



**Ballina Shire
Roads Contribution Plan
Version 4.0**

Adopted: 24 September 2015

Ballina Shire Roads Contribution Plan, Version History:

Version	Adopted	Effective	Remarks
Ballina Road Contribution Plan, Versions 1 and 1A	No		Exhibition drafts arising from Council meetings 23/5/2000 and 27/7/2000.
Ballina Road Contribution Plan, Version 2	24/10/2002		
Ballina Shire Roads Contribution Plan 2010	25/2/2010	8/3/2010	Update of Version 2
Ballina Shire Roads Contribution Plan, Version 4.0	24/9/2015	7/10/2015	Update of 2010 Version

CERTIFICATION:

This *Ballina Shire Roads Contribution Plan, Version 4.0*, was approved by Ballina Shire Council on:

24 September 2015 and became effective on: 7 October 2015

Pursuant to Clauses 31 and 32 of the Environmental Planning and Assessment Regulation 2000, the following contribution plans are repealed by the approval of this *Ballina Shire Roads Contribution Plan, Version 4.0* (being a subsequent plan):

- Ballina Road Contribution Plan, Version 2
- Ballina Shire Roads Contribution Plan 2010

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Group Manager Civil Services

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General Manager

Contents

	Page Number
1. Introduction & Summary Schedules	1
1.1 Overview of plan	1
1.2 Summary schedules	2
1.3 Calculating an unadjusted contribution under this plan	7
1.3.1 Worked examples of unadjusted contributions calculations	7
1.4 Overview of development contributions	8
1.4.1 What are development contributions?	8
1.4.2 Contributions must be authorised by a contributions plan	8
1.4.3 Section 94 contributions must be reasonable	9
2. Administration and operation of this plan	10
2.1 Definitions	10
2.2 Name of this plan	11
2.3 Purposes of this plan	11
2.4 Commencement of this plan	11
2.5 Land to which this plan applies	12
2.6 Development to which this plan applies	12
2.7 Development exempted from contributions under this plan	12
2.8 Relationship to other plans	12
2.9 Development contributions may be required as a condition of consent	13
2.10 Other contributions to be taken into account	13
2.11 Obligations of accredited certifiers	14
2.12 Indexation of unadjusted contribution rates under this plan	15
2.13 Indexation of contributions required by a condition of development consent imposed under this plan	16
2.14 Timing of payment of monetary contributions required under this plan	16
2.15 Policy on deferred or periodic payments	17
2.17 Pooling of funds	19
2.18 The Goods and Services Tax (GST)	19
2.19 Accountability and access to information	19
2.20 Review of contributions plan	20
2.21 Savings and transitional arrangements	20

3.	Relationship between expected development and demand for infrastructure	21
3.1	Current and expected development and population	21
3.1.1	Overview	21
3.1.2	Expected development and population	21
3.2	Road infrastructure that will be required as a result of the expected development	23
3.3	Calculation of a reasonable development contribution toward road infrastructure	24
3.3.1	Daily vehicle trips as a basis for determining reasonable contributions	24
3.3.2	Contribution formulas	26
4.	Works schedules and maps	29
4.1	Revised Works Schedule Items	29
4.2	Revised Works Schedule Estimates of Costs	30
4.3	Interim Works Schedule Items	30
4.4	Apportionment of the Works Schedule	31

Tables

Table 1.1	Works summary schedule	2
Table 1.2	Contribution rates	3
Table 3.1	Resident and tourist population projections, Ballina Shire, 2011 to 2036+	22
Table 3.2	Employment floor space projections by industry category, Ballina Shire, 2011 to 2031	22
Table 3.3	Residential Trip Generation	25
Table 3.4	Estimated trip generation for projected floor space by industry category	25
Table 4.1	Works Schedule Items, Omitted from this Plan Version	29
Table 4.2	Additional Works Schedule Items, Included in this Plan Version	29
Table 4.3	Works Schedule Items, Amended in this Plan Version	29
Table 4.4	Estimate Exceptions or Variations	30
Table 4.5	Interim Works Schedule Items	31
Table 4.6	Apportionment of Costs of Works Schedule	31
Table 4.7	Works Schedule	34

1. Introduction & Summary Schedules

1.1 Overview of plan

Ballina Shire Council (Council) provides and maintains an extensive road network.

Anticipated future development in the Shire of Ballina (the Shire) will add traffic to the road network and in some locations will have a deleterious impact on the level of performance of this network.

Council will be required to undertake roads and traffic upgrades in response to the demands generated by new development to ensure that the overall level of service of the network is maintained.

Council will therefore require contributions from developments that generate additional vehicle movements (or 'trip ends') to help Council meet the additional cost burden of providing and maintaining a safe and convenient road network.

Where the consent authority is a council, a development contribution may only be imposed on a development if it is of a kind allowed by and determined in accordance with a contributions plan, such as this plan.

This plan sets out:

- the relationship or nexus between the expected development in the area and the road infrastructure that is required to meet the demands of that development;
- the formulas to be used for determining the reasonable contributions required from expected development for the required infrastructure;
- the contribution rates applying to the different types of development affected by this plan;
- maps showing the location of the infrastructure proposed to be provided under this plan supported by a works schedule setting out an estimate of each infrastructure item's cost; and
- the administrative and accounting arrangements applying to contributions that are required by this plan.

This plan has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation). In preparing the plan Council has had regard to the latest practice notes issued by the NSW Department of Planning in accordance with clause 26(1) of the EP&A Regulation.

This version the plan (Version 4.0), updates the traffic generation predictions based on modelling of the network during the 2014/15 period which targeted demographic predictions for the year 2036+. This version amends the previous works program and contributions rates based on the updated traffic predictions.

1.2 Summary schedules

Table 1.1 Works summary schedule

No.	Proposed works	Costs
1a	Western Arterial	\$ 31,669,625
1a	Western Arterial (Land Component)	\$754,220
6	River Street Fisheries Ck Bridge to Tweed St - Four Laning	\$3,886,480
7	Tamarind Dr, North Creek Rd to Kerr St - Four Laning	\$7,165,698
9	River St, Upgrade Fisheries Creek Bridge	\$5,343,911
10	Tamarind Dr, Duplication of North Creek Canal Bridge - Separate Two Lanes	\$ 4,007,933
11	River St, Fisheries Ck Bridge to Sthn Interchange of Bypass - Four Laning	\$ 9,582,603
11	Other River Street Improvements (Land Component)	\$ 133,598
12-14	Hutley Drive Extension	\$ 15,303,017
15	Bangalow Road / Hogan Street - new Left In / Left Out	\$ 667,989
16	Angels Beach Drive / Sheather Street - new Left In / Left Out	\$ 607,263
16	Angels Beach Drive / Sheather Street - LILO (Land Component)	\$ 109,307
18	North Creek Road and Bridge	\$ 19,432,402
18	North Creek Road and Bridge (Land Component)	\$ 12,145
20	Ross Lane Improvements - West	\$ 4,683,750
20	Ross Lane Improvements - East	\$ 10,590,659
20	Ross Lane Improvements - East (Land Component)	\$ 97,162
21	Tintenbar Road / Teven Road - Climbing Lanes	\$ 1,943,240
21	Tintenbar Road / Teven Road - Climbing Lanes	\$ 1,943,240
21	Tintenbar Road / Teven Road - Climbing Lanes (Land Component)	\$ 1,215
23	Tamarind Dr to Southern Cross Drive - Right Turn Ban	\$ 157,888
27	North Creek Road / Reservoir Rd / Hutley Dr, Traffic calming	\$ 2,793,408
28a	River Street / Cherry Street Roundabout	\$ 1,165,944
28b	River Street / Moon Street Roundabout	\$ 1,165,944
29	Tamar Street / Cherry Street Roundabout	\$ 643,698
30	Angels Beach Dve / Bangalow Rd Roundabout Lanes Extensions	\$ 896,480
31, 33	Ballina Heights Drive	\$ 4,858,101
34	Cumalum - Interchange	\$ 3,460,000
34a	Cumalum Interchange, upgrade eastern roundabout	\$ 735,765
35	Sandy Flat Road	\$3,018,600
37	North Creek Road - Northern 350m joining Hutley Dr & Byron Bay Rd	\$3,360,044
39	North Creek Rd - Tamarind Dr to Southern Cross Dr, 4 lane	\$1,436,350
40	Tamarind Dr, 4 lanes Cumalum to North Ck Rd, 4.15 km	\$10,627,536
41	Bangalow Rd, additional Lane, 200 m east from Angels Beach Dr	\$1,249,000
	Total	\$ 153,529,549

Table 1.2 Contribution rates

Unadjusted Contribution per daily trip end	\$1,762.64
Unadjusted Plan preparation and management contribution	\$26.44

Note: When imposing conditions of development consent under Section 94(1) or 94(3) of the Act, the payment of a monetary contribution for each dwelling or subdivision lot shall not exceed the maximum amount permitted by the current Section 94E Direction issued by the Minister for this purpose.

In order to comply with the Section 94E Direction, monetary contributions required by development consents under Section 94(1) or 94(3) of the Act shall be calculated as follows:

Step 1. The Unadjusted Monetary Contribution shall be the sum of contributions calculated in accordance with the methodology set out in each contributions plan applicable to the development.

Step 2a. If the Unadjusted Monetary Contribution exceeds the Ministers Section 94E cap, then the components (from each separate Section 94 Contributions Plan, including this plan) of the Unadjusted Monetary Contribution shall be multiplied by the fraction equal to:

$$\frac{\text{The Ministers Section 94E Monetary Contribution Cap}}{\text{The Unadjusted Monetary Contribution}}$$

This adjustment ensures the Monetary Contribution imposed by a condition of development consent under Section 94(1) or 94(3) of the Act conforms with the Ministers Section 94E cap.

Step 2b. If the Unadjusted Monetary Contribution does not exceed the Ministers Section 94E cap, the Base Monetary Contribution shall be the Monetary Contribution imposed by a condition of development consent under Section 94(1) or 94(3) of the Act

Ballina Shire Roads Contribution Plan, Version 4.0

Amusement Centre	40	100m2 GFA	\$14,101	\$211.52
Bulk Garden/Landscaping Supplies	10	100m2 TUA	\$3,525	\$52.88
Bulky Goods Premises**				
400-2000m2	10	100m2 TUA	\$3,525	\$52.88
>2000m2	7	100m2 TUA	\$2,468	\$37.02
Café	60	100m2 TUA	\$21,152	\$317.28
Car wash	12	100m2 TUA	\$4,230	\$63.46
Child Care Centre	3.7	Enrolment	\$1,305	\$19.57
Cinema	1.3	Seat	\$458	\$6.87
Clubs (licensed)	40	100m2 TUA	\$35,253	\$528.79
Club house (other than licensed)	40	100m2 TUA	\$14,101	\$211.52
Container depot	4	100m2 GFA	\$1,410	\$21.15
Convenience Store	40	100m2 GFA	\$14,101	\$211.52
Community Facility		Merit based		
Drive in liquor	190	100m2 GFA	\$66,980	\$1,004.70
Dentist	50	100m2 GFA	\$17,626	\$264.40
Educational Establishments				
Primary	1.4	Enrolment	\$494	\$7.40
Secondary	1.4	Enrolment	\$494	\$7.40
Tertiary/ Further Education	1.8	Equivalent Full time Enrolment	\$635	\$9.52
Fast food premises				
With drive through	190	100m2 GFA	\$66,980	\$1,004.70
Without drive through	60	100m2 GFA	\$21,152	\$317.28
Freight transport facility	1	100m2 TUA	\$353	\$5.29
Fuel Depot	1	100m2 TUA	\$353	\$5.29
Funeral home	4	employee	\$1,410	\$21.15
Function Centre/Room	40	100m2 TUA	\$14,101	\$211.52
Gaming premises	40	100m2 GFA	\$14,101	\$211.52
GP Surgery (Consulting rooms)	50	100m2 GFA	\$17,626	\$264.40
Gymnasium	45	100m2 GFA	\$15,864	\$237.96
Hardware Store	40	100m2 TUA	\$14,101	\$211.52
Industry				
Mixed industry park	7	100m2 GLFA	\$2,468	\$37.02
Light	5	100m2 GLFA	\$1,763	\$26.44
Heavy Industry	1.5	100m2 GLFA	\$529	\$7.93
Kennel (pet)	4	employee	\$1,410	\$21.15
Laundromat	40	100m2 GFA	\$14,101	\$211.52
Markets	4	stall	\$1,410	\$21.15
Marina				
Fixed berth	2.7	per mooring	\$952	\$14.28
Swing mooring	1.4	per mooring	\$494	\$7.40
Mechanical workshop	5	100m2 GFA	\$1,763	\$26.44
Medical centre	50	100m2 GFA	\$17,626	\$264.40
Motor showroom/vehicle display area	5	100m2 TUA	\$1,763	\$26.44
Night club	40	100m2 TUA	\$14,101	\$211.52

Ballina Shire Roads Contribution Plan, Version 4.0

Office premises	10	100m2 GFA	\$3,525	\$52.88
Sport and Recreation				
Bowling alley		Merit based		
Bowling green		Merit based		
Dance Studio		Merit based		
Lawn Bowls	30	Green	\$10,576	\$158.64
Skating Rinks	7.5	100m2 TUA	\$2,644	\$39.66
Swimming Pools	7.5	100m2 TUA	\$2,644	\$39.66
Tennis courts	45	court	\$15,864	\$237.96
Golf Course	7.5	Hole	\$2,644	\$39.66
Golf Driving Range	15	Tee	\$5,288	\$79.32
Club House (other than licensed clubs)	40	100m2 GFA	\$14,101	\$211.52
Place of public worship	4	100m2 GFA	\$1,410	\$21.15
Private Hospital	50	100m2 GFA	\$17,626	\$264.40
Real Estate Sales Office	40	100m2 GFA	\$14,101	\$211.52
Restaurant	60	100m2 TUA	\$21,152	\$317.28
Retail/Shop	40	100m2 GFA	\$14,101	\$211.52
Retail Plant Nursery	40	100m2 TUA	\$14,101	\$211.52
Retail tyre outlet	10	100m2 TUA	\$3,525	\$52.88
Road side stall		Merit based		
Road transport facility	5	100m2 GFA	\$1,763	\$26.44
Rural supplies	10	100m2 TUA	\$3,525	\$52.88
Rural industry	4	offsite employee	\$1,410	\$21.15
Shopping Centre				
1-10,000 m2	121	100m2 GFLA	\$42,656	\$639.84
10,000-20,000 m2	78	100m2 GFLA	\$27,497	\$412.46
20,000-30,000 m2	63	100m2 GFLA	\$22,209	\$333.14
>30,000 m2	50	100m2 GFLA	\$17,626	\$264.40
Service station, highway services				
Fuel pumps	80	Pump	\$28,202	\$423.03
Mechanical workshop/Service bays	5	100m2 TUA	\$7,051	\$105.76
Shop, restaurant etc	40	100m2 TUA	\$14,101	\$211.52
Sex Services	6	Activity room	\$2,115	\$31.73
Tavern/Hotel				
Lounge, Bar, Beer Garden	40	100m2 TUA	\$14,101	\$211.52
Liquor Retail sales Area	40	100m2 GFA	\$14,101	\$211.52
Timber yard	10	100m2 TUA	\$3,525	\$52.88
Vehicle Hire Premise	10	100m2 TUA	\$5,640	\$84.61
Vehicle Sales Premise	5	100m2 TUA	\$1,763	\$26.44
Veterinary Clinic/Hospital	40	100m2 GFA	\$14,101	\$211.52
Warehouse	4	100m2 GFA	\$1,410	\$21.15
Waterfront or Marine Industry	5	100m2 TUA	\$1,763	\$26.44
Wreckers/Scrap metal	5	100m2 TUA	\$1,763	\$26.44

* Contribution for non residential employment development based on assumed 20% of total daily trips attributable to development outside of the Shire of Ballina, see 3.3.1.

** Calculation based on sliding scale of gross leasable floor area

1.3 Calculating a contribution under this plan

Contributions in this plan are levied for:

- road infrastructure; and
- the cost of preparing and administering this plan.

The total unadjusted contribution is the sum of the assessed contribution for an individual development based on the daily trip rates shown in Table 1.2, or in accordance with trip rates established by traffic study prepared for the development proposal by a suitably qualified professional.

The formulas for calculating an unadjusted contribution under this plan are shown in Section 3.3.2 of this plan.

1.3.1 Worked examples of unadjusted contributions calculations

The following worked examples are used to illustrate the calculation of contributions under this plan.

Non residential developments	
Example No.1 - Shopping centre with net additional 1,000m ² of retail space	
Calculated net additional trips	1,210
Adjustment for leviabale external trips (20%)	242
Cost per trip (\$)	\$1,762.64
Assessed \$ contribution	\$426,559
Example No. 2 - Service industrial units with net additional 3,000m ² of floor space	
Calculated net additional trips	210
Adjustment for leviabale external trips (20%)	42
Cost per trip (\$)	\$1,762.64
Assessed \$ contribution	\$74,031
Example No. 3 - New main street development with 300m ² net additional ground floor retail space and 1,000m ² above floor commercial offices	
Calculated net additional trips	523
Adjustment for leviabale external trips (20%)	105
Cost per trip (\$)	\$1,762.64
Assessed \$ contribution	\$185,077
Example No. 4 - Major shopping centre with net additional 12,000m ² of retail space	
Calculated net additional trips	9,360
Adjustment for leviabale external trips (20%)	1,872
Cost per trip (\$)	\$1,762.64
Assessed \$ contribution	\$3,299,662

Residential developments	
Example No. 1 - 50 lot conventional subdivision	50
Calculated net additional trips	322.5
Cost per trip (\$)	\$1,762.64
Assessed \$ contribution	\$568,451
<hr/>	
Example No. 2 - 25 x 2 bedroom medium density units	25
Calculated net additional trips	97.5
Cost per trip (\$)	\$1,762.64
Assessed \$ contribution	\$171,857

The unadjusted contribution rates values used in the examples reflect the unadjusted contribution rates at the time that the plan commenced.

Rates are regularly adjusted for inflation in accordance with the provisions of Section 2.12 of this plan.

Applicants should inquire at the Council for information on the latest base contribution rates.

1.4 Overview of development contributions

1.4.1 What are development contributions?

Development contributions are contributions made by those undertaking development approved under the EP&A Act toward the provision of public services and public amenities. Development contributions are addressed under Divisions 6 and 6A of Part 4 of the EP&A Act.

Contributions may be in the form of the dedication of land within the works schedule to this plan free of cost, or the payment of a monetary contribution.

There are different classes of development contributions provided for under the EP&A Act:

- Special infrastructure contributions;
- Local infrastructure contributions, which may be either section 94 contributions or section 94A fixed rate levies;
- contributions included in voluntary planning agreements; and
- contributions toward the provision of affordable housing.

This Plan is principally concerned with the imposition of conditions of consent requiring development contributions for local infrastructure under section 94 of the EP&A Act.

1.4.2 Contributions must be authorised by a contributions plan

The EP&A Act establishes that a council (or an accredited certifier) can require, through imposition of a condition or conditions on a development consent (or on a complying development certificate), development contributions if:

- there is a contributions plan applying to the development that is in force and that authorises the contribution; and
- the contribution is imposed in accordance with the provisions of such a plan.

Alternatively, or in addition to the levying of section 94 contributions, a council may negotiate a voluntary planning agreement with a developer for the provision of local infrastructure.

Council may be prepared to negotiate planning agreements with relevant parties for the provision of community infrastructure in relation to major developments. Such agreements may address the substitution of, or be in addition to, the direct contributions required under this plan. Any draft planning agreement shall be subject to any provisions of or Ministerial directions made under the EP&A Act or EP&A Regulation relating to planning agreements.

1.4.3 Section 94 contributions must be reasonable

Section 94 of the EP&A Act authorises a consent authority responsible for determining a development application to grant consent to the proposed development subject to a condition requiring the payment of a monetary contribution or the dedication of land free of cost or a combination of them towards the provision of public amenities and public services (public facilities) to meet the development.

The power to levy a section 94 contribution relies on there being a clear relationship (or 'nexus') between the development being levied and the need for the public amenity or service for which the levy is required.

A condition may only be imposed under section 94 towards the future provision of public facilities:

- if the proposed development will or is likely to require the provision of, or increase the demand for, public facilities within the local government area; and
- to require a reasonable dedication or monetary contribution for the provision, extension or augmentation of the public facilities concerned.

A condition may be imposed under section 94 towards the recoupment of the cost of public facilities previously provided if:

- the consent authority has, at any time, provided public facilities within the local government area in preparation for or to facilitate the carrying out of development in the area, and
- development for which development consent is sought will, if carried out, benefit from the provision of those public facilities.

2. Administration and operation of this plan

2.1 Definitions

In this plan, the following words and phrases have the following meanings:

Attributable cost means the estimated cost for each item in the works schedule included in Section 4 of this plan, which may differ from the final actual cost of the item. It will be the value used in determining the amount of any offset of monetary contributions as a result of any works-in-kind proposal.

Background Reports means *Ballina Road Contribution Plan Technical Background* (Cardno Eppell Olsen November 2009) and *Ballina Shire 2014 Strategic Modelling Update* (Cardno June 2015).

Consumer Price Index means the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician.

Council means Ballina Shire Council.

EP&A Act means the Environmental Planning and Assessment Act 1979.

EP&A Regulation means the Environmental Planning and Assessment Regulation 2000.

GFA means gross floor area: the sum of the areas of each floor of a building where the area of each floor is taken to be the area within the outer face of the external enclosing walls as measured at a height of 1400 millimetres above each floor level excluding:

- columns, fin walls, sun control devices and any elements, projections or works outside the general line of the outer face of the external wall
- lift towers, cooling towers, machinery and plant rooms, and ancillary storage space and vertical air-conditioning ducts
- car-parking specifications which meet requirements of council and internal access thereto
- space for the loading and unloading of goods

GLFA means gross leasable floor area. The sum of the area of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts corridors and other public areas but including stock storage area.

LGA means local government area.

Planning agreement means a voluntary planning agreement referred to in section 93F of the EP&A Act.

Shire means the Shire of Ballina.

TUA, means Total Use Area, the sum of all the areas (exclusive of all walls and columns) of all storeys of a building which are used or intended for use for a particular purpose, plus any other area of a site which is used, or intended to be used, for the same purpose. The term does not include:

- areas (inclusive of all walls and columns) of any lift wells, lift motor rooms, air conditioning and associated mechanical or electrical plant and equipment rooms;
- areas of any staircases;
- areas of any common foyer where these are not being used for commercial or retail purposes;
- areas of any public toilets;
- areas of any staff toilets, washrooms, recreation areas and lunchrooms, provided that such areas are not open to persons other than staff; and

- areas used for the access, parking and associated manoeuvring of motor vehicles.

Unadjusted Monetary Contribution means the preliminary contribution, prior to adjustment, to ensure it conforms to the Ministers Section 94E Determination for monetary contributions cap.

Work in kind means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a contributions plan.

Works schedule means the schedule of the specific public facilities for which contributions may be required, and the likely timing of provision of those public facilities based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources, as set out in Section 4 of this Plan.

2.2 Name of this plan

This contributions plan is called the "Ballina Shire Roads Contributions Plan, Version 4.0".

2.3 Purposes of this plan

The primary purpose of the plan is to authorise:

- the council, when granting consent to an application to carry out development to which this plan applies; or
- an accredited certifier, when issuing a complying development certificate for development to which this plan applies,

to require a direct contribution to be made towards:

- the provision, extension or augmentation of road infrastructure only where development is likely to require the provision of or increase the demand for that infrastructure; and
- the recoupment of the cost of providing, extending or augmenting road infrastructure within the area to which this plan applies.

Other purposes of the plan are:

- to provide the framework for the efficient and equitable determination, collection and management of development contributions toward the provision of road infrastructure generated by development within the area;
- to determine the demand for road infrastructure attributable to development expected in the Shire in the future in order to determine a reasonable contribution by that development toward the provision of infrastructure that is required to meet that development;
- to ensure that the existing community is not unreasonably burdened by the provision of public infrastructure required as a result of extractive industry development in the area;
- to enable the Council to be both publicly and financially accountable in its assessment and administration of the plan; and
- to ensure Council's management of development contributions complies with relevant legislation and practice notes, and achieves best practice in plan format and management.

2.4 Commencement of this plan

This plan came into effect on 7 October 2015, which is the date that public notice of the plan's approval by Council was given pursuant to clause 31(4) of the EPA Regulation.

This plan amends and replaces the previous version being *Ballina Shire Roads Contributions Plan 2010*.

This plan applies to all development applications received and applications for complying development certificates made on or after that date. Applications received, made or determined prior to that date will be assessed against the contributions plan or plans in force at the time.

2.5 Land to which this plan applies

This plan applies to all of the land within the Shire of Ballina LGA.

2.6 Development to which this plan applies

Any development that, in the Council's opinion, is likely to result in a net increase in the number of vehicle trips on the surrounding road network shall be required to make a contribution under this plan.

2.7 Development exempted from contributions under this plan

The following developments or components of developments are exempted from the requirement to make a contribution under this plan:

- development for drainage, utility, open space or community facilities purposes to be provided by State Government or the Council.

In addition Council may consider exempting the following types of development, or components of development, from a requirement to make a contribution under this plan:

- any development that in the opinion of Council does not increase the demand for the categories of community infrastructure addressed by this plan.

In order for an exemption to be approved, any such development will first need to make a comprehensive submission arguing the case for exemption.

2.8 Relationship to other plans

This plan repeals and replaces the operation of the *Ballina Shire Roads Contributions Plan 2010* adopted by the Council on 25 February 2010 in respect of all development applications submitted after the adoption of this plan.

The *Ballina Road Contributions Plan* adopted by the Council on 24 October 2002 shall continue to apply in respect to those development consents requiring the payment of contributions under that plan.

The *Ballina Shire Roads Contributions Plan 2010* adopted by the Council on 25 February 2010 shall continue to apply in respect to those development consents requiring the payment of contributions under that plan.

Funds collected but not yet expended - or monetary contributions yet to be paid - under *Ballina Road Contributions Plan* adopted by the Council on 24 October 2002 and *Ballina Shire Roads Contributions Plan 2010* adopted by the Council on 25 February 2010, will be applied to meet the cost of works identified in this plan.

Apart from adjustments to ensure compliance with the Minister's Section 94 cap, nothing in this plan affects the operation and application of any other contributions plans that apply to land in the Shire of Ballina.

2.9 Development contributions may be required as a condition of consent

This plan authorises the Council, when determining a development application relating to development to which this plan applies, to impose a condition under section 94 of the EP&A Act requiring:

- the payment of a monetary contribution; and/or
- the dedication of land free of cost,

to the Council towards the provision of roads and traffic infrastructure to meet the demands of the development as specified in the works schedule to this plan.

This plan also authorises:

- an accredited certifier, when determining an application for a complying development certificate relating to development to which this plan applies, to impose a condition under section 94 of the EP&A Act requiring the payment of a monetary contribution to the Council towards the provision of community infrastructure to meet the demands of the development as specified in the works schedule to this plan; and
- the council or an accredited certifier to require monetary contributions from development towards recouping the cost of the provision of existing community infrastructure that has been provided by the council for or to facilitate the carrying out of development and which the development will benefit from.

Despite any other provision of this Plan, this Plan does not authorise the imposition of a section 94 condition the effect of which, in combination with any other contribution proposed to be required by the same consent, would, if imposed, result in a breach of the Minister's direction under section 94E of the EP&A Act dated 28 August 2012 as amended by the direction dated 13 July 2013 (Precinct A Cumbalum). To the extent necessary, any contribution otherwise authorised to be imposed by this Plan will be reduced in accordance with the methodology in Section 1.2 of this plan to ensure that the direction will not be breached.

2.10 Other contributions to be taken into account

The purpose of this clause is to describe Council's policy in implementing section 94(6) of the EP&A Act.

Council, in proposing to impose a requirement for a contribution under this plan, will take into consideration any land, money or other material public benefit that the applicant has elsewhere dedicated or provided free of cost within the area (or any adjoining area) or previously paid to the consent authority, other than:

- a benefit provided as a condition of the grant of development consent under the EP&A Act, or
- a benefit excluded from consideration by a planning agreement.

In order for council to consider the previous benefits made by the applicant, details must be submitted at the time of the development application.

A reduction in the contribution requirement under this plan may be considered where it can be demonstrated by the applicant that:

- the benefit was not required to be provided under a condition of consent or under a planning agreement entered into with Council; and
- the consequent reduction in contribution would not adversely affect the plan's cash flow or prejudice the continued implementation of the works schedule included in this plan; and

- the land, money or other material public benefit previously provided either continues to provide an ongoing benefit to the community, or offsets some of the need for community infrastructure identified in this plan.

2.11 Obligations of accredited certifiers

Complying development certificates

This plan requires that, in relation to an application made to an accredited certifier for a complying development certificate:

- the accredited certifier must, if a complying development certificate is issued, impose a condition requiring a development contribution, if such a contribution is authorised by this plan;
- the amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this clause; and
- the terms of the condition be in accordance with this clause.

Procedure for accredited certifier to determine the amount of the monetary contribution

1. If, and only if specified in writing in the application for a complying development certificate, the applicant has requested a credit under section 94(6) of the Act or an exemption or part or the whole of the development under clause 2.7 of this plan, the accredited certifier must:
 - a. make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
 - b. in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the complying development certificate, refuse the applicant's request.
2. Determine the unadjusted contributions in accordance with the formulas in clause 3.3.2 of this plan taking into account any exempt development specified in clause 2.7 or advised by the Council under paragraph 1b.
3. Adjust the calculated contribution in accordance with clause 2.12 to reflect the indexed cost of the provision of infrastructure.
4. Subtract any credit advised by the Council under paragraph 1b.
5. To the extent necessary, adjust the contribution so that it does not, in combination with any other monetary contribution proposed to be required as a condition of the complying development certificate, result in a breach of the Minister's direction under section 94E of the EP&A Act dated 28 August 2012 as amended by the Minister's direction 16 July 2013.

Terms of section 94 condition

The terms of the condition required by this clause are as follows:

Contribution

The developer must make a monetary contribution to Ballina Shire Council in the amount of \$[insert amount payable at time complying development certificate is issued] for the purposes of the Ballina Shire Roads Contributions Plan Version 4.0.

Indexation

The monetary contribution must be indexed between the date of this certificate and the date of payment in accordance Section 2.13.

Time for payment

Deferred payments of contributions will not be accepted.

For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan), strata plan or a strata plan of subdivision within the meaning of the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986.

For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate.

For other development, the contribution must be paid prior to the commencement of the use or occupation of premises.

Works in kind agreement

This condition does not need to be complied with to the extent specified in a works in kind agreement between the developer and the Council as allowed by Ballina Shire Roads Contributions Plan Version 4.0.

Issuing of construction certificates

Likewise, it is the responsibility of an accredited certifier issuing a construction certificate for building work or subdivision work to ensure that each condition requiring the payment of a section 94 monetary contribution before work is carried out has been complied with in accordance with the complying development certificate.

The accredited certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

The only exceptions to the requirement are where a work in kind, material public benefit, dedication of land and/or deferred payment arrangement has been agreed by the consent authority. In such cases the Council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

2.12 Indexation of unadjusted contribution rates under this plan

The purpose of this clause is to ensure that the unadjusted monetary contribution rates imposed at the time of development consent are amended to reflect the indexed cost of the provision of infrastructure included in this plan.

The Council may, without the necessity of preparing a new or amending contributions plan, make changes to the unadjusted monetary contribution rates set out in this plan to reflect quarterly changes to the Consumer Price Index.

The unadjusted contribution rates will be indexed as follows:

$$\frac{\$C_A \quad \times \quad \text{Current CPI}}{\text{Base CPI}}$$

Where:

\$C_A is the unadjusted contribution rate for works schedule items at the time of adoption of the plan expressed in dollars

Current CPI is the *Consumer Price Index (All Groups Index) for Sydney* as published by the Australian Statistician at the time of the review of the contribution rate

Base CPI is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the date of adoption of this plan

Note: The unadjusted contribution rate will not be less than the contribution rate specified at the date of the adoption of this plan.

2.13 Indexation of contributions required by a condition of development consent imposed under this plan

The purpose of this clause is to ensure that the monetary contributions imposed on developments at the time of consent or issue of complying development certificate are adjusted at the time of payment to reflect the indexed cost of the provision of infrastructure included in this plan.

A contribution required by a condition of development consent or complying development certificate imposed in accordance with this plan will be indexed between the date of the grant of the consent and the date on which the contribution is made as follows.

The unadjusted indexed contribution for all works schedule items at the time of payment is determined by the following formula:

$$\frac{\$C_C \quad X}{CPI_P} \\ \hline CPI_C$$

Where:

\$C_C is the contribution amount for all works schedule items (other than land yet to be acquired) shown in the development consent or complying development certificate expressed in dollars

CPI_P is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician at the time of the payment of the contribution

CPI_C is the *Consumer Price Index (All Groups Index)* for Sydney as published by the Australian Statistician which applied at the time of the issue of the development consent

Note: The contribution payable will not be less than the contribution specified on the development consent.

If the unadjusted indexed contribution exceeds the Ministers Section 94E cap, then the components (from each separate Section 94 Contributions Plan, including this plan) of the indexed contribution shall be multiplied by the fraction equal to:

$$\frac{\text{The Ministers Section 94E Monetary Contribution Cap}}{\text{unadjusted indexed contribution}}$$

If the unadjusted indexed contribution does not exceed the Ministers Section 94E cap, the unadjusted indexed contribution is to be paid in full.

2.14 Timing of payment of monetary contributions required under this plan

A contribution must be paid to the Council at the time specified in the condition that imposes the contribution.

Council's requirements in relation to the timing of payments of monetary contributions required under this plan are as follows:

- Development applications involving subdivision - prior to the release of the Subdivision Certificate (linen plan).
- Development applications not involving subdivision but where a subsequent Construction Certificate is required - prior to the release of the Construction Certificate.
- Other development application – prior to the commencement of the use or occupation of premises.

Regardless of the above, for contributions in respect to any works authorised under a Complying Development Certificate, the contributions must be paid prior to any work authorised by that certificate commences, as required by clause 136L of the EP&A Regulation.

2.15 Policy on deferred or periodic payments

The Council will generally not accept deferred or periodic payment of contributions. However, Council may consider an application where:

- compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case;
- deferred or periodic payment will not prejudice the timing or the manner of the provision of the services or facilities for which the contribution is required as outlined in the works program;
- where the applicant intends to make a contribution by way of a planning agreement, works in kind or land dedication in lieu of a cash contribution and Council and the applicant have a legally binding agreement for the provision of the works or land dedication; and
- there are circumstances justifying the deferred or periodic payment of the contribution.

The decision to accept a deferred or periodic payment is at the sole discretion of the Council.

In the event Council decides to accept the deferred or periodic payment of contributions, the applicant may be required to provide a bank guarantee by an Australian bank or recognised financial institution for the full amount of the contribution or outstanding balance on condition that:

- the bank's guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security;
- the bank unconditionally pay the guaranteed sum to the Council if the Council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the works;
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development;
- the banks obligations are discharged when payment to the Council is made in accordance with this guarantee or when Council notifies the bank in writing that the guarantee is no longer required; and
- where a bank guarantee has been deposited with Council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid in accordance to the 90 day bank bill rate.

2.16 Works-in kind and other material public benefits

This clause applies to development, or proposed development, on land subject to a section 94 contribution under this plan.

A person may make an offer to the Council to carry out works or provide another kind of material public benefit or dedicate land in lieu of making a Section 94 contribution in accordance with a condition imposed under this plan, in the terms described below.

The Council may accept an offer by the applicant to make a contribution by way of works in kind (defined as an item in the works schedule to this plan), or material public benefit (defined as anything that is not included in the works schedule to this plan) or the dedication of land as referred to in the EP&A Regulation.

The decision will be at the discretion of Council.

Matters to be considered by the Council in determining offers of material public benefits

Factors that Council will take into consideration in making its decision will include the following:

- The value of the works and/or dedication of land is at least equal to the value of the contribution that would otherwise be required under this plan.
- The standard and timing of delivery of, and security arrangements applying to, the works the subject of the offer are to Council's satisfaction.
- Whether the acceptance of the works and/or dedication of land will prejudice the timing or the manner of the provision of public facilities included in the works program of this plan.
- The extent to which works and/or dedication of land satisfies a demonstrated community need.
- The extent to which the works and/or dedication of land satisfies the purpose for which the contribution was sought.
- The conditions applying to the transfer of the asset to the Council are to Council's satisfaction.
- The financial implications for cash flow and the continued implementation of the works schedule included in this plan (including whether Council would need to make up for any shortfall in contributions by its acceptance of the offer).
- The overall benefit of the proposal.

Works in kind and material public benefit agreements

Council will require the applicant to enter into a written agreement for the provision of the works prior to the commencement of works or the development.

Works in kind and material public benefit agreements shall be made between the Council and the developer and (if the developer is not the land owner) the land owner.

Agreements shall specify (as a minimum) the works the subject of the offer, the value of those works, the relationship between those works and the contribution plan, the program for delivering the works.

Where an offer is made prior to the issue of development consent, the offer may be in the form of a planning agreement. If the offer is made by way of a draft planning agreement under the EP&A Act, Council will require the agreement to be entered into and performed via a condition in the development consent. Planning agreements shall address the matters included in the EP&A Act and EP&A Regulation.

Valuation of offers of works-in-kind and material public benefits

The value of works offered as works-in-kind is the attributable cost of the works (or a proportion of the attributable cost if the offer involves providing only part of a work) indexed in accordance with the provisions of this plan.

The attributable cost of works will be used in the calculation of the value of any offset of monetary contributions required under this plan.

The value of any other kind of material public benefit will be determined by a process agreed to between the Council and the person making the offer at the time the development application is being prepared.

Credit for material public benefits will not be given over and above the relevant direct contributions liabilities for any development.

2.17 Pooling of funds

Council's ability to forward fund services and amenities identified in this plan is very limited. Consequently their provision is largely contingent upon the availability of contributions funds.

To provide a strategy for the orderly delivery of the public services and amenities, this plan authorises monetary development contributions paid for different purposes in accordance with the conditions of various development consents authorised by this plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this plan are the priorities for works as set out in the works schedule in Section 4.

In any case of the Council deciding whether to pool and progressively apply contributions funds, the Council will have to first be satisfied that such action will not unreasonably prejudice the carrying into effect, within a reasonable time, of the purposes for which the money was originally paid.

2.18 The Goods and Services Tax (GST)

At the time this plan was made, the position of the Australian Taxation Office was that the payment of development contributions made under the EP&A Act is exempt from the Goods and Services Tax (GST).

Items in the works schedule of this plan have been calculated without any GST component.

2.19 Accountability and access to information

Council is required to comply with a range of financial accountability and public access to information requirements in relation to community infrastructure contributions. These are addressed in Divisions 5 and 6 of Part 4 of the EP&A Regulation and include:

- maintenance of, and public access to, a contributions register;
- maintenance of, and public access to, accounting records for contributions receipts and expenditure;
- annual financial reporting of contributions; and
- public access to contributions plans and supporting documents.

These records are available for inspection free of charge at the Council's administration office.

2.20 Review of contributions plan

This plan with supporting information will be subject to regular review by Council, so as to:

- monitor development trends and income received by the plan;
- ensure that contributions rates reflect actual costs incurred by the plan; and
- enable alteration to the works schedule if development rates differ from original expectations.

Contribution rates may be revised by a review of the plan and adjustment to the assumptions within the plan. Any material change in the plan, with the exception of limited adjustments permitted under clause 32(3) of the EP&A Regulation, will require the plan to be amended, including public exhibition of the amendments and consideration of any public submissions received.

2.21 Savings and transitional arrangements

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the contributions plan or plans which applied at the date of submission of the application.

3. Relationship between expected development and demand for infrastructure

3.1 Current and expected development and population

3.1.1 Overview

Ballina LGA (or Ballina Shire) is situated on the North Coast of NSW.

Ballina is the central urban area within the Shire, with a series of villages and small rural settlements located both on the coast and in the Shire's hinterland. Ballina has been identified in the *Far North Coast Regional Strategy* (Department of Planning, 2006) as a 'developing major regional centre'.

The Shire in 2008 had an estimated resident population of approximately 41,700.¹ The estimated resident population is anticipated to grow to over 60,000 by 2026, however these estimates have been revised downwards in recent years.

Most population growth is planned to be accommodated through development of identified 'greenfield sites' including Cumbalum, land around Lennox Head and land adjacent to Wollongbar. Population growth is also planned for through infill development in established areas.

Future housing demand is likely to include a greater mixture of dwelling types (including dwelling houses, dual occupancies, duplexes, town houses and apartments) in central locations with good accessibility to community and commercial facilities.

3.1.2 Expected development and population

Residential development and residents

The Far North Coast Regional Strategy (FNCRS) has established 'dwelling targets' for all LGAs within the region. The FNCRS target for Ballina LGA is 8,400 additional dwellings (280 dwellings per annum) by 2031.

In the period since 2010, demographic projections for the Northern Rivers have been revised downwards by the NSW Department of Planning and Infrastructure. Council's own working projections, which provide estimates of future annual population and dwelling growth in the shire's various urban localities have similarly been revised downwards. Notwithstanding, for the purposes of Version 4.0 of the Roads Contribution Plan Council has adopted a '2036+ development scenario' as the basis for traffic modelling to inform the schedule of required works. This scenario takes into account the ultimate planned and projected development of land within the shire's major land release areas (in Lennox Head, Cumbalum and Wollongbar). Occupancy rates are also projected to decline into the future, however for the purpose of determining infrastructure need Council has assumed a minimum occupancy rate of 2 persons per dwelling in the 2036+ scenario in Council's major release areas. This approach ensures that the schedule of works reflects the sizing of infrastructure required to cater to the anticipated future needs of our growing community.

¹ *Regional Population Growth, Australia*. Australian Bureau of Statistics Catalogue No. 3218.0

The tables below summarise the demographic projections previously used in the 2010 Plan and those used as the basis for the Draft Plan Version 4.0.

Table 3.1 Resident and tourist population projections, Ballina Shire, 2011 to 2036+

District	Estimated 2011 population	Projected 2036+ population	Net population change 2011-2036+	Estimated 2011 dwellings	Projected 2036+ dwellings	Net dwelling change 2011-2036+
Total	40,747	58,210	17,463	17,995	28,424	10,429

Source: Ballina Shire Council and Cardno

Employment development and workers

The Ballina Shire Commercial and Industrial Land Demand Assessment (Lawrence Consulting, Dec 2014) identified that up to 2031 there would be demand for

- an additional 19.3 ha of land to cater for industry development
- an additional 8.3 ha of land to cater for commercial development
- an additional 22.8 ha of land to cater for special use - school development
- an additional 15.2 ha of land to cater for special use other development

This translates to a total additional demand for 289,637 square metres of gross floor space up to 2031.

Such floor space is anticipated will accommodate an additional 1,141 workers.

The breakdown of projected additional workers and employment floor space by industry category is shown in Table 3.2.

Table 3.2 Employment floor space projections by industry category, Ballina Shire, 2011 to 2031

Industry category	Employment growth (no.)	Floor space growth (m ²)
Agriculture, Forestry and Fishing	-224	-27,600
Mining	12	367
Manufacturing	32	1,959
Electricity, gas, water & waste services	3	8,274
Construction	120	53,724
Wholesale Trade	86	1,911
Retail Trade	54	19,575
Accommodation & food services	166	38,762
Transport, postal & warehousing	21	8,106
Information media & telecommunications	5	1,585
Financial & insurance services	7	19
Rental, hiring & real estate services	28	1,696
Professional, scientific & technical services	-6	7,752
Administrative & support services	-9	4,902
Public administration & safety	156	3,346
Education & training	161	91,201
Health care & social assistance	577	70,650
Arts & recreation services	11	1,855

Industry category	Employment growth (no.)	Floor space growth (m ²)
Other services	-23	1,552
Total	1,141	289,637

Source: *Ballina Shire Commercial and Industrial Land Demand Assessment* (Lawrence Consulting, Dec 2014), pages 6 and 8

3.2 Road infrastructure that will be required as a result of the expected development

The existing road network has been generally designed to accommodate the needs generated by the current (2010) land use pattern.

Additional development - including new dwellings, new tourist accommodation development and new retail, commercial and other employment development - will generate additional vehicle trips and therefore vehicular traffic on the Ballina road network.

Council will need to find additional funds to meet the extra demands placed on the Shire's road network and to ensure that the network continues to function satisfactorily.

Future development of the area for these purposes can only be sustained by a significant investment in the provision, extension and augmentation of road infrastructure. Council considers it appropriate that development make a reasonable contribution toward this infrastructure.

A traffic model was constructed to determine the impacts of new development traffic on the safety and performance of the existing road network.

The traffic modelling concluded that the existing road network within the Ballina Shire is generally adequate to cater for existing traffic demands and generally conforms with widely adopted design standards promulgated by Austroads, the recognised Australian authority in relation to road design.

The model run for the year 2026 showed that the network would generally perform satisfactorily assuming no further development was approved.

The modelling, however, predicts that the Ballina Shire road network will experience considerable traffic growth, especially around Ballina and Lennox Head as anticipated urban development occurs.

Most major urban road corridors will be required to carry more traffic and some of these corridors will be overloaded unless additional capacity is provided. In some areas new road corridors will need to be established to service specific development.

More detail on the model methodology including:

- development assumptions;
- definition of traffic sectors;
- existing and future traffic flows;
- existing and future road network performance; and
- detailed costs of proposed road infrastructure works.
- formulas for determining both the standard trip end cost and the contribution applicable to any development,

is included in the report *Ballina Road Contribution Plan Technical Background* (the Background Report) prepared by Cardno Eppell Olsen for Ballina Shire Council and dated November 2009.

The report identified a range of works that, as a result of the additional traffic generated by planned development, are required to provide a safe and convenient road network.

The infrastructure includes:

- New and widened roads and bridges
- Facilities that promote a safe road environment (such as traffic calming measures)
- New and augmented intersections (such as traffic signals and roundabouts)
- Acquisition of land on which the new and augmented road infrastructure will be located

Fuller descriptions of the works addressed in this plan are shown in Section 4 of the plan and in the Background Report.

A staging schedule for the proposed works is also shown in Section 4 of the plan. The timing of provision however will ultimately be dependent on the actual rate of development occasioning additional vehicle trips that is achieved. That is, the implementation of the works program may be slowed or accelerated depending on the rate of growth relative to the projections assumed in this plan.

While the additional traffic generated by new development will also utilise the State road network (and potentially affect the performance of that network), no works on the State road network have been identified for inclusion in the contributions plan. This is because upgrades to State roads are the responsibility of the NSW Roads and Traffic Authority, and the costs of any upgrades cannot generally be met by community infrastructure contributions.

Version 4.0 has amended the plan having regard to an updated technical report titled "*Ballina Shire 2014 Strategic Modelling Update*" (Cardno June 2015) that has extended the time horizon to the period 2036+. The 2014 update has been used to identify any required revisions to the works schedule necessary to maintain the nexus between the proposed works and the additional traffic generated by development. In this regard, Section 4.1 provides details of:

- Works Schedule Items, Omitted from this Plan Version
- Additional Works Schedule Items Included in this Plan Version
- Amended Works Schedule Items in this Plan Version

3.3 Calculation of a reasonable development contribution toward road infrastructure

3.3.1 Daily vehicle trips as a basis for determining reasonable contributions

A reasonable method of determining the fair share of the cost that each development should contribute by way of a contribution is by estimating the total daily vehicle trips generated by the expected development.

The basis for determining projected daily trips is the trip generation rates identified in Table 1.2

From this information, an estimate of total daily trip generation attributable to expected development was made for residential and then employment development.

For residential development the 10,429 additional dwellings were split into 60% or 6,257 for 3+ bedroom dwellings and 40% or 4,172 for smaller multidwelling type housing residences. The traffic generation was estimated by multiplying the figure for the larger dwellings by 6.45 and the smaller dwellings by 3.9 (as per Table 3.3).

The estimated daily trips attributable to residential development addressed by this plan is therefore:

Table 3.3 Residential Trip Generation

Larger residences	6,257 x 6.45 = 40,360
Smaller residences	4,172 x 3.9 = 16,269
Total Residential trips	56,629

For employment development, the estimate of daily trips was made by taking each of the industry floor space projections for 2031 from Table 3.2 and projecting the estimates at a linear rate for the year 2036. These 2036 estimates have, where appropriate, been multiplied by the daily trip generation rates in Table 3.3.

For some land use types an adjusted or 'average' trip generation rate was used to take account of the sub-categories in land use types matching industry categories. Calculations are shown in Table 3.4

Table 3.4 Estimated trip generation for projected floor space by industry category

Industry division	Floor space growth (m2)	Adjusted or average trip generation rate (from Table 3.3) (per 100m ² GLFA)	Estimated trips based on floor space projection
Agriculture, Forestry and Fishing	-34,500	5	-1,794
Mining	459	5	37
Manufacturing	2,449	5	39
Electricity, gas, water & waste services	10,343	5	537
Construction	67,155	5	3,365
Wholesale Trade	24,469	4	-38
Retail Trade	24,691	100	21,472
Accommodation & food services	48,453	60	29,532
Transport, postal & warehousing	10,133	15	1,693
Information media & telecommunications	1,981	15	379
Financial & insurance services	-24	15	-4
Rental, hiring & real estate services	2,120	15	256
Professional, scientific & technical services	9,690	15	1,433
Administrative & support services	6,128	15	904
Public administration & safety	4,183	15	613
Education & training	114,001	50	17,194
Health care & social services	88,313	15	13,849
Arts & recreation services	2,319	50	1,029
Other services	1,940	50	905
Total for all industry categories	362,045		91,401

The estimated total employment development trips will be generated by both Ballina LGA residents and those outside the LGA. So as to not count resident trips twice, the only employment vehicle trips that are to be addressed by this plan are those generated from outside the LGA (i.e. employment trips that have an origin or a destination outside the LGA).

Based on journey-to-work results from recent Censuses, it estimated that approximately 20 percent of trips to or from employment developments anticipated under this plan are likely to be generated by or otherwise attributable to development outside the Ballina LGA.

The estimated daily trips attributable to employment development addressed by this plan is therefore 18,280 (i.e. 91,401 X 20%).

The total additional daily trips addressed by this plan are therefore:

Residential	56,629
Employment	18,280
Total	74,910

3.3.2 Contribution formulas

This plan enables the consent authority to require contributions toward:

- meeting the cost of providing road infrastructure identified by the plan; and
- meeting the cost of preparatory studies and ongoing administration of the plan.

The total contribution payable by development under this plan is the sum of these two contributions. In addition, development may also be subject to contributions imposed under other contributions plan that have been adopted by the Council

Unadjusted Road Contributions per trip end

Contributions per trip end are calculated by dividing the total apportioned cost of road infrastructure required as a consequence of expected development, being \$132,091,664 by the total additional trip ends attributable to development under this plan, being 74,910 trip ends.

Unadjusted Contribution per trip end:

$$\$132,038,780 / 74,910 = \$1,762.64 \text{ per trip end}$$

Unadjusted Contributions for road infrastructure

Contributions from individual developments toward infrastructure included in this plan are based on the following:

- the net additional vehicle trips likely to be generated by the development
- the total level of additional development and additional vehicle trips from expected development;
- the total anticipated cost of roads upgrades required throughout the Shire to meet the demands of new development; and

The formula for calculating an unadjusted contribution under this plan is shown below.

$ \text{\$Contribution}_{\text{Road}} = \text{Trip Ends}_{\text{Development}} \times \frac{\text{\$Cost}}{\text{Trip Ends}_{\text{Total}}} - \text{\$Existing} $
--

Where:

- \$Contribution_{Road}** is the unadjusted monetary development contribution toward road infrastructure under this plan
- Trip Ends_{Development}** is the total trip ends (or in the case of employment development – total external (or 20% of) trip ends) generated by the development being assessed using generation rates in Table 3.3 of this plan
- \$Cost** is the total apportioned cost of road infrastructure required as a consequence of expected development, being \$132,038,780
- Trip Ends_{Total}** is the estimated total additional trip ends attributable to development under this plan, being 74,910 trip ends
- \$Existing** is the contribution credit related to existing site development, calculated in accordance with the generation rates in Table 3.3 of this plan

While the total cost of development -generated infrastructure under this plan is \$152,521,254, development will nominally only be levied for \$132,038,780 (which will be further reduced by compliance with the Minister's S94E Direction contributions cap. The difference being \$20,482,474 plus losses from compliance with the contributions cap will be Council's liability and will be funded by using:

- general rate revenue;
- special rate variations, subject to the approval of both the Council of the day and the Minister for Local Government; and
- any other lawful sources

Unadjusted Contributions for plan preparation and administration

$ \text{\$Contribution}_{\text{Admin}} = \text{\$Cost}_{\text{Admin}} \times \frac{\text{Trip Ends}_{\text{Development}}}{\text{Trip Ends}_{\text{Total}}} $
--

Where:

- \$Contribution_{Admin}** is the unadjusted monetary development contribution toward contributions plan preparation and administration
- \$Cost_{Admin}** is the estimated cost of preparing and the projected cost of administering this contributions plan over its life (see note below)
- Trip Ends_{Development}** is the total *net additional* trip ends created or attracted to the development being assessed using generation rates in Table 3.3 of this plan
- Trip Ends_{Total}** is the estimated total additional trip ends attributable to development under this plan, being 74,910 trip ends

Plan preparation and administration costs (\$Cost_{Admin})

This plan requires future development make a reasonable development contribution to meet the following:

- costs expended by the Council for the preparation of the plan, including consultants fees; and
- anticipated costs of staff time to implement the plan, process and account for contributions, and monitor and amend the plan.

Consistent with its other contributions plans, Council will levy an amount equivalent to 1.5 percent of the total anticipated development contribution toward the provision of road infrastructure works identified under this plan. This amount is \$1,980,582 over the life of the plan.

The above formula provides a mechanism for this cost to be met by development based on the net additional number of trips attributable to individual developments.

Contributions for plan preparation and administration per trip end:

\$ 1,980,582/74,910 = \$26.44 per trip end

The above formula provides a mechanism for this cost to be met by development based on the net additional number of trips attributable.

Adjustment for S94 Cap: *When imposing conditions of development consent under Section 94(1) or 94(3) of the Act in regard to this plan, the payment of a monetary contribution for each dwelling or subdivision lot shall not exceed the maximum amount permitted by the current Section 94E Direction issued by the Minister for this purpose. In order to comply with the Section 94E Direction, monetary contributions required by development consents under Section 94(1) or 94(3) of the Act shall be adjusted as follows:*

Step 1. *The Unadjusted Monetary Contribution shall be the sum of contributions calculated in accordance with the methodology set out in each contributions plan applicable to the development.*

Step 2a. *If the Unadjusted Monetary Contribution exceeds the Ministers Section 94E cap, then the components (from each separate Section 94 Contributions Plan, including this plan) of the Base Monetary Contribution shall be multiplied by the fraction equal to:*

The Ministers Section 94E Monetary Contribution Cap
The Unadjusted Monetary Contribution

So that the Monetary Contribution imposed by a condition of development consent under Section 94(1) or 94(3) of the Act conforms with the Ministers Section 94E cap.

Step 2b. *If the Unadjusted Monetary Contribution does not exceed the Ministers Section 94E cap, the Base Monetary Contribution shall be the Monetary Contribution imposed by a condition of development consent under Section 94(1) or 94(3) of the Act*

Under the terms of the Section 94E direction, any council may seek the Minister's consent to permit imposition of contributions above the contributions threshold.

Council is however mindful of the potential effects of development charges on housing affordability in Ballina and has been implementing, and will continue to implement, the Minister's contributions threshold in its determination of development applications for residential development.

This is despite the fact that the cost of delivering the entire development-generated infrastructure under Council's current contributions plans in all locations would equate to imposing contributions well in excess of \$20,000 per new dwelling.

Council will therefore need to carry the cost of providing some of the required infrastructure.

4. Works schedules and maps

4.1 Revised Works Schedule Items

This Version 4.0 of the Roads Contribution plan makes the following amendments to the previous works schedule.

Table 4.1 Works Schedule Items, Omitted from this Plan Version

Item	Description	Reasons for deletion
5	River Street - Kerr Street - Additional Signalisation Works	These works are not required to cater for modelled 2036+ traffic on the network, provided the other items included in the works schedule are completed.
8	Kerr Street, upgrade to Four Lanes	
17	Skennars Head Road Upgrade	
24	Links Avenue / Angels Beach Drive Roundabout	
26	Skennars Head Rd / Coast Rd / Rocky Point Rd Roundabout	
26	Skennars Head Rd / Coast Rd / Rocky Point Rd (Land Component)	

Table 4.2 Additional Works Schedule Items, Included in this Plan Version

Item	Description	Reasons for addition
34a	Cumbalum - Interchange, upgrade eastern roundabout	Capacity of roundabout to be increased (additional circulation and exit lane to Tamarind Dr to cater for increased traffic from Cumbalum urban development)
35	Sandy Flat Rd	Link required as connection for Cumbalum urban growth area
37	North Creek Road - Northern Reservoir Hill Deviation joining Hutley Dr (350m + R/B)	Link required to facilitate roundabout junction of North Creek Road and Hutley Drive to serve urban growth areas south of Lennox Head
39	North Creek Rd - Tamarind Dr to Southern Cross Dr, 4 lane	4 lanes needed to cater for increased traffic volume caused by urban growth (22,779 vpd)
40	Tamarind Dr, 4 lanes, Highway to Nth Ck Rd, 4.15 km	4 lanes needed to cater for increased traffic volume caused by urban growth (20,634 vpd)
41	Bangalow Rd, additional Lane, 200 m west of Angels Beach Dr	Additional lane needed to cater for increased traffic volume caused by urban growth (17,875 vpd)

Table 4.3 Works Schedule Items, Amended in this Plan Version

Item	Description	Amendment
1a	Western Arterial (Option 4)	Current cost of previous Option 2a is now \$51M and unaffordable within the S94 cap. Option 4 which is \$20M cheaper and has traffic performance similar to Option 2a has been substituted.
18	North Creek Road	Skennars Head Distributor option deleted, due to inferior network benefit and need for route certainty
20	Ross Lane Improvements - West	Modelled traffic volumes no longer require 4 lanes, however current rural cross section is inadequate for traffic generated by urban growth and has been upgraded to 2 lane urban.
30	Angels Beach Dve / Bangalow Rd Signals & Lanes Extensions	Modelled traffic volumes from urban growth do not warrant signalisation, the existing roundabout has been retained, but, with extensions of length to approach and exit lanes to increase capacity.

4.2 Revised Works Schedule Estimates of Costs

The estimated costs of works in the works schedule have been updated for Version 4.0 of the plan. Unless otherwise advised below, works schedule items from the previous version have been increased by 21% in line with the changes to ABS Index 3101 Road and Bridge Construction NSW Series A2333685A. The base index is 89.5 at June 2009 and the current index used is 108.7 at December 2014. Table 4.4 details estimating methodology for new and amended items. A number of estimating rates were sourced from "Local Infrastructure Benchmark Costs, Costing infrastructure in Local Infrastructure Plans" Final Report April 2014, Independent Pricing and Regulatory Tribunal (IPART).

Table 4.4 Estimate Exceptions or Variations

Item	Description	Amendment
1a	Western Arterial	Based on estimate in SKM "Proposed West Ballina Arterial Road" report 16/04/2004 for Option 4 and escalated by same factors as used to escalate Option 2a for inclusion in previous version of this plan. The 2009 estimate then escalated by the standard 21%.
20	Ross Lane Improvements - West	Based on urban widening by one lane as per IPART report "Local Infrastructure Benchmark Costs - Costing infrastructure in Local Infrastructure Plans" IPART Local Infrastructure Benchmark Costs - April 2014, Item 1.2.1, 750 m @ \$6,245/m.
30	Angels Beach Dr/ Bangalow Rd Roundabout Lanes Extensions	Based on IPART Item 1.2.1, 160m @ \$6,245/m.
34	Cumalum - Interchange, eastern roundabout	Based on actual construction costs and interest on loans
35	Sandy Flat Rd	Based on IPART Item 1.6, 1,300m @ \$2,322/m.
37	North Creek Road - Northern Reservoir Hill Deviation joining Hutley Dr (350m + R/B)	Initially based on IPART Item 1.3, 350m @ \$5,543/m, plus, sound walls 340m @\$1,600/m, retaining walls 340m @\$1,600/m, street lighting 10@\$10,062, roundabout \$330,412 + water main relocation \$200,000. Revised post exhibition based on concept estimate of \$3,360,044.
39	North Creek Rd - Tamarind Dr to Southern Cross Dr, 4 lane	Based on IPART Item 1.2.1, 230m @ \$6,245/m
40	Tamarind Dr 4 lanes Cumalum to North Ck Rd	Based on IPART Item 1.6, 4,150 m @ \$2,322/m + 3 roundabouts @\$330,412
41	Bangalow Rd, additional Lane, 200 m east of Angels Beach Dr	Based on IPART Item 1.2.1, 200m @ \$6,245/m

4.3 Interim Works Schedule Items

A number of works schedule items are required in the short/medium term due to increased traffic volumes created by development during those periods, but, these works will not be as essential in the long term as other bypass works cause volumes on these interim works to be lessened.

Table 4.5 Interim Works Schedule Items

Item	Description	Reason for interim works
6	River Street Fisheries Ck Bridge to Tweed St - Four Lane	The traffic volume caused by urban growth will increase from 23,910 to 29,725 vpd until the Western Arterial is completed when volume will fall to 21,064. Works are required in this interim period.
9	River St, Fisheries Creek Bridge - Four Lane	The traffic volume caused by urban growth will increase from 23,678 to 29,501 vpd until the Western Arterial is completed. Works are required in this interim period.
11	Fisheries Ck Bridge to Sthn Interchange of Bypass - Four Laning - Part from Western Arterial Option 4 junction at Brampton Ave to Fisheries Creek 870 m.	The traffic volume caused by urban growth will increase from 23,091 to 28,764 vpd until the Western Arterial is completed. Works are required in this interim period.

4.4 Apportionment of the Works Schedule

The apportionment of cost of this works schedule has been arrived at having regard to the principles in "Development Contributions - Practice Notes, Determining rates for different types of development" issued July 2005 by the NSW Department of Infrastructure Planning and Natural Resources.

Table 4.6 Apportionment of Costs of Works Schedule

No	Proposed works	Portion to be met by Development	Basis of apportionment
1a	Western Arterial	100%	Not needed by current population, therefore 100% apportioned to development. (5)
1a	Western Arterial (Land Component)	100%	Not needed by current population, therefore 100% apportioned to development. (5)
6	River Street Fisheries Ck Bridge to Tweed St - Four Laning	49.6%	Based on current versus future traffic volume prior to provision of Western Arterial $(29,725-23,910)/(29,725-18,000)$. (3)
7	Tamarind Dr, North Creek Rd to Kerr St - Four Laning	98.6%	Based on current versus future traffic volume over 4 lane threshold of 18,000 vpd. $(30,430-18,177)/(30,430-18,000)$. (3)
9	River St, Upgrade Fisheries Creek Bridge	49.6%	Based on current versus future traffic volume prior to provision of Western Arterial $(29,725-23,910)/(29,725-18,000)$. (3)
10	Tamarind Dr, Duplication of North Creek Canal Bridge - Separate Two Lanes	98.6%	Based on current versus future traffic volume over 4 lane threshold of 18,000 vpd. $(30,430-18,177)/(30,430-18,000)$. (3)
11	River St, Fisheries Ck Bridge to Sthn Interchange of Bypass - Four Laning	73.9%	Based on current versus future traffic volume over 4 lane threshold of 18,000 vpd. $(30,494-21,267)/(30,494-18,000)$. (3)

No	Proposed works	Portion to be met by Development	Basis of apportionment
11	Other River St Improvements (land)	73.94%	Based on current versus future traffic volume over 4 lane threshold of 18,000 vpd. (30,494-21,267)/(30,494-18,000). (3)
12-14	Hutley Drive Extension	100%	Not needed by current population, therefore 100% apportioned to development. (5)
15	Bangalow Road / Hogan Street - new Left In / Left Out	100%	Not needed by current population, therefore 100% apportioned to development. (5)
16	Angels Beach Drive / Sheather Street - new Left In / Left Out	100%	Not needed by current population, therefore 100% apportioned to development. (5)
16	Angels Beach Drive / Sheather Street - LILO (Land Component)	100%	Not needed by current population, therefore 100% apportioned to development. (5)
18	North Creek Road and Bridge	100%	Not needed by current population, therefore 100% apportioned to development. (5)
18	North Creek Road and Bridge (land)	100%	Not needed by current population, therefore 100% apportioned to development. (5)
20	Ross Lane Improvements - West	100%	Not needed by current population, therefore 100% apportioned to development. (6)
20	Ross Lane Improvements - East	48.5%	Based on current versus future traffic volume (10,514-5,411)/10,514. (2)
20	Ross Lane Improvements - East Land Component)	48.5%	Based on current versus future traffic volume (10,514-5,411)/10,514. (2)
21	Tintenbar Road / Teven Road - Climbing Lanes	32%	Based on current versus future traffic volume (6,493-4,413)/6,493. (2)
21	Tintenbar Road / Teven Road - Climbing Lanes	32%	Based on current versus future traffic volume (6,493-4,413)/6,493. (2)
21	Tintenbar Road / Teven Road - Climbing Lanes (Land Component)	32%	Based on current versus future traffic volume (6,493-4,413)/6,493. (2)
23	Tamarind Dr to Southern Cross Drive - Right Turn Ban	100%	Not needed by current population, therefore 100% apportioned to development. (5)
27	North Creek Road / Reservoir Rd / Hutley Dr, Traffic calming -	71.6%	Based on current versus future traffic volume (7,296-2,074)/7,296. (2)
28a	River Street / Cherry Street Roundabout	70%	Completed work, previous plan version apportionment retained. (4)
28b	River Street / Moon Street Roundabout	70%	Completed work, previous plan version apportionment retained. (4)
29	Tamar Street / Cherry Street Roundabout	70%	Completed work, previous plan version apportionment retained. (4)
30	Angels Beach Dve / Bangalow Rd Roundabout Lanes Extensions	100%	Not needed by current population, therefore 100% apportioned to development. (1)
31, 33	Ballina Heights Dr	70%	Completed work, previous plan version apportionment retained. (4)
34	Cumbalum - Interchange	70%	Completed work, previous plan version apportionment retained. (4)
34a	Cumbalum - Interchange, upgrade	100%	Not needed by current population, therefore 100% apportioned to development. (1)

No	Proposed works	Portion to be met by Development	Basis of apportionment
35	Sandy Flat Road	100%	Not needed by current population, therefore 100% apportioned to development. (5)
37	North Creek Road - Northern 350m joining Hutley Dr & Byron Bay Rd	46%	Based on current versus future traffic volume (7,061-3,811)/7,061. (2)
39	North Creek Rd - Tamarind Dr to Southern Cross Dr, 4 lane	100%	Not needed by current population, therefore 100% apportioned to development. (1)
40	Tamarind Dr, 4 lanes Cumbalum to North Ck Rd, 4.15 km	100%	Not needed by current population, therefore 100% apportioned to development. (1)
41	Bangalow Rd, additional Lane, 200 m east from Angels Beach Dr	100%	Not needed by current population, therefore 100% apportioned to development. (1)

Apportionment Notes:

Note 1: Where increased traffic due to development causes traffic volumes to increase past the 2 lane/4 lane threshold (18,000 vpd) 100% of the cost of the additional lanes is apportioned to development.

Note 2: Where increased traffic due to development does not cause traffic volumes to increase beyond the 2 lane/4 lane threshold (18,000 vpd), apportionment of cost is based on the ratio of future traffic volume to the existing traffic volume. This threshold is based on Table 5.1 Typical mid-block capacities for urban roads with interrupted flow in "Austroads Guide to Traffic Management - Part 3 Traffic Studies and Analysis (2009).

Note 3: : Where existing traffic volume on a 2 lane road is already above the 2 lane/4 lane threshold (18,000 vpd), and traffic volumes increase due to development, apportionment of cost for the additional 2 lanes is based on the ratio of future traffic volume above 18,000 vpd to the existing traffic volume that is above 18,000 vpd.

Note 4: Works already completed are assigned the apportionment of the previous plan version

Note 5: Where a link or work is not needed to cater for current traffic volumes, but is needed to cater for future traffic volumes caused by development, 100% of the cost is apportioned to development.

Note 6: Where an existing rural road is to be converted to an urban collector/arterial road function and pavement widening, improved alignment, kerbs, footpaths and the like are required, 100% of the cost of the additional works is apportioned to development

Table 4.7 Works Schedule

No.	Proposed works	Costs	Cost to be met by Development	Council's Liability	Staging from commencement of plan		
					1 to 8 years (2011 - 2019)	9 to 17 years (2019 - 2028)	17 to 25 years (2028 - 2036)
1a	Western Arterial	\$ 31,669,625	\$ 31,669,625	0			✓
1a	Western Arterial (Land Component)	\$754,220	\$754,220	0			✓
6	River Street Fisheries Ck Bridge to Tweed St - Four Laning	\$3,886,480	\$ 1,927,495	\$ 1,958,985	✓		
7	Tamarind Dr, North Creek Rd to Kerr St - Four Laning	\$7,165,698	\$ 7,063,661	\$ 102,038	✓		
9	River St, Upgrade Fisheries Creek Bridge - Four Lane	\$5,343,911	\$ 2,650,306	\$ 2,693,604	✓		
10	Tamarind Dr, Duplication of North Creek Canal Bridge - Separate Two Lanes	\$ 4,007,933	\$ 3,950,861	\$ 57,072	✓		
11	River St, Fisheries Ck Bridge to Sthn Interchange of Bypass - Four Laning	\$ 9,582,603	\$ 7,076,891	\$ 2,505,712	✓		
11	Other River Street Improvements (land)	\$ 133,598	\$ 98,664	\$ 34,934	✓		
12-14	Hutley Drive Extension	\$ 15,303,017	\$15,303,017	0	✓		
15	Bangalow Road / Hogan Street - new Left In / Left Out	\$ 667,989	\$667,989	0		✓	
16	Angels Beach Drive / Sheather Street - new Left In / Left Out	\$ 607,263	\$607,263	0		✓	
16	Angels Beach Drive / Sheather Street - LILO (Land Component)	\$ 109,307	\$ 109,307	0		✓	
18	North Creek Road and Bridge	\$ 19,432,402	\$ 19,432,402	0		✓	
18	North Creek Road and Bridge (Land Component)	\$ 12,145	\$ 12,145	0		✓	
20	Ross Lane Improvements - West	\$ 4,683,750	\$ 4,683,750	0		✓	
20	Ross Lane Improvements - East	\$ 10,590,659	\$ 5,140,207	\$ 5,450,452		✓	
20	Ross Lane Improvements - East (Land Component)	\$ 97,162	\$ 47,158	\$ 50,004		✓	
21	Tintenbar Road / Teven Road - Climbing Lanes	\$ 1,943,240	\$ 622,507	\$ 1,320,733			✓
21	Tintenbar Road / Teven Road - Climbing Lanes	\$ 1,943,240	\$ 622,507	\$ 1,320,733			✓
21	Tintenbar Road / Teven Road - Climbing Lanes (Land Component)	\$ 1,215	\$ 389	\$ 825			✓

Ballina Shire Roads Contribution Plan, Version 4.0

No.	Proposed works	Costs	Cost to be met by Development	Council's Liability	Staging from commencement of plan		
					1 to 8 years (2011 - 2019)	9 to 17 years (2019 - 2028)	17 to 25 years (2028 - 2036)
23	Tamarind Dr to Southern Cross Drive - Right Turn Ban	\$ 157,888	\$ 157,888	0		✓	
27	North Creek Road / Reservoir Rd / Hutley Dr, Traffic calming	\$ 2,793,408	\$ 1,999,339	\$ 794,069		✓	
28a	River Street / Cherry Street Roundabout	\$ 1,165,944	\$ 816,161	\$ 349,783	✓		
28b	River Street / Moon Street Roundabout	\$ 1,165,944	\$ 816,161	\$ 349,783	✓		
29	Tamar Street / Cherry Street Roundabout	\$ 643,698	\$ 450,589	\$ 193,109	✓		
30	Angels Beach Dve / Bangalow Rd Roundabout Lanes Extensions	\$ 896,480	\$ 896,480	0			✓
31, 33	Ballina Heights Drive	\$ 4,858,101	\$ 3,400,670	\$1,457,430	✓		
34	Cumalum - Interchange, eastern roundabout	\$ 3,460,000	\$ 2,422,000	\$1,038,000	✓		
34a	Cumalum - Interchange, upgrade eastern roundabout	\$761,098	\$761,098	0			✓
35	Sandy Flat Road	\$3,018,600	\$3,018,600	0		✓	
37	North Creek Road - Northern 350m joining Hutley Dr & Byron Bay Rd	\$3,360,044	\$ 1,546,544	\$ 1,813,501		✓	
39	North Creek Rd - Tamarind Dr to Southern Cross Dr, 4 lane	\$1,436,350	\$1,436,350	0			✓
40	Tamarind Dr, 4 lanes Cumalum to North Ck Rd, 4.15 km	\$10,627,536	\$10,627,536	0			✓
41	Bangalow Rd, additional Lane, 200 m east from Angels Beach Dr	\$1,249,000	\$1,249,000	0			✓
Total		\$ 153,529,549	\$ 132,038,780	\$ 21,490,769			







