



Section 94 Development Contributions Plan

Coomba Road/
Shallow Bay Road

Adopted 28 October 2014

COOMBA BAY ROAD/SHALLOW BAY ROAD S94 CONTRIBUTIONS PLAN

PART A - INTRODUCTION

1. Citation

This plan may be referred to as the "Section 94 Contributions Plan for Coomba Road/Shallow Bay Road". It has been prepared according to the requirements of Section 94 (S94) of the Environmental Planning and Assessment Act, 1979 (as amended).

2. Purpose

The purpose of the plan is to enable the levying of developer contributions for upgrading of Coomba Road/Shallow Bay Road/Burraneer Road, which will be required as a consequence of increased demand generated by development which relies on Coomba Road or Shallow Bay Road or Burraneer Road for access.

3. Aims and Objectives

The aims and objectives of the plan are:

- To provide a basis for levying developer contributions.
- To establish a nexus between anticipated development and contributions sought.
- To enable the early provision of roads to suit the needs of users.
- To encourage public participation in the formulation of the plan.
- To provide the development industry with early advice as to the amount of contribution which will be required for a particular development.
- To facilitate proper financial management and accountability for expenditure of contributions received.

4. Relationship to Environmental Planning Instruments

The plan enables the levying of contributions specified for land permissible under Great Lakes Local Environment Plan 2014.

5. Land to which Plan applies

The plan applies to all land which relies on Coomba Road or Shallow Bay Road or Burraneer Road for access as identified in **Schedule 3 - "S94 Plan: Road Upgrade Works Coomba Road / Shallow Bay Road 2013 Catchment Boundary" Amended Map in the Appendices below.**

6. History of the Plan

Event	Date
Plan first became effective:	1 July 1993
Revisions:	
Amended Schedule of Works, Reduced Number of Anticipated Development Lots, Amended Plan Catchment Map, Indexed Contribution Rates for 2011-12 and 2014-2015, and Amendments for Approval of S94 Concessions/ Discounts/Exemptions/Variations/ Credits	Conditionally Adopted by Council: 29 April 2014 Advertised and Exhibited: 6 May 2014 - 6 June 2014 Adopted by Council: 28 Oct 2014 Effective Date: 1 Jan 2015

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PART B - ASSESSMENT OF CONTRIBUTIONS

7. Assessment of Contribution

Assessment of the amount of S94 contribution for the specified work will be based on the increase in population generated by the development and an assessment of the level of demand created for improved road standards. The amount of contribution will be based on additional lots in the case of subdivision; additional dwellings in the case of medium density development; and additional floorspace and "one-way" trips (See Appendices for the Non-Residential Developments Section 94 "One-Way" Trips Table) in the case of retail, commercial, industrial or related development.

The provision of the improved roads may be staged to commence when critical population thresholds are reached. Section 94 contributions may either be obtained in advance of the provision of improved roads or as a recoupment of funds spent. Recoupment will only occur where improved roads have been provided in anticipation of, and are of benefit to subsequent development, and subject to demonstration that there is a nexus between the development and the improved road.

8. Formula for Contribution

The formula for calculating the amount of contribution is based on a consideration of:

- The additional demand generated by a development based on a rate for additional population, floorspace or other factors.
- The current capital cost of providing the improved road including, where appropriate, the current cost of acquiring land.
- The application of any apportionment and/or discount factor.

Contribution rates are contained at Schedule 1 and have been determined in accordance with Part C of this plan.

9. Apportionment

Where the existing population will benefit from the improved roads provided, the cost of providing those roads will be apportioned between s94 funds and other monies of Council.

Apportionment rates are included, where appropriate, in the formula for each category of contribution contained in Part C. However the existing roads are considered to be suitable for the existing usage. Upgrading will be required for proposed development.

10. Discounts

See "Section Part D - Payment of Contributions" below.

11. Annual Adjustment

The contribution rates contained in Schedule 1 will be indexed annually by Council and the new rates will become effective from July 1 of each year. The contribution rate in this plan will be indexed in line with CPI (based on All Groups Consumer Price Index, weighted average of 8 capital cities) movements for capital costs and where applicable, land acquisition costs.

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PART C - CONTRIBUTION RATES

ROADS

12. Works Required

Council has identified road upgrading which will be required in order to cater for traffic generated as a result of rural subdivisions with access along Coomba Road, Shallow Bay Road and Burraneer Road.

The most recent 2011-12 Works Schedule is contained in Schedule 2 in the Appendices to this plan below.

13. Nexus

Development has been occurring steadily in Coomba Park and the surrounding rural areas. However zoning changes will slow the rate of development.

The upgrading of Coomba Road, Shallow Bay Road and Burraneer Road has taken place as a result of a need created by subdivisions in the area bounded by the catchment map of this Plan in the Appendix.

The previous Section 94 contribution rate was \$5,965 per lot.

The future upgrading will continue as a result of the need created by future rural subdivisions.

The following factors are relevant in determining the nexus between new development and demand for upgraded roads:

- The amount of traffic which will be generated by the development will require that Coomba Road and Burraneer Road be upgraded and sealed for their full length and Shallow Bay.
- Road for part of its length and that the Coomba Road/The Lakes Way intersection be upgraded to cope with the increased traffic safely.
- It is reasonable that the cost of these works be attributed to new development. The existing road was considered suitable for the then existing usage.
- The contributions and work on the three roads, Coomba Road, Shallow Bay Road and Burraneer Road have been combined in the one S94 plan as it is considered that there is substantial mixing of traffic in the three roads.

14. Contribution - Rural Roads in this Plan

The formulae for assessing the contribution rate per additional lot located on, or gaining access from, roads identified in Schedule 2 is as follows -

$$\text{Contribution} = C / T$$

C = Cost of works as identified in Schedule 2

T = Increase in Equivalent Tenements

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PART D - PAYMENT OF CONTRIBUTIONS

15. Concessions/Discounts/Exemptions/Variations/Credits to Contributions

The following points are taken directly from the Section 94 Practice Notes issued by the NSW Department of Planning (now known as NSW Planning and Environment) in November 2005 and these are still required to be followed by all NSW Councils in the preparation, development and amendment of their Section 94 Development Contributions Plans.

15.1 What are the mandatory conditions for Section 94 Contributions to apply?

"Section 94B(1) of the *EP&A Act* requires that a contribution can be imposed only if a development contributions plan so authorises the council. Further, the contribution can only be imposed if it is in accordance with that contributions plan."

15.2 What are valid adjustments to S94 Contributions for a development?

"There are essentially two ways that a section 94 (s94) contribution can be adjusted:

- adjustment of the **contribution rate** specified in a s94 development contributions plan
- adjustment of the amount payable under a condition of **development consent** between the time of the granting of consent and payment."

15.3 What exemptions may be considered?

"A council may elect to exempt particular types of development or class of development from the payment of development contributions on the basis of strategic planning, economic or social purposes.

While it is not possible to foresee every scenario, permitting the possibility of future requests for exemption being decided on their merits is reasonable – subject to some criteria being specified in advance to ensure equity. Council's policy on exemptions must be stated in the development contributions plan and, as far as possible, be specific about the types of facilities to be exempted. Alternatively, a council may state the criteria that will be used to determine an exemption or exclusion."

15.4 Implications of exemption of section 94 contributions

"Where exemptions are granted (or development is to be covered by a s94A plan), council should not factor this exempt development into the assessment of demand for the purposes of a s94 development contributions plan. Where the exempted development will create future demand, and the council intends to cater for this demand through provision of facilities (e.g. through the application of s94A levies), it must specify the amount of apportionment that will be applied to the development which is exempted."

15.5 Discounting contributions

"Discounting means reducing the calculated contribution rate in order to achieve a specific planning, social, economic or environmental purpose. It is extremely important for a council to consider the implications which discounting, and the consequent reduction in contributions, may have for the existing and/or the new community. Implications could include the delay in the provision of an identified facility or the provision of a facility of a lesser standard or capacity. Another implication is the creation of precedent. Where discounting has been actively employed, perhaps to encourage development, it is often difficult to shift the policy or defend a new policy in the face of past actions. Discounting should be used judiciously as it effectively means that existing ratepayers are subsidising future development. Council and the community must be made fully aware of the financial implications of discounting practices".

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Note: For further information on these matters please refer to a current copy of "Policy For Section 94 Development Contributions Assessment" available from Administration offices and/or website of Great Lakes Council.

16. Payment of Contributions

Payment of contribution will occur as follows:

- a) Development applications involving subdivision - prior to the issue of the subdivision certificate and release of the final ("final") plan of subdivision. The contribution rate will be updated at the time of lodgement of the final plan and payment of the contribution.
- b) Development applications involving building work - prior to the issue of a construction certificate, subdivision certificate or complying development certificate, depending on which certificate applies. The contribution rate will be updated at the time of lodgement of the respective certificate application to allow the correct payment of the applicable contribution.
- c) Development applications where no building approval is required and no subdivision is involved - prior to commencement of the proposed use or work. The contribution rate will be updated at the time of payment of the contribution.

PART E - ACCOUNTABILITY

17. Financial Reporting & Public Accountability

Council's accountability and management of the S94 Contributions Plan is set out in several documents, these being:

- a) Department of Planning Section 94 Contribution Plans Manual and Updates thereto;
- b) The Regulations to the Environmental Planning and Assessment Act 1979 and any Updates thereto;
- c) The Local Government Act 1993 (and any Amendments thereto); and
- d) Local Government Code of Accounting Practice and Financial Reporting.

Council is required by these documents to manage the S94 funds in a responsible manner, keeping sound financial records and ensuring that the fund money, plus any interest, is spent only on the project for which the funds were collected.

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, e.g. money, land, works 'in kind'
- The amount of the contribution and the purpose(s) for which it was levied
- The name of the contributions plan the contribution is being levied under
- 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.

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19. Annual Statement

Council will produce an annual statement of contributions received which summarises, by purpose and area, details relating to contributions in accordance with the then applicable 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 plan, with the exception of the annual indexing adjustments of contribution amounts, will require that the plan be amended in accordance with S94 of the Environmental Planning and Assessment Act 1979 (as amended). This will require advertising, full public exhibition of the amended plan and appropriate consideration of submissions received.

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SCHEDULE 1

CALCULATIONS

History of the Contributions in this Plan

The total cost of work necessary plus funds already spent on the roads was estimated to be \$2.462 million at the commencement of this plan.

This cost was shared over 450 equivalent tenements, about half of which were already developed.

Contribution was C/T	\$2,462,500/450
S94 Contribution 1993	\$5,472 (assume 1992 CPI of 107.9)

Council was to receive about \$60,000 in the future towards the cost of upgrading the roads, provided that the anticipated development did eventuate.

Therefore the then current amount of contribution for upgrading Shallow Bay Road, Coomba Road and Burraneer Road in 1993 was: = \$5,472.

UPDATED S94 CONTRIBUTION

Contribution is C/T	\$2,983,472/400 (based on 50 lots developed since 1993)
S94 Contribution	\$7,458.57 (using CPI = 96.9/174.0 for 2011/2012)
Indexed S94 Contribution	\$8,066.65 (based on December 2013 CPI of 104.80)

Notes:

1. The Indexed S94 Contribution amount shown above will apply from 1 January 2015.
2. For *Non-Residential Developments* the S94 Contribution will usually be impacted significantly by the quantity of additional "One-Way" Trips expected from the development being proposed.
3. For *Non-Residential Developments* the S94 Contributions are determined by converting the proposed development's expected demand on local infrastructure into "equivalent tenements".

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SCHEDULE 2

SCHEDULE OF WORKS

Projected land acquisition, construction dates and values are to be used as a guide. Actual timing of works is dependent upon available finance and actual demand. Actual values are dependent on costs applicable at the time of construction.

Coomba Road

Ch 00Xn	The Lakes Way
Ch 2.1 km	Duck Creek culvert
5.5 km	Thomas Road intersection and realign curve
	Lillian Sophia intersection
15.9 km	Dubbo Place intersection
18.00 km	Realign curves
18.85 km	Realign curves
19.2 km	Illawong Road intersection
19.7 km	Lakelands Road intersection
20.1 km	Burraneer Road intersection
20.7 km	Realign curves

Gravel and bitumen seal 2.5 km @	\$962,500
Total previously spent on Coomba Road	\$707,500
Sub total	\$1,670,000
2011/12 Additions/Alterations	
Ch 2.1 km - Add Duck Creek culvert replacement	\$180,000
Less S94 Expenditure to date as at 30/6/2011 (CPI adjusted)	-\$80,129
Sub total Coomba Road	\$1,769,871
Burraneer Road	
2011/12 Additions/Alterations	
Bitumen seal 2.4 km (2011/12 estimate based on CPI = 174.0)	\$750,000
Less S94 Expenditure to date as at 30/6/2011 (CPI adjusted)	-\$83,934
Sub total Burraneer Road	\$666,066

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Shallow Bay Road

2011/12 Additions/Alterations		Allow \$59,650
Ch 00	Coomba Road intersection	
0.4 km	Vista Place intersection/realign curve	
2.3 km	Realign curves, improve culvert	
3.6 km	Realign curves	
7.0 km	Improve culvert	
7.4 km	Improve culvert	

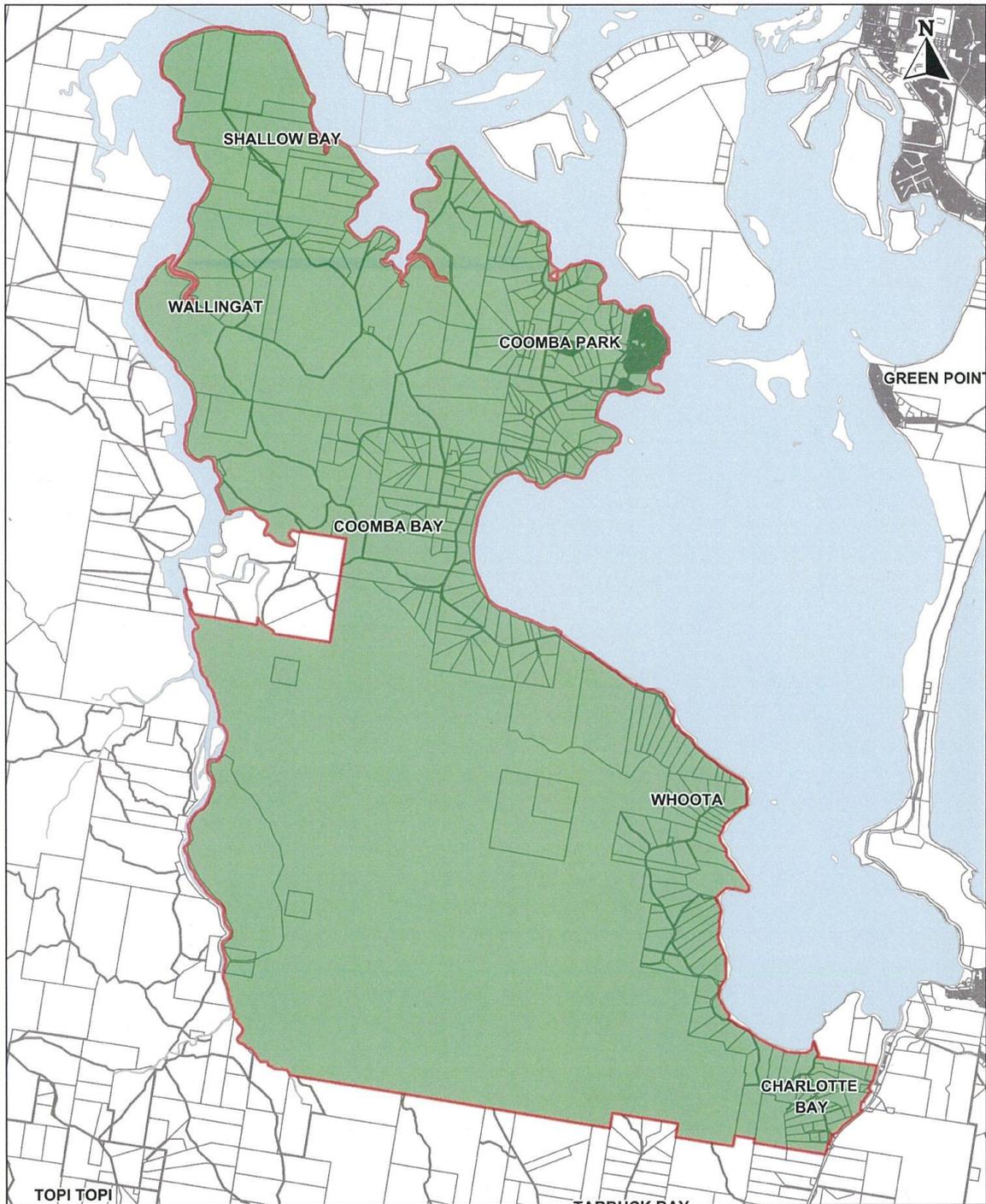
Widen and bitumen seal road 1.7 km (2011/12 estimate)	\$510,000
Sub total (2011/12 adjusted)	\$569,650
Less S94 Expenditure to date as at 30/6/2011 CPI adjusted)	-\$22,160
Sub total Shallow Bay Road	\$547,490
GRAND TOTAL ESTIMATE	\$2,983,427

Works on Coomba Road, Burraneer Road and Shallow Bay Road will progress as funds are received and as Council allocations become available.

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SCHEDULE 3

S94 Plan: Road Upgrade Works Coomba Road / Shallow Bay Road 2013 Catchment Boundary



Legend
 Forster District Section 94 Boundary Plan
 Cadastre

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SCHEDULE 4

Non Residential Developments S94 "One-Way" Trips Table - November 2013

Land Use	Size of Development	Average Daily Vehicle Trips (ADVT) To Be Used
Office and Commercial		
Commercial Premises (except those below)	All sizes	2 / 100m2 GLFA
Medical Consulting Rooms	All sizes	0.4 / staff + 0.3 / Appointment
Child Care Centres	All sizes	0.4 / Child
Retail		
Retail Shops/Shopping Centres	0-10,000 m2	24 / 100m2 GLFA
	10,001-20,000	16 / 100m2 GLFA
	20,001-30,000	13 / 100m2 GLFA
	30,001-40,000+	10 / 100m2 GLFA
Bulky Goods	All sizes	3.6 / 100m2 GLFA
Major Hardware / Building Supplies	All sizes	6.8 / 100m2 GLFA
Markets	All sizes	3.6 / stall
Restaurants	All sizes	12 / 100m2 GLFA
Drive-In Takeaway Food Outlets	All sizes	8 / 100m2 GLFA
Recreation and Tourist Facilities		
Multi-Sports Centres	All sizes	12 / 100m2 GLFA
Squash Courts	All sizes	0.8 / Court
Tennis Courts	All sizes	1.8 / Court
Bowling Greens	All sizes	12 / Bowling Green
Gymnasiums	All sizes	9 / 100m2 GLFA
Caravan Parks	All sizes	1 / Tenanted Site + 0.4 / Casual Site
Marinas	All sizes	0.5 per fixed berth + 0.3 per swing mooring
Boat Ramps	All sizes	0.2 / Boat Trailer Parking Space
Licensed Clubs / Hotels / Taverns	All sizes	8 / 100m2 GLFA
Industrial		
Road Transport Depots	All sizes	1 / 100m2 GLFA
Truck Fuel Stops	All sizes	24 / 100m2 GLFA
Factories	All sizes	1 / 100m2 GLFA
Warehouses	All sizes	0.8 / 100m2 GLFA
Plant Nurseries	All sizes	10 / 100m2 GLFA
Other		
Seasonal Usage of Facility	All sizes	See Note 3 below
Default Trips for Non-Specified Development	All sizes	0.4 one-way trips per vehicle accessing the site per day
Notes:		
1. Other Developments Not Shown Above -	A Recent Traffic Impact Assessment to be Submitted By An Accredited Professional.	
2. The above ADVT values are only the "Non-Residential portion" of the "One-way" Trips not already included in Residential Trips.		
3. Seasonal usage of a facility allows a discount calculated as (the number of days used per year / 365) to the above values		