

**Moree Plains Shire Section 7.11  
Development Contribution Plan  
Traffic Generating Development**

**Adopted 13 May 2021**

## Table of Contents

<b>Part A - Introduction</b> .....	<b>4</b>
<b>Part B - Administration of the Plan</b> .....	<b>4</b>
B1. Basic Principles of developer contributions.....	4
B2. Name of the Plan .....	5
B3. Commencement.....	5
B4. Relationship with Other Plans and Policies.....	5
B5. Area to Which the Plan Applies .....	5
B6. The Purpose of the Plan.....	5
B8. Development to which the Plan Applies.....	7
B9. Types of Public Service covered by this Plan .....	8
B10. When is the Contribution Payable?.....	8
B11. Deferred/periodic payments.....	9
B12. Contributions ‘in-kind’ and material public benefits .....	9
B13. Review of contribution rates .....	10
B14. Adjusting contribution rates at the time of payment .....	10
B15. Exemptions .....	11
B16. Planning Agreements.....	11
B17. Administration.....	11
B18. Cross Boundary Contributions .....	11
B19. Savings and transitional arrangements .....	11
B20. Works Schedule .....	11
<b>Part C - Strategy Plans</b> .....	<b>12</b>
C1. Traffic Generating Development and the Road Nexus .....	12
C2. Council’s Contributions Methodology.....	13
C2.1 Method of Measurement.....	13
C3. Contributions Methodology Formula .....	13
C3.1. Breakdown of Contribution.....	14
C3.2. Ongoing Contribution .....	14
C3.3. Sealed ongoing contribution formulas.....	<b>Error! Bookmark not defined.</b>
C3.4. Gravel Road Grading and General Maintenance – Ongoing contribution.....	15
C4. Information is required to be submitted to Council to Determine Contribution Amount .....	156

C5. Who Determines the Contribution Amount under the Methodology for Development Proposals? ..... 166

**Part D - References..... 16**

**PART E - APPENDICES ..... 17**

APPENDIX 1: Abbreviated Terms Used in the Plan..... 177

APPENDIX 2: Traffic Generating Development Contribution Methodology.....**Error!**

**Bookmark not defined.**

APPENDIX 3: Dominant vehicles in each AUSTROADS class ..... 17

## **Part A - Introduction**

Damage to sealed and unsealed 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 schedule to maintain the road 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 7.11 of the Environmental Planning & Assessment Act, 1979 is an appropriate mechanism for the levy of contributions for the upgrading and rehabilitation of affected public roads.

This plan applies to developments which generate a net increase in impact on Council's public road network.

## **Part B - Administration of the Plan**

### **B1. Basic Principles of developer contributions**

Section 7.11 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 7.11 contributions are:

1. A contribution must be for, or relate to, a planning purpose;
2. A contribution must fairly and reasonably relate to the subject development; and
3. 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 7.11 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 maintenance and the damage caused to the roads.

One of the fundamental responsibilities of any Council in imposing Section 7.11 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 7.11 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 Moree Plains Shire Development Contributions Plan - Traffic Generating Development.

## **B3. Commencement**

This development contributions plan has been prepared pursuant to the provisions of section 7.11 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 Moree Plains Local Environmental Plan 2011.

## **B5. Area to Which the Plan Applies**

The Plan applies to all land within the Shire of Moree Plains.

## **B6. The Purpose of the Plan**

The purpose of the Plan is to:

- a) 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;
- b) To authorise the Council to impose conditions under section 7.11 of the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this plan applies, and
- c) Enable Council to be both publicly and financially accountable in its assessment and administration of this plan.
- d) To ensure that the community is not burdened by the costs of road works resulting from damage caused by heavy vehicles associated with the Traffic Generating Development.
- e) 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, renewal and reconstruction.

- f) 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.

**"area"** refers to Council Local Government Area as per Section 7.11 of the EP&A Act.

**"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 7.11 of the EP&A Act.

**"Contributions Plan"** means a contributions plan referred to in Section 7.13 of the EP&A Act.

**"Council"** or **"MPSC"** means the Moree Plains 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.

**"DPE"** means the NSW Department of Planning and Environment.

**"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

- a) Any manufacturing process within the meaning of the Factories, Shops and Industries Act 1962; or
- b) The breaking up or dismantling of any goods or any article for trade or sale or gain or as ancillary to any business,

**"LEP"** means a Local Environmental Plan made by the Minister under 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 Moree Plains Section 7.11 Contributions Plan.

**“Public Facilities”** means public amenities or public services as referred to in Section 7.11 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 the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- a) Agricultural produce industries,
- b) Livestock processing industries,
- c) Composting facilities and works (including the production of mushroom substrate),
- d) Sawmill or log processing works,
- e) Stock and sale yards,
- f) The regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

**“s.7.11”** means Section 7.11 of the EP&A Act.

**“Works In Kind”** has the same meaning as a material public benefit as referred to in Section 7.11(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.

The plan applies to developments which generate a net increase in heavy vehicle impacts on Council’s public road network.

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, non-intensive agricultural activities;
- Developments which include the following enterprises:-

- (a) Mines, extractive industries, feedlots and other development that result in increased numbers of laden heavy vehicles using Council's road network.

Under Clause 7.12(2) of the Environmental Planning & Assessment Act 1979 a consent authority cannot impose a condition under both Section 7.11 and 7.12 (formerly Section 94A) of the Act.

### **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, bridges and other road-related infrastructure
- Drainage works
- Traffic management measures, and
- Road surface sealing eg bitumen sealing or gravel sheeting.

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 7.11 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 7.11 contribution amount to be paid to Council within fourteen days of the date of invoice. Council may inspect the applicant's original records relating to the transport of material to or from a development.

Original records that may be requested for inspection include:

- a) The extraction site/zone from which material was extracted and/or processed;
- b) Date and time of import/export/transport of material to/from a development;
- c) Monthly quantity (weighbridge tickets) & nature of material imported/exported/transported to/from a development;
- d) Daily number & type (including registration number) of laden trucks and/or trailers;



- e) Monthly payment date & amount of Section 7.11 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 written notice.

### **B11. Deferred/periodic payments**

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

- a) 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,
- b) 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,
- c) 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:

- a) The bank guarantee be 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.
- b) The bank unconditionally pays the guaranteed sum to the council if the council so demands in writing. This would be no less than 12 months from the provision of the guarantee or completion of the work.
- c) The bank must pay the guaranteed sum without reference to the applicant, 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.
- d) 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.
- e) 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.

### **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:

- a) 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,

- b) The standard of the works is to Council's full satisfaction and nominated standard,
- c) 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 will be submitted by the applicant and verified by Council's Director of Engineering and their decision will be final. Any dispute from the applicant can be resolved by the applicant engaging an independently certified 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 similar to the Self help arrangements 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.

For changes to the CPI, the contribution rates within this plan will be reviewed and updated.

### **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:

$$\text{\$CP} = \text{\$CDC} + [\text{\$CDC} \times (\text{\$CQ} - \text{\$CC})]$$

\\$CC

Where:

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

\\$CDC is the amount of the original contribution as set out in the development consent;

\\$CQ is the contribution rate applicable at the time of payment; and

\\$CC 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 7.4 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 7.11 to the development that is subject of the agreement.

The provisions of Sections 7.4 to 7.10 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 1% of the contribution payable. This rate will be reviewed at the 1st of July each year.

### **B18. Cross Boundary Contributions**

Section 7.14 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 their plan, until the freight movement joins with the State Road network, 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.

## 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").

The basis of the calculation has regard to up front road upgrade costs to accommodate the increased equivalent standard axles (ESA) impact and an average annual road maintenance costs per km... The impact is calculated on the yearly ESA loading on the road as a proportion of the total ESA loadings on the road.. 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 -  $2 \times 2 \times 2 \times 2$ ).

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 7.11 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.

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 Local or Regional 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.

## C2. Council’s Contributions Methodology

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

Generally:

- Unsealed formation and wearing surface upgrades as required for the Level of Service anticipated;
- Sealed Pavement Rehabilitation every 50-60 years depending on road hierarchy;
- Maintenance Reseal (i.e. Arterial every 10 years and other roads 12 years);
- Annual Routine Maintenance; and

A traffic generating development will be required to pay a proportion of all of the above relevant criteria based upon the increase in heavy vehicle Equivalent Standard Axle (ESA) impact on a Local road (includes Regional and Main Roads). 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/or verified by traffic count over a minimum period of 1 month, and periodically thereafter at Council discretion after the commencement of the development. 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.

## C3. Contributions Calculations

### C3.1 Break Down of Contribution

		Ongoing contribution
Type of Road	Sealed	Developer to pay percentage of maintenance cost, based upon ESA increase
	Unsealed	Developer to make a payment each time re-sheeting is required. Developer to pay for increased maintenance on road due to increase in traffic

### C3.2 Ongoing Contribution -Table 1

	Arterial	Sub-Arterial	Collector	Local	Rural Res	
Sealed Road	1.18	1.51	3.85	6.38	1.04	c/T/km
Unsealed Road	1.44					c /T/km

The current list of Council's Road Hierarchy is available on request.

Rates are based on cents per Tonne per km of travel on the Local Road Network for the yearly ongoing maintenance cost for the road network, for the life of the road. This contribution is exclusive of any upfront costs required to upgrade the road network to accommodate the increased ESAs. The applicant for a development may be required to fund upfront road improvement works to achieve a suitable standard for the vehicle type, volume and approved movement pattern. Upfront road improvement work could include works such as road widening, pavement strengthening, intersection upgrades, additional line marking and signage.

### C3.3 Sealed Ongoing Contribution formulas

The sealed ongoing contribution rates are based on the below costings and formulas for the sealed road network. With the conversion from ESA's to Tonnes based on an average for Moree Plains Shire approved standard vehicle types of 2.11 ESA's per Tonne.

#### Council Sealed Road Maintenance Costs

Annual Maintenance:

$$\$120/km$$

Reseal (ReS) - every 10 years for Arterial, 12 years for other roads:

$$\$8,250/m/km$$

Rehabilitation (ReH) - every 50 years for Arterial, 60 years for other roads:

$$\$40,000/m/km$$

#### Yearly Cost

$$S_M = M + \frac{(4 \cdot ReS + ReH) \times W}{ReH - Rate} / km/year$$

$$\therefore S_M = \$120 + \frac{\$73,000 \times W}{ReH - Rate} / km/year$$

where;

$S_M$  = Average Yearly Maintenance Cost of Sealed Road per km

$W$  = width of road after any required widening [m]

#### Ongoing Payment for Maintenance

$$S_Y = \frac{ESA_D}{ESA_E + ESA_D} \times S_M \times D$$

where;

$S_Y$  = Yearly Contribution for Sealed Section

$S_M$  = Average Yearly Maintenance Cost per km

$ESA_E$  = Average Daily ESAs of Existing Situation

$ESA_D$  = Average Daily ESAs of Development

$D$  = length of road [km]

### **C3.4 Gravel Road Grading and General Maintenance - Ongoing Contribution**

Ongoing Payment for additional Grading based on increased ESA's is 1.44c/T/km and is calculated from the formula below, based on Councils Unit Rates.

$$U_Y = \frac{U_{M-SRXXX}}{ESA_E} \times ESA_D$$

where;

$U_Y$  = Yearly Contribution for Unsealed Section

$U_{M-SRXXX}$  = Average Yearly Grading Cost per km for Specified Road

$ESA_E$  = Average Daily ESAs of Existing Situation

$ESA_D$  = Average Daily ESAs of Development

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 of this Plan, Appendix 3 lists the dominant vehicles in each AUSTRROADS class.

### **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

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 professional staff 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 & Environment
- Moree Plains Local Environmental Plan 2011
- 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 7.11 Traffic Generating Development Contributions Plan

S.7.11 Section 7.11 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

DPE Department of Planning and Environment

BTCE Bureau of Transport and Communications Economics Index

AADT Annual Average Daily Traffic

ESA Equivalent Standard Axle

DA Development Application

LGA Moree Plains Shire Council Local Government Area

ABS Australian Bureau of Statistics

LEC NSW Land and Environment Court

### **APPENDIX 2: Worked example -**

Development located 5.7km from a State Highway, along a continuous local road network. Proposed freight movement to and from development is estimated to be 40,000 Tonne.

Road Details: The local road network comprises 1.2km of unsealed road with a 6m formation and a 4.5km collector road with an 8m formation and 7m seal. Any required upfront costs will be based on Council's unit rates, the proposed traffic type volume and movement patterns.

#### **Ongoing Contribution**

Unsealed Section 1.44c (from Table 1) x 40,000 T x 1.2km = \$691.20/year contribution.

Sealed Section 3.85c (from Table 1) x 40,000 T x 4.5km = \$6,930/ year contribution.

### **APPENDIX 3: Dominant vehicles in each AUSTROADS class**

1. Short vehicles - Class 1

Characteristics -  $\leq 3.1\text{m}$  wheelbase length

2. Medium vehicles - Classes 2 - 5

Characteristics -  $> 3.1\text{m}$  wheelbase length  $\leq 8.5\text{m}$

- Light truck towing (e.g., towing caravan, boat etc)
- Rigid truck
- Tandem drive truck
- Twin steer truck

3. Long vehicles - Classes 6 - 12

Characteristics -  $>8.5\text{m}$  wheelbase length

- Articulated truck
- Twin steer towing truck
- Double road train