

AMENDMENT 1

SECTION 94 CONTRIBUTION PLAN

SAWPIT CREEK (EAST) STORMWATER DRAINAGE MANAGEMENT

**Adopted
July 1995**

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PLAN 1 – SAWPIT CREEK CATCHMENT

1. AIMS OF THIS PLAN

The aims of this plan are to:

- a) Convey runoff from storms up to the 1% AEP event within a stable trunk drainage system, generally consisting of a grassed channel with low flow pipe, to the Macquarie River; and
- b) Maintain quality of stormwater runoff entering the Macquarie River by the removal of pollutants such as silt, rubbish, oil and chemicals.

2. PURPOSE OF THIS PLAN

The purpose of this plan is:

- a) To ensure Council has adequate funding to properly manage stormwater runoff from developments within the subject land; and
- b) To ensure that the funding of stormwater management is provided in an equitable manner.

3. LAND TO WHICH THIS PLAN APPLIES

This plan applies to land bounded by the heavy black line on the map marked "Section 94 Contributions Plan - Sawpit Creek Catchment" and deposited in the Office of Bathurst Regional Council.

3.1 Undeveloped Land within the Study Area

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

- (a) Part of the area controlled by the Robin Hill Development Control Plan;
- (b) Part of the area controlled by the Residential Subdivision Development Control Plan; and
- (c) Area controlled by the Business Development Control Plan and the Wark Parade Commercial zone.

3.2 Nature of Development

The predominant types of development within the catchment are Residential, Rural Residential, Commercial and Special Uses (schools, carparks, churches etc). 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. Special Use and Commercial areas 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, sheds and paved areas.

4. 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 1% AEP flood protection by; reducing peak flows using retarding basins, providing a trunk drainage system capable of containing the 1% AEP flood flow and removing pollutants prior to discharge into the Macquarie River.

The Scheme is only necessary due to developments within the catchment 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 700 existing low density residential lots within the catchment area and potentially another 1,150 new lots will be created when the area is fully developed giving a total of 1,855 equivalent residential lots or 99 ha of impervious area.

4.2 Rural Residential Development

The Robin Hill Development Controls Plan allows for the creation of Rural Residential Development west of Boundary Road. There are 62 existing rural residential lots within the catchment in the Robin Hill area with a potential for another 100 hectares within the catchment to be developed for rural residential purposes. This equates to 67 rural residential lots. Using the formula at Item 3.2 this would equate to an impervious area of 40 hectares.

4.3 Commercial Development

There is approximately 52 ha within the catchment that has been identified for Commercial development. On the basis of converting these areas to equivalent lots as described in Section 3.2 there is capacity for 780 equivalent residential lots or 42 ha of impervious area.

5. COSTS AND FUNDING

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

- (a) Levying of contributions under Section 94 of the Environmental Planning and Assessment Act;
- (b) Requiring Developers to construct various works in conjunction with Development approval; and
- (c) 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 developments 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 Resource Estimating" software and "Rawlinsons Australian Construction Handbook".

The total estimated cost of providing all stormwater management works within the subject area is \$2,151,000. Individual estimates of cost for the various works are given in the Section 8, Schedule of Works.

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 developments will be assessed on an area basis with contributions also being levied at the time of subdivision.

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 Sawpit Creek Catchment. Low density residential subdivisions will be required to contribute the appropriate rate per lot. Commercial developments will be required to contribute at the appropriate rate per hectare of additional impervious area.

	2004/2005 Rate
Residential Lot	\$1,074
Rural Residential Lot	\$1,610
Industrial, Commercial, Special Use Development	\$16,065

7. CURRENT AND FUTURE FUNDING

To date works to the value of approximately 304, 000 have been constructed within the study area with funds derived from the various sources mentioned previously. Approximately 200, 000 is held in reserve for imminent works within the area.

It is envisaged that future contributions towards Sawpit 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 450 dia low flow C1. Total Length 440m. Estimated Cost \$107,000. 100% Complete.
- 8.1.2 Open grass lined channel with 450 dia low flow C2. Total Length 880m. Estimated Cost \$244,000. 0 % Complete.
- 8.1.3 Open grass lined channel with 450 dia low flow C3. Total Length 550m. Estimated Cost \$128,000. 0% Complete.
- 8.1.4 Open grass lined channel with 450 dia low flow C4. Total Length 300m. Estimated Cost \$76,000. 0% Complete.
- 8.1.5 Open grass lined channel with 450 dia low flow C5. Total Length 180m. Estimated Cost \$43,000. 0% Complete.
- 8.1.6 Open grass lined channel with 450 dia low flow C6. Total Length 220m. Estimated Cost \$52,500. 0% Complete.

8.1.7 Open grass lined channel with 450 dia low flow C7. Total Length 260m. Estimated Cost \$62,000. 0% Complete.

8.1.8 Open grass lined channel with 450 dia low flow C8. Total Length 120m. Estimated Cost \$32,000. 0% Complete.

8.1.9 Open grass lined channel with 450 dia low flow C9. Total Length 120m. Estimated Cost \$27,000. 0% Complete.

8.1.10 Open grass lined channel with 450 dia low flow C10. Total Length 170m. Estimated Cost \$38,500. 0% Complete.

8.1.11 Sawpit Creek channel improvements Total Length 2020m. Estimated Cost \$376,000. 0% Complete.

8.2 Retarding Basins

8.2.1 Detention Basin One Estimated Cost \$200,000. 90% Complete

8.3 Water Quality Control Structures

8.3.1 Gross Pollutant Trap One (+ cascading basins). Estimated Cost \$195,000. 0% Complete.

8.3.2 Gross Pollutant Trap. Two Estimated Cost \$100,000. 0% Complete

8.3.3 Water quality control pond One Estimated Cost \$200,000. 0% Complete

8.3.3 Water quality control pond. Two Estimated Cost \$250,000. 0% Complete

8.4 Drainage Strategy Plan S1

Hydrologic and hydraulic analysis, identification of required works and preparation of Section 94 Contributions Plans for Sawpit Creek catchment.

Estimate \$20,000, 100% complete.

8.4 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 Sawpit Creek (East) catchment.

Estimate 1% of all development contributions payable.

At the commencement of the Plan, it is estimated that the maximum contribution from the Plan towards the administration and management costs is \$21,510.

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 that maximise the benefit to 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 instead 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; and
- b) Land values in line with current market rates.

12. CONCLUSION

Section 94 Contributions Plan

Sawpit Creek (East) Stormwater Drainage Management

Adopted by Council on 19 July 1995

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

Plan Title	Amendments	Adoption Date	Amendment Number
Section 94 Development Contributions Plan, Sawpit Creek (East) Stormwater Drainage Management	Insertion of Section 5A.1, 5A.2 &8.4 relating to the Plan Management and Administration.	14 December 2016	1