

Narrabri Shire

Section 7.11 - Fixed

Contributions Plan

2016



NARRABRI SHIRE
DISCOVER THE POTENTIAL

Narrabri Shire

Section 7.11 Contributions Plan 2016

Document history and status

This document was originally prepared by GLN Planning Pty Ltd Project No. 10486).
Amendments since 28 February 2017 have been made by Narrabri Shire Council.

Version	Issued To	Qty	Date	Prepared by:	Reviewed by:
Draft	T Meppem	1-e	23/08/2016	GLN	MC
Final	C Stoltenberg	1-e	28/2/2017	GLN	MC
Revised Draft	N/A		10/07/2019	MH	ED

MINUTE NUMBER	MEETING DATE	DESCRIPTION OF CHANGE
23/2017	21 February 2017	Adopted by Council
211/2019	24 September 2019	Council Adopted Amended Plan

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1. Introduction

Section 7.11 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**) authorises a Consent Authority to grant consent to a development subject to a condition requiring the applicant to make a monetary contribution to the local council for the purpose of providing public amenities and public services that are required or demanded by that development.

Such a condition can only be imposed if it is in accordance with a contributions plan adopted by the local council.

This plan is to enable Narrabri Shire Council (**Council**) and other Consent Authorities to require developers of land within Narrabri Shire to make contributions for the purpose of providing certain public amenities and public services in the Shire.

The types of developments and amenities covered by this plan are shown in **Table 1**.

Table 1 Contributions required under this plan

Development	Contribution required and the amenities to be provided
(a) Mines, extractive industries and other developments that result in increased numbers of laden heavy vehicles causing pavement damage on rural roads managed by the Council	A monetary contribution will be required to meet the cost of Council maintaining the haul routes
(b) Development on land shown in the Schedule fronting certain unformed roads in towns and villages	A monetary contribution will be required to meet the cost of Council upgrading the roads to an urban sealed standard

This contributions plan contains the following:

- Details of public amenities and services that will be provided by the Council.
- A schedule of contribution rates for various classes of development subject to the plan.
- Information on how the contribution rates were calculated.
- Council's policies on how and when developers can settle their contributions obligations, including opportunities for developers to provide land and works 'in kind'.
- Specific provisions on the role of accredited certifiers in imposing and collecting section 7.11 contributions.
- Various other provisions related to the fair and transparent administration of section 7.11 contributions involving development affected by the plan.

2. Plan summary

2.1 How to use this plan

This plan has been broken up into the following sections to allow easy navigation by Council staff, developers and private certifiers:

Section 2 – Plan Summary

This section identifies both the land and development that this plan applies to as well as the contribution rates that apply to development.

Section 3 – How are the contributions rates calculated?

This section explains how the contributions for development are calculated, and the nexus between the expected development and the infrastructure to be provided.

Section 4 – How and when will contributions be imposed on development?

This section explains how conditions of consent will be used to collect contributions levied under this plan and provisions to index the contributions payable to reflect changes in land acquisition and construction costs. It also describes accredited certifiers' obligations to address the requirements of this plan in the issuing of construction certificates and complying development certificates.

Section 5 – How and when a contribution requirement can be settled?

This section explains how consent conditions requiring the payment of contributions can be settled.

Section 6 – Other administration matters

This section outlines other administrative arrangements surrounding the operation of this plan, including a Dictionary of terms used in this plan.

Schedule

This section contains details and maps related to Urban Roads projects levied for under this plan.

Appendices

This section includes information supporting the body of the plan.

2.2 Name and commencement of plan

This plan is called Narrabri Shire Section 7.11 Contributions Plan 2016.

This plan commences on the date on which public notice was given under clause 31(2) of the EP&A Regulation or the date specified in that notice if it is a different date.

2.3 What is this plan's purpose?

The primary purpose of this plan is to authorise:

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

to require a section 7.11 contribution to be made towards the provision, extension or augmentation of public amenities and services that are required as a consequence of the development, or which were provided in anticipation of, or to facilitate, such development.

Other purposes of this plan are as follows:

- To provide a clear and transparent basis for levying contributions under the provisions of section 7.11 of the EP&A Act.
- To provide the framework for the efficient and equitable determination, collection and management of section 7.11 contributions.
- To establish the relationship between the expected development and the public amenities and services included in this plan, to demonstrate the required contributions are reasonable.
- To allow for the provision of the required public amenities and services by alternative means where this is acceptable to the developer and the Council (for example; through a planning agreement).
- To ensure that the broader Narrabri Shire community is not unreasonably burdened by the provision of public amenities and services required as a result of development affected by this plan.

2.4 What land and development does this plan apply to?

This plan applies to all land in the Narrabri Local Government Area.

This plan applies to the following developments:

- (a) Mines, extractive industries and other development that result in increased numbers of laden heavy vehicles using Council's road network.
- (b) Development on land fronting certain unformed roads in towns and villages shown in the contribution catchments maps in the **Schedule** to this plan.

2.5 What development is exempted?

This plan DOES NOT apply to the following types of developments:

- Development proposed by or on behalf of the Council.
- Development exempted from section 7.11 contributions by way of a direction made by the Minister for Planning under section 7.17 of the EP&A Act.

2.6 What public amenities and services will be provided under this plan?

The public amenities and services which are covered by this plan include the following:

- Pavement damage to rural roads caused by mines, extractive industries and other 'heavy haulage' developments
- Urban roads that were unformed or unsealed at the time this plan was made.

The costs of administering this plan will also be met by contributions imposed under this plan.

More details on the public amenities and services, and their relationship with the expected developments are included in **Part 3** of this plan.

2.7 What are the contribution rates?

Table 2 summarises the contribution rates for the various categories of public amenities and services in this plan.

Table 2 Contribution rates

Development	Contribution rate
(a) Mines, extractive industries and other developments that result in increased numbers of laden heavy vehicles using Council's road network	\$0.31 per Equivalent Standard Axle (ESA) per km of haul road or \$0.053 per tonne of hauled material per km of haul road
(b) Development on land shown in the Schedule fronting certain unsealed or unformed roads in towns and villages	Refer to Schedule at the back of this plan

3. How are the contribution rates calculated?

This part of the plan describes the development that will demand the public amenities and services required under this plan and explains how each of the contribution rates were calculated.

3.1 Rural roads pavement damage

3.1.1 Overview

This plan authorises a contribution rate of either 5.3 cents / tonne / km of hauled material, or 31 cents / ESA / km.

This *contribution rate* enables the Consent Authority, in any particular case, to impose a *contribution amount* on a development relating to the length of local and regional roads that will be used by heavy vehicles for the haulage of material.

The consent condition will contain both a contribution rate and an assumed haul road length. The consent condition will require the development to make periodic payments to Council based on tonnage or ESA returns in the preceding quarter.

3.1.2 What is the nexus between the expected types of development and the demand for public amenities and services?

Roads have a design life after which they need reconstruction. Heavy vehicles can significantly reduce the life of a road. The heavy vehicles have a disproportionately greater impact on the life of roads compared to other light vehicles, notwithstanding their greater numbers.

Major roads and highways are generally designed and constructed to accommodate heavy vehicles and the damage associated with heavy trucks is recouped through registration and general taxation. Roads within the local road network managed by the local council conversely often have a lower design standard and are more susceptible to wear and tear associated with heavy vehicles resulting in the need for more frequent reconstruction work.

Council has the responsibility of maintaining most of the roads in the Narrabri Shire to an acceptable standard. The standard is to ensure the roads:

- are kept to an appropriate level of safety for the road user; and
- remain trafficable for the duration of their design life.

The additional heavy vehicle loadings on a road due to developments involving laden heavy vehicle movements will accelerate the deterioration of that road's pavement. The consequence is that in order for the roads authority to maintain the road pavement at its existing level of service, additional maintenance spending will be required sooner than would be the case without that development. In short, the use of a road by heavy vehicles will require the replacement of that road's pavement sooner.

From time to time Council receives development applications that involve the haulage of material and goods using heavy vehicles. These developments typically include quarries and other forms of extractive industry but can also include rural industries. These developments can be located anywhere within the LGA.

Concentrated heavy vehicle movements generated by these developments will accelerate the deterioration of road pavements that were designed to meet demands of rural rather than industrial or commercial developments.

Councils are not generally able to impose additional fees, charges or rates to meet the extra costs associated with accelerated deterioration of roads caused by heavy vehicle movements from these developments, except for section 7.11 contributions imposed under the EP&A Act.

Council considers that it is reasonable to expect that developments which generate unusually high truck movements or truck movements which have the effect to significantly reduce the life of the road construction and / or increase the cost of maintaining a road should make a monetary contribution. The amount should be based on the cost to Council of bringing forward the need for works or based on the increased cost to Council of maintaining the road.

This plan therefore authorises Consent Authorities to require contributions from developments that generate additional laden heavy vehicle movements to meet the additional cost burden of providing and maintaining roads caused by those developments.

Council shall allocate any monies received under this plan to the particular haul roads that developments have contributed towards. As heavy haulage developments can occur anywhere in the LGA, and this plan operates to respond to the impacts of yet-to-be-identified developments, it is not possible to identify those roads in this plan.

3.1.3 Calculation of the contribution rate

The contribution rates that will be applied to developments that cause pavement damage to rural roads are based on the methodologies applied by other northern NSW councils on such development.¹

The methodology used is to determine the ratio of the cost to replace the asset to the design traffic loading, which gives a replacement cost per ESA. This ratio forms the basis of further calculations to determine loss of life in dollars per tonne of material hauled.

The following steps were followed for determining the contribution rates by these councils:

1. Determine design ESA
2. Estimate the cost to reconstruct / maintain 1 lane-km for the above ESA
3. Calculate the contribution rate in \$ / ESA / km

At this point the ESA contribution rate is known. To determine the tonnage contribution, rate the following additional two steps were undertaken:

4. Calculate \$ / typical vehicle ESA
5. Calculate \$ / tonne / km

¹ Contributions levied by Ballina Shire Council under Ballina Shire Heavy Haulage Contributions Plan 2011, and by Lismore City Council under Lismore City Section 94 Contributions Plan 2014.

Table 3 summarises the calculations that were performed to determine the contribution rates for a sealed rural road with a medium level of traffic of 1,000 vehicles per day per lane. In Narrabri it is more likely that there would be lower levels of traffic on both sealed and unsealed roads. However, use of these road types in the methodology yielded higher contribution rates. The medium traffic sealed road contribution is more conservative and has been adopted by Narrabri Shire Council for the purposes of this plan.

Table 3 Summary of calculation of contribution rates for rural roads pavement damage

Step	Workings for sealed road with medium traffic ²
Determine design ESA	Treat damage to pavement and damage to wearing course separately: <ul style="list-style-type: none"> • Design life of pavement: 873,743 ESAs over 30 years • Pavement spay-seal: 262,795 ESAs over 10 years
Estimate the cost to reconstruct / maintain 1 lane-km for the above ESA	Pavement reconstruction: \$200,000 per lane per km Surfacing spray-seal: \$20,000 per lane km
Calculate the contribution rate in \$ / ESA / km	Pavement = \$200,000 / 873,743 = \$0.23 per ESA per km Spray-seal = \$20,000 / 262,795 = \$0.08 per ESA per km Total = \$0.23 + \$0.08 = \$0.31 per ESA per km
Calculate \$ / typical vehicle ESA	The typical vehicle assumed to be a 'class 4 + dog trailer' No. of ESAs per typical vehicle = 2.6 Contribution per typical vehicle = \$0.31 x 2.6 = \$0.80 per vehicle
Calculate \$ / tonne / km	The typical load in a typical vehicle is assumed to be 15 tonnes Contribution = \$0.80 / 15 = \$0.053 per tonne per km

3.1.4 Calculation of the quarterly contribution payment

The process for calculating and collecting the contribution will generally be as follows:

1. Identify the length of local and regional roads (i.e. haul routes) that the development's laden heavy vehicles will utilise. Classified roads that are the sole maintenance responsibility of the NSW Government are excluded from consideration. The length of haul route(s) in kilometres will be determined from information submitted by the applicant with the development application. Any development application for mines, extractive industries or other

² 1,000 vehicles per day per lane with a growth rate of 1% per annum

developments involving the haulage of material or goods by heavy vehicles on any land in Narrabri LGA must include details of haul routes.

2. Consent Authority imposes a development consent condition requiring payment based on:
 - (a) the \$ rate per tonne per km, or the \$ rate per ESA per km (from this plan);
 - (b) the total length of all haul routes (from 1. above); and
 - (c) the amount of material hauled (in tonnes), or the volume of vehicles accessing the site (in ESAs) over the preceding quarter.
3. No later than twenty-eight (28) days after the end of March, June, September and December over the life of the development, the operator of the development:
 - (a) submits to Council independently verified tonnage (or ESA) returns for the development over the preceding quarter, and
 - (b) pays the roads maintenance contribution to Council reflecting the \$ rate per tonne (or per ESA) and total haul route length contained in the development consent.

Worked example

For example, where in a development application it is stated that a development's haul trucks will utilise 3.5 kilometres of public roads in the LGA, and that estimate of haul route use is considered by the Consent Authority to be a reasonable estimate, then the contribution amount that would be imposed on the development consent would be:

$$\begin{aligned} & 3.5 \text{ km} \times 5.3 \text{ cents per tonne per kilometre} \\ & = 18.55 \text{ cents per tonne of haulage material, calculated quarterly and indexed quarterly} \\ & \text{in accordance with the Producer Price Index described in } \mathbf{Section\ 6.3} \end{aligned}$$

Then, after the first full quarter of operations, the operator submitted an independently verified statement showing that there had been 7,100 tonnes of extractive material transported from the development. The Council in response would issue to the operator a tax invoice showing the following details and payment amount:

$$\begin{aligned} & 18.55 \text{ cents per tonne} \times 7,100 \text{ tonnes} \\ & = \$1,317.05 \end{aligned}$$

3.1.5 Application information to be relied on

There may be circumstances where the likely length or lengths of roads to be used by laden heavy vehicles in development vary, and therefore the contribution amount for that development, is difficult to quantify. In such cases, Council will determine the length or lengths of road to be levied based on the information submitted with the development application. It is the duty of the applicant to provide sufficient and accurate information on likely haul route use at the application stage.

3.1.6 Matters to be addressed during the operation of the development

The consent will identify the haul route length and the contribution rate applicable to the development. Council acknowledges that the haul routes used by a development may change over the life of the development. The consent will therefore include a condition that requires the proponent to prepare a statement of haulage routes at least every three years. The statement will identify the local and regional roads that are used by heavy vehicles transporting material and goods to / from the development, as well as the proportion of the development's total heavy vehicles using each road length.

The contribution rate in the consent will be automatically adjusted in accordance with annual movements in the Producer Price Index: Road and Bridge Construction New South Wales (Catalogue No. 6427.3101) as published by the Australian Bureau of Statistics.

Where an ESA-based contribution rate is imposed on the development, the following matters shall be addressed by way of conditions of consent to be implemented at the start of and throughout the development's life:

- A traffic classifier is to be installed (at the applicant's cost) at a suitable location to classify and count the number of loaded heavy vehicles that enter or exit the development site over each quarter. The purpose of the classifier is to record the number of ESAs that are subject to contributions.
- Responsibility for keeping the traffic classifier in good working order throughout the life of the development will rest with the operator.
- Council officers are to be provided access to the traffic classifier data on a regular (i.e. at least quarterly) basis.
- In the event of the traffic data being corrupted, then the Council at its discretion may determine the ESAs and therefore the contribution amount for the preceding period.

3.1.7 Roadworks may be required to be undertaken in addition to contributions required under this plan

The Shire's local and regional road network has been constructed and is maintained by Council as necessary to ensure an acceptable standard of service.

It is possible that some of these roads may not be able to accommodate additional heavy vehicle loading generated by mines and extractive industries without immediate upgrade. There may be upgrades to roads or traffic facilities that are directly required by a development and without which the development could not or should reasonably occur. New roads, or upgrades to sections of the existing road network, including ongoing maintenance, may be required to accommodate the additional heavy vehicle loading.

Where a development requires works to the road network to be undertaken, the requirement will be by way of a condition imposed on the development consent under section 4.17(1)(f) of the EP&A Act. This will be in addition to road maintenance contributions for haul routes imposed under this plan.

3.2 Urban roads

Most of the road network in the Shire's towns and villages is of a sealed standard.

There are however sections of road that have not been sealed.

Land fronting these sections has either been subdivided for urban purposes or is yet to be subdivided. Not all of the subdivided lots have been developed for urban (principally residential) purposes.

The local community generally expects that the roads directly servicing dwellings in towns and villages will be sealed.

This plan therefore authorises Consent Authorities to require monetary contributions from the first development of lots fronting unsealed roads in urban areas.

The particular urban road projects, their costs, their nexus with expected developments, and their contributions catchments and calculations of contribution rates are shown in the **Schedule** to this plan.

4. How and when will contributions be imposed on developments?

4.1 Monetary contributions

This plan authorises the Council or an accredited certifier, when determining an application for development or an application for a CDC, and subject to other provisions of this plan, to impose a condition requiring a contribution under section 7.11 of the EP&A Act on that approval for:

- the provision, extension or augmentation of public amenities and services to be provided by Council; and / or
- the recoupment of the previous costs incurred by Council in providing existing public amenities and services.

Accredited certifiers should also refer to **Section 4.4** of this plan as to their obligations in assessing and determining applications.

4.2 Cap on monetary section 7.11 contributions for residential development

The Minister for Planning has issued a Direction to Council that caps section 7.11 contributions for residential development.³

The Direction requires:

A council (or planning panel) must not grant development consent ... subject to a condition under section 7.11 (1) or (3) of the Environmental Planning and Assessment Act 1979 requiring the payment of a monetary contribution that:

(a) in the case of a development consent that authorises one or more dwellings, exceeds \$20,000 for each dwelling authorised by the consent, or

(b) in the case of a development consent that authorises subdivision into residential lots, exceeds \$20,000 for each residential lot authorised to be created by the development consent.

This plan is consistent with the Minister's Direction in that it authorises section 7.11 contributions on residential development not to exceed the cap.

Where the sum of the contributions for a particular development calculated under this plan and any other contributions plan adopted by the Council exceeds \$20,000 per residential lot or dwelling, the total amount included in the consent shall not exceed the cap.

³ The most recent Direction issued by the Minister was dated 21 August 2012. A copy of the Direction is able to be viewed on the Department of Planning Environment website.

4.3 Latest rates to be used

The section 7.11 contribution imposed on a development will reflect the latest, indexed contributions rates authorised by this plan.

The monetary section 7.11 contribution rates shown in **Section 2.7** reflect the contribution rates at the date that this plan commenced. These rates are regularly adjusted for inflation (see **Section 6.3**).

Applicants and accredited certifiers should inquire at the Council for information on the latest contribution rates.

4.4 Obligations of accredited certifiers

4.4.1 Complying development certificates

This plan requires that, in relation to an application made to an accredited certifier for a CDC relating to development affected by this plan:

- the accredited certifier must, if a CDC is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this plan
- the amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this section
- the terms of the condition be in accordance with this section.

Procedure for determining the contribution amount

The procedure for an accredited certifier to determine the amount of the section 7.11 monetary contribution for complying development is as follows:

1. If, and only if specified in writing in the application for a CDC, the applicant has requested a credit under section 7.11(6) of the EP&A Act, or an exemption or part or the whole of the development under **Section 2.5** of this plan, the accredited certifier must:
 - (a) make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
 - (b) in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the CDC refuse the applicant's request.
2. Determine the unadjusted contributions in accordance with the rates included in **Section 2.7** of this plan taking into account any exempt development specified in **Section 2.5** and any advice issued by the Council under paragraph 1(b) above.
3. Adjust the calculated contribution in accordance with **Section 6.3** to reflect the indexed cost of the provision of the public amenities and services.
4. Subtract any infrastructure demand credit advised by the Council under paragraph 1(b) for any assumed demand relating to existing development.

4.4.2 Construction certificates

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

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

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

4.5 Variation to contributions authorised by this plan

The Council may, after considering a written application, reduce the section 7.11 contribution otherwise calculated in accordance with the provisions of this plan.

A developer's request for variation to a contribution calculated in accordance with this plan must be supported by written justification included with the development application. Such request will be considered as part of the assessment of the application.

An accredited certifier other than the Council cannot vary a section 7.11 contribution calculated in accordance with this plan, without Council's written approval.

5. How and when can a contribution requirement be settled?

5.1 Timing of payments

A monetary contribution required to be paid by a condition imposed on the development consent in accordance with this plan is to be paid at the time specified in the condition.

Generally, the condition will provide for payment as follows:

- For development where no further approvals are required – before the development consent is issued.
- For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan).
- For development not involving subdivision, but where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate for any works.
- For works authorised under a CDC, the contributions are to be paid prior to any work authorised by the certificate commences, as required by section 136L of the EP&A Regulation.

At the time of payment, it will be necessary for monetary contributions amounts to be updated in accordance with the relevant indexes (see **Section 6.3**).

5.2 Process for deferred payments

Council may accept the deferred or periodic payment of a monetary contribution required under this plan if the applicant, or any other person entitled to act upon the relevant consent, makes a written request and can satisfy the Council of non-compliance with the payment provisions.

Council must be satisfied that:

- there are valid reasons for the deferral or periodic payment;
- the granting of the request will not adversely impact on the administration, operation or cash flows of the plan;
- the granting of the request will not jeopardise the timely provision of works or land identified within the plan; and
- the proposed arrangement remains consistent with the purpose of the plan.

The decision to accept a deferred or periodic payment of a monetary contribution is at the sole discretion of Council. Any deferral will generally be limited to a period of no more than 24 months.

Where Council allows a deferral of contributions, an appropriate bank guarantee shall be secured for the amount of contributions to be deferred. The conditions under which the Council may accept deferred settlement by way of lodgement of a bank guarantee are that:

- the bank guarantee be by an Australian bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest;

- the bank unconditionally pays the guaranteed sum to the Council if the Council so demands in writing not earlier than twelve (12) months from the provision of the guarantee or completion of the work whichever occurs first;
- 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 in accordance with the development consent; and
- 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.

Any deferred or outstanding component of the monetary contribution will be adjusted in accordance with **Section 6.3** of this plan.

The applicant will be required to pay any charges associated with establishing or operating the bank guarantee. Council will not cancel the bank guarantee until the outstanding contribution as indexed and any accrued charges are paid.

Where Council agrees to a request for deferred or periodic payment, the applicant will be required to lodge, and pay for, a section 4.55 application to modify the development consent to specify the new payment arrangements.

5.3 Are there alternatives to paying the contribution?

5.3.1 Mines, extractive industries and other heavy haulage developments

Applicants may propose an alternative contribution rate that more accurately reflects the likely road impacts of the particular development. Any alternate contribution rate must be agreed to by Council prior to the due date for a contribution payment or the commencement of any works as part of that alternate payment method.

Applicants may also propose alternative arrangements to the payment of a periodic contribution to Council for excessive road wear and tear. This could include, for example, reconstruction of the road pavement up-front and no ongoing maintenance contribution.

Justification of any alternative must be addressed in a transport study on the proposed development. The study should address all of the relevant matters listed in **Appendix A**.

5.3.2 Other development

A person may make an offer to the Council to carry out works or provide another kind of material public benefit or dedicate land, in part or full satisfaction of a section 7.11 contribution required by a condition of consent imposed under this plan.

If a developer wishes to deliver infrastructure that is included in this plan instead of the Council delivering that infrastructure, then the developer can approach this either one of two ways:

- (a) The developer may offer to enter into a planning agreement to undertake works, make monetary contributions, dedicate land, or provide some other material public

benefit. Planning agreements are the most appropriate mechanism for offers made prior to the issue of a development consent for the development.

- (b) If the developer has already received a development consent containing a condition requiring a section 7.11 contribution, the developer may offer to undertake works in kind through a works in kind agreement, or offer to dedicate land through a land dedication agreement.

Any offer for works in kind or other material public benefit shall be made in writing to the Council prior to the commencement of any works proposed as part of that offer. Retrospective works in kind agreements will not be accepted.

Works in kind or the dedication of land will be accepted by Council only under the following circumstances:

- Council will generally only accept offers of works or land that are the specific public amenities and services included in this plan; and
- Council determines that the works in kind are, or the land to be dedicated is, appropriate; and
- The value of the works to be undertaken or the land to be dedicated is at least equal to the value of the contribution assessed in accordance with this plan, or where the value of the proposed works in kind or the land to be dedicated is less than the monetary value of the contribution, the difference will be met by way of a monetary contribution.

Should an offer of works in kind or land dedication be accepted, Council will establish with the applicant the following as relevant:

The decision to accept the settlement of a contribution by way of works in kind or the dedication of land is at the sole discretion of Council and will be subject to any reasonable requirement of the Council in relation to the facility specification, program for delivery, and a suitable defects liability period.

6. Other administration matters

6.1 Relationship of this plan to other contributions plans

This plan does not affect any other contributions plan adopted by the Council.

6.2 Savings and transitional arrangements

This plan applies to a development application or application for a CDC submitted after the date on which this plan took effect.

A development application or application for a CDC that was submitted, but not yet determined, on or before the date on which this plan took effect, shall be assessed under the contributions plan or plans that applied at the date of submission of the application.

6.3 Adjustment of contributions to address the effects of inflation

To ensure that the value of contributions for the construction and delivery of infrastructure is not eroded over time by inflation or significant changes in land values, this plan authorises that contribution rates and the contribution amounts included in consents will be adjusted over time.

6.3.1 Contribution rates in this plan

Council will, without the necessity of preparing a new or amending contributions plan, make changes to the contribution rates set out in this plan to reflect annual movements in the value of land acquisition and works.

The Producer Price Index: Road and Bridge Construction New South Wales (Catalogue No. 6427.3101), as published by the Australian Bureau of Statistics, will be used to update the contribution rates in this plan.

6.3.2 Contribution amounts in consents

A monetary contribution amount required by a condition of development consent imposed in accordance with this plan will be indexed between the date of the grant of the consent and the date on which the contribution is paid in accordance with annual movements in the Producer Price Index: Road and Bridge Construction New South Wales (Catalogue No. 6427.3101) as published by the Australian Bureau of Statistics.

6.4 Pooling of contributions funds

This plan authorises monetary contributions paid for different purposes in accordance with development consent conditions authorised by this plan and any other contributions plan approved by the Council to be pooled and applied progressively for those purposes.

6.5 Accountability and access to information

In accordance with the EP&A Act and EP&A Regulation a contributions register will be maintained by Council and may be inspected upon request.

The register will be maintained at regular intervals and will include the following:

- Particulars sufficient to identify each development consent for which contributions have been sought
- Nature and extent of the contribution required by the relevant condition of consent
- Name of the contributions plan under which the condition of consent was imposed
- Date the contribution was received, for what purpose and the amount.

Separate accounting records will be maintained for each contribution type in this plan and published every year in Council's financial accounts. They will contain details concerning contributions received and expended, including interest for each service or amenity to be provided. The records are held at Council's Administration Office and may be inspected upon request.

6.6 Dictionary

Words and phrases used in this plan have the same meaning as the terms defined in Narrabri Local Environmental Plan 2012 or the EP&A Act, except as provided for below.

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

CDC means complying development certificate.

Consent Authority has the same meaning as in the EP&A Act but also includes an accredited certifier responsible for issuing a CDC.

Council means Narrabri Shire Council.

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

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

ESA means equivalent standard axle.

LGA means local government area.

Schedule means the schedule that appears at the back of this plan.

SCHEDULE

Urban Roads Contributions Projects

SCHEDULE
URBAN ROADS CONTRIBUTIONS PROJECTS

Lynn Street, Boggabri

Urban roads project number	B1-2016
Affected land	Refer to contributions catchment map
Development on affected land that may be levied a contribution	<ul style="list-style-type: none"> • Subdivision to create additional allotments with a dwelling right; and • all new dwellings on existing allotments where a contribution has not previously been levied in accordance with this schedule of the plan.
Public amenities and services required to meet the development of the land	Construction and sealing of Lynn Street between Clare Street and Kamilaroi Highway, Boggabri
Cost of the public amenities and services	\$309,000
Contribution rates	\$20,000 per dwelling/lot
Staging / timing of the public amenities and services	To be determined – dependent on the rate of development in the contributions catchment
Works location map	Refer to works map

Background

Lynn Street is unsealed between Clare Street and Kamilaroi Highway.

Land on the western side of this section of road is zoned R1 General Residential under Narrabri Local Environmental Plan 2012. This land contains residential dwellings and has the potential to be developed for more residential dwellings in the future. The total expected development potential is 12 dwelling house lots, assuming an average allotment size of 800 square metres.

Safe and convenient access to this development would require the sealing of the subject section of Lynn Street. Council has estimate the cost of this work at \$309,000.

The contribution rate formula is as follows:

$$\begin{aligned} \text{Contribution rate per lot} &= \$309,000 / 12 \text{ lots} \\ &= \$25,750 \text{ per lot or dwelling} \end{aligned}$$

Regardless of this amount the contribution rate will be imposed on residential development shall be \$20,000 per residential lot or dwelling, reflecting the cap imposed by the Minister under section 7.17 direction issued on 21 August 2012.

SCHEDULE

URBAN ROADS CONTRIBUTIONS PROJECTS

Contribution catchment map for B1-2016



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Disclaimer

This map is not a precise survey document. All care is taken in the preparation of this plan, however, Narrabri Shire Council accepts no responsibility for any misprints, errors, omissions or inaccuracies. The information contained within this plan is for pictorial representation only. Do not scale. Accurate measurement should be undertaken by survey.
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Important

This map was produced on the GEOCENTRIC DATUM OF AUSTRALIA 1984 (GDA84), which has superseded the Australian Geographic Datum of 1984 (AGD84). Heights are referenced to the Australia Height Datum (AHD). For most practical purposes COA94 coordinates, and satellite derived (GPS) coordinates based on the World Geocentric Datum 1984 (WGS84), are the same.

True North, Grid North and Magnetic North are shown diagrammatically for the centre of the Narrabri Local Government Area. Magnetic North is correct to 2001, increasing to 3.04° in approximately five years.

Contour Interval:
 Projection: GDA94
 Date: 22/08/2016
 Drawn By: GIS

LYNN ST DEVELOPABLE LANDS

Scale 1: 1,500



SCHEDULE

URBAN ROADS CONTRIBUTIONS PROJECTS

Works map for B1 – 2016



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True north, grid north and magnetic north are shown diagrammatically for the centre of the Narrabri Local Government Area. Magnetic north is correct for 2011, increasing south by 0.2° in approximately five years.

Contour Interval:
 Projection: GDA94
 Date: 16/08/2016
 Drawn By: GIS

LYNN ST PROPOSED CUL-DE-SAC

Scale 1: 1,500

SCHEDULE

URBAN ROADS CONTRIBUTION PROJECTS

Derby, Oakham and Merton Streets, Boggabri

Urban roads project number	B2-2016
Affected land	Refer to contributions catchment map
Development on affected land that may be levied a contribution	<ul style="list-style-type: none"> • Subdivision to create additional allotments with a dwelling right; and • all new dwellings on existing allotments where a contribution has not previously been levied in accordance with this schedule of the plan.
Public amenities and services required to meet the development of the land	Construction and sealing of Derby, Oakham and Merton Streets, Boggabri
Cost of the public amenities and services	\$803,000
Contribution rates	\$5,695.04 per dwelling/lot
Staging / timing of the public amenities and services	To be determined – dependent on the rate of development in the contributions catchment
Works location map	Refer to works map

Background

Derby Street and the southernmost sections of Oakham Street and Merton Streets are unsealed roads.

Certain land fronting these roads is zoned R1 General Residential under Narrabri Local Environmental Plan 2012. This land contains residential dwellings and has the potential to be developed for more residential dwellings in the future. The total expected development potential is 141 dwelling house lots, assuming an average allotment size of 800 square metres.

Safe and convenient access to this development would require the sealing of the subject section of Lynn Street. Council has estimate the cost of this work at \$803,000.

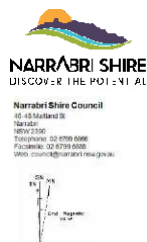
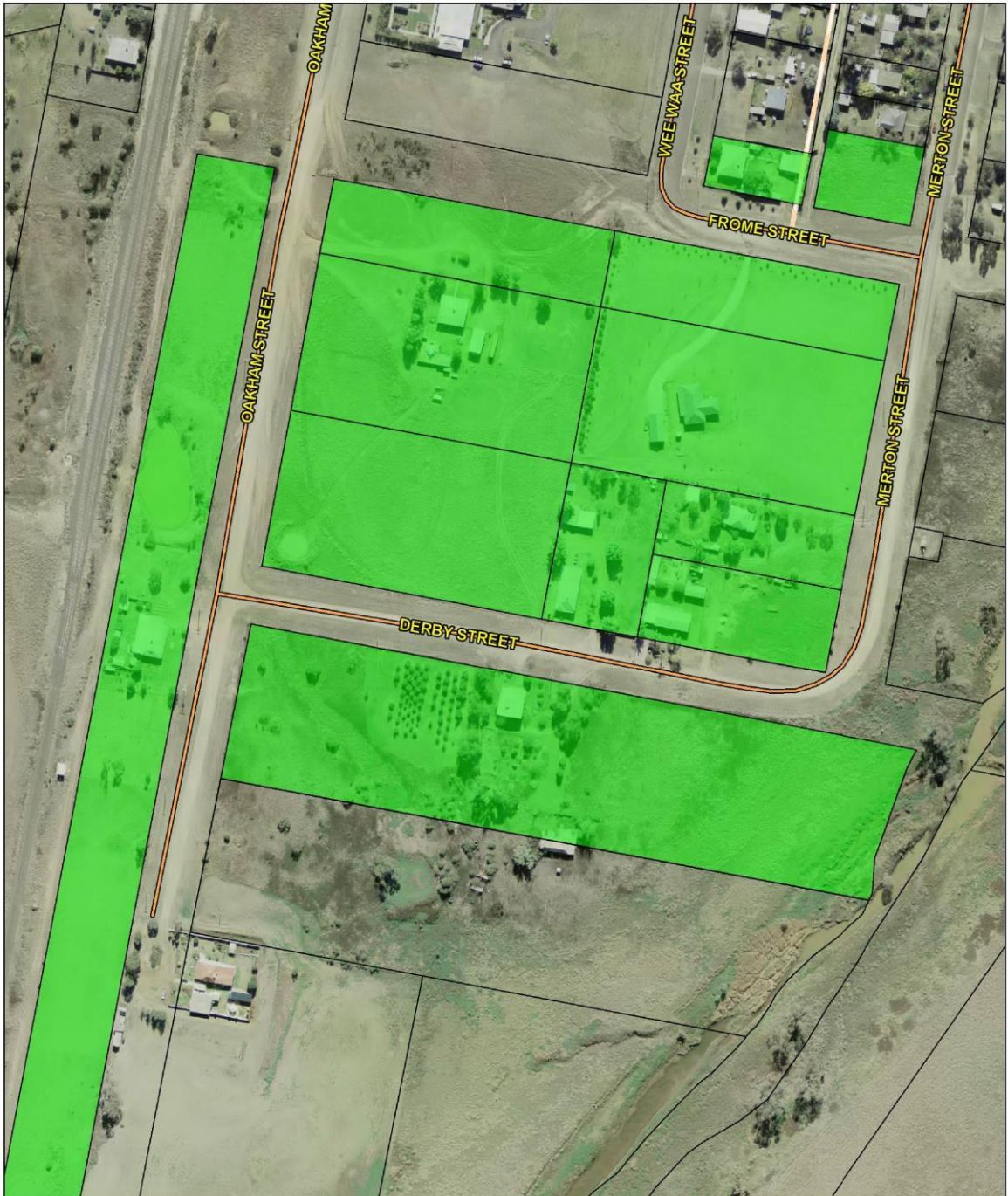
The contribution rate formula is as follows:

$$\text{Contribution rate per lot} = \$803,000 / 141 \text{ lots}$$

$$= \$5,695.04 \text{ per lot or dwelling}$$

SCHEDULE URBAN ROADS CONTRIBUTIONS PROJECTS

Contributions catchment map for B2 - 2016



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GDA
Important
True North, Grid North and Magnetic North are shown diagrammatically for the centre of the Narrabri Local Government Area. Magnetic North is correct for 2001, liable to vary by 0.5m in approximately five years.
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Contour Interval:
Projection: GDA94
Date: 22/08/2016
Drawn By: GIS

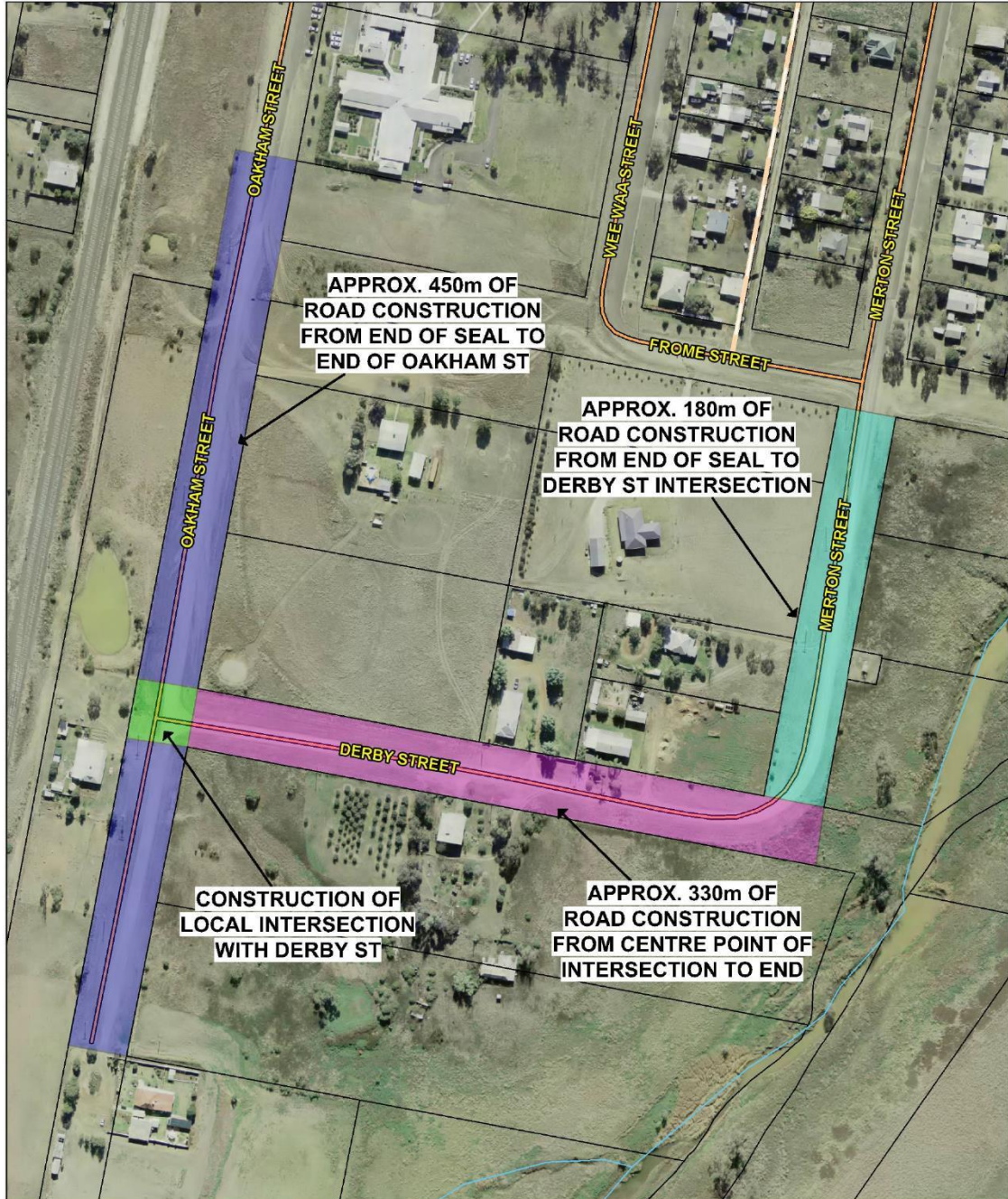
OAKHAM ST, DERBY ST & MERTON ST DEVELOPABLE LANDS

Scale 1: 2,500
0 100 m

SCHEDULE

URBAN ROADS CONTRIBUTIONS PROJECTS

Works map for B2 – 2016



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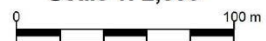
Important

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Contour Interval:
Projection: GDA94
Date: 8/08/2016
Drawn By: GIS

OAKHAM ST, DERBY ST & MERTON ST ROAD UPGRADES

Scale 1: 2,500



APPENDIX A

**Alternative to Roads Maintenance Contribution - Transport
Study Requirements**

Justification of any alternative to paying the Roads Maintenance Contribution

Transport Study Requirements

1. Identify the route over which haulage is proposed.
2. Identify the type and number of vehicles used to haul material.
3. An engineering assessment of the road condition and alignment over the entire length that haulage is proposed, including:
 - a. existing pavement condition, and seal widths
 - b. existing shoulder conditions
 - c. existing pavement conditions and structural capacity
 - d. existing alignment, specially detailing those areas which fail to meet current standards
 - e. the number of overtaking opportunities and climbing lanes and the impact that increased truck traffic will have on existing travel times and accident rates
 - f. an analysis in accordance with AUSTROADS principles of the existing road length showing current levels of service, and any assumptions made in their calculation.
4. The impact that road haulage will have on the existing road condition, including:
 - a. The expected rate of pavement deterioration over each year that haulage is proposed, assessed in conjunction with the expected number of heavy vehicle movements (expressed as Equivalent Standard Axles)
 - b. the reduction in pavement life which may be expected from the haulage
 - c. the cost to the community to repair the pavement damage resulting from the haulage, and to maintain the pavement in an acceptable condition
 - d. the cost to the community of the reduced pavement life resulting from the haulage.



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