

2009 REVIEW - DRAFT

**SECTION 94 Environmental Planning &
Assessment Act, 1979 (as amended)**

BSC 1

ROADS - RURAL

PART A

INTRODUCTION

Development within the Shire places additional pressures on Council to provide public services and amenities, invariably at the expense of established priorities.

Under the Environmental Planning and Assessment Act 1979 (EP&A ACT), Section 94 is the sole source of power for Council to levy developer contributions for these public services and amenities.

Council can impose a condition requiring the dedication of land free of cost or the payment of a monetary contribution. Council can recoup costs for services and amenities which have been provided to facilitate development or in anticipation of development. Council is also permitted to levy contributions towards recurrent expenditure on roads where there is abnormal impact from mining and extractive industry traffic.

The Court has established the following principles for testing the validity of a consent condition requiring a Section 94 contribution:

- ◆ The contribution must relate to a planning purpose
- ◆ The contribution must fairly and reasonably relate to the subject development
- ◆ The contribution must be such as a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed.

It is a requirement of the Act that Council prepare Section 94 Plans for the various categories of services and amenities for which a levy is made. The Plan identifies the project, method of funding, recovery of expenditure and timing of works.

BSC 1/1

PART B

PLAN BSC 1 - RURAL ROADS

This Plan is identified as BSC 1 RURAL ROADS for rural roads within Blayney Shire. This contribution Plan is made pursuant to Section 94EA of the Environmental Planning & Assessment Act 1979, as amended and Section 64 of the Local Government Act, 1993.

The Plan came into effect on **DATE**.

PLAN OBJECTIVES

The objective of the Plan is:

- a) to provide the basis for levying developer contributions;
- b) to identify the amenities and services which Council intends to provide;
- c) to establish a nexus between and anticipated development and contributions sought;
- d) to enable the early provision of facilities and services;
- e) to encourage public participation in the formation of the Plan;
- f) to provide the development industry with early advice as to the amount of contribution which will be required for a particular development;
- g) to facilitate proper financial management and accountability for expenditure of contributions received;
- h) develop minimum standards which will meet that demand; and
- i) set out the means by which the required improvements can be funded.

RELATIONSHIP TO ENVIRONMENTAL PLANNING INSTRUMENTS

The Plan enables the levying of developer contributions for land uses permissible under the Blayney Shire Local Environmental Planning Instruments.

BSC 1/2

PART C

ASSESSMENT OF CONTRIBUTIONS

NEXUS

As development proceeds within the Shire, additional road traffic is generated by that development, resulting in road improvements being required to satisfactorily meet the road safety and amenity standards of the community.

The Plan reflects the increase impact of additional traffic relative to the improvements required and the means of funding those improvements.

SCOPE OF THE PLAN

The Plan applies to Local Roads within the Planning Zone 1(a), Zone 1(c), Zone 1(f), Zone 7(a) and Zone 7(c) under the Blayney Local Environmental Plan 1998. The Plan does not apply to Village and Urban development.

FUNDING

Each development will contribute towards road improvement within the locality on the basis of the demand generated by the development. Once improved, Council undertakes to maintain the section of road to the nominated standard.

METHODS OF FUNDING

Rural Subdivisions and Dwellings

Each development shall contribute towards the improvement of the road condition in the locality to the nominated standard.

BSC 1/3

Schedule 1 details Council's Road System which it currently maintains. New roads dedicated to the Public and developed to the nominated standard will be maintained by Council to that standard, within the available resources of Council.

Commercial and Industry

The cost of improvements to meet the additional demands generated by commercial and industrial activities will be the responsibility of the Developer and is calculated on the basis of capital improvement costs to meet Council's Standard set out in Schedule 3.

Where mining or extractive industry impacts on the road system, an additional contribution calculated as a rate per tonne/kilometre towards recurrent expenditure on roads within the locality, will also apply.

Studies indicate that, on average, a six axle articulated vehicle incurs road damage cost of about 3 cents per tonne/kilometre in 1989/90 prices. (Source: "A review of Registration Charges for Interstate Vehicles" ISC 1987, Canberra)

METHODOLOGY

Council has established road standards related to typical rural activities and the level of service demanded by those activities for various classes of road within the Shire (See Schedule 3).

The level of serviceability of a road is determined by the traffic volume on the road (AADT - Average Annual Daily Total expressed in light vehicle movements). Costs have therefore been equated to 1 AADT.

Standards

The demand for road improvements is directly related to the occupancy of tenements.

In order to calculate contributions, the occupancy rates of tenements have been determined as:

a.	Bedsitter or Bachelor Flat	1 person
b.	Single Bedroom Unit	1.1 persons
c.	Two Bedroom Unit	2.2 persons
d.	Three Bedroom Unit	3.3 persons
e.	Dwelling House	4 persons
f.	Subdivision Lot	4 persons
g.	Industrial/Commercial Development	4 persons

BSC 1/4

Road standards set by Council are:-

Rural Gravel

- RG1 AADT less than 16 vehicles per day – right of ways only
 Minor Gravel Road Standard to 60kmh
- RG2 AADT < 50 vehicles per day
 Secondary Gravel Road Standards to 80kmh
- RG3 AADT 50 - 100 vehicles per day
 Shire Gravel Road Standard to 80kmh.

Council has determined that gravel roads which have an AADT greater than 100 are to be progressively improved to a bitumen seal standard

Rural Bitumen Sealed

- RB1 AADT > 100 vehicles per day
 Bitumen Road Standard to 80kmh

These standards have been applied to Council's Pavement Management Systems to determine average costs to improve each category to the next highest level.

CONTRIBUTIONS

Contribution Formula

Accepting that only infrequent opportunities exist for the augmentation of existing facilities, contributions will be sought for the embellishment of the existing facilities, as detailed in Schedule 1.

Council recognises the importance of growth within the Shire and will discount to 2 AADT per residential development or subdivision lot created for all development types, with the exclusion of a Workers Dwelling or a dwelling which creates a workers dwelling from an existing dwelling, for which no contribution will be required. These would normally be calculated at 8 AADT per residential development or subdivision lot created.

BSC 1/5

Formulae for the calculation of contribution related to AADT generated as a percentage of the Pavement Management System category range (1-10). Through traffic on Road Category RB1 (Rural Bitumen 1) is recognised by the application of a discount factor.

Contributions will be sought for the facilities detailed in Schedule 1.

Contribution Formula - Domestic

Rural Gravel Roads

RG2 < 50 AADT

Contribution per Development 2 AADT x \$4,072 = \$8,144

RG3 50 - 100 AADT

Contribution per Development 2 AADT x \$5,128 = \$10,256
Rural Bitumen Sealed Roads

Rural Bitumen Roads

RB1 > 100 Local Roads

Contribution per Development 2AADT x \$6,648 = \$13,296

CONTRIBUTION FORMULA - INDUSTRIAL / COMMERCIAL

The affect of industrial and commercial development is no less significant than the affects accepted as imposed by residential developments. It is therefore equitable that all new industrial/commercial developments inclusive of major alterations, additions and ancillary works (with the exception of home industry and home occupation), be subjected to the application of this policy. An amount equivalent to that adopted as appropriate for a subdivision Lot in this contribution plan is considered appropriate as a minimum figure.

Alternatively major industrial/commercial developments are likely to have significant effects on existing infrastructure and Council will assess the warrant for either a flat rate contribution based on the development cost of the proposed development (at 0.25% of the proposed development or the above mentioned minimum, which ever is the greater) or an individual merit assessment appropriate to the scale of the proposal.

The above discounted rates are justified on the basis of promoting development within the Blayney Shire Council Area.

BSC 1/6

At its meeting of 8th December 1997, it was resolved by Council that the following merit assessment be applied to development contributions:

1. *That where the total estimated cost of works for the proposed development is below the threshold of \$20,000, Council adopt the following staging of Section 94 contribution fees:-*
 - i. *Total estimated building works less than \$10,000 - Nil payment;*
 - ii. *Total estimated building works between \$10,000 and \$20,000 - payment of 50% of full contributions applicable for building works over \$20,000.*
2. *That the estimated building cost of any additional works carried out on premises within a two year period, will be considered with previous building works within that time frame, and the combined sum over \$10,000 will be subject to the appropriate Section 94 contribution fee.*
3. *That the application of this policy be retrospective to 1st July 1997.*

The Road Contribution Formulae (1996 and **amended 2002**) is attached as Schedule 2.

APPLICATION OF CONTRIBUTIONS

- i. any additional lot created to an assessment (subdivision)
- ii. any dwelling in excess of 1, applying to an assessment (dual occupancy)
- iii. any new assessment created or likely to be created by an assessment split.
- iv. any new commercial or industrial activities or the extension/expansion of an existing commercial or industrial operation.

ROADS OF AVERAGE STANDARD LESS THAN RG2 AND NEW ROADS

Where the Council deems that an existing road is of a standard less than Council's RG2 (ie. less than Secondary Gravel Road Standard to 80kmh) minimum, the road will be deemed a "new road" for the purposes of this plan.

As such, in addition to the Road Improvement Contribution in accordance with this Plan, the developer, pursuant to Section 79(C)(1)(b) and 79(C)(1)(e) of the Environmental Planning and Assessment Act, will need to meet the full cost of development of this new road to a standard dictated by the traffic volume of the new development.

Should any proposed road gain access from an existing bitumen sealed road, the minimum standard required for new roads is RB1 – Bitumen Road Standard to 80kmh.

BSC 1/7

INDEXATION

Road contribution levies may be indexed on the 1st July of each year in accordance with the Australian Bureau of Statistics Consumer Price Index for the preceding 12 months to take account of the increase in construction costs.

TIMING OF PAYMENT

Contributions will be payable prior to the release of the plan of subdivision or the Building Approval for new dwellings. Where no development consent is required, road contributions in terms of the provisions of the Local Government Act 1993, will apply in the same manner as if Development Consent was required.

EXPENDITURE OF CONTRIBUTIONS

Council will utilise contributions from any development levied under this Plan on improvements to the road servicing the development in the following manner:-

- ◆ widen and strengthen road formation and pavement
- ◆ Improve alignment or sight distance
- ◆ Improve lateral and transverse drainage
- ◆ Improve traffic facilities

CAPITAL WORKS

Capital works associated with commercial, industrial or mining development:

1. Pavement:

Meet the full cost of pavement design assessment relative to the road impact of the new development.

Meet the cost of increasing the pavement strength in proportion to the increased AADT and Equivalent Standard Axles relative to the current level of traffic loading.

Meet the costs of increasing the strength of any bridge structure or replacing the structure as a result of the increased loading on the bridge by the development diminishing the life of the structure had the development not proceeded.

Meet the cost of traffic facilities (eg. intersection widening, signing) as a result of the traffic generated by the development.

BSC 1/8

It is at Council's discretion on the warrant for all or any of the Capital Works required.

RECURRENT COSTS

Recurrent expenditure required as a result of the development:

Contribution of 3.92 cents per tonne kilometre to be levied on the net weight of raw materials delivered to and processed materials exported from the development site. The contribution is calculated on the length of the local road servicing the development measured from the development site to its junction with a State or Regional Road.

It is at Council's discretion on the warrant for all or any of the Recurrent Costs required.

ACCOUNTABILITY

Register of Contributions

As required under the Act, Council will maintain a Register setting out contributions levied and the manner in which levies are being spent.

Updating the Plan

The Plan will be periodically reviewed in the light of development trends. Any change to the Plan will be re-exhibited for public comment.

Annual Statement

An Annual Statement will be prepared by Council setting out the works undertaken, expenditure, monies held, and progress with meeting priorities established.

BSC 1/9

SCHEDULE 1

LIST OF ROADS

Road No.	Road Name	Present Road Classification
1	Vittoria Rd	RB1
2	Nyes Gates Road	RG2
3	Wombiana Lane	RG1
4	Greghamstown Road	RG2
5	Eves Lane	RG2
6	Bentleys Lane	RG2
7	Sherlocks Lane	RG1
8	Fiddicks Lane	RG1
9	Willis Lane	RG1
10	Glengate Road	RG1
12	Glenelg Road	RG2
13	Graham Lane	RG1
14	Guyong Road	RB1
15	Mayfield Lane	RG1
16	Marshalls Lane	
17	Dungeon Road	RG2
18	Pounds Lane	RG1
19	Kings Plains Road	RG1
20	Hanover Crescent	
21	Sykes Lane	RG1
22	Newbridge Road	RB1
23	West Wimbledon Road	
24	Jones Lane	RG1
25	Village Road	RG2
27	Hills Lane	RG1
28	Prices Lane	RG1
29	Lucks Lane	RG1
30	Caloola Road	RG1
31	Back Creek Road	
32	Bundaleer Road	RG1
33	Moorilda Road	RB1
34	Kurangia Road	RB1
37	Fardells Lane	RG1
38	Tooheys Lane	
39	Corks Lane	
40	Carcoar Dam Road	RG2
41	Neville Road	RB1
42	Fullers Lane	RG1
43	Old Lachlan Road	RG1

BSC 1/10		
Road No.	Road Name	Present Road Classification
44	Garabaldi Lane	
45	Mackellers Lane	RG1
46	Morrisons Lane	
47	Dwyers Lane	
48	Meeks Lane	
49	Dowsetts Lane	RG2
50	Neville-Trunkey Road	RG3
52	Barry Road	RB1
53	Teasdale Road	RG1
54	Mount Macquarie Road	RG1
55	Baldoon Road	
56	Mandurama Road	RB1
57	Pomona Lane	RG1
58	Fairford Road	RG1
60	Fell Timber Road	RG1
61	Kentucky Road	RG1
62	Gallymont Road	RG2
63	Snake Creek Road	RG1
64	Winterbottoms Lane	RG1
65	Hilltop Lane	RG3
66	Garland Road	RB1
67	Somers Lane	RG1
68	Tea Tree Road	RG1
70	Kinds Lane	RG1
71	Lucan Road	RG2
72	Hines Lane	RG1
73	Rockdell Road	RG2
74	Lyons Road	RG1
76	Meadows Lane	RG1
77	Kennys Lane	RG3
78	Newry Downs	RG3
79	Boondaroo Road	RG2
81	Wells Lane	RG1
82	Millamolong Road	RG3
83	Hazelwood Road	FO
85	Junction Reefs Road	RB1
86	Burnt Yards Road	RB1
87	Bakers Road	RG2
88	Junction Park Road	
89	Lummes Lane	RG1
91	Glendale Lane	RG1
92	Lochewen Lane	RG1
93	Errowanbang Road	RG2
96	Halls Road	RG1
97	Gap Road	RG3
98	Browns Creek Road	RB1

BSC 1/11		
Road No.	Road Name	Present Road Classification
99	Carcoar Road	RG3
100	Beneree Road	RG3
101	Weston Lane	RG1
102	Ewins Lane	RG1
105	Lawson Road	RG2
106	Panuara Road	RB1
107	Ashleigh Park Road	RG1
108	Wallaces Road	RG1
109	Myers Lane	RG1
110	Fairbanks Lane	RG1
111	Glenlea Road	RG1
112	Old Cadia Road	
113	Cadia Road	RG1
114	Meribah Road	RG1
115	Long Swamp Road	RG2
116	Carbine Road	RG2
117	Hagars Lane	RG1
118	Watersons Lane	RG2
119	Tallwood Road	RB1
121	Dog Trap Lane	RG1
122	Rapleys Lane	RG1
123	Nixons Lane	RG1
125	Convent Lane	RG1
126	Bulb Farm Lane	RG1
127	Spring Terrace Road	RG3
128	Spring Hill Road	RG3
129	Richards Lane	RG1
130	Forest Reefs Road	RB1
131	Calvert Lane	RG1
132	Wilson's Lane	RG2
133	Burtons Lane	RG3
134	Ovington Lane	RG1
135	Ferndale Lane	RG1
136	Bunjar Lane	
137	Warburtons Lane	RG1
138	Peppermint Lane	RG1
139	Dicksons Lane	RG2
141	Souths Lane	RG1
142	Matthews Road	RG2
143	Smiths Lane	
144	Old Errowanbang Road	RG1
145	Duttons Lane	RG1
146	Kinghams Lane	RG1
147	Gartholme Road	RG1
148	Millpost Creek Road	RG2
149	Ellerys Lane	RG1

BSC 1/12		
Road No.	Road Name	Present Road Classification
150	Sunnyside Road	RG1
151	Nichols Lane	
152	Gays Lane	
153	Four Mile Creek Road	RG3
401	Back Road	RG1
402	Glenorie Road	RB1
403	Springvale Lane	
404	Toners Lane	
405	Koomoorang Road	
406	Acacia Lane	RG1
407	Fleetwood Lane	
408	Kellys Lane	
409	Fitzgerald Valley Road	
410	Wimbledon Road	RB1
411	Gresham Lane	RB1
412	Stringybark Road	RG1
413	Newbridge Cemetry Road	RG1
414	Elmswood Road	
415	Three Brothers Road	RB1
416	Sugarloaf Road	RB1
417	Gurney Road	
418	Memorial Drive	RB1
419	Avonlea Lane	RG1
420	Rosedale Road	RG1
421	Mallowgrove Road	RG1
422	Coombing Lane	RG1
423	St Brigids Lane	RG1
424	Hobbys Yards Cemetry Road	
425	Church Lane	RG1
426	Carrawa Lane	
427	Pitlochry Road	RG1
428	Glenarvon Road	RG1
429	Sunset Hills Road	RG1
430	Bugs Ridge Road	RG1
431	Bradene Road	RG1
432	Hilton Lane	
433	Golden Gully Road	RG1
434	Muggletons Road	RB1
435	Sherwood Road	RG1
436	Yangoora Road	RG1
437	Waugoola Road	RG1
438	Brady Road	RB1
439	Wirraway Lane	RG1
440	Station Street	
441	Harris Road	
442	North Lane	RG1

BSC 1/13		
Road No.	Road Name	Present Road Classification
443	Curralea Lane	
444	Little Forest Road	
445	Waldegrove Road	
446	Clayton Lane	
447	Cobbs Lane	RG1
448	Quary Farm Lane	RG1
449	Pretty Plains Road	
452	Hobbys Yards Road	RB1
453	Belubula Way	RB1
454	Trunkey Road (TR 54)	
460	Winterwood Lane	RB1
461	Taroona Lane	RB1
462	Limestone Lane	RB1
463	Brooklee Lane	RB1
464	Clover Ridge Road	RB1
465	Dunstaffnage Road	RG1
466	Charles Booth Way	RB1
467	Lindsay Lane	
468	Walkoms Road	RB1
469	Benereefs Lane	RB1
470	Hillside Lane	RB1
471	Bluett Close	RB1
472	Mitchell Close	RB1

BSC 1/14

SCHEDULE 2

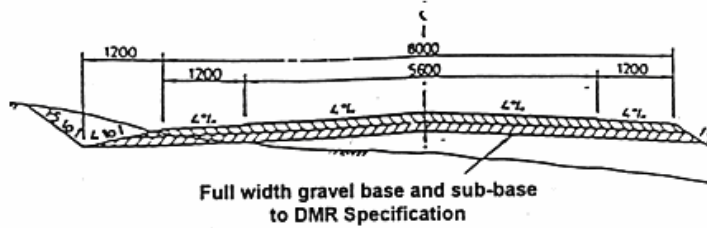
ROAD CONTRIBUTION FORMULAE (2002)

ROADS

Description	RG2	RG3	RB1
Average AADT	25	50	100
Road Standard	Secondary Gravel Roads	Standard Gravel Roads	Standard Bitumen Roads
Construction Width	7m	9m	12m
Av. Condition to be maintained	Condition 7	Condition 8	Condition 8
Unit rate/m²	\$14	\$18	\$35
Assumed Lots / 100m Section	2	3	6
Construction Cost(100m)	\$9,800	\$16,200	\$42,000
Construction Cost(100m) based on condition	\$9,800 x 0.7	\$16,200 x 0.8	\$42,000 x 0.8
Cost / lot – (calculated 2002)	\$3,430	\$4,320	\$5,600
Cost / lot – (calculated applying CPI 2002 to 2008)	\$4,072	\$5,128	\$6,648

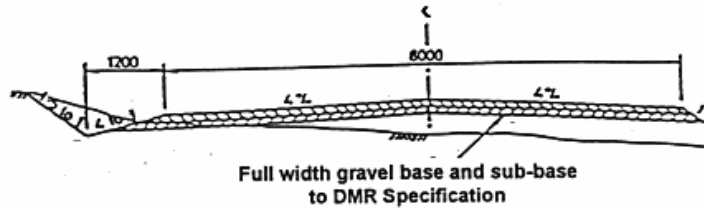
SCHEDULE 3

1. SHIRE ROADS - BITUMEN SEAL STANDARD



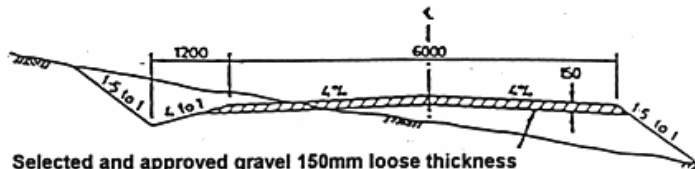
Drainage Specification 1 in 100 years frequency

2. SHIRE ROADS - GRAVEL STANDARD



Drainage Specification 1 in 100 years frequency

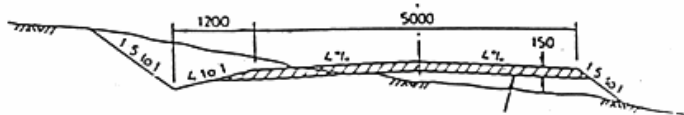
3. SECONDARY SHIRE ROADS - GRAVEL STANDARD



Drainage Specification 1 in 20 years frequency

Major waterway structures shall be designed to a standard nominated by Council for the particular site

4. MINOR SHIRE ROADS - RIGHT OF WAY - GRAVEL STANDARD



Drainage Specification 1 in 20 years frequency

23 January 2009

General Manager
Blayney Shire Council
P.O. Box ???
Blayney 2???

Dear Sir,

RE: 2008 REVIEW - DRAFT BSC1 ROADS RURAL

I wish to make a submission on this document.

These comments are made in a positive and helpful way and I hope they are construed as such.

My first comment relates to the overall document. It is a very confusing and confused document.

The 2002 version of this document was, I believe, written as a “shotgun” coverage of a wide ranging number of minor developments when there was little happening within the Shire. When “concessional lots” were being developed this Plan was acceptable.

This edition of the Plan can now be aimed at specific areas that are currently zoned for development. Costs can be more accurately assessed and actual costs can be recovered.

ASSUMPTION: Section 94 Plans can only recover the actual cost of the works identified in that Plan.

For ease of comment I have identified the page number.

BSC 1/3 Methodology states “Costs have therefore been equated to 1 AADT” For the life of me I cannot understand this statement. In this document AADT is used to determine the standard of road to be constructed. The cost of construction and therefore the contribution per lot (or per metre), as defined in Schedule 2, is just the cost of construction. The resulting contribution has nothing to do with AADT.

Schedule 2

a) I would like to confine my remarks to RB1 Road Standard, but the remarks apply respectively to all the road standards.

- Current quotations reveal that the cost of constructing 100 metres of RB1 to be approx \$42,000.

- Now assuming this to be the case and on average there are six allotments fronting this section of road then the real cost is \$42,000 divided by six which equals \$7,000 per lot or \$210 per metre for each frontage.
- Unlike residential subdivisions where frontages will be of a similar size rural subdivisions will by their very nature have varying frontages. Therefore for Council to effectively recoup their costs under this Plan Council should base their contributions on a linear cost. Currently approx. \$210 per metre of frontage.
- I personally cannot see the need to factor in a discount for through roads as this reduces the amount of income needed to build the road. If the prime reason for imposing these contributions is to recover the entire cost of construction then the discount factor leaves the Council with insufficient funds to complete the construction.

b) As stated in the previous point the costs in Schedule 2 cover the full cost of construction of the entire length for each individual road covered by this Section 94 Plan. This then leads to a conflict in the following clause.

c) BSC 1/5 Contribution Formula - Domestic

Rural Bitumen Roads

Now after identifying that Schedule 2 determines the actual cost of construction to be \$7,000 per lot. Then there appears to be an obvious mistake in the “Contributions per Development”. For some unfathomable reason this clause determines that the contribution per lot is in fact **DOUBLE** the actual cost of construction.

Are these Plans allowed to create a 100 percent profit on the cost expended?

It would seem logical that the real contribution for RB1 roads is \$7,000 per lot or \$210 per metre of the frontage.

BSC 1/6 Roads of Average Standard Less Than RG2 and New Roads

Second paragraph states that if a new road is required then it is at the full cost of the developer. Then the developer is still required to pay the contributions, under this Plan.

If the Sect. 94 Plan determines that the lots fronting an existing road are levied to pay for the total cost of construction of that road. Then applying contributions to additional lots fronting a new road creates more revenue than is required to construct roads covered by the Plan.

This is obviously outside the intention of the 94 Plan as we have already determined that the costing determined in the 94 Plan is sufficient to cover the full cost of construction of the existing individual roads of at least RG 2 standard in the Shire.

Therefore if the developer pays to construct their new roads then how the developer could be expected to also pay contributions which by their very nature would be in

excess of the funds needed to construct the roads covered by this Plan. Council cannot justify charging contributions on lots without existing road frontage as the funds raised do not have a specific use in the Plan

Once again I believe that Section 94 Contributions can only be used to recover actual costs. If this is the case then this additional charge is well out of order.

While we are on page BSC 1/6.

The last paragraph “Should any proposed road..... to 80 kmh”. I realise Blayney wants someone to seal their roads but this requirement is extremely unfair. If for a minor subdivision of say 3 rural lots with an internal road, servicing 2 of the lots, this road would, under normal circumstances, be required to be built to RG 2 standard. This Plan now dictates that the new road would be built to RG 1 standard if it joins a sealed road. This cannot be regarded as reasonable.

Conclusion

- The final plan should specifically identify and the estimated the construction cost of each individual road covered by this Plan. Then the contribution can then be charged accordingly.
- As the frontage of the future lots will vary greatly it would be more equitable to apply contributions on a length of road frontage basis rather than lot numbers.
- Lots created with frontage to a new road should not be charged contributions.

I trust this is helpful.

Yours sincerely

Geoffrey W Evers