



Section 94 Contributions Plan 1993

Amendment No. 71 Berry

01 ROAD 0133: Beach Road and Tannery Road

Reference 28137

Adopted by Council: 23rd June, 2003

Effective from: 9th July, 2003

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1. Introduction/Background

In the process of considering an extension to the sand resource quarry operated by Bridon Pty Ltd on Lot 1, DP 185785 at Berry and part of Portion 9 Southern Extraction Area at Gerroa, Council has identified a need to maintain the standard of Beach Road due to the impact of heavy vehicle traffic generated by the development. The development consent was issued in 1990 for a period of twelve (12) years and is due to expire on 14 December 2002.

The requirement for the Section 94 road contribution was previously contained in consent condition 8 set out in the Schedule to the Land and Environment Court Order No. 10472 of 1990 dated 14 December 1990. Given the expiration of the development consent, it has now become necessary to amend Shoalhaven City Council Contributions Plan 1993 to ensure the on-going maintenance of Beach Road to an acceptable safe standard and that this standard is not compromised into the future.

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 on-going upgrading works to the Tannery Road and Beach Road pavements to an acceptable safety standard by way of a Section 94 contribution on the continuing development of sand resource quarry on Lot 1, DP 185785 at Berry and part of Portion 9 Southern Extraction Area at Gerroa within the benefit area associated with road project 01 ROAD 0133.

For more detail, refer to the Benefit Area Map 01 ROAD 0133 shown on Appendix "A" to this Plan.

4. Land to which the Plan Applies

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

The Plan applies to Lot 1, DP 185785 at Berry and part of Portion 9 Southern Extraction Area at Gerroa within the Benefit Areas associated with the Beach Road project.

The subject areas are shown hatched and bordered by a thick black line on the Benefit Area maps associated with Section 94 road project 01 ROAD 0133.

The subject lands benefiting from this particular road project is generally located adjoining the northern boundary of Beach Road, and adjacent to the western boundary of Gerroa Road.

For more detail, refer to the Benefit Area Map 01 ROAD 0133 shown on Appendix "A" to this Plan.

5. Development and Demand Nexus

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

5.1 General

It has become necessary for on-going additional pavement maintenance of Beach Road in order to adequately cater for the additional demand generated by the impact of heavy vehicles operating from the sand resources quarry operated by Bridon Pty Ltd on Lot 1, DP 185785 at Berry and part of Potion 9 Southern Extraction Area at Gerroa.

The continuing operation of the Bridon sand quarry has an impact on Council's road infrastructure in two ways:

- the reduction in the life of the road pavement due to the increase heavy vehicle traffic; and,
- the need for on-going road upgrading due to the increase in heavy traffic.

It has become necessary to maintain adequate traffic safety standards on Beach Road because of the following:

- Heavy truck traffic movements from the sand resources quarry operation;
- The use of Beach Road as the only material delivery route for the Shoalhaven City area;
- The increase in dust related problems likely to develop due to heavy vehicle truck movements;
- The increase in noise related problems likely to develop due to heavy vehicle truck movements.

The heavy vehicle traffic generated by the sand quarry will reduce the pavement life of Beach Road, requiring on-going maintenance. The volume of heavy vehicles generated by the sand quarry will require strengthening of the existing pavement. In the future, the road may require widening and the shoulders will need to be upgraded to cater for the increase in traffic due to the sand quarry operations.

In order to adequately cater for the additional demand generated by the continued operation of the quarry development, it has become necessary to maintain the pavement of Beach Road. It is, therefore, appropriate that the developer fund the full cost associated with the on-going maintenance of the road.

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

6. Contributions Formula

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

Section 94 contributions were included in the Conditions of Consent handed down by the Land and Environment Court based on a cost of \$0.52/km/heavy vehicle as determined by the Asset Maintenance Manager, carrying an average 12 tonne load.

Thirty (30) cents is payable to the Kiama Council and twenty (20) cents per tonne to the Shoalhaven City Council for the repair and on-going maintenance of the public roads in the area between the Princes Highway and Seven Mile Beach Road and its junction with the Kiama Municipal Council via Berry Beach Road.

The quarry operator is to contribute a levy per tonne on all material transported from the subject land and exiting onto Beach Road. This contribution will be indexed in accordance with the Roads and Traffic Authority Cost Rise Index from the date this Plan comes into effect.

This contribution was calculated as follows:

$$\text{CONTRIBUTION} = \frac{\text{Heavy Vehicle Depreciation Rate} \times \text{Length of Road to be Upgraded}}{\text{Heavy Vehicle Load}}$$

The last payment made by Cleary Brothers Pty. Ltd. showed calculations for the indexed levee of \$0.259 per tonne. The proposed contribution rate is only 4 cents higher.

7. Contribution Rate

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

Rehabilitation	= \$275,000.00/km for a Pavement Life of 1,000,000 ESA's (Equivalent Standard Axles)
It is assumed that 1 Heavy Vehicle	= 1.9 ESA's = \$0.52/km
Therefore, the "Depreciation Rate per Heavy Vehicle would be \$275,000.00 divided by 1,000,000 x 1.9 ESA's	= \$0.52/km
Thus, Rehabilitation costs on Sealed Road	= \$0.52/km
Length of Road to be rehabilitated:	
Beach Road	5.770 km
Tannery Road	1.069 km
	= 6.839 km
Assumed Heavy Vehicle Load	= 12 tonnes
CONTRIBUTION	= \$0.52 x 6.839 km / 12 tonnes = \$0.30 / tonne

The quarry operator shall pay or procure payment to the Shoalhaven City Council a contribution under Section 94 of the Environmental Planning and Assessment Act 1979 at a rate of thirty (30) cents per tonne of all material transported from the subject land and exiting onto Beach Road, Berry.

(Condition 8 in the Schedule to the Land and Environment Court Order No. 10472 of 1990 dated 14 December 1990)

The contribution shall be indexed and adjusted annually in accordance with the New South Wales Roads and Traffic Authority Cost Rise Index applicable to each year ending 30th June.

Indexing of the contribution for the succeeding year shall take effect from the 1st July in each year. (Condition 8 in the Schedule to the Land and Environment Court Order No. 10472 of 1990 dated 14th December 1990)

8. Payment of Contribution

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

The contribution shall be calculated and paid twelve months from the date on which this Plan comes into effect.

On or before the thirtieth day of January, the quarry operator shall provide the Shoalhaven City Council with a certified copy of weighbridge or other records showing the true quantities of material transported from the subject land during the immediately preceding twelve months period. (Condition 8 in the Schedule to the Land and Environment Court Order No. 10472 of 1990 dated 14 December 1990)

The Shoalhaven City Council will issue the quarry operator with an invoice for the contribution sum payable, which the quarry operator shall pay to the City Council within fourteen (14) days of the date thereof. (Condition 8 in the Schedule to the Land and Environment Court Order No. 10472 of 1990 dated 14 December 1990)

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. Works and Timing

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

The works schedule comprises reconstruction, rehabilitation and upgrading of the Tannery and Beach road pavements as a consequence of deterioration due to the movement of heavy vehicles transporting sand based materials from the Cleary Brothers Quarry.

Essentially, the work will be carried out as the need arises so as to maintain the road pavement to a safe and adequate standard during and immediately after the life of the quarry.

The frequency of the works will depend on the rate at which sand based materials are transported along the subject roads and the impact such transportation has on the road pavements. It is assumed that material will be extracted from the quarry at a reasonably steady rate of excavation.

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

Appendices

- A Benefit Area Map 01 ROAD 0133:
Tannery Road and Beach Road

References

Section 94 Environmental Planning and Assessment Act, 1979

Clauses 26-38 (inclusive) EP&A Regulations 2000

SCC Contributions Plan Manual

Section 94 Contributions Plan 1993 Amendment 71 01 ROAD 0133: Beach Road and Tannery Road, Berry, being this written Statement and accompanying map, was

Exhibited by Council: from 17 April 2003
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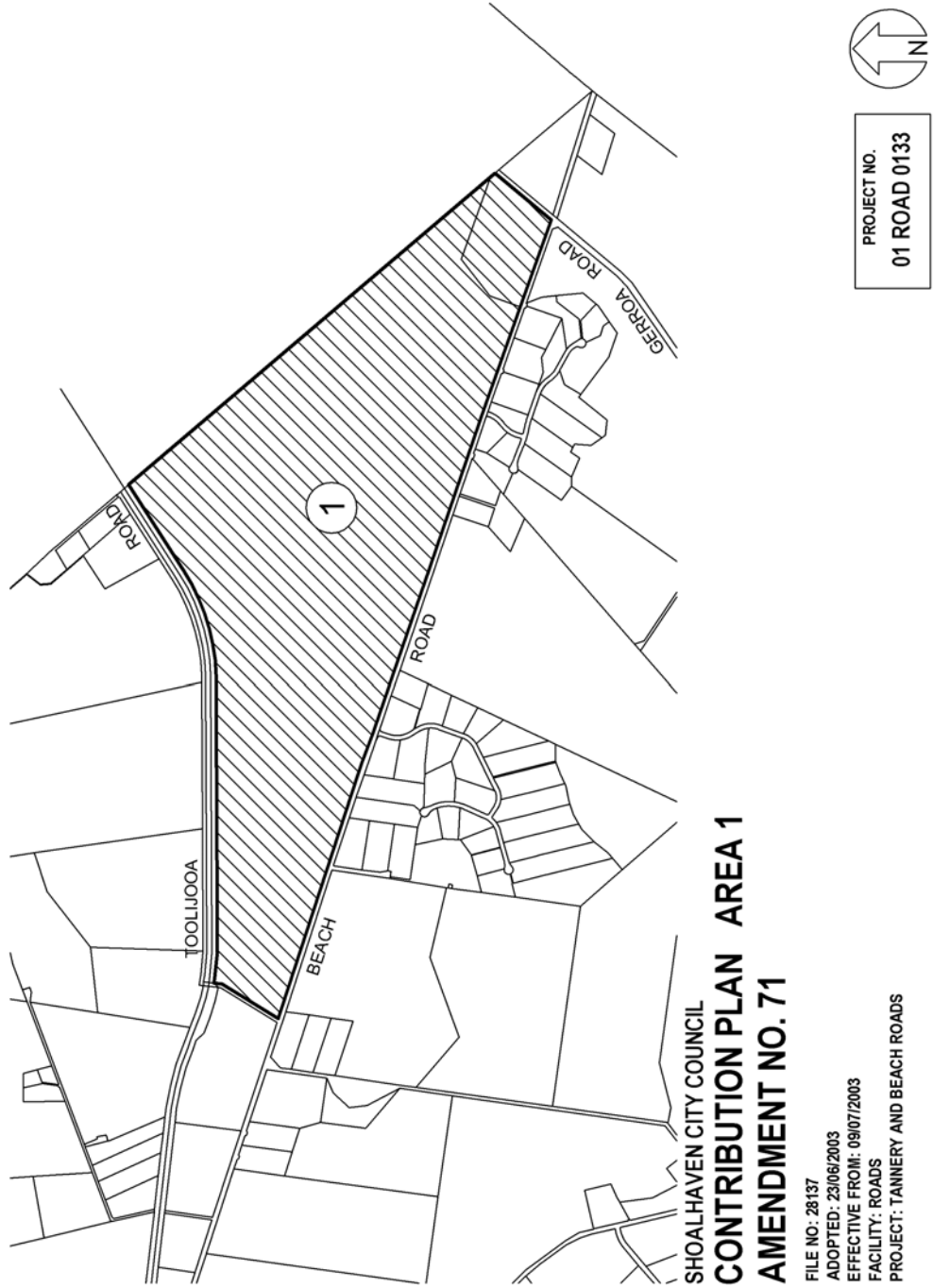
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RD Pigg
General Manager
Date: 7 / 7 / 03

Appendix A – Benefit Area Map



Appendix B – Cost Apportionment Table

Benefit Area	Depreciation Rate Per Kilometre Per Heavy Vehicle	X	Road Length Kilometres	Divided By	Heavy Vehicle Load	=	Contribution Per Tonne
Cleary Brothers Quarry	\$0.52	X	6.839	Divided by	12	=	\$0.30