



Section 94 Contributions Plan 1993

Amendment No. 72 Wandandian

03ROAD0027 - Bollerang Road

03ROAD0028 - Wandean Road

Reference 28286

Adopted by Council: 1st September, 2003

Effective from: 17th October, 2003

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1. Introduction/ Background

At its meeting on Tuesday 24th 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. 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. Generated by development proposed in subdivision SF9320.

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 the pavements of Bollerang and Wandean 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 those roads.

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

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 Bollerang Road and Wandean 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 03ROAD0027 and 03ROAD0028. 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.

4.1 Project 03 ROAD 0027: Bollerang Road Benefit Area

The Bollerang Road project serves both 1(c) Rural Residential Lifestyle Area that includes one 1964 Holding, and a Rural 1(d) Benefit Area containing two 1964 Holdings. Developers would fund the full cost of this project except for the three '64 Holdings for which a credit of 1 E.T. is given to each.

Refer to the Benefit Area Map 03ROAD0027 in the Appendices to this Plan.

4.2 Project 03 ROAD 0028: Wandean Road Benefit Area

In addition to the Rural Residential Lifestyle Area, the Wandean Road project serves a wider Rural 1(d) Benefit Area, including a sandstone quarry located on Lot 50 DP 755939 at which there has been little or no activity for some time.

However, a contribution has been calculated and would be levied should quarrying activity recommence.

Refer to the Benefit Area Map 03ROAD0028 in the Appendices to this Plan.

5. Performance Criteria

The future potential of the 1(c) Rural Residential Lifestyle zone located within the relevant Benefit Areas is estimated in accordance with the Performance Criteria set out in Development Control Plan No. 72 (*Subdivision for Rural Lifestyle Development in the City of Shoalhaven*).

Clause 6.2.2. of DCP No. 72 provides for the subdivision within the Wandandian – Wandean Road 1(c) Rural Residential Lifestyle Areas in accordance with sub-clause 12.7 to ensure that:

- (a) no lot created is less than 2 hectares in area;
- (b) the overall density of lots created from each holding is not greater than 1 lot per 10 hectares of land; and
- (c) notwithstanding (b) above, where a holding is between 4 and 19 hectares, the holding may be subdivided to create 2 lots.

6. Development Potential

6.1 03ROAD0027: Bollerang Road

Based on the performance criteria contained in DCP No. 72 (*Subdivision for Rural Lifestyle Development in the City of Shoalhaven*), the 1(c) Benefit Area has an estimated future potential of 16 new lots, including the one 1964 Holding.

The 1(d) Rural portion of the Benefit Area has an estimated future development potential of 3 new lots, including two 1964 Holdings.

Refer to the Apportionment Table 03ROAD0027 in the Appendices to this Plan.

6.2 03ROAD0112: Wandean Road

In accordance with the Performance Criteria mentioned above, the 1(c) Benefit Area has a potential of 18 infill dwellings (including one '64 Holding) and 46 additional new lots.

The 1(d) Rural portion of the Benefit Area contains one existing dwelling, three '64 Holdings 2 potential new lots.

Refer to the Apportionment Table 03ROAD0112 in the Appendices to this Plan.

7. Development and Demand Nexus

(Clause 27(1)(c) E P & A Regulations 2000)

7.1 General

Shoalhaven Local Environmental Plan (Amendment No. 127) enabled Council the legal ability to approve the subdivision of certain lands at Wandandian 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 lifestyle 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 within the rural residential lifestyle zone fund the full cost associated with rural residential road upgrading within the Wandandian Rural Residential Lifestyle Area.

Council, however, is responsible for that portion of the costs associated with existing development located on rural zoned land within the benefit areas.

7.2 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.

7.3 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.

8. Contributions Formula

(Clause 27(1)(d) E P & A Regulations 2000)

The contribution rate is based on the following formula:

For 1(c) Rural Residential Lifestyle Areas

$$\text{Contribution} = \frac{\text{Estimated Project Cost}}{\text{Number of Infill} + \text{Potential New Lots (E.T.'s)}}$$

For 1(d) Rural Areas

$$\text{Contribution} = \frac{\text{Estimated Project Cost}}{\text{Number of Existing} + \text{Infill} + \text{Potential New Lots (E.T.'s)}}$$

9. Contribution Rates

The contribution rate amounts are calculated as follows:

- 03ROAD0027: Bollerang Road
 - Benefit Area 1
1(c) Rural Residential Lifestyle Area
Estimated cost of the project to Benefit Area 1 = \$326,308
divided by 1 infill + 15 potential new lots = \$20,394.25/E.T.
 - Benefit Area 2
1(d) Rural Zone
Estimated cost of the project to Benefit Area 2 = \$42,562
divided by 0 existing + 2 infill + 1 potential new lots = \$14,187.31/E.T.

Refer to the Apportionment Table 03ROAD0027 in the Appendices to this Plan.

- 03 ROAD 0028: Wandean Road
 - Benefit Area 1
1(c) Rural Residential Lifestyle Area
Estimated cost of the project to Benefit Area 1 = \$341,195
divided by 18 infill + 46 potential new lots = \$5,331.18/E.T.
 - Benefit Area 2
1(d) Rural Zone
Estimated cost of the project to Benefit Area 2 = \$23,804
divided by 1 existing + 3 infill + 2 potential new lots = \$3,967.39/E.T.

The above contribution rates are calculated on a lot/dwelling or Equivalent Tenement (E.T.) basis and are adjusted annually in line with movements in the Constant Price Index.

Refer to the Apportionment Table 03ROAD0028 in the Appendices to this Plan.

- Benefit Area 3
Sandstone Quarry
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 Wandean Road to be rehabilitated:

- from Windley Road to Bollerang Road = 1.153 km
- from Bollerang Road to Maddens Road = 1.196 km
= 2.349 km

Assumed Heavy Vehicle Load = 12 tonnes.

Contribution = $\$0.52 \times 2.05 \text{ km} / 12 \text{ tonnes} = \$0.09/\text{tonne}$.

Refer to the Apportionment Table 03ROAD0028 in the Appendices to this Plan.

10. Payment of Contribution

(Clause 27(1)(f) E P & A Regulations 2000)

10.1 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).

10.2 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 Director of Finance & Corporate Services, after considering the circumstances of the case.

10.3 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 of the proposed works prior to construction. Council will consider the request and advise the applicant accordingly.

10.4 Quarry Contribution Payment

The contribution shall be calculated and paid annually.

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.

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.

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 ten (10) cents per tonne of all material transported to or from the subject land and exiting onto Wandean Road, Wandandian.

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.

11. Works Schedule

(Clause 27(1)(g) E P & A Regulations 2000)

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

- strengthen an existing sealed pavement;
- upgrade a gravel pavement to sealed road standard; or
- other works such as:
 - widening an existing road;
 - a new bridge;
 - a new traffic facility; or
 - an upgraded intersection and/or drainage.

12. Estimated Cost of Works

(Clause 27(1)(g) E P & A Regulations 2000)

03ROAD0027: Bollerang Road - \$368,870

03ROAD0112: Wandean Road - \$365,000

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

Refer to the Apportionment Tables in the Appendices to this Plan.

13. Timing of Works

(Clause 27(1)(g) E P & A Regulations 2000)

13.1 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.

13.2 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:

| | | |
|------------------------------|------|-----|
| 03 ROAD 0027: Bollerang Road | | |
| Stage I | 2005 | 50% |
| Stage II | 2010 | 50% |

| | | |
|----------------------------|------|-----|
| 03 ROAD 0028: Wandean Road | | |
| Stage I | 2005 | 25% |
| Stage II | 2007 | 25% |
| Stage III | 2010 | 25% |
| Stage IV | 2015 | 25% |

Appendices

- A 03ROAD0027: Bollerang Road Benefit Area Map
- B 03ROAD0028: Wandean Road Benefit Area Map
- C 03ROAD0027: Bollerang Road Cost & Apportionment Table
- D 03ROAD0028: Wandian Road Cost & Apportionment Table

References

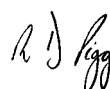
- Section 94 Environmental Planning & Assessment Act, 1979;
- Clauses 26-38 (inclusive) Environmental Protection and Authority Regulations 2000; and
- Shoalhaven City Council Contributions Plan Manual.

Section 94 Contributions Plan 1993 Amendment 72 03ROAD0027, Bollerang Road & 03ROAD0028, Wandean Road, being this written Statement and accompanying map, was

Adopted by Council: 1st September, 2003

and

Became effective from: 17th October, 2003



RD Pigg
General Manager
Date:10/10/03

Appendix A - Benefit Area Map 03ROAD0027: Bollerang Road



SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN AREA 3
AMENDMENT NO.72

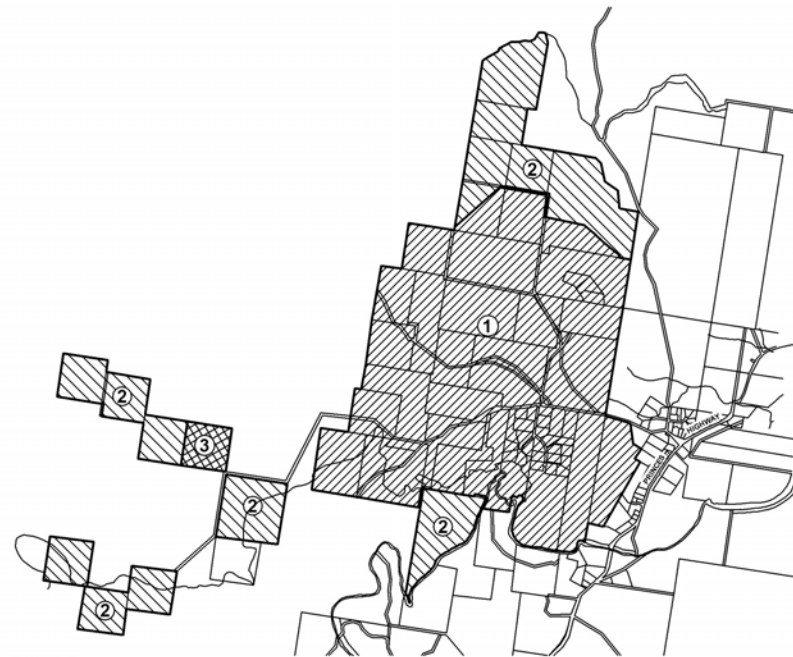
FILE NO: 28268
ADOPTED: 1/09/2003
EFFECTIVE FROM: 17/10/2003
FACILITY: ROADS
PROJECT: BOLLERANG ROAD, WANDANDIAN
UPGRADE AND SEAL PAVEMENT

AUTOCAD DRAWING FILE: Planning/Graphics/Projects/City/Section94/Amendment72

PROJECT NO.
03 ROAD 0027



Appendix B - Benefit Area Map 03ROAD0028: Wandean Road



**SHOALHAVEN CITY COUNCIL
CONTRIBUTION PLAN AREA 3
AMENDMENT NO. 72**

FILE NO: 28268
ADOPTED: 1/09/2003
EFFECTIVE FROM: 17/10/2003
FACILITY: ROADS
PROJECT: WANDEAN ROAD, WANDANDIAN
UPGRADE AND SEAL PAVEMENT

AUTOCAD DRAWING FILE: Planning/Graphics/Projects/City/Section94/Amendment72

PROJECT NO.
03 ROAD 0028



Appendix C - 03ROAD0027: Bollerang Road - Estimated Cost & Apportionment Table

Estimated Cost - \$368,870
(Clause 27(1)(g)E P & A Regulations 2000)

| | | | | | sq.m | | Rate | | Estimated |
|--------------------------------------|------|---|------|---|-------------|---|-------------|---|--------------------|
| Pavement Construction | 1.57 | x | 6m | = | 9,420 | x | \$27.77 | = | \$261,590 |
| Drainage Structure & Erosion Control | | | Item | = | 1 | x | \$34,960 | = | \$34,960 |
| | | | | | | | Sub Total | = | \$296,550 |
| Survey, Design & Supervision | | | | | 6.0% | x | \$296,550 | = | \$20,180 |
| Administration & On-Costs | | | | | 15.5% | x | \$296,550 | = | \$52,140 |
| Total Estimated Cost | | | | | | | | | = \$368,870 |

Cost Apportionment Table
(Clause 27(1)(e) E P & A Regulations 2000)

| | Equivalent Tenements | | | | Traffic Generation | | Cost per Benefit Area | Contribution per E.T | Estimated | |
|--|----------------------|--------------------------------|-----------|-------|--------------------|----------------|-----------------------|----------------------|------------------------|------------------------|
| | Existing | Infill including 1964 Holdings | Potential | Total | Vehicles per Day | % Traffic | | | Council Responsibility | Developer Contribution |
| 1 1(c) Rural Residential Lifestyle Area | 7 | 1 | 15 | 23 | 207 | 88.46% | \$326,308 | \$20,394.25 | 13.22% \$20,394 | 86.78% \$305,914 |
| 2 1(d) Rural Area | 0 | 2 | 1 | 3 | 27 | 11.54% | \$42,562 | \$14,187.31 | \$28,375 | \$14,187 |
| No Through Traffic | | | | | 0 | 0.00% | \$0 | \$0 | \$0 | \$0 |
| Total | | | | | 234 | 100.00% | \$368,870 | | \$48,769 | \$320,101 |

Note: For traffic generation, use the Traffic Authority of NSW Guidelines 9 vehicles/day per dwelling (i.e. per E.T.)

Appendix D - 03ROAD0028: Wandean Road - Estimated Cost & Apportionment Table

Estimated Cost - \$365,000

(Clause 27(1)(g)E P & A Regulations 2000)

From Windley Road to Hayward Road = Chn 0.49 to 1.38km
(end of seal to Hayward Road) = 890

From Hayward Road to Maddens Road = Chn 1.38 to 2.54km
(Hayward Road to Maddens Road) = 1,160

| | | | | sq.m | | Rate | | Estimated | |
|--|-------------|---|-----------|---------|---|-----------|---|-----------|------------------|
| Pavement Construction | 2,050m long | x | 4.8m wide | = 9,840 | x | \$27.77 | = | \$273,270 | |
| Drainage/Erosion Control/Road Widening | | | Item | = 1 | x | \$27,140 | = | \$27,140 | |
| Sub Total | | | | | | | | = | \$300,410 |
| Survey, Design & Supervision | | | | 6.0% | x | \$300,410 | = | \$18,025 | |
| Administration & On-Costs | | | | 15.5% | x | \$300,410 | = | \$46,565 | |
| Total Estimated Cost | | | | | | | | = | \$365,000 |

Cost Apportionment Table (Clause 27(1)(e) E P & A Regulations 2000)

| | Equivalent Tenements | | | | Traffic Generation | | Cost per Benefit Area | Contribution per E.T | Estimated | |
|--|-------------------------------------|--------------------------------|-----------|-------------|--------------------|---------------------------|-----------------------|------------------------|------------------------|------------------------|
| | Existing | Infill including 1964 Holdings | Potential | Total | Vehicles per Day | % Traffic | | | Council Responsibility | Developer Contribution |
| 1 1(c) Rural Residential Lifestyle Area | 22 | 18 | 46 | 86 | 774 | 93.48% | \$341,195 | \$5,331.18 | 30.64% \$95,961 | 69.36% \$245,234 |
| 2 1(d) Rural Area | 1 | 3 | 2 | 6 | 54 | 6.52% | \$23,804 | \$3,967.39 | \$15,870 | \$7,935 |
| 3 Sandstone Quarry | Depreciation Rate /KM/Heavy Vehicle | | x | Road Length | Divided by | Heavy Vehicle Load Tonnes | = | Contribution per Tonne | | |
| | \$0.52 | | x | 2.050 | Divided by | 12 | = | \$0.09 | | |
| No Through Traffic | 0 | 0 | 0 | 0 | 0 | 0.00% | \$0 | \$0 | \$0 | \$0 |
| Total | | | | | 828 | 100.00% | \$365,000 | | \$111,831 | \$253,169 |

Note: For traffic generation, use the Traffic Authority of NSW Guidelines 9 vehicles/day per dwelling (i.e. per E.T.)