2011

Section 94 Development Contribution Plan
Traffic Generating Development

BLAND SHIRE COUNCIL
west wyalong

Contents

Part A – Introduction

Damage to bitumen and gravel road pavements due to heavy vehicles from traffic generating developments is a significant impact on the public roads and Council's budget. Where a development has proposed that heavy vehicles use the public roads in the Shire and the existing road infrastructure is inadequate to carry the additional load, a contribution will be sought from the proposed development towards the cost of maintenance, repair and rehabilitation of the road network.

The NSW Land and Environment Court has recognised the significant impact that road haulage vehicles associated with traffic generating developments and in particular extractive industries have on the public road system, beyond the normal usage by the general public, and accordingly has accepted that Section 94 of the Environmental Planning & Assessment Act, 1979 is an appropriate mechanism for the levy of contributions for the upgrading and rehabilitation of effected public roads.

Part B - Administration of the Plan

B1 Basic Principles of developer contributions

Section 94 of the Environmental Planning & Assessment Act, 1979 enables Council to levy contributions from developers for the provision of public amenities and services required as a consequence of development.

The three general principals in applying Section 94 contributions are:

A contribution must be for, or relate to, a planning purpose;
A contribution must fairly and reasonably relate to the subject development; and
The contribution must be such that a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed.

Under the provisions of the Environmental Planning & Assessment Act, 1979 Council may either:

Require land to be dedicated free of cost;
Require money to be contributed for works or facilities to be provided in the future;
Require money to be contributed towards the cost of works in kind, in satisfaction of Section 94 requirements; or
Require or accept a combination of any of the above.

The ability to levy Traffic Generating Development for the cost of maintenance, repair and reconstruction of roads as a result of damage caused by trucks involved in the industry is of considerable importance to the Council and Communities in the Shire.

The "user pays" approach can significantly reduce the public financial burden of road improvements and the damage caused to the roads.

One of the fundamental responsibilities of any Council in imposing Section 94 contributions is to ensure that the contributions levied are reasonable. That is, the works and facilities to be provided must be a direct consequence of the development on which the contributions are levied. They must not unnecessarily inflate development costs.

In keeping with this responsibility, Section 94 contributions levied on development within the Shire are limited to essential or base-line works.

B2. Name of the Plan

This Plan is titled the Bland Development Contributions Plan No. 1 – Traffic Generating Development.

B3. Commencement

This development contributions plan has been prepared pursuant to the provisions of sections 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation 2000 and takes effect from the date on which public notice was published, being …….. pursuant to clause 31(4) of the Environmental Planning and Assessment Regulation 2000.

B4. Relationship with Other Plans and Policies

This Contributions Plan supplements the provisions of the following Local Environmental Plans and any future amendment/s.

- Bland Local Environmental Plan
- Draft Bland 2011 Local Environmental Plan

B5. Area to Which the Plan Applies

The Plan applies to all land within the Shire of Bland as shown in the map below.

Source: NSW Department of Local Government Website

B6. The Purpose of the Plan

The purpose of the Plan is to:

- Provide an administrative framework under which specific public facilities strategies may be implemented and coordinated;
- To ensure the operation of Traffic Generating Development does not adversely impact on local roads. Assess the demand for road maintenance, repair and reconstruction arising from Traffic Generating Development;
- To authorise the Council to impose conditions under section 94 of the Environmental Planning and Assessment Act 1979 when granting consent to development on land to which this plan applies

- Provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis
- To minimize any adverse environmental and social impacts in terms of noise and dust to residences, road uses and other development in the vicinity, and
- Enable Council to be both publicly and financially accountable in its assessment and administration of this plan.
- To ensure that the existing community is not burdened by the costs of road works resulting from damage caused by heavy vehicles associated with the Traffic Generating Development.
- Demonstrate that the contributions have been set after due assessment of the likely needs and demands of the Traffic Generating Development in terms of access roads and their on-going maintenance.
- Justify the application of a levy for road works for each tonne of extracted/processed/produced material;

B7. Definitions

"**Applicant"** means a person, company or organisation submitting a development application or an application for a complying development certificate or a person, company or organisation authorised to act on a consent.

"Contribution" means the dedication of land, the making of a monetary contribution or the provision of a material public benefit as referred to in Section 94 of the EP&A Act.

"Contributions Plan" means a contributions plan referred to in Section 94B of the EP&A Act.

"Council" or **"BSC"** means the Bland Shire Council.

"CPI" means the Consumer Price Index (All Groups Sydney) as published from time to time by the Australian Bureau of Statistics.

"Designated travel route" means the route identified in the development consent as being the travel route for heavy vehicles generated by the development from the development to Regional Road or Highway.

"DoP" means the NSW Department of Planning.

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

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

"Extractive industry" means:

a. the winning of extractive material; or
b. an undertaking, not being a mine, which depends for its operation on the winning of extractive material from the land on which it is carried on, and includes any stockpiling, washing, crushing, grinding, milling or separating into sizes of that extractive material on that land.

“Extractive material” means sand, sandstone, gravel, clay, turf, soil, rock, stone or similar substances that are not minerals under the Minerals Act.

“Industry” means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing or adapting, or the research and development of any goods, chemical substances, food, agricultural or beverage products, or articles for commercial purposes, but does not include extractive industry or a mine.

“LEP” means a Local Environmental Plan made by the Minister under Section 70 of the EP&A Act.

“Operator” means the registered owner or company operating the mine or extractive industry from time to time.

“The Plan” means the Bland Section 94 Contributions Plan – Traffic Generation Development 2011.

“Public Facilities” means public amenities or public services as referred to in Section 94 of the EP&A Act, including road works, the need for which is generated or increased by development.

“Road works” means any works carried out within a road reserve including pavement and surface reconstruction and rehabilitation, drainage, bridgeworks, benching and dust mitigation.

“Rural Industry” means Handling, treating, process or packing of primary products and includes the servicing in a workshop of plant or equipment used for rural purposes in the locality.

“s.94” means Section 94 of the EP&A Act.

“Works In Kind” has the same meaning as a material public benefit as referred to in Section 94(5)(b) of the EP&A Act and means the undertaking of any work associated with the provision of a public facility.

“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.

B8. Development to which the Plan Applies

This Plan applies to all Traffic Generating Development and related operations as detailed in current and future Development Applications. No other development is covered by the provision of this Plan.

For the purpose of this plan, traffic generating developments are those developments that:

Require the use of road haulage vehicles to support the operation of the enterprise;
Generate additional traffic movements above levels of traditional agricultural activities;
Developments which include but not limited to the following enterprises:

- Wool Scouring Plants
- Abattoirs
- Rendering Plants
- Sale yards
- Wood or timber milling or processing works including wood preservation works
- Wineries or associated works
- Warehouses
- Light industry
- Intensive Agricultural Enterprises
    - feedlots
    - poultry farms
    - piggeries
    - dairies
- Composting Works
- Transport Terminals
- Grain Storage Complex
- Feed mills
- Extractive Industries
- Mine
- Rural Industry

B9. Types of Public Service covered by this Plan

The following public benefit and services may be covered by this Plan:

- Upgrading and /or construction of roads,
- Intersection upgrading and construction,
- On-going maintenance and repair of roads
- Drainage works
- Traffic management measures, and
- Bitumen sealing

Council will levy contributions for these items only under the provisions of this Plan.

B10. When is the Contribution Payable?

A contribution must be paid to Council at the time specified in the condition that imposes the contribution. Unless otherwise agreed to by Council, the contributions must be paid prior to the issue of a development consent, construction certificate or complying development certificate.

Council will accept developer contributions payments by way of a monetary contribution.

The Section 94 contribution is calculated from true certified copies of weighbridge dockets, log books, diary entries and/or other returns or records that show the true quantities of extracted and/or processed material transported from an extraction site.

The applicant/operator or consenting assignee is to supply to Council on or before the fourteenth day of each month for the duration of the development consent for the development's operation, the records of the transported material.

Council, upon receipt of such records will, as soon as it can conveniently do so, issue to the applicant (or assignee) an invoice for the Section 94 contribution amount to be paid to Council within fourteen days of the date of invoice. Audit of records Council has by condition of consent the right to inspect the original records relating to the transport of imported material to and export of extracted or processed material from a development.

Original records that may be requested for inspection include:

- The extraction site/zone from which material was extracted and/or processed;
- Date and time of import/export/transport of material to/from a development;
- Monthly quantity & nature of material imported/exported/ transported to/from a development;
- Daily number & type (including registration number) of laden trucks and/or trailers;
- Monthly payment date & amount of Section 94 contributions made to Council.

All Traffic Generating Development operators will be expected to keep all necessary information to verify the above matters. Council's inspection of original records will be requested by way of prior written notice.

B11. Deferred/periodic payments

Deferred or periodic payments may be permitted in the following circumstances:

- compliance with the provisions of this Plan is unreasonable or unnecessary in the circumstances of the case,
- deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included 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,
- there are circumstances justifying the deferred or periodic payment of the contribution.

If Council does decide to accept deferred or periodic payment, Council may require the applicant to provide a bank guarantee by a bank approved by Council for the full amount of the contribution or the outstanding balance on condition that:

- the bank guarantee 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 pays 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 work
- 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 bank's 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.
- where banks guarantee has been deposited with Council; the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.

B12. Contributions ‘in-kind’ and material public benefits

The 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 this plan) or through provision of another material public benefit in-lieu of the applicant satisfying its obligations under this plan.

Council may accept such alternatives in the following circumstances:

- the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan
- the standard of the works is to Council’s full satisfaction and nominated standard,
- the provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program.

The value of the works to be substituted 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.

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

Acceptance of any such alternative is at the sole discretion of the council. Council may review the valuation of works or land to be dedicated, and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by the Council in determining the value of the works or land will be paid for by the applicant.

B13. Review of contribution rates

To ensure that the value of contributions are not eroded over time by movements in the Consumer Price Index (CPI), land value increases, the capital costs of administration of this plan or through changes in the costs of studies used to support this plan; Council will periodically review the contribution rates.

The contribution rates will be reviewed by reference to the following specific indices:

- construction costs as published by BITRE road construction and maintenance input price index
- land acquisition costs by reference to average land valuation figures published in Council’s Management Plan
- specific valuations for particular parcels of land that are identified in this plan as published in Council’s Management Plan
- changes in the capital costs associated with provision of administration and salary costs for staff involved in implementing this plan by reference to increases in salary rates under the Local Government State Award Plan as published in Council’s Management Plan
- changes in the capital costs of various studies and activities required to support the strategies in this plan by reference to the actual costs incurred by Council as published in Council’s Management Plan.

In accordance with clause 32(3)(b) of the Environmental Planning and Assessment Regulation, the following sets out the means by which Council will make changes to the rates set out in this plan.

For changes to the CPI, the contribution rates within this plan will be reviewed on a quarterly basis in accordance with the following formula:

$$C = \frac{\$C_A + \$C_A \times (CPI_C - CPI_B)}{CPI_B}$$

$\$C_A$ is the contribution at the time of adoption of this plan expressed in dollars;

CPI_C is the CPI_C as published by the Australian Taxation Office (ATO) available at the time of review of the contribution rate; and

CPI_B is the CPI as published by the ATO at the date of adoption of this Plan which is .....2011.

Note: In the event that the current CPI is less than the previous CPI, the current CPI shall be taken as not less than the previous CPI.

B14. Adjusting contribution rates at the time of payment

The contributions stated in conditions of consent are calculated on the basis of the contribution rates determined in accordance with this plan. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in the following manner:

$$\$C_P = \frac{\$C_{DC} + [\$C_{DC} \times (\$C_Q - \$C_C)]}{\$C_C}$$

$\$C_P$ is the amount of the contribution calculated at the time of payment;

$\$C_{DC}$ is the amount of the original contribution as set out in the development consent;
$\$C_Q$ is the contribution rate applicable at the time of payment; and

$\$C_C$ is the contribution rate applicable at the time of the original consent.

B15. Exemptions

This Development Contribution Plan only applies to Traffic Generating Development as a result there are no exempt developments.

B16. Planning Agreements

In accordance with Section 93F (1) of the EP&A Act a planning agreement is a voluntary agreement or arrangement between a planning authority and a developer under which the developer agrees to make contributions towards a public purpose. A planning agreement may wholly or partly exclude the application of Section 94 to the development that is subject of the agreement.

The provisions of Sections 93F to 93L of the EP&A Act and accompanying Regulation prescribe the contents, form, subject matter and procedures for making planning agreements.

Any person seeking to enter into a planning agreement should in the first instance submit a proposal in writing to Council, documenting the planning benefits and how the proposal would address the demands created by development for new public infrastructure, amenities and services.

B17. Administration

Management is essential if the desired outcomes of this Plan are to be achieved in a timely and affordable manner, and to meet the requirements of the EP&A Regulations. Constant supervision and management will be required over a number of years. The recovery of these costs is required by Council and is set at 5% of the contribution payable. This rate will be reviewed at the 1st of July each year.

B18 Cross Boundary Contributions

Section 94C of the EP&A Act allows adjoining Councils to require a contribution from developers for the provision of public amenities and services required as a consequence of development. This will require that each road in each Council area to be calculated separately in accordance with this plan and the contribution for the section of road within the Council area be collected by the relevant Council. This will be clearly defined in a condition of development consent.

B19 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 plan which applied at the date of determination of the application.

B20 Works Schedule

The works schedule details all maintenance works including repair and upgrading works for which contributions have been paid under this Plan. Some works are carried out annually, while other work is only needed less frequently and will be carried out when sufficient funds are available.

The works schedule is included in Appendix 3.

Part C - Strategy Plans

C1. Traffic Generating Development and the Road Nexus

Traffic Generating Development typically causes and exacerbates the deterioration of the road surfaces. Council prior to development could have budgeted to maintain the road at a certain level of service. As a result of the development there is a need for continual and considerable expenditure by Council to maintain, repair and, where necessary, earlier reconstruction of the roads.

For all road pavements, performance is influenced only by the heavy end of the traffic spectrum. No account need be taken of cars and light commercial vehicles as far as loadings are concerned (Austroads – "Pavement Design – A Guide to the Structural Design of Road Pavements").

There have been a number of Land and Environment Court cases on the issue of Section 94 contributions. The courts have established that Section 94 can be used to levy for the maintenance, repair and, where necessary, reconstruction of roads subject to traffic from Traffic Generating Development.

The Land and Environment Court case of Collin C Donges & Associates Pty Limited v Baulkham Hills Shire Council established guidelines for levying extractive industries for road maintenance and repair. Specifically, Justice Stein held that:

"1. A Council had the power to impose conditions under S. 94 of the Act requiring monetary contributions towards the cost of maintenance, repair and reconstruction of classified main roads under the State Roads Act, 1986.

2. The mechanical transfer of responsibility of the two sections of road which occurred in 1984 did not alter the shared responsibility as between the Department and the Respondent which shared responsibility continued in law thereafter.

3. The trust created by S. 94 was sufficient protection for the developer paying the subject monetary contributions.

4. The term 'area' in S.94 of the Act means the Council's local government area and accordingly a contribution there under could not include money for work on the other half on Old Northern Road which was vested in the Hornsby Shire Council as owner.

5. An 'incremental' rather than an 'average' approach in respect of quantifying the contributions was preferable because it was more likely to lead to levies that were 'reasonable' in terms of S.94(2) of the Act.

6. In the circumstances of the subject development applications it was more equitable to levy a contribution by an amount per tonne of material hauled along two sections of road rather than to attempt to translate or transpose the road costs into a contribution of actual dollars and cents per annum during the life of development consents."

The basis of the calculation has regard to reconstruction costs and the average annual road maintenance costs and the length of roads likely to be used by vehicles associated with Traffic Generating Development. The increased maintenance costs are calculated on the basis of the average cost per kilometre to bring a road up to the required standard for the development. The impact is calculated on the ESA loading on the road per vehicle as a proportion of the total loadings on the road. This is then converted to a total cost per tonne (1000 kilograms) per kilometre. The designated travel route will form the length of road upon which the contribution will be levied.

It is well established that damage to road surfaces is caused by heavy vehicles and is to be measured by equivalent standard axles (ESA's). It is also widely accepted that the damaging effect of a 4 axle vehicle on road pavement is non-linear (e.g. double the load causes 16 times the damage – 2x2x2x2).

One ESA is equivalent to approximately 8.2 tonnes and has the same damaging effect on road pavement as around 550,000 car axles (of 0.3 tonnes), or 4,500 car axles transmitting 1.0 tonne.

Assuming an average car weighs 1,300kg (500kg on one axle and 800kg on the other), one ESA is the equivalent in pavement damage of around 9,500 average cars. The ESA of a 4 axle articulated truck is 3.6 (or 4.2 for a spread tandem); while the ESA of a 5 axle articulated truck is 4.0 (or 4.4 for a spread tandem). Consequently, the approximate number of cars needed to do the same road damage as a standard 5 axle articulated truck is around 38,000 (or 41,500 for a spread tandem).

This load equivalency results in high potential levels of damage to roads from heavy vehicles. Therefore, a section 94 contribution is reasonable for new Traffic Generating Development or Traffic Generating Development that expands production to cover the increased level of road deterioration. Such a levy is appropriate for new construction, maintenance and rebuilding of any road that is used by traffic from Traffic Generating Development.

This reduced road life and increased maintenance depends entirely on the amount of heavy vehicular traffic generated by the development, which as a result, has a major impact on Council's financial resources. Without a contribution from the development, this would burden the community with providing the extra financial resource needed by Council to maintain the existing level of service for the road network as a result of the development.

The contributions methodology is applicable to Regional and Local Roads which are currently in existence. For those development proposals which necessitate a need to upgrade or provide a new Regional or Local road to service the development, Council will stipulate via a condition of consent the expected road standard required. It should be further noted that an on-going maintenance contribution will also be necessary following the installation of any new road. Such contribution is determined in accordance with the methodology below.

However, as these costs are unknown until the time of expansion/development, all that can be provided at this stage is a formula for the calculation of the levy.

C2. Council's Contributions Methodology

The criteria for the traffic generating developments contributions methodology can be broken up into four main areas.

Generally:

- Unsealed Pavement Rehabilitation every 10 years;
- Sealed Pavement Rehabilitation every 20 years;
- Maintenance Reseal (i.e. Regional and Local Roads 10 years);
- Annual Routine Maintenance; and
- Heavy Patching or Stabilisation of Selected Sections.

A traffic generating development will be required to pay a proportion of all of the above criteria based upon the heavy vehicle Equivalent Standard Axle (ESA) impact on a Regional or Local road. The Contributions Methodology Formula is explained below.

C2.1 Method of Measurement

The method of determining initial numbers of heavy vehicles on the road will be based on the details provided in the documentation submitted with Development Application if considered reasonable by Council and verified by traffic count over a minimum period of 1 month, prior to the commencement of the development prior to setting the maintenance contribution rate. Where the designated travel route involves the use of more than one road then each road will be treated separately in terms of the road maintenance contribution. Therefore, the total contribution payable for the development will be the sum of all the calculated contribution rates for all the individual roads on the designated travel route/s.

Traditionally, the method of assessing heavy vehicle movements generated by a development has been to utilize the projected movements provided as part of the SEE or EIS accompanying the proposed development application. This practice has, in the past led to some concerns regarding the reliability of the movements adopted for the purpose of calculating contributions.

Council will utilise other methods to set/validate heavy vehicle movements generated by a development In order to overcome this uncertainty and establish some reliability in the basis for contribution calculations, a traffic count over a minimum period of 2 months for 3 years will be carried out.

In relation to extractive industries a relationship has been established between the volume of material extracted and vehicle movements generated. Generally a 30% loose volume factor is adopted within the industry for conversion of solid volume to loose volume and therefore, it is assumed that an average haulage truck of loose fill volume 10 represents 7.7 m3 of solid volume extracted.

The extraction of this amount of material thereby also represents two truck movements (one outward and one return) and will also be used to verify the number of truck movements relating to the development.

C3. Contributions Methodology Formula

C3.1. Pavement Rehabilitation over Next 20 Years

Designated Haul Route, length of road in metres (m)

Formation and Seal Widths derived from Road hierarchy in metres (m)

	Quantity	Unit	Rate	Total
Provision for traffic		Sections		$
Base 200mm (min)		M3		$
Prime and Seal (sealed roads only)		M2		
Miscellaneous		Sections		$
			Sub Total	**$**

C3.2. Resealing (Regional and Local [sealed] Roads) Over Next 20 Years

Length of Road in metres (m)
Formation and Seal Width _____ m
Re-seal average Over 20 Years _____times at $____ m^2 $_____
(2.85 x Regional, 2 x Local) Sub-Total $_____

C3.3. Annual Routine Maintenance

Annual Routine Maintenance Cost $_____ per year
(NB Excludes slashing and drainage works outside pavement area)
Maintenance cost 20 year period $_____
Sub-Total $_____

C3.4. Heavy Patching or Stabilisation of Selected Sections.

Based on the evaluation of heavy patching or pavement stabilisation of all sections _____% of length which will require attention over a 20 year period.

Stabilisation ____%___ m^2 at _____ m^2 $_____
Sub-Total $_____

Total of all Maintenance Works for next 20 Years **$**_____

Total Project Vehicle Movements _____ number

Road Class _____
Movements per Week _____ (ESA - Equivalent Standard Axle)

Trailer Trucks ____ (Axle)
Other Trucks ____ (Axle)

Total ESA _____ (per week)
Total ESA_____ (per year)

C3.5. Total Existing AADT

AADT _____/day (Source: Austroads, 1992 - Pavement Design: A Guide to the Structural Design of Road Pavements [Appendix E - Method 3])

Percentage of Heavy Vehicles

AADT x Table 5 x % Vehicles /100

Total ESA/day _____ (Per day)
_____ (Per year)

Proportional Loss of Pavement Life Attributable to the Proposal

(Total ESA/Total Existing) x 100 = _____ %

Total Haulage Full Production _____ tonnes (t) per year

Calculations of Contribution $C = \frac{M \times P}{L \times Q}$

Where C = Contribution Amount per Tonne (t)

M = Total Road Maintenance Costs

P = Proportion Attributable to the Proposal

L = Estimated Pavement Life

Q = Quantity Hauled/Year from the proposal

C = _____ X _____ = $_____/t Developer Contribution
20 x _____

Item No.	Road	Location	Work Frequency	Works	Cost
1	Regional public road	Full length	Every 10 years	Resealing	$
2	Regional public road	Full length	Annually	Routine maintenance	$

The above methodology will be applied to each traffic generating development proposal to calculate the levy required by Council for road rehabilitation, repair, resealing and maintenance works. Each development proposal will be unique and the data on road pavements and their life expectancy, for example, are also dependant upon the nominated public road routes to be utilised by vehicles freighting laden and unladen material.

A list of abbreviated terms used in the Contributions Plan and the above Methodology can be found at Appendix 1. A full working example of a proposed development and detail on how the Methodology is applied can be found at Appendix 2 and 3 of this Plan.

C4. Information is required to be submitted to Council to Determine Contribution Amount

When submitting a development proposal to Council for consideration and determination, a Development Application will need to contain supporting written documentation which elaborates upon the developments specific attributes. One section of the written documentation will need to contain the following data for Council to consider:

a. mapping which depicts the nominated vehicle public road network to service the rural based industry;
b. estimate of total vehicle movements (both laden and unladen) generated by the development proposal;
c. estimate of the total amount of material imported and exported by the proposal over the life of the development;
d. detail on the type, size and volume of vehicles (ie includes contracted Company vehicles) proposed to service the development; and
e. the location of the nearest private or public weighbridge to authorise and record the tonnages of material leaving the supplied development site.

Upon receipt of the above information, Council can start to determine the contribution amount(s) attributable to the development proposal.

C5. Who Determines the Contribution Amount under the Methodology for Development Proposals?

The final Contribution amount for a proposed development is based on an audit of the existing public road network, which is nominated to be used by the development. These audits are carried out by a professional engineer nominated by Council's Engineering Department.

For example, some of the matters which will be considered within a proposal may include:

- the condition of the existing road pavement,
- the road resealing intervals necessary,
- the required annual routine maintenance of a road and the need for any road stabilisation work.

All of these factors are detailed and considered in conjunction with the Methodology to determine an equitable contribution.

Part D – References

- Development Contributions – Practice Notes Issued July 2005, Department of Planning (formally Department of Infrastructure Planning and Natural Resources).
- Bland Local Environmental Plan, 1990.
- Bland Shire Council Social Plan
- Section 94 Contributions Plan No. 4 - Rural Based Industry Traffic Generating Developments, Former Parry Shire Council.
- Sydney Regional Environmental Plan No.9 – Extractive Industries, gazetted 17 October 1986.
- Hills Shire Council, Contributions Plan No.6 – Extractive Industries 2009.
- Sydney Regional Environmental Plan No.9 – Extractive Industry (No.2), gazetted 15 September 1995 and amended most recently in 2006 (gazetted 15 November 2006).
- Deniliquin Development Contributions Plan 2007
- Appeal No.10521 of 1994 Land & Environment Court of NSW, Manaldo –v- Baulkham Hills Shire Council, 1995.
- Appeal No.10064 of 1997 Land & Environment Court of NSW, Neville Francis Diamond –v- Baulkham Hills Shire Council, 1998.
- Appeal No.10501 & 10502 of 1987 Land & Environment Court of NSW, Collin C Donges & Assoc Pty Ltd v Baulkham Hills Shire Council [1989] NSWLEC 39 (4 May 1989).
- Study of Section 94 Contributions made for the Provision of Roads, Traffic facilities and Parking – Stage 1 Report, prepared by Stapleton & Hallam for Western Sydney Regional Organisation of Councils, September 1991.

Part E – Appendices

APPENDIX 1: Abbreviated Terms Used in the Plan

Plan	Section 94 Traffic Generating Development Contributions Plan
S.94	Section 94 of the Environmental Planning & Assessment Act, 1979
EP&A Act	Environmental Planning & Assessment Act, 1979 (as Amended)
EP&A Reg	Environmental Planning & Assessment Regulation, 2000 (as Amended)
RTA	NSW Roads and Traffic Authority
WIK	Working in Kind
LEP	Local Environmental Plan
DoP	Department of Planning
BTCE	Bureau of Transport and Communications Economics Index
AADT	Annual Average Daily Traffic
ESA	Equivalent Standard Axle
DA	Development Application
LGA	Bland Shire Council Local Government Area
ABS	Australian Bureau of Statistics
LEC	NSW Land and Environment Court

APPENDIX 2: Traffic Generating Development Contribution Methodology

Proposal: *Proposed Quarry which consists of the following; an annual production level of 213,000 tonnes estimated vehicle movements of 43 trailer trucks (6 axle) and 22 other truck (3 axle) per week and a designated haul route of 12,850 m on an existing Regional public road. The calculated contribution is as follows:*

Contributions Methodology Formula:

Pavement Rehabilitation over Next 20 Years

Designated Haul Route, length of road in metres (m): 12,850 m
Formation Width: 8.0 m
Seal Width: 7.2 m

	Quantity	Unit	Rate	Total
Provision for traffic	8	Sections	6000	48,000
Base 200mm	31,660	m^3	22.5	712,350
Prime and Seal	92,520	m^2	4	370,080
Miscellaneous	8	Sections	2,000	16,000
		Sub Total ($)		**1,146,430**

Resealing Over Next 20 years

Length of Road in metres: 12,850 m
Seal Width 7.2 m

Reseal Average over 20 Years 2.85 x at $2.20 m^2		$580,100
(2.85 x Regional, 2 x Local)	**Sub-Total**	**$580,100**

Annual Routine Maintenance

Annual Routine Maintenance Cost (NB Excluding slashing and drainage works outside pavement area) average for 5 year period

2004/05 to 2009/10	$18,197 per year	
Maintenance Cost 20 year period		$363,940
	Sub-Total	**$363,940**

Heavy Patching or Stabilisation of Selected Sections

Based on the evaluation of heavy patching or pavement stabilisation of all sections 45% of length which will require attention over a 20 year period.

Stabilisation 45%, 46,260 m2 at $7.50 m2		$346,950
	Sub-Total	$346,950

Total of all Maintenance Works for next 20 years **$2,437,420**

Total Projected Vehicle Movements 458/week in number

Road Class 3

Movements per Week	Table E4	(ESA) Method 2
Trailer Trucks 46 (6 axle)	2.4	1046
Other Trucks 10 (3 axle)	1.2	26

Total ESA 1073 (per week)
Total ESA 55,786 (per year)

Total Existing AADT

AADT 3023/day (Source: Austroads, 1992 – Pavement Design: A Guide to the Structural Design of Road Pavements, Appendix E – Method 3)

Percentage of Heavy Vehicles 12%

AADT (3023) x Table E5 (1.9) x 12% vehicles/100

Total ESA/day 689 (per day)
251,574 (per year)

Proportional Loss of Pavement life attributable to the Proposal

(Total ESA 55786)/Total Existing (251,574) x 100 = 22.17%

Total Haulage Full Production = 213,000 tonnes (t) per year

Calculation of Contribution $C = \frac{M \times P}{L \times Q}$

$$C = \frac{2{,}437{,}420 \times 0.2217}{20 \times 213{,}000}$$

Where
C = Contribution Amount per tonne (t)
M = Total Road Maintenance Costs
P = Proportion Attributable to the Proposal
L = Estimated Pavement Life
Q = Quantity Hauled/Year from the proposal

$$C = \frac{2{,}437{,}420 \times 0.2217 \times 1}{20 \times 213{,}000} = \$0.13/\text{tonne}$$

Developer Contribution is **$0.13/tonne.**

APPENDIX 3: Works Schedule

Item No.	Road	Location	Work Frequency	Works	Cost
1	Regional public road	Full length	Every 10 years	Resealing	$145,025
2	Regional public road	Full length	Annually	Routine maintenance	$90,985
3	Regional public road	Full length	Every 20 years	Pavement Rehabilitation	$286,607
4	Regional public road	Full length	Every 10 years	Heavy Patching	$90,985
					$613,602

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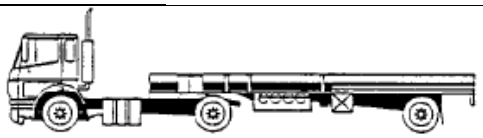
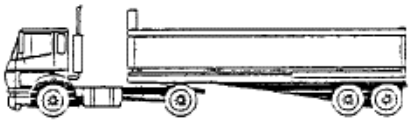
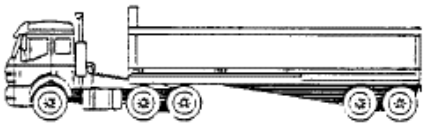
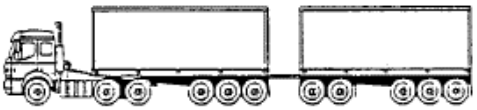
APPENDIX 4: Dominant Vehicles in each Austroads Class

CLASS	LIGHT VEHICLES	
1	SHORT Car, Van, Wagon, 4WD, Utility, Bicycle, Motorcycle	
2	SHORT – TOWING Trailer, Caravan, Boat	
	HEAVY VEHICLES	
3	TWO AXLE TRUCK OR BUS 2 axles	
4	THREE AXLE TRUCK OR BUS 3 axles, 2 axle groups	
5	FOUR (or FIVE) AXLE TRUCK 4(5) axles, 2 axle groups	
6	THREE AXLE ARTICULATED 3 axles, 3 axle groups	
7	FOUR AXLE ARTICULATED 4 axles, 3 or 4 axle groups	
8	FIVE AXLE ARTICULATED 5 axles, 3+ axle groups	
9	SIX AXLE ARTICULATED 6 axles, 3+ axle groups or 7+ axles, 3 axle groups	

	LONG VEHICLES AND ROAD TRAINS	
10	B DOUBLE OR HEAVY TRUCK & TRAILER 7+ axles, 4 axle groups	
11	DOUBLE ROAD TRAIN 7+ axles, 5 or 6 axle groups	
12	TRIPLE ROAD TRAIN 7+ axles, 7+ axle groups