

**TWEED SHIRE COUNCIL**

**CONTRIBUTIONS PLAN No 14**

**RURAL ROAD UPGRADING, MEBBIN SPRINGS  
SUBDIVISION, KYOGLE ROAD, KUNGHUR**

**SECTION 94**

**ENVIRONMENTAL PLANNING &  
ASSESSMENT ACT (1979)**

**TWEED SHIRE COUNCIL**

CERTIFIED IN ACCORDANCE WITH  
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979  
AND REGULATIONS

GENERAL MANAGER

DATE

**S94 CONTRIBUTIONS PLAN NO 14**

**RURAL ROAD UPGRADING, MEBBIN SPRINGS RURAL RESIDENTIAL  
SUBDIVISION, KYOGLE ROAD, KUNGHUR**

VERSION 1.0

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## **1.0 INTRODUCTION**

This Plan has been prepared in accordance with the requirements of Section 94AB of the Environmental Planning and Assessment Act, 1979 and Part 4 of the Regulations (1994) under the Act. Section 94 of the Act enables Councils to require monetary contributions from developers towards the costs of provision of community services and facilities provided by Local Government.

Tweed Shire Council has resolved at its meeting of 1 November, 1995 to prepare a draft Section 94 Contributions Plan for rural road upgrading in relation to the proposed Rural Dispersed Community Title Subdivision known as "Mebbin Springs", immediately to the west of Kunghur on the Kyogle Road.

Council resolved on 5 October, 1994 to advise the applicant in respect of this subdivision that the application to create a total of 69 rural dispersed allotments (DA S94/70) will be determined by Council by way of an approval subject to the applicant/owner entering into an agreement with Council based on Section 94(5) of the Act requiring payment of the total Rural Road Development Contribution of \$187,086.00 in cash prior to issuing a formal development consent.

Subsequently, Council has agreed that the option of paying the total contribution "up front" be retained, with such contribution to be refunded if and when a S94 Plan is adopted allowing Council to impose conditions requiring payment prior to release of the Linen Plan.

The land is described as Lot 1, DP 771335, Lot 2 & 3, DP 755710 and Lots 13-16, DP 43809, located on the Kyogle Road approximately 14.5km west of Uki.

## **2.0 WHERE DOES THE PLAN APPLY?**

This Contributions Plan for rural road upgrading applies to the creation of rural dispersed allotments and residential development on land described as Lot 1, DP 771335, Lots 2-3, DP 755710 and Lots 13-16, DP 43809, Parishes of Kunghur and Gooninbar, County of Rous, Tweed Shire, located on Kyogle Road at Kunghur.

## **3.0 WHAT ARE THE AIMS AND OBJECTIVES OF THE PLAN?**

The aims and objects of this Contributions Plan are as follows:

- a) To enable Tweed Shire Council to levy as a condition of development consent, a contribution towards the costs of progressively upgrading the Kyogle Road;
- b) Identify the extent and nature of the road upgrading required as a result of residential development on the land.
- c) Establish a nexus between the anticipated residential development and traffic, and demand for road upgrading;
- d) Provide a strategy for the assessment, collection, expenditure, accounting and review of contributions towards the cost of upgrading the Kyogle Road; and

#### **4.0 HOW DOES THE PLAN RELATE TO OTHER PLANS AND WHAT IS ITS STATUS?**

This Contributions Plan supplements the provisions of the Tweed Local Environmental Plan 1987 as amended and the Tweed Shire Development Control Plan No 16 - Subdivisions Manual.

This Plan is part of a package of Contributions Plans prepared for a variety of public services and facilities which are required to be provided and/or upgraded by or on behalf of Tweed Shire Council to meet the needs of new development within the Local Government Area of Tweed Shire.

#### **5.0 GLOSSARY OF TERMS**

AADT	-	annual average daily traffic.
Design hour flows	-	the road system condition for which traffic flows are assessed.
Distributor roads	-	roads joining Villages in the Shire by the most direct route or roads linking rural neighbourhoods to the distributor network.
Level of service	-	description of the traffic operating conditions or performance in the section of road or junction under nominated traffic flow conditions, in accordance with AUSTRROADS 1992.
Regional Road	-	roads connecting the Shire to other regions or joining major towns within the Shire; capital costs and maintenance may be partly funded by the RTA.
RTA	-	the Roads and Traffic Authority of NSW.

#### **6.0 WHEN DOES THE PLAN COME INTO EFFECT?**

The provisions of this Contributions Plan come into effect on 15 February, 1996, being the date on which public notification took place of adoption by Council of this Contribution Plan.

#### **7.0 HOW IS THE NEXUS BETWEEN THE PROPOSED DEVELOPMENT AND PROPOSED CONTRIBUTIONS ESTABLISHED?**

The proposed rural dispersed subdivision development will cater for sixty nine (69) additional rural dwelling houses, generating additional traffic which will place an increased demand on rural roads.

In determining the nexus, the following factors are relevant:

- a) The proposed subdivision involves the creation of 69 rural dispersed allotments to be created under the Community Titles Development and Management Act. The proposed development is to be accessed via three new rural local roads accessed directly from Kyogle Road west of Kunghur Village.
- b) It is anticipated that average daily traffic generation will average five (5) vehicle trips per day, based on survey information available to Council.
- c) Kyogle Road is a Regional Road with a two lane bitumen seal width varying from 5.8m to 7.5m, connecting Murwillumbah with Kyogle and Nimbin.
- d) Current traffic volumes on the Kyogle Road are as follows:
  - in the vicinity of Mt Warning Road between Murwillumbah and Uki - approximately 2,600 vehicles per day (based on traffic count March, 1995, 2,535 vehicles per day).

**Section 94 Contribution Plan No 14 - Rural Road Upgrading, Mebbin Springs Subdivision, Kyogle Road, Kunghur**

- in the vicinity of Kunghur Village - approximately 900 vehicles per day (based on traffic count February, 1994, 807 vehicles per day).
- e) Council's upgrading program for rural roads over the next 10-20 years will be expected to upgrade the Kyogle Road west of Uki to cater for 2,000 vehicles per day (ie, Class F rural road - DCP 16). This involves approximately 24km of road.
- f) The Uki-Murwillumbah Road will be expected to be upgraded to cater for 3,500 vehicles per day (9.3km).
- g) It is reasonable to expect that some RTA funding may be allocated for capital upgrading works and bridge construction on Kyogle Road; any such funding sources will be factored into the Contributions Plan in future reviews.
- h) It is assumed that about 50% of vehicle trips to and from the site will utilise the Kyogle Road westward of the site to Nimbin and 50% will utilise the road eastwards of the site to Uki/Murwillumbah.

## **8.0 WHAT ROAD UPGRADING REQUIREMENTS AND COSTS ARE INVOLVED?**

The costs of upgrading the Murwillumbah-Nimbin Road are estimated as follows:

- A.
- Kyogle Road (Murwillumbah-Uki) upgrade to cater for 3,500vpd (modified Class G - DCP 16).
    - Bray Park to Smiths Creek Road, 9.3km, widen/realignment from existing 5.8m - 7.2m seal width to width of 7.5m - 11.0m (average 2.4m widening) @ \$40/m<sup>2</sup>  
= 9.3km x 2.4m x \$40  
= \$892,800
    - Provisions of cattle creep at Byangum, 12m x 4m x \$520/m<sup>2</sup>  
= \$25,000
    - Smiths Creek Bridge reconstruction \$290,000 (Council cost component = 50%)  
= \$290,000 x 50% = \$145,000

Sub-total \$892,800 + \$25,000 + \$145,000  
= \$1,062,800 + 10% administration levy  
= \$1,169,080
  - Cost per vehicle trip \$1,169,080 ÷ 3,500  
= \$334.03/trip
- B.
- Kyogle Road (Uki Village outskirts to site 1.5km west of Kunghur Village). Upgrade to cater for 2,000vpd (Class F - DCP 6).
    - 13.9km, widen/upgrade existing 5.8m - 7.5m seal to 7.5m (average widening 1m) @ \$40  
= \$556,000
    - Perch's Creek Bridge reconstruction \$200,000 (Council cost component = 50%)  
= \$200,000 x 50% = \$100,000

Sub-total \$556,000 + \$100,000

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= \$656,000 + 10% administration levy  
 = \$721,600

- Cost per vehicle trip  
 = \$721,600 ÷ 2,000  
 = \$360.80 per vehicle trip

- C. • Kyogle Road (site 1.5km west of Kunghur Village to Shire boundary)  
 Upgrade to cater for 2,000vpd
- 10.2km, widen/upgrade existing 6.0m - 7.5m seal width to 7.5m width (average widening 1.0m) @ \$40/m<sup>2</sup>  
 = \$408,000
  - Twin bridges reconstruction \$600,000 (Council cost component 50%)  
 = \$600,000 x 50% = \$300,000

Sub-total \$408,000 + \$300,000  
 = \$708,000 + 10%  
 = \$778,800

- Cost per vehicle trip  
 = \$778,800 ÷ 2,000  
 = \$389.40

**9.0 HOW THE CONTRIBUTION LEVY IS CALCULATED**

The formula for calculating the development contribution per lot or per dwelling house towards the cost of road upgrading is as follows:

Total vehicle trips per day to and from new development.

Cost of road upgrading per vehicle trip for proposed design capacity.

Number of new dwellings in development.

X

- Upgrading of Kyogle Road between site and Murwillumbah (A & B)  
 Catering for 50% of trips to and from the site:

$$\begin{aligned} &= (345\text{vpd} \times 50\%) \times (\$334.03 + \$360.80) \div 69 \\ &= 172.5 \times \$694.83 \div 69 \\ &= \$1,737 \end{aligned}$$

- Upgrading of Kyogle Road between site and the Shire boundary on the Nimbin Road (C) catering for 50% of trips to and from the site:

$$\begin{aligned} &= (345\text{vpd} \times 50\%) \times \$389.40 \div 69 \\ &= \$974 \end{aligned}$$

THEREFORE, total contribution levy per lot

$$\begin{aligned} &= \$1,737 + \$974 \\ &= \$2,711 \end{aligned}$$

## **10.0 WHAT IS THE METHOD OF PAYMENT AND TIMING OF CONTRIBUTIONS?**

Contributions will be required to be paid at the following times:

- Rural dispersed subdivision: prior to the release of the linen plan.
- Development applications involving residential buildings (except where prior contribution is paid) - prior to issuing of building approval, and prior to release of building plan.

Contributions will be required as a condition of development consent for subdivision and residential development. Council will apply the current levy at the time of issuing the development consent.

Contributions will be levied assuming that a single dwelling is to be erected on each allotment. Council will recognise as credit pursuant to the provisions of Section 94(5) of the Act the payment of any monies in accordance with any agreement with Council prior to issue of a formal consent.

Contributions will adjusted annually in accordance with the cost adjustment method adopted by the RTA.

## **11.0 HOW IS ACCOUNTABILITY ENSURED?**

### **Accounting for Contributions:**

Council has established an identifiable account for the management of Section 94 Contributions showing separate categories of contribution. Contributions must be spent for the purpose for which they were levied. Interest will be calculated on funds held for each category and credited as appropriate.

### **Contributions Register:**



**Section 94 Contribution Plan No 14 - Rural Road Upgrading, Mebbin Springs Subdivision, Kyogle Road, Kunghur**

Council will maintain a register of all contributions received. The register will record:

- origin of each contribution by reference to development consent to which it relates;
- type of contribution received;
- amount of contribution and purposes for which it was levied;
- name of contributions plan under which the contribution is being levied; and
- date of receipt of the contribution.

The register will be available for public inspection, free of charge, at any time during office hours.

**Annual Statement:**

Council will provide an annual statement of contributions received which summarises details relating to contributions in accordance with Clause 41N of the Regulations. This information will be available for public inspection, free of charge, at any time during normal office hours.

**Review of the Plan:**

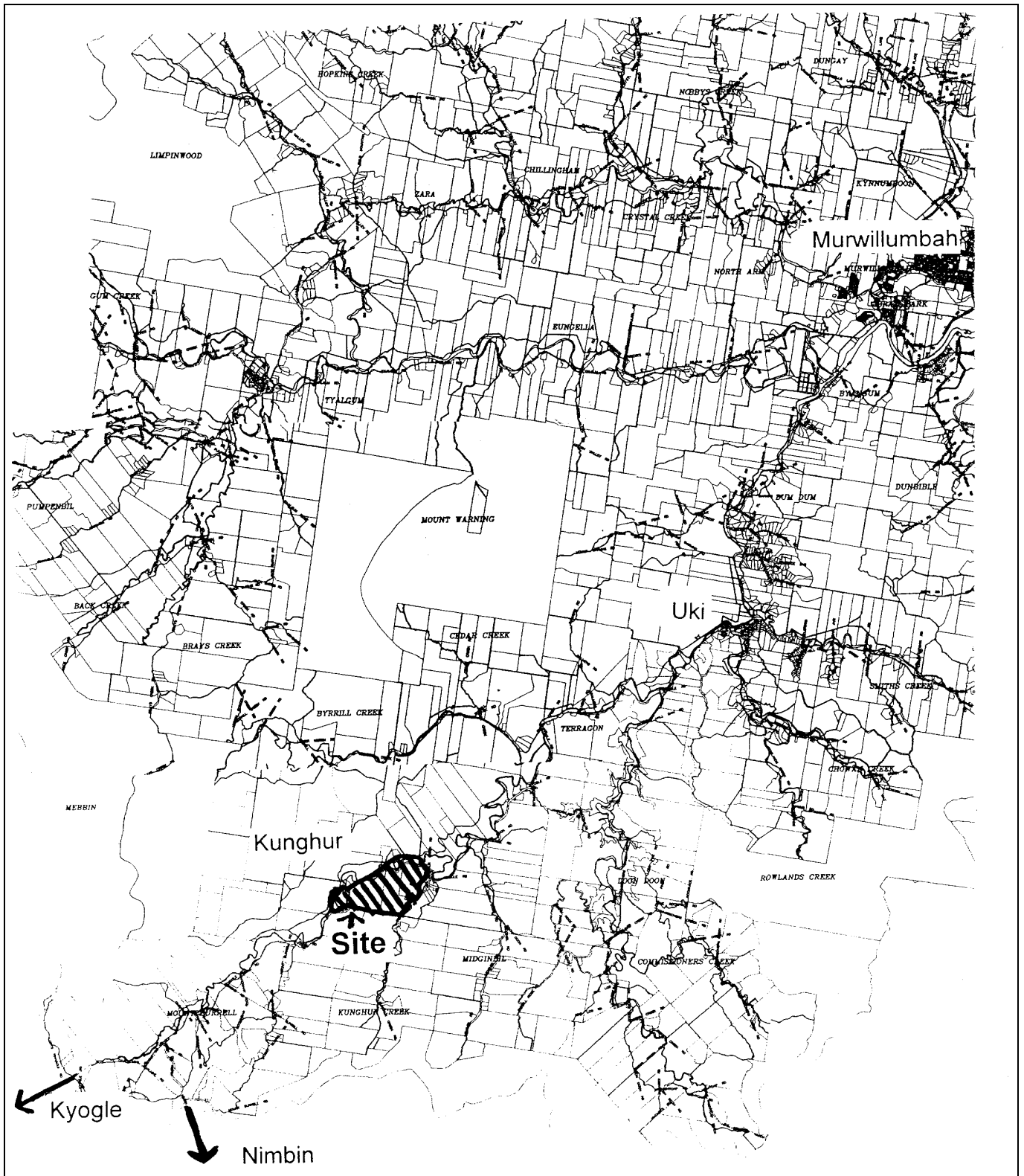
Any material change in the plan, with the exception of the annual adjustment of contribution amounts, will require that the plan be amended in accordance with Section 94AB of the Environmental Planning and Assessment Act 1979. This will require full public exhibition of the amended plan and consideration of submissions received. The annual adjustment of contributions will have regard for the cost adjustment method adopted by the RTA.

**APPENDIX 1 - Locality Plan**

**APPENDIX 2 - Site Plan**

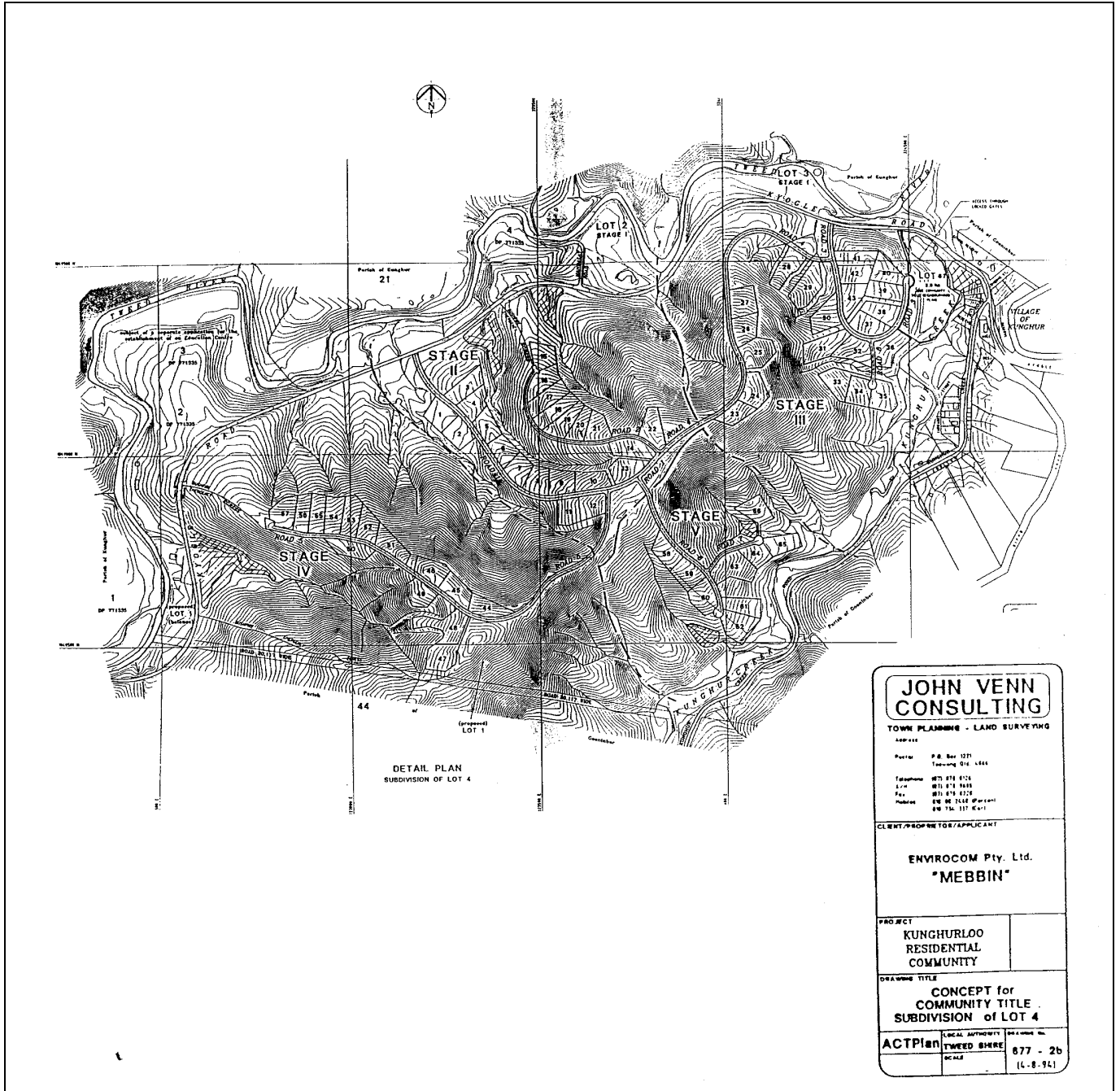
**APPENDIX 3 - Kyogle Road Upgrading Contributions Ledger**

# APPENDIX 1 - Locality Plan



Section 94 Contribution Plan No. 14 - Rural Road Upgrading, Mebbin Springs Rural Residential Subdivision, Kyogle Road, Kunghur

# APPENDIX 2 - Site Plan



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CLIENT/PROGRAM/APPPLICANT		
<b>ENVIROCOM Pty. Ltd.</b> <b>"MEBBIN"</b>		
PROJECT		
<b>KUNGHURLOO RESIDENTIAL COMMUNITY</b>		
DRAWING TITLE		
<b>CONCEPT for COMMUNITY TITLE SUBDIVISION of LOT 4</b>		
ACT/PLAN	LOCAL AUTHORITY <b>TWEED SHIRE COUNCIL</b>	DRAWING NO. <b>677 - 2b</b> (L-8-94)

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APPENDIX 3

S94 CONTRIBUTIONS PLAN NO. 14

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SUBDIVISION, KYOGLE ROAD, KUNGHUR

1995 - 1996 Ledger

MONTH	COUNCIL EXPENDITURE	ADMINISTRATION LOAD	DEVELOPMENT CONTRIBUTION	INTEREST	NETT BALANCE