

# Hawkesbury Section 94 Contributions Plan 2015



Prepared by



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# 1. Introduction and summary of contribution rates

## 1.1 Overview of this plan

The City of Hawkesbury is likely to receive development in the future that impacts on the quality and standard of Local Infrastructure provided by Hawkesbury City Council (**Council**). Local Infrastructure includes recreation facilities, roads, public car parks and community facilities.

Council wishes to promote economic development of the City, but also considers that it is important for new developments to make a reasonable contribution toward the provision of new and / or augmented Local Infrastructure to meet the demands of those developments.

Section 94 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**) authorises a Consent Authority to grant consent to a proposed development subject to a condition requiring a contribution for:

- the provision, extension or augmentation of Local Infrastructure in the area
- the recoupment of the cost of existing Local Infrastructure in the area

Where the Consent Authority is a council or an Accredited Certifier, a Local Infrastructure contribution may be imposed on a development only if it is of a kind allowed by and determined in accordance with a contributions plan, such as this plan.

This plan identifies the projected demands for certain Local Infrastructure arising from expected development in Hawkesbury LGA. It authorises the Council or an Accredited Certifier to impose conditions on Development Consents or Complying Development Certificates requiring section 94 contributions from:

- subdivision of land for residential purposes in Catchment 5 (the Pitt Town Catchment); and
- heavy haulage developments.

Other types of development may be subject to other contributions plans adopted, or voluntary planning agreements entered into, by the Council. The reader should consult the Council about whether their development is subject to a development contribution.

This plan has been prepared in accordance with the EP&A Act and Environmental Planning and Assessment Regulation 2000 (**EP&A Regulation**); and having regard to the latest Practice Notes issued by the NSW Department of Planning and Infrastructure.

This plan sets out the following:

- The anticipated demands for Local Infrastructure arising from expected development and the relationship or nexus between that development and the Local Infrastructure that is required to meet those demands
- The formulas used to determine the section 94 contributions
- The section 94 contribution rates for the particular types of development levied under this plan
- Location maps of the Local Infrastructure items supported by a works schedule setting out an estimate of their cost and staging

- The administrative and accounting arrangements applying to contributions that are required by this plan

## 1.2 Summary of contribution and levy rates

**Table 1 Monetary contribution rates for development**

Contribution type / Development type	Contribution rate
<b>All residential development in the Pitt Town Catchment:</b>	
Planning studies	\$55.74 per lot
Land Acquisition	\$12,932.60 per lot
Local Community Facilities	\$3,444.40 per lot
Local Recreation Facilities	\$2,191.74 per lot
Local Park Improvements	\$4,809.85 per lot
Roadworks	\$13,783.05 per lot
<b>Total</b>	<b>\$37,217.38 per lot</b>
<b>Residential development in the Hawkesbury Street Sub-Catchment in the Pitt Town Catchment:</b>	<b>\$30,214.23 per hectare of developable area</b>
<b>Extractive industries and other heavy haulage development:</b>	<b>5 cents per tonne per kilometre of hauled material</b>

Notes:

- (1) Also refer to development exclusions identified in section 2.8

## 1.3 Calculating a contribution under this plan

Contribution rates for different development types are shown in Table 1 of this plan.

A development can only be the subject of either a section 94 contribution or a section 94A levy, not both.

### 1.3.1 Pitt Town Catchment

Under this plan, section 94 contributions shall apply to any subdivision of land for residential purposes in the Pitt Town Catchment.

The requirements for Pitt Town Catchment, including a map of the catchment, are included in section 3.1 of this plan.

### 1.3.2 Extractive industries and other heavy haulage development

1. Identify the length of local and regional roads (haul routes) that the development's laden heavy vehicles will utilise.
2. Include both the haul length (in kilometres) and the plan's \$ rate per tonne per km in the development consent.
3. The periodic contribution payment is calculated retrospectively by multiplying the \$ per tonne per km (in the consent) by the haul length (also in the consent) by the amount of material (in tonnes) hauled over the previous quarter.

## 2. Administration and operation of this plan

### 2.1 Definitions used in this plan

Words and phrases used in this plan generally have the same meaning as the terms defined in Hawkesbury Local Environmental Plan 2012 or the EP&A Act, except as provided for below:

**City** means the City of Hawkesbury Local Government Area.

**Consent Authority** has the same meaning as in the EP&A Act but also includes an accredited certifier responsible for issuing a complying development certificate.

**Council** means Hawkesbury City Council.

**EP&A Act** means the Environmental Planning and Assessment Act 1979.

**EP&A Regulation** means the Environmental Planning and Assessment Regulation 2000.

**Heavy haulage development** means extractive industry and any of the following developments that are defined in the Hawkesbury Local Environmental Plan 2012:

- (a) forestry,
- (b) landscape and garden supplies,
- (c) industry,
- (d) mining,
- (e) rural industry,
- (f) timber and building supplies, and

any other development that involves the movement of laden heavy vehicles.

**LGA** means local government area.

**Local Infrastructure** means public amenities and public services that are traditionally the responsibility of local government, excluding water supply or sewerage services.

**Local Infrastructure Contribution** includes a contribution imposed on a development consent by a Consent Authority under section 94 or section 94A of the EP&A Act.

### 2.2 Name of this plan

This plan is called the Hawkesbury Section 94 Contributions Plan 2015.

### 2.3 Purposes of this plan

The primary purpose of the plan is to authorise:

- the Council, when granting consent to an application to carry out development to which this plan applies; or
- an accredited certifier, when issuing a complying development certificate for development to which this plan applies,

to require from the development a contribution to be made towards both:

- the provision, extension or augmentation of Local Infrastructure to be provided by Council; and
- the recoupment of the previous costs incurred by Council in providing existing Local Infrastructure.

Other purposes of the plan are:

- to provide the framework for the efficient and equitable determination, collection and management of section 94 contributions;
- to ensure that certain development makes a reasonable contribution toward the provision of Local Infrastructure that is required to meet the demands of that development;
- to ensure that the existing community is not unreasonably burdened by the provision of Local Infrastructure required (either partly or fully) as a result of future development in the Pitt Town Catchment, extractive industries and other heavy haulage development; and
- to describe the Local Infrastructure that will be provided by Council using the contributions collected under both this plan and the pre-existing section 94 contributions plan.

## 2.4 Commencement of this plan

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

## 2.5 Land to which this plan applies

This plan applies to:

- all land within the Pitt Town Catchment, insofar as the plan authorises contributions to be imposed on development for infrastructure specific to the Pitt Town Catchment; and
- all land within the Hawkesbury LGA, insofar as the plan authorises contributions to be imposed on development for roads maintenance.

## 2.6 Development to which this plan applies

Except as provided for by section 2.7, this plan applies to:

- subdivision of land for residential purposes in the Pitt Town Catchment; and
- extractive industries and other heavy haulage development on any land in the Hawkesbury LGA.

## 2.7 Development exempted from contributions under this plan

This plan does not apply to the following types of developments:

- Development proposed by or on behalf of the Council
- Seniors housing development (other than self-contained dwellings forming part of seniors housing development)
- Works undertaken for charitable purposes or by a registered charity.
- Places of worship, public hospitals and emergency services.

- Development exempted from section 94 contributions by way of a direction made by the Minister for Planning under section 94E of the EP&A Act

## **2.8 Relationship to other contributions plans**

### **2.8.1 General**

This plan repeals Section 94 Contributions Plan 2008.

This plan has no effect on any other contributions plan prepared and adopted by the Council.

Section 2.23 of this plan contains a transitional provision consequent upon the making of this plan.

### **2.8.2 Application of funds collected under repealed plans**

With the exception of contributions relating to Pitt Town Catchment Local Infrastructure, both:

- the funds held by Council in the Section 94 Contributions Plan 2008 account at the time this plan commenced; and
- the contributions required, but yet to be paid, under consents issued pursuant to Section 94 Contributions Plan 2008,

and any investment income earned on the above amounts will be applied to the projects listed and programmed in Table 2 over page.

The locations of these projects are shown on the maps inserted as Appendix B.

Contributions collected under Section 94 Contributions Plan 2008 for Pitt Town Catchment Local Infrastructure will be applied to the projects described in section 3.1 and in Appendix A.

**Table 2 Projects to be funded using contributions collected under Section 94 Contributions Plan 2008**

No	Project	Category	2008 CP Catchment	Timing	Estimated cost	Project management cost	Total estimated allocation
<b>Community facilities</b>							
1	Nth Richmond Community Precinct Extensions	Community Facilities	Catchment 1	by 2018	\$75,000	\$2,250	\$77,250
2	Wilberforce LDC Extension	Community Facilities	Catchment 2	by 2018	\$210,000	\$6,300	\$216,300
3	McGrath's Hill Child Care Extension	Community Facilities	Catchment 3	by 2018	\$115,000	\$3,450	\$118,450
4	Windsor Pre-School Extension	Community Facilities	Catchment 3	by 2018	\$340,000	\$10,200	\$350,200
5a	Richmond Pre-School Extension	Community Facilities	Catchment 4	by 2018	\$75,000	\$2,250	\$77,250
26a	Hawkesbury Leisure & Learning Centre	Community Facilities	Catchment 4	Current	\$675,932	\$20,278	\$696,210
5b	Richmond Pre-School Extension	Community Facilities	District	by 2018	\$45,000	\$1,350	\$46,350
26b	Hawkesbury Leisure & Learning Centre	Community Facilities	District	Current	\$276,120	\$8,284	\$284,404
	<b>Sub total</b>						<b>\$1,866,414</b>
<b>Recreational facilities</b>							
6	Bilpin Park Improvements	Recreational Facilities	Catchment 1	by 2018	\$65,000	\$1,950	\$66,950
7	Breakaway Oval Shelter	Recreational Facilities	Catchment 2	by 2018	\$21,000	\$630	\$21,630
8a	Woodlands Park	Recreational Facilities	Catchment 2	by 2018	\$21,000	\$630	\$21,630
27	Bligh Park Reserves (including Berger Road Lake Reserve)	Recreational Facilities	Catchment 3	Current	\$269,100	\$8,073	\$277,173
9	Colbee Park Improvements	Recreational Facilities	Catchment 3	by 2018	\$100,000	\$3,000	\$103,000
10	Deerubbin Park Shelter	Recreational Facilities	Catchment 3	by 2018	\$20,000	\$600	\$20,600
11	Colonial Reserve Shelters	Recreational Facilities	Catchment 3	by 2018	\$40,000	\$1,200	\$41,200
12a	Oasis - Accessible Amenities	Recreational Facilities	Catchment 3	by 2018	\$140,000	\$4,200	\$144,200
28a	Smith Park Facilities & Improvements	Recreational Facilities	Catchment 4	Current	\$90,000	\$2,700	\$92,700
13	Richmond Pool - Accessible Amenities	Recreational Facilities	Catchment 4	by 2018	\$35,000	\$1,050	\$36,050

## Hawkesbury Section 94 Contributions Plan 2015

No	Project	Category	2008 CP Catchment	Timing	Estimated cost	Project management cost	Total estimated allocation
14	Pound Paddock – Accessible Amenities	Recreational Facilities	Catchment 4	by 2018	\$65,000	\$1,950	\$66,950
12b	Oasis – Facility Improvements	Recreational Facilities	district	by 2018	\$233,000	\$6,990	\$239,990
	<b>Sub total</b>						<b>\$1,132,073</b>
<b>Park improvements</b>							
15	McMahon Park Improvements	Park Improvements	Catchment 1	by 2018	\$122,000	\$3,660	\$125,660
16	Hawkesbury Park Improvements	Park Improvements	Catchment 1	by 2018	\$122,000	\$3,660	\$125,660
8b	Woodlands Park Improvements	Park Improvements	Catchment 2	by 2018	\$70,000	\$2,100	\$72,100
17	St Albans Park Improvements	Park Improvements	Catchment 2	by 2018	\$35,000	\$1,050	\$36,050
29	Richmond Park Landscaping	Park Improvements	Catchment 4	Current	\$90,000	\$2,700	\$92,700
28b	Smith Park Improvements	Park Improvements	district	Current	\$60,000	\$1,800	\$61,800
18	Macquarie Park Improvements	Park Improvements	district	by 2018	\$100,000	\$3,000	\$103,000
19	Deerubbin Park Improvements	Park Improvements	district	by 2018	\$30,000	\$900	\$30,900
	<b>Sub total</b>						<b>\$647,870</b>
<b>Car parks</b>							
20	McQuade Park - Car Park Construction	Car Park	Windsor	by 2018	\$162,000	\$4,860	\$166,860
21	Richmond Community Precinct - 112 to 116 March St	Car Park	Richmond	by 2018	\$92,000	\$2,760	\$94,760
22	Smith Park Car Park Construction	Car Park	Richmond	by 2018	\$202,000	\$6,060	\$208,060
23	Hanna park - Car Park Construction and upgrade	Car Park	Nth Richmond	by 2018	\$277,000	\$8,310	\$285,310
	<b>Sub total</b>						<b>\$754,990</b>
	<b>Total</b>						<b>\$4,401,347</b>
<b>Road maintenance</b>							
24	Road Maintenance - South Windsor - Ham St, Mileham St, Drummond Rd, Fairey Road	Road Maintenance	NA	by 2018	to be determined		to be determined

No	Project	Category	2008 CP Catchment	Timing	Estimated cost	Project management cost	Total estimated allocation
25	Road Maintenance - East Kurrajong - Bull Ridge Rd, East Kurrajong Rd, West Portland Rd	Road Maintenance	NA	by 2018	to be determined		to be determined

## 2.9 Formulas used for determining section 94 contribution rates

Formulas used to determine contribution rates are described in sections 3.1.5, 3.1.6, 3.1.7, 3.1.8, 3.1.9, 3.1.10 and 3.2.4 of this plan.

## 2.10 Monetary contribution may be required as a condition of development consent

This plan authorises Council or an accredited certifier, when determining an application for development or an application for a complying development certificate, and subject to other provisions of this plan, to impose a condition requiring a contribution under section 94 of the EP&A Act on that approval for:

- the provision, extension or augmentation of Local Infrastructure to be provided by Council; and / or
- the recoupment of the previous costs incurred by Council in providing existing Local Infrastructure.

Accredited certifiers should also refer to section 2.13 of this plan as to their obligations in assessing and determining applications.

## 2.11 Dedication of land free of cost may be required as a condition of consent

This plan authorises the consent authority, other than an accredited certifier, when granting consent to an application to carry out development to which this plan applies, to impose a condition under section 94(1) of the EP&A Act requiring the dedication of land free of cost to Council for:

- the provision, extension or augmentation of Local Infrastructure to be provided by Council; and / or
- the recoupment of the previous costs incurred by Council in providing existing Local Infrastructure.

Wherever land required under this plan is situated within a development site, the consent authority will generally require the developer of that land to dedicate the land required under this plan free of cost.

The value of this land will be taken into account in determining the total monetary contributions required by the development under this plan. Council may at its discretion offset the value of the land against contributions for the same facility category.

The value of the land to be dedicated free of cost will be the plan / agreed value of the land.

Note: the EP&A Act does not allow an accredited certifier other than a Council to impose a condition requiring the dedication of land free of cost.

## 2.12 Planning agreements

Nothing in this plan prevents the Council and a developer from entering into a Planning Agreement that either/both:

- requires the developer to make monetary contributions, undertake works or provide material public benefits for Local Infrastructure identified in this plan; and
- excludes the operation of section 94 of the EP&A Act to the development.

## 2.13 Obligations of Accredited Certifiers

### 2.13.1 Complying development certificates

This plan requires that, in relation to an application made to an accredited certifier for a complying development certificate:

- the accredited certifier must, if a complying development certificate is issued, impose a condition requiring a monetary contribution, if such a contribution is authorised by this plan
- the amount of the monetary contribution that the accredited certifier must so impose is the amount determined in accordance with this section
- the terms of the condition be in accordance with this section

#### **Procedure for determining the contribution amount**

The procedure for Accredited Certifier to determine the amount of the section 94 monetary contribution for complying development is as follows:

1. If, and only if specified in writing in the application for a complying development certificate, the applicant has requested a credit under section 94(6) of the EP&A Act or an exemption or part or the whole of the development under section 2.7 of this plan, the accredited certifier must:
  - (a) make a request in writing to the Council for the Council's advice on whether the request is granted, or the extent to which it is granted; and
  - (b) in calculating the monetary contribution, comply with the Council's written advice or if no such advice has been received prior to the granting of the complying development certificate, refuse the applicant's request.
2. Determine the unadjusted section 94 contributions in accordance with the rates included in Table 1 of this plan taking into account any exempt development specified in section 2.7 and any advice issued by the Council under paragraph 1(b) above.
3. Adjust the calculated contribution in accordance with section 2.15 to reflect the indexed cost of the provision of infrastructure.
4. Subtract any credit advised by the Council under paragraph 1(b) for any assumed Local Infrastructure demand relating to existing development.

## Terms of a section 94 condition

The terms of the condition required by this section are as follows:

### Contribution

*The developer must make a monetary contribution to Hawkesbury City Council in the amount of \$[insert amount] for the purposes of the Hawkesbury Section 94 Contributions Plan 2015.*

### Indexation

*The monetary contribution must be indexed between the date of this certificate and the date of payment in accordance with the following formula:*

$$\frac{\$C_C \times CPI_P}{CPI_C}$$

*Where:*

*$\$C_C$  is the contribution amount shown in this certificate expressed in dollars*

*$CPI_P$  is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician at the time of the payment of the contribution*

*$CPI_C$  is the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Statistician which applied at the time of the issue of this certificate*

*Note: The contribution payable will not be less than the contribution specified in this certificate.*

### Time for payment

*The contribution must be paid prior to any work authorised by this Complying Development Certificate commences, as required by section 136L of the Environmental Planning and Assessment Regulation 2000.*

*Deferred payments of contributions may be accepted in certain circumstances and will need to be secured by bank guarantee. Refer to the contributions plan for Council's policy on deferred payments.*

### Works in kind agreement

*This condition does not need to be complied with to the extent specified in any works in kind agreement entered into between the developer and the Council.*

## 2.13.2 Construction certificates

It is the responsibility of an accredited certifier issuing a construction certificate for building work or subdivision work to ensure that each condition requiring the payment of a monetary contribution before work is carried out has been complied with in accordance with the complying development certificate.

The accredited certifier must ensure that the applicant provides a receipt (or receipts) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council in accordance with section 142(2) of the EP&A

Regulation. Failure to follow this procedure may render such a certificate invalid and expose the certifier to legal action.

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

## **2.14 Indexation of section 94 contribution rates 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 section 94 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. This is covered by section 2.15.

## **2.15 Indexation of monetary contributions at 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.

## **2.16 Timing of payment of monetary contributions**

A monetary contribution required to be paid by a condition imposed in accordance with this plan is to be paid at the time specified in the condition.

Generally, the condition will provide for payment as follows:

- For development involving subdivision – the contribution must be paid prior to the release of the subdivision certificate (linen plan).
- For development not involving subdivision, but where a Construction Certificate is required, the contribution must be paid prior to the release of the Construction Certificate.
- For works authorised under a complying development certificate, the contributions are to be paid prior to any work authorised by the certificate commences, as required by section 136L of the EP&A Regulation.
- For development subject to road maintenance contributions, monetary contributions for the preceding quarter of haulage activity will be paid within 28 days of the end of the preceding quarter – that is, for the preceding March quarter, by the 28<sup>th</sup> April; for the preceding June quarter, by the 28<sup>th</sup> July; and so on.

## **2.17 Policy on deferred or periodic payments**

The applicant or any other person entitled to act upon a development consent containing a monetary contribution condition imposed in accordance with this plan may apply in writing to the consent authority, other than an accredited certifier, under section 96 of the EP&A Act to modify the condition to provide for the deferred or periodic payment of the contribution.

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

- where the applicant intends to make a contribution by way of a planning agreement, works in kind 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.

Bank guarantees will be accepted on the following conditions:

- The guarantee must carry specific wording, for example 'community facilities contributions for stage 3'.
- 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.
- 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 section 94 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)

Y is the period of deferral (years)

## **2.18 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 provide another kind of material public benefit or dedicate land, in part or full satisfaction of a section 94 contribution required by a condition imposed authorised by this plan.

Council will generally only accept offers of works or land that are items included in the schedule of facilities 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 a 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 a development consent then the offer will be formalised in a works in kind or land dedication deed of agreement.

### **Valuation of offers and offsets**

The value of any land or material public benefit will be determined in accordance with section 2.11 or 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 which are not included in this plan.

## **2.19 Policy on expenditure of road maintenance contributions**

This plan addresses the extra maintenance of the City's local and regional road network that is required as a result of extractive industries and other heavy haulage developments.

Heavy haulage developments can be located anywhere within the City. Similarly, Council is responsible for the provision and maintenance of the vast majority of roads existing in the City.

Council will therefore expend roads maintenance contributions collected under this plan in a manner that fairly takes account of:

- the location of the contributing developments
- the likely impact of heavy haulage movements from those developments on specific sections of the City's local and regional road network
- the statutory requirement to provide the public amenities and services within a reasonable time.

Council will therefore plan the expenditure of funds collected under this plan on an annual basis in response to these factors.

The planned expenditure program will be published in Council's draft Operational Plan, which will allow for public input into proposed spending priorities.

## **2.20 Pooling of monetary contributions**

This plan authorises monetary contributions paid for different purposes in accordance with development consent conditions authorised by this plan and any other contributions plan approved by the Council from time to time (whether or not such a plan is one that is repealed by this plan) to be pooled and applied progressively for those purposes.

The priorities for the expenditure of pooled monetary contributions under this plan are the priorities for works as set out in the works schedule to this plan.

## **2.21 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.

In accordance with the EP&A Act and EP&A Regulation a contributions register will be maintained by Council and may be inspected upon request.

## **2.22 Review of plan without the need for public exhibition**

Pursuant to section 32(3) of the EP&A Regulation, Council may make certain minor adjustments or amendments to the Plan without prior public exhibition and adoption by Council. Minor adjustments could include minor typographical corrections and amendments to rates resulting from changes in the published indexes adopted by this plan (see section 2.14).

## **2.23 Savings and transitional arrangements**

This plan applies to both:

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

## 3. Local Infrastructure demands

Local Infrastructure Contributions:

- are requirements imposed on the developers of land
- may include land, money or works that are required from developers to meet the extra demand on Local Infrastructure resulting from new development.

Council has designed its development contributions system (including this plan) in a way that responds to the locations, types, and scale of expected development in the Hawkesbury LGA in the future, and the particular impacts those developments will likely have on local infrastructure.

This plan addresses the following developments and their Local Infrastructure impacts:

- The development of the Pitt Town Catchment for an additional 895 residential lots. This development will require Council to upgrade local open space, recreation, community and roads facilities serving that catchment.
- Occasional developments that may occur anywhere in the non-urban parts of the City that generate significant numbers of laden heavy vehicle trips. This development will require Council to invest additional resources into the maintenance of the local and regional roads serving those developments.

Each of the above Local Infrastructure demands, and the ways in which those demands will be met via section 94 contributions, are discussed in turn below.

### 3.1 Local Infrastructure in the Pitt Town Catchment

#### 3.1.1 Preamble

A development contributions scheme for the Pitt Town Catchment was first prepared by Council in 2005.

This scheme was updated in 2008 to address contributions for State and regional infrastructure to certain land within the catchment, and also to update the infrastructure costs.

The Minister for Planning issued a direction under section 94E of the EP&A Act in September 2013 that Council no longer could impose contributions for State and regional infrastructure on development in the Pitt Town Catchment.

This chapter of the contributions plan updates the Pitt Town Catchment contributions scheme by:

- Removing requirements for State and regional infrastructure contributions as per the Minister's direction
- Creating a new sub-catchment that more fairly reflects the fair apportionment of costs of certain road infrastructure (i.e. certain Hawkesbury Street works)
- Inserting a revised scope of works and updating costs in line with current market rates and effects of inflation
- Inserting revised costs of land acquisition reflecting more recent valuations and land owner agreements.

### 3.1.2 Contributions required to be made by development in Pitt Town Catchment

The Pitt Town Catchment is shown in Figure 3, over page.

Contributions required to be made by development in the Pitt Town Catchment are contained in the summary schedule included in Appendix A of this plan.

There are 2 classes of contributions:

- Contributions applying to development on all land in the Pitt Town Catchment
- Additional contributions for certain road works and applying only to development on land in the Hawkesbury Street Sub-Catchment, as shown in Figure 4, over page.

### 3.1.3 Expected development and population

A total of 895 net additional residential allotments are envisaged to be developed in the Pitt Town Catchment. At the time the contributions scheme commenced there were 50 residential allotments or dwellings in the area.

In calculating the contributions for residential development, it is the additional number of lots or persons that is used as the basis of the calculation. In other words, credit is given for existing development.

The breakdown of the allotments on a precinct basis as well as the anticipated staging of development is shown in Table 3.

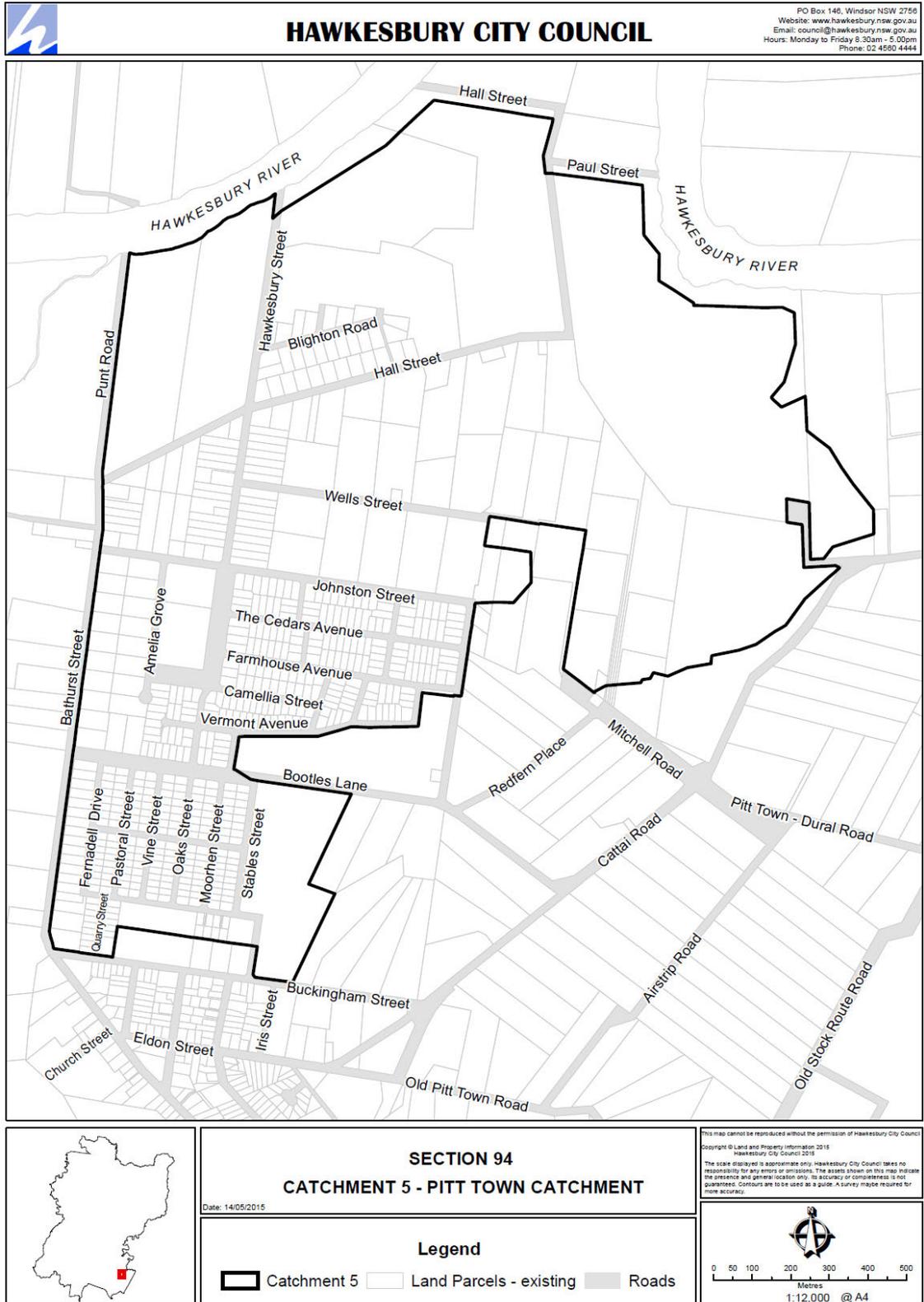
A map showing the location of the Catchment's development precincts is shown as Figure 5, over page.

**Table 3 Pitt Town Catchment expected development**

Precinct	Lots existing when contributions scheme commenced	Anticipated new lots	Net additional lots
Bona Vista	2	246	244
Fernadell	1	210	209
Blighton	2	21	19
Cleary	6	112	106
Thornton	1	72	71
Central Precinct	28	194	166
Cattai	9	80	71
Thornton East	1	10	9
<b>Total</b>	<b>50</b>	<b>945</b>	<b>895</b>

Only single dwellings are permissible on the land within the Pitt Town Catchment and the assumed occupancy rate for this development is 3.2 persons per dwelling.

Based on this assumption it is expected that the anticipated development in the area will generate an additional 2,864 persons.



**Figure 3 Catchment 5 - Pitt Town Catchment**

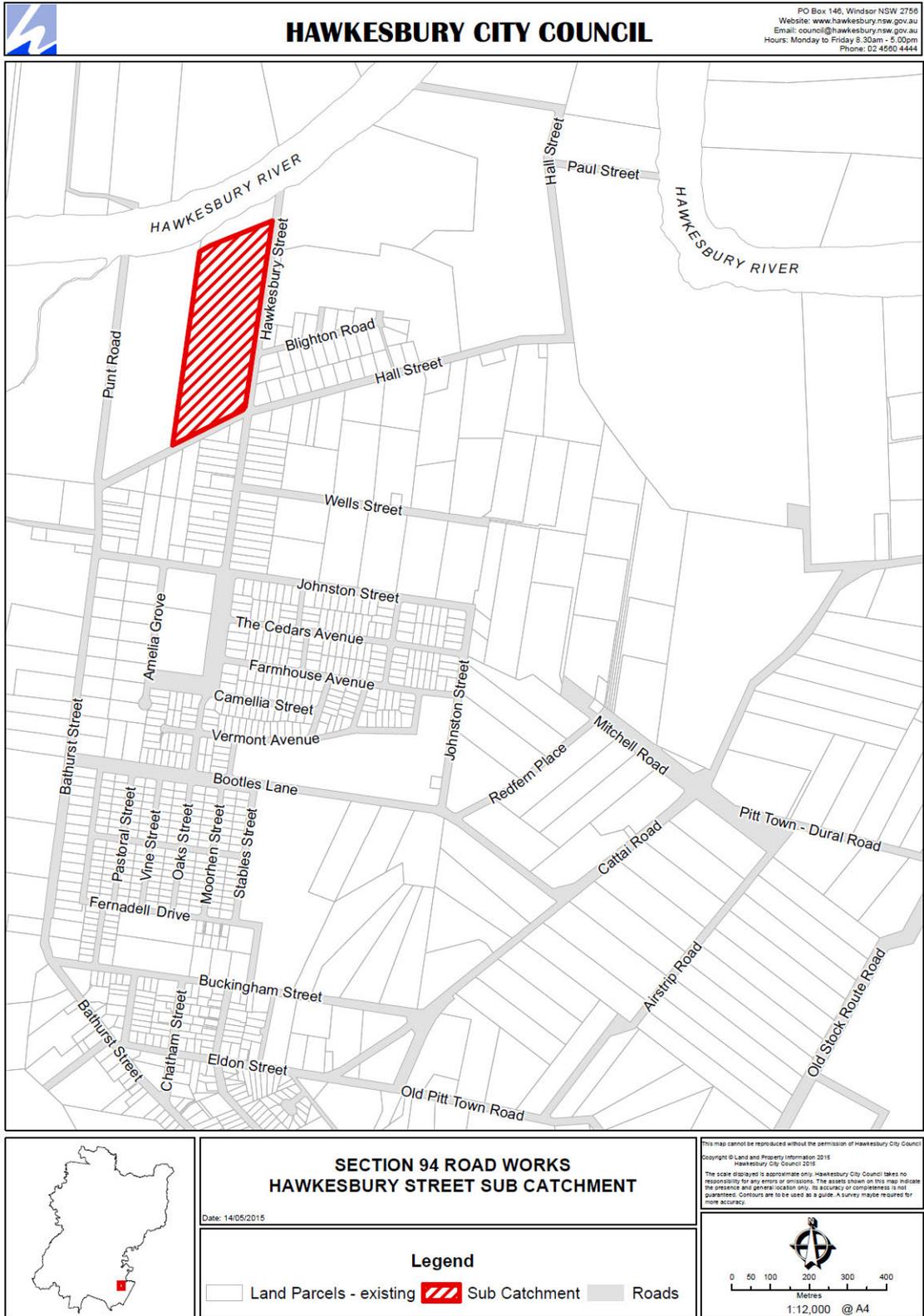


Figure 4 Hawkesbury Street Sub Catchment

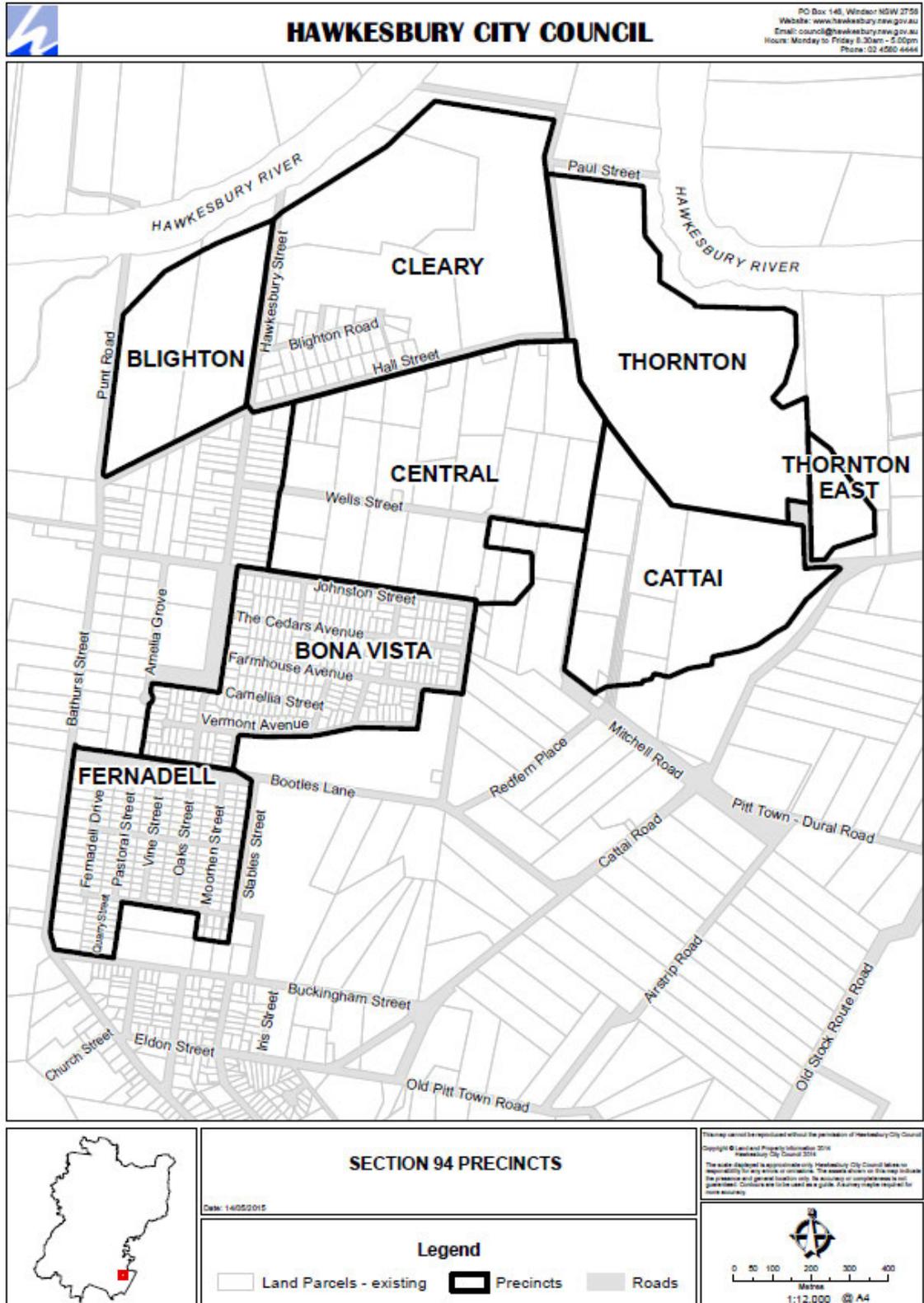


Figure 5 Pitt Town development precincts

### 3.1.4 Works schedule and nexus

The expected development in the Pitt Town Catchment, and its resident population, will have the following impacts on Local Infrastructure:

- increased use of parklands, sportsgrounds and other recreation areas
- increased use of community facilities
- increased travel and vehicle trips and consequent impacts on the performance of the transport network.

A range of Local Infrastructure has been identified as being required to satisfy the anticipated demands of the expected development. This public infrastructure includes the carrying out of works and the acquisition of land.

Council has also expended money in preparing planning controls for the area, including the preparation of this contributions plan, and it intends to recoup the cost of these outlays under this plan.

A summary of the proposed infrastructure, their estimated costs and staging is shown in Appendix A.

The following sections provide details on the specification and costs of the various public infrastructure that are included in this plan.

### 3.1.5 Plan preparation

Council has incurred consultancy costs in preparing this contributions plan and the development control plan which will guide future development in the Pitt Town Catchment.

These costs (exclusive of GST) are shown in Table 4.

**Table 4 Plan preparation costs**

Item	Cost (Nov 2005)
Intersection/Road design	\$7,080
Pitt Town DCP chapter	\$12,853
Land Valuations	\$3,571
<b>TOTAL</b>	<b>\$23,504</b>
<b>TOTAL (CPI updated for March 2008)</b>	<b>\$25,267</b>
<b>TOTAL (CPI updated for December 2014)</b>	<b>\$29,884</b>
Preparation of Pitt Town CP amendments 2014-15	\$20,000
<b>TOTAL</b>	<b>\$49,884</b>

The contribution formula for the recoupment of these costs can be expressed as:

$$\text{Contribution per lot} = CI / T$$

Where

CI = the cost of the investigations, in dollars

T = the number of additional development lots (i.e. 895)

The contribution rate per lot at January 2015 is shown in the table in Appendix A.

### 3.1.6 Land acquisition

Certain land within Pitt Town Catchment will need to be acquired to provide the additional population with community facilities, recreational buildings, park improvements, and road works.

Land to be acquired is shown in Figure 6 and consists of the properties listed in Table 5.

**Table 5 Pitt Town Catchment land acquisitions**

Property	Area of Land	Purpose
Lot 3039 DP 1161788, 18 Johnston Street, Pitt Town	13,200m <sup>2</sup>	Passive Open Space (Bona Vista)
Part Bona Vista Drive, Pitt Town	9,703m <sup>2</sup>	Road Reserve (Bona Vista)
Part Citrus Drive, Pitt Town	3,875m <sup>2</sup>	Road Reserve (Bona Vista)
Part Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town	30,000m <sup>2</sup>	Active Open Space (Fernadell)
Part Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town	20,000m <sup>2</sup>	Active Open Space (Fernadell)
Part Lot 6028 DP 1169449, 7 Fernadell Drive, Pitt Town	4,299m <sup>2</sup>	Community Centre (Fernadell)
Part Lots 11 and 12 DP 1021340, 1 and 21 Hall Street, Pitt Town	24,908m <sup>2</sup>	Blighton Park



**Figure 6 Location of proposed land acquisitions**

The anticipated cost of acquiring this land is \$11,534,676. These costs have been compiled from valuations prepared in 2014.

The contribution formula for land acquisition can be expressed as:

$$\text{Contribution per lot} = (\text{CLA} + \text{A}) / \text{T}$$

Where

CLA = the cost of land acquisition

T = the number of additional development lots (i.e. 895)

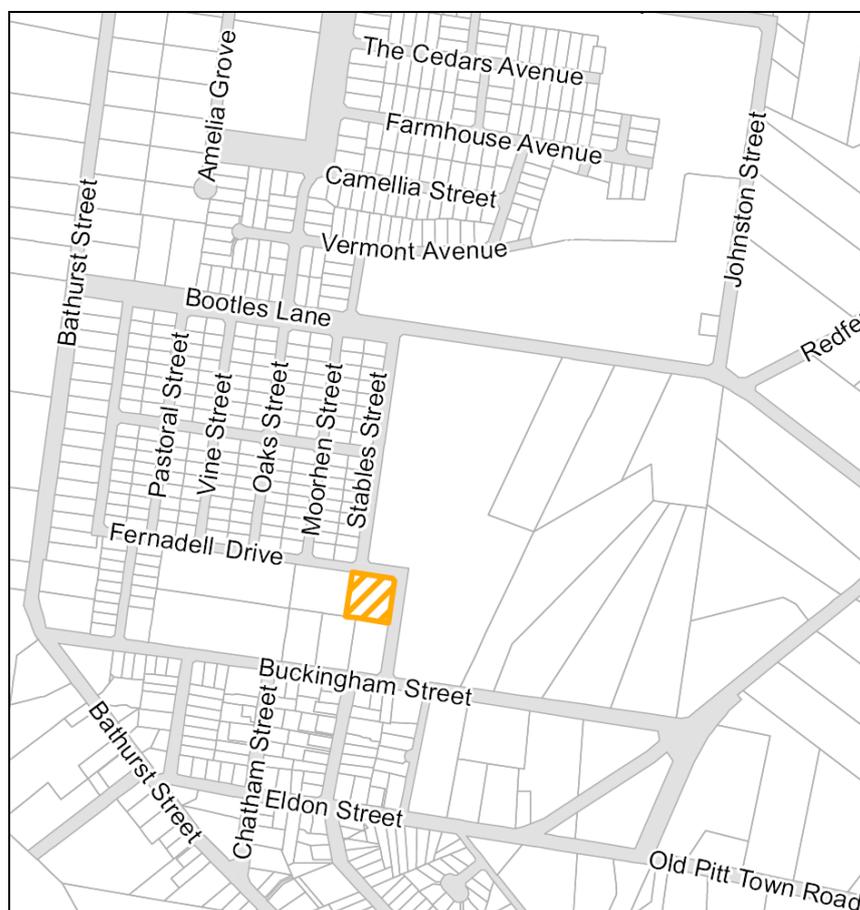
A = Administration cost, representing the total legal and survey costs associated with acquiring the various parcels of land (\$40,000 total as at January 2015)

The contribution rate per lot at January 2015 is shown in the table in Appendix A.

### 3.1.7 Community facilities

Future development in the Pitt Town Catchment will generate the need for a new local community facility.

A 4,299m<sup>2</sup> site to the north of the Pitt Town Public School will accommodate the facility. The location of the proposed facility is shown in Figure 7.



**Figure 7 Location of proposed local community facility**

Since the Pitt Town Catchment contributions scheme first commenced in 2005, Council has applied a standard of 0.3 square metres per resident in order to provide for the baseline community facility needs of the future population of the area.

Hence, based on an assumed additional 2,864 persons, the community facility will have an area of not less than 859m<sup>2</sup>. The likely design of this new community facility will be a multi-purpose building that will enable use by different age groups at different times for different purposes.

The anticipated cost of this facility was assessed in the initial contributions scheme in November 2005 as \$1,685,250. However that assessment was carried out when the anticipated future net additional population for Pitt Town Catchment was 2,020 persons (i.e. a 606m<sup>2</sup> centre). For the population of Pitt Town Catchment now envisaged (i.e. 2,864 persons) a larger centre is proposed.

A breakdown of the adjusted costs for this facility is shown in Table 6.

**Table 6 Community facility costs**

Item (for a 606m <sup>2</sup> facility)	Estimated Value of Works (Nov 2005)
Construction costs	\$1,200,000
Carpark (50 spaces and lighting)	\$80,000
Landscaping	\$80,000
Application fees and administration costs	\$87,000
Architectural services	\$15,000
Site safety and building security	\$28,000
Utilities	\$45,000
Fit-out	\$70,000
Contingencies (5%)	\$80,250
<b>TOTAL</b>	<b>\$1,685,250</b>
<b>TOTAL (CPI updated for March 2008)</b>	<b>\$1,811,644</b>
<b>ADJUSTED TOTAL FOR A 859m<sup>2</sup> FACILITY</b>	<b>\$2,567,990</b>
<b>TOTAL (CPI updated for December 2014)</b>	<b>\$3,037,224</b>

The contribution formula for local community facilities in Pitt Town Catchment can be expressed as:

$$\text{Contribution per lot} = (\text{CCf} / \text{T}) + \text{A}$$

Where

CCf = the cost of community facilities, in dollars

T = the number of additional lots (i.e. 895)

A = Administration cost (\$40 per lot as at November 2005 and adjusted using Sydney CPI)

The contribution rate per lot at January 2015 is shown in the table in Appendix A.

### 3.1.8 Recreation facilities

Future development in Pitt Town Catchment will generate the need for new local recreation facilities.

Recreation facilities include playgrounds, shelters, barbecues, toilets, change rooms, kiosks etc.

Recreational facilities are to be provided within the proposed Bona Vista Park, Fernadell Park, the community facility site, and in a riverside park in the Blighton Precinct.

A map showing the location of the proposed facilities is shown as Figure 8.

A breakdown of the anticipated costs of certain local recreation facilities in Pitt Town is shown in Table 7. The estimate for the Blighton Riverside Park is shown in Appendix A.



Figure 8 Location of proposed recreation facilities

**Table 7 Recreation facilities costs**

Bona Vista Park	Estimated Value of Works (Nov 2005)
Shelters (including seating) X 2	\$50,000
BBQs	\$11,000
Playground	\$70,000
<b>TOTAL</b>	<b>\$131,000</b>
<b>TOTAL (CPI updated for March 2008)</b>	<b>\$140,825</b>
<b>TOTAL (CPI updated for December 2014)</b>	<b>\$166,557</b>
Fernadell Park	Estimated Value of Works (Jan 2015)
Shelters (including seating) X 4	\$70,076
BBQs	\$13,500
Toilet/change rooms/kiosk	\$1,515,100
Playground	\$100,000
<b>TOTAL</b>	<b>\$1,698,676</b>
Community Centre site	Estimated Value of Works (Nov 2005)
Playground	\$40,000
<b>TOTAL</b>	<b>\$40,000</b>
<b>TOTAL (CPI updated for March 2008)</b>	<b>\$43,000</b>
<b>TOTAL (CPI updated for December 2014)</b>	<b>\$50,857</b>

The contribution formula for local recreation facilities in Pitt Town can be expressed as:

$$\text{Contribution per lot} = (\text{CRf} / \text{T}) + \text{A}$$

Where

CRf = the cost of recreation facilities, in dollars

T = the number of additional development lots (i.e. 895)

A = Administration cost (\$40 per lot as at November 2005, adjusted using Sydney CPI)

The contribution rate per lot at January 2015 is shown in the table in Appendix A.

### 3.1.9 Park improvements

Future development in Pitt Town Catchment will generate the need for park improvements.

Park improvement include tables and seats, bubblers, irrigation, landscaping, carparks, fencing, signage, lighting, bins etc.

Park improvements are to be provided within the proposed Bona Vista Park, Fernadell Park and Blighton Riverside Park.

A map showing the location of the proposed facilities is shown in Figure 9.



Figure 9 Location of proposed park improvements

A breakdown of the anticipated costs of certain park improvements in Pitt Town is shown in Table 8. The estimate for the Blighton Riverside Park is shown in Appendix A.

**Table 8 Park improvements**

Bona Vista Park	Estimated Value of Works (Nov 2005)
Landscape Plan	\$15,000
Tables and seats	\$10,000
Bubblers X 2	\$8,000
Irrigation	\$10,000
Tanks X 1	\$15,000
Pumps	\$3,000
Plants and gardens	\$30,000
Pathways	\$80,000
Carpark - 20 spaces	\$30,000
Fencing	\$50,000
Signage/entrance	\$20,000
Tree removal	\$5,000
Bins	\$4,500
Lighting	\$5,000
<b>TOTAL</b>	<b>\$285,500</b>
<b>TOTAL (CPI updated for March 2008)</b>	<b>\$306,913</b>
<b>TOTAL (CPI updated for December 2014)</b>	<b>\$362,993</b>
Ferna dell Park	Estimated Value of Works (Jan 2015)
Landscape Plan	\$30,000
Level Playing Field	\$1,168,029
3rd Playing Field	excluded
Sports Lighting	\$400,000
Seats	\$20,680
Bubblers	\$10,000
Plants & Gardens	\$51,000
Irrigation	\$200,000
Pumps	incl in irrigation
Carpark - 50 Spaces	\$212,500
Signage / Entrance	\$20,000
Bins	\$36,250
Pathways	\$360,000
Fencing	\$115,200
Lighting	\$70,000

Site Establishment	\$10,000
Fitness Station	\$40,000
<b>TOTAL</b>	<b>\$2,743,659</b>

Being totally new parks, it should be noted that significant establishment costs are contained in the works program in order to provide parks of a comparable standard to those in the other parts of the City.

The contribution formula for local park improvements can be expressed as:

$$\text{Contribution per lot} = (\text{CPI} / \text{T}) + \text{A}$$

Where

CPI = the cost of park improvements, in dollars

T = the number of additional development lots (i.e. 895)

A = Administration cost (\$40 per lot as at November 2005 adjusted using Sydney CPI)

The contribution rate per lot at January 2015 is shown in the table in Appendix A.

### 3.1.10 Road works

#### Pitt Town Catchment works

Development within Pitt Town Catchment will require the traffic improvements to the existing road network as well as the construction of new roads.

These road works consist of the items included in Table 9.

**Table 9 Road works costs**

Item	Cost Jan 2015
Intersection Cattai, Pitt Town Dural & Mitchell Roads	\$992,639
Intersection Chatham & Bathurst Streets	\$194,375
Local roads and other local intersections*	\$9,199,360
Flood evacuation route	\$1,949,460
<b>TOTAL (PPI updated for December 2014)</b>	<b>\$12,335,834</b>

A map showing the location of the proposed facilities is shown in Figure 10.

\*The breakdown of local road costs is shown in Table 10 over page. A map showing the location of the component works is shown in Figure 11.

A detailed description and costing for the local road works is contained in Appendix A.

**Table 10 Local roads costs details**

No.	Item	Cost (Jan 2015)
2	Bathurst Street	\$2,652,597
3	Bootles Lane (west)	\$244,414
4	Bootles Lane (middle)	\$212,569
6	Buckingham Street (middle)	\$65,178
7	Buckingham Street (east)	\$1,213,362
8	Hall Street (west)	\$700,266
9	Hall Street (middle)	\$877,523
10	Hawkesbury Street	\$1,000,782
11	Johnston Street (west)	\$717,118
12	Johnston Street (middle)	\$166,308
13	New Road (north from Buckingham Street)	\$270,352
14	New Road (south from Bootles Lane)	\$518,709
15	Wells Street (west)	\$260,182
17	Intersection - Johnston Street and Bona Vista Drive	\$100,000
18	Intersection - Bathurst and Hall Streets	\$200,000
	<b>TOTAL</b>	<b>\$9,199,360</b>

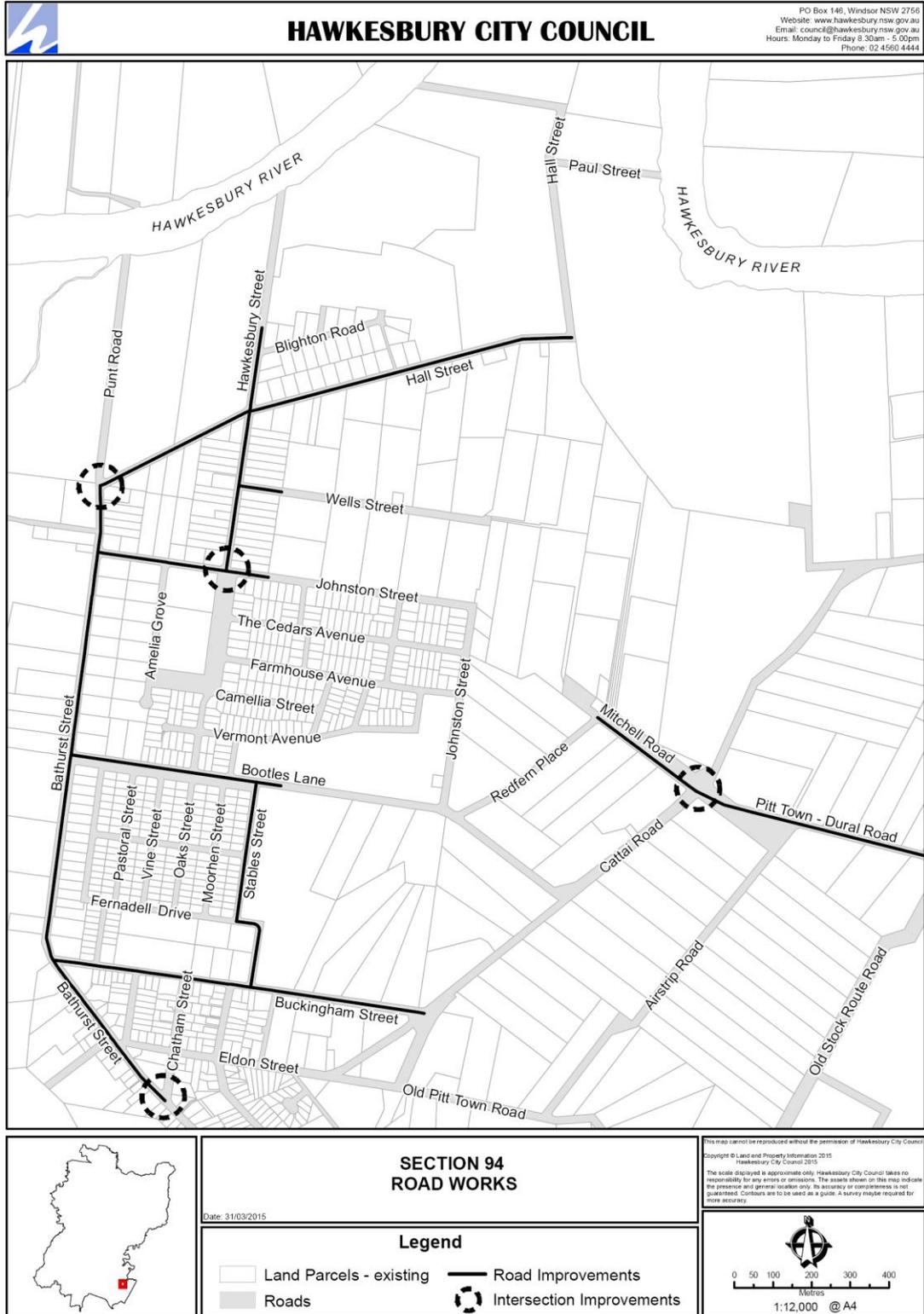


Figure 10 Location of proposed road works

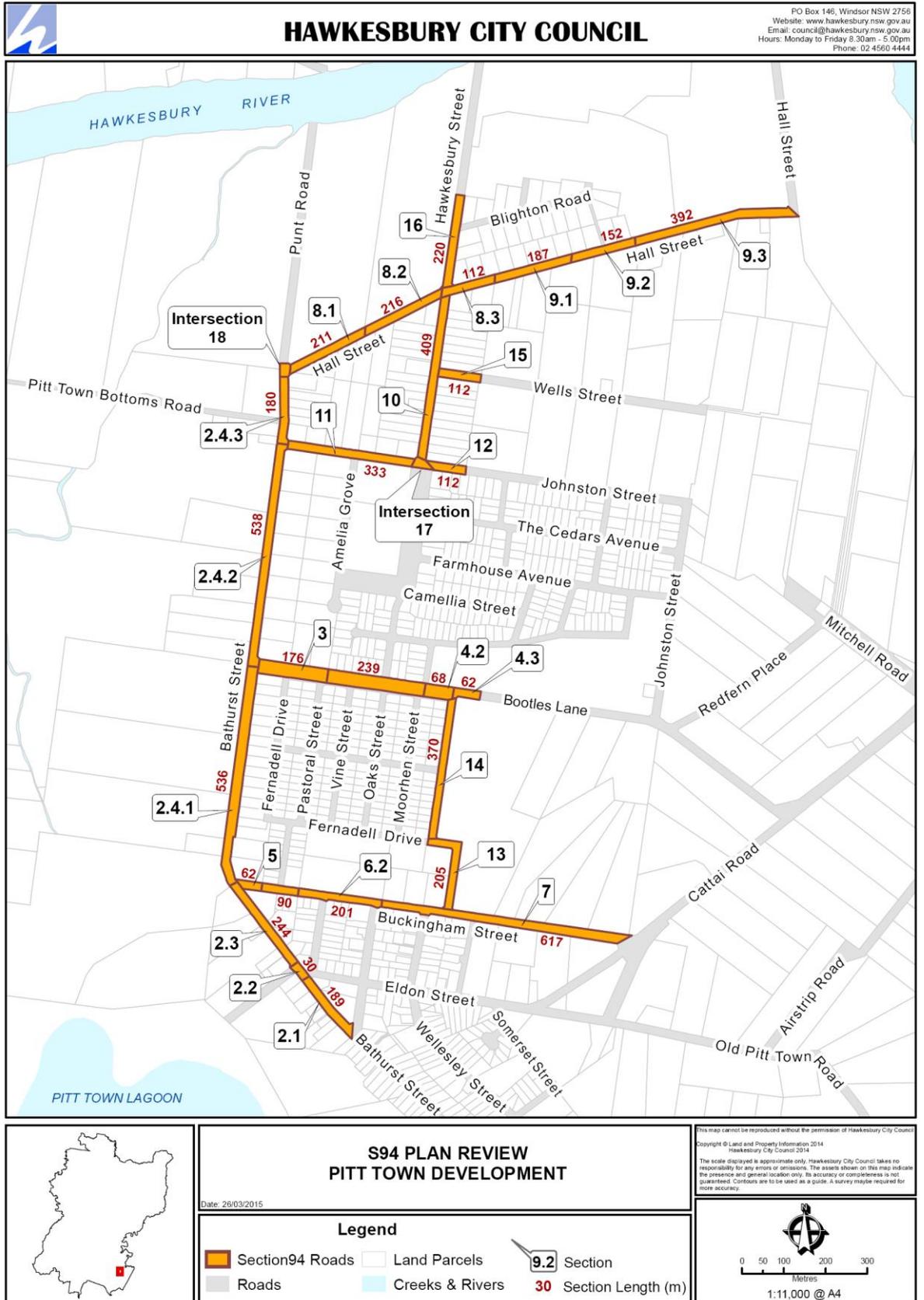


Figure 11 Location of proposed local road works and intersections

The contribution formula for Pitt Town Catchment road works can be expressed as:

$$\text{Contribution per lot} = \text{CRw} / \text{T}$$

Where

CRw = the cost of road works, in dollars

T = the number of additional development lots (i.e. 895)

The contribution rate per lot at January 2015 is shown in the table in Appendix A.

### **Hawkesbury Street Sub Catchment works**

Road works involving the upgrade of Hawkesbury Street north of Hall Street have been carried out by the developer of land east of Hawkesbury Street at the developer's cost.

The works involve the construction of a full-width road.

The road will be demanded by development on both sides of Hawkesbury Street, and so half the cost of the work should be met by the future developers of land on the western side of Hawkesbury Street.

This plan enables contributions to be imposed on the development of land shown in the Hawkesbury Street Sub Catchment (Figure 4) to enable half of the cost of the road works to be recouped by the Council and then reimbursed to the developer who carried out the road works.

The contribution formula for Hawkesbury Street Sub Catchment road works can be expressed as:

$$\text{Contribution per hectare} = \text{CRw} / \text{T}$$

Where

CRw = the cost of road works, in dollars (i.e. \$259,504)

T = the total developable area in the catchment (i.e. 8.5888 ha)

The contribution rate per lot at January 2015 is shown in the table in Appendix A.

## 3.2 Roads maintenance attributable to heavy haulage developments

### 3.2.1 Overview

Council considers that it is reasonable to expect that operators of extractive industries and similar developments that generate additional laden heavy vehicle movements on the area's roads should contribute their share of the additional upkeep of those roads.

This plan authorises a single contribution rate of 5 cents / tonne / km of hauled material inbound or outbound from the development. This *contribution rate* enables the consent authority, in any particular case, to impose a *contribution amount* on a development relating to the length of local and regional roads that will be used by heavy vehicles for the haulage of material.

The consent will contain both a cents / tonne / km rate and an assumed haul road length and the development will make periodic payments to Council based on the tonnes of material hauled along that haul road length in the preceding quarter.

### 3.2.2 Basis for imposing contributions for road maintenance

Council has a responsibility to maintain the road infrastructure in its area to an acceptable standard. The standard is to ensure the roads:

- are kept to an appropriate level of safety for the road user; and
- remain trafficable for the duration of their design life.

The additional heavy vehicle loadings on a road due to developments involving laden heavy vehicle movements will accelerate the deterioration of that road's pavement. The consequence is that in order for the roads authority to maintain the road pavement at its existing level of service, additional maintenance spending will be required sooner than would be the case without that development. In short, heavy vehicle use of a road will require the replacement of that road's pavement sooner.

From time to time Council receives development applications that involve the haulage of material using heavy vehicles. These developments typically include quarries and other forms of extractive industry. These developments can be located anywhere within the LGA.

Concentrated heavy vehicle movements generated by these developments are known to accelerate deterioration of road pavements that were designed to meet demands of rural rather than industrial or commercial developments.

Councils are not generally able to impose additional fees, charges or rates to meet the extra costs associated with accelerated deterioration of roads caused by heavy vehicle movements from these developments, except for section 94 contributions imposed under the EP&A Act.

Council therefore will require contributions from developments that generate significant heavy vehicle movements to meet the additional cost burden of providing and maintaining roads caused by those developments.

### 3.2.3 Works schedule

This plan nominates certain roads that will be upgraded using monetary contributions collected from developments levied under this plan:

- South Windsor: Ham St, Mileham St, Drummond Rd, Fairey Road
- East Kurrajong: Bull Ridge Rd, East Kurrajong Rd, West Portland Rd

The schedule of roads will be amended from time to time to reflect the location of the development applications that have been approved with contribution requirements under this plan and the particular haulage routes those developments will utilise.

### 3.2.4 Calculation of the contribution rate in the plan

To determine the contribution rate in this plan, Council has indexed the benchmark rate adopted by the then NSW Roads and Traffic Authority and the Western Sydney Regional Organisation of Councils (WSROC) in the early 1990s. The index used is the Consumer Price Index (All Groups) for Sydney.

The benchmark rate was 3 cents per tonne per kilometre.

The derivation of this rate can be found in a report prepared for WSROC by Stapleton and Hallam in 1991<sup>1</sup>, and was the average of cost recovery estimates from several studies carried out in the late 1970s and 1980s.

The table below is an extract from the Stapleton and Hallam report showing the analysis of road replacement costs. The table shows that the 3 cents rate has in fact been rounded from the average 2.7 cents rate found from the studies.

COST RECOVERY ESTIMATES FOR SIX-AXLE ARTICULATED VEHICLES ++				
Study	Cost (1985/86) cents/km (1)	Cost (1989/90) cents/km* (2)**	Cost (1989/90) cents/tkm (3)	Adjusted Cost (1989/90) cents/tkm (4)
McDonell(1977/78)				
ABS data	27.1	36.7	1.8	3.7
EVR	24.2	32.8	1.6	3.3
Nicholas Clark(1981)	18.9	25.6	1.3	2.6
Travers Morgan(1982)	12.7	17.2	0.9	1.7
NSW Government(1982)	15.1	20.5	1.0	2.0
Victorian Govt(1984)	10.9	14.8	0.7	1.5
BTE (1981)	28.9	39.2	2.0	3.9
<b>Mean Values</b>			<b>1.3</b>	<b>2.7</b>
* 1985/86 prices factored up using transport cost index of CPI (35.6%)				
** Assume payload of 20 t				
+ Column (4) is column (3) doubled to cover two trips, charge applied to one trip only				
++ Source: ISC (1987) "A Review of Federal Registration Charges for Interstate Vehicles", Inter-State Commission, AGPS, Canberra				

<sup>1</sup> Stapleton & Hallam (1991), *Study of Section 94 Contributions made for the provision of Roads, Traffic Facilities and Parking - Stage 1 Report*, for Western Sydney Regional Organisation of Councils Limited, September

Source: Stapleton & Hallam, 1991, p51

The indexed benchmark rate adopted by this plan is therefore:

$$\begin{array}{rcl}
 2.7 \text{ cents per t.km} & \times & \frac{\text{Sydney CPI (December quarter 2014)}}{\text{Sydney CPI (June quarter 1990)}} \\
 \\ 
 = 2.7 \text{ cents per t.km} & \times & \frac{106.8}{57.2} \\
 \\ 
 = & \mathbf{5 \text{ cents per tonne per kilometre}} & 
 \end{array}$$

### 3.2.5 Calculation of the quarterly contribution payment

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

1. Identify the length of local and regional roads (haul routes) that the development's laden heavy vehicles will utilise. The length of haul route(s) in kilometres will be determined from information submitted by the applicant as part of the development application submission. Any development application for extractive industries on any land in Hawkesbury LGA must include details of haul routes. Classified roads that are the sole maintenance responsibility of the NSW Government are excluded from consideration.
2. Consent authority imposes a development consent condition requiring payment based on:
  - the \$ rate per tonne per km (from the plan)
  - the haul route length (from 1.) at quarterly intervals
  - the amount of material (in tonnes) hauled over the preceding quarter.
3. No later than 28 days after the end of March, June, September and December over the life of the development, the operator of the development:
  - submits to Council independently verified tonnage returns of the material hauled over the preceding quarter
  - pays the roads maintenance contribution to Council reflecting the \$ rate per tonne and total haul route length contained in the development consent.

For example, where a development's haul trucks will utilise 5.5 kilometres of public roads in the LGA, the contribution amount that would be imposed on the development consent would be:

$$\begin{array}{l}
 5.5 \text{ km} \times 5 \text{ cents per tonne per kilometre} \\
 \\ 
 = 27.5 \text{ cents per tonne of haulage material, calculated quarterly}
 \end{array}$$

There may be circumstances where the likely length or lengths of roads to be used by laden heavy vehicles in development, and therefore the contribution amount for that development, is difficult to quantify. In such cases Council will determine the length or lengths of road to be levied based on the information submitted with the development application. It is the duty of the applicant to provide sufficient and accurate information on likely haul route use at the application stage.

### **3.2.6 Alternatives to paying the contribution required under this plan**

Applicants may propose an alternative contribution rate that more accurately reflects the likely road impacts of the particular development. Any alternate contribution rate must be agreed to by Council prior to the due date for a contribution payment or the commencement of any works as part of that alternate payment method.

Applicants may also propose alternative arrangements to the payment of a periodic contribution to Council for excessive road wear and tear. This could include, for example, reconstruction of the road pavement up-front and no ongoing maintenance contribution.

Justification of any alternative must be addressed in a transport study on the proposed heavy haulage development. The study should address all of the relevant matters listed in Appendix C.

### **3.2.7 Roadworks may be required to be undertaken in addition to contributions required under this plan**

The Hawkesbury local and regional road network has been constructed and is maintained by Council as necessary to ensure an acceptable standard of service. It is possible that some of these roads may not be able to accommodate additional heavy vehicle loading generated by new industrial developments without immediate upgrade. New roads, or upgrades to sections of the existing road network, including ongoing maintenance, may be required to accommodate the additional heavy vehicle loading.

Where a development requires works to the road network to be undertaken, the requirement will be by way of a condition imposed on the development consent under section 80A(1)(f) of the EP&A Act. This will be in addition to road maintenance contributions imposed under this plan for sections of haul routes not upgraded by the development.