

**SECTION 94 CONTRIBUTIONS PLAN (RURAL ROAD UPGRADING)**  
**PATEMANS ROAD AND HARVEYS ROAD, ASHBY**

**PART A - INTRODUCTION:**

**1. Citation**

This Plan may be referred to as the "Section 94 Contributions Plan for Rural Road Upgrading - Patemans Road and Harveys Road, Ashby". It has been prepared according to the requirements of S.94AB of the Environmental Planning & Assessment Act, 1979.

**2. Purpose**

The purpose of the Plan is to enable the levying of Developer contributions for the construction and upgrading of the Rural Roads specified, which will be required as a consequence of increased demand generated by Rural (Small Holdings) Development in the area served by these roads.

**3. Aims and Objectives**

The aims and objectives of the Plan are:-

- (a) To provide a basis for levying Developer contributions;
- (b) To identify the roads which Council intends to provide;
- (c) To establish a nexus between anticipated Development and contributions sought;
- (d) To enable the early provision of the upgraded Rural Roads;
- (e) To encourage Public participation in the formulation of the Plan;
- (f) To provide the Development Industry with early advice as to the amount of road contribution which will be required for a particular Development; and
- (g) To facilitate proper financial management and accountability for expenditure of contributions received.

**4. Relationship to Environmental Planning Instruments**

The Plan enables the levying of Developer contributions specified for land uses permissible under Maclean Local Environmental Plan, 1992.

**5. Land to Which the Plan Applies**

The Plan applies to those Lots listed in the attached Schedule 1 which forms part of the Contributions Plan. When all the properties in this area are subdivided to yield the potential number of Lots permissible under the Maclean LEP 1992 (making allowances for land Zoned 7(e) Environment Protection (escarpment)) approximately 225 individual properties could result (see also Section 7).

PART B - ASSESSMENT OF CONTRIBUTIONS:

6. Assessment of Contribution

Assessment of the amount of S.94 Contribution for the specified roads will be based on the increase in traffic resulting from Development. This is referred to as the "nexus" between the Development and the S.94 levy. The amount of contribution will be based on the area of the property being Subdivided in the case of Subdivision and additional dwellings in the case where multiple dwelling units are proposed on a property. For other types of development which may be approved in the area an assessment of the traffic impact of the development will be required. A comparison between the traffic generated by the proposed development and that which would have been generated if rural (small holdings) subdivision was proposed will be used to determine the amount of contribution to be levied on the proposed development.

7. Formula for Contribution Rates

It is considered necessary to provide a sealed carriageway two lanes wide to cater for the traffic, access and safety needs of the future Development in the area.

This plan assumes that the roadworks associated with the loop road across the frontage of any property being developed will be required to be constructed by the developer of the particular property. This requirement will be included as a condition of development consent under section 91 of the Environmental Planning and Assessment Act. For development fronting both sides of the loop road full width construction of the loop road will be required in the development consent. For a development fronting only one side of the loop road "half width" (as defined in Council's Engineering Specification for Development) construction will be required in the Development Consent.

The estimated cost (using Council's Schedule of Rates for Estimating Purposes) of upgrading Harveys Road from Ashby Villa to the eastern boundary of Lot 1 DP 37597 and upgrading the intersection of Patemans Road with Tullymorgan Road has been calculated. This estimated cost has been divided by the net area of the Lots identified in Schedule 1. The net area is the gross Lot area minus any land Zoned 7(e) Environmental Protection.

The gross area of the properties subject to this Plan is approximately 434 ha and the adjusted area is approximately 351 ha (see Schedule 1). There are 27 existing Lots and on the assumption that future Subdivision will reduce these Lots to 1.5 ha properties, an area of  $27 \times 1.5 = 40.5$  ha is also deducted to calculate the contribution rate. Hence an area of  $351 - 41 = 310$  ha is used as the basis to calculate the contribution rate.

Contribution rates are contained in Schedule 2 and have been determined in accordance with Part C of this Plan.

## 8. Adjustment

The contribution rates contained in Schedule 2 will be indexed annually in line with movements in the Construction Cost Price Index. This will maintain the present value of the contributions so that a person who pays a contribution in the future will be paying a rate enabling provision of works equivalent to that of a person who paid in previous years.

The area of land able to be Subdivided may vary depending on the impact of Quarry Buffer Zones and their management/controls. Any such impact which causes contribution rates to be adjusted will be made after an opportunity for Public comment - Refer to Section 20.

### PART C - CONTRIBUTION RATES:

## 9. Works Included in the Plan

The Development of areas within the boundaries shown in Map 1 (attached) will result in an increase in the traffic flows on Patemans Road and Harveys Road. It will also require an enhanced choice of access for servicing and in times of flood, bush fire or other emergency by way of the provision of the loop road.

The Plan proposes that contributions be levied based on a proportion of the cost of upgrading Harveys Road from Ashby Village to the eastern boundary of Lot 1 DP 37597 to a two lane sealed road standard. Also included is the upgrading of drainage culverts to allow runoff to pass beneath this road.

This cost of upgrading the intersection of Patemans Road with Tullymorgan Road is a further component of the Plan.

The details of the calculating of the contributions are provided in Schedule 2.

## 10. Nexus

The following factors are relevant in establishing the nexus between a new Development and demand for the upgraded access road:-

- \* Development of the area in line with the current land Zonings and current Development proposals will generate increased traffic in the area.
- \* It is reasonable that Developers contribute to the cost of upgrading Rural Roads serving their Developments.
- \* The elongated shape of the developable area makes it desirable to provide a loop road to offer flexibility in servicing and access, especially in times of emergency.
- \* The upgrading of the roads required as a result of Development should be met in total by the Developments as they are approved. It is expected that the total works will be carried out over a 25 year period - Refer to Schedule 3.

11. Contribution

The method of calculation of the contribution for the provision/upgrading of the loop road is generally as described in Section 7.

It is appropriate (and normal practice) for a Developer to construct the access road adjacent to their Development. This is conditioned as part of development consent under S91 of the Environmental Planning and Assessment Act. Usually where Development fronts both sides of a through road the Developer is required to construct full width of the road and associated drainage. Where Development fronts only one side of a through road the Developer usually provides half width construction on the side of the through road fronting the Development. This plan proposes that this practice be continued.

The amount of contribution payable will be calculated from either:-

- (a) The actual area of the Lots being Subdivided; or
- (b) Using an area of 1.5 ha per Lot created,

whichever is the greater,

except that one only Lot in the Subdivision which has an area greater than 3.0 ha and is able to be resubdivided will be considered a residue and will not be subject to a contribution. An allowance of 1.5 ha for each existing lot being subdivided is made in calculating the contribution payable. Where a subdivision is creating a residue lot of greater than 3 hectares which as stated above does not generate a contribution until its resubdivision in the future the allowance for the existing lots is retained by this residue, i.e not deducted at the time of initial subdivision.

The details of the method of calculation for each part of the loop road and the calculations for each are listed in Schedule 2 of this Plan. See also section 17 - Priority Spending - for details of how and where contributions may be spent.

PART D - PAYMENT OF CONTRIBUTIONS:

12. Payment of Contributions

Contributions will be required to be settled by one or a combination of the following methods:-

- \* Monetary contribution; and/or
- \* Provision of a material Public benefit, ie. works "in kind".

13. Timing of Contribution

Contributions are required to be paid as follows:-

- \* D.A.'s involving Subdivision - at release of Plan of Subdivision;

- \* D.A.'s involving building work - at the time of Building Approval; and
- \* D.A.'s where no building work - at the time of Development Consent.

14. Deferred and Periodic Payment

Council will consider deferral of the payment of contributions upon Application in writing. The Applicant will need to provide valid reasons for the deferral of contributions and a decision as to whether or not to grant approval will be entirely at the discretion of Council.

If the Application for Deferral is accepted, the following Conditions will apply:-

1. A Bank Guarantee will be required to be lodged for the full value of the contribution(s). The Applicant will be responsible for any charges involved in servicing the Guarantee. The Bank Guarantee must identify at date after which Council may convert the guarantee to cash. It may be possible to extend this date subject to negotiation with Council and adjustments of the value of the guarantee to reflect changes in the rates in the Plan.
2. The amount of contribution outstanding will be indexed by the Construction Cost Price Index so that the value of the contribution does not diminish over time. Indexing will be calculated from the date on which the contribution was due to the date of payment.

An alternative to deferred payments is for an Applicant to request that contributions be satisfied through periodic payments. An Application for periodic payments needs to be made in writing and should include details of instalments, including interest calculations. Periodic payments will be indexed in the same manner as deferred payments and similar Bank Guarantee requirements will also apply. Again, the decision as to whether to accept periodic payments rests solely with Council.

15. Works "In Kind"

It is intended, as described in Section 11, that certain Developments will be required to provide partial works in kind. A decision as to whether to accept the provision of works "in kind" in addition to this requirement in lieu of a monetary contribution, will be at the discretion of Council. Factors Council will take into consideration include:-

- \* The extent to which the works satisfy the Community need;
- \* The extent to which the works satisfy the purpose for which the contribution was sought;
- \* A consideration of locational and other factors which may affect usability; and
- \* An assessment of recurrent maintenance costs to Council.

PART E - ACCOUNTABILITY:

16. S.94 Accounting for Contributions

Council has established an identifiable Account for the Management of S.94 Contributions.

Contributions must be spent for the purpose for which they were levied in the time specified in the Works Program. Interest will be calculated on funds held for each category and credited as appropriate.

The intent of this Plan is for works only to be carried out after receipt of contributions. If a situation arises where works are carried out prior to the payment of contributions sufficient to meet the cost of such works Council will pay for the works from general revenue. Such prefunding will be recouped by Council from subsequent contributions. These subsequent contributions will be transferred to Council's General Fund to offset Council's prepaid expenditure, including interest. The contribution rate may need to be adjusted to account for this additional interest charge as appropriate to maintain the net present worth of future contributions.

17. Priority Spending

It is intended that contributions received by Council will be spent in the following order of priority:-

(i) Where a development fronts both sides of the loop road and the developer is required to construct the full width of the loop road adjacent to the subject property, contributions will initially be spent upgrading the sections identified in section 9 of this plan over which the users of the development are most likely, to travel. That is, contributions from sites on the "eastern" side of the mid-point of the loop road will initially be spent upgrading Harveys Road. Contributions from sites on the "north-western" side of the mid-point of the loop road will initially be spent upgrading the Patemans Road/Tullymorgan Road intersection.

(ii) Where a development fronts one side only of the loop road and the developer is required to construct half width of the loop road along the property frontage contributions will initially be spent upgrading the other half of the frontage, since the half width provision if unmatched immediately is usually impractical and can be unsafe. The value of this half width construction will be recorded and when the property on the other side of the loop road subsequently is developed that developer will be required to pay the standard contribution applicable to the development plus the value of the work previously constructed along the frontage of the site. This amount will be adjusted over time to ensure real value is maintained. The contributions from the developer of this property on the second side of the loop road will then be spent upgrading the sections identified in section 9 of plan over which the users of the development are most likely to travel.

Using these procedures Council retains discretion over which section of the loop road is to be upgraded to the best advantage of the users of the road from whom the contributions have been received.

Council may permit the short-term transfer of funds between Zones in order to enable works to be undertaken on a priority basis, for example as described in (ii) (above) or where drainage works are required to be in place prior to other aspects of the work proceeding. This will only be done on the basis that:-

- \* Full details of the transfer and subsequent reimbursement of funds are recorded;
- \* The transferred funds are returned to the respective Zone by future contributions;
- \* There is a reasonable expectation that future contributions will be obtained to enable reimbursement for the Zone from which moneys have been transferred;
- \* The transfer of contributions will not delay or threaten the provision of any amenity or service identified in the Works Program.

Council is not permitted to transfer funds between the S.94 account and other funds of Council, for example the General Fund, except as described in Clause 16 (above).

#### 18. Contributions Register

Council will maintain a Register of all contributions received. The Register will record:-

- \* The origin of each contribution by reference to the Development Consent to which it relates;
- \* The type of contribution received, eg. money, land, works "in kind";
- \* The amount of the contribution.
- \* The name of the contributions plan the contribution is being levied under; and
- \* The date of receipt of the contribution.

The Register will be available for Public inspection, free of charge, at any time during normal Office Hours.

#### 19. Annual Statement

Council will produce an annual statement of contributions received which summarises details relating to contributions, in accordance with Cl 41N of the Regulations. This information will be available for Public inspection, free of charge, at any time during normal Office Hours.

20. Review of Plan

Any material change in the Plan, with the exception of the annual adjustment of contribution amounts, will require that the Plan be amended in accordance with S.94AB of the Environmental Planning & Assessment Act, 1979. This will require full Public Exhibition of the amended Plan and consideration of Submissions received.



SCHEDULE 1

PROPERTIES ZONED 1(S) RURAL (SMALL HOLDINGS) UNDER MACLEAN LEP, 1992  
AND GAINING ACCESS FROM PATEMANS ROAD/HARVEYS ROAD, ASHBY

	Lot	DP	Potential Yield	Lot Area (Gross)	Lot Area (Adjusted) *
1.	5	259918	24	39.74	39.74
2.	4	259918	7	12.47	10.5
3.	3	259918	7	12.53	10.6
4.	2	259918	6	12.53	10.23
5.	1	259918	7	12.53	10.76
6.	8	820620	9	17.95	13.62
7.	9	820620	5	12.13	7.76
8.	10	820620	3	5.868	5.868
9.	11	820620	6	13.13	9.96
10.	12	820620	2	1.891	1.891
11.	13	820620	7	14.31	11.51
12.	14	820620	8	15.24	12.74
13.	8	249674	8	14.84	13.17
14.	9	249674	9	14.24	13.94
15.	10	249674	9	14.24	14.24
16.	11	249674	9	13.21	13.21
17.	1	743057	46	69.47	69.47
18.	1	794848	9	13.98	13.98
19.	6 & 7	160838	4	6.093	6.093
20.	5	37957	9	14.17	14.17
21.	1, 2, 3 & 4	37957	24	36.75	35.39
22.	112	751356	6	41.89	9.80
23.	1122	730289	<u>1</u>	<u>24.64</u>	<u>2.00</u>
			225	433.842 ha	350.642 ha

\* Area adjusted is calculated by taking the gross Lot area and deducting the areas Zoned 7(e) Environment Protection (escarpment).

SCHEDULE 2

SECTION 94 CONTRIBUTIONS PLAN (RURAL ROAD UPGRADING)  
PATEMANS ROAD AND HARVEYS ROAD, ASHBY

CONTRIBUTION RATES: SUMMARY, CALCULATIONS, AMOUNTS

Contribution Rates - Summary

For properties described in the body of the Contributions Plan and Schedule 1 and Map 1 of the Plan:-

\$2,160.00 per hectare of property being Subdivided, based on the actual area of the Lots being Subdivided or using an area of 1.5 ha per Lot created, whichever is the greater, except that one (only) Lot in the Subdivision which has an area greater than 3.0 ha and is able to be resubdivided will be considered a residue and will not be subject to a contribution.

The amount of contribution payable is calculated as described above. This amount is then reduced by 1.5 times the current per hectare contribution rate where an existing lot is being developed. i.e if a subdivision is being carried out over one existing lot the contribution amount is calculated from the areas of lots being subdivided, then an allowance for 1.5 ha representing the original lot is deducted to give the contribution payable. In a case where 3 existing lots are being jointly subdivided the contribution is calculated then an allowance for  $3 \times 1.5 \text{ ha} = 4.5 \text{ ha}$  is deducted.

N.B Where the entire area of the existing lot is not being developed and the residue area (greater than 3 hectares) is not being included in calculating the contribution amount, any allowance for existing lots is retained by the residue, to be absorbed at the time of its future subdivision and NOT also deducted from the calculated contribution amount at the initial subdivision stage.

Calculation Methods and Amounts

The calculation of the cost of providing the upgraded loop road is based on extrapolation of the cost of a typical cross-section of a road in various locations, namely the intersection of Tullymorgan Road with Patemans Road and Harveys Road from Ashby Village to the eastern boundary of Lot 1 DP 37597. The nature of work required to provide the proposed loop road can be separated into distinct Zones as follows:-

Zone 1

Upgrade intersection - Tullymorgan Road/Patemans Road

**For 1 metre of the typical cross-section:-**

Clear	15 sq.m	@	\$0.30	\$4.50
Cut to fill	3 cu.m	@	\$3.90	\$11.70
Gravel pavement 250mm thick	2.8 cu.m	@	\$13.90	\$39.00
Seal (incl. preparation)	7 sq.m	@	\$7.40	\$52.00
Topsoil, seed	8 sq.m	@	\$2.50	<u>\$20.00</u>
				\$127.20
			Contingencies 15%	\$19.10
			Design, Supervision 10%	<u>\$12.70</u>
				\$159.00
			(say)	<u>\$160.00/m</u>

Length of road to be upgraded 300m  
 Cost of roadworks is \$48,000.00

Add = Drainage structures and erosion control  
 (1 x 375mm dia. culvert) @ \$2,000.00 \$2,000.00

Total for Zone 1 \$50,000.00

**Zone 2**

Upgrade existing gravel section of Harveys Road (from eastern boundary of Lot 1 D.P. 37957 to Old Ferry Ramp)

**For 1 metre of the typical cross-section:-**

Remove, stack and re-erect fence	1m	@	\$7.00	\$7.00
Earthworks (all fill to be imported to job)	2.5 cu.m	@	\$14.70	\$37.00
Gravel pavement 250mm thick	2.8 cu.m	@	\$14.00	\$39.00
Seal (incl. preparation)	7 sq.m	@	\$7.40	\$52.00
Topsoil, seed	4 sq.m	@	\$2.50	<u>\$10.00</u>
				\$145.00
			Contingencies 10%	\$15.00
			Survey, Design, Supervision 13%	<u>\$19.00</u>
				\$179.00

Length of road to be upgraded 2000m  
 Cost of roadworks is \$358,000.00

Add = Drainage structures  
 (extend 900mm dia. culvert) Item \$3,500.00  
 Utilities - allowance for repairs to water main Item \$6,000.00  
 Survey of Road Reserve boundary  
 (Registered Surveyor) Item \$2,500.00

Total for Zone 2 \$370,000.00  
 Average of \$185/m

Zone 3

Upgrade existing 3.6m sealed road (Ferry Ramp to Ashby Village)

For 1 metre of the typical cross-section:-

As for Zone 2 but amended by:-

Earthworks reduced to 1.8cu.m (reduction of \$12/m)

Topsoil/seed area reduced to 2sq.m (reduction \$7.00)

Reduce road construction rate to \$160/m

Length of road to be upgraded 1500m

Cost of roadworks \$240,000.00

Add = Drainage - widen culvert Item \$4,000.00

Utilities - allowance for repairs to water main Item \$6,000.00

Total for Zone 3 \$250,000.00

Average of \$167/m

TOTALS

Zone 1	-	300m	@	\$167/m	=	\$50,000.00
Zone 2	-	2000m	@	\$185/m	=	\$370,000.00
Zone 3	-	<u>1500m</u>	@	\$167/m	=	<u>\$250,000.00</u>

Total for Project 3800m \$670,000.00

For 310 ha to be developed (from Section 7) contribution rate becomes  
\$670,000/310 = \$2,160.00 per hectare.

SCHEDULE 3

SECTION 94 CONTRIBUTIONS PLAN (RURAL ROAD UPGRADING)

PATMANS ROAD AND HARVEYS ROAD, ASHBY

WORKS PROGRAM

The implementation of the works detailed in this Plan is anticipated to take place over a 25 year period. This assumes approximately 13 hectares will be subdivided into Rural (small holdings) Lots each year.

At this assumed rate of Development, and using existing Development proposals as a guide Council will receive approximately \$28,000.00 each year.

To enable sufficient economies to be achieved in work stages it is proposed to accrue contributions up to at least \$50,000 prior to expenditure. This will equate to construction lengths of 300 m in Zones 1 and 3 or 270 m in Zone 2. It will mean construction stages will be undertaken on an approximate 2 years cycle (depending on the rate of development and hence rate of receipt of contributions). The locations in which works will be carried out will depend on which properties are being subdivided and whether full-width or half-width construction of the loop road is required of developers.

Works are only intended to be carried out after receipt of contributions, i.e no prefunding and subsequent recoupment by Council is proposed.

MAP

PROPERTIES COVERED BY THIS PLAN

