



Section 94 Development Contributions Plan

The Branch Lane

Adopted 28 October 2014

THE BRANCH LANE S94 CONTRIBUTIONS PLAN

DOCUMENT HISTORY

The Branch Lane Plan	Adopted:	1 July 1993
Council's Standard Schedule for Section 94 Plans introduced	Effective Date:	26 August 2003
Amendments to Works Programme, Reduced Extent of Development, Update and Indexation of Contribution Rates	Effective Date:	30 November 2005
Amended to Increase Potential Catchment for Developments and Contributions to the Plan	Effective Date:	1 July 2009
Amended Plan Catchment Map, Some Minor Amendments to Derivation of Contribution Rate and Payment of Contributions' Rules, and Indexed Contribution Rates for 2014-2015	Conditionally Adopted: Advertised & Exhibited: Adopted by Council: Effective Date:	29 April 2014 6 May-6 June 2014 28 October 2014 1 January 2015

1. Introduction

This is a Contributions Plan prepared in accordance with section 94 (S94) of the Environmental Planning and Assessment Act 1979 (as amended).

The Branch Lane is a road 17.9km long from the Booral – Bulahdelah Road (Main Road 110) to the Pacific Highway. It is sealed for 3.3km from MR 110 to the Warraba Road junction. The remaining 14.6km is a gravel road of varying levels of adequacy.

The purpose of the plan is to enable the levying of developer contributions for upgrading of the Road, required as traffic volumes increase.

The first edition of this Plan, effective 1 July 1993, proposed a schedule of works amounting to \$1,432,000 apportioned as follows:

Developer contributions	\$661,683
Council contributions	\$770,317
Contribution rate (90 lots) was calculated at	\$7,350.

The 2005 edition of the plan reviewed the works required and the development potential for the Branch Lane catchment.

It proposed a schedule of works amounting to \$2,500,000 apportioned as follows

Developer contributions	\$1,066,176
Council contribution	\$1,433,824
Contribution rate (58 lots) was calculated at	\$18,382.

At 1 March 2009, there had been \$185,357 collected in contributions and interest.

Of this amount \$103,605 has been applied to improvement works leaving \$81,752 in the fund.

This 2009 edition of the plan aims to spread the cost of these works over a greater number of potential lots, to share the cost burden more fairly.

THE BRANCH LANE S94 CONTRIBUTIONS PLAN

2. Land and Development to Which This Plan Applies

The plan applies to all land with access along The Branch Lane as identified in "**S94 Plan: The Branch Lane 2009 Catchment Boundary**" Amended Map in "**Section 7 Catchment Area of this Plan**" at the end of this plan. The land is zoned Rural with a minimum lot size of 40ha.

3. Need for and Provision of Facilities

3.1 Growth

The Branch Lane at the inception of this Plan serviced 78 lots (of which 44 are vacant.)

The history of building approvals shows an average of 2 new dwellings a year over the last 15 years with no discernible upward or downward trend. However, considering the pressure on coastal areas, the reducing travel times from Sydney and the popularity of the rural lifestyle option, this rate is likely to increase. Probably, about 110 new dwellings will be built over the next 30 years.

There is potential for 138 new lots to be created if all landowners wished to subdivide. However, considering the probable demand and the continued existence of a pool of vacant lots, only 90 lots are likely to be developed in the medium term. A further 48 lots could eventuate in the longer term.

This assumption will need to be reviewed from time to time.

3.2 Need for Facilities

It is estimated that, in this location, an average of 6.7 trips a day will be generated by each additional house. Over a 30-year period the traffic count generated by residents could increase from 150 vpd to 700 vpd. It will be necessary by that time to have a formation width of 8.0m over the entire length of gravel road and to have completed improvements in road alignment and road junctions.

The "Schedule of Works" shows the original, 1993, list of works and the revised list at March 2009.

3.2 Life of Plan

The rate of construction of the proposed works will vary according to the rate of development. A period of 30 years is adopted as the notional life of this plan, with periodic reviews during that time to fine-tune the works schedule and to re-appraise the development potential.

3.3 Apportionment

The cost of the 30-year program will be apportioned between developers with respect to the 90 new lots and Council and other public funding with respect to the 78 existing lots, as these lots will also benefit from the improvements.

	lots	Amount
Existing lots (Council liability)	78	\$1,300,000
Potential lots (Developer liability)	90	\$1,500,000
Total lots	168	\$2,800,000

THE BRANCH LANE S94 CONTRIBUTIONS PLAN

4. Derivation of Contribution Rate

4.1 Calculation of Contribution Rate

The total amount to be collected in S94 contributions = \$1,500,000, less \$81,752 already in the fund = \$1,418,248.

2009-10 Contribution Rate was \$1,491,248 / 90 lots = **\$15,758** per lot or equivalent tenement.

2014-15 Contribution Rate is 104.8 / 92.4 x \$15,758 = **\$17,872.71** per lot or equivalent tenement.

4.2 Indexation of Rate

The rate will be indexed on each 1 July each year in accordance with the change in the CPI for the year to the previous December quarter. The CPI is the All Groups Consumer Price Index, weighted average of 8 capital cities. Its value for December quarter 2008 is 92.4/166.0.

4.3 Application of Contribution rates

The contribution rate is expressed as an amount for each new lot or equivalent tenement created. It can be converted to types of development other than subdivisions by using the factors in Schedule 1 of "**Policy for Section 94 Development Contributions Assessment**" – Great Lakes Council – adopted on 25 March 2014.

4.4 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 Infrastructure) 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.

4.4.1 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."

4.4.2 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."

4.4.3 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.

THE BRANCH LANE S94 CONTRIBUTIONS PLAN

Alternatively, a council may state the criteria that will be used to determine an exemption or exclusion."

4.4.4 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."

4.4.5 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".

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.

5. Payment of Contributions

Contributions are payable for:

- development applications involving subdivision — prior to the issue of the subdivision certificate and release of the final ("linen") plan of subdivision. The contribution rate will be updated at the time of lodgement of the final plan and payment of the contribution;
- 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;
- 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.

THE BRANCH LANE S94 CONTRIBUTIONS PLAN

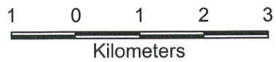
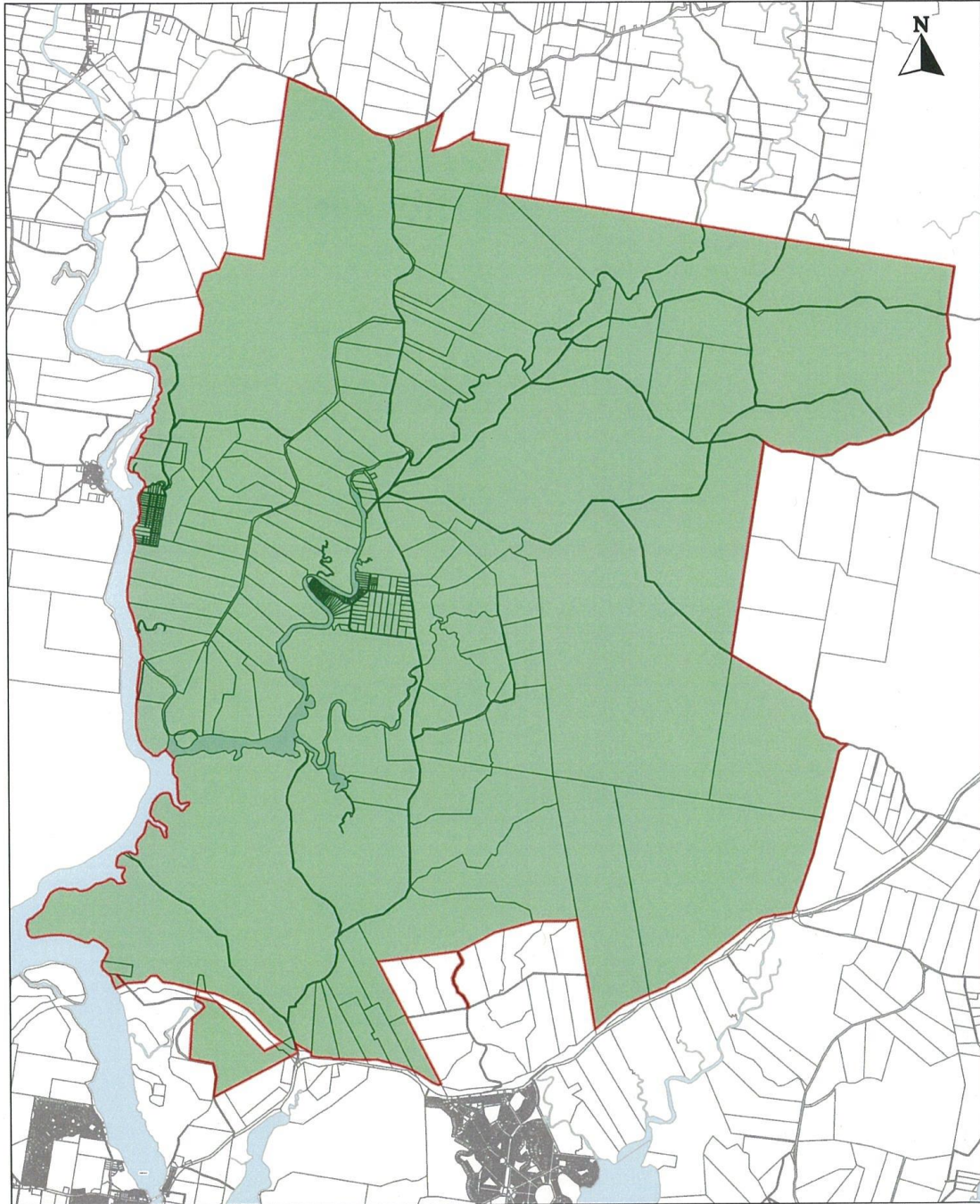
6. Schedule Of Works

Chainage	Original work	Original cost 1993	Work now needed	Cost 2009 Plan
0km	Intersection with M R 110 upgrade to type 'B'	\$70,000	Intersection with M R 110 upgrade to type 'B'	\$170,000
3.3km	3.3km intersection Warraba Road, widen gravel shoulders to type A (NAASRA) standard	\$20,000	Widen shoulders and gravel pavement on approach to Warraba Road intersection	\$50,000
3.3km – 5.3km			widen road where required	\$330,000
5.3km – 5.75km			Improve visibility on bridge approach	\$330,000
5.75km	Bridge exists			
6.6km – 18.2km	Widen road and provide gravel surface	\$1,200,000		
5.75km – 17.9km			General widening and minor realignment (at 6.9km improve curve, at 12.7km extend culvert and realign carriageway)	\$1,700,000
9.7km	provide causeway at ford with low flow pipe	\$60,000	Done (bridge)	
10.1km	repair log bridge	\$6,000	Replace log bridge with culvert	\$220,000
10.6km	construct pipe culvert	\$3,000	done	
16.1km	construct pipe culvert	\$3,000	done	
18.3	upgrade intersection at Pacific Hwy to type B	\$70,000	Done (RTA)	
		\$1,432,000		\$2,800,000

THE BRANCH LANE S94 CONTRIBUTIONS PLAN

7. Catchment Area Of This Plan

S94 Plan: The Branch Lane - Great Lakes 2013 Catchment Boundary



Legend

- The Branch Lane District Section 94 Boundary Plan
- Cadastre

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