



Clarence Valley Council
James Creek Urban Growth Area
Road Infrastructure Developer Contributions Plan
(Adopted by Council 25 February 2020, effective 6 March 2020)

Executive summary

This developer contributions plan enables Clarence Valley Council to levy contributions under section 7.11 of the *Environmental Planning and Assessment Act 1979* for residential development within the James Creek Urban Growth area that will or is likely to increase the demand for upgraded road infrastructure.

James Creek Urban Growth area was identified in the Maclean Urban Local Growth Management Strategy 2011 for residential land release and has been rezoned for R1 General Residential, B1 Neighbourhood Centre and R3 Medium Density Residential. The James Creek Urban Growth area is for the purposes of this plan referred to as the plan area.

Between 2019 and 2039, there is expected to be an increase in James Creek Urban Growth area of 300 dwellings accommodating 780 additional persons. This future development will create demand for upgraded road infrastructure.

As a consequence of this anticipated development and having regard to the level of service of existing road infrastructure, it will be necessary to provide road and intersection upgrading.

Summary of works

A schedule of works and estimated commencement/staging of works is provided at Table 1.

Table E1 Summary of Works

Road Infrastructure	Total Estimated Cost (inc. est. base cost/ contingency; survey, design, legal and management costs)	Timing
James Creek Road Upgrade	\$683,547 [#]	By 2020
James Creek Road (South) widening	\$315,000	By 2030
Yamba Road/James Creek Road intersection upgrade	\$1,224,040	By 2030
Gardiners Road upgrade	\$702,000	By 2030
Gardiners Road/James Creek Road Intersection	\$675,000	By 2030
[#] excluding in-kind contribution referred to in section 4.1.4 and Appendix A		

Summary of contribution rates

Table E2 summarises the contribution rates applying to each catchment.

Table E2 Summary of Contribution Rates

	James Creek Urban Growth area Catchment (per lot or dwelling)
Residential lot/ Dwelling house (2.6 persons per lot/ dwelling)	\$6,071.13
Medium and High Density Residential* (1.7 persons per lot/ dwelling)	\$3,969.58
Self contained Seniors Housing and workforce accommodation; Manufactured homes in a manufactured home estate; moveable dwelling in a caravan park. (1.5 persons per lot/dwelling, manufactured home, moveable dwelling)	\$3,502.57

**Including but not limited to Attached dwellings, Dual occupancies, Boarding houses, Hostels, Semi-detached dwellings, Multi dwelling housing, Terraces, Townhouses, Residential flat buildings, Serviced apartments, Shop top housing.*

Date of Commencement of the plan

This developer contributions plan was adopted by Clarence Valley Council on 25 February 2020 and came into effect on 6 March 2020.

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1. Introduction

1.1 Name of this plan

This Developer Contributions Plan is the Clarence Valley Council James Creek Urban Growth area Road Infrastructure Developer Contributions Plan (the “Plan”).

1.2 Land to which the plan applies

This Plan applies to land within the James Creek Urban Growth area as shown on the Map (see Figure 1-1). The area to which this plan applies will be referred to as the plan area in this document.

1.3 Commencement of this plan

This Plan has been prepared pursuant to the provisions of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and takes effect from the date on which public notice was published, pursuant to the Regulation.

1.4 Purpose and objectives of this plan

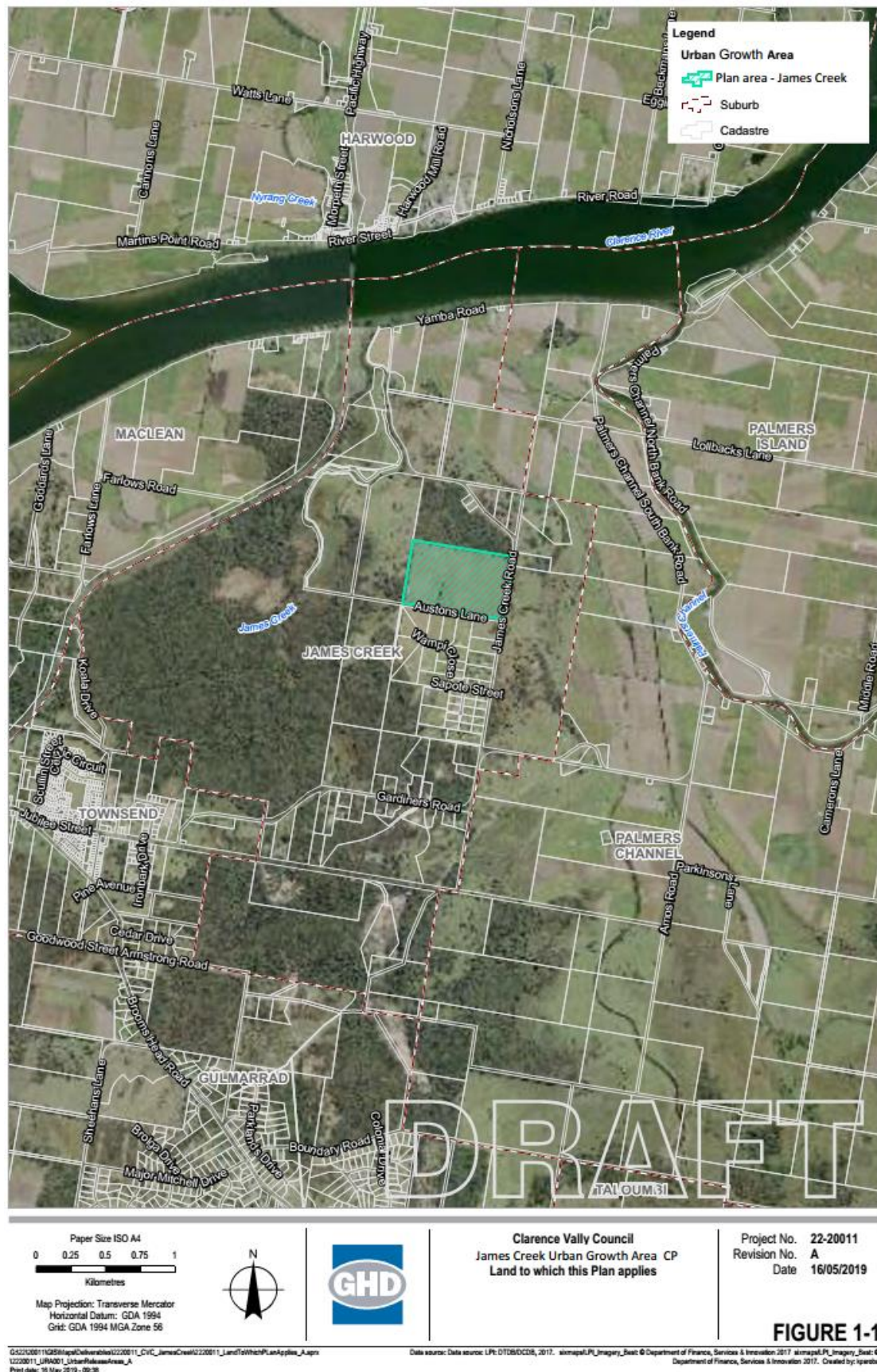
This Plan has been prepared to satisfy the requirements of the Act, which enables Council or an accredited certifier to levy contributions from development for the provision of road infrastructure that is required to meet the demands of that development.

Contributions may be in the form of a monetary contribution, dedication of land to Council or the provision of a material public benefit, which may include a work commonly referred to as a ‘work-in-kind’.

In order to levy contributions under the Act, the Consent Authority must be satisfied that the proposed development will or is likely to require the provision of or increase the demand for the community infrastructure for which the levy is being required as detailed in the provisions of this Plan. Accordingly, the objectives of this Plan are to:

- Authorise Council or an accredited certifier to impose conditions under the Act when granting consent to development on land to which this Plan applies including Complying Development;
- Ensure that adequate road infrastructure is provided to meet the demands generated by new development;
- Provide an administrative framework under which road infrastructure may be implemented and coordinated;
- Provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis;
- Ensure that the existing community is not burdened by the provision of road infrastructure required as a result of future development;
- Enable Council to be both publicly and financially accountable in its assessment and administration of the Plan.

Figure 1-1 Land to which this Plan applies



1.5 Development forms to which this plan applies

This Plan applies to residential development, including development of a residential nature, which would result from the creation of additional private lots/dwellings or in the case of non-private residential development, additional dwellings, beds or people.

Where development is of a type not specifically stated in this Plan, but which would result in additional demands for upgraded road infrastructure, Council will determine an appropriate occupancy rate as specified in Table 2 of this Plan.

1.6 Operation Period of the plan

This Plan is intended to cater for a planning period of 2019 - 2039, which is the period during which the development is expected to occur.

The Plan will be monitored and if growth appears likely to occur earlier or later than forecast, the operation period of the Plan may be adjusted to suit.

1.7 Definitions

The definitions for types of development described in this plan correspond with those in *Clarence Valley Local Environmental Plan 2011* and *State Environmental Planning Policy No. 36 Manufactured Homes Estates* in the case of manufactured home estates.

1.8 Relationships to other plans and policies

The Developer Contributions Plan supplements the provisions of the *Clarence Valley Local Environmental Plan 2011* and any amendment or local environmental plan, which may supersede it.

Clarence Valley Council has the following general Developer Contributions Plans in place:

- Clarence Valley Contributions Plan 2011
- Other old but still current contributions plans that are not indicated as being repealed in Table 2.1 to Clarence Valley Contributions Plan 2011

This Plan does not include contributions identified in the above plan. This Plan applies to residential and commercial development located in the James Creek Urban Growth area or plan area.

2. Administration and operation of plan

2.1 Scope of this plan

Between 2019 and 2039, there is expected to be an increase in the plan area of 300 dwellings accommodating 780 additional persons (see Section 3). This future development will create a demand for upgraded road infrastructure.

This Plan has been prepared in response to this anticipated growth, to ensure that Council can meet the demands from future development for road infrastructure.

2.2 Types of road infrastructure addressed by this plan

Under this Plan, Council will require developer contributions for public road and intersection upgrades, including associated traffic management facilities.

2.3 How will contributions be imposed?

In accordance with the Act, developer contributions under this Plan will be imposed as a condition of development consent or as a condition on a Complying Development Certificate.

2.4 Methods of payment

In accordance with the Act, an obligation to provide contributions toward community infrastructure can be satisfied by one or more of the following methods:

- Payment of a monetary contribution;
- The dedication of land; or
- Provision of a material public benefit.

Generally, the method of payment will be specified as a condition of the development consent although Council may consider any of the abovementioned alternative methods of payment at its sole discretion and in accordance with the provisions of this Plan (see below).

2.4.1 Monetary contributions

Payment of contributions can be made by cash, money order, bank cheque or means determined acceptable by Council from time to time.

2.4.2 Dedication of land

In accordance with the provisions of this Plan, Council may require that land be dedicated as a form of contribution toward the provision of community infrastructure. Where such dedication is required, it must be undertaken in accordance with the following:

- The process for dedication of land is to occur in conjunction with the payment of monetary contributions applicable to any development consent granted for the land;
- The dedication of land is to be 'free of cost' – meaning that all costs associated with the dedication of the land and its transfer to Council's ownership (including but not limited to survey, legal and administration costs) are to borne by the applicant/developer;
- At the time of transfer, the land is to be in a condition which is suitable for its identified public purpose free from contamination and is to be cleared of all rubbish and debris and have a separate title.

2.4.3 Material public benefits/ 'works-in-kind'

Council may accept an offer by the applicant to provide an 'in-kind' contribution (i.e. the applicant completes part or all of work/s identified in the Plan) or through provision of another material public benefit (other than the dedication of land) in lieu of the applicant satisfying its obligations under this Plan.

Council is under no obligation to accept works-in-kind or material public benefit offers and in considering any such offer, will assess the benefits to the Council and the Community and give due consideration to relevant matters including the following:

- (a) an assessment of the value of the material public benefit proposed, which must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications;
- (b) the value of the material public benefit proposed is at least equal to the value of the contribution that would otherwise be required under this Plan;
- (c) an assessment that the design specification of the proposed material public benefit is equivalent to that intended by the Plan, which must be provided by the applicant at the time of the request and must be independently certified by a person who can demonstrate qualifications relevant to the design of the facility;
- (d) the extent to which the material public benefit satisfies the purpose for which the contribution was sought;
- (e) the material public benefit being facilities which are already included in the Plan;
- (f) the extent to which the material public benefit satisfies a community need or may reduce the demand for levied items;
- (g) the impending need to construct the material public benefit for which the contributions are to be offset;
- (h) the provision of the material public benefit will not prejudice the timing, the manner or the orderly provision of public facilities included in the works program or the financial integrity of Council's Plan;
- (i) the provision of the material public benefit must not result in piecemeal delivery of infrastructure or result in the need to reconstruct the works due to likely future nearby developments (i.e. normally the works will need to relate to a whole street block or a defined precinct); and
- (j) Council will require the applicant to enter into a written agreement for the provision of the works. It is Council's preference that such an agreement should take the form of a Planning Agreement (see Section [2.4.4](#)).

In accepting other material public benefits, Council must be satisfied that the offer provides a substantial benefit to the community not envisaged by the Plan and that this benefit warrants Council accepting responsibility in fulfilling the intent of the Plan notwithstanding a reduction in expected cash contributions.

A work-in-kind relates to the undertaking of a specific or equivalent work specified in the Plan, and is therefore more readily capable, in comparison to other material public benefits of meeting the above criteria.

However, Council may not accept an offset to the cash otherwise required to be paid which exceeds the quantum of cash payable under the facility category that relates to the work- in-

kind. For example, if a condition of development consent requires a certain cash payment towards roads, the provision of a work-in-kind for road works proposed by the Plan will meet only the cash payment required towards roads by that consent, even if the cost of the works exceeds that amount.

2.4.4 Planning agreements

An applicant may voluntarily offer to enter into a planning agreement with Council in connection with a development application. Under a planning agreement, the applicant may offer to pay money, dedicate land, carry out works, or provide other material public benefits for public purposes. The applicant's provision under a planning agreement may be additional to or instead of making contributions provided for by the Act.

An applicant's offer to enter into a planning agreement, together with the draft agreement, will generally need to accompany the relevant development application or an application to modify the development consent. Council may also consider an offer to enter into a planning agreement where an applicant has sought a change to an environmental planning instrument (commonly referred to as a rezoning application).

Council will publicly notify the draft planning agreement and explanatory note relating to the draft agreement along with the relevant application and will consider the draft planning agreement as part of its assessment of the relevant application.

If Council agrees to enter into the planning agreement, it may impose a condition of development consent requiring the agreement to be entered into and performed.

2.4.5 Timing of payments

A contribution must be paid to Council at the time specified in the condition of development consent that imposes the contribution. If no such time is specified, the contribution must be paid:

- In the case of subdivisions - prior to the issue of the Subdivision Certificate for each stage; or
- In the case of development involving building work – prior to the issue of the first Construction Certificate; or
- In the case of development that involves both subdivision and building work – prior to issue of the Subdivision Certificate or first Construction Certificate, whichever occurs first; or
- In the case of development that does not involve subdivision or building work – prior to occupation or the issue of an interim occupation certificate or issue of a final occupation certificate, whichever occurs first; or
- In the case of Complying Development:
 - where works are proposed - prior to any works commencing; or
 - where no works are proposed - prior to occupation or issue of an interim occupation certificate or issue of a final occupation certificate, whichever occurs first.

It is the responsibility of the accredited certifier to ensure that a condition is imposed on a complying development certificate in accordance with this Plan and that any monetary contributions have been paid to Council prior to authorising works to commence.

2.4.6 Deferred or periodic payments

- The applicant or any other person entitled to act upon a Development Consent containing a monetary contribution condition imposed in accordance with this Plan may apply in writing to the Consent Authority, other than an Accredited Certifier, under section 4.55 of the EP & A Act to modify the condition to provide for the deferred or periodic payment of the contribution.
- In deciding whether to approve the request, the Consent Authority may take into consideration, in addition to any other relevant matters, whether:
 - Compliance with clause 2.4.5 is, in the opinion of the Consent Authority, unreasonable in the circumstances of the case; and
 - the person making the application has offered an appropriate form of security (being an unconditional bond, bank guarantee or the like) in respect of the deferred or periodic payment; and
 - the application, if approved would be likely to prejudice the implementation of the works schedule to this Plan; and
 - the applicant is prepared to pay interest on the unpaid contribution to the Council at a rate equivalent to the 90-day Bank Bill Swap Reference Rate

2.4.7 Construction certificates and the obligation of accredited certifiers

In accordance with the Act and the Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with the Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to this requirement are where a material public benefit, dedication of land, deferred payment or payment by instalments has been agreed by Council. In such cases, Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.4.8 Complying development certificates and the obligation of accredited certifiers

In accordance with the Act, accredited certifiers must impose a condition on a Complying Development Certificate, requiring monetary contributions in accordance with this Plan for all types of development.

The conditions imposed must be consistent with Council's standard condition for Complying Development Certificates and be strictly in accordance with this Plan. It is the professional responsibility of an accredited certifier to inform themselves of any amendments to this Plan (including current indexed rates), to accurately calculate the contribution and to apply the development contributions condition correctly in accordance with Council current consent condition requirements.

It is also the professional responsibility of an accredited certifier to ensure that any applicable monetary contributions have been paid to Council prior to authorising works to commence.

2.5 Indexation of contributions

In accordance with clause 32(3)(b) of the EP&A Regulation, Council may, without the necessity of preparing a new or amending contributions plan, make changes to the section 7.11 contribution rates set out in this Plan to reflect annual variations to the Consumer Price Index (All Groups Index) for Sydney as provided by the Australian Bureau of Statistics.

A development consent or complying development certificate will show the contribution payable at the date the consent/certificate is issued. Contributions are subject to indexation from the date the consent/certificate is issued to the date of payment in accordance with the Consumer Price Index (All Groups Index) for Sydney as provided by the Australian Bureau of Statistics.

The current contributions rates are available from Council Administration Offices or Council's website.

2.6 Exemptions

Council will not provide exemption to development contributions made under this Plan other than exemptions or discounts afforded under direction of the Minister for Planning and Public Spaces. At the time of commencement, these Ministerial exemptions and discounts included:

- development undertaken by a 'social housing provider' for the purposes of 'seniors housing' as defined in [*State Environmental Planning Policy \(Housing for Seniors or People with a Disability\) 2004*](#);
- development within a greenfield urban release area specified by the Minister for the purpose of one or more dwellings or in the case of subdivision, the creation of one or more residential lots, is limited to \$30,000 for each dwelling or lot authorised by the development consent; and
- development within an established urban area for the purpose of one or more dwellings or in the case of subdivision, the creation of one or more residential lots, is limited to \$20,000 for each dwelling or lot authorised by the development consent.

Council does not apply discounts to the payment of development contributions unless otherwise stated in this Plan.

2.7 Allowances for existing development

All forecasts of future additional development within this Plan have been calculated allowing for existing development within the URA at the time of preparing the Plan.

Allowances or 'credits' for existing development are provided for when assessing the contributions to be levied for new development. An amount equivalent to the contribution attributable to any existing development on the site of a proposed new development will be allowed for in the calculation of contributions.

2.8 Credits

A credit may be provided by Council where the net contributions provided by a development exceeds that required by the Plan. This could arise where a developer proposes the provision of a material public benefit or dedication of land, at a value determined by Council to exceed the amount of cash otherwise payable in accordance with the Plan. However, credits will only be provided at Council's absolute discretion.

The amount and terms of the credit are to be negotiated prior to the dedication of land or commencement of works and will be for the additional value only as agreed by Council. If

agreed, Council will advise the applicant of the credit which would be redeemable in lieu of contributions in the same facility category otherwise payable by the developer for future development in the area to which this Plan applies.

Council reserves the right to require payment of a monetary contribution or to terminate the 'credit agreement' should the applicant be unwilling or unable to meet its terms. No credit will be given for land or works which are not nominated in the works schedule in this Plan (Appendix A).

2.9 Monitoring and review of the plan

It is intended that this Plan be monitored and reviewed on a regular basis as it contains forecasts of future development including likely future population and the likely demands and costs of providing community infrastructure for that population.

Monitoring actual developments, population changes and community demands will allow appropriate updating and amendment as necessary.

The cost of works proposed by the Plan (including land values) may also need review over time if there is a concern that the indexation of costs may not be adequately reflecting actual current costs.

Council's aim is that all forecasts, costs and assumptions are reviewed and adjustments and/or amendments as appropriate will be made at five yearly intervals after the date of adoption of this Plan.

2.10 Accounting and management of funds

2.10.1 Accounting standards and contributions register

Separate accounting records are maintained for all development contributions made to Council under this Plan and a development contributions register will be maintained by Council in accordance with the Regulation.

Council is also required to publish details of development contributions accounts annually and this is undertaken as part of Council annual financial reporting cycle.

2.10.2 Investment of funds

To maintain the time-value of monetary contributions received under this Plan, Council will invest these funds until the time of expenditure for the purpose for which they were received.

Council will report all investment returns as part of its annual contributions accounts reporting and all investment returns will be retained within the development contributions accounts, to be used of the purpose for which the original contribution was made.

2.10.3 Pooling of contributions

This Plan expressly authorises monetary contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

2.10.4 Other funding sources

All works proposed in this Plan represent infrastructure to be funded pursuant to the development contributions provisions of the Act.

There were no grants or other external funding sources secured for the works proposed in this Plan, at the time of its adoption. Should such funding become available in the future, the works schedule in this Plan will be reviewed and the contribution rates may be adjusted.

2.10.5 Goods and services tax

At the date of preparing this Plan, monetary development contributions were exempt from the Federal Government Goods and Services Tax (GST).

In addition, at the date of preparing this Plan, Council's advice was that non-monetary contributions by way of dedication of land, works-in-kind or material public benefit in lieu of contributions that would be exempt under Section 81-5 of the GST Act, do not constitute a taxable supply. Therefore, there are no GST implications for non-monetary contributions.

However, if legislative changes (including Australian Tax Office tax rulings) determine, contributions in this Plan will be adjusted to include GST.

3. Expected development and demand for infrastructure

3.1 Overview

The plan area comprises land with an area of approximately 33 hectares.

The plan area was rezoned in 25 July 2014 from RU1 Primary Production to R1 General Residential, R3 Medium Density Residential and B1 Neighbourhood Business under *Clarence Valley Local Environmental Plan 2011*.

Future residential development is expected to be primarily single dwellings although a small percentage of medium density residential accommodation is also expected within the plan area.

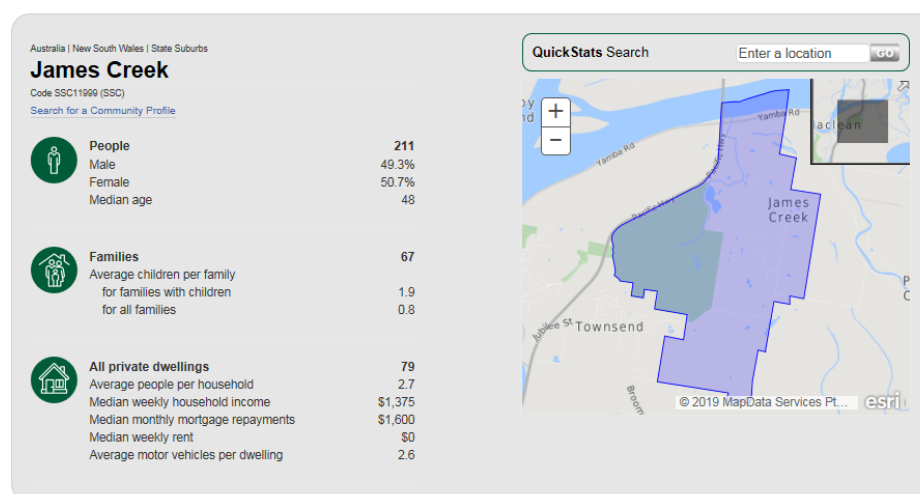
3.2 Existing population characteristics

3.2.1 James Creek

James Creek had a population in 2016 of 211 people (refer Figure 3-1) and a total of 79 dwellings with an occupancy rate of 2.7 persons per household.

Figure 3-1 James Creek 2016 Demography

2016 Census QuickStats



3.3 Forecast development and population

The Maclean Urban Catchment Local Growth Management Strategy (LGMS) 2011 was adopted by Council on 16 August 2011.

3.3.1 James Creek Urban Growth area

The North Coast Regional Plan identifies land at James Creek as an urban growth area and adjacent land to the east as Investigation Area - Urban Land. However this contributions plan does not include this Investigation Area as it is not yet zoned for urban purposes and cannot be rezoned without significant further investigation. It should be noted that the area zoned R1, R3 and B1 at James Creek is not an urban release area for the purposes of the LEP.

The James Creek Urban Growth area is identified as having potential for future growth, particularly if in the longer term demand and supply warrant it. The existing supply and

demand for land suggests that James Creek Urban Growth area is a medium to longer term option.

The LGMS recognises that there is the potential for James Creek to provide additional housing choice and to accommodate increased demand for housing including potentially from continued and increased migration from other regions, such as South East Queensland. The LGMS supports James Creek for these reasons and acknowledges the benefit of providing a clear and certain direction for long term planning in the area. Estimated development yields identified for the combined James Creek Urban Growth area (plan area) and Investigation Area - Urban Land in the LGMS are reproduced below in Table 3-1.

Table 3-1 James Creek development potential

	Area (ha)	8 dwellings/ha		10 dwellings/ ha		15 dwellings/ ha	
		Dwellings	Population	Dwellings	Population	Dwellings	Population
Whole site	102	800	2,080	1,000	2,600	1,500	3,900
Unconstrained land	33.5	232	603	290	754	755	1,131

The plan area comprises the majority of the “unconstrained land” identified as being suitable for urban development in accordance with the LGMS. Notwithstanding the LGMS it would appear that plan area would be capable of yielding up to 300 dwellings made up of between 75% low density single detached dwellings with an occupancy rate of 2.6 persons/dwelling and 25% dual occupancies, and medium density dwellings in the longer term with an occupancy rate of 1.7 persons/dwelling.

4. Infrastructure and contributions

4.1 Public roads and intersections

4.1.1 Introduction

The projected development will generate additional demand for vehicular, bicycle and pedestrian traffic and this demand will require augmentation of existing road infrastructure due to the additional traffic likely to be generated on these roads. This section outlines the nature of the existing road environment and the rationale for the augmentation of those facilities.

4.1.2 Existing provision

James Creek relies on arterial and collector roads to provide connection with the population centre of Maclean and Yamba and wider regional transport networks serviced by the Pacific Highway.

James Creek Road

James Creek Road flanks the eastern boundary of the plan area and intersects with Gardiners Road to the south, but also leads to Maclean in the north-west and Yamba in the north-east. James Creek Road intersects with Yamba Road, a major collector road servicing the area, which connects with the Pacific Highway. This road is sealed for its full length and is generally of fair rural road construction standard, however approximately 900m at the Southern end of the road has only been constructed to half of the required formation width.

Gardiners Road

Gardiners Road connects James Creek Road with both Townsend and Gulmarrad. A number of rural residential properties rely on Gardiners Road for access to Townsend. Gardiners Road currently does not offer 1: 20 flood level immunity meaning that approximately 800 – 900 metres of Gardiners Road can be inundated and potentially impassable in a 1 in 20 event or greater.

Gardiners Road/James Creek Road Intersection (630m)

The James Creek Road and Gardiners Road intersection is located in the middle of a sweeping bend with limited visibility in both directions. This arrangement is unsatisfactory into the future particularly with the projected 300 additional dwellings as a consequence of development in the plan area.

4.1.3 Nexus to development

Future development in the plan area will be responsible for at least 300 dwellings. Based on the peak hour vehicle trip (PVTs) rates specified in the *Guide to Traffic Generating Development* (RTA, 2002), this additional development is likely to generate over 254 PVTs in the road network (i.e. net additional traffic).

This additional traffic demand will require upgraded roads and intersections to ensure that there is no corresponding reduction in flow capacity and Levels of Service (LoS) and safety.

James Creek

The James Creek Infrastructure & Services Strategy report by Johnston Enterprises Australia Pty Ltd in November 2013 identified a series of upgrades required as a result of the future residential development of James Creek (Stage 1):

- Gardiners Road/James Creek Road Intersection - Minor intersection signage required and lane marking. Use existing bus bay area.
- Yamba Road/James Creek Road Intersection: A right hand turn lane from Yamba Road is required probably within the first ten years. Sealing of James Creek Road approach for at least 1km.
- James Creek Road (sealed): Add signage to residential estate entrance. Line marking and passing and entry/exit lanes, but existing carriage way width maintained (not costed in this Plan).
- Gardiners Road: lifting the road for flood free access – needing approximately 2km of road works to a 1:20 year flood level. A report by McKenzie Burrige (September 2013) specifically identified only 390m of Gardiners Road would require raising above the 1:20 event (costed in this Plan).

4.1.4 Strategy – proposed infrastructure

Yamba Road/James Creek Road Intersection:

The intersection has 200 vpd approaching from James Creek Road. Where it connects with Yamba Road is 200m east of the James Creek Bridge and culvert on Yamba Road to achieve the required taper and lane lengths the widening work extends beyond the bridge and bridge widening works are also required. Yamba Road has a collector road status in the order of 6,000 vpd plus traffic movements. A right hand turn lane from Yamba Road is required. The total expected upgrade costs would be \$1,224,040 as detailed in Appendix A.

James Creek Road Upgrade:

The James Creek Road upgrade works to seal and widen the unsealed section of James Creek Road were undertaken in 2019 to cope with the increased traffic generated by future development within the plan area and as such, some of the costs should be apportioned to new development. Although the value of the upgrade works undertaken was \$917,106 (not including any adjustments or improvements to the intersection of Yamba Road and James Creek Road), the cost to Council was \$683,547, due to an in-kind contribution in relation to the provision of concrete products and services.

Widening of a 900 metre length of the southern end of James Creek Road is also proposed to cope with the increased traffic generated by future development within the plan area. The total expected upgrade costs would be \$315,000 as detailed in Appendix A.

Gardiners Road:

Gardiners Road will need to be raised to provide a 1:20 year flood level immunity for a total length of 900 metres. Future residents of the plan area should have a reasonable level of flood free access to community services in Townsend and Gulmarrad during flood events and as such, the upgrade costs should be apportioned to new development. The total expected upgrade costs would be \$702,000 as detailed in Appendix A.

Gardiners Road/James Creek Road Intersection (630m):

As mentioned above the James Creek Road and Gardiners Road intersection is located in the middle of a sweeping bend with limited visibility in both directions. Increased vehicles associated with additional development within the plan area would require an intersection upgrade at Gardiners/James Creek Roads to address the increased risk of harm with greater traffic volumes including:

- a widening of a 630 metre length of Gardiners Road.
- sealed shoulders and sheltered turn lanes into and out of James Creek Road

The total expected upgrade costs would be \$675,000 as detailed in Appendix A.

4.1.5 Plan preparation and administration

The Dept. Planning & Environment's Development Contributions Practice Notes (July 2005) permit development contributions plan to provide for the recoupment of plan preparation costs from contributions to development. The direct consultant cost of preparing this plan is \$21556.

This figure will be included into the total cost of works that will be apportioned to the development within the plan area. Refer to section 4.1.6 and 4.1.7 (below), and Appendix A for specific apportionment relating to plan preparation costs.

4.1.6 Apportionment

James Creek Urban Growth area

The James Creek URA already benefits from an existing 7 metre wide and variable bitumen sealed road. This is complemented by the new 8 metre wide sealed section that was constructed by Council in 2019. The proposed upgrade works (including plan preparation costs) are considered directly attributable to the future traffic generated by the residential development in the plan area.

An apportionment factor of 50% (0.5) of the cost of all identified upgrade works to the new development in the plan area is considered fair and reasonable. However, an apportionment factor of 100% should be applied to the plan preparation costs given that future James Creek Growth area development is the principal reason for having to prepare a contributions plan.

4.1.7 Calculation of contribution rate

$$\begin{array}{lcl} \text{Contribution} & = & (\text{Total Cost of Road Works} \times \\ \text{Rate} & & \text{Apportionment Factor}) / \\ & & \text{Catchment (in persons)} \end{array} \quad + \quad \begin{array}{l} (\text{Total Cost of Contribution} \\ \text{Plan Preparation, management}) \times \\ \text{Apportionment Factor} / \\ \text{Catchment (in persons)} \end{array}$$

The formula for the calculation of the contribution rate for plan area road works is as follows:

$$\begin{array}{rcl} \$3,599,587 \times 0.5/780 & + & \$21556 \times 1.0/780 \\ \$2307.42 & + & \$27.63 \\ \\ \mathbf{\$2335.05 \text{ per person}} & & \end{array}$$

5. References

Clarence Valley Council, 2011, *Clarence Valley Contributions Plan 2011*

Geolink, 2011, *Maclean Urban Catchment Local Growth Management Strategy 2011*

ERM, 1997, *Gulmarrad and Townsend Traffic Study*

Johnston Enterprises Australia Pty Ltd, 2013, *James Creek Infrastructure & Services Strategy, Lot 104, DP 751388, James Creek Road, James Creek*

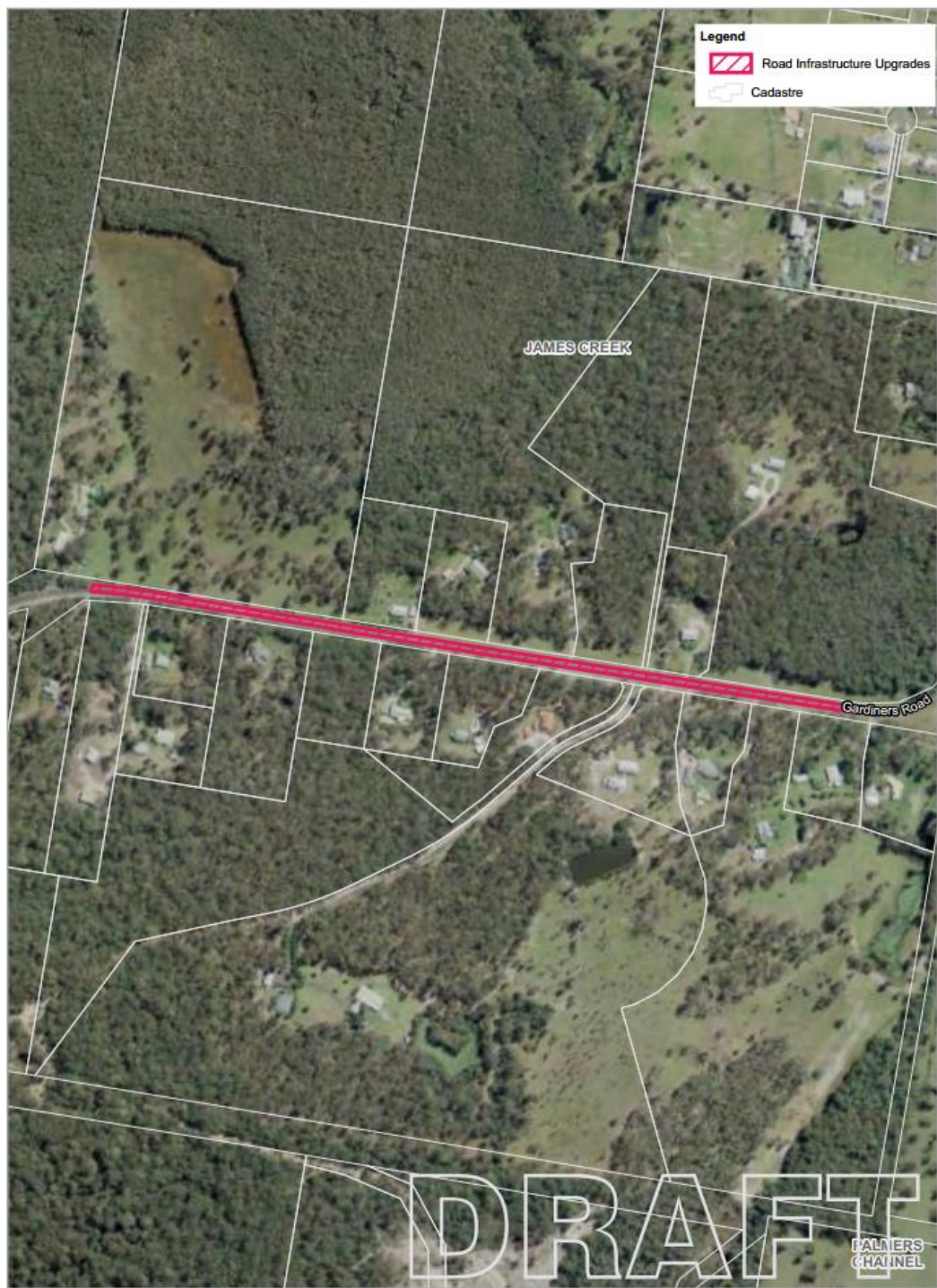
McKenzie Burrridge, September 2013 *James Creek Cost Estimates on behalf of Johnston Enterprises Australia*

Appendices

Appendix A - Works schedule

	Total Estimated Cost <i>(inc. est. base cost/ contingency; survey, design, legal and management costs)</i>	In-kind Contribution (\$ value)	Apportionment Factor	Maximum cost met by development	Contribution catchment	Contribution Rate (per person)	Priority	Staging
1. James Creek Road Upgrade	\$683,547	\$233,559	50%	\$341,773	780	\$438.17	A	Before 2020
2. James Creek Road (South) widening	\$315,000		50%	\$157,500	780	\$201.92	A	Before 2030
3. Yamba Road/James Creek Road intersection upgrade	\$1,224,040		50%	\$612,020	780	\$784.64	A	Before 2030
4. Gardiners Road upgrade	\$702,000		50%	\$351,000	780	\$450.00	A	Before 2030
5. Gardiners Road/James Creek Road Intersection	\$675,000		50%	\$337,500	780	\$432.69	A	Before 2030
6. Contribution Plan Preparation, management	\$21,556		100%	\$21,556	780	\$27.63		
7. Total for James Creek Catchment	\$3,621,143		50%	\$1,821,349	780	\$2335.05 (refer to section 4.1.7)		

Appendix B - Strategy plans



Paper Size ISO A4
0 50 100 150 200
Metres



Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 56



Clarence Vally Council
CVC James Creek
Road Upgrades

Project No. 22-20011
Revision No. A
Date 16/05/2019

Gardiners Road Upgrade

FIGURE 2-1a

G:\2008\11625\Map\Deliverables\220011_CVC_JamesCreek\220011_Upgrades_A.spr
12/20011_LURAD01_RoadUpgrades_A
Print date: 16 May 2019 - 09:52

Data source: Data source: UPR DTDS\OC08_2017_11map\A_P\Imagery_Best_0 Department of Finance, Services & Innovation 2017 11map\A_P\Imagery_Best_0
Department of Finance, Services & Innovation 2017. Created by: Isparda



Paper Size ISO A4
0 40 80 120 160
Metres



Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 56



Clarence Vally Council
CVC James Creek
Road Upgrades

Project No. 22-20011
Revision No. A
Date 16/05/2019

James Creek Road Upgrade

FIGURE 2-1b

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12/20011_LURAD01_RoadUpgrade_A
Print date: 16 May 2019 - 09:52

Data source: Data source: UPE DTDS\G008, 2017. Airmap\LP_Imagery_Best © Department of Finance, Services & Innovation 2017. Airmap\LP_Imagery_Best © Department of Finance, Services & Innovation 2017. Created by: Iparade



Paper Size ISO A4
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Metres



Clarence Vally Council
CVC James Creek
Road Upgrades

Project No. 22-20011
Revision No. A
Date 16/05/2019

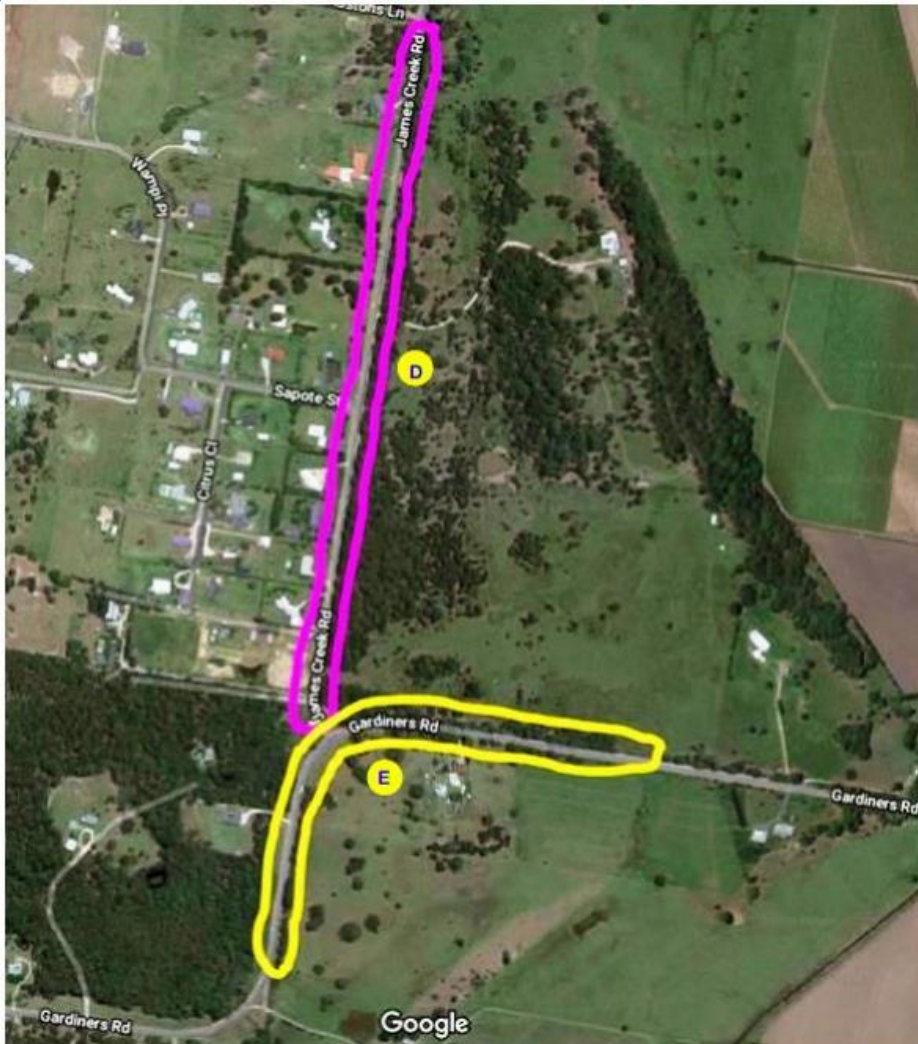
Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 56

James Creek Road / Yamba
Road Upgrade

FIGURE 2-1c

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Clarence Valley Council CVC James Creek Road Upgrades

D

James Creek Road (South)

E

Gardiners Road/James Creek Road Intersection

FIGURE 2-1d

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8/https://projects.ghd.com/oc/Newcastle3/cvcjamescreekgulmarr/Delivery/Documents/22200111_
Revised CVC Rural Roads Contributions Plan_Report.docx

Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
1	S Lawer	A West		A Oliver		Apr 19
2	S Lawer	A West		A Oliver		May 19
3	T Dwyer	T Dwyer		T Dwyer		Feb 20

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