

SECTION 94 CONTRIBUTIONS PLAN (RURAL ROAD AND INTERSECTION  
UPGRADING) - CRISP DRIVE, ASHBY.

PART A - INTRODUCTION:

1. Citation

This Plan may be referred to as the "Section 94 Contributions Plan for Rural Road and Intersection Upgrading - Crisp Drive, 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 road and intersection which Council intends to upgrade;
- (c) To establish a nexus between anticipated Development and contributions sought;
- (d) To encourage Public participation in the formulation of the Plan;
- (e) To provide the Development Industry with early advice as to the amount of road contribution which will be required for a particular Development; and
- (f) 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) and Quarry Buffer areas) approximately 224 individual properties will 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 number of Lots in the case of Subdivision and additional dwellings in the case where multiple dwelling units are proposed on a property.

7. Formula for Contribution

The formula for calculating the amount of contribution is to divide the estimated cost of constructing/upgrading the proposed road from Tullymorgan Road to the south east corner of Lot 24, DP 789537 (including upgrading the Crisp Drive/Tullymorgan Road intersection) by the number of additional Lots to be created in the area. 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. The cost of this provision has been calculated using Council's Schedule of Rates for Estimating Purposes.

The potential yield from the properties subject to this Plan is approximately 224 Lots (see Schedule 1). There are 37 existing Lots, hence an additional 187 Lots may be created which will be required to contribute to the cost of providing the road upgrading to the standard described.

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 contribution 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 number of Lots yielded may vary depending on the impact of Quarry Buffer Zones. 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 Crisp Drive.

The Plan proposes that contributions be levied based on a proportion of the cost of upgrading the road to a two lane sealed road standard and intersection upgrading. Also included is the provision of drainage culverts to allow runoff to pass beneath the road. Additional drainage/water quality control measures required as a result of Development are not included in the Plan and will be the responsibility of individual Developers or provided for in a separate Contributions 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 Road and intersection serving their Developments.
- \* 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 upgrading of the road and intersection is generally as described in Section 7.

The details of the method of calculation for the upgrading works and calculations for each are listed in Schedule 2 of this Plan.

PART D - PAYMENT OF CONTRIBUTIONS:

12. Payment of Contributions

Contributions will be required as a monetary contribution.

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.
2. The amount of contribution outstanding will be indexed 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.

PART E - ACCOUNTABILITY:

15. S.94 Accounting for Contributions

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

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

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.

16. Priority Spending

Council may permit the short-term transfer of funds between categories in order to enable works to be undertaken on a priority basis, for example 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 relevant categories by future contributions;
- \* There is a reasonable expectation that future contributions will be obtained to enable reimbursement of the category 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 Programme.

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 15.

17. 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.

18. 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.



19. 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 CRISP DRIVE, ASHBY.

	Lot	DP	No. of Lots Yielded *
1.	11 + 12	734757	129
2.	2	262228	25
3.	3	262228	15
4.	6	259918	5
5.	5	259918	4
6.	5	262228	5
7.	6	262228	<u>4</u>
			187
8.	Various - Existing		<u>37</u>
			<u>224</u> TOTAL

\* Number of Lots yielded is calculated by taking the gross Lot area and deducting the areas Zoned 7(e) Environment Protection (escarpment). This balance has then been assessed at the LEP requirement of a minimum average Lot area of 1.5ha. The yield figures may need to be adjusted subject to influence of quarries in the area and any Buffer Zones which may be established.

SCHEDULE 2

SECTION 94 CONTRIBUTIONS PLAN (RURAL ROAD AND INTERSECTION UPGRADING)  
CRISP DRIVE, ASHBY.

CONTRIBUTION RATES: SUMMARY, CALCULATIONS, AMOUNTS

Contribution Rates - Summary

Upgrading of Crisp Drive:-

The cost of preparing the recommended contribution plan, survey and pre design is \$12,220 and is included in the plan and will be recouped from the developers. The cost of upgrading Crisp Drive is estimated at \$90,800.

Upgrading of Crisp Drive/Tullymorgan Road Intersection:

The cost of preparing the recommended contribution plan traffic study, survey and design was \$8,320. The cost of upgrading the intersection is estimated at \$80,160.

Contribution Rate:

The cost per additional lot/dwelling for road and intersection upgrading:-

$$\begin{aligned}\text{Cost per additional lot/dwelling} &= \text{Total cost potential lot yield} \\ &= \$191,480 / 224 \text{ lots} \\ &= \$855 / \text{additional lot or} \\ &\quad \text{dwelling.}\end{aligned}$$

Note: Contribution rate will apply to additional dwellings where multiple dwellings are proposed on the property.



SCHEDULE 3

SECTION 94 CONTRIBUTIONS PLAN (RURAL ROAD AND INTERSECTION UPGRADING)  
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WORKS PROGRAMME

The implementation of the works detailed in this Plan is anticipated to take place over a 25 year period. This assumes approximately 8 additional Lots on average will be created each year.

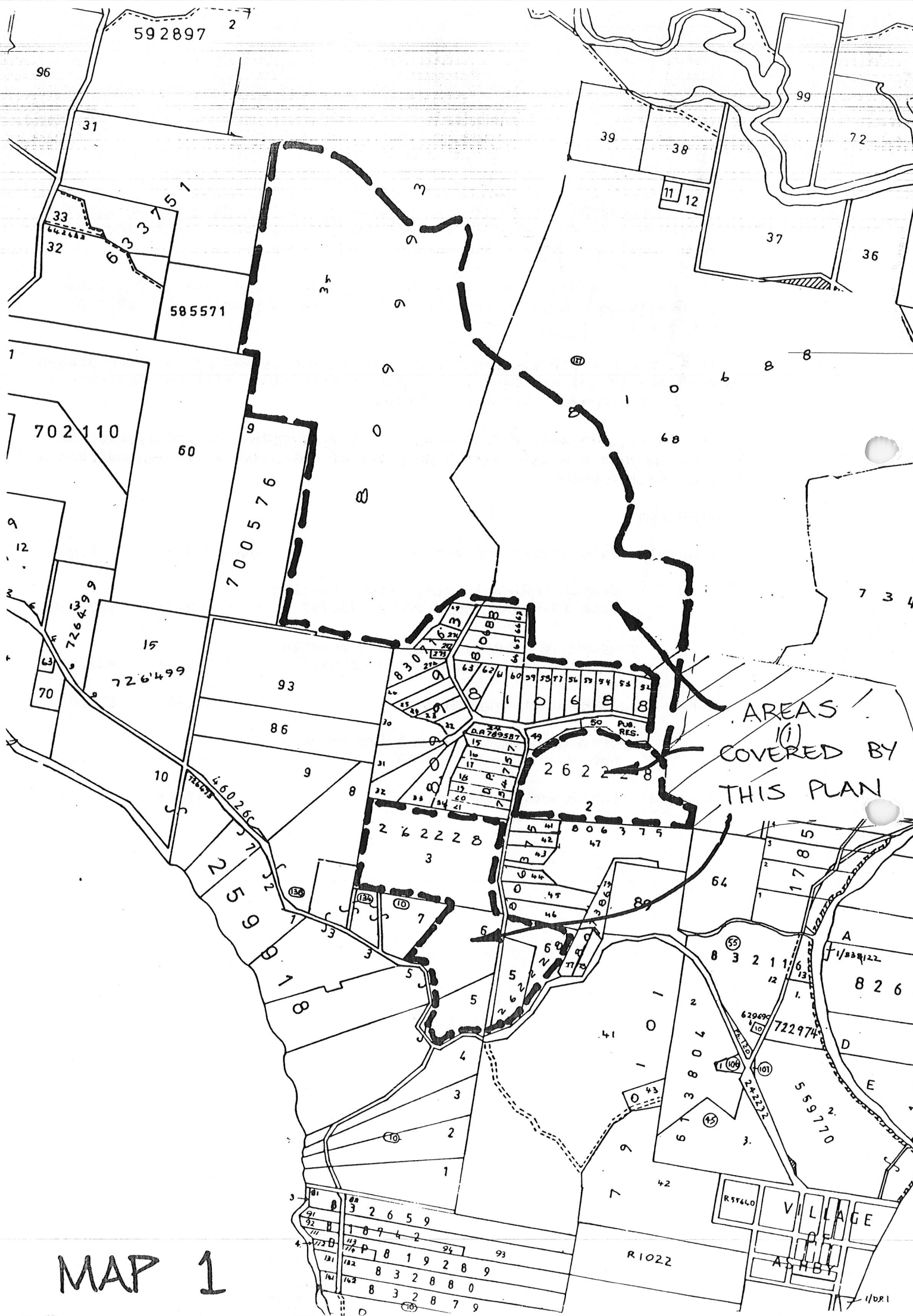
At this assumed rate of Development, and using existing Development proposals as a guide Council will receive approximately \$7,700 each year.

It is proposed to carry out the intersection upgrading in three stages and as indicated several years of contributions will be required to enable the construction of each stage.

Initially funds will be directed to the upgrading of the intersection to an adequate standard with sections of Crisp Drive to be constructed as detailed below.

Programme:

Stage 1: Intersection upgrading	Years 1-3	\$18,000
Gravel and seal Crisp Drive fronting Lots 15 to 21 inclusive DP 754757	" 3-7	\$27,810
Gravel and seal Crisp Drive fronting Lots 41 to 46 inclusive DP 806375	" 7-11	\$32,960
Stage 2: Intersection upgrading	" 11-14	\$20,800
Gravel and seal Crisp Drive fronting Lots 5 and 6, DP 262228	" 14-19	\$42,230
Stage 3: Intersection upgrading	" 19-25	\$49,680



AREAS  
(1)  
COVERED BY  
THIS PLAN

MAP 1