



Hawkesbury City Council

Section 64
Contribution Plan -
Stormwater Infrastructure
for Pitt Town -
Contribution Area 2,
June 2016

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1. Introduction

On 10 July 2008, certain land at Pitt Town was rezoned by the NSW State Government under Part 3A of the *Environmental Planning and Assessment Act 1979*. The rezoning created the potential for the subject land to be developed into 943 residential and large lot residential allotments.

To enable the transportation and treatment of stormwater from the land to be developed it is necessary that stormwater infrastructure be provided and land acquired by Council.

This plan identifies the incurred and estimated costs associated with the provision of stormwater infrastructure and land to be acquired, and determines development contributions to be levied via conditions of development consents for the subdivision of land.

Note the stormwater infrastructure and associated contributions identified in this plan are for the purposes of achieving the water quality standards of Part E Chapter 4 Pitt Town of the *Hawkesbury Development Control Plan 2002* as shown below in Table 1. The provision of such stormwater infrastructure or the payment of contributions towards such infrastructure does not negate the need for developers to achieve relevant water quantity standards contained with the *Hawkesbury Development Control Plan 2002*.

Table 1: Water Quality Standards of Hawkesbury Development Control Plan 2002, Part E, Chapter 4 Pitt Town

| Water Quality Standards | |
|-------------------------|---|
| Pollutant | Treatment standard |
| Suspended solids | 80% retention of the average annual load. |
| Total phosphorous | 45% retention of the average annual load. |
| Total nitrogen | 45% retention of the average annual load. |
| Litter | Retention of litter greater than 50mm for flows up to 25% of the 1 year ARI peak flow. |
| Coarse sediment | Retention of sediment coarser than 0.125mm for flows up to 25% of the 1 year ARI peak flow. |
| Oil and grease | In areas with concentrated hydrocarbon deposition, no visible oils for flows up to 25% of the 1 year ARI peak flow. |

2. Name of this Plan

This contribution plan is called the "Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town – Contribution Area 2, June 2016".

3. Purposes of this Plan

The purposes of this plan are to:

- a) provide an administrative framework under which specific stormwater infrastructure is provided and land acquired in order to allow large lot residential development within the contribution area;
- b) authorise the Council to impose conditions under Section 64 of the *Local Government Act 1993* when granting consent to development on land to which this plan applies;
- c) enable the Council to be both publicly and financially accountable in its assessment and administration of the contribution plan.

4. Commencement of this Plan

This plan commenced on the date on which public notice of its adoption by Council appeared in a local newspaper.

5. Land to which this plan applies

This plan applies to land within the vicinity of Hawkesbury and Hall Streets, Pitt Town identified as sub-catchments 2A, 2B, 2C, and 2D and collectively known as Contribution Area 2 as shown in Figure 1.

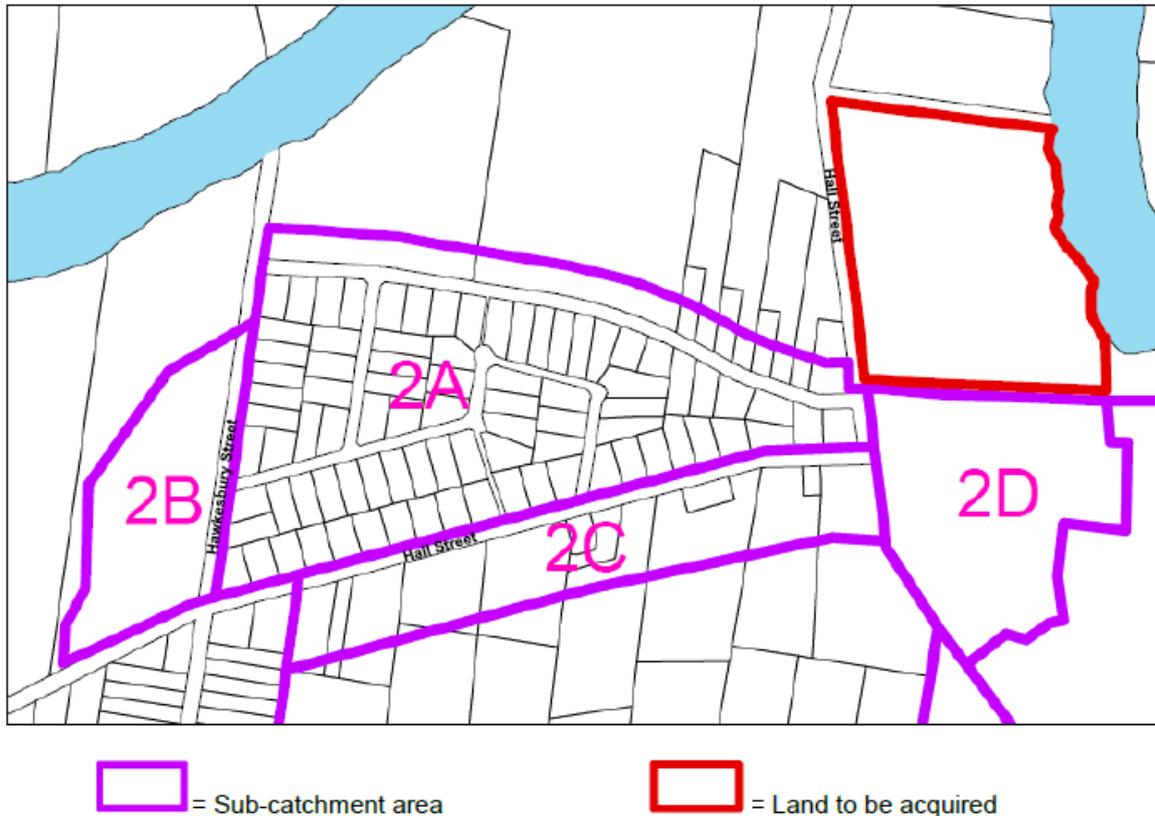


Figure 1: Contribution Area 2

6. Development to which this plan applies

This plan applies to development applications for the subdivision of land for large lot residential purposes within sub-catchments 2A, 2B, 2C and 2D.

7. Relationship to other plans

This contribution plan supplements the provisions of the *Hawkesbury Local Environmental Plan 2012*, and *Hawkesbury Development Control Plan 2002*.

8. Preliminary Investigations and Plans

Council has incurred consultancy costs in investigating and preparing plans for the provision of stormwater infrastructure and the acquisition of land.

These include:

- the Pitt Town Development Water Management Plan (PTDWP), 2005 prepared by Connell Wagner Pty Ltd as part of the initial rezoning (*Hawkesbury Local Environmental Plan 1989 – Amendment 145*) of land within Pitt Town for residential and rural housing purposes.
- land valuations prepared by K.D. Wood Valuations (Aust.) Pty. Ltd., October 2015

The costs (exclusive of GST) that have been apportioned to Contribution Area 2 are as follows:

| Item | Cost |
|---|--------------------|
| Pitt Town Development Water Management Plan (PTDWP), November 2005 prepared by Connell Wagner Pty Ltd | \$21,441.86 |
| Land valuations prepared by K.D. Wood Valuations (Aust.) Pty. Ltd, October 2015 | \$500.00 |
| TOTAL | \$21,941.86 |

9. Provision of Stormwater Infrastructure and Acquisition of Land

It is proposed that contributions be levied for the provision of assorted stormwater infrastructure on part of 130 Hall Street, Pitt Town, and for the upsizing of the pipe network within and adjacent to sub-catchment 2A.

The indicative location of the proposed stormwater infrastructure on 130 Hall Street, Pitt Town is shown in Figure 2. Note the ultimate location of this infrastructure will be subject to further investigation and design.

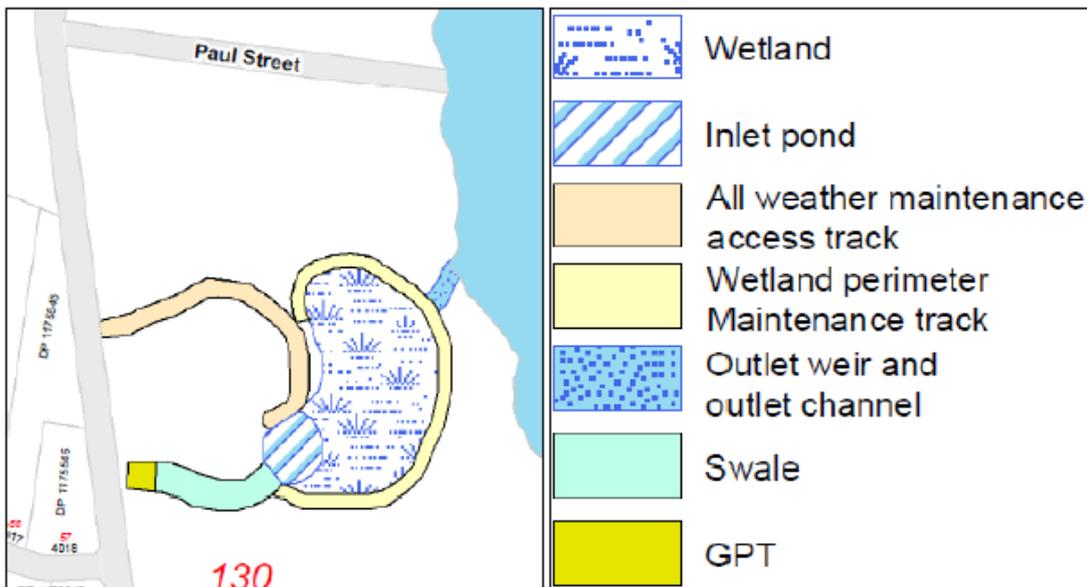


Figure 2: Indicative location of proposed stormwater infrastructure on 130 Hall Street, Pitt Town

The location of the pipe network provided within and adjacent to sub-catchment 2A is shown in Figure 3.

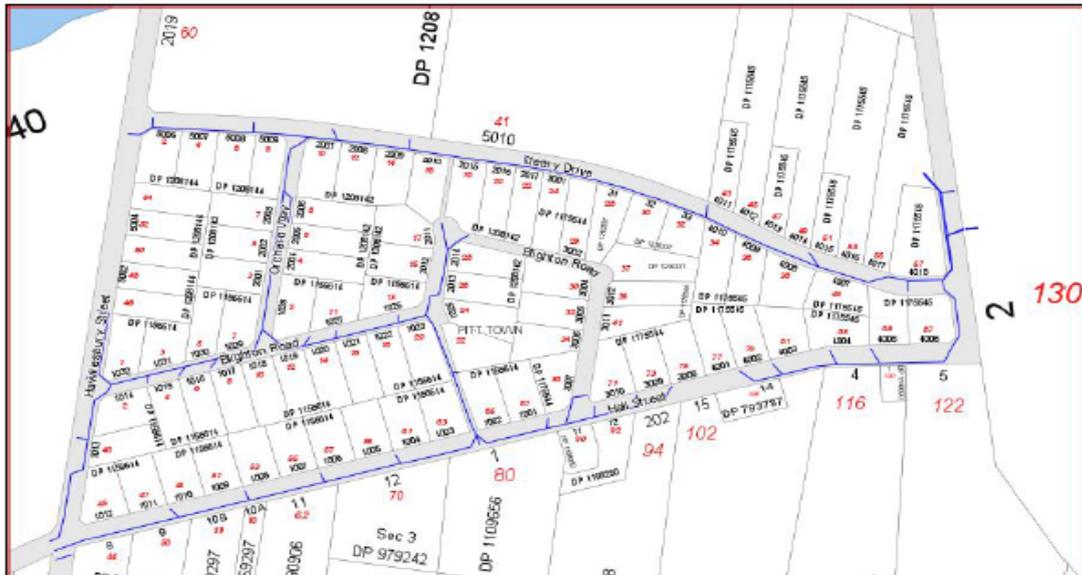


Figure 3: Location of the pipe network provided within and adjacent to sub-catchment 2A

To cater for the stormwater infrastructure shown in Figure 2 it is proposed that approximately 10.10ha of 130 Hall Street, Pitt Town be acquired. The indicative location of the land to be acquired is shown in Figure 4.



Figure 4: Indicative location of land to be acquired

It is anticipated that the land to be acquired and works to be undertaken will be completed concurrently with subdivision of land and be generally completed before the creation of the last lot within the contribution area. A summary of the proposed works is shown in Appendix 1.

The estimated costs (exclusive of GST) for the provision of stormwater infrastructure and acquisition of land are as follows:

| Item | Cost |
|---|----------------|
| Stormwater infrastructure – gross pollutant trap, inlet pond, wetland, swale, outlet weir and outlet channel, all weather maintenance access track, wetland perimeter maintenance track, planting within wetland, seeding and stabilisation of exposed surfaces | \$2,709,638.53 |

| Item | Cost |
|--|-----------------------|
| Stormwater infrastructure - upsizing of the pipe network within and adjacent to sub-catchment 2A to cater for stormwater run-off from development within sub-catchments 2B and 2C (this cost is applicable to sub-catchments 2B and 2C only and is based on the estimated cost of works already completed by relevant developer) | \$371,985.23 |
| Acquisition of land | \$2,300,249.32 |
| TOTAL | \$5,381,873.08 |

Note these estimated costs include the following allowances.

| Stormwater Infrastructure (excluding the estimated cost of upsizing the pipe network within and adjacent to sub-catchment 2A) | |
|--|-----------------------------|
| Detailed survey and design | 1.5% cost of infrastructure |
| Project supervision/management | 10% cost of infrastructure |
| Administration/overheads | 10% cost of infrastructure |
| Contingency | 30% cost of infrastructure |
| Land Acquisition | |
| Detailed survey, further valuation, project management | 1.5% cost of acquisition |
| Contingency | 30% cost of acquisition |
| Borrowings for stormwater infrastructure (including the estimated cost of upsizing the pipe network within and adjacent to sub-catchment 2A) and land acquisition | |
| Assumed borrowing rate of 6% per annum, repaid monthly over a 10 year period | |

10. Contributions

Contributions are to be levied by Council on the subdivision of land in order to recoup the incurred costs and fund the estimated costs for the following items:

- Preliminary investigations and plans
- Provision of stormwater infrastructure
- Acquisition of land

The contribution formula for these items is:

$$\text{Contribution rate } (\$/\text{m}^2) = C/A$$

Where:

- C is the proportional incurred and estimated cost (based on the area of each sub-catchment) of preliminary investigations and plans, provision of stormwater infrastructure, and acquisition of land
- A is the area of land within each sub-catchment (exclusive of the areas of Hawkesbury Street and Hall Street)

The contribution rate is to be applied to all land that is proposed to be subdivided, inclusive of any proposed road reserves, easements and temporary stormwater works. The contribution rate for each sub-catchment is shown in the following table.

| Item | Sub-catchment | Sub-catchment proportion of cost (based on area of sub-catchment) | Area (ha) | Contribution rate (\$/m ²) |
|---|---------------|---|-------------|--|
| Preliminary investigations and plans Provision of stormwater infrastructure Acquisition of land | 2A | \$2,686,405.09 | 22.69 | \$11.84 |
| Preliminary investigations and plans Provision of stormwater infrastructure Acquisition of land | 2B | \$715,600.91 | 4.79 | \$14.94 |
| Preliminary investigations and plans Provision of stormwater infrastructure Acquisition of land | 2C | \$1,077,136.23 | 7.21 | \$14.94 |
| Preliminary investigations and plans Provision of stormwater infrastructure Acquisition of land | 2D | \$924,672.71 | 7.81 | \$11.84 |
| TOTAL | | \$5,403,814.94 | 42.5 | |

11. Indexation of contributions included in this plan

To ensure that the value of contributions are not eroded over time by inflation, Council will, without the necessity of preparing a new or amending contributions plan, make changes to the contribution rates set out in this plan to reflect quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

Note the Consumer Price Index (All Groups Index) for Sydney at the time of preparing this plan was 108.7 (March 2016 index rate).

12. Indexation of contributions at the time of payment

Contributions required by a condition of development consent imposed in accordance with this plan will be indexed between the date of the grant of the consent and the date on which the contribution is paid in accordance with quarterly movements in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics.

13. Timing of payment of Contributions

Contributions are to be paid to Council prior to the release of the plan of subdivision (i.e. Subdivision Certificate).

14. Policy on deferred payments

Council may allow payment of contributions to be deferred in the following circumstances:

- compliance with the Section 13 of this plan is unreasonable or unnecessary in the circumstances of the case,
- deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of required stormwater infrastructure, or
- where the applicant intends to carry out works and/or dedicate land in lieu of the contribution and Council and the applicant have a legally binding agreement for the provision of the works and/or land dedication.

If Council agrees to a deferred or periodic payment request, Council will require the applicant to provide an unconditional bank guarantee by a bank or a financial institution for the full amount of the contribution or the outstanding balance on the condition that:

- the guarantee must carry specific wording identifying its purpose, for example "Stormwater infrastructure contribution for Contribution Area 2",
- the guarantee is for the contribution amount plus the estimated amount of compound interest foregone by Council for the anticipated period of deferral, (refer to formula below),
- Council may call up the guarantee at any time without reference to the applicant. Note however that the guarantee will generally be called up only when cash payment has not been received, land is not dedicated or works in kind have not been provided by the end of the period of deferral,
- Council will discharge the bank guarantee when payment is made in full by cash payment, land transfer or by completion of works in kind.

Formula for Bank Guarantee

The following formula will be applied to all bank guarantees for contributions:

$$\text{Guarantee Amount} = P + P(\text{CI} \times Y)$$

Where:

P is the contribution due;

CI is the compound interest rate comprised of Council's estimate over the period plus 3% (allowance for fluctuations); and

Y is the period of deferral (years).

15. Carrying out of works and/or dedication of land offered in part or full satisfaction of contributions

A person may make an offer to enter into an agreement with Council for the carrying out of works and/or dedication of land in part or full satisfaction of a contribution required by this plan.

Council will only accept offers of works or land that are items identified in this plan.

Each party to an agreement will be responsible for their own costs in the preparation and implementation of the agreement.

16. Valuation of offers

The value of any proposed works or land to be dedicated will be determined by a process agreed to between Council and the applicant. The determination of the value of the works or land is to be completed prior to Council and the applicant entering into of an agreement under Section 15 of this plan.

The value of any works or land offered by the applicant may, at Council's discretion, be used to offset contributions levied under this plan.

Where Council accepts an offer by an applicant to undertake works and/or dedicate land, and the value of the works and/or land is in excess of the contribution required under the consent, the surplus value of works and/or land will be held by Council as credit for future development. The credit will be offset against contributions required under this plan that are applicable to future development by the applicant.

If no future development is intended, the applicant will be reimbursed by Council for the surplus works or land credit, subject to agreement by Council as to the value of same.

17. Accountability and access to information

Appropriate accounting records will be maintained for contributions collected by this plan. The records will contain details concerning contributions received and expended, including interest, and may be inspected upon request.

18. Savings and transitional arrangements

This plan applies to:

- a development application or an application to modify a development consent submitted after the date on which this plan commenced; and
- a development application or an application to modify a development consent submitted, but not yet determined, on or before the date on which this plan commenced.

Appendix 1 – Summary of works

| Item | Location Description | Length | Width | Area/ Number | Estimated cost |
|--|--|---------------|--------------|-------------------------|---------------------------|
| Upsizing of pipes network within and adjacent to sub-catchment 2A to cater for stormwater run-off from development within sub-catchments 2B and 2C. Various sized pipes from 450 mm to 1800 mm diameter. | Hall Street, Hawkesbury Street, Blighton Road, Orchard Way, Cleary Drive | 3,546 m | | | \$279,217 |
| Gross Pollutant Trap (GPT) | | | | 1 of | \$350,000 |
| Inlet Pond, Wetland and Swale | | | | 17,560m ² | \$500,000 |
| Planting within wetland, seeding and stabilisation of exposed surfaces | | | | 20,000m ² | \$170,000 |
| Outlet weir and outlet channel | | | | 200m ² | \$200,000 |
| All weather maintenance access track | From Hall Street to Inlet Pond | 150m | 3.5m | 525m ² | \$52,500 |
| Wetland perimeter maintenance track - compacted earth | Around Wetland | 500m | 3.5m | 1750m ² | \$70,000 |

Note these estimated costs are exclusive of the allowances for detailed survey and design, project supervision/management, administration/overheads and borrowings identified in Section 9 of this plan.