



## **Section 94 Contributions Plan 1993**

### ***Amendment No. 68 Tapitallee***

01 ROAD 0027: Flannery Lane

01 ROAD 0028: Browns Mountain Road

01 ROAD 0130: Chalmers Road

**Reference 27567**

**April, 2003**

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## **1. Introduction/ Background**

At its meeting on Tuesday 24 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.

In this regard, Contributions Plan Amendment No. 65, comprising the roads in the Tapitallee rural residential area, came into effect on 12 September 2002. However, since that time a number of access related issues have arisen that were not immediately obvious when the plan was being prepared.

This Plan seeks to rectify those access related anomalies.

## **2. Legal**

This Contributions Plan is made under the provisions of Part 4, Division 6, Section 94B of the Environmental Planning and Assessment Act 1979 (as amended), in accordance with Part 4 of the Environmental Planning and Assessment Regulations 2002 to that Act.

## **3. Purpose of the Plan**

(Clause 27(1)(a) EP&A Regulations 2000)

The purpose of the Plan is to fund the costs associated with upgrading and sealing of Flannery Lane and Browns Mountain Road by way of a Section 94 contribution on the development of land (including the erection of new dwellings) within the benefit areas associated with those roads.

For more detail, refer to the Benefit Area maps attached to this Plan.

Given that Chalmers Road will benefit only one developer, project 01 ROAD 0130 is deleted from the Shoalhaven Contributions Plan 1993.

#### **4. Land to which the Plan Applies**

(Clause 27(1)(b) EP&A Regulations 2000)

The Plan applies to the lands situated within the Benefit Areas associated with the Flannery Lane and Browns Mountain Road projects.

The subject areas are shown hatched and bordered by a thick black line on the Benefit Area maps associated with Section 94 road projects 01 ROAD 0027 and 01 ROAD 0028. The subject lands benefiting from a particular road project are generally located adjoining and adjacent to, and gain vehicular access from that road.

For more detail, refer to the Benefit Area maps attached to this Plan.

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

(Clause 27(1)(c) EP&A Regulations 2000)

##### **5.1 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.

##### **5.2 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.

##### **5.3 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.

## 6. Contributions Formula

(Clause 27(1)(d) EP&A Regulations 2000)

The contribution is based on the following formula:

$$\text{Contribution} = \frac{\text{Estimated Road Project Cost}}{\text{Number of potential future Equivalent Tenements}}$$

For more detail, refer to the Cost Apportionment Table in appendices to this Plan.

## 7. Contribution Rates

(Clause 27(1)(e) EP&A Regulations 2000)

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

The amounts calculated are:

01 ROAD 0027: Flannery Lane	This contribution comprises a 44% share of the cost for the Browns Mountain Road intersection with Illaroo Road = \$16,338.18/E.T.
01 ROAD 0028: Browns Mountain Road	This contribution comprises a 56% share of the cost for the Browns Mountain Road intersection with Illaroo Road = \$11,599.29/E.T.
01 ROAD 0130: Chalmers Road	DELETED FROM CONTRIBUTIONS PLAN

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 Appendices to this Plan.

## 8. Payment of Contribution

(Clause 27(1)(f) EP&A Regulations 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 Deferral

Under exceptional circumstances only, and subject to suitable financial undertakings on the part of the applicant, Council may consider allowing a deferral 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. Works Schedule**

(Clause 27(1)(g) EP&A Regulations 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.

## 10. Estimated Cost of Works

(Clause 27(1)(g) EP&A Regulations 2000)

01 ROAD 0027: Flannery Lane	\$179,720.00
01 ROAD 0028: Browns Mountain Road	\$162,390.00
01 ROAD 0130: Chalmers Road	DELETED

The above Estimated Costs are adjusted annually in line with movements in the Implicit Price Deflator.

## 11. Timing of Works

(Clause 27(1)(g) EP&A Regulations 2000)

### 11.1 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.

### 11.2 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, the implementation of projects are anticipated as follows:

01 ROAD 0027: Flannery Lane	Stage I	2005	50%
	Stage II	2010	50%
01 ROAD 0028: Browns Mountain Road	Stage I	2003	25%
	Stage II	2007	25%
	Stage III	2010	25%
	Stage IV	2015	25%
01 ROAD 0130: Chalmers Road	DELETED		

## Appendices

- A Benefit Area Map 01 ROAD 0027:  
Flannery Lane
- B Benefit Area Map 01 ROAD 0028:  
Browns Mountain Road
- C Cost Apportionment Table 01 ROAD  
0027: Flannery Lane
- D Cost Apportionment Table 01 ROAD  
0028: Browns Mountain Road
- E Estimated Cost and Apportionment of  
Browns Mountain/Illaroo Road  
Intersection

Section 94 Contributions Plan 1993  
Amendment 68 01 ROAD 0027: Flannery  
Lane, 01 ROAD 0028: Browns Mountain  
Road and 01 ROAD 0130: Chalmers Road,  
being this written Statement and  
accompanying map, was

Adopted by Council: 25 March 2003

and

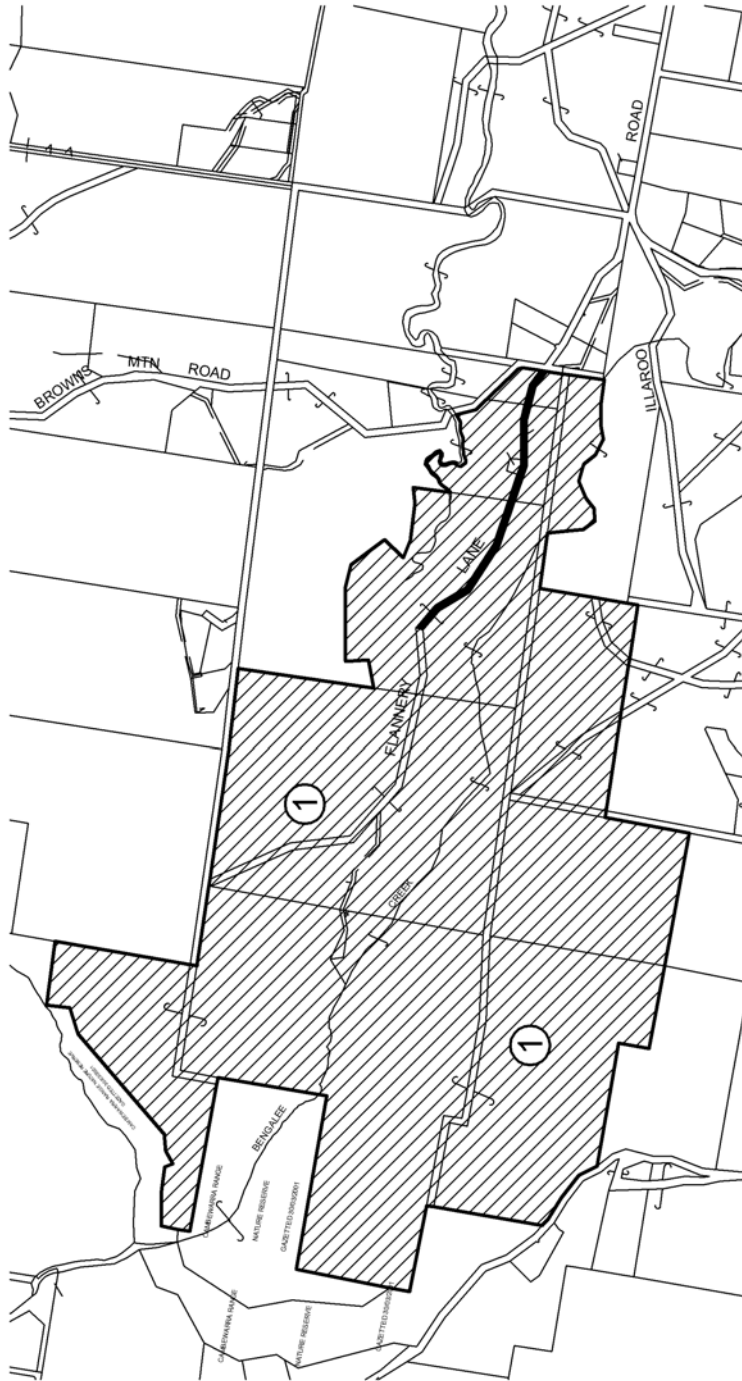
Became effective from: 17 April 2003



RD Pigg  
General Manager  
Date: 11 – 4 - 03



**Appendix A – Benefit Area Map 01 ROAD 0027: Flannery Lane**



**SHOALHAVEN CITY COUNCIL  
CONTRIBUTION PLAN AREA 1  
AMENDMENT NO. 68**

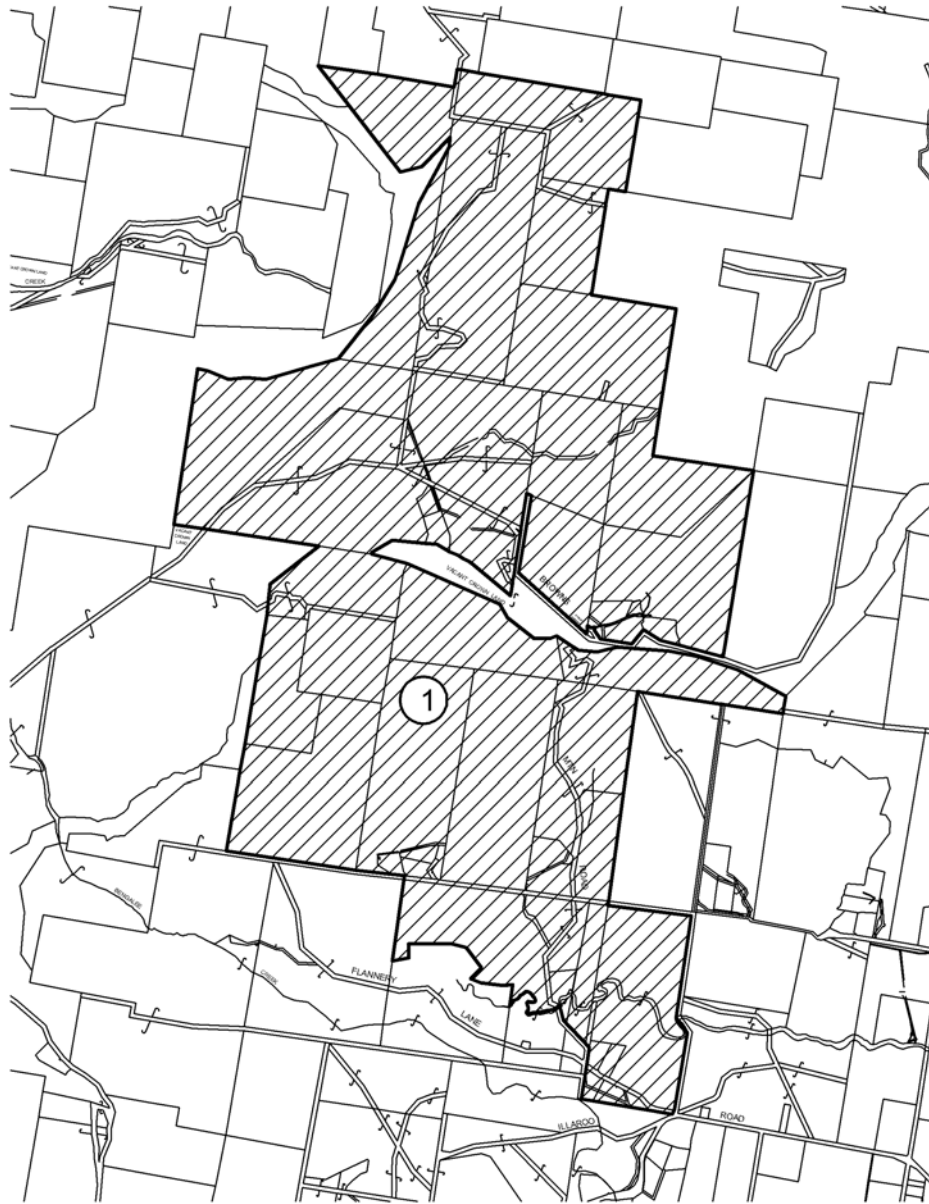
FILE NO: 27567  
ADOPTED: 25/03/2003  
EFFECTIVE FROM: 17/04/2003  
FACILITY: ROADS  
PROJECT: FLANNERY LANE



PROJECT NO.  
01 ROAD 0027

AUTOCAD DRAWING FILE: Planning/Graphics/Projects/City/Section94/Amendment68

**Appendix B – Benefit Area Map 01 ROAD 0028: Browns Mountain Road**



**SHOALHAVEN CITY COUNCIL  
CONTRIBUTION PLAN AREA 1  
AMENDMENT NO.68**

FILE NO: 27567  
ADOPTED: 25/3/2003  
EFFECTIVE FROM: 17/04/2003  
FACILITY: ROADS  
PROJECT: BROWNS MOUNTAIN ROAD

PROJECT NO.  
01 ROAD 0028



AUTOCAD DRAWING FILE: Planning/Graphics/Projects/City/Section94/Amendment68



**Appendix C – Cost Apportionment Table 01 ROAD 0027: Flannery Lane**

Benefit Area	Lot/Dwellings (Equivalent Tenements)			Cost to Benefit Area	Contribution per Lot/Dwelling (ET)
	Exist	Add New	Total		
1	7	11	18	\$169,990.00	\$15,453.64
+ Share of Illaroo Road Intersection Costs = 44% of \$22,120.00				\$9,730.00	\$884.55
<b>TOTAL</b>				<b>\$179,720.00</b>	<b>\$16,338.18</b>

Estimated Cost 01 Road 0027: Flannery Lane	Square Metres	X	Rate
Strengthen and seal pavement as required: 850m x 5m wide	4,250	X	\$32.92
Survey, Design and Supervision	6%		=
Administration and On-costs	15.5%		=
	Flannery Lane Total		=
+ Share of Illaroo Road Intersection cost 44.00%	X		=
<b>TOTAL ESTIMATED COST</b>			<b>= \$179,720.00</b>

**Appendix D – Cost Apportionment Table 01 ROAD 0028: Browns Mountain Road**

Benefit Area	Lot/Dwellings (Equivalent Tenements)			Cost to Benefit Area	Contribution per Lot/Dwelling (ET)
	Exist	Add New	Total		
1	29	14	43	\$150,000.00	\$10,714.29
+ Share of Illaroo Road Intersection Costs = 56% of \$22,120.00				\$12,390.00	\$885.00
<b>TOTAL</b>				\$162,390.00	\$11,599.29

Estimated Cost 01 Road 0028: Browns Mountain Road	Square Metres	X	Rate
Strengthen and seal pavement as required: 1.000m x 5m wide	5,000	X	\$24.69
Survey, Design and Supervision	6%		= \$7,410.00
Administration and On-costs	15.5%		= \$19,130.00
	Browns Mtn Rd Total		= \$150,000.00
+ Share of Illaroo Road Intersection cost 56.00%	X		= \$12,390.00
<b>TOTAL ESTIMATED COST</b>			<b>= \$162,390.00</b>

