

BEGA VALLEY SHIRE COUNCIL

EXISTING RURAL ROADS



Section 94 Contributions Plan No. 1

This version of Section 94 Contributions Plan No. 1 – Existing Rural Roads was made pursuant to Section 94 B of the Environmental Planning and Assessment Act, 1979 and approved by Council at its meeting of 22 July 2003.

Record of Amendments

Name of Amendment	Date Approved by Council	Date Plan Came into Force
Original Contribution Plan		21 March 1994
The removal of the time payment Clause for subdivision	12 November 2002	15 November 2002
Reference LEP 2002	12 November 2002	15 November 2002
Administrative change to indexation Clause	22 July 2003	5 August 2003

BEGA VALLEY SHIRE COUNCIL

SECTION 94 CONTRIBUTIONS PLAN NO. 1 EXISTING RURAL ROADS

1. Purpose of this Plan

The purpose of this Plan is to specify Council's requirements for Contributions from developers towards the costs of improvements to existing rural roads in the Shire.

2. Application of the Plan

2.1 Land to which this Plan Applies

This Plan applies to all lands within the Shire of Bega Valley zoned:

- Rural 1(a) (General Rural)
- Rural 1(c) (Rural Small Holdings)
- Rural 1(f) (Forestry)
- 2(f) (Future Urban)
- 7(d) (Environmental Protection)
- 7(f1) (Coastal Lands Protection)

under Bega Valley Local Environmental Plan, 2002 or subsequent amendments to that Plan, unless exempted by an area specific contributions plan.

2.2 Development to which this Plan Applies

- (a) All subdivision where lots are created with the right of consideration for a dwelling-house.
- (b) Dwelling-houses where consent is required under Council's Local Environmental Plan and no Section 94 contribution was paid at subdivision stage. No contribution applies for the first dwelling on an in-tact existing holding or the erection of a replacement dwelling provided the original dwelling was in occupation within 2 years of application and that original dwelling is demolished or rendered unusable for occupation.
- (c) Other development (eg. special industries in the rural zones) where traffic is generated.

3. Nexus and Basis of Calculations for Determination of Contributions

3.1 Nexus

"... Fundamental to the levying of Section 94 is the establishment of a nexus between the proposed development and the need for increased amenities and services. If Council fails to demonstrate an increased demand for amenities and services, it cannot charge Section 94 contributions.

Three aspects of nexus can be identified - causal, physical and temporal. That is, the need for the service or facility being levied for must be a direct result of the development being levied; the service or facility must be near enough in physical terms to provide benefit to the development; and, finally, that service or facility must be provided within a reasonable time.

These aspects can be accommodated within the following components which are necessary for the establishment of nexus between a development and the need for additional amenities:

- (a) Determination of the additional population (or dwellings, floor space, etc.) generated by the development (the causal relationship); and
- (b) Determining from the above, the increased demand for amenities and services and where and when they will be needed (the physical and temporal relationship).

Where a clear relationship between development and demand for amenities and services can be demonstrated, Council has satisfied the nexus precondition for the levying of a Section 94 Contribution ..." (Department of Planning 1992 Section 94 Contributions Plans Manual P 7.)

The basis of Council's position with respect to nexus for Rural Road Contributions is that additional development generates additional traffic on the service roads to such developments, which in turn increases and brings forward the need for capital improvements to such roads. There is, therefore, a clear nexus between new development fronting a rural Council road and increasing traffic volume on that road. In turn, this increase in traffic volume has a cost resulting from the need to improve the road.

The developer should therefore pay for that part of the increase in road standard needed to address the impacts of his/her development. Where Council has previously upgraded the road to the required standard, the contribution is payable by way of reimbursement.

Council will hold contributions levied in the name of the access road system servicing the development. Contributions will only be expended in accordance with the works schedule and will only be spent on improvements to the access road relating to the development.

3.2 Calculation Basis for Contributions

3.2.1 Determination of the Cost of a Vehicle Movement Per Kilometre

Development of various types can be converted to light vehicle movement equivalents per day on the service road. (Annual Average Daily Traffic Movements = AADT.) Further, each additional AADT pushes up the need for improved road standards to a small degree.

Appendix One is a summary of the 5 standards of Rural Road that Council has identified for Bega Valley. Included in this appendix are costings of the basic elements to develop each standard. It is stressed that these figures are very much base line costs.

From the calculations in the Appendix, the following assumptions are drawn:

- (i) That it is reasonable to expect the developer and/or Council (using grant funds) to provide a Class 2 road as the "commencing standard".
- (ii) The cost (extremely conservative) to take a Class 2 road to the sealed standard (Class 4) = \$75,000/km.

Then if one lot = 6 AADT
200 AADT = 33.33 lots

The theoretical contribution per lot per kilometre is therefore $\$75,000 \div 200 \times 6 = \underline{\$2250/\text{km}}$

3.2.2 Determination of the Traffic Impacts of Residential and Agricultural Development

Monitoring of Shire roads by Council has indicated that a very conservative AADT for a rural residence is 6 light vehicle equivalents.

The heavy traffic movements associated with most professional agricultural operations would generate usually far in excess of 6 light vehicle AADT.

However, Council has decided to adopt the conservative figure of 6 AADT per additional residence or agricultural property.

It is also considered reasonable to assume that for each rural property there is a dominant access route to the nearest nominal Class 5 road.

3.3 Discounting and Assumptions Relating to Council's Formulae

3.3.1 Overall Discounts

The true cost per kilometre of a 6 AADT lot would be \$2,250.

Council realises that if the full cost was charged, then very little development would occur after the first few kilometres from a Class 5 road.

Council will therefore introduce the following discounting system:

- (a) Development fronting a State Highway -
Nil Contribution
- (b) Development fronting a Nominal Class 5 road -
Per lot contribution \$750 (= 1/3 of full rate per kilometre)
- (c) Development fronting a Class 2 to Class 4 road -
Per lot: \$750 minimum plus \$450 per additional kilometre with a maximum contribution of \$4,000 per lot (ie. at 7.2km).

Justification

- (a) State highways are State funded. Direct access is severely limited.
- (b) Nominal Class 5 roads have been developed using community funds. Contributions are therefore by way of reimbursement or are applied to the further capital improvement of the subject road.
- (c) Development fronting Class 2, 3 and 4 roads justifies a minimum contribution of \$750 for 1 or less kilometres from a nominal Class 5 road. The contribution rate beyond this is based on 1/5 of the conservative actual figure.

3.4 Roads of Average Standard Less than Class 2 and New Roads

Where the Council deems that an existing road is of a standard less than Council's minimum (ie. less than Class 2), then this part

of the road will be deemed to be a "new road" for the purposes of this plan.

As such, in addition to the Road Improvement Contribution in accordance with this Plan for that section of the road above Class 2 providing access for the development, to the nearest Class 5 road, the developer, pursuant to Section 90 (j) of the Environmental Planning and Assessment Act will need to meet the cost of development of this new road to a standard dictated by the traffic volume of the new development.

4. Timing of Payment

4.1 New Dwellings on Land for Which No Contribution has Been Paid

The Rooding Contribution will be payable prior to granting of a Construction Certificate for the dwelling house.

- 4.1.1** Time Payment - Where a dwelling house is proposed for an existing lot or existing portion and the contribution is in excess of \$2,000, a time payment may be sought. This payment will be at a rate of not less than \$1,000 per year from date of issue of Building Approval or Construction Certificate. Subsequent progress payments will be due on or before the anniversary of the issue of the Building Permit or Construction Certificate. In the case of any default in payments all outstanding monies become payable immediately. Where the dwelling house is sold the outstanding contributions would become payable immediately.

4.2 Deed of Agreement

Where a developer is undertaking time payment of contributions, the developer shall be required to execute a formal deed of agreement with Council setting out terms of the arrangements. This deed will be prepared by Council.

5. Contributions for Existing Portions and Lots in Separate Ownership Prior to March 1994

Council has set a maximum contribution for an application for the first dwelling house on land that was in separate ownership prior to 21 March 1994 equivalent to the minimum contribution payable under Contributions Plan No. 1 (currently \$750.00 per lot).

For the purpose of this plan, separate ownership means that the owner(s) at that time did not own any other adjoining or adjacent land, either individually or jointly with any other person.

6. Priorities for Expenditure

Priorities for expenditure are detailed in Schedule Two of this Plan.

7. Current Contributions and Updating

Contributions will be adjusted as of 30 June each year in line with cost movements in the Consumer Price Index for the previous 12 months. The contribution amount will hold for a period of 12 months from the date of consent and thereafter the updated figure will be payable.

Refer to Councils adopted Management Plan for the indexed contributions applicable to development under this plan.

SCHEDULE ONE

SCHEDULE OF ROADING CONTRIBUTIONS

A. STATE HIGHWAYS - Nil contribution (State Highways 1 and 4)

B. NOMINALLY CLASS 5 ROADS (as defined in map one of this plan)

\$750 per lot flat contribution

Nil

C. NOMINALLY CLASS 2 TO CLASS 4 ROADS

Per lot: \$750 minimum for the first kilometre from the nearest Class 5 road (as mapped) plus a rate of 45 cents per metre road length beyond the first kilometre. The maximum contribution payable per lot to be \$4,000.

DETERMINATION OF DISTANCE

The relevant distance with respect to Section C is the road length from the edge of the nearest Class 5 road to the first practical point of access to the subject lot. Council has produced a map depicting roads classified as Class 5 or State Highways for the purpose of this plan.

D. OTHER DEVELOPMENT

Developments such as industries and tourist ventures in the rural zones will be subject to levy based on the calculated AADT of the project (eg. say a development generates 12 AADT, it would therefore attract the equivalent of 2 dwelling lots in the same location).

SCHEDULE TWO
WORKS SCHEDULE

INTERIM SCHEDULE FOR 1993

(N.B. Prior to expenditure of Contributions levied in 1994 this Schedule will be amended to address the proposed expenditure in detail.)

EXPENDITURE OF CONTRIBUTIONS

A. CLASS 2 TO 4 ROADS

Council will expend the Contributions from any development fronting Class 2 to 4 roads levied under this Plan on capital improvements to the road connecting the development to the nearest Class 5 access route as follows:

- Pavement improvements;
- Road widening of narrow formation sections and straightening of bends;
- Culverting and expansion/improvement of existing culverts;
- Improvements to table drainage;
- Additional safety signage if required.

Where the existing access route to the nearest Class 5 road is already approximating a Class 4 standard Council may pool such contribution for expending on general capital works on the rural roads network. This is justified on the basis that past Council contributions have facilitated the upgrading of the subject access to the Class 4 standard.

B. CLASS 5 ROADS

Council may expend contributions levied on development fronting Class 5 roads in the same manner as that for Class 4 standard roads in A above. However, in most cases further capital improvement to nominal Class 5 roads will be justified.

APPENDIX ONE

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CLASS 2 CALCULATIONS			
ITEM	QUANTITY/M	RATE	AMOUNT
a. Traffic		Item	5,000
b. Trim SG	6.4m x 1000m = 6,400m ²	\$3.00/m ²	19,200
c. Gravel	0.2m x 6.4m x 1,000m = 1,280m ³ 30% bulking = 1,665m ³	\$30/m ³	49,950
d. Earth-works	2.5m ³ /m x 1,000m = 2,500m ³	\$15/m ³	37,500
e. Strip/Clear	12m x 0.5 x 1,000m = 1,800m ³	\$3/m ³	5,400
f. Drainage	3 x 450 Ø pipelines @ 10m = 30m 2 headwalls x 3 = 6hj	\$120/m \$200ea	3,600 1,200
g. Fence	2 x 1,000m = 2,000m	\$7/m	14,000
h. Furniture	Guideposts - 100 no.	\$20/no.	2,000
i. Restore	2 x 2m x 1,000 = 4,000m ²	\$3/m ²	12,000
j. Prop Adj		Item	5,000
	Total		\$154,850

CLASS 3 CALCULATIONS			
ITEM	QUANTITY/M	RATE	AMOUNT
a. Traffic		Item	5,000
b. Seal			
c. Prime			
d. Trim SG	8,000m	\$3/m ²	2,400
e. Gravel	2,080m ³	\$30/m ³	62,400
f. E. Works	3,000m ³	\$15/m ³	45,000
g. Strip	2,475m ³	\$3/m ³	7,425
h. Drainage	33m pipe (450 Ø) 6 headwalls	\$120/m \$200/no.	3,960 1,200
i. Fence	2,000m	\$7/m	14,000
j. Furniture	1000 guideposts	\$20ea.	2,000
k. Restore	4,000m ²	\$3/m ²	12,000
l. Prop Adj		Item	5,000
m. On Cost		Item	
	Total		\$181,985 say \$180,000

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CLASS 4 CALCULATIONS			
ITEM	QUANTITY/M	RATE	AMOUNT
a. Traffic		Item	\$5,000
b. Seal	6 x 1000m = 6,400m ²	\$5.40/m ²	\$32,400
c. Prime	7 x 1,000m = 7,000m ²	\$1.90m ²	\$13,300
d. Trim SG	8 x 1,000m = 8,000m ²	\$3.00/m ²	\$24,000
e. Gravel	0.20 x 8.0 x 1,000m = 1,600m ³ 30% bulking = 2,080m ³	\$30/m ³	\$62,400
f. Earth-works	3.0m ³ /m x 1,000m = 3,000m ³	\$15/m ³	\$45,000
g. Strip/ Clear	16.5 x 0.15 x 1,000m = 2,475m ³	\$3/m ³	\$7,425
h. Drainage	3 x 450 Ø pipelines @ 11m = 33m 6 headwalls = hj	\$120/m \$200 no.	\$3,960 \$1,200
i. Fence	2 x 1,000 = 2,000m ²	\$7/m	\$14,000
j. Furniture	Guideposts = 100 no.	\$20 ea	\$2,000
k. Restore	2m x 2 x 1,000m = 4,000m	\$3/m ²	\$12,000
l. Prop. Adj		Item	\$5,000
m. On Costs			
	Total		\$227,685 say \$230,000

APPENDIX TWO
GLOSSARY OF TERMS

CLASS 1 ROAD

Single lane gravel road

CLASS 2 ROAD

Two lane gravel road

CLASS 3 ROAD

Two lane gravel road likely to be sealed in future

CLASS 4 ROAD

Two lane sealed road

CLASS 5 ROAD

Major two lane sealed road.

NOMINAL CLASS 5 ROAD

Is a road as defined on Map one. The original of Map one is held at Council's Bega Office (copies may be purchased). A reduced version of map one is attached as Appendix 3 for reference purposes only.

Nominally Class 5 roads have been identified as roads of regional significance that approximate or in a "perfect world" would already be at Class 5 standard.

AADT

Annual Average Daily Traffic Movement