



Hawkesbury City Council

Attachment 1  
to  
item 228

Section 64 Contribution Plan -  
Stormwater Infrastructure for Pit Town  
- Contribution Area 3

date of meeting: 10 December 2019  
location: council chambers  
time: 6:30 p.m.





Hawkesbury City Council  
Policy

Hawkesbury City Council

DRAFT

Section 64

Contribution Plan -  
Stormwater Infrastructure  
for Pitt Town  
Cattai Catchment Area  
Contribution Area 4

December 2019

**D r a f t**

Adopted by Council at the  
Ordinary Meeting Held on  
<<insert date when adopted>>



## Table of Contents

1	INTRODUCTION .....	4
2	NAME OF THIS PLAN .....	4
3	PURPOSE .....	4
4	COMMENCEMENT OF THIS PLAN .....	4
5	LAND TO WHICH THIS PLAN APPLIES .....	5
6	DEVELOPMENT TO WHICH THIS PLAN APPLIES .....	5
7	RELATIONSHIP TO OTHER PLANS.....	5
8	PRELIMINARY INVESTIGATIONS AND PLANS.....	5
9	PROVISION OF STORMWATER INFRASTRUCTURE AND ACQUISITION OF LAND.....	6
10	CONTRIBUTIONS AND INFRASTRUCTURE PROVISION.....	8
11	INDEXATION OF CONTRIBUTIONS INCLUDED IN THIS PLAN .....	8
12	INDEXATION OF CONTRIBUTIONS AT THE TIME OF PAYMENT .....	9
13	TIMING OF PAYMENT OF CONTRIBUTIONS .....	9
14	POLICY ON DEFERRED PAYMENTS .....	9
15	MATERIAL PUBLIC BENEFITS AND DEDICATION OF LAND IN PART OR FULL SATISFACTION OF CONTRIBUTIONS .....	10
16	VALUATION OF OFFERS.....	10
17	ACCOUNTABILITY AND ACCESS TO INFORMATION .....	10
18	SAVINGS AND TRANSITIONAL ARRANGEMENTS.....	10
19	AMENDMENTS TO THIS PLAN .....	11

## 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, 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 contributions plan is called the "Section 64 Contribution Plan - Stormwater Infrastructure for Pitt Town – Cattai Catchment Contribution Area 4, December 2019".

## 3 PURPOSE

The purpose of this plan is to:

- 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;
- 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; and
- 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 XX Month 201X. [to be Insert following notification in paper]

## 5 LAND TO WHICH THIS PLAN APPLIES

This plan applies to land within the Cattai Catchment Contribution Area 4 as shown in Figure 1.

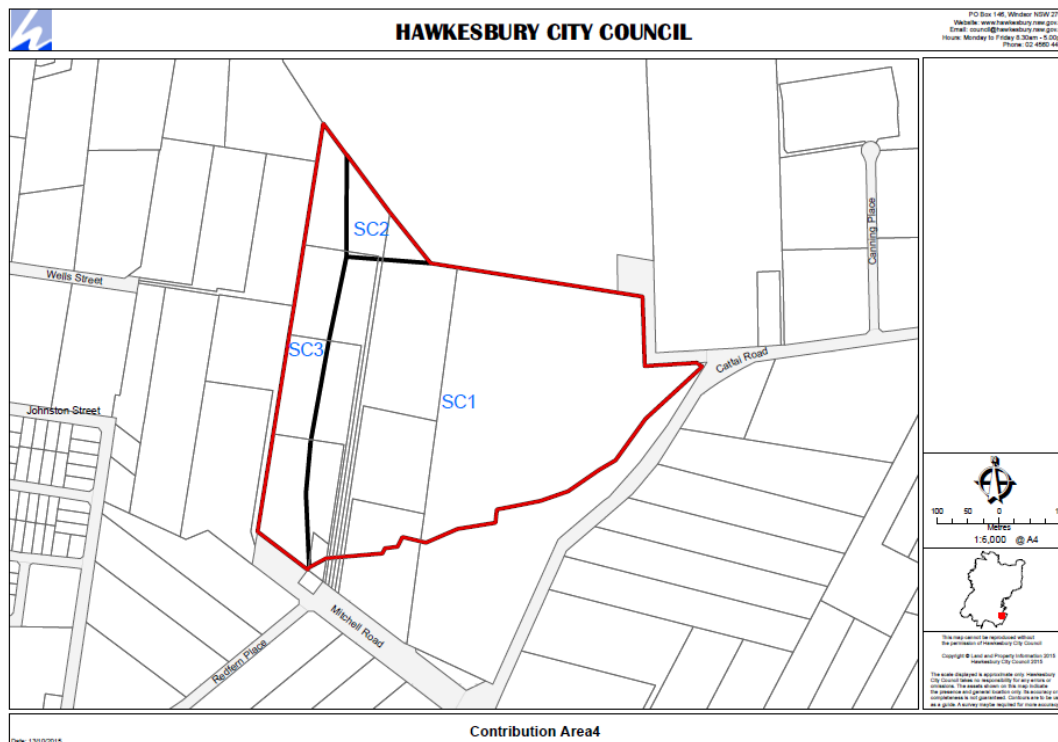


Figure 1: Contribution Area

## 6 DEVELOPMENT TO WHICH THIS PLAN APPLIES

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

## 7 RELATIONSHIP TO OTHER PLANS

This Contributions Plan supplements the provisions of the Hawkesbury Local Environmental Plan 2012 and Hawkesbury Development Control Plan 2002 and any amendments or additional plans which it 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:

- 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 Worley Parsons Services Pty Ltd
- Land valuations prepared by K.D. Wood Valuations (Aust.) Pty. Ltd., October 2015

The costs (exclusive of GST) that have been apportioned to the Cattai Catchment Contribution Area 4 are shown in Table 2 below.

**Table 2: Apportionment of Background Costs to the Cattai Catchment Area**

<b>Item</b>	<b>Cost</b>
Pitt Town Development Water Management Plan (PTDWP), 2005 prepared by Connell Wagner Pty Ltd	\$12,932.08
Pitt Town Development Updated Stormwater Management Strategy, November 2014 and November 2015 prepared by Worley Parsons Services Pty Ltd	\$7,289.12
Land valuations prepared by K.D. Wood Valuations (Aust.) Pty. Ltd., October 2015	\$3,000.00
<b>TOTAL</b>	<b>\$23,221.20</b>

## 9 PROVISION OF STORMWATER INFRASTRUCTURE AND ACQUISITION OF LAND

It is proposed that contributions be levied from the entire Cattai Catchment Contribution Area 4 for the provision of assorted stormwater infrastructure on Public Reserve identified as Proposed Lot 121 in DA0255/14 (approved 10 December 2015).

The Cattai Catchment Contribution Area 4 is divided into three separate sub-catchments as shown in Figure 2 below. The sub-catchments are identified as:

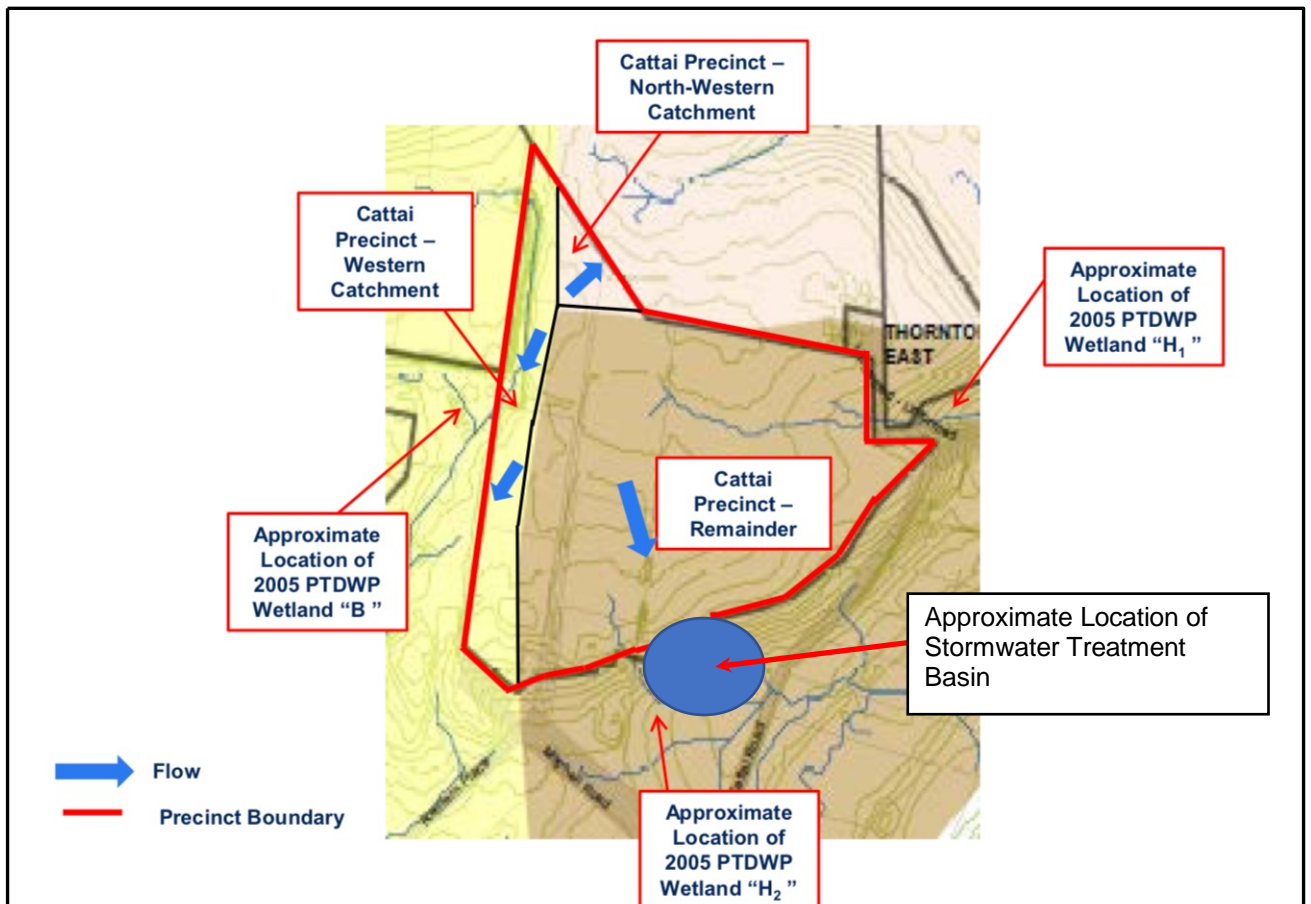
1. Western Catchment (4.3 hectares)
2. North-Western Catchment (0.9 hectares)
3. Remainder (22.8 hectares)

The treatment trains for the western and north-western catchments have not been investigated due to their relatively small catchment size. No direct treatment is proposed for the runoff from the western and north-western sub-catchments within the Cattai Catchment Contribution Area 4. However, a greater treatment will be provided by the remainder of the catchment to counterbalance this lack of direct treatment.

The proposed treatment train for the Cattai Catchment Area will be positioned on the southern side of the catchment area, adjacent to and external to the southern boundary, as shown in Figure 2.

The ground surface elevation at the proposed location of the treatment train is at RL 15.48m approximately. The catchment area boundary is approximately at the 100-year ARI level (RL 17.14m) and although the proposed location is lower than this level it is not anticipated to be frequently inundated by flood water.





**Figure 2: Cattai Catchment Area – Sub-catchments and Indicative location of proposed stormwater infrastructure**

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 are as follows:

Item	Cost
Stormwater Infrastructure	\$1,293,770.00
Acquisition of land and creation of easements	\$301,000.00
<b>TOTAL</b>	<b>\$1,594,770.00</b>

Note these estimated costs include the following allowances.

Stormwater Infrastructure	
Detailed survey and design	1.5% cost of infrastructure
Project supervision/management	10% cost of infrastructure
Administration/overheads	10% cost of infrastructure
Contingency	15% cost of infrastructure
Land Acquisition/Creation of easements	
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 AND INFRASTRUCTURE PROVISION

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:

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

Where:

- C** is the proportional incurred and estimated cost of preliminary investigations and plans, provision of stormwater infrastructure, and acquisition of land
- A** is the area of land within catchment area.

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 (Ha)	Contribution rate (\$/m <sup>2</sup> )
Preliminary Investigations and Plans	\$23,221.20	28.0	\$0.08
Provision of Stormwater Infrastructure	\$1,293,770	28.0	\$4.62
Acquisition of Land	\$301,000	28.0	\$1.07
<b>Total</b>	<b>\$1,617,991.20</b>	<b>28.0</b>	<b>\$5.77</b>

## 11 INDEXATION OF CONTRIBUTIONS INCLUDED IN THIS PLAN

To ensure that the value of contributions is 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 **XXX** (To be inserted)

## 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

Council requires contributions under this plan to be paid in full to Council prior to the release of the plan of subdivision (i.e. Subdivision Certificate). Acceptable payment methods are cash, bank cheque made payable to Hawkesbury City Council. Personal or company cheques are not accepted.

## 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 Cattai Catchment Contribution Area 4",
- 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:

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

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) as agreed by Council.

## **15 MATERIAL PUBLIC BENEFITS AND DEDICATION OF LAND 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**

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 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.

## **19 AMENDMENTS TO THIS PLAN**

This Plan may be reviewed from time to time to ensure the proposed infrastructure provision reflects the required development standards of Council, updates to cost estimates and potential changes to development forecasts.

Following any review of the Plan, it will need to be considered and adopted by Council.

In preparing an amended Contributions Plan Council will:

- Endorse public exhibition of the Plan;
- Publicly exhibit the Plan and call for submissions;
- Consider submissions received during the public exhibition of the Plan; and
- Determine whether to approve the Plan as publicly exhibited, or in some other form.

**APPENDIX 1 – SUMMARY OF PROPOSED WORKS**

The cost estimates for the provision of stormwater infrastructure are prepared on 11 August 2016, and are based on engineering plans prepared by Stefani Group, Plan No. CC1411, issued 29 July 2016

**Schedule of Works**

<b>Item</b>	<b>Description</b>	<b>Cost Estimate</b>
1.0	<b>General Site Establishment</b>	\$3,488
2.0	<b>Earthworks</b> <ul style="list-style-type: none"> <li>• Stripping of topsoil</li> <li>• Excavation of trenching</li> <li>• Spread and compact topsoil</li> <li>• Sandstone boulder retaining wall</li> </ul>	\$219,082
3.0	<b>Stormwater Drainage</b> <ul style="list-style-type: none"> <li>• Supply, lay and join stormwater pipeline</li> <li>• Supply and install precast headwall</li> <li>• Supply and install low flow discharge pit</li> <li>• Supply and install splitter pit</li> <li>• Supply and install Humegard</li> </ul>	\$301,100
4.0	<b>Concrete Works</b> <ul style="list-style-type: none"> <li>• Supply and construct two layback gutter crossings</li> <li>• Supply and construct 3m wide (150mm thick) maintenance track</li> <li>• Supply and construct 150mm concrete pavement for maintenance area</li> <li>• Supply and construct 150mm concrete pavement for driveway pads</li> </ul>	\$21,276
5.0	<b>Flexible Pavement</b> <ul style="list-style-type: none"> <li>• Supply, place and compact 3 metres wide and 150mm thick layer of flexible pavement for maintenance track</li> <li>• Supply, place and compact 3 metres wide and 100mm thick layer of flexible pavement for maintenance track</li> </ul>	\$9,660
6.0	<b>Landscaping and Signage</b> <ul style="list-style-type: none"> <li>• Supply, plant and irrigate selected plants for basin embankments</li> <li>• Supply and install flood advisory signs</li> </ul>	\$33,830
7.0	<b>Bioretention Basin</b> Conversion from temporary basin to bioretention basin <ul style="list-style-type: none"> <li>• Trim and consolidate subgrade area</li> <li>• Associated earthworks and site preparation</li> <li>• Supply and lay geofabric surrounding filter media</li> <li>• Supply, plant and irrigate selected plants for bioretention storage area</li> </ul>	\$259,281
8.0	<b>General Items</b> <ul style="list-style-type: none"> <li>• Excavate and remove rubbish from site</li> <li>• Supply all materials and construct sediment</li> </ul>	\$100,099
	<b>Sub-Total</b>	<b>\$947,817</b>
	Detailed Survey and Design (1.5% of Sub-total)	\$14,217
	Project Supervision and Management (10% of Sub-total)	\$94,782
	Administration/Overheads (10% of Sub-total)	\$94,782
	Contingency (15% of Sub-total)	\$142,173
	<b>Total</b>	<b>\$1,293,770</b>