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**Section 94 Development  
Contributions Plan**

**Bathurst Regional Traffic  
Generating Development**

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Adopted: 17 September 2014  
Effective Date: 19 November 2014

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## **Part A: Summary Schedules**

### **Schedule 1 Schedule of works**

A schedule of works is unable to be determined at the commencement of this Plan. The required works is dependant on the location of applicable development proposals. The funds collected under this Plan will be expended as required on the recognised haul routes.

## **Part B: Administration and operation of the plan**

### **1.0 Administration**

#### **1.1 Name of the Plan**

This development contributions plan is called the “Bathurst Regional Traffic Generating Development Section 94 Development Contributions Plan”.

The plan will be reviewed as required and any amendments will be recorded in the following table:

<b>Plan Title</b>	<b>Amendments</b>	<b>Adoption Date</b>	<b>Version Number</b>
Section 94 Development Contributions Plan – Traffic Generating Development	New Plan	19 November 2014	1.0

#### **1.2 Commencement of the Plan**

This development contributions plan has been prepared pursuant to the provisions of Section 94 of the Environment Planning and Assessment (EP&A) Act 1979 and Part 4 of the EP&A Regulation 2000. The Plan was adopted by Council at its meeting held 17 September 2014 and takes effect from the date on which the Bathurst Regional Local Environmental Plan 2014 is gazetted, pursuant to clause 31(4) of the EP&A Regulation, 2000, that date being 19 November 2014.

#### **1.3 Land to which the plan applies**

The Plan applies to any Traffic Generating Development, located on land zoned RU1 Primary Production, RU4 Primary Production Small Lots, RU5 Village and E4 Environmental Living pursuant to the Bathurst Regional Local Environmental Plan 2014.

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

- a) Require the use of road haulage vehicles to support the operation of the enterprise;
- or
- b) Generate additional traffic movements above levels of traditional agricultural or residential activities.

Developments which may be defined as a traffic generating development include but not limited to the following enterprises:

- o Abattoirs
- o Composting Works
- o Extractive Industries
- o Feed mills
- o Grain Storage Complex
- o Intensive Agricultural Enterprises
  - dairies
  - feedlots

- piggeries
  - poultry farms
- Mines
- Rendering Plants
- Road or Rail Transport Terminals
- Rural Industries
- Sale yards
- Warehouses
- Wineries or associated works
- Wood or timber milling or processing works including wood preservation works
- Wool Scouring Plants

#### **1.4 Purpose of the Plan**

The primary purpose of this Plan is to satisfy the requirements of the Act and Regulations to enable the Council to require a contribution to ensure that the existing community is not burdened by the costs of road works resulting from damage caused by heavy vehicles associated with Traffic Generating Developments within the Bathurst Regional LGA.

Other purposes of this Plan are to:

- (i) 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;
- (ii) Provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions for road infrastructure on an equitable basis throughout the Region;
- (iii) 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; and
- (iv) 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.

#### **1.5 Relationship to Other Plans and Policies**

The Plan should be read in conjunction with the Bathurst Regional Local Environmental Plan 2014, as amended and the Bathurst Regional Development Control Plan 2014, as amended.

#### **1.6 Contributions and record keeping**

##### **1.6.1 When Contributions are to be paid**

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 construction certificate or complying development certificate. Council will accept developer contributions payments by way of a monetary contribution,

except where alternative arrangements have been made in line with Section 1.9 of this Plan.

### **1.6.2 Record keeping**

**This section only applies where ongoing contributions are required to be paid.**

The Section 94 contribution is calculated from true certified copies of weighbridge docket, 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 September annually for the duration of the development consent for the development's operation, the records of the transported material, certified by a Company Officer.

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. Council has, by condition of consent, the right to inspect and audit the original records relating to the transport of material to or from a development.

Original records that may be requested for inspection may 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;
- ◇ Individual nett weights of the 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.

### **1.7 Construction Certificates and the obligation of Accredited Certifiers**

In accordance with section 94EC of the EP&A Act and Clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

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

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

## **1.8 Council's Policy on periodic payments**

The conditions under which the Council may accept payment by way of periodic payment for a staged development are that:

- The instalment be paid before the work commences on the relevant stage of the development;
- The amount to be paid at each stage is to be calculated on a pro-rata basis adjusted to the applicable rate, in accordance with Section 1.10 of this Plan.

## **1.9 Council's Policy on the acceptance of material public benefits (including works in kind)**

Council may, in certain circumstances, accept an offer by the applicant to provide a works in-kind (WIK) contribution (i.e. the applicant completes part or all of the road rehabilitation on the haul route) in lieu of all or part of a cash contribution required under this plan.

An offer to provide WIK is to be made to Council in writing prior to the determination of the development application and should clearly state:

- What WIK or land dedication is proposed;
- The value of the WIK or land dedication proposed;
- The timing of the provision of the WIK or land dedication; and
- What cash contributions it is proposed to offset.

Council is under no obligation to accept the WIK or land dedication, however, may consider doing so in the following circumstances:

- where 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; and
- where the standard of the works is to Council's full satisfaction.

## **1.10 Review of Contribution Rate**

The contribution rates will be indexed annually in accordance with the Consumer Price Index (CPI) or equivalent relevant indices.

The contributions stated in a development consent are calculated on the basis of the Section 94 contribution rates calculated in accordance with this Plan. If the contributions are not paid within the financial year 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 the time of payment and adjusted by the Consumer Price Index as published by the Australian Bureau of Statistics All Groups Percentage Changes. Indexation will take place 1 July each year.

The contribution rates for the current financial year are published by Council in its annual Management Plan and are available from Council offices.

## **1.11 Exemptions**

Exemptions will not be given for any development outlined in the Contributions Plan without an express resolution of Council.

### **1.12 Planning Agreements**

In accordance with Section 93F 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.

### **1.13 Pooling of Contributions**

This plan expressly authorises monetary Section 94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

The monetary contributions collected will be expended on the recognised haul route nominated by the applicant as part of the Development Application.

### **1.14 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 lodgement of the application.

## **PART C: TRAFFIC GENERATING DEVELOPMENT**

### **2.0 ROAD NETWORK AND TRAFFIC GENERATING DEVELOPMENT CHARACTERISTICS**

#### **2.1 Traffic Generating Development and the Road Nexus**

##### **2.1.1 Traffic Generating Developments Generally**

Traffic Generating Development typically accelerates the deterioration of the road surfaces when compared with the road's design life. Council, prior to development, has budgeted to maintain the road at an acceptable level of service for the design life of the road. The additional traffic generated as a result of any traffic generating development requires continual and considerable expenditure by Council to maintain, repair and, where necessary, reconstruct the roads earlier than the expected life of the road.

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").

It is widely accepted 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 heavy vehicle on road pavement is non-linear (e.g. double the load causes 16 times the damage – 2x2x2x2).

### 2.1.2 What is an Equivalent Standard Axle (ESA)?

An ESA is defined as

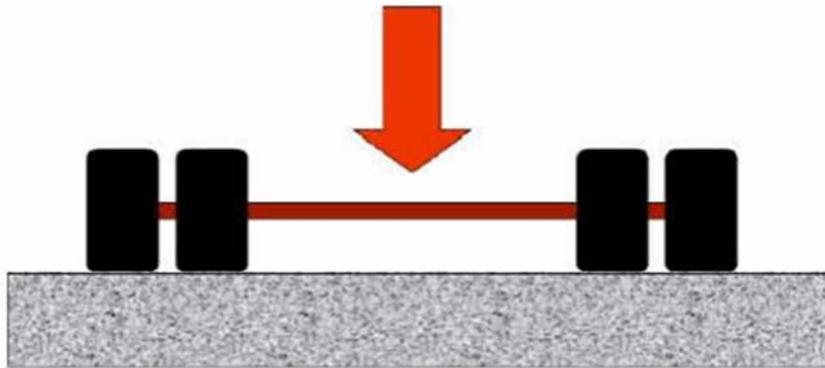
*“a dual tyred, single axle transmitting a load of 80kN (or 8.2 tonnes) to the pavement.”*

A standard axle is:

kN	Tonnes	Vehicle
53	5.4	Single axle single tyre
80	8.2	Single axle dual tyre
135	13.8	Tandem axle dual tyre
181	18.5	Triaxle dual tyre

Standard Axle

80kN



To put this in context:

Vehicle	ESA
An average 2 tonne car	0.00044
An average articulated truck	2.65

**Therefore, an average articulated truck is equivalent to 6000 light vehicles.**

### 2.1.3 Class of vehicles

The Austroad vehicle classification has been used to apply a multiplication factor which can be used to determine the ESA during traffic counts.

	AUSTROAD Vehicle Class											
	1	2	3	4	5	6	7	8	9	10	11	12
<b>ESA Multiplier</b>	0	0	0.6	1.5	3.6	1.3	1.7	2.6	3.1	5.3	5.7	10.8

#### 2.1.4 Nexus

The higher loads by heavy vehicles results in higher potential for 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.

The 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 lead to a burden on 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 contribution.

Council will use different travel distances for the purpose of the contribution formula. The applicant is expected to nominate the typical/average travel distance and haul route to the nearest road not under the control of Council, ie a classified road.

## 2.2 Loss of Pavement life and formula for calculation of the contribution

Roads are designed to a standard which has a specified design life. Sealed roads in the Bathurst Region have an expected design life of 20 years. The establishment of a traffic generating development will ultimately reduce the anticipated design life of the road asset.

As the road networks are not uniform, a number of assumptions have been used. These assumptions are described below.

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

The basic aim of the methodology used is to determine the cost to replace the road to the design traffic loading. This will give a replacement cost per Equivalent Standard Axle (ESA). This ratio will form the basis of calculations to determine loss of life in dollars per single quarry haulage vehicle.

Damage to pavement and replacement of the wearing course are listed separately, as they have different design lives and unit costs.

### 2.2.1 Cost of Pavement Construction

Council's Engineering Department has calculated the estimated cost of pavement damage caused by a typical heavy vehicle per Equivalent Standard Axle. The calculation is based upon:

*Assumptions:*

- ◇ Design ESA  $1 \times 10^7$
- ◇ Pavement life of 20 years
- ◇ Pavement thickness of 350 mm
- ◇ Rural road width of 11m (formed), but calculated for 1 lane only (ie 5.5m)

*Cost of materials*

Granite @ \$60/m <sup>3</sup>	\$10 per m <sup>2</sup>
Dense Graded Base(DGB) @ \$80/m <sup>3</sup>	\$16 per m <sup>2</sup>
2 coat seal @ \$7.50/m <sup>2</sup>	\$7.50 per m <sup>2</sup>
Plus Survey, Design & Environmental	\$6.50 per m <sup>2</sup>
<b>Total</b>	<b>\$40 per m<sup>2</sup></b>

*Cost per km per ESA*

*Cost of materials x pavement width x distance*

$\$40 \times 5.5\text{m} \times 1000\text{m} = 220,000$ $= \mathbf{\$0.022 \text{ per km per ESA}}$
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### 2.3 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. Council will make a determination during the assessment process whether the rates are considered appropriate. Council will verify the submitted traffic counts by one or both following methods prior to the commencement of the development and prior to setting the maintenance contribution rate:

- a) Council undertake traffic counts over the haul route to verify the background traffic volumes for a minimum period of 1 month; or
- b) The submitted data will undergo a peer review to verify the traffic volumes predicted.

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 utilise 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 m<sup>3</sup> 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.

## 2.4 Contribution rate and formula

A schedule of works is unable to be determined at the commencement of this Plan. The required works is dependant on the location of applicable development proposals. The funds collected under this Plan will be expended as required on the recognised haul routes.

Contributions authorised by this plan will be calculated in accordance with the following formula

$$\text{Contribution} = \$0.022 \times [\text{loose tonnes hauled}] \times [\text{typical ESA}] \times [\text{haul route length (km)}]$$

### 2.4.1 Worked examples

#### 2.4.1.1 Extractive Industries

A proposed quarry has stated that they will be extracting 10,000m<sup>3</sup> of granite annually. The quarry is located 12.4 km from a classified road and the applicant proposes to use a 6 axle articulated truck to transport the granite from the quarry. (Austroad classification 9). The annual traffic generating contribution would be worked out using the following information:

Extraction	=	10,000m <sup>3</sup>
Loose volume factor	=	divide by 30%
Haul route length	=	12.4 km
ESA multiplication factor	=	3.1

$$\text{Contribution} = \$0.022 \times [\text{loose tonnes hauled}] \times [\text{typical ESA}] \times [\text{haul route length (km)}]$$

$$\text{Contribution} = 0.022 \times \left( \frac{10000}{30\%} \right) \times 3.1 \times 12.4$$

**Contribution = \$28,189.33 annually**

### 2.4.1.2 An abattoir

A proposed abattoir has stated that they will be processing 2500 tonnes (liveweight) of beef per month and 1500 tonnes (liveweight) of sheep per month. This will result in 1300 tonnes of dressed beef and 705 tonnes of dressed sheep, together with approximately 1764 tonnes per month of by-products and waste from the abattoir. It is expected that approximately 90 tonnes for goods and packaging will be used onsite per month.

The applicant has stated that the stock inbound will generally be using an articulated 6 axle truck (Austroad classification 9), with the beef being exported using a B-Double articulated 7 axle truck (Austroad classification 10) and the sheep exported using an articulated 6 axle truck (Austroad classification 9). By-products will generally be taken offsite using a 6 axle articulated truck (Austroad classification 9). Goods and packaging will be delivered using a 4 axle truck (Austroad classification 5).

The abattoir is located 4.8 km from a classified road. The annual traffic generating contribution would be worked out using the following information:

	Tonnes	
	Per month	Per annum
Inbound stock (beef)	2500	30000
Inbound stock (sheep)	1500	18000
Dressed beef	1300	15600
Dressed sheep	705	8460
By-products	1764	21168
Goods and Packaging	90	1080

Contribution = \$0.022 x [loose tonnes hauled] x [typical ESA] x [haul route length (km)]

Inbound stock

$Contribution = (0.022 \times 30000 \times 3.1 \times 4.8) + (0.022 \times 18000 \times 3.1 \times 4.8) + (0.022 \times 1080 \times 3.6 \times 4.8)$

**Contribution = \$16,123.85 annually**

Outbound stock

$Contribution = (0.022 \times 15600 \times 5.3 \times 4.8) + (0.022 \times 8460 \times 3.1 \times 4.8) + (0.022 \times 21168 \times 3.1 \times 4.8)$

**Contribution = \$18,430.03 annually**

**Total contribution annually is \$34,553.88**

### 3.0 Information to be submitted to Council

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 information for Council to consider:

- a. mapping which depicts the nominated public road network to service the traffic generating development;
- 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 and 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.

#### **4.0 Definitions**

**Capital Costs** means all of the costs of a one-off nature designed to meet the cost of providing, extending or augmenting infrastructure.

**Catchment** means a geographic or other defined area to which a contributions plan applies.

**Commercial** means a building or place used as an office, place of business or other commercial purpose from which an income is derived.

**Contributions Plan** means a public document prepared by Council pursuant to s94EA of the Environmental Planning and Assessment Act.

**Development** means:

- The erection of a building on that land
- The carrying out of a work in, on, over or under that land
- The use of that land or of a building or work on that land
- The subdivision of that land.

**Developer contribution** means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

**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 upon which it is carried on, and includes any washing, crushing, grinding, milling or separating into different sizes of that extractive material on that land.

**Material Public Benefit** does not include the payment of a monetary contribution or the dedication of land free of cost.

**Nexus** means the relationship between the expected types of development in the area and the demand for additional public facilities to meet that demand.

**Planning agreement** means a voluntary agreed referred to in s93F of the Environmental Planning and Assessment Act.

**Planning authority** means:

- A council, or
- The Minister, or
- The corporation, or
- A development corporation (within the meaning of the Growth Centres (Development Corporations) Act 1974), or
- A public authority declared by the EP&A Regulations to be a planning authority for the purposes of this Division.

**Planning benefit** means a development contribution that confers a net public benefit, that is, a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community.

**Planning obligation** means an obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution.

**Public** includes a section of the public.

**Public benefit** is the benefit enjoyed by the public as a consequence of a development contribution.

**Public facilities** means public infrastructure, facilities, amenities and services.

**Public purpose** is defined in s93F(2) of the Environmental Planning and Assessment Act to include the provision of, or the recoupment of the cost of providing public amenities and public services (as defined in s93C), affordable housing, transport or other infrastructure. It also includes the funding of recurrent expenditure relating to such things, the monitoring of the planning impacts of development and the conservation or enhancement of the natural environment.

**Recurrent costs** mean any cost which is of a repeated nature that is required for the operation or maintenance of a public facility.

**Region** means the Bathurst Regional Council Local Government Area.

**Thresholds** means the level at which the capacity of an infrastructure item is reached or the event which triggers the requirement for provision of a facility.

**Utility service** means basic engineering services such as power, water, sewerage and telecommunications.

**Works-in-Kind** means the construction or provision of the whole or part of a public facility that it identified in a works schedule in a contributions plan.

## **5.0 References**

.id.com.au, 2011 Population Summary - Bathurst Regional – Bathurst Regional Council 2006 to 2031 <http://forecast2.id.com.au/Default.aspx?id=361&pg=5180> Last accessed 1 August 2012.

ABS, 2012. 2011 Census Quickstats Bathurst Regional (A) – Pt B. [http://www.censusdata.abs.gov.au/census\\_services/getproduct/census/2011/quickstat/140070473?opendocument&navpos=220](http://www.censusdata.abs.gov.au/census_services/getproduct/census/2011/quickstat/140070473?opendocument&navpos=220) Last accessed 1 August 2012.