pragmatic approach taken at this stage is for inclusion of payment of the cash contribution required (calculated by DFP) within the Statement of Commitments.**

It is noted that preliminary discussions have commenced between Stockland and Council with regard to the construction of the district library within the new shopping centre, which forms part of the development proposal. No conclusion to these discussions have been reached, but it is likely that should an agreement be entered into, this will be purely on a commercial basis, and this will not affect the contributions required.

2.2.3 Arts Centre

Section 94 CP 2004 Amendment No. 6 also provides for contributions towards the Shoalhaven City Arts Centre (Reference CWC/FAC0001 – Stage 2). This centre is described within the CP document as follows:-

“The vision for the City Art Centre, developed in consultation with the local arts community, is to provide for a facility that will serve as a vibrant and creative centre for arts focussed activities. The Centre will encourage the development, access and education of the arts and related activities for the use and enjoyment of the whole Shoalhaven community.” (Page 5)

The CP outlines various ways that the Arts Centre will benefit the local community which varies from a venue to exhibit art and undertake workshops to a venue for musical performances and workshops. The CP provides a total estimated cost for this facility at \$1.15 million to be proportionately contributed to by existing and future development.

The facility is not one commonly included within the scope of S94, but it is conceded that it is a type of facility that Council has a responsibility to provide. While there is no substantive background information or a study which demonstrates a need for the facility arising from incoming population, the pragmatic approach is taken to provide for payment of the contribution towards this facility, at this stage. This position is reached in recognition that as Council proposes to provide a number of community facilities, of which this is one, there is no reasonable justification for a further major local government wide community facility such as “Shoalhaven Multi-Purpose Cultural and Convention Centre”, discussed later. **The cash contribution towards this facility (as calculated by DFP) is accordingly included within the Statement of Commitments.**

2.2.4 Mobile Children’s Services

Section 94 CP 2004, Amendment 67 also provides for what is described as “Stage 3 Shoalhaven Mobile Children’s Services” (reference: part CW FAC 0001). This is proposed as a city wide facility, described as follows:-

“The Central Shoalhaven Mobile Children’s Services provides a flexible and essential service to preschool age children living in small and isolated area of the Shoalhaven who have limited access to preschool and other services.”

The CP document emphasises that the facility would be operating for the benefit of isolated rural and fringe areas. The Jervis Bay District Centre, of which the subject site is a part, will be one of 3 major centres within the Shoalhaven LGA and could not be considered to be an isolated or urban fringe area. The Masterplan for the commercial centre within the subject site provides for a child care centre, which will be operated on a commercial basis. Having regard to the documentation provided within the CP, it is clear

Don Fox Planning

that there is no nexus between this facility and the incoming population of the proposed development.

Accordingly, the cash contribution that would be proposed to be required under this CP is not included within the Statement of Commitments.

2.2.5 Northern Shoalhaven Integrated Children's Services

Section 94 CP 2004 Amendment No. 67 also provides for "Northern Shoalhaven District Integrated Children's Services (Reference MA CFAC0001). This is a city wide facility with an estimated project cost of approximately \$1.48 million. The facility is to be located at the corner of Osborne and Worrigee Streets, Nowra. The CP documentation describes the proposed service to be provided within this facility as follows:-

"Children's services within the Shoalhaven comprise a range of centre-based and home-based care options in addition to other ancillary support facilities. The availability of children's services offers parents (especially women) employment, training and social, recreational and respite opportunities, which may otherwise be inaccessible." (Page 7)

The above description is relatively vague and does not provide a clear understanding as to how the incoming population of the Vincentia District Centre will generate a need for such services. However, at this stage it is accepted that it may be possible to demonstrate such a nexus and for pragmatic purposes, the contribution requirement is accepted at this stage.

Accordingly, the Statement of Commitments provides for payment of the cash contribution as calculated by DFP.

2.2.6 Northern Shoalhaven Community Transport and Family Support Services

Section 94 CP 2004 Amendment No. 67 includes this facility within the works schedule, itemised as a 300m² building with verandah at a total project cost of \$424,630. However there is no explanation within the CP document as to the intended function of the facility or establishment of a nexus between the facility and the incoming population of the LGA, from a which a contribution is sought. On the basis of a failure to establish any nexus between the facility and incoming population of, in particular, the proposed development, as required by the Act, Regulation and Section 94 Manual, and in recognition of other community facilities which could serve a similar or overlapping function (see 2.2.1 and 2.2.5) with a more obvious spatial nexus, no contribution towards this facility is proposed.

Accordingly, no cash contribution towards this facility is concluded within the Statement of Commitments.

2.2.7 Shoalhaven Multi Purpose Cultural and Convention Centre

On November 29, 2005, Council adopted CP 2005, Amendment No. 89 which provides for development contributions towards the "Shoalhaven Multi-Purpose Cultural and Convention Centre" (Reference CWCFC0002).

The scope of works associated with this facility is described as follows:-

"The concept for the FMPCCC is based on a 700 seat auditorium for major performances, capable of conversion to accommodate table seating for 500

patrons, 250 seat theatrette. In addition, lighting and sound systems, catering facilities, office space, foyer space and 3 smaller conference rooms are included.” (Page 3)

It is considered that the provision of this facility in addition to the Bay and Basin Leisure Centre, the Bay and Basin Community Centre, the Bay and Basin Recreation and Cultural Hall and the Arts Centre is providing a number of facilities with potential overlapping functions without any clear understanding as to how they jointly and reasonably satisfy the community facility needs of the incoming population of the subject site. Further, there are a number of concerns in regard to the calculation of the contribution payable, which is summarised as follows:-

- The type of facility proposed has a commercial element and indeed maybe partially or fully leased to an operator. Some revenue return beyond regular maintenance and management costs would be expected, which could contribute to repayment of loans. While not specific to the proposed facility, Council's Annual Financial Statement (for year ended June 2004, being the latest available on Council's web site) shows that community centres in general generated a net profit (revenue less expenses) of \$463,000.
- The apportionment factors included in the CP are based on a number of criteria, but do not include usage by tourists. Council's website states that the Shoalhaven is the most visited local government area in NSW outside of Sydney with a gross worth of \$647M (2003).

Accordingly, a cash contribution towards this facility is not included in the Statement of Commitments.

2.3 Bushfire Management Facilities

Cash contributions towards bushfire management facilities are required on both a city wide and district basis, within Council's current CP. The specific Section 94 items are as follows:-

- Fire control and emergency services (city wide) – reference 01 Fire 0009.
- Fire control – Huskisson/Vincentia (district facility) – reference 03 Fire 0007.

2.3.1 District Bushfire Management Facilities

Extracts were provided by Council from the original 1993 CP document outlining the basis for the city wide bushfire management facilities. At Section 6.2.4 of this extract, the formula for calculating contributions (in summary) provides the addition of the value of existing bushfire management facilities in the LGA plus the cost of additional facilities that are considered to be required up to the year 2011, proportioned between existing and future development. This methodology is flawed as the cost of existing and future facilities should not be added to obtain future contribution requirements. While the total future costs are divided by the total number of existing and future dwellings as a means of proportioning, if existing facilities have a disproportionately high value, it would incorrectly produce a contribution sum greater than that required by Council to fund future facilities. It is an established Section 94 principle, that future development should not be required to make up for past short falls.

Notwithstanding the above, the works schedule in the extracts provided by Council do not suggest the costings are based on the above rationale, but relate to the specific acquisition and construction of 8 specific items, at a total estimated cost of \$1,359,235. There nonetheless remain questions in regard to the justification of the contributions sought, for the following reasons:-

- The cost of additional facilities to be provided (less Government subsidises) are to be borne wholly by new developments and not apportioned across existing and future developments, although both may generate a need.
- The design of new development in accordance with current guidelines must involve a bushfire hazard reduction approach at the design stage and should therefore consequently require less ongoing bushfire hazard mitigation in comparison to pre-existing development.

The *Planning for Bushfire Protection Guidelines* specify the need to provide for asset protection zones, fire trails and other risk amelioration measures in association with subdivision development. Accordingly, new development will implicitly require fewer facilities for the ongoing management of risks associated with bushfire hazard, in comparison to old development where such requirements were not imposed. A Bushfire Assessment report has been prepared to accompany the proposed applications (refer to "Bushfire Protection Assessment" BES, Ref. 5531, January 2006). The proposed subdivision will comply with current *Planning for Bushfire Protection Guidelines*.

While the documentation from Council in regard to this item is scant and confusing, for pragmatic purposes, it is accepted that the total cost for additional facilities (indexed) proportioned between existing and future development and discounted by nominally 20% for reasons outlined above, is a reasonable basis to determine the contribution at this stage. It is understood that this is the approach currently taken by Council, with the exception of the 20% discount.

Accordingly, a cash contribution component is included within the Statement of Commitments equal to total cost of new facilities proportioned between the existing and future population and discounted by 20%.

2.3.2 City Wide Bushfire Management Facilities

SP 1993 Amendment No. 29 provides for bushfire control facilities specific to the Huskisson Vincentia area (Reference 03 FIRE 0007). The description of this facility provided at Section 4.5 of the relevant document is provided as follows:-

"New development creates a potential demand for fire control/emergency services in the following areas:-

- (a) House and property fire suppression;*
- (b) Bushfire suppression;*
- (c) Motor vehicle accident;*
- (d) Flood;*
- (e) Storm and Tempest*

Various types of tankers, specialised equipment and call out systems are required in strategic areas of the city to ensure response times are kept to a minimum.

Villages and towns will require plans suitable for extinguishing fires in dwellings and other structures where a reticulated water supply exists and where the number of people and buildings is above the level nominated by the Department of Bushfire Services. Call out systems are required in these areas.

Rural developments will require bushfire tankers. Bushfire fighting and emergency response within the city requires command and control facilities to ensure effective and efficient co-ordination of responses. This will require the provision of an Emergency Control Centre. The greater the population and number of developments susceptible to disaster, the more sophisticated and comprehensive the command and control resources required."

The works schedules identified the proposal to provide 4 tankers, 1 x 3 bay fire station and equipment items and a call out system for the Huskisson/Vincentia bush fire brigade area.

It is envisaged that a causal and spatial nexus may be able to be established, and unlike the City Wide facilities, the purpose of these facilities are broader than solely bushfire management. Accordingly, for pragmatic purposes, contributions to these facilities are accepted at this stage.

Accordingly, the Statement of Commitments provides for a cash contribution to this component of the CP.

2.4 Traffic Management

The following provides an analysis of the traffic management measures considered necessary for the proposed development as outlined within the reports by Masson Wilson & Twiney (MWT) and works for which contributions are proposed to be sought from Council in accordance with the current Section 94 CP.

ROADWORKS	SECTION 94 PLAN	MWT RECOMMENDATIONS	TIMING	COMMENT
The Wool Rd/Beach Rd/ St Georges Avenue intersection	Not applicable	Proportional contribution to upgrading of intersection should be paid, totalling \$90,000 as per MWT report	Prior to opening of retail Stage 1	This is an existing problem intersection that would require upgrading prior to 2011 even without the District Centre
The Wool Rd/Leisure Centre/High School signalised intersection	Not applicable	The cost of the signalised intersection has been included in Council's S94 Plans since CP 1993 (Amdt No.29) in relation to the construction of the Bay and Basin District Community Centre. The works will be undertaken by Stockland and it is proposed that Council	Prior to opening of retail Stage 1, or earlier if required by Council (for Leisure Centre or High School)	The design and scale of the new intersection is influenced by the Leisure Centre, high school, through traffic and proposed village east housing and retail centre. The current intersection is poorly designed due to past environmental concerns now resolved and

ROADWORKS	SECTION 94 PLAN	MWT RECOMMENDATIONS	TIMING	COMMENT
		proportionally contribute in recognition of past commitment. Proportional contribution of 83% of cost based on relative traffic volumes to be sought as credit for S94 payments.		warrants upgrading irrespective of the Stockland development. The estimated cost of the intersection is \$950,000, therefore a S94 credit of \$788,500 is sought.
District Centre Access "D"/The Wool Rd intersection	Not applicable	Stockland to construct	Prior to opening of retail Stage 1	Solely required to serve the district centre
Naval College Rd/The Wool Rd/Jervis Bay Rd intersection	Section 94 Plan Amendment No. 29 (item reference 03ROAD0006) which relates to past upgrade	<ul style="list-style-type: none"> Stockland to 48% fund upgrade to a 2 lane round-about (Council & school to fund balance of 52% of cost) 	<ul style="list-style-type: none"> Prior to opening of retail Stage 1 	Past planning has provided for proportional contribution by the district centre towards the intersection upgrade resulting in the construction of the round-about already in existence. This intersection was identified as an existing problem within the 1991 and 1996 Vincentia Draft LEP Studies (page 41 and page 44, respectively). However, traffic growth excluding the district centre, which has not been constructed yet, has already absorbed much of the capacity achieved by the past upgrade. On this basis it is considered appropriate and reasonable that the future upgrade be also proportionally contributed to. The further upgrading of the roundabout to a 2 lane round-about should be proportionally contributed to by

ROADWORKS	SECTION 94 PLAN	MWT RECOMMENDATIONS	TIMING	COMMENT
				<p>Stockland at a rate of 48% based on traffic volumes. The total estimated cost of the roundabout upgrade is \$619,905; of which the Stockland proportion would equal \$297,554 (ie. 48% of \$619,905). Stockland could construct the round-about upgrade and obtain a \$322,351 Section 94 credit or Council could construct and condition a contribution from Stockland. As Stockland will be undertaking some works at the intersection, the construction and S94 credit option is proposed.</p> <p>In addition to the above, based on the MWT rationale, Stockland would also pay the Section 94 contribution relative to the past upgrade being the current applicable S94 contribution requirement.</p>
Naval College Rd/District Centre access 'C' intersection	Not applicable	90% funded by Stockland and 10% by proposed school	Prior to opening of Stage 1 retail	<p>A "seagull" intersection would suffice for Stockland development, but for other reasons a round-about is required. Proposed school on opposite side of Naval College Rd would benefit and should contribute. The proposed option for implementation of</p>

ROADWORKS	SECTION 94 PLAN	MWT RECOMMENDATIONS	TIMING	COMMENT
				the MWT recommendation is for Stockland to construct, at an estimated cost of \$700,000 and obtain a \$70,000 Section 94 credit. Council should amend the Section 94 Plan to provide a basis for recoupment of the 10% cost from the school or enter into some other form of agreement with the school.
Naval College Rd and Village East Access 'B' Intersection	Not applicable	Sole responsibility of Stockland to construct	Prior to occupation of dwellings served	-
Naval College Rd and Village West – Access 'A' round-about intersection	Not applicable	Sole responsibility of Stockland to construct	Prior to occupation of dwellings served	To be constructed as a one lane round-about which will act to demarcate the start of the Vincentia Urban Area. MWT considers some credit to Stockland warranted, with no specific claim documented. No monetary credit sought at this stage on the basis of other claims being supported.
Naval College Rd/Pine Forest Rd/Huskisson Rd intersection	Not applicable	Any increase in traffic from residential component offset by containment of shopping trips. Some upgrading works warranted as a result of background traffic growth and for safety reasons – widen Huskisson Rd approach and provide side by side right turn lanes in Naval College Rd. Apportion costs pro rata traffic: -	Prior to stage 2	Contribution to be paid to Council equals 5% of estimated roadworks costs (\$470,000 excl. GST) being \$23,500. Council could introduce a Section 94 CP to recoup further funds.

Don Fox Planning

ROADWORKS	SECTION 94 PLAN	MWT RECOMMENDATIONS	TIMING	COMMENT
		Stockland to fund 5% and Council the remaining 95%.		
Realignment of Jervis Bay (Naval College) Rd from Pine Forest to Wool Rd (approx.)	Section 94 Plan Amendment No. 29 (reference item 03ROAD0033).	MWT conclude that one lane in each direction is adequate and that no widening is required, except at intersections (to be incorporated into designs). The Vincentia village and district centre should get credit for those parts of the development works included in the s94 Plan.	After Stage 1 – subject to review	It is considered that the contributions sought by Council for reference item 03ROAD0033 could be utilised for road improvements as considered necessary. The CP provides for works inclusive of the straightening of bends along Jervis Bay Road which will be substantially undertaken by Stockland in association with the construction of intersections to the proposed development. MWT believe that these funds may more appropriately be reallocated to other roadworks in the area. This would ultimately necessitate Council reviewing the CP to ensure the balance of development in the area can be required to contribute through the normal Section 94 contributions process. Stockland to also pay the Section 94 Contribution toward this item, and Council monitor the situation and utilise the funds appropriately. Note, part of the subject site is zoned 5(e) Special Use Road Widening, which is required for the realignment of

ROADWORKS	SECTION 94 PLAN	MWT RECOMMENDATIONS	TIMING	COMMENT
				<p>Naval College Road. Clause 47 of LEP 1985 would require Council to acquire this land on request in writing. The area of this land (excluding new roads to be built as part of the proposal) equals 15,728.54m². Based on standard compensation principles, the highest and best use of the land, if not zoned for road widening, would be either residential or commercial and would be easily serviced as a consequence of the proposed development. The conservative approach of assuming a residential use identical to the proposal is adopted. The residential value of this land is estimated at a minimum \$200/m². Accordingly, the Statement of Commitments could provide for the dedication of the land on the basis of attracting a \$3,156,908 credit. Some of the 5(e) lands may be required to facilitate the development. Therefore, at this stage Stockland proposes to transfer all 5(e) zoned land not required to facilitate the development and resolve any monetary</p>

ROADWORKS	SECTION 94 PLAN	MWT RECOMMENDATIONS	TIMING	COMMENT
				compensation attributable from Council as a matter separate to the development approval process.
Naval College Rd/Huskisson Rd to Princes Highway	Not applicable	No contribution from Stockland	Not applicable	No upgrading required as a consequence of Stockland development.
Pedestrian underpass beneath Naval College Rd	Not applicable	50% Stockland/50% school	Prior to opening of retail Stage 1	It is suggested that Stockland construct and obtain Section 94 credit. Estimated cost is \$250,000 and therefore credit would equal \$125,000. Estimated construction costs should be reviewed subsequent to confirming Council and RTA requirements to determine actual credit owing. Council should amend Section 94 Plan or enter some other form of agreement with school to recoup balance.
Pedestrian path around eastern and southern perimeter	Not applicable	Recommended <u>not</u> to provide	Not applicable	-
St Georges Basin – Construction of By-pass	Section 94 Amendment No. 29 (Item Reference 03ROAD0021)	Not discussed	Payment as per Section 94 Plan requirements	Contribution to be paid as per current Section 94 Plan rate proportioned over residential and commercial Stockland development components.
The Wool Road – strengthen pavement	Section 94 Plan Amendment No. 29 (Item Reference 03ROAD0008)	Not discussed	Not applicable	Description of these works at Section 4.2 of Section 94 Plan Amendment No. 29 is as follows: “It has become necessary to

Don Fox Planning

ROADWORKS	SECTION 94 PLAN	MWT RECOMMENDATIONS	TIMING	COMMENT
				<p><i>upgrade and strengthen the pavements of the subject roads in order to adequately cater for the additional demand which future development will generate. Roads have a limited life due to wear and damage to the pavement because of traffic usage and climatic conditions. The rate of wear, and the standard of pavement required, is increased with higher volumes of traffic."</i></p> <p>The works schedule at Section 8.2.3 describe these works as "rehabilitate pavement (500m x 11m)".</p> <p>There is minimal justification provided to demonstrate that the works proposed do not relate to normal maintenance associated with roads.</p> <p>Notwithstanding, Section 3.8.3 of the Section 94 Manual does suggest that the levying for maintenance of roads would be possible where excessive wear and tear results as a consequence of a particular development. In order to pragmatically resolve this matter, it is recommended that payment of the normal</p>

ROADWORKS	SECTION 94 PLAN	MWT RECOMMENDATIONS	TIMING	COMMENT
				Section 94 Contribution rate apportioned across both the residential and commercial components of the Stockland development be paid.
Jervis Bay Rd – strengthen pavement for 1 kilometre	Section 94 Plan Amendment 29 (Item Reference 03ROAD0007)	Not discussed	Not applicable	The Section 94 Plan provides the same description of the proposed works as for item reference 03ROAD0008. The same comment as above applies. Payments of contributions is proposed as above.

2.5 Project Management Costs

The Section 94 Plan (Item Reference CWMGMT0001) provides for project management costs associated with the administration of Council's Section 94 Plan. Section 10 of Council's Section 94 Plan 1993 outlines various components associated with Council's proposed Section 94 Management. These components relate to plan and system design, staff input and studies and contingencies.

Plan and system design represents a significant cost of \$228,000, for which no details are provided. Some of the study costs are also not specified and some individual planning components also provide for recoupment of costs towards studies.

Generally, there are considered to be some potentially unjustified components of this component of Council's Section 94 Plan, but to pragmatically deal with this requirement, it is recommended that the **contribution component be paid, proportioned across both the residential and commercial components of the Stockland development.**

3.0 CONCLUSION

The necessity for additional facilities and services is often a consequence of development, particularly larger scale development such as the Vincentia District Centre. Such facilities and services are normally provided by Council through the application of Section 94 Plans, where they are required to serve more than one development (ie. past development and various future developments). Where required specifically for individual developments, such facilities may be a requirement imposed as a standard condition of development consent.

Council's Section 94 Plan was originally prepared in 1993 and has been amended on a number of occasions now comprising a complex array of facilities and services to be

Don Fox Planning

provided, of which some are technically applicable to the proposed Stockland development. Council is currently undertaking a comprehensive review of its Section 94 Plan, the outcome of which is currently unavailable. The applicable contributions do not in all cases have a clear nexus with the proposed development, or are not consistently considered reasonable or appropriate on current day analysis. There are also a number of additional facilities and services that are required for the area in general, particularly in regard to road works, which should be provided, although not included within the ambit of Council's current Section 94 Plan.

The Minister will be the determining authority of the proposed development. In this situation, the legislation provides scope for the Minister to determine applicable Section 94 Contributions, together with other conditions of consent that may require additional facilities and services, without a requirement to be strictly bound by Council's Section 94 Plan.

Accordingly, the above analysis provides a submission to the Department for consideration when reporting to the Minister, to determine Section 94 Contributions which are considered to be reasonable and appropriate, together with additional facilities and services that would be required and could be imposed as a standard condition of consent. Where additional facilities and services are required as a consequence of a range of developments of which the proposed Stockland development is only one, but are not included within the ambit of Council's current Section 94 Plan, a rationale is outlined to provide for the delivery of these facilities on a reasonable and shared basis.

Don Fox Planning

APPENDIX A

Schedule of Proposed Monetary Payments

Section 94 Items		Monetary Contributions		
		Residential	Commercial	Total
01 FIRE 0009	City wide - Fire Control/ SES	\$14,491	\$35,768	\$50,259
03 AREC 0001	Tennis, Football, Cricket, Basketball 7 Netball (Area 3)	\$521,099	\$0	\$521,099
03 AREC 0003	Amend. No.17 Bay & Basin Leisure Centre	\$256,563	\$0	\$256,563
03 CFAC 0001	Amend 67 Bay & Basin Comm Centre & Library	\$345,611	\$0	\$345,611
03 CFAC 0003	Amend 67 Bay & Basin Rec & Cultural Hall	\$0	\$0	\$0
03 FIRE 0007	Amend. No.29 Huskisson/Vincentia Bushfire Control	\$41,478	\$102,384	\$143,863
03 OREC 0011	Vincentia Expansion Area Passive Open Space	\$0	\$0	\$0
03 ROAD 0006	Amend. No.29 Jervis Bay The Wool Road Roundabout	\$24,410	\$60,254	\$84,664
03 ROAD 0007	Amend No 29 Jervis Bay Rd - Strengthen pavement for 1 km	\$10,998	\$27,148	\$38,146
03 ROAD 0008	Amend 29 The Wool Rd - strengthen pavement	\$11,567	\$28,551	\$40,117
03 ROAD 0021	Amend No 29 St Georges Basin - Construct By-pass	\$26,715	\$65,943	\$92,658
03 ROAD 0033	Amend 29 Jervis Bay Rd - Realign Pine / Forest Rd Wool Rd	\$581,501	\$1,435,364	\$2,016,865
CWARE C0003	Hockey Facilities	\$47,408	\$0	\$47,408
CW CFAC 0001	Amend 67 Stage 1 Library Extensions	\$0	\$0	\$0
CW CFAC 0001	Amend 67 Stage 2 Arts Centre	\$11,663	\$0	\$11,663
CW CFAC 0001	Amend 67 Stage 3 Mobile Children's Services	\$0	\$0	\$0
CWMGM T 001	Project management costs	\$106,501	\$262,885	\$369,387
CW OREC 0001	Embellishment of Icon & District walking tracks	\$0	\$0	\$0
MA CFAC 0001	Northern Shoalhaven Integrated Children's Services, Osborne & Worrigeer Streets	\$20,719	\$0	\$20,719
MA CFAC 0002	Amend 67 Northern Shoalhaven Community transport & Family Support services, Park Road	\$0	\$0	\$0
CW CFAC 0002	Amend 89 - Shoalhaven Multi Purpose Cultural & Convention Centre	\$0	\$0	\$0
Total Monetary Payment				\$4,039,022

- Notes:**
- 1.The above sum of contributions excludes credits attributable to Stockland for additional works required by Council
 - 2.Area 3 lot numbers are based on s94 Plan Amendment 67 (03CFAC 0002), plus Vincentia Expansion and Vincentia Commercial, adjusted to match "2001 Existing Dwellings & Vacant Lots for CW CFAC 0001".

Adujustments to S94 Contributions as Discussed In Report

Section 94 Items		Residential						Commercial						Total Contributions for Residential & Commercial
		Contributions required by S94 CP			Contributions required by S94 CP Considered justifiable by DFP			Contributions required by S94 CP			Contributions required by S94 CP Considered justifiable by DFP			
		Rate	Quantity	Sub total	Rate	Quantity	Sub total	Rate	Quantity	Sub total	Rate	Quantity	Sub total	
01 FIRE 0009	City wide - Fire Control/ SES	\$28.35	604	\$ 17,123	\$ 24.12	601	\$14,491	\$28.35	1483	\$ 42,043	\$24.12	1483	\$35,768	\$50,259
03 AREC 0001	Tennis, Football, Cricket, Basketball 7 Netball (Area 3)	\$1,723.25	604	\$ 1,040,843	\$ 867.34	601	\$521,099	\$1,723.25	0	\$ -	\$867.34	0	\$0	\$521,099
03 AREC 0003	Amend. No.17 Bay & Basin Leisure Centre	\$429.50	604	\$ 259,418	\$ 427.04	601	\$256,563	\$429.50	0	\$ -	\$427.04	0	\$0	\$256,563
03 CFAC 0001	Amend 67 Bay & Basin Comm Centre & Library	\$626.92	604	\$ 378,660	\$ 575.25	601	\$345,611	\$626.92	0	\$ -	\$575.25	0	\$0	\$345,611
03 CFAC 0003	Amend 67 Bay & Basin Rec & Cultural Hall	\$15.07	604	\$ 9,102	\$ -	601	\$0	\$15.07	0	\$ -	\$0.00	0	\$0	\$0
03 FIRE 0007	Amend. No.29 Huskisson/Vincentia Bushfire Control	\$88.16	604	\$ 53,249	\$ 69.04	601	\$41,478	\$88.16	1483	\$ 130,741	\$69.04	1483	\$102,384	\$143,863
03 OREC 0011	Vincentia Expansion Area Passive Open Space	\$1,937.63	604	\$ 1,170,329	\$ -	601	\$0	\$0.00	0	\$ -	\$0.00	0	\$0	\$0
03 ROAD 0006	Amend. No.29 Jervis Bay The Wool Road Roundabout	\$60.22	604	\$ 36,373	\$ 40.63	601	\$24,410	\$60.22	1483	\$ 89,306	\$40.63	1483	\$60,254	\$84,664
03 ROAD 0007	Amend No 29 Jervis Bay Rd - Strengthen pavement for 1 km	\$27.12	604	\$ 16,380	\$ 18.31	601	\$10,998	\$27.12	1483	\$ 40,219	\$18.31	1483	\$27,148	\$38,146
03 ROAD 0008	Amend 29 The Wool Rd - strengthen pavement	\$28.53	604	\$ 17,232	\$ 19.25	601	\$11,567	\$28.53	1483	\$ 42,310	\$19.25	1483	\$28,551	\$40,117
03 ROAD 0021	Amend No 29 St Georges Basin - Construct By-pass	\$45.48	604	\$ 27,470	\$ 44.47	601	\$26,715	\$45.48	1483	\$ 67,447	\$44.47	1483	\$65,943	\$92,658
03 ROAD 0033	Amend 29 Jervis Bay Rd - Realign Pine / Forest Rd Wool Rd	\$1,434.61	604	\$ 866,504	\$ 967.88	601	\$581,501	\$1,434.61	1483	\$ 2,127,527	\$967.88	1483	\$1,435,364	\$2,016,865
CWARE C0003	Hockey Facilities	\$209.15	604	\$ 126,327	\$ 78.91	601	\$47,408	\$209.15	0	\$ -	\$78.91	0	\$0	\$47,408
CW CFAC 0001	Amend 67 Stage 1 Library Extensions	\$231.54	604	\$ 139,850	\$ -	601	\$0	\$231.54	0	\$ -	\$0.00	0	\$0	\$0
CW CFAC 0001	Amend 67 Stage 2 Arts Centre	\$20.94	604	\$ 12,648	\$ 19.41	601	\$11,663	\$20.94	0	\$ -	\$19.41	0	\$0	\$11,663
CW CFAC 0001	Amend 67 Stage 3 Mobile Children's Services	\$6.87	604	\$ 4,149	\$ -	601	\$0	\$6.87	0	\$ -	\$0.00	0	\$0	\$0
CWMGM T 001	Project management costs	\$174.07	604	\$ 105,138	\$ 177.27	601	\$106,501	\$174.07	1483	\$ 258,146	\$177.27	1483	\$262,885	\$369,387
CW OREC 0001	Embellishment of Icon & District walking tracks	\$134.25	604	\$ 81,087	\$ -	601	\$0	\$134.25	0	\$ -	\$0.00	0	\$0	\$0
MA CFAC 0001	Northern Shoalhaven Integrated Children's Services, Osborne & Worrigee Streets	\$37.56	604	\$ 22,686	\$ 34.49	601	\$20,719	\$37.56	0	\$ -	\$34.49	0	\$0	\$20,719
MA CFAC 0002	Amend 67 Northern Shoalhaven Community transport & Family Support services, Park Road	\$10.76	604	\$ 6,499	\$ -	601	\$0	\$10.76	0	\$ -	\$0.00	0	\$0	\$0
CW CFAC 0002	Amend 89 - Shoalhaven Multi Purpose Cultural & Convention Centre	\$394.00	604	\$ 231,936	\$0.00	601	\$ -	\$0.00	0	\$ -	\$0.00	0	\$0	\$0

22/02/2006

Analysis of Contributions Plan

Section 94 Items		Capital Cost	Apportion't	Cost to s94 Plan	Total Equivalent Tenements	Basic Contrib'n	Inflation	Current Contrib'n	Benefit Area
01 FIRE 0009	City wide - Fire Control/ SES	\$ 1,359,235	20.4%	\$ 277,053	12519	\$ 22.13	1.36	\$ 30.15	City wide
03 AREC 0001	Tennis, Football, Cricket, Basketball 7 Netball (Area 3)	\$ 8,651,435	16.1%	\$ 1,391,926	2140	\$ 650.49	1.36	\$ 886.16	Area 3
03 AREC 0003	Amend. No.17 Bay & Basin Leisure Centre	\$ 4,584,000	16.1%	\$ 737,518	2140	\$ 344.67	1.24	\$ 427.04	Area 3
03 CFAC 0001	Amend 67 Bay & Basin Comm Centre & Library	\$ 7,379,300	16.1%	\$ 1,187,253	2140	\$ 554.84	1.04	\$ 575.25	Area 3
03 CFAC 0003	Amend 67 Bay & Basin Rec & Cultural Hall	\$ 170,230	16.1%	\$ 27,388	2140	\$ 12.80	1.04	\$ 13.27	Area 3
03 FIRE 0007	Amend. No.29 Huskisson/Vincentia Bushfire Control	\$ 269,085	20.9%	\$ 56,342	1032	\$ 54.59	1.26	\$ 69.04	Special
03 OREC 0011	Vincentia Expansion Area Passive Open Space	\$ 1,281,080	100.0%	\$ 1,281,080	601	\$ 2,132.29	1.04	\$ 2,210.72	Area 3 Expansion
03 ROAD 0006	Amend. No.29 Jervis Bay The Wool Road Roundabout	\$ 200,000	37.9%	\$ 75,755	2358	\$ 32.13	1.26	\$ 40.63	Part Area 3
03 ROAD 0007	Amend No 29 Jervis Bay Rd - Strengthen pavement for 1 km	\$ 90,112	37.9%	\$ 34,132	2358	\$ 14.48	1.26	\$ 18.31	Part Area 3
03 ROAD 008	Amend 29 The Wool Rd - strengthen pavement	\$ 94,768	37.9%	\$ 35,896	2358	\$ 15.22	1.26	\$ 19.25	Part Area 3
03 ROAD 0021	Amend No 29 St Georges Basin - Construct By-pass	\$ 3,156,580	4.8%	\$ 150,885	4291	\$ 35.16	1.26	\$ 44.47	Part Area 3
03 ROAD 0033	Amend 29 Jervis Bay Rd - Realign Pine / Forest Rd Wool Rd	\$ 4,764,384	37.9%	\$ 1,804,631	2358	\$ 765.39	1.26	\$ 967.88	Part Area 3
CW AREC 003	Hockey Facilities	\$ 3,557,519	20.4%	\$ 725,130	12519	\$ 57.92	1.36	\$ 78.91	City wide
CW CFAC 0001	Amend 67 Stage 1 Library Extensions	\$ 2,340,846	100.0%	\$ 2,340,846	12519	\$ 186.99	1.04	\$ 193.86	City wide
CW CFAC 0001	Amend 67 Stage 2 Arts Centre	\$ 1,150,000	20.4%	\$ 234,405	12519	\$ 18.72	1.04	\$ 19.41	City wide
CW CFAC 0001	Amend 67 Stage 3 Mobile Children's Services	\$ 377,550	20.4%	\$ 76,956	12519	\$ 6.15	1.04	\$ 6.37	City wide
CWMGMT 001	Project management costs	\$ 1,629,000	100.0%	\$ 1,629,000	12519	\$ 130.12	1.36	\$ 177.27	City wide
CW OREC 0001	Embellishment of Icon & District walking tracks	\$ 7,600,000	20.4%	\$ 1,549,109	12519	\$ 123.74	1.04	\$ 128.29	City wide
MA CFAC 0001	Northern Shoalhaven Integrated Children's Services, Osborne & Worrigee Streets	\$ 1,481,430	19.8%	\$ 292,934	8807	\$ 33.26	1.04	\$ 34.49	City wide
MA CFAC 0002	Amend 67 Northern Shoalhaven Community transport & Family Support services, Park Road	\$ 424,630	19.8%	\$ 83,965	8807	\$ 9.53	1.04	\$ 9.88	City wide
CW CFAC 0002	Amend 89 - Shoalhaven Multi Purpose Cultural & Convention Centre	\$ 20,290,000	Rate as advised by Council			\$ 384.00			City wide
Total		\$ 70,851,184				\$ 5,584.64			

Area 3 lot numbers are based on s94 Plan Amendment 67 (03CFAC 0002), plus Vincentia

Vincentia Traffic Generation of District Centre Calculation of Equivalent Lots

Method:

1. Estimate Thursday evening peak hour traffic generation.
2. Using RTA rates estimate Thursday daily traffic generation, then average weekday traffic generation.
3. Adjust district centre traffic generation for passing traffic that would be on the road system anyway.
4. Convert average weekday district centre traffic generation to equivalent lots using the S94 plan rate of 6.7 vehicle trips/dwelling per day.

Calculations

	Stage 1	Stage 2
Total Floor Areas (m2)	19,537	31,233
Estimated Traffic Generation (veh/hr)	1,521	1,543
RTA Thursday Peak Hour Rate (veh/hr/100m2)	7.6	4.6
RTA Thursday Daily Rate (veh/100 m2)	78	50
Ratio of Peak hour/Daily	0.097	0.092
Estimated Thursday Daily Traffic Generation (veh/day)	15,680	16,772
RTA rate of Thursday Daily to average weekday	1.35	1.35
Estimated average weekday traffic (veh/day)	11,615	12,424
Less 20% passing traffic (veh/day)	-2,323	-2485
Estimated extra daily traffic (veh/day)	9,292	9,939
Convert to equivalent lots @ 6.9 veh/day/lot (lots)	1,387	1,483

Development Yields

	Number	ET per dwelling	Equivalent Lots
Stockland			
Residential			
Standard housing lots	588	1	588
1BR Med density	0	0.4	0
2BR Med density		0.6	0
3BR Med density	16	0.8	13
Totals	604		601
Commercial development			
	Sq.Metres		
Floor area Stage 1	19,537	See note 1	1387
Floor area Stage 2 - excludes library	11,696	See note 1	96
	31,233		1483
Total yield			2084

Note1:

Refer to Retail Traffic sheet for conversion of retail floor space to equivalent tenements

Area 3 lot numbers are based on s94 Plan Amendment 67 (03CFAC

Inflation

Constant price parameters

		1993	1997	1999	2004	2005	
1993	80.49	1.00					01 FIRE 0009, CWMGMT 0001
1994	81.24	1.01					
1995	83.79	1.04					
1996	85.72	1.06					
1997	86.71	1.08	1.00				03 ROAD 0006, 0007, 008, 0021 & 0033, 03 FIRE 0007
1998	87.61	1.09	1.01				
1999	88.50	1.10	1.02	1.00			03 AREC 0003
2000	93.44	1.16	1.08	1.06			
2001	95.29	1.18	1.10	1.08			
2002	97.41	1.21	1.12	1.10			
2003	101.56	1.26	1.17	1.15			03OREC 0011, CW OREC 0001, CW CFAC 0001, MA CFAC 0001 & 0002, 03 CFAC 0001 & 0003
2004	105.76	1.31	1.22	1.20	1.00		
2005	109.65	1.36	1.26	1.24	1.04		

Area 3 lot numbers are based on s94 Plan

Population - Based on Appendix D s94 Plan Amendment 67 & 75

	Existing	Future	Total	Apportionment
Area 1 Urban	13580	3305	16885	19.6%
Area 1 Rural	2922	1248	4170	29.9%
Area 2 Urban	5215	215	5430	4.0%
Area 2 Rural	47	33	80	41.3%
Area 3 (see below)	11160	3623	14783	24.5%
Area 4 Urban	2606	344	2950	11.7%
Area 4 Rural	201	39	240	16.3%
Area 5 Urban	11763	3687	15450	23.9%
Area 5 Rural	1405	25	1430	1.7%
Totals	48899	12519	61418	20.4%

Northern Shoalhaven Community Facilities				
13580	3305	16885	19.6%	
2922	1248	4170	29.9%	
5215	215	5430	4.0%	
47	33	80	41.3%	
11160	3623	14783	24.5%	
2606	344	2950	11.7%	
201	39	240	16.3%	
35731	8807	44538	19.8%	

Shoalhaven Multi Purpose Cultural & Convention Centre D CP Amdt 89				
Area 1	18412	11026	29438	37.5%
Area 2	5587	2487	8074	30.8%
Area 3	11775	4412	16187	27.3%
Area 4	3299	861	4160	20.7%
Area 5	12935	4883	17818	27.4%
Totals	52008	23669	75677	31.3%

Area 3				
Huskisson/Vincentia	3052	128	3180	4.0%
Vincentia Expansion	0	601	601	100.0%
Vincentia Commercial	0	1483	1483	100.0%
Hyams Beach	271	19	290	6.6%
Erowal Bay / Wrights Beach	544	127	671	18.9%
St Georges Basin	5972	863	6835	12.6%
Tomerong	215	70	285	24.6%
Bewong/ Wandandian	50	123	173	71.1%
Rural	1056	209	1265	16.5%
Sub totals	11160	3623	14783	24.5%

03 ROAD 0006, 0007, 0008 & 0033					03 ROAD 0021				
3052	128	3180	4.0%		3052	128	3180	4.0%	
0	600.8	600.8	100.0%		0	600.8	600.8	100.0%	
0	1483	1483	100.0%		0	1483	1483	100.0%	
271	19	290	6.6%		271	19	290	6.6%	
544	127	671	18.9%		544	127	671	18.9%	
3867	2358	6225	37.9%		5972	863	6835	12.6%	
					9839	3221	13060	24.7%	

Leisure Centre & Recreation etc				
3052	128	3180	4.0%	
0	600.8	600.8	100.0%	
271	19	290	6.6%	
544	127	671	18.9%	
5972	863	6835	12.6%	
215	70	285	24.6%	
50	123	173	71.1%	
1056	209	1265	16.5%	
11160	2139.8	13299.8	16.1%	

Note:

Area 3 lot numbers are based on s94 Plan Amendment 67 (03CFAC 0002), plus Vincentia Commercial, adjusted to match "2001 Existing Dwellings & Vacant Lots for CW CFAC 0001".

Vincentia Commercial refers to the Vincentia District Centre.

Vincentia Expansion refers to the Stockland Residential Site

Lot numbers for remainder of LGA are based on s94 Amendment 75 for CW CFAC 0001.

Bold refers to areas relevant to Stockland Proposal
Contribution rates are calculated using the cost of the facility divided by the total future population

Don Fox Planning

APPENDIX B

Appendix B

Summary of Commitments

Residential & Commercial Development Components

Item	Section 94 Plan	Works	Value of Works (less credits sought)	Cash	Comment	Timing
Open Space & Recreation Facilities						
Environmental Lands	No	Approximately 47.5 HA of land to be gifted to suitable public ownership	Subject to Valuation	\$0	Land to form an extension to the Jervis Bay National Park	Subject to discussions between Stockland & DEC
Passive Open Space	03 OREC 0011	Approximately 3.3 HA of land to be dedicated at no cost to Shoalhaven SC	\$1,328,200	\$0	Meets requirement for provision of 1.97 HA of passive open space as required by CP amendment No.75. Will represent a credit for the future Village East stage	Subject to discussions between Stockland & Council
District Walking Tracks	CW OREC 0001	Limited walking tracks to be provided within open space areas to be provided as part of proposed development (Includes 2 pathways from Village East to District Centre & form Village East to Village Central through environmental zone)	\$289,000	\$0	Nexus with works in CP not established. Works proposed in opens space/ National Park extension. Refer to Report	To be staged with construction of development and dedication of lands as noted above
Active Recreation Facilities	03 AREC 0001 & CW AREC 0003	NA	NA	\$777,663	Payment of section 94 apportioned with existing population and excluding cost component for Hall/ Basketball Court in Vincentia High School for which no nexus is established. Refer to Report	In accordance with Council's normal practice
Bay & Basin Leisure Centre	03 AREC 0003	NA	NA	\$256,563	Payment of Section 94 in full. Refer to report.	In accordance with Council's normal practice
Community Facilities						
Bay & Basin Community Centre & Library	03 CFAC 0001	NA	NA	\$345,611	Payment of S94 excluding part funding component for Vincentia High School Hall (as per other part provided by 03 AREC 0001). Refer to Report. Note these facilities are costed as part of the same facility reference within the CP	In accordance with Council's normal practice
Library Facilities	CW CFAC001 & 03 FAC0001		NA			
Arts Centre	CW CFAC 0001	NA	NA	\$11,663	Payment of Section 94 in full. Refer to Report	In accordance with Council's normal practice
Mobile Children's Services	CW CFAC 0001	NA	NA	\$0	Nexus with works in CP not established. Refer to Report	NA
Northern Shoalhaven Integrated Children's Services	MA CFAC 0001	NA	NA	\$20,719	Payment of S94 in full. Refer to Report	In accordance with Council's normal practice

Northern Shoalhaven Community Transport & Family Support Services	MA CFAC 0002	NA	NA		\$0	Nexus with works in CP not established. Refer to Report	NA
Shoalhaven Multi-Purpose Cultural & Convention Centre	CW CFAC 0002	NA	NA		\$0	Nexus with works in CP not established. Refer to Report	NA
Bushfire Management							
Bushfire Management Facilities	01 FIRE 0009 & 03 FIRE 0007	Creation of APZs & other recommendations of the bushfire management assessment report		\$66,000	\$194,122	S94 for city wide facilities paid in full, but district facilities discounted to reflect apportionment for existing pre-bushfire planned development and fire hazard reduction works to be undertaken on site. Value of site works for bushfire hazard reduction excluding land component are conservatively estimated. Refer to Report	In accordance with Council's normal practice
Traffic Management							
The Wool Rd/Beach Rd/ St Georges Avenue intersection	No	NA	NA		\$90,000	Refer to Report	In accordance with Council's normal practice for payment of S94 contributions
The Wool Rd/Leisure Centre/High School signalised intersection	No	Stockland to construct		\$161,500	-\$788,500	The cost of the signalised intersection has been included in Council's S94 Plans since CP 1993 (Amdt No.29) in relation to the construction of the Bay and Basin District Community Centre. The works will be undertaken by Stockland and it is proposed that Council proportionally contribute in recognition of past commitment. Refer to Report.	In accordance with Council's normal practice for payment of S94 contributions

District Centre Access "D"/The Wool Rd intersection	No	Stockland to construct	\$950,000	\$0	Refer to Report	Prior to opening of Stage 1 Retail
Naval College Rd/The Wool Rd/Jervis Bay Rd intersection	03 ROAD 0006	Stockland to construct 2 lane round-about intersection upgrade.	\$382,218	-\$237,687	The further upgrade of the intersection is not included in the CP. Stockland is to construct the upgrade and obtain a credit for the proportion of costs relevant to others. The credit is deducted from S94 contributions required for the past upgrade.	Prior to opening of Stage 1 Retail
Naval College Rd/District Centre access 'C' intersection	No	Stockland to construct	\$630,000	-\$70,000	Stockland is to construct and obtain a credit for the proportion of costs relevant to others. 10% of the estimated \$700,000 cost is attributable to the School, which Council should recoup.	Prior to opening of Stage 1 Retail
Naval College Rd and Village Central Access 'B' Intersection	No	Stockland to construct	\$600,000	\$0	Refer to report	Prior to occupation of dwellings served
Naval College Rd and Village West - Access 'A' round-about intersection	No	Stockland to construct	\$600,000	\$0	Refer to report	Prior to occupation of dwellings served
Naval College Rd/Pine Forest Rd/Huskisson Rd intersection	No	NA	NA	\$23,500	Refer to report	Prior to Stage 2 (subject to review)
Realignment of Naval College Rd from the Wool Rd to Pine Forest Rd	03 ROAD 0033	Widening of Naval College Road to provide sheltered turn lanes at new intersections to development plus dedication of land zoned for road widening along Naval College Road	NA	\$2,016,865	Payment of S94 in full. Acquisition of land zoned 5(e) by Council to be separately negotiated with Stockland. Refer to report. Note, the purpose for which the contribution is sought in the CP may become substantially nullified by works proposed by Stockland and Council will be required to review the CP to provide justifiable alternate areas of expenditure.	Prior to occupation of dwellings served

Naval College Rd/Huskisson Rd to Princes Highway	No	NA	NA	NA	Refer to report	NA
Pedestrian underpass beneath Naval College Rd		Stockland to construct	\$125,000	-\$125,000	Estimated cost of works is \$250,000 for which the school has an equal need. A \$125,000 credit is therefore included, which Council should recoup from the school	Prior to opening of Stage 1 Retail
Pedestrian path around eastern and southern perimeter	No	Recommended not to provide	NA	NA	NA	NA
St Georges Basin - Construction of By-pass	03 ROAD 0021	NA	NA	\$92,658	Payment of S94 in full. Refer to report	In accordance with Council's normal practice for payment of S94 contributions
The Wool Road - strengthen pavement	03 ROAD 008	NA	NA	\$40,117	Payment of S94 in full. Refer to report	In accordance with Council's normal practice for payment of S94 contributions
Jervis Bay Rd - strengthen pavement for 1 kilometre	03 ROAD 0007	NA	NA	\$38,146	Payment of S94 in full. Refer to report	In accordance with Council's normal practice for payment of S94 contributions
S94 Administration Costs						
Project Management	CWMGMT 001	NA	NA	\$369,387	Payment of S94 in full. Refer to report	In accordance with Council's normal practice for payment of S94 contributions
SUB TOTAL			\$5,131,918	\$3,055,827	Refer to report	
TOTAL VALUE OF CASH & WORKS				\$8,187,745		

Note: Reference to payment of section 94 contributions is as calculated by DFP applying the CP formulae and assumed variables as outlined in Appendix A. Note this may vary from rates issued by Council on demand. Discrepancies are generally minor but are unable to be reconciled by DFP.