

MUSWELLBROOK SHIRE COUNCIL
DEVELOPMENT CONTROL PLAN NO. 7

*MUSWELLBROOK SECTION 94
CONTRIBUTIONS PLAN 2001*

Adopted by Council on 8 August 2005
Minute No. 227

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GENERAL MANAGER

CEP Section Amended November 2006

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1. Summary Schedules

CONTRIBUTION RATES		
Development Type/ Location	Facility Type	Contribution Rate ¹
Rural Lot	Bushfire Protection	\$2,009.24 per additional lot
	Rural Roads	\$2,068.24 per additional lot
	Open Space and Community Facilities	\$859.35 per additional lot
Rural Dwellings Including the following: <ul style="list-style-type: none"> • Rural dwelling where dwelling entitlement exists • Multiple Rural Dwellings • Additional Rural Dwellings 	Bushfire Protection	\$2,009.24 per dwelling
	Rural Roads	\$2,068.24 per dwelling
	Open Space and Community	\$859.35 per dwelling
Residential Lot <i>Muswellbrook</i>	Urban Roads and Drainage	\$724.60 per additional lot
	Open Space and Community Facilities	\$1344.35 per additional lot
Residential Dwelling including the following: <ul style="list-style-type: none"> • Additional Residential Dwelling • Multiple Residential Dwellings <i>Denman</i>	Urban Roads and Drainage	\$724.60 per additional dwelling
	Open Space and Community Facilities	\$1034.12 per additional dwelling
South Muswellbrook Commercial Development	Roads upgrading in South Muswellbrook	\$11.34 per m ²
Extractive Industry	Rural Roads Maintenance	Calculated on case basis - see

		Appendix B
Coal Mines	Rural Roads Maintenance Community Facilities	Calculated on case basis - see Appendix B Contributions to Community Enhancement Program based on total capital expenditure and annual outputs of development. See Appendix D.
Major Industry ^{2.}	Rural Roads Maintenance Community Facilities	Calculated on case basis - see Appendix B Contributions to Community Enhancement Program based on total capital expenditure and annual outputs of development. See Appendix D.
Tourist Development	Tourism Facilities	\$1.03 per \$100 of investment

1. Credit given for a dwelling if contribution paid at subdivision stage.
2. Major industries, including major rural industries, which will be subject to these contributions will be those industries which Council determines as major - having regard to level of capital expenditure proposed (generally, involving \$10m or greater); potential cumulative effect of other stages (when proposal is clearly part of staged development); traffic generating potential; output levels (annual and seasonal); or a combination of these characteristics.

WORKS SCHEDULE				
Facility Type	Facility Description	Total Cost	Council Contribution	Timing of Provision
Bushfire Protection	Brigade equipment and facilities upgrades	\$876,000	\$134,000	See Appendix C
Rural Roads	Upgrades and maintenance	\$365,000 (upgrade component)	\$265,000	Upgrade program - See Appendix C. Maintenance program dependent on location and scale of development.
Urban Roads and Drainage (Muswellbrook)	Trunk Drainage, Roads Upgrades, Footpaths and Cycleways	\$954,000	\$306,000	See Appendix C
Urban Roads and Drainage (Denman)	Trunk Drainage, Roads Upgrades, Footpaths and Cycleways	\$320,000	\$260,000	See Appendix C
South Muswellbrook	Roads	\$15.32m	100%	Related to rate of development of South Muswellbrook
Community Facilities	Buildings, parks and playgrounds, sporting facilities, cultural facilities	See Appendices C and D	See Appendices C and D	See Appendices C and D
Tourism Facilities	Visitor information centres, national parks amenities contribution, tourist laybys and signage	\$115,000	100%	See Appendix C

2. Administration

2.1 Name

This Contributions Plan, prepared in accordance with the provisions of sections 94 to 94E of the Environmental Planning and Assessment Act 1979 (EP&A Act) and Part 4 of the Environmental Planning and Assessment Regulations 2000 (Regulation), may be referred to as

Muswellbrook Section 94 Contributions Plan 2001

2.2 Purposes

The **primary** purpose of this plan is to satisfy the requirements of the EP&A Act and Regulation to enable Muswellbrook Council to require a contribution towards the provision, extension or augmentation of public amenities and public services that will, or are likely to be, required as a consequence of development in the local government area, or that have been provided in anticipation of or to facilitate such development.

Other purposes of this plan are to:

- ensure that an adequate level of public infrastructure is provided throughout Muswellbrook Shire as development occurs;
- enable Muswellbrook Council to recoup funds which it has spent in the provision of public facilities in anticipation of likely future development;
- ensure that the existing community is not burdened by the provision of public facilities required as a result of future development; and
- provide a comprehensive strategy for the assessment, collection, expenditure, accounting and review of development contributions on an equitable basis throughout Muswellbrook Shire.

2.3 Area Affected

This plan applies to all land within the Muswellbrook Shire.

2.4 Relationship to other Plans

Muswellbrook Section 94 Contributions Plan 2001 replaces Muswellbrook Council Development Control Plan No 7 (as amended) and supersedes all previous policies relating to development contributions in Muswellbrook Shire.

2.5 Operation

2.5.1 Plan Commencement Date

This Contribution Plan shall come into effect on 28 March, 2001 in accordance with Clause 31(4) of the Environmental Planning and Assessment Regulation 2000.

2.5.2 Development Consent

In determining a development application, Council may impose a condition requiring the payment of a monetary contribution and/or the dedication of land in accordance with the provisions of this plan.

2.5.3 Complying Development

When an application is made to an accredited certifier for a complying development certificate, the certifier must impose a condition if applicable to a type of development specified in this Plan.

2.5.4 Timing of Payment

A contribution is to paid :

- *in the case of a consent to development being subdivision* - before the surveyor's plan is endorsed and released by Council for registration purposes;
- *in the case of a consent to development not involving subdivision but where a subsequent Construction Certificate is required* - before the construction certificate is released to the applicant;
- *in the case of a consent to any other development* - before the development is commenced or occupied; or
- *at the sole discretion of Council*, in accordance with section 2.5.5 below.

2.5.5 Deferred or Periodic Payment

Council may accept the deferred or periodic payment of a contribution if the applicant or any other person entitled to act upon the relevant consent satisfies Council that:

- compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case;
- non compliance with the terms of clause 2.5.4 will not prejudice the timing or the manner of providing the public facility for which the contribution was required, as outlined in the works schedule.

Council may, if it decides to accept the deferred or periodic payment of a contribution, require the applicant to provide a bank guarantee by an Australian bank for the contribution or the outstanding balance, on condition that:

- i) the guarantee requires the bank to pay the guaranteed amount unconditionally to the consent authority where it so demands in writing, not earlier than six months (or a term determined by Council) from the provision of the guarantee or completion of the development or stage of the development to which the contribution or part relates;
- ii) the guarantee prohibits the bank from:
 - having recourse to the applicant or other person entitled to act upon the consent;
 - having regard to any appeal, dispute, controversy, issue or other matter relating to the consent or the carrying out of development in accordance with the consent, before paying the guaranteed amount.
- iii) the bank's obligations under the guarantee are discharged:
 - when payment is made to the consent authority according to the terms of the bank guarantee;
 - if the related consent lapses;
 - if the consent authority otherwise notifies the bank in writing that the bank guarantee is no longer required.
- iv) the applicant pays interest to Council on the contribution or the outstanding amount at the overdraft rate on and from the date when the contribution would have been otherwise payable.

Where Council does not require the applicant to provide a bank guarantee, it may require a public positive covenant under S.88E of the *Conveyancing Act 1919* to be registered on the title to the land to which the relevant development application relates.

2.5.6 Works in Kind (WIK) Contributions

Council may accept an applicant's offer to make a contribution by way of a WIK contribution (for an item included on the works schedule) or a material public benefit (for an item not included on the works schedule) as referred to in S.94 5(b) of the EP&A Act.

Council may accept the offer of a WIK contribution if the applicant, or any other person entitled to act upon the relevant consent, satisfies Council that:

- payment of the contribution in accordance with the provisions of the plan is unreasonable or unnecessary in the circumstances of the case;
- the in kind contribution will not prejudice the timing or the manner of the provision of the public facility for which the contribution was required;
- the value of the works to be undertaken are at least equal to the value of the contribution assessed in accordance with this plan.

2.5.7 Indexation

Council will review, annually, contribution rates on the basis of the Implicit Price Deflator (Total Public Gross Fixed Capital Expenditure) as published by the Australian Bureau of Statistics.

2.5.8 Availability of Financial Information

In accordance with Clause 37 of the Regulation, copies of the following documents will be available for inspection free of charge during Council office hours:-

- A copy of this Contributions Plan.
- The Contribution Register.
- Annual Financial Statement as required by Clause 36 of the Regulation.

3. Background to the Contributions

3.1 Existing Contributions

Prior to the adoption of this Contributions Plan Muswellbrook Council received contributions from development for the following facilities:

- Bushfire protection
- Public car parking
- Children's services
- Cultural centre
- Social infrastructure
- Libraries
- Drainage
- Parks
- Roads
- Street trees

3.2 Future Development in Muswellbrook Shire

It is expected that development in Muswellbrook Shire will be closely related to increases in production of primary industries - including coal mining, viticulture and the equine industry; with the prospect also of the development of major industrial complexes in the vicinity of the Bayswater and Liddell power stations.

As forecast in the *Strategic Study of Northern New South Wales Coalfields*, produced by the Minerals Consultative Committee (MCC) in November 1999, Muswellbrook Shire is subject to sustained interest in the development of new and extended coal mines. The Study predicts that by 2007/08 approximately 50% of production in the northern coalfields will be from new mines and extensions and the bulk of these will involve open cut mining in the Upper Hunter area.

Dwellings will be erected in rural and urban areas of the Shire. Residential development likely to occur in Muswellbrook and Denman is expected to include new land subdivision and limited infill medium density housing. Commercial centres will be either redeveloped or established in new locations eg South Muswellbrook.

Tourism, attracted to the area's rural scenery and wineries is expected to grow. The growth in visitor accommodation is expected to lead to demand for better signage and tourist facilities such as rest areas.

3.3 Population Change and Occupancy Rate

For planning purposes, the current estimate of population is 16,100 persons. This figure is anticipated to grow to approximately 16,300 by 2006 and remain steady over the long term.

Based on the 1996 Census, average occupancy is approximately 2.9 persons per dwelling (calculated by dividing Census population figure by number of occupied dwellings).

3.4 Planning for Facilities

Muswellbrook Council's principal documents for the planning and provision of public facilities are:

The Community Plan (Volumes 1-3)

The Management Plan

3 Year Rolling Works Program (Appendix C)

Community Enhancement Program (Appendix D).

4. Calculation of Contribution Rates

4.1 Bushfire Protection Facilities

Cost

The Shire is divided into a number of bushfire management areas known as bushfire brigade areas. Each bushfire brigade is responsible for bushfire control and suppression activities within that particular area although in extreme fire events brigades will cross boundaries to consolidate fire fighting efforts.

Council has a program for the upgrading of bushfire equipment and facilities. The total fire brigade equipment upgrade is budgeted at \$876,000. Council's monetary commitment to this program is \$134,000 (Appendix C).

Calculation of Contribution

Assuming overall population growth of 200 persons, Council's expenditure is apportioned to new development as follows:

$$134,000 / 200 = \$670 \text{ per new resident}$$

Contributions to the cost of bushfire facilities should be levied on development which increases demand to protect people and property. The Shire's occupancy rate has been applied to calculate a per additional lot/dwelling contribution ie

$$670 \times 2.9 = \$1,943 \text{ per new lot or dwelling}$$

This figure should also be applied to development approvals resulting in significant new building in the rural area, which will also require bushfire protection. Council has chosen a threshold of \$200K of capital value before requiring a contribution plus a proportion of total value for buildings greater than this value.

4.2 Rural Roads

Cost

Council has a program for the upgrading of rural roads, budgeted at \$365,000. Council's monetary commitment to this program is \$265,000 (Appendix C).

Calculation of Contribution

Maintenance

Contributions for rural road maintenance have been levied on a case by case basis in the past, using a methodology set out in Appendix B for extractive industries and mines. This is to continue.

Upgrades

Assuming overall population growth of 200 persons, Council's expenditure is apportioned to new development as follows:

$$265,000/200 = \$1,325 \text{ per new resident}$$

Contributions to the cost of rural roads should be levied on development which increases demand on roads - including subdivision and dwellings. The Shire's occupancy rate has been applied to calculate a per additional lot/dwelling contribution ie

$$1,325 \times 2.9 = \$3,842 \text{ per new lot or dwelling}$$

Discount/Equity Issues

Due to size of the increase proposed above existing contribution levels, a standard increase of 33%, comparable to the increase in Bushfire Protection Facilities has been applied.

4.3 Urban Roads and Drainage

Muswellbrook

Council's expenditure program proposes Council expenditure on general improvements to stormwater, roads, footpaths and cycleways. These are:

- Muswellbrook Stormwater Improvements - \$75,000
- Muswellbrook Urban Road improvements - \$50,000
- Residential Areas Footpaths - \$75,000
- South Muswellbrook Cycleways - \$164,000
- Skellatar Street Widening - \$150,000
- Brecht/Bowman Street Intersection - \$180,000
- Thompson Street Upgrade - \$235,000
- View Place Kerb and Gutter - \$25,000

Allowing for grants and other revenue sources, Council's contribution to this program of \$954,000 is \$306,000 (Appendix C).

Denman

Council's expenditure program proposes Council expenditure on general improvements to stormwater, roads, footpaths and cycleways. These are:

- Trunk Drainage Stage 1 - \$300,000
- Denman Creek Cycleway - \$20,000

Council is expected to meet costs of \$260,000 (Appendix C).

South Muswellbrook Traffic Study

The South Muswellbrook Traffic Study (ERM, 2000), prepared for Council has identified a works schedule and apportioned costs to new urban and rural residential areas of South Muswellbrook. The Study assumes that a New England Highway Bypass of Muswellbrook is not constructed.

If a Bypass is constructed, then the contribution levels would need to be revised. The relevant extracts from the Study are included in Appendix A.

Calculation of Contribution

Costs for each town have been allocated according to the expected proportions that each town contributes to total population.

Muswellbrook's population is calculated at 67% of the Shire total, hence expenditure has been allocated to 67% of the new population is:

$306,000/134 = \$2283$ *per additional resident* or

Using Shire occupancy rates, $\$6620$ *per additional lot or dwelling*

For Denman, which has approximately 8% of residents:

$260,000/66 = \$3939$ *per additional resident* or

$\$11,423$ *per additional dwelling or lot*

For South Muswellbrook road upgrading the contribution per dwelling has been calculated at $\$677$ *per dwelling*

Discount/Equity Issues

To maintain an equal level of contribution for each town and to avoid discouragement of development, a rate which is close to the South Muswellbrook contribution has been adopted for all three areas.

In the case of commercial development at South Muswellbrook, Council has adopted a rate which is comparable to the amount levied to the Market Place development approval which is $\$11$ per m².

4.4 Open Space and Community Facilities

Background

Open Space

Council has traditionally levied rural and urban residential subdivisions, as well as medium density residential development with a contribution towards open space land acquisitions and embellishment.

Land that is controlled by Council for open space purposes in the year 2000 is estimated in the Council's Community Plan to total 134.7 hectares and serves a population of about 16,100 people. This equates to a rate of 84 m² per

resident. Using the average occupancy rate for the Shire of 2.9 persons per dwelling, this equate to 243m² per lot or dwelling.

Council's open space standard in its original Contributions Plan was 84m² for "passive" open space and 72 m² for "active" open space.

Contributions towards the provision of facilities on open space areas was levied by Council in the original Contributions Plan at \$310 per lot or dwelling for "passive" open space and \$690 per lot or dwelling for "active" open space in Muswellbrook; \$190 per lot/dwelling and \$560 per lot/dwelling in Denman; and \$625 for "active" open space for rural lots.

Community Facilities

Council's expenditure program (Appendix C) and Community Enhancement Plan (Appendix D) propose Council expenditure on improvements to parks and playgrounds, sporting fields and reserves and community buildings, which would benefit new residential development.

Calculation of Contribution

New residents will share in the benefits of expenditure on community facilities. A clear apportionment of this expenditure to new growth is difficult to predict precisely with the low population projections. Therefore, to keep contributions to acceptable levels, Council has adopted a figure which represents a 1/3 increase above existing contribution levels and which is consistent with other increases in contribution amounts for other facilities.

4.5 Tourism Facilities

Muswellbrook Council has recognised in its capital works program the need for provision of facilities which attend to the needs of tourists. These are:

- Visitor Information Centres - \$15,000
- Contribution to National Parks Amenities - \$20,000
- Tourist Laybys - \$40,000
- Tourist Signage - \$40,000

Calculation of Contribution

For estimating contributions, annual increases of approximately \$4,000,000 in expenditure by tourists in Muswellbrook have been used. Over the 3 years of the Capital Works Plan this equals an increase in expenditure of \$12,000,000.

For each \$ spent, Councils' contribution is calculated as:

$$115,000/12,000,000 = \$0.01 \text{ per } \$ \text{ spent.}$$

Assuming that tourist expenditure is matched by investment in tourist facilities, then this equates to approximately \$1 for each \$100 of capital investment in tourist development.

4.6 Coal Mining and Major Industrial Development

Muswellbrook Council seeks to maximise the opportunity afforded by development proposals to enhance the Shire community. However, it is concerned that the level of major development is having a negative effect on the attractiveness of the Shire to potential new residents and existing residents as well. Population statistics indicate that the growth in coal mining through the 1990's has not resulted in significant population growth. If further development attracts negative perceptions about living in the Shire, the population may in fact decline.

To help offset the negative impacts of the development of coal mines and major industry the Muswellbrook Council proposes to implement a Community Enhancement Program (CEP). The CEP is included in Appendix D.

Council intends to advocate to the State Government to ensure that any approvals granted for coal mines and major industrial development address their adverse local effects. These developments have the Minister for Urban Affairs and Planning as their consent authority. Council will seek to ensure that developments make tangible contributions to local community development through contributions to the Community Enhancement Program. These contributions will take the form of monetary contributions or in-kind contributions.

“Financial and/or In Kind Contribution to Muswellbrook Shire Council for Community Enhancement

Prior to the commencement of construction, the Applicant shall enter into a legally binding agreement with Muswellbrook Shire Council for financial and/or in kind contribution to Council for the purpose of community enhancement to mitigate the social, amenity and associated community infrastructure requirements emanating from the operation of the development.”

Appendix A

**Extracts from South Muswellbrook
Traffic Study**

6

COST OF PROPOSED WORKS

6.1 SCHEDULE OF COSTS

The future program of roadworks for the South Muswellbrook area has been costed in accordance with the following schedule of costs for various road and intersection works which were determined assuming no major excavations or embankments are required to construct the proposed roads.

Future road costings per km for daily traffic volumes

i. Urban Roads

With Kerb/Gutter		
Footpaths/Cycleways	and Up to 1000	\$565,000/km
	1000- 2000	\$640,000/km
	2000 - 3000	\$715,000/km
	3000 - 6000	\$785,000/km
	Over 6000	\$835,000/km

ii. Rural Roads

Sealed with Edge Drains	Over 1000	\$750,000/km (new construction)
		\$300,000/km (edge widening)
	500 -1000	\$650,000/km
	150 - 500	\$580,000/km

iii. Intersections

Traffic Signals/Roundabout/ Seagull Type Acceleration Lane	\$175,000
Type C Intersection 80km/hr (100km/hr)	\$150,000 (\$250,000)
Type B Intersection	\$100,000
Linemarking RT lanes Centrelines at intersections	\$5,000
Local Road widening at T intersections	\$90,000

Small Local Roundabout ,		\$160,000
Traffic Calming Roundabout		\$50,000
Footpaths (\$40/m2)	1 side	\$40,000/kIn
	2 sides	\$80,000/km
Cycleway (\$30/ m2)		\$50,000/km

6.2 ***COSTING AND APPORTIONMENT***

The future total estimated cost of roadworks be required for full development of the South Muswellbrook residential area (excluding some cul-de-sacs and minor local access roads) is \$15.32 Million without a New England Highway bypass at Muswellbrook.

This cost would be significantly lower if a New England Highway bypass is constructed at Muswellbrook because future traffic volumes would be significantly lower at most locations on the existing and future road networks with a consequent lower requirement for roadworks.

This lower requirement has not been determined and costed in this report. However the basic traffic projection details and road design standards are provided to enable this alternative cost to be calculated if required at a later date.

The major proportion of the future \$15.32 Million total roadworks program for the assessed scenario would be attributable to future residential development. However, the majority of these works are new local roads and intersections which could either be constructed directly by developers or by Council under a Section 94 contributions plan.

In general the proportions of the cost of future roadworks which are included in a Section 94 contributions plan should be distributed based on the overall proportions of future traffic generated by residential area growth, the South Muswellbrook Shopping Centre expansion and through traffic growth namely:

- Residential area growth from 1822 dwellings at 0.88 Trips per dwelling in the afternoon peak hour, = 1603 vehicles per hour;
- South Muswellbrook Shopping Centre expansion net external traffic generation = 624 vehicles per hour in the afternoon peak hour (CBHK, 1999); and
- Year 2000 through traffic growth, = + 4172 vehicles per day on all routes, 8% in the afternoon peak hour = 334 vehicles per hour .

These proportions represent the following proportions (13 percent) which can be attributed to through traffic growth (24 percent) which can be attributed to the South Muswellbrook Shopping Centre expansion and (63 percent) which should be attributed to future residential development.

6.3 FUTURE SECTION 94 ROADWORKS PROGRAM

Because of the uncertain timeframe of future development and the need to minimise financial risk to Council, new local road and intersection works are recommended to be constructed directly by developers where ever possible.

It should be noted that the provision of intersection improvements on major roads would be subject to the concurrence of the RTA. Correspondence has been received from the RTA in this regard and is attached as Appendix F to this report. In particular the RTA have identified a preference for the future southern access road (Ramrod Creek Road) to be connected to Pamger Drive as an alternative solution to creating a new Highway access intersection. In the longer term, this aspect of the study recommendations can be reviewed.

The future Section 94 roadworks program to be operated by Council should essentially be limited to the improvements identified on existing roads which cannot be directly funded by any single developer. These works have an estimated total cost of \$1,960,000 and are summarised below.

i. New England Highway Intersection Improvements

Lome Street	\$75,000
Francis Street	\$275,000
Thompson Street	\$175,000
Rutherford Road	\$175,000
Sub Total	\$700,000

ii. Denman Road Intersection Improvements

Stock Route Road	\$150,000
Mitchell Street	\$10,000
Skelletar Street	\$10,000
Forbes Street	\$5,000
Anzac Parade	\$5,000

Sub Total	\$180,000
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iii. Improvements to Existing Local Intersections

Mitchell/Lorne Streets	\$160,000
Mitchell/Francis Street	\$5,000
Mitchell/Skellatar Street	\$5,000
Skellatar /Lorne Street	\$160,000
Ruth White Avenue/ Adams Street	\$50,000
St James Crescent/ Adams Street	\$5,000
Adams Street/Ironbark Road	\$5,000
Rutherford /Ironbark Roads	\$5,000
Woolybutt Way /Calgaroo Avenue	\$5,000
Acacia Drive /Beech Street	\$90,000
Acacia Drive/Bloodwood Road	\$90,000
Weemala Place/Bloodwood Road	\$5,000
Sub Total	\$585,000

iv. Improvements to Existing Local Roads

Stock Route E/Denman Road (widen to 7m/2m shoulder)	\$345,000
Stock Route W / Adams Street (widen to 7m/2m shoulder)	\$150,000
Sub Total	\$495,000

The respective future costs of the Section 94 roadworks program which should be attributed to future development are the following:

- 63 percent Residential Development, 1822 dwellings =\$1,234,800;
- 24 percent South Muswellbrook Shopping Centre, 11,000m2 =\$470,400;
and
- 13 percent Through Traffic Growth, NE Hwy and Denman Road
=\$254,800

The residential development component represents a Section 94 roadworks contribution of \$677.72 per dwelling,

6.4 FUTURE TIMING OF ROADWORKS

The majority of the future roadworks will be constructed by developers on an as required basis to provide access to future residential sub-divisions. The future timing of these works will depend on the actual timing of development.

The future Section 94 Roadworks Program to be constructed by Council will consist of 23 items to be constructed over an approximate 20 year period as funds become available.

The respective priority for each of these works should be related to the relative magnitude of the percentage future traffic increases at each location which are summarised in Table 6.1 below.

The four priority rankings 1-4 which are defined in Table 6.1 correspond to the following general timing periods:

- Priority 1, 0 - 5-years;
- Priority 2, 5 -10 years;
- Priority 3, 10 -15 years; and
- Priority 4, 15 - 20 years

However where works are of comparatively low cost and/ or have significant safety benefits such as pedestrian refuges, Council may consider their early implementation prior to the timing specified in Table 6.

6.5 TIMING OF FUTURE SECTION 94 PLAN ROADWORKS

Table 6

Priority Ranking	Location	Year 1999 Traffic *	Year 2020 Traffic *	% Increase	
New England Highway Intersections	Lome Street Francis Street Thompson Street Rutherford Road	982 1229 25 3 956 1459	1142 2256	19 55	4 3
Denman Road Intersections	Stock Route Road Mitchell Street Skellatar Street Forbes Street Anzac Parade	625 763 709 631 605	881 938 743 695 661	41 23 5 10 9	3 3 4 4 4
Improvements To Existing Local Intersections	Mitchell/Lome Mitchell/Francis Mitchell/Skellatar Skellatar/Lome Ruth White/ Adams St James Cr / Adams Adams/Ironbark Rutherford / Ironbark Woollybutt/Calgaroo Acacia/Beech Acacia /Bloodwood Weemala/Bloodwood	281 336 410 280 342 . 274 252 189 157 320 258 175	560 651 774 334 727 682 702 805 331 639 569 483	99 94 89 15 113 149 180 326 111 100 121 176	2 2 3 4 2 1 1 1 2 2 2 1
Existing Local		122	326	167	1

Note5' . PM Peak Hour Traffic Volumes

Appendix B

Rural Road Maintenance Contributions Methodology

ROAD MAINTENANCE CHARGES

1.0 GENERAL

The following procedure is to be used to assess the road maintenance charges for Muswellbrook Council.

The basis of this assessment is that the additional road maintenance and rehabilitation costs due to additional traffic generated by the development should be paid for by the developer. An assessment therefore needs to be made of the accelerated pavement damage and the consequent economic effect of this.

This assessment is separate to any additional upgrading work which may be necessary (eg additional width, intersection upgrading etc) due to the increased development traffic.

2.0 EXISTING ROAD CONDITIONS

Existing road conditions should be assessed by carrying out a Road Condition Survey (the same as RTA ROCOND). The purpose of this is to have a benchmark for comparison purposes.

In addition, deflection tests should be carried out using a Benhlemann Beam at 500mm intervals (minimum).

Deflection tests are to be used to assess the existing pavement strength and determine the life of sections of the road being assessed.

Determine existing levels of traffic % of commercial vehicles and the anticipated traffic growth without the development traffic,

3.0 DEVELOPMENT TRAFFIC

If sufficient information is available, determine the structural capacity of the road from pavement design information. :"

Otherwise, determine the length of pavement which would be capable of carrying the existing traffic and development traffic for the next 20 years or more and the length of road that would fail prematurely due to the additional traffic.

4.0 ECONOMIC IMPACT

i. Rehabilitation

Determine the economic impact by calculating the present worth of the rehabilitation costs for the road without the development.

Determine the present worth of rehabilitation costs for the road with the development.

The difference is the economic cost of the development which can then be converted to an annual cost.

Discount rate applicable at present (ref Treasury Guidelines) is 7% for economic evaluation.

Rehabilitation costs will vary depending on the location and type of road. Costs will usually vary between \$150,000 and \$220,000.

ii. Maintenance

Additional maintenance costs should be evaluated and additional annual costs determined.

The annual costs determined for rehabilitation and maintenance can then be converted to a charge per tonne based on the original quarry output assumed.

Appendix C

3 Year Rolling Works Program

PROJECT	Pr. Index	2000/2001	2001/2002	2002/2003	TOTAL	Revenue	Grants	2000/ Loans	2001 Other	Total	Revenue	Grants	2001/ Loans	2002 Other	Total	Revenue	Grants	2002/03 Loans	Other	Total
1.0 POLICY AND PLANNING																				
1.1 Asset Management/GIS	7	\$57,000	\$104,000	\$58,000	\$219,000	\$57,000				\$57,000	\$104,000				\$104,000	\$58,000				\$58,000
1.2 Strategic Planning - LEP	6	\$20,000			\$20,000	\$20,000				\$20,000	\$0				\$0	\$0				\$0
																\$0				\$0
2.0 TRANSPORT AND DRAINAGE																				
2.1 Urban Road & Drainage Works																				
2.11 Annual Asset Replacement Pavement	9	\$220,000	\$250,000	\$250,000	\$720,000	\$120,000	\$100,000			\$220,000	\$150,000	\$100,000			\$250,000	\$150,000	\$100,000			\$250,000
Seal	9	\$155,000	\$160,000	\$165,000	\$480,000	\$155,000				\$155,000	\$160,000				\$160,000	\$165,000				\$165,000
Kerb & Gutter	9	\$60,000	\$60,000	\$60,000	\$180,000	\$60,000				\$60,000	\$60,000				\$60,000	\$60,000				\$60,000
2.12 Stormwater Improvements	7	\$25,000	\$25,000	\$25,000	\$75,000	\$25,000				\$25,000	\$25,000				\$25,000	\$25,000				\$25,000
2.13 Improved Presentation Projects	5		\$25,000	\$25,000	\$50,000	\$0				\$0	\$25,000				\$25,000	\$25,000				\$25,000
2.13 Skellatar St widening (Lorne - Nowland)	9	\$150,000			\$150,000	\$0	\$150,000			\$150,000										
2.14 Brecht St/Bowman St Int.	9		\$180,000		\$180,000						\$0	\$180,000			\$180,000					
2.15 Thompson St (Shaw Cr to St James Cr)	7/8			\$235,000	\$235,000											\$63,000	\$160,000		\$12,000	\$235,000
2.17 View Place K&G	7	\$25,000			\$25,000	\$17,000			\$8,000	\$25,000										
2.2 Rural Roadworks																				
2.21 Annual Asset Replacement Pavement	8	\$320,000	\$325,000	\$330,000	\$975,000	\$120,000	\$200,000			\$320,000	\$155,000	\$170,000			\$325,000	\$140,000	\$190,000			\$330,000
Seal	8	\$225,000	\$230,000	\$235,000	\$690,000	\$225,000				\$225,000	\$230,000				\$230,000	\$235,000				\$235,000
Regravelling	8	\$125,000	\$75,000	\$75,000	\$275,000	\$125,000				\$125,000	\$75,000				\$75,000	\$75,000				\$75,000
2.22 Stormwater Improvements	7	\$50,000	\$55,000	\$60,000	\$165,000	\$50,000				\$50,000	\$55,000				\$55,000	\$60,000				\$60,000
2.3 Classified Roads																				
2.31 SH9 Sydney St (Mait.St - Mscle Ck)	8		\$600,000		\$600,000						\$150,000	\$450,000			\$600,000					
2.32 SH 27 Giants Ck Rd-Devils Elbow	10		\$1,500,000		\$1,500,000						\$0	\$1,500,000			\$1,500,000					
2.33 MR209 (Stock Route to R'course Rd)	8/9		\$200,000		\$200,000						\$0	\$200,000			\$200,000					
2.34 Crinoline/Palace St Intersection	8/10			\$770,000	\$770,000											\$0	\$770,000			\$770,000
2.35 Link Roads to Bypass	8			\$500,000	\$500,000											\$0	\$250,000	\$250,000		\$500,000
2.4 Bridges																				
2.41 Bell St Railway Bridge G'rail	9	\$80,000			\$80,000	\$80,000				\$80,000										
2.42(i) Wilkinson Ave Bridge rail mods	9	\$20,000			\$20,000	\$20,000				\$20,000										
2.42(ii) Bell St Bridge over Muscle Ck rail mods	9		\$20,000		\$20,000						\$20,000				\$20,000					
2.44 Peberdy's Bridge	8			\$500,000	\$500,000											\$0		\$500,000		\$500,000
2.5 Footpaths/Cycleways																				
2.51 M'brook CBD enhancement (part funding)	6	\$40,000		\$750,000	\$790,000	\$40,000				\$40,000	\$0				\$0	\$0		\$375,000	\$375,000	\$750,000
2.52 Denman Mainstreet program (part funding)	6		\$30,000	\$150,000	\$180,000	\$0				\$0	\$0			\$30,000	\$30,000	\$100,000			\$50,000	\$150,000
2.53 Residential footpath program	6	\$25,000	\$25,000	\$25,000	\$75,000	\$7,000			\$18,000	\$25,000	\$7,000			\$18,000	\$25,000	\$7,000			\$18,000	\$25,000
2.54 South M'brook C'ways (Sth MbK Sch)	6		\$84,000	\$84,000	\$168,000						\$42,000	\$42,000			\$84,000	\$42,000	\$42,000			\$84,000
2.55 Denman Ck Park (Turtle - Merino)	6		\$20,000		\$20,000						\$20,000				\$20,000					
2.6 Road Safety																				
2.61 Road Safety Programs	8	\$10,000	\$10,000	\$10,000	\$30,000	\$10,000				\$10,000	\$10,000				\$10,000	\$10,000				\$10,000
2.7 Carparking																				
2.8 Floodplain Management																				
2.81 Voluntary Purchase	8	\$105,000		\$105,000	\$210,000	\$23,000	\$82,000			\$105,000						\$23,000	\$82,000			\$105,000

Various Items	\$533,725	
TOTAL	\$533,725	
Unallocated Items		\$400,000
Denman Main Street		\$30,000
Simpson Park Stage II		\$150,000
TOTAL	\$580,000	
Unallocated Items		\$400,000
2.51 M'brook CBD enhancement (part funding)		\$375,000
2.52 Denman Mainstreet program (part funding)		\$50,000
6.33 Heritage Precinct Development		\$200,000
8.24 Simpson Park Stage 3		\$150,000
TOTAL	\$1,175,000	0

Appendix D

Community Enhancement Program

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1. Introduction

1.1 Development Pressures

As forecast in the *Strategic Study of Northern New South Wales Coalfields*, produced by the Minerals Consultative Committee (MCC) in November 1999, Muswellbrook Shire is subject to sustained interest in the development of new and extended coal mines. The Study predicts that by 2007/08 approximately 50% of production in the northern coalfields will be from new mines and extensions and the bulk of these will involve open cut mining in the Upper Hunter area.

Figures in the MCC Study reveal that the existing operating mines in Muswellbrook Shire have the capacity to produce 22.9 Mtpa. Disregarding explorations and proposed mine extensions, the proposed new coal mines have a combined potential of an additional 17.8 Mtpa. The report mentions the Mount Arthur North (MAN) project, Mount Pleasant and the Saddler's Creek mines as likely to be operational in five to ten years ie 2004 - 2010.

The MCC Study recommends that the coal industry address community concerns in the Muswellbrook area "as a matter of urgency". These concerns relate not only to environmental and amenity issues but also to the limited employment opportunities being generated in the Shire due to a large component of the mine workforce commuting to the area.

In addition to coal mining, Muswellbrook hosts the largest producer of electrical energy in Australia, Macquarie Generation (Mac Gen). Mac Gen operates the Bayswater and Liddell coal-fired power stations which virtually form the gateway to the Shire on the New England Highway. Macquarie Generation is actively promoting heavy industrial development on its land surrounding the power stations. Two (2) industrial proposals for this land are currently at the stage of EIS preparation.

1.2 Council Response

Muswellbrook Council seeks to maximise the opportunity afforded by development proposals to enhance the Shire community. However, it is concerned that the level of development is having a negative effect on the attractiveness of the Shire to potential new residents and existing residents as well. Population statistics indicate that the growth in coal mining through the 1990's has not resulted in significant population growth. If further development attracts negative perceptions about living in the Shire, the population may in fact decline.

To help offset the negative impacts of the development of coal mines and major industry the Muswellbrook Council proposes to implement a Community Enhancement Program (CEP).

2. Purpose of the Community Enhancement Program

Muswellbrook Council, through its Community Enhancement Program aims to:

1. Address issues raised in its Community Plan (March 2000) which are directed at improving the quality of life for the people of the Shire; and
2. Be prepared to advocate for reasonable contributions towards the provision of community facilities and services from developments having a significant social impact on the Shire community.

3. The Program

Muswellbrook Council has developed a number of Action Plans which address specific community issues. The Action Plan was reviewed in June 2006 with the projects listed as follows. Council keeps the Action Plans under review and when necessary will adjust the Plans to take account of changes in demands and resources. These Action Plans are summarised in Section 17 of *The Community Plan*.

The Council has determined its Community Enhancement Program as follows:

Community Enhancement Program as at November 2006

PROJECTS	ESTIMATED CAPITAL COSTS	ESTIMATED ANNUAL OPERATING COSTS
MAJOR PROJECTS		
Muswellbrook Library	\$4.0M	\$100,000 (over ten years)
Relocation of the SES	\$1.0M	
Rail Coal Heritage Centre	\$2.5M	\$ 50,000 (over ten years)
Muswellbrook Mainstreet	\$5.5M (staged)	
Muswellbrook Pool (Main pool)	\$1.5M	\$ 50,000 (over ten years)
Muswellbrook Pool (Small pool)	\$1.0M	
Existing infrastructure	\$1.0M	
<u>Denman</u>		
Recreation amenities building	\$3.0M	
Recreation area improvements	\$1.5M	
Low cost aged housing	\$0.5M	
Denman Mainstreet	\$1.0M	
MINOR PROJECTS		
Cycleway/footpath constructions	Projects less than \$50,000	
Passive and active recreation	Projects less than \$50,000	
Existing infrastructure	Projects less than \$50,000	

4. Implementation

Muswellbrook Council will assist the implementation of the Community Enhancement Program in the following ways:

1. Encourage service providers and other levels of government to deliver the services and facilities proposed;
2. Initiate actions designed to have a local service need satisfied;
3. Provide management advice and assistance to organisations which impact on Muswellbrook Shire. This advice and assistance would normally cover aspects such as management structure, program planning, financial and legal processes and accountability, resource availability, grievance procedures and evaluation mechanisms; and
4. Represent the needs of the Shire to the State and Federal Governments planning and funding agencies.

4.1 Council as Advocate

Council will be an advocate to the State Government to ensure that any approvals granted for coal mines and major industrial development address their adverse local effects. These developments have the Minister for Urban Affairs and Planning as their consent authority. Often, the Minister uses a Commissioner to hold an Inquiry and make recommendations about the determination of such applications. In these instances, Council must make its own submissions to the Commissioner along with other authorities and the public. On these occasions Council will seek to ensure that developments make tangible contributions to local community development through contributions to the Community Enhancement Program. These contributions will take the form of monetary or in-kind contributions. The level of contribution is expected to be based on a percentage of the capital cost and the value of annual outputs.

The form of condition which is proposed as a model for coal mine or major industry approvals is as follows:

“Financial and/or In Kind Contribution to Muswellbrook Shire Council for Community Enhancement

Prior to the commencement of construction, the Applicant shall enter into a legally binding agreement with Muswellbrook Shire Council for financial and/or in kind contribution to Council for the purpose of community enhancement to mitigate the social, amenity and associated community infrastructure requirements emanating from the operation of the development.”

4.2 Council as Provider

Council has a direct involvement in some areas of community development, particularly with the provision of capital works. These areas are identified in the Section 94 Contributions Plan and include improvements to parks and playgrounds, sporting fields and reserves and community buildings.

In some circumstances Muswellbrook Council will make direct financial contributions to service providers through one off donations or ongoing support. Council may provide assistance to accommodate services.

Council will consider joint ventures with other local government, State and Federal governments as well as community organisations and facilities.

4.3 Council as Consent Authority

Council, in its role as consent authority for most developments will require development to contribute to the provision of locally-funded facilities through its Section 94 Contributions Plan.