

Section 94 Contribution Plan

Robin Hill

Road & Drainage Construction

Adopted: 20 September 2006

Effective Date: 23 September 2006

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TABLE 1

ANNEXURE A

1.0 INTRODUCTION

During the next five to ten years, a rural residential neighbourhood will develop to the south-west of Bathurst. At present, the area consists of rural and semi-rural uses. There are two larger holdings of 60 hectares and 40 hectares; the remainder are smaller holdings of varying sizes.

In all, there are some thirty (30) separate holdings. The area, when fully developed, will yield approximately 160 rural residential allotments with an average density of 1.5 hectares. This in turn will give a population density of approximately 586 persons, based on an average occupancy rate of 3.6 persons per dwelling.

1.1 Background

There have been several attempts to develop this area over a number of years, the major obstacles being:

- (a) zoning requirements; and
- (b) large number of ownerships.

As a result of previous unsuccessful attempts, Council undertook the preparation of both the Local Environmental Plan and Development Control Plan. The subdivision of the existing allotments will be the owners' responsibility, but subject to Council approval.

1.2 Present Situation

To date, the Local Environmental Plan has been gazetted and the Development Control Plan has been adopted by Council. A Section 94 Study entitled "Community Facilities Study – Robin Hill" has been prepared and adopted by Council.

1.3 Aims

The aims of this Plan are to:

- (a) identify required road upgrading;
- (b) identify required drainage works;
- (c) arrive at a costing of the above works; and
- (d) derive the most equitable solution of distributing the cost of (a) and (b) above.

1.4 Section 94 Contributions

Section 94 of the Environmental Planning and Assessment Act 1979, as amended, empowers Council to require a developer to make payment in cases where a development will, or is likely to, require the provision of, or increase in the demand for, public amenities or public services within the area.

The legislation requires that the contribution be a reasonable one. The determination of reasonable provision reflects a number of considerations, such as:

- (a) the amount of traffic generated by the development;
- (b) the ability of the present standard of the road and drainage systems to cater for increase in usage attributable to subdivisional activity; and
- (c) the amount of demand or usage attributable to each development.

1.5 Methodology

For the purpose of arriving at the most equitable solution for distributing the cost of road and drainage, it has been necessary to consider the following:

- (a) the ownership pattern;
- (b) the likely pattern of development;
- (c) the existing and proposed road pattern;
- (d) the Development Control Plan; and
- (e) stormwater catchment areas.

2.0 STUDY AREA

The study area will cover all lands contained within the Development Control Plan – Robin Hill. In order to more equitably analyse the demand created by the likely development, the study area has been divided into sub areas (see map at **Annexure A**).

3.0 DEMAND FOR THE UPGRADING OF ROAD & DRAINAGE SYSTEMS

The Local Environmental Study for Robin Hill identified the inadequacy of the existing road system to cater for the increase in traffic, which will result as development of the area proceeds. Also identified was the high erodability qualities of the soils, and therefore, careful consideration has to be given to drainage systems.

As a result of these findings, it is necessary to plan the upgrading of both road and drainage systems.

3.1 Area A

- (a) Intersection A with Mid Western Highway;
- (b) Part cost of Basin X construction; and
- (c) Part cost of Upper Hawthornden Creek upgrading and stabilisation.

Total contribution \$97,944

3.2 Area B

- (a) Intersection B with Mid Western Highway;
- (b) Part cost of Basin X construction;
- (c) Part cost of Upper Hawthornden Creek upgrading and stabilisation;
- (d) Part cost of Basin 1; and
- (e) Part cost of Upper Jordan Creek upgrading and stabilisation.

Total contribution \$116,600

3.3 Area C

- (a) Construction of a T intersection at Boundary Road deviation and Mid Western Highway;
- (b) Part cost of Basin X construction;
- (c) Part cost of Upper Hawthornden Creek upgrading and stabilisation;
- (d) Part cost of Basin 2;
- (e) Part cost of Upper Jordan Creek upgrading and stabilisation; and
- (f) Sealing Boundary Road for full frontage of Development Control Plan.

Total contribution \$331,213.33*

*** (Amended at Council Meeting 20 September 2006)**

3.4 Area D

- (a) Part cost of Basin 2 construction; and
- (b) Part cost of Jordan Creek upgrading and stabilisation.

Note: Road and intersection works to be constructed by developer.

Total contribution \$39,156

3.5 Area E

- (a) Part cost of Basin 1 construction;
- (b) Part cost of Basin 2 construction;
- (c) Part cost Upper Jordan Creek upgrading and stabilisation;
- (d) Intersection E with Mid Western Highway; and
- (e) Sealing Delaware Crescent.

Total contribution \$160,000*

*** (Amended at Council Meeting 20 October 1999)**

3.6 Area F

All intersection, road and drainage works to be constructed by developer.

4.0 COSTS AND FUNDING

4.1 Likely Costs

The cost of upgrading the road and drainage system has been divided into the respective sub areas, as shown in Table 1. Costs will be increased annually in accordance with the Consumer Price Index.

4.2 Methods of Funding

The eventual cost of upgrading the road and drainage systems in Robin Hill will cost in the vicinity of \$806,000. Such upgrading can be funded the following ways:

- (a) Council levy the developer the full cost of upgrading; or
- (b) Council levy the developer part of the cost and subsidises the remainder from rate revenue.

4.3 Proposed Method of Funding

It is proposed that the bulk of the upgrading be funded by developer contribution, based on the sub areas as shown in Table 1. As Council has a vested interest in the upgrading of Boundary Road, contributions have not been sought for the following:

- (a) excavation and pavement cost of the Boundary Road realignment;
- (b) excavation and pavement construction for a vertical realignment of Boundary Road profile.

Total cost estimated at \$140,765.00

5.0 CONCLUSION

After an exhaustive analysis of the entire Robin Hill area, it was found that the most equitable solution was to divide the area into sub areas and distribute costs accordingly, because the costs vary significantly depending on the location of the land being subdivided.

Costs have been derived using the present Development Control Plan layout. If a developer wishes to make changes, the contribution will vary accordingly. Except where a redesign is required, it will be recommended to Council that the amounts of contributions given in Table 1 be required as a condition of development (or subdivision) approval.

AMENDMENTS

Date of Amendment	Description
20 October 1999	Recalculation for Sub-Area E
20 September 2006	Recalculation for Sub-Area C

SECTION 94 PLAN – ROAD AND DRAINAGE CONSTRUCTION – ROBIN HILL

TABLE 1

SUB AREA	ROAD CONSTRUCTION COST *	TOTAL DRAINAGE COST	TOTAL ROAD & DRAINAGE COST	No. OF LOTS	SECTION 94 CONTRIBUTION PER LOT
A	69,996.00	27,948.00	97,944.00	12	8,162.00
B	70,020.00	46,580.00	116,600.00	20	5,830.00
C (2006/07 value)	232,202.61 ¹	-	331,213.33	36 ²	3,721.69
		178,982.02 ¹		47 ³	3,808.13
	-	-	-	-	7,529.82
D	-	39,156.00	39,156.00	39	1,004.00
E (1999 value)	160,000.00 ^x	2,142.85 ^x	160,000.00 ^x	8 ^x	22,142.85 ^x
TOTAL	442,028.00	176,380.85	616,266.00	105	

(*) Total Road Construction Cost less Council's Contribution

(^x) 1999 Figures for Sub-Area E

(¹) 2006 Figures for Sub-Area C based on CPI

(²) Number of lots yet to be created in Sub-Area C (i.e. 47 minus 11 already created)

(³) Total lots to be created within Sub-Area C

Note: All figures are based on values as at 1989 unless otherwise specified.

2006/07 Contribution figures

Area A \$16,264.50

Area B \$11,534.10

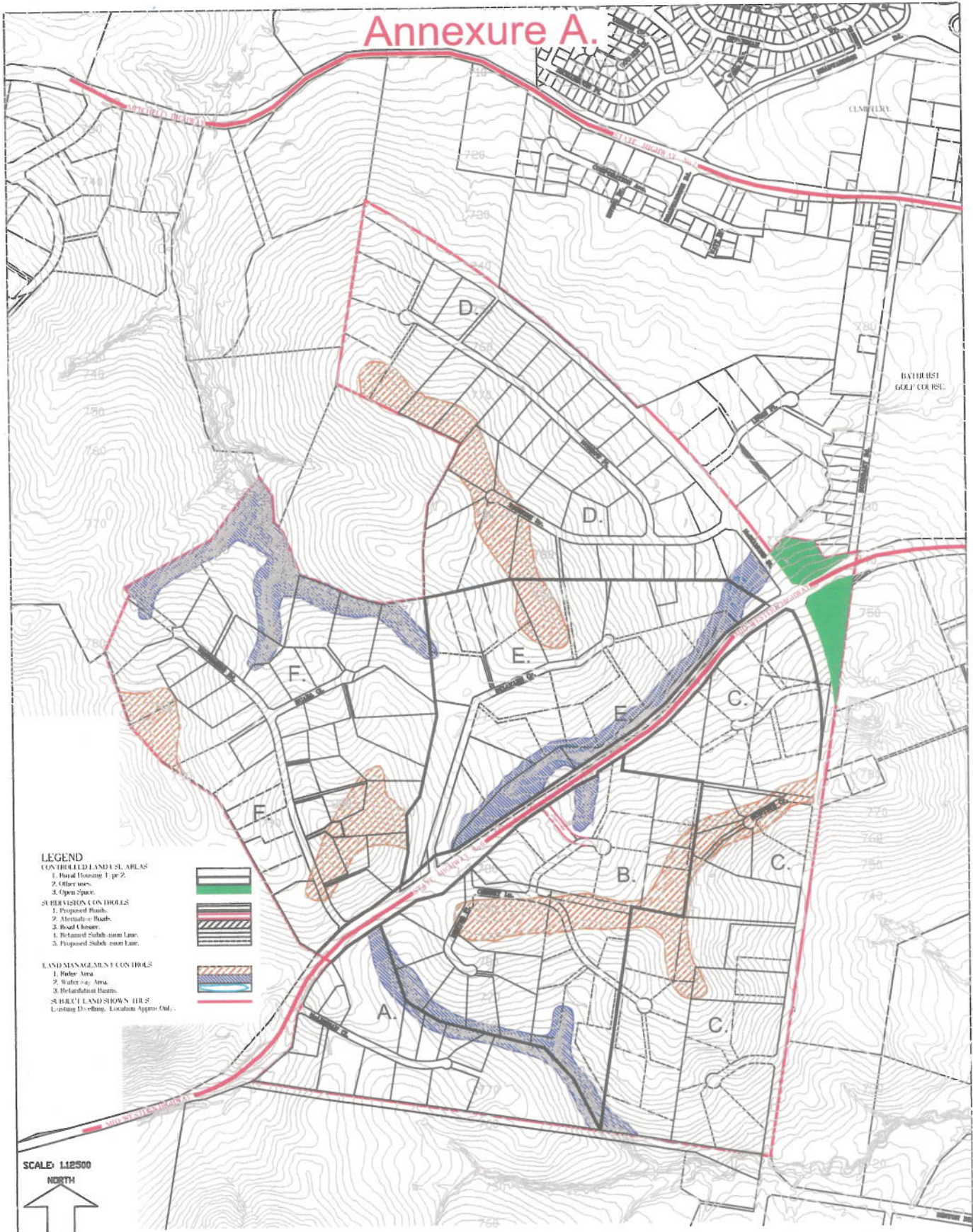
Area C \$7,529.82

Area D \$1,997.70

Area E \$27,869.10

Soil Conservation per lot \$489.90

Annexure A.



LEGEND

CONTROLLED LAND USE AREAS

1. Rural Housing 1, 2 & 3
2. Other uses
3. Open Space



REVISION CONTROLS

1. Proposed Roads
2. Alterations to Roads
3. Road Closure



LAND MANAGEMENT CONTROLS

1. Buffer Area
 2. Waterway Area
 3. Wetland/Inundation Basins
8. BUILT LAND SHOWS THIS Location Approval Only



SCALE: 1:12500



PARISH MOUNT PLEASANT.

COUNTY BATHURST.

LOCALITY ROBINHILL.

DRIVER: W.J. JORDAN	DATE: 26 JAN 96
PLANNING OFFICER: M. CLARKE	
CHECKED BY: PLANNING & DEVELOPMENT D.P. SHAW	
COUNCIL FILE No: 20-00070	

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
CITY OF BATHURST.
 SECTION 94 CONTRIBUTION PLAN
 ROAD & DRAINAGE CONSTRUCTION - ROBIN HILL.

Statement of relationship to other plans:
 Controls the development of land under L.E.P. 1996 as amended.

CERTIFIED IN ACCORDANCE WITH THE EPA ACT 1979 AND REGULATIONS.
 GENERAL MANAGER. DATE: 19 FEB 97