



Section 94 Contributions Plan, 1993

Amendment No. 65

## **ROADS and TRAFFIC CONTROL AREA 1**

### **Tapitallee Roads**

File No. 26479

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**01 ROAD 0025: Lilly Pilly Lane**

**01 ROAD 0026: Ironbark Road**

**01 ROAD 0027: Flannery Lane**

**01 ROAD 0028: Browns Mountain Road**

**01 ROAD 0074: Illaroo Road** Bingarra Lane to Bangalee Road

**01 ROAD 0075: Illaroo Road** Bangalee Road to Browns Mountain Road

**01 ROAD 0128: Riversdale Road**

**01 ROAD 0129: Spotted Gum Drive**

**01 ROAD 0130: Chalmers Road**

**01 ROAD 0131: Illaroo Road** Bugong Road to Riversdale Road

**01 ROAD 0132: Illaroo Road** Browns Mountain Road to Bugong Road

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## **1. Introduction / Background**

At its meeting on Tuesday 24<sup>th</sup> April, 2001, Council resolved to amend the Contributions Plan to incorporate the contributions for upgrading the roads associated with servicing the rural lifestyle areas throughout the City to bitumen seal standard.

For some time, Council has been aware of a demand for rural lifestyle development within the Shoalhaven and, as a result of a review of the provisions contained in the Shoalhaven Local Environmental Plan, a rural amendment to SLEP was gazetted in July 1999.

SLEP Amendment (No.127), commonly referred to as “The Rural Plan”, provided a strategy for rural lifestyle development within the City by zoning certain selected areas as Rural 1(c)(Rural Lifestyle) allowing for residents to enjoy a rural lifestyle as an alternative to urban living.

## **2. Purpose of the Plan** (Cl.27(1)(a)E.P. & A. Regs.2000)

The purpose of the Plan is to fund the costs associated with upgrading and sealing of the relevant rural residential roads by way of a Section 94 contribution on the development of land (including the erection of new dwellings) within the benefit areas associated with such roads.

(see Benefit Area maps in APPENDICES)

## **3. Land to which the Plan Applies** (Cl.27(1)(b)E.P. & A.Reg.2000)

The Plan applies to the lands situated within the Benefit Areas associated with the relevant road projects contained in this Plan.

The subject areas are shown hatched and bordered by a thick black line on the Benefit Area maps associated with the relevant Section 94 road projects. The subject lands benefiting from a particular road project are generally located adjoining and adjacent to, and gain vehicular access from that road.

(see Benefit Area maps in APPENDICES)

## **4. Relationship Between Expected Development and Demand** (Cl.27(1)(c)E.P. & A.Reg.2000)

### **4.1 General**

Shoalhaven Local Environmental Plan (Amendment No.127) enabled Council the legal ability to approve the subdivision of certain lands at Tapitallee allowing for the creation of allotments less than forty hectares in area.

In order to adequately cater for the additional demand generated by future rural residential development, it has become necessary to upgrade and seal the pavements of the local rural residential road system. It is, therefore, appropriate that the developers fund the full cost associated with rural residential road upgrading within the Tapitallee Rural Residential Area. (See APPORTIONMENT TABLES in the APPENDICES)

The Illaroo Road projects located between Bingara Lane and Browns Mountain Road (01 ROAD 0074 and 01 ROAD 0075) and south of Bugong Road (01 ROAD 0131), serve a much wider benefit area, including the Tapitallee Rural Residential Area. In this regard, the cost of these road projects is shared between the Council and the developers. Council's share represents existing development and through traffic, whilst the developers proportion comprises new (future) development. (See APPORTIONMENT TABLES in the APPENDICES)

#### **4.2 Strengthening Existing Sealed Pavement**

The rate of wear, and the standard of pavement required, is increased with higher volumes of traffic. As a consequence, the pavement will require strengthening and/or sealing where further new development generates additional traffic onto the road.

Council has developed a strategy to rehabilitate existing roads showing signs of distress due to increased traffic flows. Such work involves the strengthening of the road pavement, and may involve the following :---

- (a) increasing pavement thickness;
- (b) mechanical or chemical stabilisation of the pavement; and/or,
- (c) hotmix overlay.

Before such work is undertaken, the pavement is tested and then designed to cater for future traffic volumes. The upgraded pavement will then have a level of service equivalent to a new road and will benefit both existing and future developments.

#### **4.3 Upgrade Gravel Pavement to Sealed Road Standard**

Projects have been selected using the following criteria as a guide: ---

- (a) the anticipated traffic volumes;
- (b) the use of the road as a bus route;
- (c) the grade of the road where it affects the integrity of the pavement;
- (d) the proximity and number of dwellings close to the road, where dust problems may develop; and,
- (e) the distribution and density of development along the road.

The upgrading works may involve additional drainage and an improved road alignment.

### **5. Contributions Formula** (Cl.27(1)(d)E.P. & A.Reg.2000)

The contribution is based on the following formula: ---

**Contribution** = Estimated Road Project Cost  
Divided by  
Number of potential future

## 6. Contribution Rates (Cl.27(1)(e)E.P. & A.Reg.2000)

The contribution rates for the projects contained in this Plan are calculated on a per lot / dwelling (or Equivalent Tenement E.T.) basis.

The amounts calculated are: ---

**01 ROAD 0025: Lilly Pilly Lane** ..... = **\$25,765.00/E.T.**

### **01 ROAD 0026: Ironbark Road**

This contribution comprises a 31.58% share of the

cost for the Ironbark Road intersection with Illaroo Road ..... = **\$14,008.33/E.T.**

### **01 ROAD 0027: Flannery Lane**

This contribution comprises a 36.36% share of the cost for

the Browns Mountain Road intersection with Illaroo Road ..... = **\$22,255.00/E.T.**

### **01 ROAD 0028: Browns Mountain Road**

This contribution comprises a 65.22% share of the cost for the

Browns Mountain Road intersection with Illaroo Road ..... = **\$11,720.00/E.T.**

**01 ROAD 0074: Illaroo Road** Bingarra Lane to Bangalee Road ..... = **\$ 629.80/E.T.**

**01 ROAD 0075: Illaroo Road** 300m west of Bangalee Road ..... = **\$ 270.40/E.T.**

**01 ROAD 0128: Riversdale Road** ..... = **\$18,796.00/E.T.**

**01 ROAD 0129: Spotted Gum Drive** ..... = **\$11,123.33/E.T.**

### **01 ROAD 0130: Chalmers Road**

This contribution comprises a 68.42% share of the

cost for the Ironbark Road intersection with Illaroo Road ..... = **\$11,257.69/E.T.**

**01 ROAD 0131: Illaroo Road** Bugong Road to Riversdale Road ..... = **\$ 901.13/E.T.**

**01 ROAD 0132: Illaroo Road** Browns Mountain Road to Bugong Road ..... = **\$ 4,638.41/E.T.**

The above contributions are adjusted annually in line with movements in the Constant Price Index.

For more detailed information relating to the contribution rates, refer to the Cost Apportionment Tables in the Appendices.

## **7. Payment of Contribution** (Cl.27(1)(f)E.P. & A.Reg.s.2000)

### **7.1 Method of Payment**

There are three possible methods of payment for Section 94 contributions:---

- **cash;**
- **money order; or,**
- **bank cheque.**

The method of payment for residential development is by way of a cash contribution per lot on release of the linen plan, where subdivision is involved.

For other types of development, or where construction is involved, the cash payment is made prior to issuing the building permit(s).

### **7.2 Deferment**

Under exceptional circumstances only, and subject to suitable financial undertakings on the part of the applicant, Council may consider allowing a deferment of the condition(s) requiring the payment of monetary Section 94 contributions, provided the following criteria are satisfied :---

- (a) **The contributions do not relate to facilities or services which, if not provided with the development, could threaten public safety and/or health;**
- (b) **The maximum deferral period would not exceed two (2) years from the date of the building permit issue, linen plan release or determination of the development approval (whichever is applicable); and**
- (c) **The applicant will be required to provide:**
  - a bank guarantee for the required amount + interest over the period of the bank guarantee; and
  - a minor administration fee.

Deferral of contribution payments will be assessed on individual merit and applicants should not rely on precedent set by this or any other council.

The interest rate applying to authorised deferred payments will be in accordance with current rate charged on overdue rate arrears.

Deferred or periodic contribution payments will be subject to the approval of the Assistant General Manager, after considering the circumstances of the case.

### **7.3 Land Dedication**

Where the Contributions Plan identifies certain land for Section 94 purposes, Council may permit the dedication of such land to offset the monetary contribution. Suitability assessment of the subject land occurs at the development or subdivision application stage.

Should the development be approved, the applicant should contact Council to arrange for a valuation of the subject land.

Upon agreement of the land's value, and the exchange of contracts, Council will offset the value of the land against the monetary contribution payable.

### **7.4 Works-in-Kind**

Where Council is satisfied that it is appropriate and in the public interest, Council may accept the construction of amenities or the provision of services to offset the monetary contribution.

The applicant will need to initiate this option by providing Council with full details the proposed works prior to construction.

Council will consider the request and advise the applicant accordingly.

## 8. Works Schedule (Cl.27(1)(g)E.P. & A.Reg.2000)

Road projects selected for inclusion in this Contributions Plan fall into four main categories :---

- (a) Strengthen an existing sealed pavement;
  - (b) Upgrade a gravel pavement to sealed road standard; or,
  - (c) Other works such as :
    - widening an existing road;
    - a new bridge;
    - a new traffic facility; or,
- an upgraded intersection and/or drainage.

## 9. Estimated Cost of Works (Cl.27(1)(g)E.P. & A.Reg.2000)

01 ROAD 0025: Lilly Pilly Lane.....	\$103,060.00
01 ROAD 0026: Ironbark Road.....	\$ 84,050.00
01 ROAD 0027: Flannery Lane.....	\$178,040.00
01 ROAD 0028: Browns Mountain Road.....	\$164,080.00
01 ROAD 0074: Illaroo Road Bingara Lane to Bangalee Road .....	\$221,830.00
01 ROAD 0075: Illaroo Road 300m west of Bangalee Road .....	\$ 87,130.00
01 ROAD 0128: Riversdale Road.....	\$187,960.00
01 ROAD 0129: Spotted Gum Drive .....	\$133,480.00
01 ROAD 0130: Chalmers Road.....	\$146,350.00
01 ROAD 0131: Illaroo Road Bugong Road to Riversdale Road .....	\$ 56,070.00
01 ROAD 0132: Illaroo Road Browns Mountain Road to Bugong Road .....	\$496,310.00

Refer to the Estimated Costs Tables in Appendices for more detailed information regarding the estimated cost of the projects contained in this Plan.

## 10. Timing of Works (Cl.27(1)(g)E.P. & A.Reg.2000)

### 10.1 Works Program

The works program includes the timing and staging of all acquisition and construction. Details of the anticipated timing and staging of works is outlined below for each project.

The timings shown are approximate and have been determined assuming a steady rate of development in each of the benefit areas.

Fluctuations in the rate of development and, therefore, the amount of contributions received may affect the program for some of the projects. In any event, the contributions received will be spent on the project for which they are received within a reasonable time.

In some isolated rural areas however, significant development is unlikely within a period of 15 to 20 years. The cost of upgrading long lengths of road is

significant and in some areas the total project will not be required unless full development occurs.

Where only part of the full potential development occurs within the next 15 years (approximately), then the standard of the programmed work may need to be reduced as a consequence of the actual rate of development.

## 10.2 Timing

In some cases, it may not be cost-effective or appropriate to proceed with construction of a particular project until demand is generated by the development of at least 80% of the benefit area.

Subject to sufficient demand being generated by development, individual projects are anticipated to be implemented as follows :---

01 ROAD 0025 : Lilly Pilly Ln.....	Stage I	2003	50%
	Stage II	2008	50%
01 ROAD 0026 : Ironbark Rd.....	Stage I	2003	50%
	Stage II	2008	50%
01 ROAD 0027 : Flannery Ln.....	Stage I	2005	50%
	Stage II	2010	50%
01 ROAD 0028 : Browns Mtn Rd .....	Stage I	2003	25%
	Stage II	2007	25%
	Stage III	2010	25%
	Stage IV	2015	25%
01 ROAD 0074 : Illaroo Rd (Bangara Ln to Bangalee Rd).....	Stage I	1994	100%
01 ROAD 0075 : Illaroo Rd (300m west of Bangalee Rd).....	Stage I	1996	100%
01 ROAD 0128 : Riversdale Rd.....	Stage I	2005	100%
01 ROAD 0129 : Spotted Gum Dr.....	Stage I	2002	60%
	Stage II	2005	40%
01 ROAD 0130 : Chalmers Rd.....	Stage I	005	100%
01 ROAD 0131 : Illaroo Rd (Bugong Rd. to Riversdale Rd.) .....	Stage I	2005	100%
01 ROAD 0132 : Illaroo Rd (Browns Min Rd to Bugong Rd) .....	Stage I	2005	100%



## APPENDICES

Benefit Area Map 01 ROAD 0025 : Lilly Pilly Lane  
Benefit Area Map 01 ROAD 0026 : Ironbark Road  
Benefit Area Map 01 ROAD 0027 : Flannery Lane  
Benefit Area Map 01 ROAD 0028 : Browns Mountain Road  
Benefit Area Map 01 ROAD 0074 : Illaroo Road (Bangara Ln to Bangalee Rd)  
Benefit Area Map 01 ROAD 0075 : Illaroo Road (300m west of Bangalee Rd)  
Benefit Area Map 01 ROAD 0128 : Riversdale Road  
Benefit Area Map 01 ROAD 0129 : Spotted Gum Drive  
Benefit Area Map 01 ROAD 0130 : Chalmers Road  
Benefit Area Map 01 ROAD 0131 : Illaroo Road (Bugong Rd. to Riversdale Rd.)  
Benefit Area Map 01 ROAD 0132 : Illaroo Road (Browns Mtn Rd to Bugong Rd)

Cost Apportionment Table 01 ROAD 0025 : Lilly Pilly Lane  
Cost Apportionment Table 01 ROAD 0026 : Ironbark Road  
Cost Apportionment Table 01 ROAD 0027 : Flannery Lane  
Cost Apportionment Table 01 ROAD 0028 : Browns Mountain Road  
Cost Apportionment Table 01 ROAD 0074 : Illaroo Road (Bangara Ln to Bangalee Rd)  
Cost Apportionment Table 01 ROAD 0075 : Illaroo Road (300m west of Bangalee Rd)  
Cost Apportionment Table 01 ROAD 0128 : Riversdale Road  
Cost Apportionment Table 01 ROAD 0129 : Spotted Gum Drive  
Cost Apportionment Table 01 ROAD 0130 : Chalmers Road  
Cost Apportionment Table 01 ROAD 0131 : Illaroo Road (Bugong Rd. to Riversdale Rd.)  
Cost Apportionment Table 01 ROAD 0132 : Illaroo Road (Browns Mountain Road to Bugong Rd)

Estimated Cost and Apportionment of Browns Mount./ Illaroo Road Intersection  
Estimated Cost and Apportionment of Ironbark Road / Illaroo Road Intersection