



URALLA SHIRE COUNCIL

BUSINESS PAPER

ORDINARY COUNCIL MEETING

24 AUGUST 2021

Commencing at 12:30pm

Kate Jessep
GENERAL MANAGER
UINT/21/10214

LATE REPORT

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9.1 LATE REPORT TO COUNCIL – URALLA 7.11 AND 7.12 DEVELOPER CONTRIBUTIONS PLANS



Department: Infrastructure & Development
Prepared by: *Manager of Development and Planning*
TRIM Reference: UINT/21/9897
Attachments: UINT/21/10236 Attachment 1. 7.11 Contributions Plan
UINT/21/9906 Attachment 2. 7.12 Contributions Plan

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

Goal: A safe and efficient network of arterial roads and supporting infrastructure; and town streets, footpaths and cycle ways that are adequate, interconnected and maintained

Strategy: 2.3.7 Implement and maintain Developer Contribution Plans

Activity: 2.3.7.1 Develop section 7.11, section 7.12 and section 64 contribution frameworks

Action: 2.3.7.1.1 Implement Developer Contribution Plans

NOTE TO COUNCILLORS:

In accordance with the provisions of S375A of the *Local Government Act 1993*, a Division is to be called whenever a motion for a planning decision is put to the meeting, for the purpose of recording voting on planning matters.

SUMMARY:

1. The purpose of this report is to recommend that Council endorse and resolve to publicly exhibit the draft Uralla 7.11 and 7.12 Developer Contributions Plans for a period of 28 days.

RECOMMENDATION:

That Council;

- I. Endorse the draft Uralla Section 7.11 and 7.12 Developer Contributions Plans for public exhibition for a period of not less than 28 days; and
- II. Provide the draft Uralla Section 7.11 and 7.12 Developer Contributions Plans to the Department of Planning, Industry and Environment for consideration and comment; and
- III. Subject to no substantive submissions received, adopt the Uralla Section 7.11 and 7.12 Developer Contributions Plans.

REPORT:

2. Council's existing Section 94 Contributions Plans are outdated and are inconsistent with 2018 amendments to the Environmental Planning and Assessment Act 1979.
3. Provision was made in the 2020 / 2021 Council budget to engage a consultant to prepare Section 7.11 and 7.12 Developer Contributions Plans (the Plans) under the new provisions of the Environmental Planning and Assessment Act 1979.
4. A Request for Quotes to prepare the Section 7.11 and 7.12 Plans was advertised on 18 September 2020 in line with Council's procurement procedures via Tenderlink, Council's website and Council Facebook page.
5. On 19 October 2020 HillPDA Consulting were engaged to prepare the Plans. Final drafts of the Plans were received on 5 August 2021.
6. The Plans were circulated to Councillors and presented at a General Manager workshop on Tuesday 10 August 2021.
7. Should the Plans be adopted, the Section 7.11 and 7.12 Plans will repeal the existing Section 94 plans however existing developments subject to the Section 94 plans will continue to be subject to the Section 94 plans unless owners of these developments request in writing that they wish to be subject to the new Section 7.11 or 7.12 Plans.
8. Council will generally only be required to pay contributions where works undertaken are subject to a development consent.
9. Developments subject to 7.11 consent conditions will be required to pay contributions where Council is undertaking the heavy haulage.

CONCLUSION:

10. Council may resolve to publicly exhibit the draft Uralla 7.11 and 7.12 Developer Contributions Plans for 28 days and adopt the Section 7.11 and 7.12 Plans if no substantive submissions are received.

COUNCIL IMPLICATIONS:

11. Community Engagement/ Communication

The Section 7.11 and 7.12 Plans are required to be publicly exhibited for 28 days prior to adoption.

12. Policy and Regulation

Preparation of the Section 7.11 and 7.12 Plans is regulated by the Environmental Planning and Assessment Act 1979.

13. Financial /Long Term Financial Plan

The implementation of the Section 7.11 and 7.12 Plans will assist in funding construction and maintenance of Council infrastructure.

14. **Asset Management / Asset Management Strategy**

The implementation of the Section 7.11 and 7.12 Plans will assist to fund renewal and maintenance of Council infrastructure.

15. **Workforce / Workforce Management Strategy**

Administration of the Section 7.11 and 7.12 Plans will be undertaken by Council staff.

16. **Legal and Risk Management**

Nil.

17. **Performance Measures**

Preparation and implementation of the Section 7.11 and 7.12 Plans is the responsibility of the Manager of Development and Planning in the 2021 / 2022 Council Operational Plan.

18. **Project Management**

Nil.



URALLA SHIRE COUNCIL
SECTION 7.11
DEVELOPMENT
CONTRIBUTIONS PLAN 2021
Heavy Haulage

Prepared for Uralla Shire Council

August 2021

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Quality Control

This document is for discussion purposes only unless signed and dated by a Principal of HillPDA.

Reviewer

Signature Dated

Report Details

Job Number	P21022
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File Name	P21022 – Uralla 7-11 Development Contributions Plan
Date Printed	5 August 2021

1.0 SUMMARY

Development contributions are made in association with development approved under the *Environmental Planning and Assessment Act 1979* (the EP&A Act). This plan relates to contributions made under Section 7.11 of the EP&A Act, which allows for contributions to be collected for the purposes of provision or improvement of amenities or services, including administrative costs and recouping of previously expended costs.

This plan authorises Uralla Shire Council (Council) to impose a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to Section 7.11 of the EP&A Act.

Section 7.11 of the EP&A Act requires that levies raised be used for amenities, facilities and services that are required as a result of demand created by new development. A clear nexus is to be identified between proposed development and the demand for works. This plan authorises contributions to be collected where a nexus can be established. To that end, this Plan authorises the levying of contributions towards ensuring roads are maintained to relevant standards, counteracting damage resulting from development that generate heavy haulage movements.

Development contributions may be conditioned on development consents that are anticipated to result in increased heavy vehicle movements within the Uralla Shire Local Government Area (LGA). This may include developments outside of the Uralla Shire LGA that are anticipated to use roads within the Uralla Shire LGA. It also may include modifications to existing development consents where a consent requires a development contribution related to road maintenance under a previous development contribution plan, in order to bring the consent into alignment with this plan.

Development contributions may either be based on the equivalent standard axles (ESA) or tonnage of material generated and transported by Council's road network. These metrics reflect the additional wear and tear generated by heavy vehicles and Council funds required to repair damaged roads beyond typical road use.

The Section 7.11 levy payable under this Plan are as follows.

Tonnage contribution

$$\text{Contribution} = R_1 \times (L_1 \times T_1 + L_2 \times T_2 \dots L_n \times T_n) + R_2 \times (L_1 \times T_1 + L_2 \times T_2 \dots L_n \times T_n)$$

Where:

- R_1 : Per Tonne rate for sealed roads used by the development
- R_2 : Per Tonne rate for unsealed used by the development
- L_1 : Length of road route 1 used by the development (km)
- T_1 : Estimated material tonnage trucked along route 1
- L_2 : Length of road route 2 used by the development (km)
- T_2 : Estimated material tonnage trucked along route 2

Two principal contribution rates have been identified:

- **Regional or local sealed road: \$0.111 per tonne per km**
- **Unsealed road: \$0.058 per tonne per km**

The rates identified above are in June 2021 dollars and will be indexed annually.

Contributions related to road maintenance will be ongoing through the operational period of a development.

In addition, Council may determine that a proposed haulage route is not capable of accommodating additional heavy vehicles. In this instance, Council may require contributions to upgrade roads to meet the demand of development.

The plan also allows for a portion of contributions to be applied to costs associated with administration, management and review of the plan. This amount is set at 1.5 per cent of contributions by the Independent Pricing and Regulatory Tribunal (IPART). Where contributions are collected, this plan outlines the administration and financial management of income derived, in accordance with Section 7.11 of the EP&A Act.

For clarity, existing development consents which include conditions requiring the payment of development contributions levied under previous development contribution plans will continue to remain valid. Contributions will be payable in accordance with the word of the related consent conditions.

2.0 ADMINISTRATION AND OPERATION

This section describes the Plan's purpose, where it applies and the development it applies to. It also outlines how Uralla Shire Council (Council) will use contributions, be accountable and when it will review the Plan.

The Plan has been prepared in accordance with the EP&A Act, the Environmental Planning and Assessment Regulation 2000 (the Regulation), the relevant practice notes, circulars, guidelines and Ministerial Directions.

2.1 Name of the Plan

The Plan is called *Uralla Shire Council Section 7.11 Development Contributions Plan 2021 – Heavy Haulage*.

2.2 Commencement of this Plan

[The Plan will commence following public exhibition and adoption Council. The commencement date will be identified in this section after adoption eg The Plan was adopted on [Date TBC] and commences [Date TBC].]

For clarity, a development application that has been submitted, but not yet determined, shall be determined in accordance with the provisions of the Plan adopted at the time of determination.

2.3 Definitions used in the Plan

In the Plan, the following phrases have the following meanings:

- EP&A Act – means the Environmental Planning and Assessment Act 1979
- EP&A Regulation – means the Environmental Planning and Assessment Regulation 2000
- The Plan – Uralla Shire Council Section 7.11 Development Contributions Plan 2021 – Heavy Haulage
- Council – Uralla Shire Council.

2.4 Purpose of this plan

The purpose of this plan is to provide a framework for the determination and collection of developer contributions towards the maintenance, upgrade and construction of works in Uralla Shire Council.

The Plan authorises the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to Section 7.11 of the EP&A Act. The contributions are intended to be levied upon developments that increase demand for Council facilities or assets. It ensures that development that increases demand contributes towards these works, including where traffic generating development increases demand for new or maintained roads.

Contributions will be sought where a nexus can be established between development demand and the need for additional or brought-forward development of Council facilities or assets (unless exemptions apply).

The Plan:

- Identifies public amenities and services that will be provided by Council
- Provides a schedule of contribution rates for development that is subject to the Plan
- Explains how the contribution rates have been calculated
- Documents administrative matters on how and when development proponents will meet contribution obligations.

2.5 Relationship with other contributions plans

Where a development application does not include works that would attract a development contribution under this plan, it may be subject to the *Uralla Shire Council 7.12 Development Contributions Plan*.

It is noted that the *Uralla Shire Council 7.12 Development Contributions Plan* repealed the following previous contribution plans:

- *S.94 Contributions Plan for Bundarra Town*
- *S.94 Contributions Plan for Invergowrie*
- *S.94 Contributions Plan for Rural Zones 1(a) and 1(b)*
- *S.94 Contributions Plan for Rural Zones 1(c)*
- *S.94 Contributions Plan for Uralla Town.*

With the exception of *S.94 Contributions Plan for Rural Zones 1(a) and 1(b)*, these plans allowed for contributions to be collected for the purposes of road maintenance. That function is now carried out by this Plan.

For clarity, development consents which include conditions requiring the payment of development contributions levied under repealed plans will continue to remain valid. Contributions will be payable in accordance with the wording of the related consent conditions.

2.6 Land to which this Plan applies

This Plan applies to all land in the Uralla Shire LGA.

2.7 Statutory basis of the Plan

Section 7.11 of the EP&A Act provides as follows:

7.11 Contribution towards provision or improvement of amenities or services

(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:

- (a) the dedication of land free of cost, or*
- (b) the payment of a monetary contribution,*
- or both.*

(2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.

(3) If:

- (a) a consent authority has, at any time, whether before or after the date of commencement of this Part, provided public amenities or public services within the area in preparation for or to facilitate the carrying out of development in the area, and*
- (b) development for which development consent is sought will, if carried out, benefit from the provision of those public amenities or public services,*

the consent authority may grant the development consent subject to a condition requiring the payment of a monetary contribution towards recoupment of the cost of providing the public amenities or public services (being the cost as indexed in accordance with the regulations).

(4) A condition referred to in subsection (3) may be imposed only to require a reasonable contribution towards recoupment of the cost concerned.

(5) The consent authority may accept:

(a) the dedication of land in part or full satisfaction of a condition imposed in accordance with subsection (3), or

(b) the provision of a material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition imposed in accordance with subsection (1) or (3).

If a consent authority proposes to impose a condition in accordance with subsection (1) or (3) in respect of development, the consent authority must take into consideration any land, money or other material public benefit that the applicant has elsewhere dedicated or provided free of cost within the area (or any adjoining area) or previously paid to the consent authority, other than—

(a) a benefit provided as a condition of the grant of development consent under this Act, or

(b) a benefit excluded from consideration under section 7.4(6).

(7) If:

(a) a condition imposed under subsection (1) or (3) in relation to development has been complied with, and

(b) public authority would, but for this subsection, be entitled under any other Act to require, in relation to or in connection with that development, a dedication of land or payment of money in respect of the provision of public amenities or public services or both,

then, despite that other Act, compliance with the condition referred to in paragraph (a) is taken to have satisfied the requirement referred to in paragraph (b) to the extent of the value (determined, if the regulations so provide, in accordance with the regulations) of the land dedicated or the amount of money paid in compliance with the condition.¹

2.8 Development to which this plan applies

This Plan applies to all development consents or complying development certificates that generate heavy haulage vehicle movements. Developments that typically meet the criteria include, but are not limited to:

- Extractive industries (e.g. quarries)
- Concrete batching plants
- Waste services
- Warehousing and logistics.

This plan will apply to modifications to existing development consents where conditions require ongoing Section 94 contributions related to traffic movements under repealed plans, in order to align relevant conditions with this plan.

¹ Extract from Environmental Planning and Assessment Act (current version for 1 July 2021)

This plan also applies to development located outside of the Uralla Shire Council where it can be demonstrated that traffic generating development routes will impact on the road network within the Uralla Shire LGA on an ongoing basis (e.g. a haulage route from a development in a neighbouring LGA that extends through or terminates within the Uralla Shire LGA). In these cases, Council will consider the impact of the development and impose a condition of consent requiring payment of levies in accordance with this plan. Levies for development outside of the Uralla Shire LGA are currently limited to haulage.

2.9 Development exempt from this plan

This plan does not apply to development identified in any applicable Ministerial directions issued under Section 7.17 of the EP&A Act as exempt from levies. This includes:

- Development for the sole purpose of disabled access.
- Development for the sole purpose of reducing the consumption of mains-supplied potable water or reducing the energy consumption of a building.
- Development for the sole purpose of the adaptive re-use of an item of environmental heritage.

The Plan also does not apply to:

- Development of facilities by or on behalf of a public authority

Where an exemption is sought, the development application is to include a submission detailing the reasoning for exemption. Exemptions can only be given with a formal Council resolution.

2.10 Obligations of accredited certifiers

In accordance with clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

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

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

2.11 Goods and services tax (GST)

Payment of development contributions made under the EP&A Act is exempt from the Goods and Services Tax (GST).

All costs quoted in the Plan exclude GST.

2.12 Timing of payments

Contributions for the maintenance and/or construction of roads utilised by development requiring heavy vehicle haulage are to be levied in accordance with the Plan. In the absence of specific direction in a plan, funds must be paid quarterly and calculated in the first instance by the haulage company

The amount of development contribution shall be calculated on the basis of the adopted rate at the time of payment of the contribution, and any consent issued requiring the application of the Plan shall contain appropriate conditions stating the timing, form and amount of payment to be made.

Generally, the timing of the payment of contributions will be as follows:

- Contribution for maintenance works: will be determined and collected on a quarterly or annual basis (i.e. 3 or 12 months) at the discretion of Council. Contributions will be based on the submission to Council of returns calculated from site dockets or other suitable records for the applicable period, from the time the consent becomes operational, and shall be collected for every period or part thereof that the development is operating.
- Construction and upgrade contributions: will be determined and collected (and works undertaken) prior to the issue of a Construction Certificate, except as otherwise determined by Council.

2.13 Deferred and periodic payment

Council will not accept the deferred or periodic payment of a levy imposed under this plan.

2.14 Contributions 'in-kind' and material public benefits

Developer contributions made in accordance with the Plan will usually be in the form of monetary payments, however alternative 'in kind' contributions may be accepted if they are deemed by Council to represent an 'equivalent material public benefit' (MPB). In the case of alternative payments being offered, a developer is required to make prior written representations to Council at which time the proposal may be considered or negotiated.

Any offer for the provision of an MPB should be made in writing prior to the works commencing and where possible at the time the application is being assessed.

The request should clearly state:

- What MPB or land dedication is proposed,
- The estimated value of the MPB or land dedication,
- The timing of provision of the MPB or land dedication,
- What cash contributions it is proposed to offset,
- If the work has not been identified under the Plan, why it is of an equivalent benefit to the community compared to what has been identified under the Plan.

An assessment of the proposed MPB is then to be undertaken by Council. This assessment will include such considerations as:

- The impact the proposal will have on the levels of amenities and services for the community, compared to what has been identified under the existing plan,
- The impact on provision of other essential services and amenities,
- The impact on work schedules and cash flows that will result.

2.15 Planning agreements

A planning agreement is an alternative to the imposition of conditions under Section 7.11. A planning agreement between the Council and applicant for works in kind, material public benefit, dedication of land and/or deferred payment arrangement can occur in lieu of the payment of Section 7.11 contributions.

A planning agreement cannot exclude the application of Section 7.11 contributions in respect of development unless the consent authority for the development is a party to the agreement.

The requirements for planning agreements are detailed in the EP&A Act under Section 7.4.

2.16 Review of contribution rates without public exhibition

Council may make certain amendments to this plan without the need to prepare a new contributions plan². These include minor typographic corrections, admission of details concerning works that have been completed and amending contribution rates to reflect indexing. Amendments to contribution rates will be undertaken to reflect annual variations to the Consumer Price Index (CPI) for Sydney as published by the Australian Statistician. The annual indexation will be undertaken on or about 1 July each year based on the March reference period.

The current standard contribution rates for this plan are published by Council on its webpage, and are located within the Fees & Charges Schedule, renewed each financial year.

2.17 Adjusting contribution rates at the time of payment

The contributions stated in consents are calculated on the basis of the 7.11 contribution rates determined in accordance with the Plan. If the contributions are not paid within the financial year in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment.

Contributions required as a condition of consent under the provisions of the Plan will be indexed in accordance with quarterly updates to the Consumer Price Index, Australia, All Groups CPI; issued by the Australian Bureau of Statistics (ABS Series ID A2325806K). This includes contributions associated with heavy haulage, where Council will apply the CPI adjustment at the time of the invoice preparation.

The following formula for indexing contributions is to be used:

- Contribution at time of payment = $\$C \times (CP2/CP1)$

Where:

- $\$C$ is the original contribution as set out in the consent
- CP1 is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued
- CP2 is the Consumer Price Index; All Groups CPI; Sydney at the start of the year in which the payment is made.

2.18 Unspent Section 94 funds

This plan authorises unspent monetary contributions made under previous development contribution plans for the purposes of road maintenance be redirected to works authorised for payment under this plan, with the purpose of delivering the same or similar outcomes sought by previous plans.

2.19 Pooling of contributions

The Plan expressly authorises monetary 7.11 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes.

2.20 Access to information

Council is required to comply with public access to information requirements in relation to Section 7.11 contributions. These are addressed in Divisions 5 and 6 of Part 5 of the EP&A Regulation and include:

- Maintenance of and public access to a contributions register

² In accordance with clause 32(3) of the EP&A Regulation

- Maintenance of and public access to accounting records for contributions receipts and expenditure
- Annual financial reporting of contributions
- Public access to contribution plans and supporting documents.

The contribution register will record:

- The origin of each contribution referenced to the development consent to which it relates
- The date of receipt of the contribution
- The type of contribution received (e.g. money, lands or works in kind)
- The amount of the contribution and the purpose for which was levied

Council financial reporting will record:

- The total of contribution expended each year by purpose
- Expenditures from the fund according to the date and purpose, including details of priority spending
- Interest earned by purpose.

These records are available for inspection free of charge at Council's Administration building during normal office hours.

2.21 Savings and transitional arrangements

A development application which has been submitted prior to the adoption of the Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of determination of the application.

2.22 Monitoring and review

The Plan will be subject to regular monitoring and review by Council.

This will occur at least every 5 years to ensure that anticipated costs, development expectations and contribution rates are generally accurate.

The Plan should be revised and updated when deemed necessary.

3.0 HEAVY HAULAGE

This section provides the framework for the efficient and equitable determination and collection of developer contributions towards the maintenance, upgrade and construction of roads utilised by heavy vehicles associated with developments which generate a significant amount of heavy vehicle movements.

These contributions are intended to be levied upon developments which generate heavy vehicle traffic, and will require road maintenance, upgrade or construction with associated works. Such works would be required to ensure adequate maintenance, safety, efficiency, amenity and environmental standards are achieved on existing roads, and to ensure that upgraded and new road networks, are constructed to a standard commensurate with the heavy vehicle usage generated by the development.

For the purpose of the Plan, the contributions for roads is deemed to include all necessary works of carriageway construction and maintenance, including pavement, associated culverts, bridges, drainage, signs, line-marking, noise attenuation measures, landscaping, safety and traffic management measures. It applies to Council owned roads and would not be collected for State owned roads, such as New England Highway.

3.1 Nexus between development and works

Developments that generate heavy vehicle movements on Council's road network lead to an increased burden on the road system, and can create the need for new or upgraded roadworks to be constructed.

An increase in heavy vehicle usage on existing roads results in a reduction of road life. This necessitates increased construction and maintenance work beyond typical standards. Road degradation associated with heavy vehicle traffic also has an impact on road safety and amenity and may require additional works to be undertaken to ensure that roads are constructed to an acceptable standard.

The combination of the additional axle loadings (i.e. number of wheels on the road surface) and the payloads (i.e. gross transport weight of loaded vehicle) generated by heavy vehicles have an impact on the rate of deterioration of the road. For the purposes of this plan, impact of heavy vehicles is calculated using equivalent standard axles (ESA), which reflect the likely damage to a road from a heavy vehicle. As such, the Plan considers these factors.

For the purposes of the Plan, the land over which contributions will be calculated is to be determined on a development specific basis, thereby making allowance for the location of developments and the actual roads utilised by developments and the estimated impact of developments.

Council has determined that developments that generate significant truck movements on Council roads will reduce the expected life of the subject roads and as such should make a monetary contribution towards the additional and/or brought-forward maintenance cost and any specific new construction and upgrade costs that relate to the development.

3.2 Schedule of works

The works that are covered by the Plan include repairing pavement damage to Council roads caused by mines, extractive industries and other 'heavy haulage' developments.

The works do not include private roads within the Council area or national highways or state roads within the Council area.

As heavy haulage developments can impact roads anywhere in the Council area, it is not possible to identify up-front all roads that are subject to the Plan. These will be assessed by Council at the time of development application.

Monies received under the Plan will be allocated to the haul roads that developments have contributed towards. Records will be maintained as described in Section 2.20.

Council, at its discretion, may accept the provision of land and/or works in lieu of monetary payments by development proponents to satisfy the required road works.

3.3 Calculation of the contribution rate

The contributions rates applied to developments that cause pavement damage to Council roads are based on the methodologies applied by other similar councils, including those identified in the following plans:

- *Armidale Regional Council Section 7.11 Contributions Plan 2018 – Heavy Vehicles* (Armidale Regional Council)
- *City Wide Infrastructure Contributions Plan 2020* (Cessnock City Council)
- *Narrabri Shire Section 7.11 – Fixed Contributions Plan 2016* (Narrabri Shire Council)
- *Contributions Plan for Heavy Haulage Generated by Extractive Industries 2017* (Dungog Shire Council)

The methodology allows for determination of a proportional cost to replace roads as informed by ESAs and tonnage. It includes the following steps:

1. Determine ESA contribution rate
 - a. Determine standard design ESA for Council roads
 - b. Estimate the cost to reconstruct and maintain one lane for one kilometre for the standard design
 - c. Express the contribution rate in dollars per ESA per kilometre.
2. Determine standard vehicle and tonnage
3. Calculate dollars per tonne per kilometre.

Calculations for contributions are shown in Table 3-1 and are based on standard design and cost assumptions for the region. While Council's roads may experience less daily traffic, lighter duty roads attract higher contribution rates (reduced ESA does not result in an equal reduction in cost).³

An ESA of 2.6 has been used for tonnage calculations, reflecting a Class 4 truck with a dog trailer.⁴

³ Construction costs and design life assumptions derived from *Armidale Regional Council Section 7.11 Contributions Plan 2018 – Heavy Vehicles* and Council's records.

⁴ Standard ESA rate derived from *Ballina Shire Heavy Haulage Contributions Plan 2019*.

Table 3-1: Heavy haulage contribution rates across New South Wales

Step	Calculation
1. Determine ESA contribution rate	
a. Determine standard design ESA for Council roads	<ul style="list-style-type: none"> ● Regional sealed road: 1,000,000 ESA over 60 years ● Local sealed road: 1,000,000 ESA over 70 years ● Unsealed roads: 200,000 ESA over 17 years
b. Determine maintenance requirements for Council roads	<ul style="list-style-type: none"> ● Regional sealed roads: <ul style="list-style-type: none"> – Rehabilitation: \$400,000 @ 60th year – Reseal: \$32,500 at 15th year – Maintenance: \$3,080 annually ● Local sealed roads: <ul style="list-style-type: none"> – Rehabilitation: \$270,000 @ 70th year – Reseal: \$32,500 at 15th year – Maintenance: \$3,080 annually ● Unsealed road: <ul style="list-style-type: none"> – Resheet: \$35,000 @ 17th year – Maintenance: \$2,174 annually
c. Estimate cost to reconstruct and maintain one lane for one kilometre	<ul style="list-style-type: none"> ● Regional sealed roads: <ul style="list-style-type: none"> – \$ maintenance x 58 yrs. + \$ reseal (@ 15th, 30th, 45th years) + \$ reconstruction (@ 60th year) – $(\\$3,080 \times 58) + (\\$32,500 \times 3) + \\$400,000 = \mathbf{\\$676,140 \text{ per km}}$ ● Local sealed roads: <ul style="list-style-type: none"> – \$ maintenance x 68 yrs. + \$ reseal (@ 15th, 30th, 45th, 60th years) + \$ reconstruction (@ 70th year) – $(\\$3,080 \times 68) + (\\$32,500 \times 4) + \\$270,000 = \mathbf{\\$609,440 \text{ per km}}$ ● Unsealed road: <ul style="list-style-type: none"> – \$ maintenance x 15 yrs. + \$ resheet (@ 17th year) – $(\\$2,174 \times 15) + \\$35,000 = \mathbf{\\$67,610 \text{ per km}}$
d. Express contribution rate in dollars per ESA per kilometre	<ul style="list-style-type: none"> ● Regional sealed roads: $\\$676,140/1,000,000 = \\0.676 per ESA per km ● Local sealed roads: $\\$609,440/1,000,000 = \\0.609 per ESA per km ● Unsealed roads: $\\$67,610/200,000 = \\0.338 per ESA per km
2. Determine standard vehicle and tonnage hauled	
2. Determine standard vehicle and tonnage hauled	<ul style="list-style-type: none"> ● Standard vehicle: Class 4 truck (12m) with dog trailer ● ESAs per standard vehicle: 2.6 ● Standard tonnage hauled: 15 tonnes
3. Calculate dollars per tonne per kilometre	<ul style="list-style-type: none"> ● Regional sealed roads: <ul style="list-style-type: none"> – Contribution per standard vehicle per km: $\\$0.676 \times 2.6 = \\1.757 – Contribution per tonne per km: $\\$1.757 / 15 = \\0.117 ● Local sealed roads: <ul style="list-style-type: none"> – Contribution per standard vehicle per km: $\\$0.609 \times 2.6 = \\1.583 – Contribution per tonne per km: $\\$1.583 / 15 = \\0.105 ● Unsealed roads: <ul style="list-style-type: none"> – Contribution per standard vehicle per km: $\\$0.338 \times 2.6 = \\0.878 – Contribution per tonne per km: $\\$0.878 / 15 = \\0.058

Given the similarity in costs between regional and local sealed road, a single contribution amount has been identified, being the average of the costs.

Two principal contribution rates have been identified:

- **Regional or local sealed road: \$0.111 per tonne per km**
- **Unsealed road: \$0.058 per tonne per km**

The Section 7.11 levy payable under this Plan are as follows. Contribution formulae have been provided for multi-trip routes in the interest of certainty.

Table 3-2: Contribution formulae

Tonnage contribution

$$\text{Contribution} = R_1 \times (L_1 \times T_1 + L_2 \times T_2 \dots L_n \times T_n) + R_2 \times (L_1 \times T_1 + L_2 \times T_2 \dots L_n \times T_n)$$

Where:

- R₁: Per Tonne rate for sealed road used by the development
- R₂: Per Tonne rate for unsealed used by the development
- L₁: Length of road route 1 used by the development (km)
- T₁: Estimated material tonnage trucked a long route 1
- L₂: Length of road route 2 used by the development (km)
- T₂: Estimated material tonnage trucked a long route 2

In most instances, tonnage contribution rates will be used. In some instances, ESA rates may be used, such as when lighter duty trucks are anticipated to be used. In those instances, the per vehicle per km rates would replace the per-tonne rate in the calculations above, and the number of trips per period would replace the tonnage trucked.

Alternate standard vehicle ESAs for tonnage contributions may be used where it can be demonstrated that an alternate vehicle class or combination more accurately reflects the operational expectations for the site (e.g. concrete agitator truck or B-double).

Council may also identify circumstances that would foreseeably increase or reduce costs associated with road construction and maintenance, which may require recalculation of contributions to reflect actual costs of the day. **The appropriate contribution rate will be determined by Council through the development assessment process based on the information provided by the applicant.**

3.4 Application of contribution rates to development

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

- Identify the length of Council roads that the development will use for heavy haulage purposes. This will be based on information provided with a development application and verified by the consent authority
- Calculate the required periodic payment using the contribution rates shown in the Plan; that is: at per ESA per kilometre or rate per tonne per kilometre
- Assess whether any additional road construction or upgrade works are required to meet the specific needs of the development; if so, include a condition that the development makes a contribution under this plan based on:
 - The rate per tonne per km or rate per ESA per km, as per this plan.
 - The total length of all haul routes
 - The actual amount of material hauled (in tonnes) or number of vehicles hauling (in ESAs) for each quarter

- No later than one month after the end of March, June, September and December over the life of the development, the operator of the development submits tonnage or ESA data for the development for the quarter (e.g. weighbridge records)
- Council confirms suitability of data and issues an invoice to the operator, reflecting the applicable rate and haul route as per the development consent
- The operator pays the required contribution, as per the standard terms of the invoice.

Due to the nature of heavy haulage related development and road maintenance impacts, Council does not allow deferred periodic payment of contributions under this plan.

3.5 Worked examples

Example 1: Development with no return load

- A development will utilise 10 kilometres of local sealed roads for heavy haulage purposes
- The development is estimated to generate 10,000 tonnes per quarter
 - Contribution rate: 10 kilometres x \$0.111 per tonne per kilometre for sealed road = \$1.11 per tonne of haulage material
- Upon operation, verified data on tonnes hauled on Council roads is compiled for the quarter to the satisfaction of Council (see method and timing of payments above)
- Council prepares an invoice using a payment calculation made as follows (substituting the 10,000 tonne figure with the verified quarterly figure if different):

\$1.11 per tonne x 10,000 tonnes of haulage material = contribution of \$11,100.

Example 2: Development with multi-trip load

- A development will result in multi-trip deliveries, utilising 5 kilometres for the first trip along a regional sealed road and 3 kilometres for the second trip along an unsealed road
- The development is estimated to generate 5,000 tonnes per quarter for the first trip and 2,000 tonnes per quarter for the second trip.
 - First trip contribution rate: 5 kilometres x \$0.111. per tonne per kilometre for regional sealed roads = \$0.555 cents per tonne of haulage material
 - Second trip contribution rate: 3 kilometres x \$0.058 cents per tonne per kilometre for local sealed roads = \$0.174 per tonne of haulage material
- After the development has assembled verified data on tonnes hauled on Council roads, to the satisfaction of Council (see method and timing of payments above), a final payment calculation is made as follows:

First trip: \$0.555 per tonne x 5,000 tonnes of haulage material = contribution of \$2,775.

Second trip: \$0.174 per tonne x 2,000 tonnes of haulage material = contribution of \$348.

3.6 Operational verification

Where a tonnage based contribution rate is imposed on the development, weighbridges will be the required verification instrument to be provided by operators. Records from weighbridges must identify the tonnage of material associated with each vehicle and the destination.

Where an ESA based contribution rate is imposed on the development, traffic classifiers, which classify the type and number of loaded heavy vehicles that enter or leave the development, will be the required verification

instrument to be provided by operators. Records from traffic classifiers must identify the number of ESAs that are subject to contributions.

Alternate verification instruments may be approved by Council, if deemed acceptable. Installation and maintenance of instruments will be the responsibility of operators. Council officers are to be provided access to weighbridges, traffic classifiers or other verification instruments as required. If Council does not deem records are suitable, Council will, at its discretion, determine the tonnage, route and contributions associated with the period.

3.7 Changes to operations

It is understood that operations relating to production and delivery of material for a relevant development may change over time. In order to support these changes, development consents will require proponents to prepare a statement of haulage routes every two years. The statement will identify:

- Mapped Council roads used by heavy vehicles travelling to and from the development
- Estimated number of trips per quarter associated with each route
- Estimated tonnage per quarter associated with each route.

3.8 Additional roadworks

Where a designated haul route is not able to accommodate additional heavy vehicle movements, Council may require upgrades to be made to accommodate development. Where Council has identified certain road or traffic management measures as being required to accommodate development, a condition will be imposed under Section 4.17(1)(f) of the EP&A Act. Road maintenance contributions will also be imposed under this plan.

3.9 Apportionment

The contribution rate has been developed to reflect costs associated with the demand attributed to proposed development. As such, no adjustments are required for the purposes of apportionment.

4.0 PLAN ADMINISTRATION COSTS

4.1 Nexus

Application and operation of this plan will require resources associated with calculating contributions, reviewing evidence provided by operators and financial accounting associated with contributions and works. Consultant and specialist advice may be required from time to time to assist with operating, managing and reviewing the plan. These costs are required for the efficient operation of the Plan and therefore a valid subject for contributions.

4.2 Calculation of contribution

Costs associated with administration, management and review of the plan are set at 1.5 per cent of contributions, as approved by the Independent Pricing and Regulatory Tribunal (IPART).

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URALLA SHIRE COUNCIL
SECTION 7.12
DEVELOPMENT
CONTRIBUTION PLAN 2021
Fixed Levy

Prepared for Uralla Shire Council

August 2021

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Reviewer

Signature Dated

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1.0 SUMMARY

Development contributions are made in association with development approved under the *Environmental Planning and Assessment Act 1979* (the EP&A Act). This plan relates to contributions made under Section 7.12 of the EP&A Act, which allows for contributions to be collected for the purposes of provision or improvement of amenities or services, including administrative costs and recouping of previously expended costs.

This plan authorises Uralla Shire Council to impose a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to Section 7.12 of the EP&A Act. Levies payable will assist Council to provide the appropriate public facilities to maintain and enhance amenity and service delivery within the Uralla Shire Local Government Area (LGA). This plan identifies the works for which the levies are required, with a works schedule provided at Appendix A.

Works currently include:

- New and improved public facilities and amenities
- Embellishments to open space.

The Section 7.12 levies payable under this Plan are as follows:

Development type	Area	Proposed cost of development	Levy on cost of development
All development that is not subject to Uralla Shire 7.11 development contribution plan or otherwise exempt	Uralla Shire LGA	Up to \$100,000	Nil
		\$100,000.01 to \$200,000	0.5 per cent
		More than \$200,000	1.0 per cent

The plan applies to development approved with either development consent or a complying development. Exemptions for development identified in Section 2.8.

Where contributions are collected, this plan outlines the administration and financial management of income derived, in accordance with Section 7.12 of the EP&A Act.

For clarity, existing development consents which include conditions requiring the payment of development contributions levied under previous development contribution plans will continue to remain valid. Contributions will be payable in accordance with the word of the related consent conditions.

2.0 ADMINISTRATION AND OPERATION

This section describes the Plan’s purpose, where it applies and the development it applies to. It also outlines how Uralla Shire Council (Council) will use contributions, be accountable and when it will review the Plan.

The Plan has been prepared in accordance with the EP&A Act, the Environmental Planning and Assessment Regulation 2000 (the Regulation), the relevant practice notes, circulars, guidelines and Ministerial Directions.

2.1 Name of the Plan

The Plan is called *Uralla Shire Council Section 7.12 Development Contributions Plan 2021 – Fixed Levy*.

2.2 Commencement of this Plan

[The Plan will commence following public exhibition and adoption Council. The commencement date will be identified in this section after adoption eg The Plan was adopted on [Date TBC] and commences [Date TBC].]

For clarity, a development application that has been submitted, but not yet determined, shall be determined in accordance with the provisions of the Plan adopted at the time of determination, discussed in Section 2.8.

2.3 Definitions used in the Plan

In the Plan, the following phrases have the following meanings:

- EP&A Act – means the Environmental Planning and Assessment Act 1979
- EP&A Regulation – means the Environmental Planning and Assessment Regulation 2000
- The Plan – Uralla Shire Council Section 7.12 Development Contributions Plan 2021 – Fixed Levy
- Council – Uralla Shire Council.

2.4 Purpose of this plan

The primary purposes of the Plan are:

- To authorise the imposition of a condition on certain development consents and complying development certificates requiring the payment of a contribution pursuant to Section 7.12 of the EP&A Act,
- To assist the Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery within the area,
- To publicly identify the purposes for which the levies are required.

2.5 Relationship with other contributions plans

This plan repeals the development contributions plans in the Uralla Shire LGA:

- *S.94 Contributions Plan for Bundarra Town*
- *S.94 Contributions Plan for Invergowrie*
- *S.94 Contributions Plan for Rural Zones 1(a) and 1(b)*
- *S.94 Contributions Plan for Rural Zones 1(c)*
- *S.94 Contributions Plan for Uralla Town.*

This Plan complements the *Uralla Shire Council Section 7.11 Development Contributions Plan 2021 – Heavy Haulage*. Aspects of development to which that plan apply are not to be levied contributions under this Plan.

Unspent contributions raised and/or paid under the previous contribution plans identified above will be directed towards achieving the works as identified in the works schedules identified in those plans. Where specific works have not been identified, contributions will be redirected towards similar outcomes under this plan.

For clarity, development consents which include conditions requiring the payment of development contributions levied under repealed plans will continue to remain valid. Contributions will be payable in accordance with the wording of the related consent conditions.

2.6 Land to which this Plan applies

This Plan applies to all land in the Uralla Shire LGA.

2.7 Statutory basis of the Plan

Section 7.12 of the EP&A Act provides as follows:

7.12 Fixed development consent levies

(1) A consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.

(2) A consent authority cannot impose as a condition of the same development consent a condition under this section as well as a condition under Section 7.11.

(2A) A consent authority cannot impose a condition under this section in relation to development on land within a special contributions area without the approval of:

(a) the Minister, or

(b) a development corporation designated by the Minister to give approvals under this subsection.

(3) Money required to be paid by a condition imposed under this section is to be applied towards the provision, extension or augmentation of public amenities or public services (or towards recouping the cost of their provision, extension or augmentation). The application of the money is subject to any relevant provisions of the contributions plan.

(4) A condition imposed under this section is not invalid by reason only that there is no connection between the development the subject of the development consent and the object of expenditure of any money required to be paid by the condition.

(5) The regulations may make provision for or with respect to levies under this section, including:

(a) the means by which the proposed cost of carrying out development is to be estimated or determined, and

(b) the maximum percentage of a levy.

2.8 Development to which this plan applies

This Plan applies to all forms of development not otherwise covered by an existing development contribution plan, or otherwise exempt from development contributions. It applies to all development consents or complying development certificates to which this Plan applies, irrespective of whether the application was pending at the time this Plan commenced.

This plan does not apply to development identified in any applicable Ministerial directions issued under Section 7.17 of the EP&A Act as exempt from levies under Section 7.12 of EP&A Act. This includes:

- Development for the purposes of any form of seniors housing as defined in *State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004* that is provided by a social housing provider as defined in that Policy.
- Development for the sole purpose of disabled access.
- Development for the sole purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building.
- Development for the sole purpose of the adaptive re-use of an item of environmental heritage.
- Development other than the subdivision of land, where a condition under Section 7.11 (previously Section 94) of the EP&A Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.

The Plan also does not apply to:

- Development where the proposed cost of carrying out development is \$100,000 or less
- Development of facilities by or on behalf of a public authority
- Development for the purpose of a single dwelling on a single allotment where a contribution under Section 7.11 of the EP&A Act was paid at subdivision stage
- Demolition only where there is no replacement of a building or other development

Where an exemption is sought, the development application is to include a submission detailing the reasoning for exemption. Exemptions can only be given with a formal Council resolution.

2.9 Obligations of accredited certifiers

In accordance with clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of levies has been satisfied.

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

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

2.10 Calculation of monetary contributions

The levy will be determined on the basis of the rate as set out below. The levy will be calculated as follows:

- Levy payable = %C x \$C

Where:

- %C is the levy rate applicable
- \$C is the proposed cost of carrying out the development.

Cost of work thresholds and levies are provided in the table below.

Table 2-1: Section 7.12 levy rates

Proposed cost of development is	Contribution rate
Up to and including \$100,000	Nil
\$100,000.01 to \$200,000	0.5% of that cost
More than \$200,000.01	1% of that cost

If any relevant Ministerial direction under Section 7.17 of the EP&A Act is in force, this Plan authorises the imposition of a condition requiring a levy subject to and in accordance with that direction to the extent of any inconsistency with the above formula or rates.

The proposed cost of carrying out the development will be determined in accordance with Clause 25J of the EP&A Regulation. The procedures set in Appendix B must be followed to enable the Council to determine the amount of the levy to be paid. In the case of subdivision of vacant land, a levy will apply to civil construction costs only.

The value of the works must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications (works with a value greater than \$1,000,000 only).

Without limitation to the above, Council may review the valuation of works and may seek the services of an independent person to verify the costs. In these cases, all costs associated with obtaining such advice will be at the expense of the applicant and no construction certificate will be issued until such time that the levy has been paid.

2.11 Goods and services tax

Monetary Section 7.12 contributions are exempt from the Federal Government Good and Services Tax.

2.12 Cost estimate reports

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

- A cost summary report must be completed for works with a value equal to or less than \$1,000,000,
- A Quantity Surveyor’s Detailed Cost Report must be completed by a registered Quantity Surveyor only for works with a value greater than \$1,000,000. Below this threshold, a cost summary report is acceptable.

To avoid doubt, Clause 25J of the EP&A Regulation sets out the items 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, civil construction costs and any related covenants, easements or other rights,

- Civil construction costs include design and construction/connection costs for sewerage, water, stormwater, flood mitigation, telecommunications, electricity, roads/driveways, traffic/intersection works, boundary fencing, public open space embellishment, street tree planting, street furniture, weed management, site remediation, demolition of existing buildings and tree removal.

2.13 Timing of payments

A contribution is payable in full as follows:

- **Construction:** in the case of a development application involving construction (e.g. construction of a dwelling house) – prior to the issue of the Construction Certificate,
- **Subdivision:** in the case of a development application involving subdivision - the release of the linen plan/subdivision certificate,
- **Construction and subdivision:** in the case of a development application involving construction and subdivision (i.e. dual occupancies) – prior to the issue of the Construction Certificate,
- **Complying development:** A Complying Development Certificate Application – before any work authorised by the certificate commences.

2.14 Deferred and periodic payment

Council will not accept the deferred or periodic payment of a levy imposed under this plan.

2.15 Refunding contributions

A refund may be sought for development contributions if the refund request is made in writing with the following supported information:

- Evidence that the refund request is made by the relevant party
- Evidence that the development subject to contributions has not commenced
- Surrender of the development consent that applied the levy.

The decision to refund a contribution is solely Council's and will be informed by the information provided to Council. Refunds will only be made to the entity that made the original contribution.

2.16 Contributions 'in-kind' and material public benefits

Developer contributions made in accordance with the Plan will usually be in the form of monetary payments, however alternative 'in kind' contributions may be accepted if they are deemed by Council to represent an 'equivalent material public benefit' (MPB). In the case of alternative payments being offered, a developer is required to make prior written representations to Council at which time the proposal may be considered or negotiated.

Any offer for the provision of an MPB should be made in writing prior to the works commencing and where possible at the time the application is being assessed.

The request should clearly state:

- What MPB or land dedication is proposed,
- The estimated value of the MPB or land dedication,
- The timing of provision of the MPB or land dedication,
- What cash contributions it is proposed to offset,

- If the work has not been identified under the Plan, why it is of an equivalent benefit to the community compared to what has been identified under the Plan.

An assessment of the proposed MPB is then to be undertaken by Council. This assessment will include such considerations as:

- The impact the proposal will have on the levels of amenities and services for the community, compared to what has been identified under the existing plan,
- The impact on provision of other essential services and amenities,
- The impact on work schedules and cash flows that will result.

2.17 Planning agreements

A planning agreement is an alternative to the imposition of conditions under Section 7.12 of the EP&A Act. A planning agreement between Council and the applicant for works in kind, material public benefit, dedication of land and/or deferred payment arrangement can occur in lieu of the payment of Section 7.12 contributions.

A planning agreement cannot exclude the application of Section 7.12 contributions in respect of development unless the consent authority for the development is a party to the agreement.

The requirements for planning agreements are detailed in Section 7.4 of the EP&A Act.

2.18 Adjusting contribution rates at the time of payment

The contributions stated in consents are calculated on the basis of the Section 7.12 contribution rates determined in accordance with the Plan. If the contributions are not paid within the financial year in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment.

Contributions required as a condition of consent under the provisions of the Plan will be indexed on a quarterly basis, in accordance with movements in the Consumer Price Index; All Groups CPI; issued by the Australian Bureau of Statistics (ABS Series ID A2325806K).

The following formula for indexing contributions is to be used:

- Contribution at time of payment = $\$C \times (CP2/CP1)$

Where:

- $\$C$ is the original contribution as set out in the consent
- CP1 is the Consumer Price Index; All Groups CPI; Sydney at the time the consent was issued
- CP2 is the Consumer Price Index; All Groups CPI; Sydney at the time of payment

2.19 Unspent Section 94 funds

This plan authorises unspent monetary contributions made under previous development contribution plans be redirected to works identified in Appendix A, with the purpose of delivering the same or similar outcomes sought by previous plans. This includes contributions required under previous development contributions plans that have yet to be paid.

The exception are funds related to road maintenance, which are redirected to works under *Uralla Shire Council Section 7.11 Development Contributions Plan 2021 – Heavy Haulage*.

2.20 Application and pooling of contributions

Contributions paid to Council under a condition authorised by this Plan are to be applied by Council towards meeting the cost of one or more of the works that have or will be identified in Appendix A.

The Plan expressly authorises monetary 7.12 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in Appendix A.

2.21 Access to information

Council must comply with financial reporting and public access requirements identified in Section 7.12 of the EP&A Act and in associated clauses of the EP&A Regulation. In summary, these require Council to:

- Maintain and provide access to a contribution register
- Maintain and provide access to accounting records for contributions received and spent
- Annual financial reporting of contributions
- Public access to contribution plans.

The contribution register will record:

- The origin of each contribution be referenced to the development consent to which it relates
- The date of receipt of the contribution
- The type of contribution received (e.g. money, lands or works in kind)
- The amount of the contribution and the purpose for which was levied

Council financial reporting will record:

- The total of contribution expended each year by purpose
- Expenditures from the fund according to the date and purpose, including details of priority spending
- Interest earned by purpose.
- These records are available for inspection free of charge at Council's Administration building during normal office hours.

2.22 Savings and transitional arrangements

A development application which has been submitted prior to the adoption of the Plan but not determined shall be determined in accordance with the provisions of the Plan which applied at the date of determination of the application.

2.23 Monitoring and review

The Plan will be subject to regular monitoring and review by Council.

This will occur at least every 5 years to ensure that anticipated costs, development expectations and contribution rates are generally accurate.

The Plan should be revised and updated when deemed necessary.

3.0 ANTICIPATED DEVELOPMENT AND DEMAND

This part broadly discusses the relationship between anticipated population and dwelling growth in the Uralla Shire LGA and the demand for additional public amenities and services to meet that development.

This relationship can be explained by reviewing current demographic information.

Types of development that may occur in the Uralla Shire LGA include but are not limited to:

- Alterations and additions to existing development
- Dwellings of all forms
- Commercial development located primarily in commercial precincts
- Industrial development
- Subdivisions
- Mixed use development.

The relationship between expected residential development and demand for public facilities can be established through:

- Population projections undertaken by the Department of Planning, Industry and Environment
- Australian Bureau of Statistics (ABS) Census and supporting demographic data
- The standards of public facilities for the existing population
- The need for additional public infrastructure to meet demand over time.

3.1 Context

The Uralla Shire LGA is located in the New England region of NSW. It is surrounded by the Local Government Areas of Tamworth, Armidale, Gwydir, Walcha and Guyra.

The *Uralla Shire Local Strategic Planning Statement (LSPS)* plans for land use needs of Uralla Shire to 2040. It considers these needs through the themes of productivity, liveability, sustainability and infrastructure. The LSPS identifies how the Uralla population is spread across several centres:

- Uralla (2,400 people)
- Invergowrie, Saumarez, Arding (1,100 people)
- Bundarra (400)
- Rocky River (250)
- Kentucky (150)
- Kingstown (100)
- Wollun (70).

These centres are shown in Figure 3-1. Uralla's population and services are typically concentrated within the centres, particularly the centre of Uralla, with surrounding rural areas supporting lower density land uses. The LSPS details how each of these centres has developed within its own unique spatial, cultural and historic context, contributing to the Uralla Shire character.

Major infrastructure servicing the LGA includes the New England Highway which connects Newcastle and Brisbane.

Figure 3-1: Uralla Shire LGA centres



Source: Uralla Shire Local Strategic Planning Statement (2020)

The LSPS also details how Uralla Shire is well placed to take advantage of a range of land uses in rural areas, including tourism and renewable energy generation. This is in addition to the traditional drivers of agribusiness, manufacturing, freight and logistics, research and development and extractive industries. Combined, these represent a range of opportunities related to the economic development of Uralla Shire.

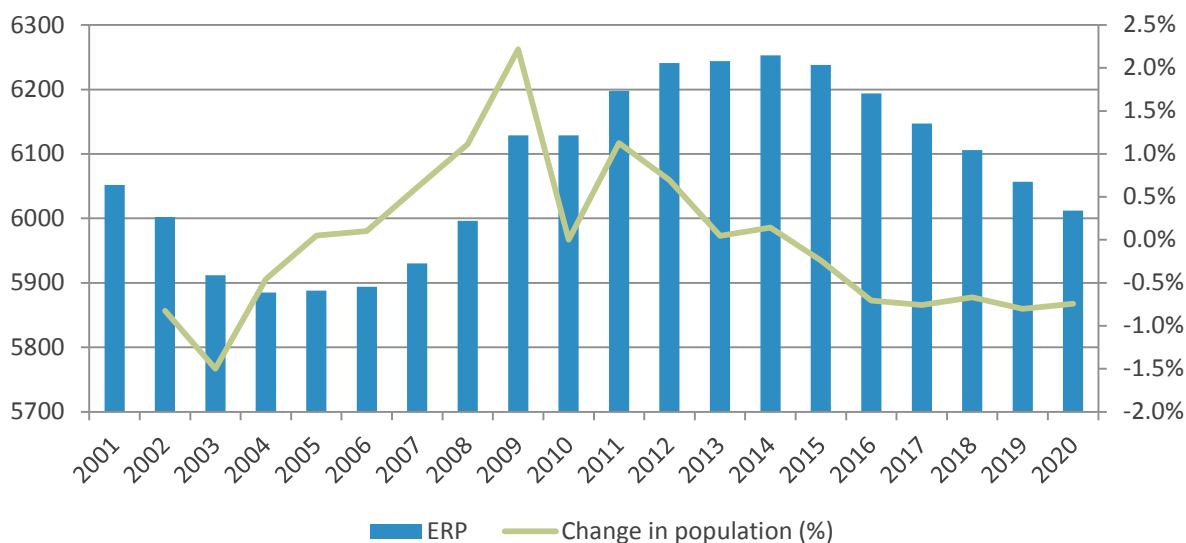
Critical to supporting this development would be infrastructure upgrades to enhance the liveability, vitality and amenity of the Uralla CBD, continuing to support freight movements along Uralla Shire roads and responding to the long distances between Uralla and smaller centres by developing infrastructure that allows for self-sufficiency. This variety of opportunities and challenges requires a method of collecting development contributions that can respond to the year to year needs of the population while also maintaining a long term vision.

3.2 Existing population

In 2016, the population of the Uralla Shire LGA was 6,048. Uralla Shire has experienced population growth over since 2006, when the population was 5,737. This is a difference of 311 people, or 5.4 per cent over ten years, or 0.5 per cent per annum.

Population trends over time are shown in Figure 3-2. The red line indicates the proportional growth year on year. In recent years the population growth has been negative.

Figure 3-2: Estimated Residential Population in Uralla Shire Council (2001 to 2020)

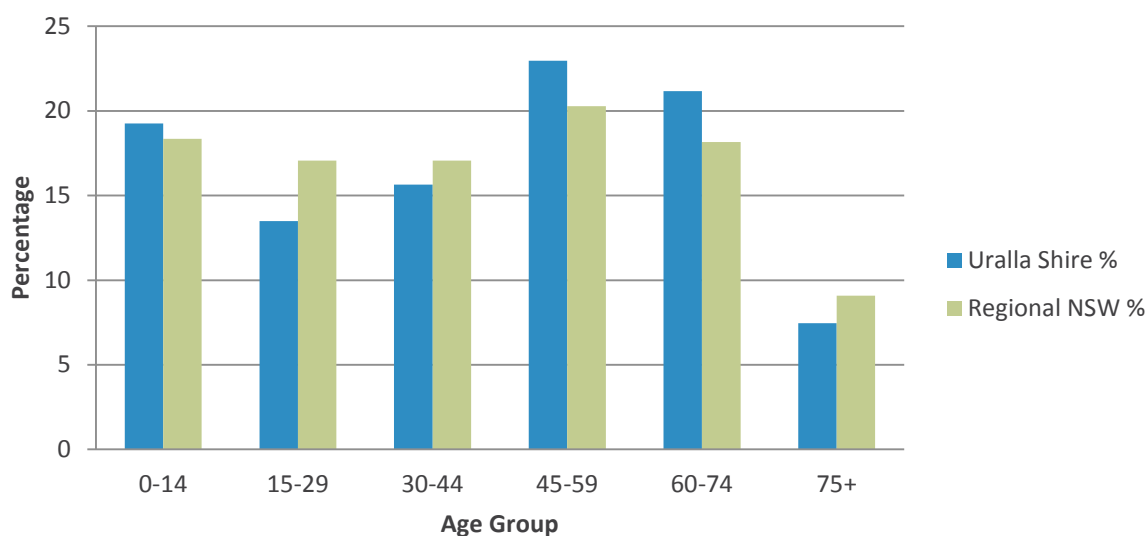


Source: Australian Bureau of Statistics

3.2.1 Age structure

As of the 2016 Census, Uralla Shire has an older age structure compared with Regional NSW, shown in Figure 3-3. While the Uralla Shire LGA has a larger proportion of the population aged 0-14, the populations between 45 and 74 are higher.

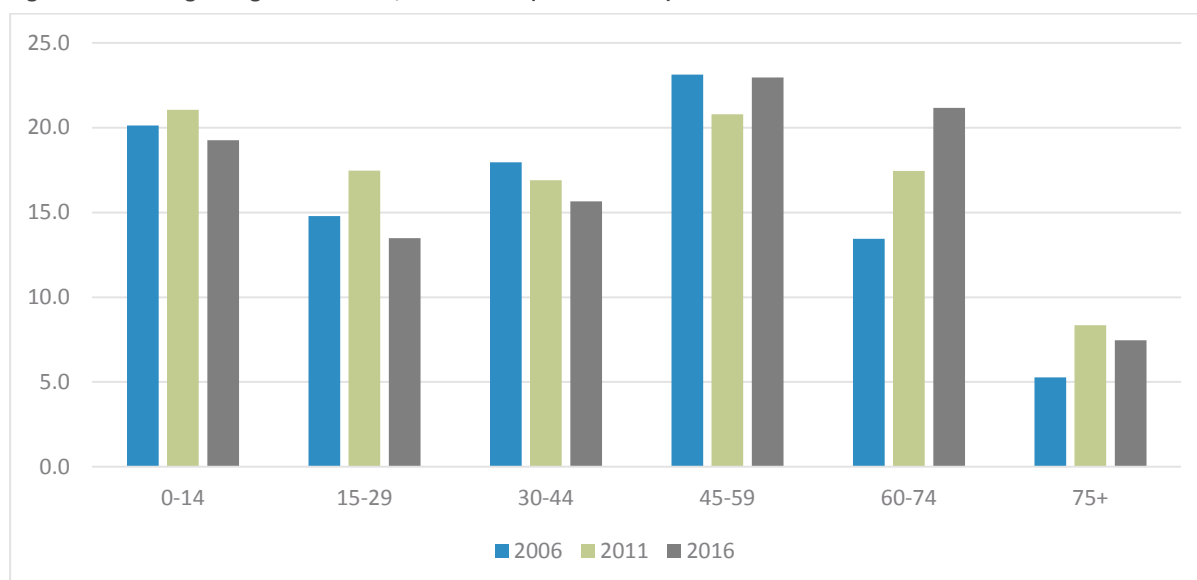
Figure 3-3: Age distribution, Uralla Shire and Regional NSW (2016)



Source: Australian Bureau of Statistics

Figure 3-4 provides a summary of the change in the proportion of age groups in the Uralla Shire LGA. There is a noticeable, consistent increase in the proportion of the population of those aged 60 or more. The median age of the LGA has increased from 41 to 46 over the ten years to 2016.

Figure 3-4: Change in age distribution, Uralla Shire (2006 to 2016)



Source: Australian Bureau of Statistics

3.2.2 Dwellings

A comparison of the change in Uralla Shire population and the number of dwellings in the Uralla Shire LGA between 2006 and 2016 is provided in Table 3-1. While the population between 2011 and 2016 has largely remained stable, the number of dwellings has increased. Average household size has remained relatively stable during this time.

When considering the types of dwellings in Uralla Shire as of the 2016 Census, 2,321 (95.3 per cent) of dwellings were separate houses as of the 2016 Census. Only 38 (1.6 per cent) were apartments. This distribution is broadly consistent with the distribution in the 2006 Census.

Table 3-1: Population, dwelling and average household size (2006 to 2016)

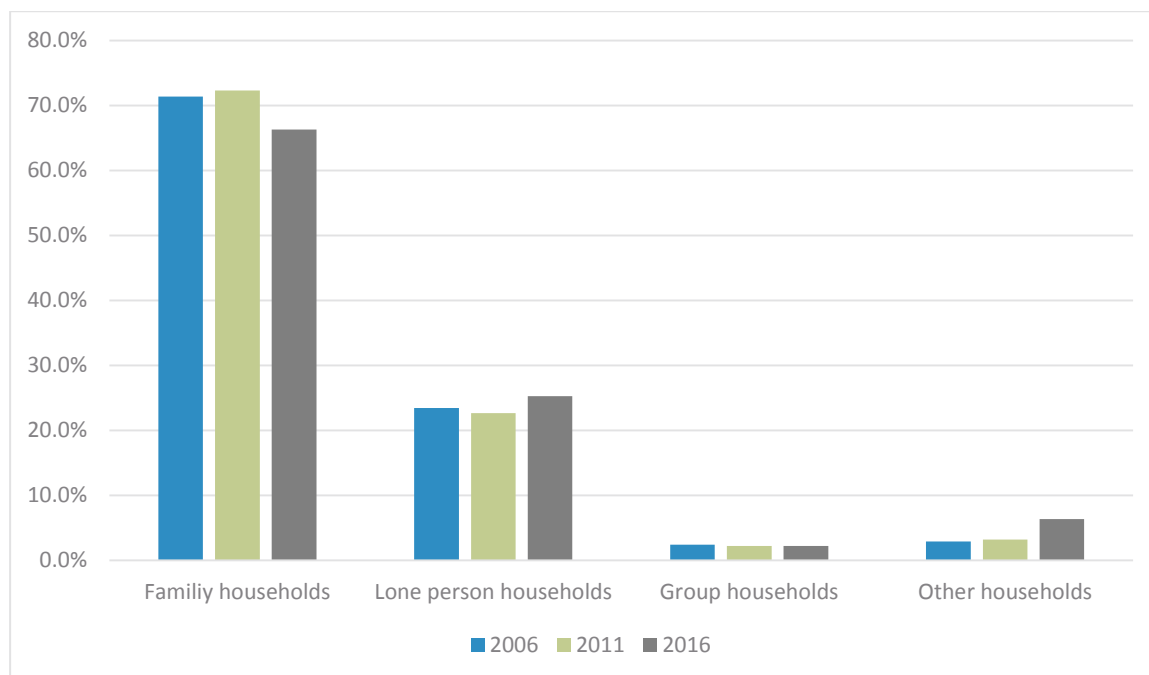
	Population	Change	Change (%)	Dwellings	Change	Change (%)	Average household size
2006	5,737			2,218			2.4
2011	6,032	+295	5.1	2,275	+57	2.6	2.6
2016	6,048	+16	0.3	2,434	+159	7.0	2.4

Source: Australian Bureau of Statistics

3.2.3 Household type

During this period, the characteristics of household types in the LGA changed somewhat, with a drop in family households that is generally consistent with an increase in lone person and 'other' households between 2011 and 2016. The two main household structures in Uralla Shire are family households (66.3 per cent) and lone person households (25.3 per cent). Of the family households, the largest group comprise couples without children (45.7 per cent), followed by couples with children (38.8 per cent) and 14.1 per cent are one parent families.

Figure 3-5: Household structure, Uralla Shire (2006 to 2016)



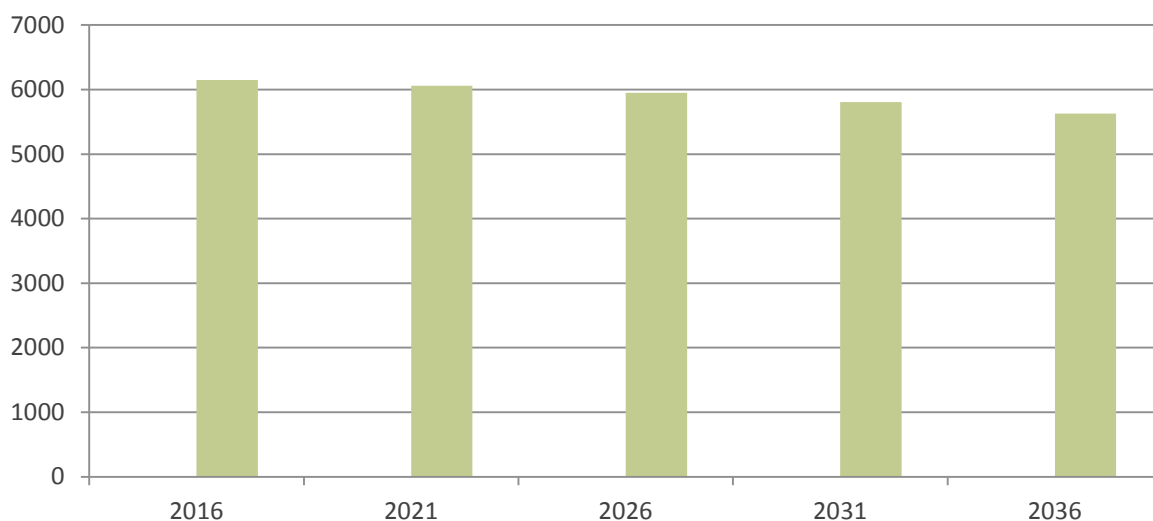
Source: Australian Bureau of Statistics

3.3 Population projections

3.3.1 Population growth

Figure 3-6 presents the projected population growth for the Uralla Shire, as estimated by the NSW Department of Planning, Industry and Environment. In general, the projections trend downward from 6,147 people in 2016 to 5,628 people in 2036. The overall difference between the two projections is 519 people over the period.

Figure 3-6: Uralla Shire population projections (DPIE 2019)



Source: Department of Planning, Industry and Environment, 2019

Static or falling population can present several issues for provisioning of public infrastructure if development contributions are only attached to development that results in increased demand (i.e. a Section 7.11 contribution). As such, a fixed levy is more appropriate to ensure background development can provide a source of funding for infrastructure provision.

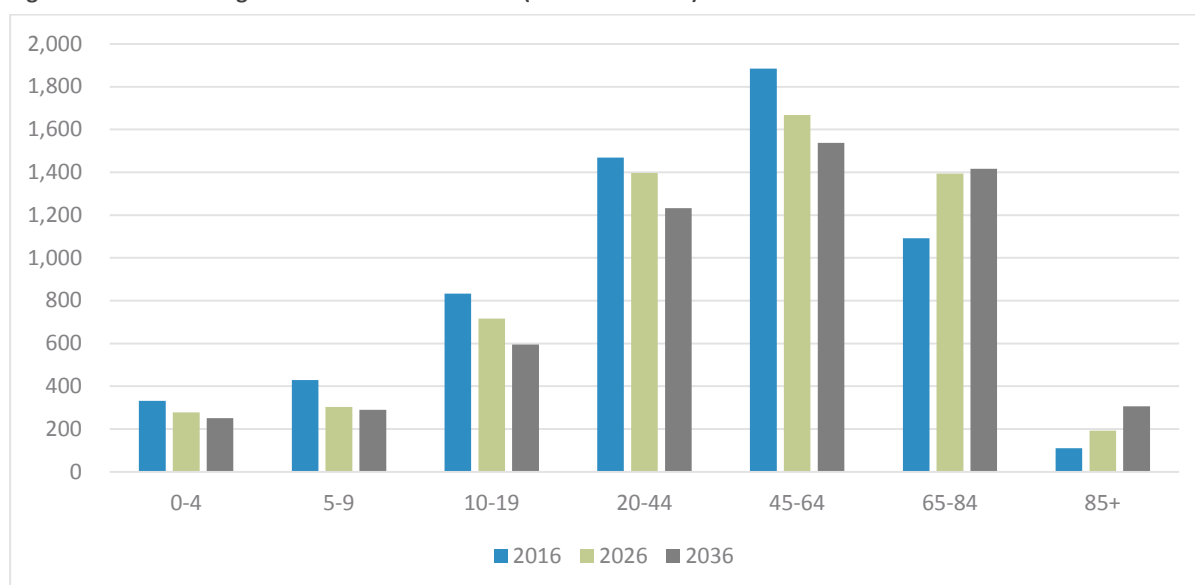
3.3.2 Population characteristics

In order to identify appropriate infrastructure for Uralla Shire, the characteristics of the future population needs to be understood.

When reviewing the DPIE’s projected age distribution LGA wide, there is a clear trend in a reduction of population aged under 65 and increase in population over 65 (Figure 3-7). Further, while the population of couple households is projected to generally remain stable during the 2016 to 2036 period, all other household types are anticipated to reduce, with the exception of lone person households (Figure 3-8). Combined, this suggests parents and singles aging, with children either moving into their own households or migrating out of Uralla Shire. This is reflected in the average household size projected to reduce from 2.40 to 2.16 people during the 2016 to 2036 period.

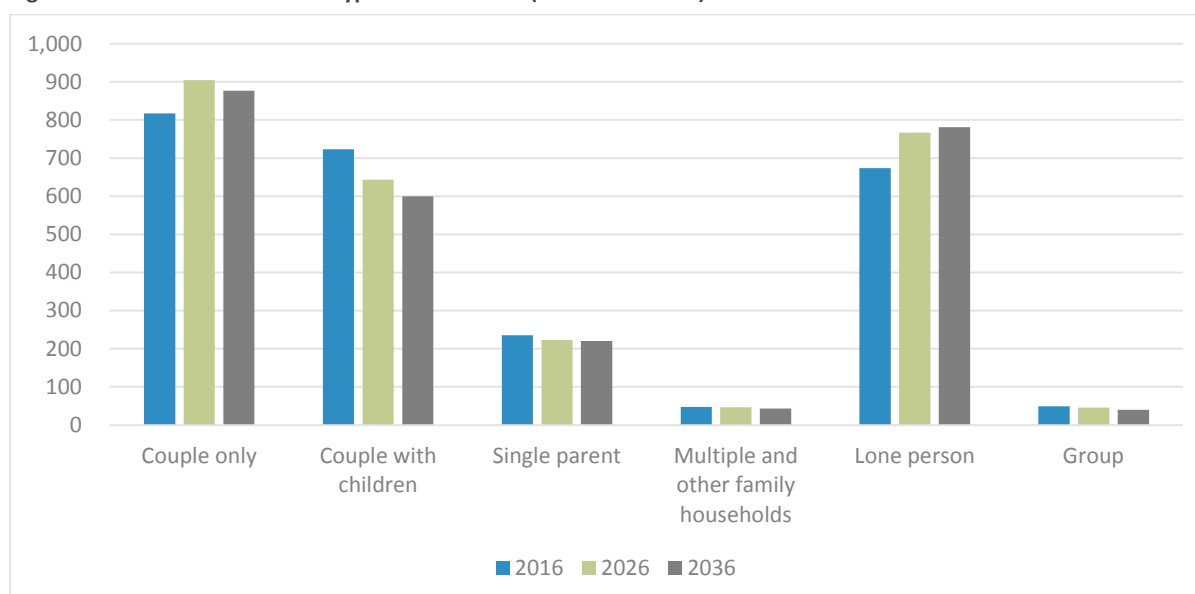
This suggests the need for delivery of assets targeted to older Uralla Shire residents at levels that were not previously required.

Figure 3-7: Forecast age distribution 2016 to 2036 (Uralla Shire LGA)



Source: Department of Planning, Industry and Environment, 2019

Figure 3-8: Forecast household types 2016 to 2036 (Uralla Shire LGA)



Source: Department of Planning Industry and Environment, 2019

APPENDIX A : SCHEDULE OF WORKS

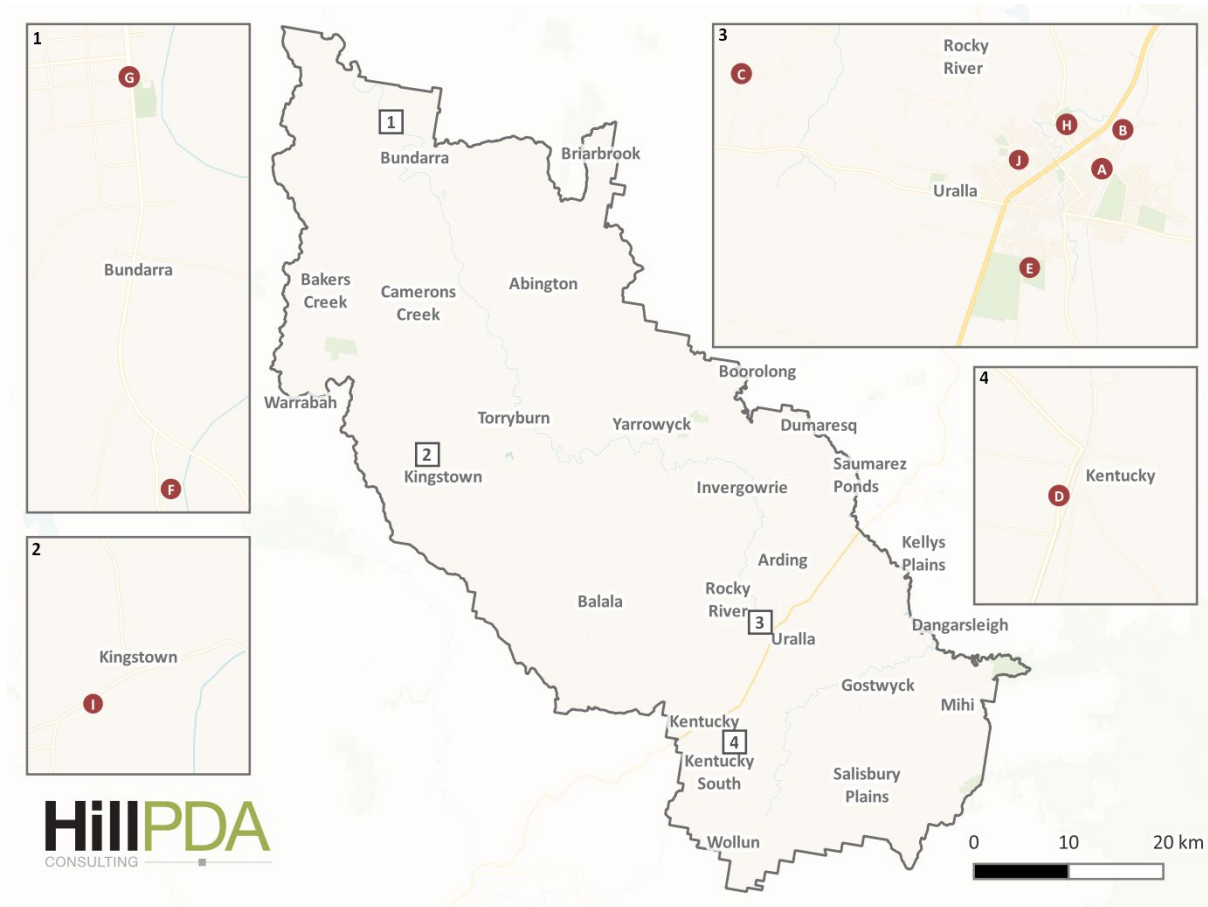
The works listed in this schedule may be funded from a mix of sources, including contributions collected from this plan.

Staging in this schedule means:

- Short term: 1 to 2 years
- Medium term: 3 to 4 years
- Long term: 5 to 10 years.
- Ongoing: Estimated annual cost

Item	Map ref	Location	Description	Expenditure	Staging
1	A	Hampden Park, Hill St Uralla	Public toilets upgrades (tiling)	\$15,000	Medium
2	B	Rotary Park, Hill St Uralla	Construction of shelter	\$40,000	Short
3	C	Wooldridge Fossicking Area, 135 Devoncourt Rd Uralla	New toilet blocks and access	\$120,000	Medium
4	D	Kentucky Park, Noalimba Ave Kentucky	Public toilet upgrades	\$35,000	Medium
5	E	Sporting Complex, Squash Courts and Amenities-Plane Ave Uralla	Facility improvements (rendering)	\$70,000	Long
6	F	Lions Park -Thunderbolts Way Bundarra	Public toilet upgrades and sealing of parking area/access road	\$85,000	Short
7	G	Bundarra School of Arts Hall-29 Bendemeer St Bundarra	Facility improvements (painting)	\$10,000	Short
8	H	Alma Park Uralla	Construction of rotunda	\$100,000	Long
9	I	Kingstown Park	Construction of playground	\$100,000	Long
10	J	Gilmore Park	Construction of new amenities	\$35,000	Medium
11	-	-	Plan administration (review)	\$20,000	Long
Total				\$680,000	

The location of works is shown in the image below.



APPENDIX B : DETERMINING DEVELOPMENT COST

An extract of EP&A Regulation Clause 25J is provided below, which identifies how the cost of proposed development is determined for the purposes of this Plan.

25J Section 7.12 levy—determination of proposed cost of development

1. The proposed cost of carrying out development is to be determined by the consent authority, for the purpose of a Section 7.12 levy, 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:
 - a. 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,
 - b. 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,
 - c. 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.
2. For the purpose of determining the proposed cost of carrying out development, a consent authority may have regard to an estimate of the proposed cost of carrying out the development prepared by a person, or a person of a class, approved by the consent authority to provide such estimates.
3. The following costs and expenses are not to be included in any estimate or determination of the proposed cost of carrying out development:
 - a. the cost of the land on which the development is to be carried out,
 - b. the costs of any repairs to any building or works on the land that are to be retained in connection with the development,
 - c. the costs associated with marketing or financing the development (including interest on any loans),
 - d. the costs associated with legal work carried out or to be carried out in connection with the development,
 - e. project management costs associated with the development,
 - f. the cost of building insurance in respect of the development,
 - g. the costs of fittings and furnishings, including any refitting or refurbishing, associated with the development (except where the development involves an enlargement, expansion or intensification of a current use of land),
 - h. the costs of commercial stock inventory,
 - i. any taxes, levies or charges (other than GST) paid or payable in connection with the development by or under any law,
 - j. the costs of enabling access by disabled persons in respect of the development,
 - k. the costs of energy and water efficiency measures associated with the development,
 - l. the cost of any development that is provided as affordable housing,
 - m. the costs of any development that is the adaptive reuse of a heritage item.

4. The proposed cost of carrying out development may be adjusted before payment, in accordance with a contributions plan, to reflect quarterly or annual variations to readily accessible index figures adopted by the plan (such as a Consumer Price Index) between the date the proposed cost was determined by the consent authority and the date the levy is required to be paid.
5. To avoid doubt, nothing in this clause affects the determination of the fee payable for a development application.

APPENDIX C : COST SUMMARY REPORT

Development/Applicant Details

Development Application or Complying Development Certificate Number	
Applicant's Name	
Applicant's Address	
Location of development	

Analysis of development costs

Item	Cost (\$)
Demolition and excavation	
Remediation	
Site preparation	
Building construction	
Hydraulic/mechanical and fire services	
External work and services	
Preliminaries and margin	
Sub-total	
Consultant Fees	
Other related development costs	
Sub-total	
Goods and Services Tax	
TOTAL DEVELOPMENT COST	

I certify that I have

- inspected the plans the subject of the application for development consent or construction certificate.
- calculated the development costs in accordance with the definition of development costs in clause 25J of the Environmental Planning and Assessment Regulation 2000 at current prices.
- included GST in the calculation of development cost.

Signed	
Name	
Position and qualifications	
Date	

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