

# **SECTION 94 CONTRIBUTIONS PLAN**

## **JORDON CREEK STORMWATER DRAINAGE MANAGEMENT**

**Adopted  
August 1993**

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Section 94 Contributions Plan

Jordon Creek Stormwater Drainage Management

Adopted by Council on 18 August 1993

Page 1

TABLE OF CONTENTS

**SECTION 94 CONTRIBUTIONS PLAN**..... 1

1.0 Aims of this Plan.....3

2.0 Purpose of this Plan .....3

3.0 Land to which this plan applies.....3

    3.1 Developable Land within the Study Area.....3

    3.2 Nature of Development .....3

4.0 Nexus.....4

    4.1 Low Density Residential Development .....4

    4.2 Rural Residential Development.....4

    4.3 High to Medium Density Residential Development.....5

    4.4 Commercial and Industrial Development .....5

    4.5 Special Uses .....5

5. Costs and Funding.....5

    5.1 Estimated Costs .....6

    5.2 Proposed Method of Funding .....6

5A. ADMINISTRATION OF THE PLAN .....6

    5A.1 MANAGEMENT COSTS OF THE PLAN.....6

    5A.2 PLAN MANAGEMENT AND ADMINISTRATION .....7

        5A.2.1 NEXUS.....7

        5A.2.2 CONTRIBUTION CATCHMENT .....8

        5A.2.3 FACILITIES STRATEGY .....8

6. SUMMARY OF CONTRIBUTION RATES .....8

Total cost of Management Works: \$5,523,000.....8

7. CURENT AND FUTURE FUNDING.....9

8. SCHEDULE OF WORKS.....9

    8.1 DRAINAGE CHANNELS AND PIPELINES.....9

    8.2 Retarding Basins .....10

    8.3 Water Quality Control Structures. ....11

    8.5 Drainage Strategy Plan S1 .....11

    8.6 Administration and Management costs.....12

9. WORKS PROGRAM .....12

10. MATERIAL PUBLIC BENEFITS .....12

11. ADJUSTMENT OF CONTRIBUTIONS.....12

12. CONCLUSION.....13

AMENDMENTS .....13

## JORDON CREEK STORMWATER MANAGEMENT

### **1.0 Aims of this Plan**

The aims of this plan are to:

- a) Contain runoff from storms up to the 1% AEP event within the existing or, where necessary, upgraded drainage system through the development area of Bathurst.
- b) Maintain quality of stormwater runoff entering the Macquarie River by the removal of pollutants such as silt, rubbish, oil and chemicals.

### **2.0 Purpose of this Plan**

The purpose of this plan is:

- a) To ensure that Council has adequate funding to properly manage stormwater runoff from developments within the catchments identified in this plan.
- b) To ensure that the funding of stormwater management is provided in an equitable manner.

### **3.0 Land to which this plan applies**

This plan applies to land bounded by the heavy black line on the map marked "Section 94 Contribution Plan – Jordan Creek Stormwater Drainage" and deposited in the Office of Bathurst Regional Council.

### **3.1 Developable Land within the Study Area**

The lands deemed to be available for development within the catchment are:

- Areas zoned other than rural on the Bathurst Local Environment Plan 1997 (as amended)
- Area controlled by the Robin Hill Development Control Plan

### **3.2 Nature of Development**

The predominant types of development within the catchment are Residential, Rural Residential, Commercial, Special Uses (schools, carparks, churches etc) and Industrial. The impact on stormwater runoff is due to the creation of impervious areas such as roofs and paving. The assumptions used in this study are that industrial, commercial and medium to high density residential development will produce 80% impervious area and low density residential development will produce 40% impervious area.

Existing residential developments within the catchment have produced a yield of approximately 7.5 lots per hectare and this figure has been used for the purpose of estimating anticipated yields. Industrial and Commercial development have been assumed to yield an equivalent of 15 residential lots per hectare for the purpose of cost sharing. Rural residential lots are considered equivalent to 1.5 residential lots because they tend to attract larger houses, shed and paved areas. Special use areas have been estimated to contribute a total of 20ha impervious area.

#### **4.0 Nexus**

Developments within the catchment have and continue to increase the frequency and volume of stormwater runoff and adversely affect the quality of this water. It is Council's objective to ensure that all properties within the catchment are afforded 100 year flood protection by; reducing peak flows using retarding basins, utilising the existing drainage network where possible, upgrading this system where necessary and removing pollutants prior to discharge into the Macquarie River.

The Scheme is only necessary due to developments within the catchments and it is therefore fair and reasonable that it be funded by Section 94 Contributions commensurate with the relative impact of individual developments within the catchment.

#### **4.1 Low Density Residential Development**

There are approximately 876 existing low density residential lots within the catchment area and the potential for further development of this type is limited to approximately 15 new lots on Boundary Road opposite the Bathurst Golf Course giving a total of 891 equivalent residential lots or 47.52ha impervious.

#### **4.2 Rural Residential Development**

The Robin Hill Development Control Plan allows Rural Residential Development west of Boundary Road. There are 38 existing rural residential lots within the catchment in

the Robin Hill area with a potential 21 lots yet to be developed giving a total of 89 equivalent lots or 4.75ha impervious area.

#### **4.3 High to Medium Density Residential Development**

A large portion of the catchment is zoned “Residential 2a” which allows medium to high density residential units and non-residential uses such as motels, clubs, and child care centres etc. Much of this area has already been developed with the remainder being available for “infill” development.

Medium to high density residential development is assumed to have the same impact on stormwater runoff as commercial and industrial development and this type of development is considered in conjunction with Commercial and Industrial Development below.

#### **4.4 Commercial and Industrial Development**

There is approximately 119 ha within the catchment area which is zoned either Residential 2c (now Residential 2a), Commercial (now General Business 3a), or Industrial (now Industry 4a). This type of development is the most common within the catchment and contributes most to increased stormwater runoff volumes. On the basis of converting these area to equivalent lots as describe din Section 3.2 there is a capacity for 1785 equivalent residential lots or 95.2ha impervious area.

#### **4.5 Special Uses**

Special uses such as Carparks, Schools, Churches, Bathurst Gaol, Public Buildings etc are permissible within this zoning. Developments within these areas need to be considered individually with regard to the creation of impervious areas affecting stormwater runoff volumes. Of the total of 160ha which is currently zoned Special Uses 5a, 20ha has been assumed to be potentially impervious, equivalent to 375 equivalent residential lots.

### **5. Costs and Funding**

In the past Council has funded trunk drainage works by several means including:

- Levying of contributions under Section 94 of the Environmental Protection Act

- Requiring Developers to construct various works in conjunction with Development approval.
- Constructing trunk drainage works using borrowed funds which are repaid from general rate revenue.

This method of funding has led to inequities in funding of such works in that some development have contributed more or less than their “fair share” and some works have been paid for by rate payers from established areas, not necessarily in the vicinity of the work.

## **5.1 Estimated Costs**

The cost of providing the required works has been estimated using the latest available data from several sources such as; recently completed works, Council’s “Cost and Resources Estimating” software and “Rawlinsons Australian Construction Handbook”.

## **5.2 Proposed Method of Funding**

It is proposed that future stormwater management within the catchment will be funded by development contributions levied under Section 94 of the Environmental Planning and Assessment Act. These contributions will be levied at variable rates according to the effects on stormwater runoff caused by the creation of impervious areas.

Low density residential and rural residential developments will be assessed on a per lot basis with contributions being levied at the time of subdivision.

Commercial, Industrial, Special Uses and Residential Flat developments will be assessed on an impervious area basis with contributions levied at the time of development.

## **5A. ADMINISTRATION OF THE PLAN**

### **5A.1 MANAGEMENT COSTS OF THE PLAN**

Council considers that the costs involved with administering Section 94 are an integral and essential component of the efficient provision of facilities generated by the development in the LGA. Accordingly, costs associated with the ongoing administration and management of the contributions plan will be levied on all applications occasioning a development contribution. These costs will appear as a separate element in the contributions schedule and the method of calculation is described in Section 5A.2 of this Plan. Fees collected will cover the implementation, review, monitoring and updating procedures set out in the Plan. In addition studies are undertaken to determine the design and costings of works as well as to review the development and demand assumptions of the contributions plan.

Where a WIK agreement is negotiated between a developer and the Council, the Plan Administration and Management Contribution levy will still apply. This amount will cover plan review costs and also Council's costs associated with negotiating the agreement and supervision work undertaken.

NSW Planning and Environment released a revised Local Development Contributions Practice Note - for the assessment of Local Contributions Plans by IPART, February 2014 (pp 9-10).

Section 3.4.2.3 of the Practice Note identifies that:

Plan administration costs may include:

- background studies, concept plans and cost estimates that are required to prepare the plan, and/or
- project management costs for preparing and implementing the plan (e.g., the employment of someone to co-ordinate the plan).

**Note:** Plan administration costs include only those costs that relate directly and solely to the preparation and implementation of the Section 94 Plan and do not include costs that would otherwise be considered part of Council's key responsibilities such as core strategic planning responsibilities.

## **5A.2 PLAN MANAGEMENT AND ADMINISTRATION**

### **5A.2.1 NEXUS**

Council employs staff to coordinate the implementation of the Plan and associated works, as well as the financial accounting of contributions received. In addition, consultant studies may be commissioned in order to determine design and costing of works and to review the development and demand assumptions of the contributions plan.

Council considers that the costs involved with administering this Section 94 Plan are an integral and essential component of the efficient provision of facilities demanded by development throughout the Bathurst Regional LGA. The new population should therefore pay a reasonable contribution towards the costs associated with the management and administration of the Plan.

At the time of the preparation of this Plan, it was determined that 1.0% of all development contributions payable over the life of the Plan is a reasonable contribution towards Plan Management and Administration functions.

### **5A.2.2 CONTRIBUTION CATCHMENT**

Plan administration and management is based upon the catchment of the Plan and contributions have therefore been applied on this basis.

### **5A.2.3 FACILITIES STRATEGY**

The Plan aims to provide funds to ensure the efficient management of the Section 94 planning and financial processes within Council. These processes will be ongoing throughout the life of the Plan.

Council staff accountable for facility/service planning and delivery will be involved in reviewing and updating the Plan. This may include review of the works schedules or the latest information on community needs to ensure that facility planning is current and appropriate. This may also include engaging specialist consultants (eg planning, engineering, traffic, legal and valuation specialists) to carry out studies or to assist with the preparation of the Plan.

## **6. SUMMARY OF CONTRIBUTION RATES**

The following contribution rates will be applied to developments within the Jordon Creek Catchment. Low density residential and rural residential subdivisions will be required to contribute the appropriate rate per lot. Medium to high density Residential, Commercial, Industrial and Special Uses developments such as Schools, Churches, etc. will be required to contribute at Rate 1 per square metre of impervious are created.

Total cost of Management Works:	\$5,523,000
Total equivalent residential lots:	3140
Total impervious area:	167.47ha

2004/2005 Contribution Rates:	
Contribution per Residential Lot:	\$2,453
Contribution per Rural Residential Lot:	\$3,750



Contribution per ha Rate 1: \$7.00 (per sq.m impervious area)

## **7. CURENT AND FUTURE FUNDING**

To date funds have been derived from a variety of sources mentioned previously. It is envisaged that future contributions towards Jordan Creek stormwater management will allow for the completion of the schedule of works.

## **8. SCHEDULE OF WORKS**

### **8.1 DRAINAGE CHANNELS AND PIPELINES**

- 8.1.1 Open grass lined channel with 600mm dia flow pipe between Stanley and Morrisset Streets. Total length 150m 0% complete.
- 8.1.2 Culvert augmentation at Morrisset Street – Add 3600X1500RCBC over existing Culvert. 0% complete.
- 8.1.3 Open grass lined channel with 600mm dia low flow pipe between Morrisset and Durham Street. Total length 230m. 0% complete.
- 8.1.4 Open concrete lined channel 3.65m x 2.7m between Durham and Howick Streets. Total length 230m. 95% complete.
- 8.1.5 Open concrete lined channel 3.65m x 2.7m between Howick and Russell Streets. Total length 230m. 95% complete.
- 8.1.6 Open concrete lined channel 3.65m x 2.7m between Russell and Keppel Streets. Total length 230m. 85% complete.
- 8.1.7 Open concrete lined channel 3.65m x 2.5m between Keppel and Piper Streets. Total length 230m. 85% complete.
- 8.1.8 Open concrete lined channel 3.05m x 2.5m between Piper and Lambert Streets. Total length 230m. 85% complete.
- 8.1.9 Twin 1.35m plus 1.50m diameter concrete pipeline between Lambert Street and confluence at Rankin Street. Total length 80m. 100% complete.
- 8.1.10 Twin 1.5m diameter concrete pipeline between confluence at Rankin Street and Atlas Motel. Total length 155m. 0% complete.

- 8.1.11 Twin 1.35m diameter concrete pipeline through Atlas Motel and Stewart Street. Total length 110m. 100% complete.
- 8.1.12 Twin 1.5m diameter concrete pipeline between Stewart Street and Rocket Streets through Mobil Service Station. Total length 1100m. 0% complete.
- 8.1.13 Triple 1.2m diameter concrete pipeline across Rocket Street near Gladstone Street. Total length 20m. 100% complete.
- 8.1.14 Twin 1.35m diameter concrete pipeline between confluence at Rankin Street and Rocket Street. Total length 130m. 5% complete.
- 8.1.15 Twin 1.35m diameter concrete pipeline between Rocket Street and Brilliant Streets. Total length 235m. 100% complete.
- 8.1.16 1.35m diameter concrete pipeline between Brilliant and Browning Streets. Total length 270m. 100% complete.
- 8.1.17 0.9m diameter concrete pipeline augmentation between Brilliant and Browning Streets. Total length 270m. 0% complete
- 8.1.18 1.35m diameter concrete pipeline between Browning Street and Ennis Way. Total length 140m. 100% complete.
- 8.1.19 Earth embankment to direct flows into existing pipelines at Ennis Way. 0% complete.
- 8.1.20 1.2m diameter concrete pipeline between Rankin Street and Browning Street near Wilkins Street. Total length 342m. 70% complete.
- 8.1.21 0.9m diameter concrete pipeline across Browning Street near Wilkins Street Total length 55m. 100% complete. 0% complete.

<b>8.2 Retarding Basins</b>
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- 8.2.1 Basin J1: Retarding Basin – Hector Park.  
 Storage: 15,000 cu.m  
 Outlet: 3 x 1.50mm dia  
 0% complete
- 8.2.2 Basin J2: Retarding Basin – Brooke-Moore Oval  
 Storage: 10,000 cu.m  
 Outlet: 375mm dia  
 100% complete

- 8.2.3 Basin J3: Retarding Basin – Boundary Road, Golf Course Estate  
 Storage: 4,000 cu.m  
 Outlet: 3 x 750mm dia  
 100% complete.
- 8.2.4 Basin J4: Retarding Basin – Boundary Road, McDiarmid Street  
 Storage: 4,000 cu.m  
 Outlet: 2 x 900mm dia  
 0% complete
- 8.2.5 Basin J5: Retarding Basin – Boundary Road, Delaware Crescent  
 Storage: 2500 cu.m  
 Outlet: 2 x 600mm dia  
 0% complete
- 8.2.6 Basin M1: Retarding Basin – Middle Brach, Dog Training Track  
 Storage: 2000 cu.m  
 Outlet: 2 x 600mm dia  
 0% complete
- 8.2.7 Basin M2: Retarding Basin – Middle Branch, near Reservoir  
 Storage: 2000 cu.m  
 Outlet: 2 x 525mm dia  
 0% complete
- 8.2.8 Basin C1: Retarding Basin – College Branch, near Ennis Way  
 Storage: 12,000 cu.m  
 Outlet: 3 x 525mm dia  
 0% complete
- 8.2.9 Basin C2: Retarding Basin - College Branch, Playing Field  
 Storage: 10,000 cu.m  
 Outlet: 3 x 525mm diameter pipe  
 0% complete

### **8.3 Water Quality Control Structures.**

Gross Pollutant Trap between Durham and Morrisset Streets. 0% complete.

### **8.5 Drainage Strategy Plan S1**

Hydrologic and hydraulic analysis, identification of required works and preparation of Section 94 Contributions Plans for Raglan Creek catchment. 100% complete.

#### **8.6 Administration and Management costs**

Studies undertaken to determine the design and costings of works as well as to review the development and demand assumptions of the contributions plan for Jordan Creek catchment.

Estimate 1% of all development contributions payable.

**At the commencement of the Plan, it is estimated that the maximum contributed from the Plan towards the administration and management costs is \$55,230.**

### **9. WORKS PROGRAM**

The nature, extent and location of future developments within the study area are difficult to predict and hence it is impractical to produce a precise works program. The highest priority within the works schedule will be the construction of Retarding Basins and the Gross Pollutant Trap in order to increase the serviceability of existing assets. Council intends, however, to expend all money levied for drainage works within three to five years of its receipt and to carry out these works in areas which maximize the benefit of the relevant developments where practicable.

### **10. MATERIAL PUBLIC BENEFITS**

Where a developer wishes, or is required by a condition of development consent, to carry out trunk drainage works, as contained in the Schedule of Works in this plan, in conjunction with a development Council may accept the value of these works and any land contribution in lieu of monetary payment. Where the value of such works differs from the contribution value the difference will be made up by monetary contribution or reimbursement from available Section 94 Contribution Funds held by Council.

### **11. ADJUSTMENT OF CONTRIBUTIONS**

The contribution rates applying to this plan will be adjusted annually in the following manner:

- a) Cost of construction in accordance with current estimating rates.

- b) Land values in line with current market rates.

## 12. CONCLUSION

The contribution rates set out in Section 6 Summary of Contribution Rates are considered reasonable and therefore can be imposed as a monetary condition pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979.

## AMENDMENTS

<b>Plan Title</b>	<b>Amendments</b>	<b>Adoption Date</b>	<b>Amendment Number</b>
Section 94 Development Contributions Plan, Jordan Creek Stormwater Drainage Management	Insertion of Section 5A.1, 5A.2 & 8.6 relating to the Plan Management and Administration.	14 December 2016	1