



Hawkesbury City Council

attachment 1  
to  
item 19

Draft Section 64 Contribution Plan -  
Stormwater Infrastructure for Pitt  
Town Contribution Area 1

date of meeting: 23 February 2016  
location: council chambers  
time: 6:30 p.m.





Hawkesbury City Council

DRAFT Section 64  
Contribution Plan  
Stormwater Infrastructure  
for Pitt Town  
Contribution Area 1  
November 2015



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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, land acquired, and easements created by Council.

This plan identifies such stormwater infrastructure, land to be acquired, and easements to be created for part of the rezoned area and is based on the preferred stormwater management options identified in *Pitt Town Development Updated Stormwater Management Strategy*, November 2015 prepared by WorleyParsons Services Pty Ltd on behalf of Council.

This plan also estimates the costs associated with the provision of stormwater infrastructure, land acquisition, and easement creation and the associated development contributions to be levied pursuant to Section 64 of the *Local Government Act 1993*.

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 1, November 2015".

## 3. Purpose of this Plan

The purposes of this contribution plan are to:

- a) provide an administrative framework under which specific stormwater infrastructure is provided, land acquired and easements created to allow development within the defined area;
- b) to 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) ensure that the pre-development community is not financially burdened by the provision of stormwater infrastructure, acquisition of land or creation of easements as a result of this development; and
- d) enable the Council to be both publicly and financially accountable in its assessment and administration of the contributions 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 contribution area 1 as shown in Figure 1.

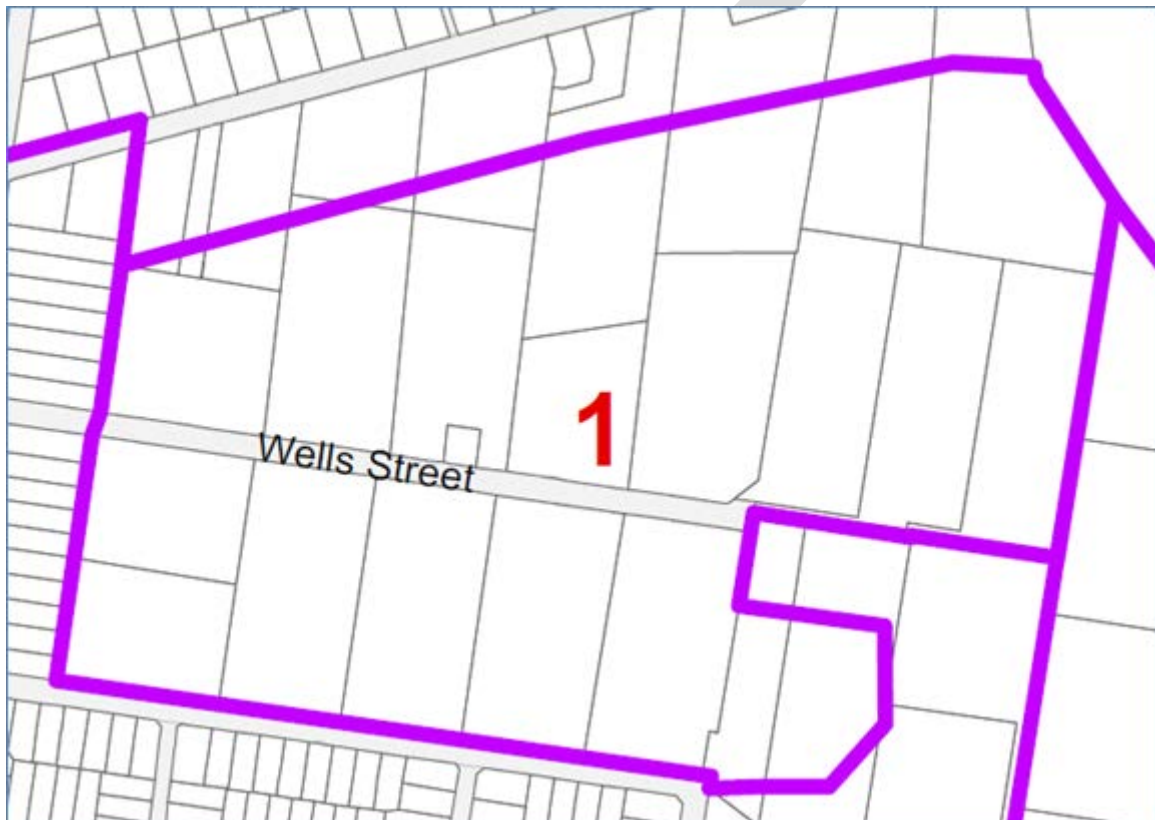


Figure 1: Contribution Area 1

#### 6. Development to which this plan applies

This plan applies to the subdivision of land for large lot residential purposes.

#### 7. Relationship to other plans

This contribution plan supplements the provisions of the Hawkesbury Local Environmental Plan 2015 and Hawkesbury Development Control Plan 2002 and any amendments or additional plans which they may supersede. These plans must be consulted by applicants when deciding to develop.

#### 8. Preliminary Investigations and Plans

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

These include:

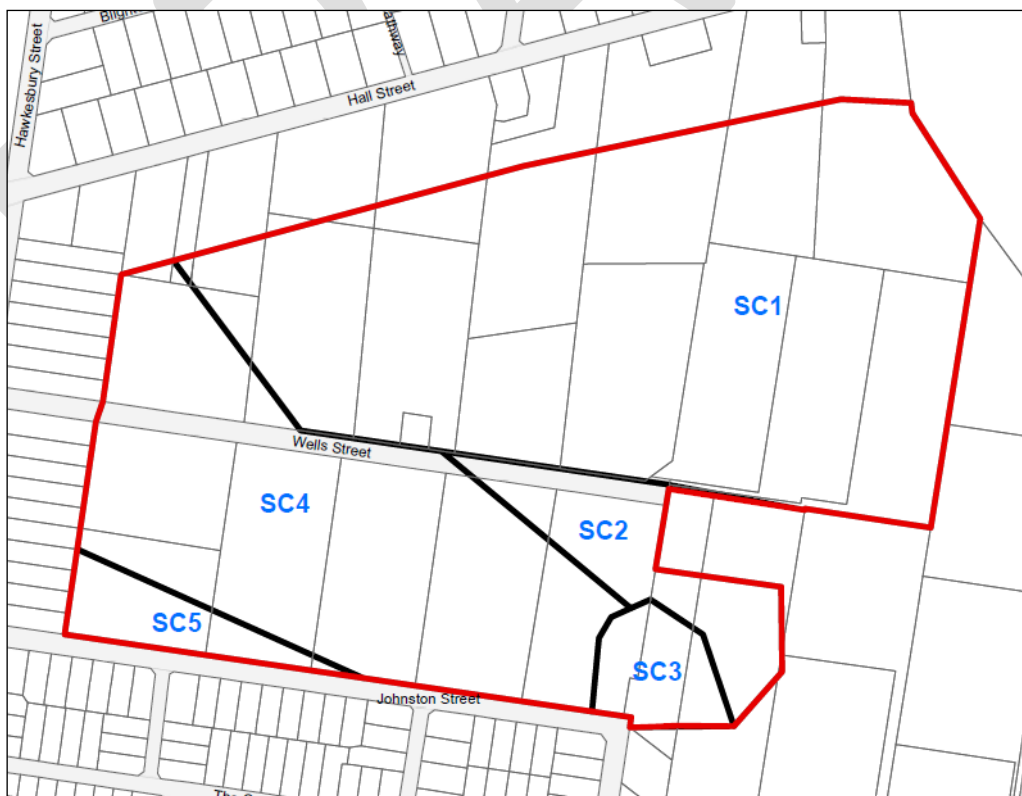
- the Pitt Town Development Water Management Plan (PTDWP), 2005 prepared by Connell Wagner Pty Ltd as part the initial rezoning (Hawkesbury Local Environmental Plan 1989 – Amendment 145) of the subject land for residential and rural housing purposes.
- Pitt Town Development Updated Stormwater Management Strategy, November 2014 and November 2015 prepared by WorleyParsons Services Pty Ltd
- land valuations prepared by K.D. Wood Valuations (Aust.) Pty. Ltd., October 2015

These costs (exclusive of GST) that have been apportioned to Catchment Area 1 are:

Item	Cost
Pitt Town Development Water Management Plan (PTDWP), November 2005 prepared by Connell Wagner Pty Ltd	\$15,749.42
Pitt Town Development Updated Stormwater Management Strategy, November 2014 and November 2015 prepared by Worley Parsons Services Pty Ltd	\$8,877.11
Land valuations prepared by K.D. Wood Valuations (Aust.) Pty. Ltd, October 2015	\$4,000.00
<b>TOTAL</b>	<b>\$28,626.53</b>

**9. Provision of Stormwater Infrastructure, and Acquisition of Land, Creation of Easements in Catchment Area 1**

Contribution Area 1 has an area of approximately 35.5ha (exclusive of public roads as at 8 October 2015) and consists of five sub-catchments indicatively shown in Figure 2.



**Figure 2: Contribution Area 1 - Drainage sub-catchments**



Stormwater from central catchment is to be captured and treated via the provision of trunk drainage, a Gross Pollutant Trap (GPT), a swale, and a bio-retention system.

The indicative location of this infrastructure is shown in Figures 3 and 4

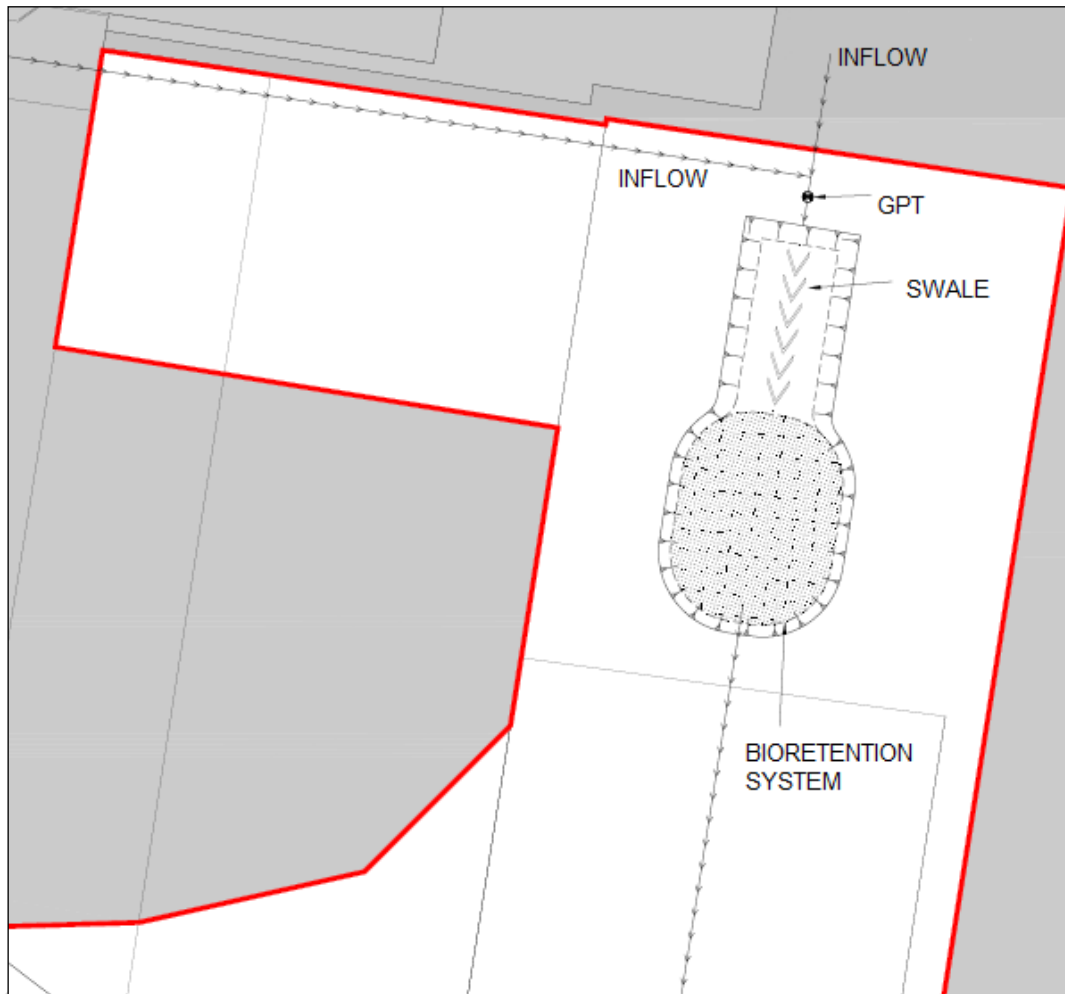


Figure 3: Indicative location of GPT, swale and bioretention system

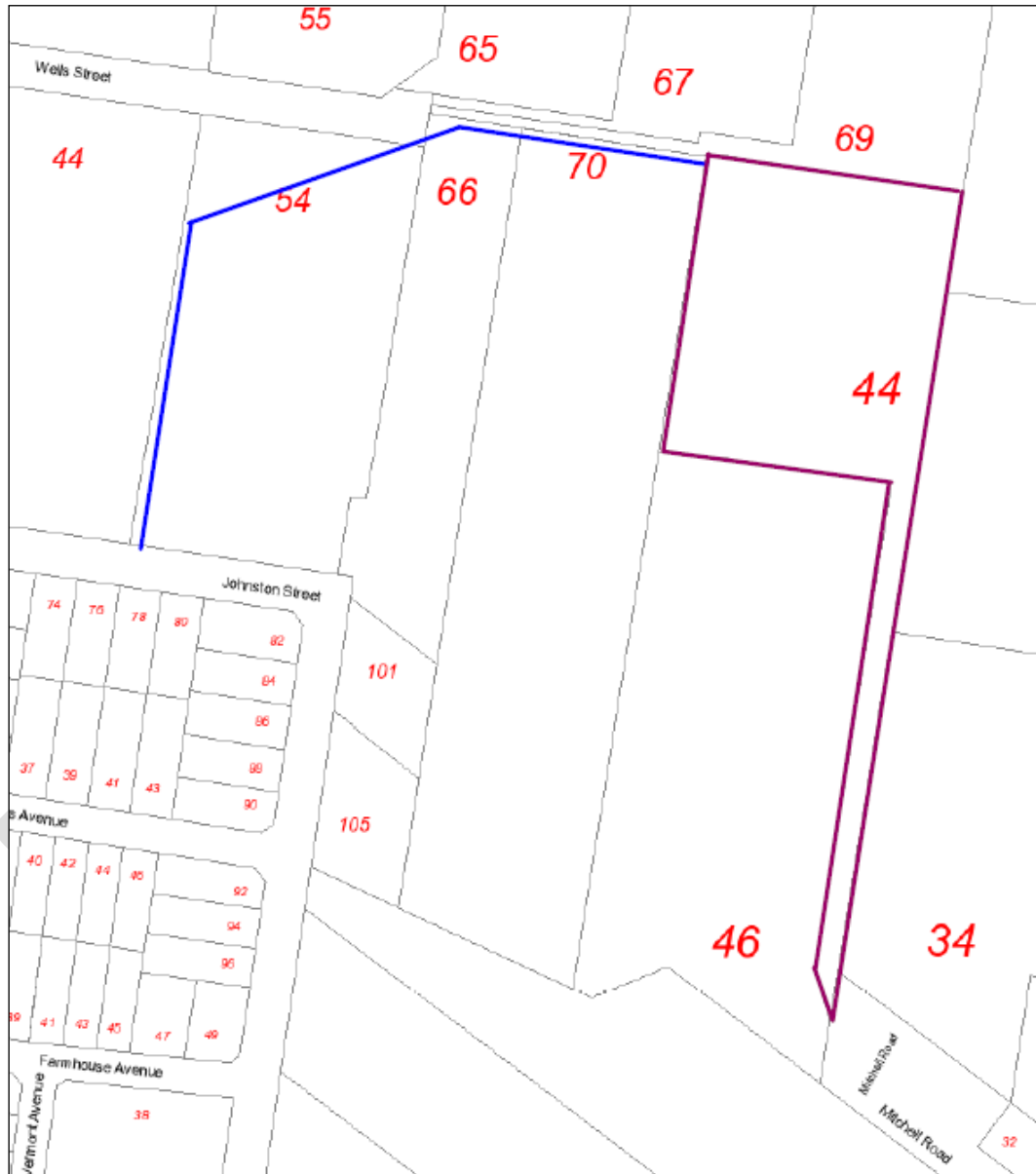


Figure 4: Indicative location of trunk drainage

To cater for this infrastructure it is proposed that:

- all of 44 Mitchell Road, Pitt Town, with an area of 2.004ha, will be acquired, and
- easements for drainage will be created over parts of 54, 66 and 70 Wells Street, Pitt Town.

44 Mitchell Street, Pitt Town and the indicative location of the proposed easement is shown in Figure 5.



**Figure 5: Location of 44 Mitchell Road (purple polygon) and indicative location of easement (blue line)**

It is anticipated that the land to be acquired, easements to be created 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 catchment area. A summary of the proposed works is shown in Appendix 1.

The estimated costs (exclusive of GST) for the provision of stormwater infrastructure, acquisition of land and creation of easements are:

Item	Cost
Stormwater infrastructure	\$4,176,974.91
Acquisition of land and creation of easements	\$1,641,533.60
<b>TOTAL</b>	<b>\$5,818,508.51</b>

**Notes:**

These estimated costs include allowances for the following

<b>Stormwater Infrastructure</b>	
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
<b>Land Acquisition/Creation of easements</b>	
Detailed survey, further valuation, project management	1.5% cost of infrastructure
Contingency	30% cost of infrastructure
<b>Borrowings for stormwater infrastructure, land acquisition and creation of easements</b>	
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 and estimated costs for the following items:

- Preliminary investigations and plans
- Provision of stormwater infrastructure
- Acquisition of land and creation of easements.

The contribution formula for the recoupment of costs associated with these items is:

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

Where:

- C is the total incurred and estimated cost of preliminary investigations and plans, provision of stormwater infrastructure, acquisition of land and creation of easements.
- A is the area of land within the respective contribution area exclusive of existing public roads as at 8 October 2015.

The contribution rate is to be applied to all land that is proposed to be subdivided for large lot residential purposes inclusive of any proposed road reserves, easements and temporary stormwater works. The contribution rate is shown in the following table.

Item	Total Cost	Area	Contribution rate (\$/m <sup>2</sup> )
Preliminary investigations and plans			
Provision of stormwater infrastructure	\$5,847,135.04	35.5ha	\$16.47
Acquisition of land and creation of easements			

#### 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: This section does not cover the adjustment of a contribution between the time of consent and time payment is made.

#### 12. Indexation of monetary contributions at the time of payment

A monetary contribution 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

Council requires contributions under this plan to be paid in full prior to release of the final plan of subdivision (i.e. Subdivision Certificate).

#### 14. Policy on deferred payments

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

- deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of required stormwater infrastructure;
- where the applicant intends to make a contribution by way of a planning agreement, works in kind agreement or land dedication in lieu of a cash contribution and Council and the applicant have a legally binding agreement for the provision of the works and land dedication; or
- there are circumstances justifying the deferred or periodic payment of the contribution.

If it 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.

Deferred payments as outlined above are acceptable only where an unconditional bank guarantee is provided for the amount deferred. Bank guarantees will be accepted on the following conditions:

- the guarantee must carry specific wording, for example "stormwater infrastructure contributions for contribution area 1";
- the guarantee will be 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, however the guarantee will generally be called up only when cash payment has not been received, land is not dedicated or material public benefit not provided by the end of the period of deferral;
- the period of deferral will be as agreed where land is to be dedicated or a material public benefit is to be provided. In merit cases, the period of deferral will be as approved by Council. The period of deferral may be extended subject to providing a renewed bank guarantee, which includes anticipated future interest; and
- 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. Material public benefits and dedication of land offered in part or full satisfaction of contributions**

A person may make an offer to the Council to carry out works or dedicate land, in part or full satisfaction of a contribution required by a condition of consent.

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

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

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

If the offer is made prior to the issue of development consent then the offer must be made by way of a planning agreement, and the Council will consider the request as part of its assessment of the development application. If the Council approves the offer, it will require the agreement to be entered into and performed via a condition in the development consent.

If the offer is made after the issue of development consent then the offer will be formalised in a works in kind or land dedication deed of agreement.

## **16. Valuation of offers and offsets**

The value of any land or material public benefit will be determined by a process agreed to between the Council and the applicant. This will be done prior to the entering into of an agreement or commencement of any works included in the offer.

The value of any land or material public benefit offered by the applicant may, at Council's discretion, be used to offset monetary contributions applicable to the development under this plan. The value of works or land will be offset against the contribution required for the same facility category. Offsets against other facility categories will be by agreement only.

Where Council accepts an offer by an applicant to dedicate land or provide a material public benefit, and the value of that land or public benefit is in excess of the contribution required under the consent, the surplus land or value of works will be held by Council as credit for future development. The credit will be offset against contributions for the same facility category in any future development by that applicant in the area to which this plan applies. The offset will generally be made at the contribution rate at the time of the subsequent development.

If no future development is intended, the application will be reimbursed by Council for the surplus land or works credit, subject to agreement by Council as to the value of same. No credit will be given for land or works that are not included in this plan.

## **17. Accountability and access to information**

Separate accounting records will be maintained for each contribution type in this plan. They will contain details concerning contributions received and expended, including interest for each service or amenity to be provided.

The records are held at Council's Administration Office and may be inspected upon request.

## **18. Savings and transitional arrangements**

This Plan applies to:

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

## Appendix 1 – Summary of proposed works

<b>Contribution Area 1</b>				
<b>Item</b>	<b>Location Description</b>	<b>Length</b>	<b>Width</b>	<b>Area/Number</b>
<b>GPT, swale and bioretention basin</b>				1 of
<b>Overflow channel stabilisation work</b>				1 of
<b>Pipe Network (assumed variable pipe size ranging from 375 to 600 mm)</b>				
Wells Street Trunk Drainage	From Hawkesbury Street to eastern boundary of 45 Wells Street	655m		
Wells Street pipe culvert crossing	Length of each culvert = 8 m x (Rd length = 655, crossing @ every 120 m)	45m		
Johnston Street Trunk Drainage	From Hawkesbury Street eastern boundary to 44 Wells Street	526m		
Trunk Drainage through 54 Johnston Street	Between Johnston Street and Wells Street	278m		
Trunk Drainage from Wells Street Junction to 44 Mitchell Road basin	Stormwater line through 54, 66, 70 Wells Street and 44 Mitchell Road and connecting to proposed basin at 44 Mitchell Road	185m		
<b>Pits and Lintel</b>				
Wells Street	Pit at every 50 m interval			13 of
Wells Street	Pit at each road crossing at every 120 m			5 of
Johnston Street	Pit at every 50 m interval			11 of
Pit along the proposed easement at 54 Johnston Street	Pit at each road crossing at every 120 m			3 of
Junction pit + 1 at 70 Wells Street				2 of
<b>Maintenance Access Road</b>				
Maintenance Access -1	From Mitchell Road to GPT (all weather maintenance access road 300 mm pavement + 2 coat seal)	400m	3.5m	1400m <sup>2</sup>
Maintenance Access -2	Compacted earth track along the perimeter of the basin berm/embankment	200m	3.5m	700m <sup>2</sup>
<b>Easement</b>				
54 Wells Street	6 m wide	156m	6m	936m <sup>2</sup>
54 Wells Street	6 m wide	122m	6m	732m <sup>2</sup>
66 Wells Street	6 m wide	44m	6m	264m <sup>2</sup>
70 Wells Street	6 m wide	88m	6m	528m <sup>2</sup>