

# Memorandum

To: Hunter and Central Coast Planning Panel

From: Alisa Evans - MSC

Date: 26 August 2021

Re: 7.12 Calculations and off-site road works for DA 2020-49

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The panel requested the confirmation of the calculation on the 7.12 contained within the recommended conditions of consent for DA 2020-49 and the off-site road works. The following further information and clarification is provided.

## **7.12 Contributions**

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of amount of \$266,035.00. reduced from \$287,441.00.

Previously Cost of Works was calculated at \$28,744,100.00 (including GST, insurance and professional fees). The revised cost of works was reduced to \$26,635,000 (including GST).

The condition B2(b) has been amended to the following:

- (a) **Payment of development contributions** – The applicant must pay the following development contributions:

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of amount of \$266,035.00 shall be paid to Muswellbrook Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior the issue of the Construction Certificate.

Reason: To ensure relevant fees, levies and contributions are paid which address the increased demand for public amenities and services resulting from the approved development.

Reason: To ensure payments are made in accordance with legislative requirements.

## **Calculation**

|                            |                                                         |
|----------------------------|---------------------------------------------------------|
| Est Cost of Development    | \$24,185,000.00 (EXT GST)<br>\$26,603,500.00 (WITH GST) |
| Contribution 1% under plan | \$266,035.00                                            |

The figure was reduced as professional fees and insurance was removed from the cost estimate provided by the applicant. The cost of estimate works was calculated under the provisions of Clause 255 1(a)(b) of the Environmental Planning and Assessment Regulations 2000 (the Regs).

Below is the extract from the Regs, the submitted cost report by Applicant and Muswellbrook Shire Council Section 94A Development Contributions Plan 2010.

**255 How is a fee based on estimated cost determined?** (cf clause 102 of EP&A Regulation 1994)

- (1) In determining the fee for development involving the erection of a building, the consent authority must make its determination by reference to a genuine estimate of—
  - (a) the costs associated with the construction of the building, and
  - (b) the costs associated with the preparation of the building for the purpose for which it is to be used (such as the costs of installing plant, fittings, fixtures and equipment).
- (1A) In determining the fee for development involving the carrying out of a work, the consent authority must make its determination by reference to a genuine estimate of the construction costs of the work.
- (1B) In determining the fee for development involving the demolition of a building or work, the consent authority must make its determination by reference to a genuine estimate of the costs of demolition.
- (2) The estimate must, unless the consent authority is satisfied that the estimated cost indicated in the development application is neither genuine nor accurate, be the estimate so indicated.

Figure 1 Clause 255 of EPA&A Regs

The intent of this estimate is to provide a development cost budget, in accordance with the Capital Investment Value definition to support the Development Application.

## 2. Development Budget Cost Estimate

Our development budget cost estimate for the works is as follows;

| Description                                            | Cost*                   |
|--------------------------------------------------------|-------------------------|
| Civil Works & Installation Labour                      | \$ 4,900,000.00         |
| Modules & Tracker Systems                              | \$ 11,600,000.00        |
| Batteries & Power Conversion Systems                   | \$ 2,850,000.00         |
| Electrical Balance of Plant (AC/DC Cabling, MV System) | \$ 2,600,000.00         |
| Substation & Transmission Lines                        | \$ 1,750,000.00         |
| Monitoring & Controls                                  | \$ 485,000.00           |
| <b>Subtotal</b>                                        | <b>\$ 24,185,000.00</b> |
| Engineering, Design, Consultant & Professional Fees    | \$ 800,000.00           |
| Approvals, Insurances & Misc Fees & Charges            | \$ 385,000.00           |
| <b>Subtotal</b>                                        | <b>\$ 25,370,000.00</b> |
| Cost Escalation**                                      | Excluded                |
| Contingency (~3%)                                      | \$ 761,000.00           |
| <b>Subtotal (excluding GST)</b>                        | <b>\$ 26,131,000.00</b> |

\*figures noted here and throughout the report are exclusive of GST.

\*\*excludes potential future market impacts of COVID-19 Pandemic as detailed in section.

Figure 2 Extract Cost Report Applicant

### APPENDIX A

#### Procedure

A cost summary report is required to be submitted to allow council to determine the contribution that will be required. The following should be provided:

- Minor works that are demonstrated to comprise works less than \$50,000 in value do not require a cost report to be completed.
- A cost summary report must be completed for works with a value between \$50,000.00 and **\$500,000.00**
- A Quantity Surveyor's Detailed Cost Report must be completed by a registered Quantity Surveyor for works with a value greater that **\$500,000.00**

To avoid doubt, section 25J of the *Environmental Planning and Assessment Regulation 2000* sets out the things that are included in the estimation of the construction costs by adding up all the costs and expenses that have been or are to be incurred by the applicant in carrying out the development, including the following:

- if the development involves the erection of a building, or the carrying out of engineering or construction work—the costs of or incidental to erecting the building, or carrying out the work, including the costs (if any) of and incidental to demolition, excavation and site preparation, decontamination or remediation
- if the development involves a change of use of land—the costs of or incidental to doing anything necessary to enable the use of the land to be changed
- if the development involves the subdivision of land—the costs of or incidental to preparing, executing and registering the plan of subdivision and any related covenants, easements or other rights.

Figure 3 – Extract from Muswellbrook Shire Council Section 94A Development Contributions Plan 2010

## Access and off-site road works

As requested, Council outlines the works required to facilitate the entry to the site for the construction phase of the proposal. The following section from Denman Road Solar Park Traffic Impact Assessment outlines the configuration of the access.

### 6.3 Proposed Site Access Configuration

Considering the above sight distance and turn warrants assessment, it is recommended that a basic left-turn (BAL) treatment be provided to cater for the proposed developments construction traffic. Following the completion of construction, traffic volumes and heavy vehicle movements generated by the development are not expected to exceed that of a residential property (i.e. 1-2 vehicle movements per day). As such, post-construction the access does not warrant the need for a turning facility.

Dimensions for the proposed BAL are recommended in accordance with *Austroads Guide to Road Design* and summarised in Table 6.2. Figure 6.3 illustrates a BAL access in accordance with *Austroads Guide to Road Design: Unsignalised and Signalised Intersections*.

**Table 6.2: Rural Basic Left-Turn Treatment**

| Parameter      | Description                                                                           | Value     |
|----------------|---------------------------------------------------------------------------------------|-----------|
| W              | Nominal through lane width (m)                                                        | 3.5m      |
| C              | Through lane width plus minimum length of parallel shoulder width                     | 7m        |
| A              | Minimum parallel shoulder taper length                                                | 53.5m     |
| V              | Design speed for major road approach                                                  | 110 km/hr |
| F              | Formation/carriageway widening (m)                                                    | 3.5m      |
| P              | Minimum length of parallel widened shoulder                                           | 35m       |
| S <sub>b</sub> | Setback distance between the centre of the major road and give way line in minor road | 7m        |

Figure 4 Extract from Denman Road Solar Park Traffic Impact Assessment

It was recommended by Council's Community and Infrastructure that the works is required prior to Construction Certificate as the intersection is required for the construction of the proposed solar farm not its use. Road works within the road reserve and S138 and WAD to be approved by Transport for NSW prior to its construction and condition B9 was recommended as a condition of consent.

### **B9 Vehicle Access Requirements**

*The following vehicle access arrangements must be provided to the site:*

- (a) Rural (BAL) turn treatment or as required by Transport for NSW

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*Entry and exit points are to be clearly signposted and visible from both the street and the site at all times. All required works are to be completed in accordance with Council/Transport for NSW standards prior to the commencement of construction works on the site. Details must be provided on the Construction Certificate plans.*

Reason: To ensure safe, practical and legal vehicle access is provided to the site.

There is no tree removal to facilitate the installation of this access. Council is not the roads authority in this matter and final works to be undertaken will be as required by Transport for NSW.

Additional temporary works and changes to road speed may be required to facilitate safe entry and exit of delivery vehicles and construction vehicles but will be determined as part the traffic management plan. The condition that was applied to the solar farm at Sandy Hollow regarding a construction management plan was as:

### **B4 Construction Traffic Management Plan**

Prior to the issue of a Construction Certificate, a Construction Traffic Management Plan is to be prepared in relation to construction of the development. Documentary evidence is to be provided to the Certifying Authority demonstrating that this plan has been submitted and approved by Council in writing prior to the issue of a Construction Certificate. Construction works associated with this development should be carried out generally in accordance with the requirements of this plan except as otherwise directed by Traffic for NSW.

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The Construction Traffic Management Plan should:

- Identify the type and volume of vehicles anticipated to access the site during the carrying out of construction works.
- Anticipated paths of travel for construction vehicles accessing the site.
- Detail how vehicles will enter and exit the site. For safety purposes it is recommended that wherever possible vehicles enter and exit the site in accordance with the left in, left out Transport for NSW requirement. Where this cannot be practically achieved, due to the size or point of origin of construction vehicles, the traffic management plan must outline additional traffic control measures to be implemented to support the safety of construction vehicles entering and exiting the site. Traffic control measures along the Golden Highway will require approval from Transport for NSW prior to their implementation.
- Identify a 80km/h temporary work zone adjacent the site along the Golden Highway to be provided during the carrying out of construction works in accordance with the requirements of Transport for NSW's correspondence dated 19 February 2020. The establishment of this temporary work zone would be subject to the requirements of any Road Occupancy License issued by Transport for NSW.
- Identify and detail any further traffic/road impact mitigation measures deemed necessary to manage the impact of construction vehicles on the road network.

This same condition has been (with the exemption of the reduction to speed limit) applied/should be applied to this development if approved.

Regards



ALISA EVANS  
**Project Planner**