



Section 94 Contributions Plan, 1993 Amendment No.66

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

### **Back Forest and Bryces Roads, Far Meadow**

File No. 26753

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**Public Exhibition From: 18<sup>th</sup> July 2002**

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**Adopted: 26<sup>th</sup> November 2002**

**Effective From: 4<sup>th</sup> December 2002**

#### **01 ROAD 0001: Back Forest Road and Bryces Road**

Upgrade and Seal Back Forest Road ..... 2,100 x 8m wide

Upgrade and Seal Bryces Road ..... 1,500 x 8m wide

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## **1. Background**

On the 1<sup>st</sup> July 1993, Council's Section 94 Contributions Plan came into effect. However, a number of operational and management issues relating to the Plan have been identified during the past five years.

Council has, therefore, resolved to review the Community Facilities provisions contained in the Contributions Plan. This Amendment constitutes part of a major review dealing with all of the services and provisions in the Contributions Plan.

This Contributions Plan has been prepared under Section 94 of the Environmental Planning and Assessment Act, in accordance with Clauses 26 to 31 (incl.) of the E.P. & A. Regulations 2000.

## **2. Introduction**

Due to increases in the extent and rate of growth within the benefit area associated with the upgrade Back Forest Road and Bryces Road, it has become necessary to amend Section 94 project 01 ROAD 0001 in order to cater for the increased demand.

In addition, given certain subdivision developments within the benefit area, and the pattern of local land dedications, it has also become necessary to amend the benefit area associated with the project.

The plan is based on development within the new benefit area and on the revised cost estimates for the road project.

In light of these developments, and in order to more accurately reflect the current situation regarding the way development has occurred in the area, it has become necessary to amend the Contributions Plan.

At its meeting on Tuesday 25<sup>th</sup> June 2002, Council resolved to amend the Contributions Plan accordingly.

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

The purpose of the Plan is to fund a portion of the costs associated with upgrading and sealing 2,100 metres of Back Forest Road and 1,500 metres of Bryces Road by way of a Section 94 contribution on the development of land (including the erection of new dwellings) within the benefit area associated with that project.

#### **4. Land to which This Plan Applies** (Cl. 27(1)(b) E.P. & A. Regs. 2000)

The Plan applies to the land situated within the Benefit Area associated with Section 94 road project 01 ROAD 0001 – Back Forest Road and Bryces Road, Far Meadow.

The subject land benefiting from this particular road project is generally located adjoining and adjacent to, and gains vehicular access to the subject roads. The subject area is shown hatched and bordered by a thick black line on the Benefit Area map associated with the project.

For more detailed information, refer to the Benefit Area Map associated with this project in the appendices to this Plan.

#### **5. Nexus Between Development and Demand**

(Cl. 27(1)(c) E.P. & A. Regs. 2000)

##### **5.1 General**

In order to adequately cater for the additional demand likely to be generated by future development within the Back Forest and Bryces Roads Benefit Area, it has become necessary to upgrade and seal the pavements of the road.

Roads have a limited life due to wear and damage to 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.

As a consequence, the pavement will require strengthening and/or sealing where further new development generates additional traffic onto the road.

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

Back Forest and Bryces Roads will require upgrading to a sealed standard due to increasing traffic volumes.

This project has 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.

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

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

$$\text{CONTRIBUTION} = \frac{\text{Estimated Project Cost}}{\text{Total Number of Lots (both existing and potential future) Within the Benefit Area}}$$

## **7. Contribution Rate** (Cl. 27(1)(e) E.P. & A. Regs. 2000)

In accordance with the above formula, the following contribution rate has been calculated for this project: ---

**01 ROAD 0001** ..... = **\$11,268.00/E.T.**

The above contribution is adjusted annually in line with movements in the Constant Price Index. For more detailed information relating to contribution rates, refer to the Cost Apportionment Tables in the appendices to this Plan.

## **8. Contribution Payment** (Cl. 27(1)(f) E.P. & A. Regs. 2000)

### **8.1 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).

### **8.2 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.

### 8.3 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.

### 8.4 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.

## 9. Schedule of Facilities (Cl. 27(1)(g) E.P.& A. Regs. 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.

### Works Program

Back Forest Road.....	Upgrade and Seal 2,100 x 8m wide
Bryces Road.....	Upgrade and Seal 1,500 x 8m wide

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

### Estimated Cost of 01 ROAD 0001

Back Forest and Bryces Roads Far Meadow.....	\$913.960.00
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The above Estimated Costs are adjusted annually in line with movements in the Implicit Price Deflator. For more detailed information relating to the Estimated Costs, refer to the Cost Apportionment Tables in the appendices to this Plan.

## **11. Timing** (Cl. 27(1)(g) E.P.& A. Regs. 2000)

Back Forest Road  
Bryces Road

The timing represents the anticipated time of construction.

Some projects, however, are contingent on grant funding for either capital costs or staffing, or both. Where anticipated funding has not been gained within the expected timeframe, Council will revise the program.

The timing in this Plan also assumes that threshold population levels (demand) in particular areas will be reached within the projected time. However, Council may need to adjust the timing of facilities in accordance with alterations in population growth.

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, it is anticipated this project will be implemented in 2002/03.

### **Appendices**

01 ROAD 0001: Benefit Area Map

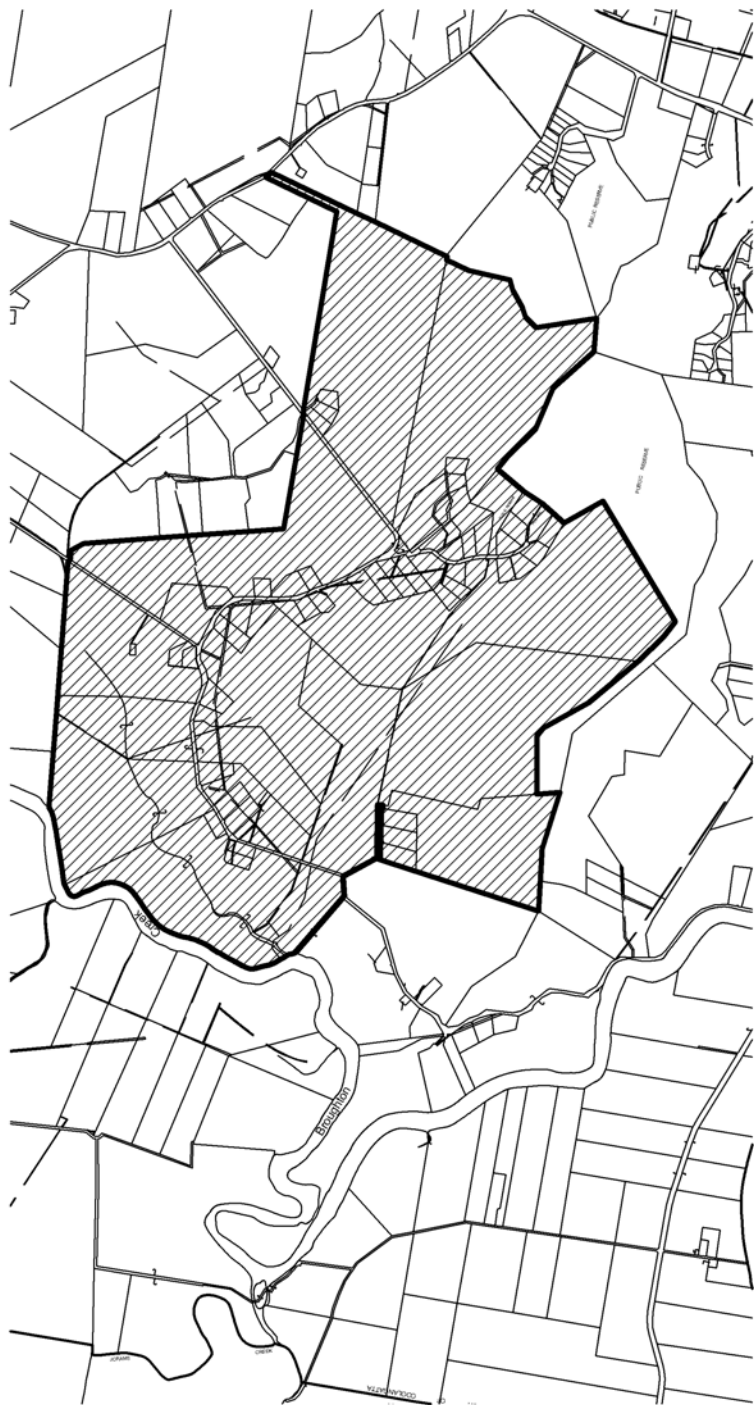
01 ROAD 0001: Cost Apportionment Table

### **References**

Section 94 Environmental Planning and Assessment Act, 1979

Clauses 26 – 38 (incl.) E.P.& A. Regulations 2000

S.C.C. Contributions Plan Manual



SHOALHAVEN CITY COUNCIL  
**CONTRIBUTION PLAN AREA 1**  
**AMENDMENT NO.66**

FILE NO: 26753  
ADOPTED: 26th NOVEMBER 2002  
EFFECTIVE FROM: 4th DECEMBER 2002  
FACILITY: ROADS  
PROJECT: BACK FOREST ROAD AND BRYCES ROAD, FAR MEADOW  
AUTOCAD DRAWING FILE: Planning\Graphics\City\Section94\Amendment66



PROJECT NO.  
01 ROAD 0001