

contributions plan

No.23

section 94

Riverstone West Precinct

CONTENTS

1.	INTRODUCTION AND ADMINISTRATION OF THE PLAN.....	1
1.1	NAME OF THE PLAN	1
1.2	PURPOSE OF PLAN	1
1.3	FACILITIES ADDRESSED BY THIS PLAN.....	1
1.4	COMMENCEMENT OF THIS PLAN	2
1.5	PRINCIPLES OF SECTION 94.....	2
1.6	AIMS AND OBJECTIVES	2
1.7	LAND TO WHICH THE PLAN APPLIES	3
1.8	COMMUNITY INFRASTRUCTURE TRUST FUND AREAS	4
1.9	COMMUNITY INFRASTRUCTURE TRUST FUND	4
1.10	DEVELOPMENT TO WHICH THE PLAN APPLIES.....	5
1.11	CONSTRUCTION CERTIFICATES AND THE OBLIGATION OF ACCREDITED CERTIFIERS	5
1.12	COMPLYING DEVELOPMENT AND THE OBLIGATION OF ACCREDITED CERTIFIERS	5
1.13	RELATIONSHIP TO OTHER PLANS	5
1.14	RELATIONSHIP TO SPECIAL INFRASTRUCTURE CONTRIBUTIONS	5
1.15	THE MONITORING AND REVIEW OF THIS PLAN	6
1.16	TIMING OF PROVISION OF ITEMS.....	6
1.17	FINANCIAL INFORMATION	6
1.18	ENQUIRIES REGARDING THIS PLAN	6
1.19	CONTRIBUTIONS REGISTER.....	6
2	WATER CYCLE MANAGEMENT FACILITIES	8
2.1	NEXUS.....	8
2.2	INTEGRATED WATER CYCLE MANAGEMENT (IWCM)	8
2.3	CONTRIBUTION CATCHMENTS	9
2.4	CONTRIBUTION FORMULA	10
3	TRAFFIC & TRANSPORT MANAGEMENT FACILITIES	11
3.1	NEXUS.....	11
3.2	CONTRIBUTION CATCHMENT	11
3.3	CONTRIBUTION FORMULA	12
4	EXPLANATION OF CONTRIBUTION FORMULA COMPONENTS	13
4.1	INTRODUCTION.....	13
4.2	EXPLANATION OF THE LAND COMPONENTS	13
4.3	EXPLANATION OF THE CAPITAL COMPONENTS.....	13
4.4	EXPLANATION OF THE CATCHMENT AREAS	14
4.5	EXPLANATION OF THE ADMINISTRATIVE COMPONENT	14
4.6	INDEXATION	14
5	PAYMENT OF CONTRIBUTIONS	15
5.1	METHODS OF PAYMENT	15
5.1	TIMING OF PAYMENT.....	16
5.2	CREDITS FOR EXISTING DEVELOPMENT	16
5.3	INDEXATION OF CONTRIBUTIONS	17
5.4	DISCOUNTING OF CONTRIBUTIONS	17
5.5	DEFERRED PAYMENT OF CONTRIBUTIONS	17

LIST OF APPENDICES

- APPENDIX A Water Cycle Management Facilities Contribution Catchment and Schedule of Works.**
- APPENDIX B Traffic and Transport Management Facilities Location Map and Schedule of Works.**
- APPENDIX C Schedule of Values in the Contribution Formulae and Base Contribution Rates.**
- APPENDIX D Supporting Technical Documents and Reports.**

1. Introduction and Administration of the Plan

1.1 Name of the Plan

This Contributions Plan is called 'Section 94 Contributions Plan No.23 – Riverstone West Precinct'.

1.2 Purpose of Plan

This Contributions Plan outlines Council's policy regarding the application of Section 94 (S.94) of the Environmental Planning and Assessment Act, 1979 in relation to the provision of local infrastructure and baseline facilities within the Riverstone West Precinct.

Within the Riverstone West Precinct S.94 contributions are levied for the following amenities and services:

- Water Cycle Management Facilities;
- Traffic & Transport Management Facilities;

This Plan has been prepared in accordance with:

- The Environmental Planning and Assessment Act, 1979 (EPA Act);
- The Environmental Planning and Assessment Regulation, 2000; (EPA Regulation);
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- The Growth Centres (Development Corporations) Act 1974 No 49 (as amended);
- The Environmental Planning and Assessment Amendment Bill 2008;
- In conjunction with the Indicative Layout Plan (ILP) for the Riverstone West Precinct; and
- Having regard to the Practice Notes issued by the NSW Department of Planning (2005) in Accordance with clause 26(1) of the EPA Regulation.

The S.94 contributions contained in this Plan have been determined on the basis of "Contribution Catchments". This is the area over which a contribution for a particular item is levied. Within a catchment there is an identifiable "list" of works, which are scheduled for provision. There is one contribution catchment for this plan, the "Riverstone West Precinct Contribution Catchment".

Council applies contribution formulae to this catchment for the purpose of calculating the contribution rate applicable to the catchment. The formulae take into account the cost of works to be undertaken, the cost to Council of acquiring land on which to undertake these works and the size of the catchment area. The total cost of providing these works is distributed over the catchment on an equitable basis.

1.3 Facilities addressed by this Plan

This plan has been prepared in accordance with Clause 31A of the EPA Regulation, which prescribes the description of "Key Community Infrastructure" as:

"(1) The following community infrastructure is prescribed as key community infrastructure for the purposes of sections 116I and 116V of the Act:

- (a) local roads,
- (b) local bus facilities,
- (c) local parks,
- (d) local sporting, recreational and cultural facilities and local social facilities (being community and child care centres and volunteer rescue and volunteer emergency services facilities),
- (e) local car parking facilities,
- (f) drainage and stormwater management works,

- (g) land for any community infrastructure (except land for riparian corridors),
 - (h) district infrastructure of the kind referred to in paragraphs (a)–(e) but only if there is a direct connection with the development to which a contribution relates.
- (2) Public infrastructure comprising land for riparian corridors cannot be approved under section 116I or 116V of the Act as additional community infrastructure or additional public infrastructure.
- (3) In this clause: **facilities** means buildings and works.”

1.4 Commencement of this Plan

This plan takes effect from the date on which public notice was published, pursuant to clause 31 (4) of the EPA Regulation.

1.5 Principles of Section 94

Section 94 permits Council to require persons or entities developing land to pay monetary contributions, provide capital works (works in kind), and/or dedicate land in order to help fund the increased demand for public amenities and public services (amenities and services) generated through their developments.

The three general principles in applying Section 94 contributions are:

1. A contribution must be for, or relate to, a planning purpose;
2. A contribution must fairly and reasonably relate to the subject development; and
3. The contribution must be such that a reasonable planning authority, duly applying its statutory duties, could have properly imposed.

Council may either:

- Require a dedication of land;
- A monetary contribution;
- Material public benefit (works in kind); or
- A combination of some or all of the above.

One of the fundamental responsibilities of any Council in imposing S.94 contributions is to ensure that the contributions levied are reasonable. That is, the works and facilities to be provided must be as a direct consequence of the development on which the contributions are levied. In keeping with this responsibility, S.94 contributions levied on development as a result of this Plan are limited to providing amenities and services to the minimum level necessary to sustain an acceptable form of urban development.

1.6 Aims and Objectives

The aims and objectives of this Plan are to:

- Ensure that S.94 contributions levied on development within the Riverstone West Precinct are reasonable;
- Ensure that the method of levying S.94 contributions is practical;
- Ensure that an appropriate level of local infrastructure provision occurs within the Riverstone West Precinct;
- Employ a user pays policy for the funding of infrastructure within the Riverstone West Precinct so that the existing residents of the City are not subsidising new urban development;
- Ensure that the amenities and services provided are not for the purpose of making up shortfalls in other areas;
- Ensure infrastructure is provided in an orderly manner; and

- Make clear Council's intentions regarding the location and timing of infrastructure provision within the Riverstone West Precinct.

1.7 Land to Which the Plan Applies

This Contributions Plan applies to land within Riverstone West Precinct which is one of the release precincts in the North West Growth Centre.

The Riverstone West Precinct is about 285 hectares, located to the west of the Richmond Rail Line between Riverstone and Vineyard stations, and extending west to Eastern Creek.

The site currently is home to rural and industrial uses, and includes a small number of residences. It is known locally as the old Riverstone Meatworks site.

A map showing the location of the Riverstone West Precinct **is shown below.**



1.8 Community Infrastructure Trust Fund Areas

Schedule 3 of the Environmental Planning and Assessment Amendment Bill 2008 identifies land within these trust fund areas as “those pieces or parcels of land shown edged heavy red on the map entitled “North West Growth Centre” and the map entitled “South West Growth Centre (Edition 2)”, copies of which are deposited in the office of the Growth Centres Commission.” The Riverstone West Precinct is located within the Community Infrastructure Trust Fund Area.

1.9 Community Infrastructure Trust Fund

Section 25 of the Growth Centres (Development Corporations) Act 1974 No 49 (as amended) states that:

- (1) There is established by this section a fund called the Community Infrastructure Trust Fund.
- (2) The Fund is to be administered by the Secretary of the Treasury. The Secretary is to consult the Director-General and the trustees appointed under subsection (9) in relation to the administration of the Fund.
- (3) The following is to be paid into the Fund:
 - (a) monetary contributions paid under, and the proceeds of the sale of land dedicated under, Division 2 (Community infrastructure contributions) of Part 5B of the [Environmental Planning and Assessment Act 1979](#) in respect of development within a growth centre that is specified in Schedule 3 (Community Infrastructure Trust Fund areas),
 - (b) any money appropriated by Parliament for the purposes of the Fund,
 - (c) the proceeds of the investment of money in the Fund,
 - (d) any other money required to be paid into the Fund by or under this or any other Act or the regulations under this Act.
- (4) The following is to be paid from the Fund:
 - (a) payments to public authorities for the provision of public infrastructure in relation to development,
 - (b) any money required to meet administrative expenses in relation to the Fund,
 - (c) all other money directed or authorised to be paid from the Fund by this Act or by the regulations under this Act.
- (5) The assets of the Fund can only be applied for the purposes referred to in this section.
- (6) Money in the Fund may be kept in one or more financial institutions.
- (7) The money in the Fund may be invested:
 - (a) in such manner as may be authorised by the [Public Authorities \(Financial Arrangements\) Act 1987](#), or
 - (b) if that Act does not confer power on the Department to invest the money, in any other manner approved by the Treasurer.

(8) The Secretary of the Treasury may delegate any function of the Secretary under this section (other than this power of delegation) to the chief executive of a growth centre that is specified in Schedule 3.

(9) The Minister is to appoint an independent board of 6 trustees for the purposes of this section, comprising 2 representatives of local government, 2 representatives of the Department of Planning, and 2 representatives of the Treasury nominated by the Treasurer.

1.10 Development to which the Plan Applies

This Plan applies to all developments occurring within the precinct catchment areas that require the submission of a development application or an application for a complying development certificate, including the intensification of use of a site involving expansion of area occupied by a development and/or of resident or worker populations.

1.11 Construction Certificates and the Obligation of Accredited Certifiers

In accordance with section 94EC of the *EP&A Act* and Clause 146 of the *EP&A Regulation*, a certifying authority must not issue a construction certificate for building work or subdivision under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that Contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to Council in accordance with clause 142(2) of the *EP&A Regulation*. Failure to follow this procedure may render such a certificate invalid.

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

1.12 Complying Development and the Obligation of Accredited Certifiers

In accordance with S94EC(1) of the *EP&A Act*, accredited certifiers must impose a condition requiring monetary contributions in accordance with this Contributions Plan, which satisfies the following criteria.

The conditions imposed must be consistent with Council's standard section 94 consent conditions and be strictly in accordance with this Contributions Plan. It is the professional responsibility of accredited certifiers to accurately calculate the contribution and to apply the section 94 condition correctly.

1.13 Relationship to Other Plans

Environmental Planning Instruments and controls apply to the Riverstone West Precinct. These include:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006;
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Amendment (Riverstone West Precinct) 2009;
- Riverstone West Precinct Development Control Plan 2009.

1.14 Relationship to Special Infrastructure Contributions

This Plan does not affect the determination, collection or administration of any special infrastructure contribution (SIC) levied under Section 94EF of the *EPA Act* in respect to development on land to which this Plan applies.

Applicants should refer to the most recent SIC Practice Notes issued by the Department of Planning for details on the application of special infrastructure contributions to the Growth Centres Precincts.

1.15 The Monitoring and Review of this Plan

This Plan will be subject to regular review by Council. The purpose of any review is to ensure that:

- Contribution levels reflect current land and construction costs;
- The level of provision reflects current planning and engineering practice and likely population trends; and
- Work schedules are amended if development levels and income received differ from current expectations.

Any changes to the Plan must be prepared in accordance with the Act and Regulation and placed on public exhibition for a minimum period of 28 days. The nature of any changes proposed and the reasons for these will be clearly outlined as part of the public participation process.

Council welcomes the comments of interested persons in relation to this Plan at any time.

1.16 Timing of Provision of Items

The provision of the individual items contained in this plan has been prioritised.

The priority attached to providing each item has been determined having regard for:

- Existing development trends. For example, the provision of parks in faster growing residential areas will have a higher priority than slower growing areas.
- Anticipated revenue. Council's ability to forward fund Section 94 works is limited. As such the timing of works is very much dependant on the receipt of adequate S94 funds. The work schedules in the appendices of this plan have been formulated having regard for existing funds available to each of the catchment areas and projected income.

As noted in Section 1.15 above, regular reviews of this plan are undertaken. Development trends are monitored and revenue estimates are revised as part of the review process and as a result, the priority of works can change.

1.17 Financial Information

A separate annual statement is prepared by Council following the end of each financial year. This accounting record contains details of total contributions received, total contributions expended and total interest earned for each plan and is available for inspection free of charge from Council's Corporate Finance Section.

1.18 Enquiries regarding this Plan

Enquiries in relation to this or any other Contributions Plan can be made either by phoning Council's Information Centre on 9839 6000 between 8.30 am and 4.30 pm Monday to Friday or by visiting the Information Centre on the Ground Floor of the Civic Centre in Flushcombe Road, Blacktown between 8.30 am to 4.30 pm Monday to Friday.

1.19 Contributions Register

A copy of the Contributions Register is also available for inspection free of charge, and can be viewed at the Information Centre. As this register spans many years, persons wishing to view the whole register (rather than details in relation to a particular property) will need to contact Council's

Contributions & Expenditure Accountant or S.94 Officer in advance to ensure suitable arrangements can be made to view this information.

2 Water Cycle Management Facilities

2.1 Nexus

In order to levy S.94 contributions Council must be satisfied that development, the subject of a Development Application, will or is likely to require the provision of, or increase the demand for amenities and services within the area. This relationship or means of connection is referred to as the nexus.

The nexus between development and the increased demand for water cycle management works is based on the community held expectation that urban land should be satisfactorily drained, flood free and minimises environmental impact on receiving waters (downstream waterways). Acceptable standards for managing stormwater are also set by the state government and its agencies. The required performance standards are defined in a range of legislation, regulations, planning documents, agency guidelines, conditions of approval and ministerial direction.

Development produces hard impervious areas which results in increased stormwater runoff and greater flows occurring in the natural drainage system. If these flows are not controlled by an appropriate drainage system inundation from floodwaters may occur both within the area being developed and further downstream and upstream. The increased flows can also result in damage to downstream watercourses through increased erosion and bank instability. An appropriate drainage system may include pipes, channels, culverts and detention basins.

A nexus also exists between urban development and increased pollutant loads entering the stormwater system. Therefore, in order to protect receiving waters from the effects of urban development, stormwater quality improvement measures are required.

The Integrated Water Cycle Management objectives and criteria are detailed in the Growth Centres Commission State Environmental Planning Policy (SEPP) and the Riverstone West Development Control Plan (DCP). Relevant agency guidelines and approval requirements must also be satisfied.

Significant water cycle management infrastructure is required to satisfy the specified standards in order for development to occur and the key items protecting the public interest are included in this S94 CP. Additional developer delivered works will also be required to satisfy the specified performance standards.

2.2 Integrated Water Cycle Management (IWCM)

Integrated water cycle management encompasses all aspects of the urban water cycle including water supply, wastewater and stormwater management that promotes opportunities for linking water infrastructure, landscape design and the urban built form to minimize the impacts of development upon the water cycle and achieve sustainable outcomes.

An IWCM strategy acceptable to Council has not been completed for the Riverstone West Precinct. However, the latest draft Stormwater Management Strategy proposes at source on lot treatment for both stormwater quality and quantity controls. It does not provide details of how runoff from proposed public roads is to be managed. Therefore, it was necessary for Council to formulate an interim strategy suitable for S94 Contribution Plan (S94 CP) purposes.

For the purpose of preparing this draft S94 CP, the following assumptions have been made in relation to IWCM:

- a) Proposed at source on lot IWCM measures will fully comply with the DCP controls and objectives in relation to reductions in potable water demand, pollutant reduction, waterway stability targets and flow quantity.
- b) Proposed at source on lot IWCM measures will fully comply with Council's Engineering Guide for Development, the NSW Floodplain Development Manual and any other statutory requirements.
- c) Proposed on lot stormwater on site detention (OSD) systems will be designed to over attenuate post development flows to account for proposed roads that won't pass through OSD systems.
- d) The proposed OSD systems will compensate for any proposed catchment redistribution by ensuring that the current predevelopment flows are maintained at each outlet and appropriate controls for climate change are also provided.
- e) The proposed precinct roads are assumed to occupy 15% of the industrial and commercial land use zoned areas.
- f) The treatment system for the proposed precinct roads will comprise appropriate Gross Pollutant Traps (GPTs) and bio-retention systems.
- g) Trunk drainage channels and or culverts will be provided to safely convey upstream catchment flows through the proposed development with no increase in flood levels and frequency on adjoining development up to and including the Probable Maximum Flood (PMF).

The proposed S94 CP will need to be reviewed once an acceptable IWCM strategy and plan is prepared.

The proposed IWCM measures serving a public interest in this S94 CP are the proposed treatment measures for precinct roads and the trunk drainage channels and culverts servicing upstream catchments. The approximate locations and extents are shown in Appendix A. It is noted that the works shown are different to those indicated in the draft Stormwater Management Strategy prepared for the precinct. The works shown as part of this draft S94 CP better satisfy the requirements of the DCP than the strategy prepared for the precinct planning

The proposed works costs are based on preliminary sizing based on available numerical modelling prepared for the precinct planning and adjusted as required. Cost rates are based on Council's contract works rates and supplemented by industry rates where Council contract rates not available.

2.3 Contribution Catchments

The Riverstone West Precinct contains two main drainage catchments namely Vineyard and Eastern Creek Catchments. The areas of the catchments were determined having regard for the natural watershed and the proposed local road layout which will impact upon drainage flows.

When considering the size of contribution catchments for Water Cycle Management Facilities, Council took the approach that the catchments should be of a sufficient size to promote efficiency in the timing of the provision of infrastructure. This approach is supported by the Department of Planning Practice Notes for Development Contributions (2005). The proposed Stormwater Management Strategy for the Riverstone West Precinct provides for both stormwater quantity (flow) management and quality management.

3 Traffic & Transport Management Facilities

3.1 Nexus

Major Roads

The nexus between development and the increased demand for Major Roads is based on the accepted practice that efficient traffic management is facilitated best by a hierarchy of roads from local roads which are characterised by low traffic volumes, slow speeds and serve a small number of residential units up to arterial roads which are characterised by large volumes of traffic travelling at higher speeds.

In establishing new land release precincts, it is desirable for Council to provide for major roads to allow for the large volumes of relatively high-speed traffic. It would be unreasonable to require the developments that adjoin these roads to be responsible for their total construction as the standard of construction is greater than that required for subdivisional roads and direct access is not permitted to these roads. It is reasonable that all development in a particular area share the cost of providing the Major Roads, as all development will benefit from the provision of these roads.

This precinct is unusual in that major earthworks are required prior to constructing the proposed major sub-arterial "Spine Road" through the precinct. Therefore in this instance the proposed sub-arterial road generally within the precinct is required to be constructed as part of the subdivision works.

The Riverstone West Transport and Access study prepared by Arup for the precinct planning indicates that Bandon Road will need to be upgraded to sub-arterial standard beyond the precinct boundary generally east of the Richmond Railway line to Windsor Road. In order to achieve this link, an underpass of the railway is also required. Preliminary concept designs have been prepared for the Bandon Road underpass and upgrade to Windsor Road for costing purposes.

The Riverstone and Alex Avenue Precinct planning and associated draft Contributions Plan No. 20 make provision for constructing Bandon Road east of the railway to a collector road standard. Therefore, the cost attributed to this Riverstone West S94 CP is the cost difference between sub-arterial and collector standard and the cost of the underpass.

There is a possibility that funding may become available for the Bandon Road railway underpass through the Department of Planning's Special Infrastructure Contribution (SIC) Practice Note. However, no written confirmation has been received by Council that this is the case. Should SIC funding become available for the underpass this contributions plan will be adjusted accordingly.

Minor Roads

Minor roads are generally excluded from contributions plans as they generally only benefit a few properties and can usually be constructed as part of subdivision works. In this case, due to the requirements for major earthworks to occur prior to constructing local roads, no local roads are included in this contributions plan.

3.2 Contribution Catchment

A single contribution catchment for Traffic and Transport Traffic Management Facilities (the Riverstone West Precinct Contribution Catchment) is proposed.

A map showing the location of the Traffic and Transport Management Facilities within the Riverstone West Contribution Catchment, is contained in Appendix "B".

3.3 Contribution Formula

$$\text{CONTRIBUTION RATE} = \frac{(\text{L1} + \text{L2} + \text{C1} + \text{C2})}{\text{A}} + \text{B}$$

(\$/HECTARE)

The resultant contribution rates are contained in the schedule being Appendix "C" Traffic & Transport Management Facilities.

4 Explanation of Contribution Formula Components

4.1 Introduction

This Section provides an explanation of the various components of the contribution formulae detailed in Sections 2 to 3.

4.2 Explanation of the Land Components

Before Council can construct amenities and services it must first acquire the land on which the amenities and services are to be constructed. The land to be acquired is often zoned for the specific purpose of the works to be constructed.

In the contribution formulae:

- L1 - Represents land that has previously been acquired by Council for the purpose of providing the particular works. This amount reflects the actual cost to Council of acquiring these parcels (including valuation and conveyancing charges), indexed to current day \$ values using the Consumer Price Index.
- L2 - Represents the estimated average cost to Council of acquiring the lands required for the purpose of providing works. As this figure is an estimated average total cost of acquisition, the amount adopted does not necessarily reflect the value of any individual property. Each parcel of land to be acquired is subject to detailed valuation at the time of its acquisition. The "L2" figure is supplied by Council's Valuer and takes into account the following matters:
 - Acquisitions are undertaken in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991, which requires that land is to be acquired for an amount not less than its market value (unaffected by the proposal) at the date of acquisition.
 - That one of Council's objectives is to ensure that the funds Council receives for land acquisition from Section 94 Contributions in a particular catchment are equivalent to the amount required to fund the purchase of all land Council must acquire in that catchment. Therefore, valuation and conveyancing charges incurred by Council when acquiring land are taken into account.

Council has calculated the total value of L1 and L2 in the contribution formulae. These values are detailed in Appendix "C".

4.3 Explanation of the Capital Components

Schedules of works to be provided for the various items are detailed in Appendices "A" to "B" together with maps of each catchment showing the location of the works.

In the contribution formulae:

- C1 - Represents the actual cost to Council of constructing works already provided in the catchment indexed to current day values using the Consumer Price Index (CPI).
- C2 - Represents the estimated cost to Council of constructing works, which have yet to be provided in the catchment and are based on the most detailed designs that were available at the time of preparing the estimates.

4.4 Explanation of the Catchment Areas

The area of the catchment is the total "developable area" in the catchment. In calculating the "developable area", land, which will never be required to pay a contribution, has been excluded. These "exclusions" include, amongst others, existing roads and roads which are themselves Section 94 items, but not subdivisional roads, land zoned for drainage purposes and uses which existed prior to the land being rezoned for urban development and which are unlikely to be redeveloped. The purpose of identifying these exclusions is to ensure that only the new development (which is generating the need for the amenities and services) pays for their provision.

4.5 Explanation of the Administrative Component

The administration of S.94 is an expensive task. Council employs a number of staff that work on planning, designing and constructing works to be funded from S.94 contributions. In addition, consultant studies are often commissioned in order to determine design and costings of S.94 funded works. These may require revision on a regular basis. Also reviews of the demand for services and amenities, particularly the population based items, are conducted approximately every five years.

Council considers that the costs involved with administering S.94 are an integral and essential component of the efficient provision of amenities and services in the Riverstone West Precinct. Therefore, some of the costs of full-time staff and studies should be recouped from S.94 contributions.

"B" in the contribution formulae is the administrative component. It represents 0.5% of the cost of acquiring land and constructing works. Council considers that this small on-cost to recover part of the costs involved in administering S.94 is not unreasonable.

4.6 Indexation

In the formulae, previous land acquisitions (L1) and capital expenditures (C1) are indexed to current day values using the Consumer Price Index - Sydney - Housing (CPI). This index is published by the Australian Bureau of Statistics on a quarterly basis.

The reason for indexing past expenditure is that every developer pays for a small proportion of the cost of providing each individual item identified in the Plan. This means that if/when items are constructed prior to all contributions within a catchment being collected, then "borrowing" (between items) occurs. If retrospective contributions are not indexed this "borrowing" will have occurred without any interest having been paid. This will result in a shortfall of funds when future items are constructed using the "paid back" contributions. What indexing effectively does is to make up the lost interest on the funds that have been borrowed between individual items.

The CPI is one of the indices recommended for use by the Department of Planning.

5 Payment of Contributions

5.1 Methods of payment

There are 3 possible methods of payment of S.94 Contributions - monetary contribution, dedication of land and works-in-kind agreements.

Monetary Contribution

This is the usual method of payment. When a development consent is issued that involves the payment of a S.94 contribution, it contains a condition outlining the amount payable in monetary terms subject to indexation by the CPI. See section 7.4 for more details on indexation.

Dedication of Land

Where appropriate Council will permit S.94 public zoned land to offset the monetary contribution payable. The land that is to be provided must be in accordance with the zonings indicated on Council's planning instruments for the area. The assessment of the suitability of land for such an offset occurs at the development or subdivision application stage.

If consent is issued for a development, and it requires the creation of the S.94 public zoned land then the applicant needs to negotiate the value of the S.94 public zoned land with Council. Upon agreement being formally reached as to the land's value, Council will offset the value of the land against the monetary contribution payable.

It should be noted that Council will not release the final (lined) plan of subdivision which creates the land to be dedicated until a contract for the sale of the land (which confirms the purchase price/amount of compensation) has been entered into.

Works-in-kind Agreements

Council may accept the construction of works listed in the schedules to this plan to offset the monetary contribution payable. The applicant will need to initiate this option by providing Council with full details of the work proposed to be undertaken. Council will then consider the request and advise the applicant accordingly.

The applicant will need to provide Council with suitable financial guarantees (normally by way of a Bank Guarantee) for 1.25 times the amount of the works in addition to a maintenance allowance and any GST amounts applicable. Upon completion of the works to Council's satisfaction the guarantee will be discharged by Council.

Approval of any Works-In-Kind is conditional upon the developer paying all Council's legal costs incurred in the preparation of the Works-In-Kind (Deed of) Agreement. Cost estimates for works include a component for supervision (equivalent to 3% of the cost of the works being undertaken). Where Works In Kind are undertaken Council requires that the supervision fee be in the form of a cash payment. Thus this particular part of the cost of the works is included as an offset against contributions.

5.1 Timing of Payment

Council's policy regarding the timing of payment of S.94 contributions is as follows:

Approved under the EP & A Act as it existed pre July 1998 -

- Development Applications involving subdivisions
Prior to the release of the "linen plan" of subdivision.
- Development Applications involving building work -
Prior to release of the Building Permit.

Note: Applications for combined building and subdivision approval are required to pay contributions upon whichever of these events occurs first.

- Development Applications where no building approval is required -
Prior to occupation.

Approved under the EP & A Act as amended on and from July 1 1998 -

- Development Applications involving subdivisions
Prior to release of the Subdivision Certificate
- Development Applications involving building work
Prior to release of Building Construction Certificate or installation approval for a manufactured / relocatable / moveable dwelling or building under section 68 of the Local Government Act 1993 (as applicable).
- Development Applications where no building approval is required
Prior to occupation or use of the development.

Note: Applications for combined building and subdivision approval are required to pay contributions upon whichever of these events occurs first.

5.2 Credits for Existing Development

As Section 94 contributions can only be levied where development will result in increased demand, contributions are not sought in relation to demand for urban facilities generated by existing authorised development. Thus "credits" are granted in relation to urban demand generated by existing authorised development.

- A credit of 450m² and 2.9 persons is applied for existing authorised dwellings that are to be demolished in residential zones.
- In other instances a credit relating to the actual area occupied and retained for use by the existing development is generally applied. The credit granted is determined having regard for the individual circumstances.
- The area occupied is determined having regard to both the current and previous applications, aerial photos, the area occupied by existing authorised buildings and authorised activities on site.
- Residue lots are not levied until they are further developed. In residential zones Council places an 88B restriction on residue lots to deny any further development of

the lot until it is further subdivided, consolidated or has a separate development application approval. Contributions are levied upon further subdivision, consolidation or separate development approval.

5.3 Indexation of Contributions

Contribution rates are indexed quarterly in accordance with the Consumer Price Index - Sydney - Housing (CPI).

The method of indexing the contribution rates is to multiply the base contribution rate by the most recently published CPI at the time of payment and in the case of this version of the Plan, divide it by the December 2009 CPI (162.7). **At all times the contributions payable will not fall below the base rates listed at Appendix C.**

5.4 Discounting of Contributions

Council does not discount contributions both for equity and financial reasons, as it would be inequitable to recoup a discount from remaining development. Discounting would also compromise Council's ability to provide the facilities and would place an additional burden on existing residents to subsidise new development.

5.5 Deferred Payment of Contributions

Council has a policy for the deferred payment of S.94 contributions as follows:

- An applicant requesting deferred payment needs to apply in writing to Council. All requests are considered on their merits having regard to (but not exclusively) the type of work for which the contribution is sought, the rate of development occurring within the area and the impending need to construct the works for which S.94 Contributions are being levied.
- Where deferred payment is approved by Council the period of time for deferring payment will generally be limited to 12 months.
- If Council approves of the request for deferred payment it is conditional upon the applicant providing a suitable Bank Guarantee and Deed of Agreement.
- Interest is charged on deferred contributions. Council also charges an administrative fee for deferred payment. The interest rate and administrative fee levied for the deferred payment of contributions are reviewed annually and appear in Council's Schedule of Fees. A copy of this Schedule is available from Council's Development Services Unit.
- The amount of the bank guarantee shall be the sum of the amount of contributions outstanding at the time of deferring payment plus the expected "interest" accrued over the deferral period. This amount will also represent the amount payable at the end of the deferral period.
- The Deed of Agreement is to be prepared by one of Council's Solicitors at full cost to the applicant. In this regard the applicant is to pay Council's Solicitor's costs direct to the Solicitor and not through Council.
- Should contributions not be paid by the due date, the bank guarantee will be called up by Council.
- Council has a separate deferral policy specifically for dual occupancies, which are to be occupied by elderly and/or disabled persons (i.e. traditional granny flats).

- Enquiries regarding deferred payment can be made through contacting the relevant Council office dealing with the application.

Appendices

APPENDIX A 1 of 2

**RIVERSTONE WEST PRECINCT
WATER CYCLE MANAGEMENT FACILITIES**



Catchment Area indicative only

Map information is not necessarily up-to-date or correct and Blacktown City Council accepts no responsibility in that regard. As such no reliance on these maps should be made without reference to Council's GIS mapping of catchment zones.

CONTRIBUTION ITEM
**Water Cycle
Management**

CATCHMENT AREA
**Riverstone West
Precinct**

APPENDIX A 2 of 2

RIVERSTONE WEST PRECINCT WATER CYCLE MANAGEMENT FACILITIES

Description of Works	Item No.	Estimated Cost		Total
		Timing of Infrastructure to be Determined		
Raingardens - Location to be determined	RW1		\$1,000,000	\$1,000,000
Road Bridge Across Floodway	RW2		\$6,750,000	\$6,750,000
Bebo Arch Culvert Floodway	RW3		\$7,390,000	\$7,390,000
		\$0	\$15,140,000	\$15,140,000

Catchment Area indicative only

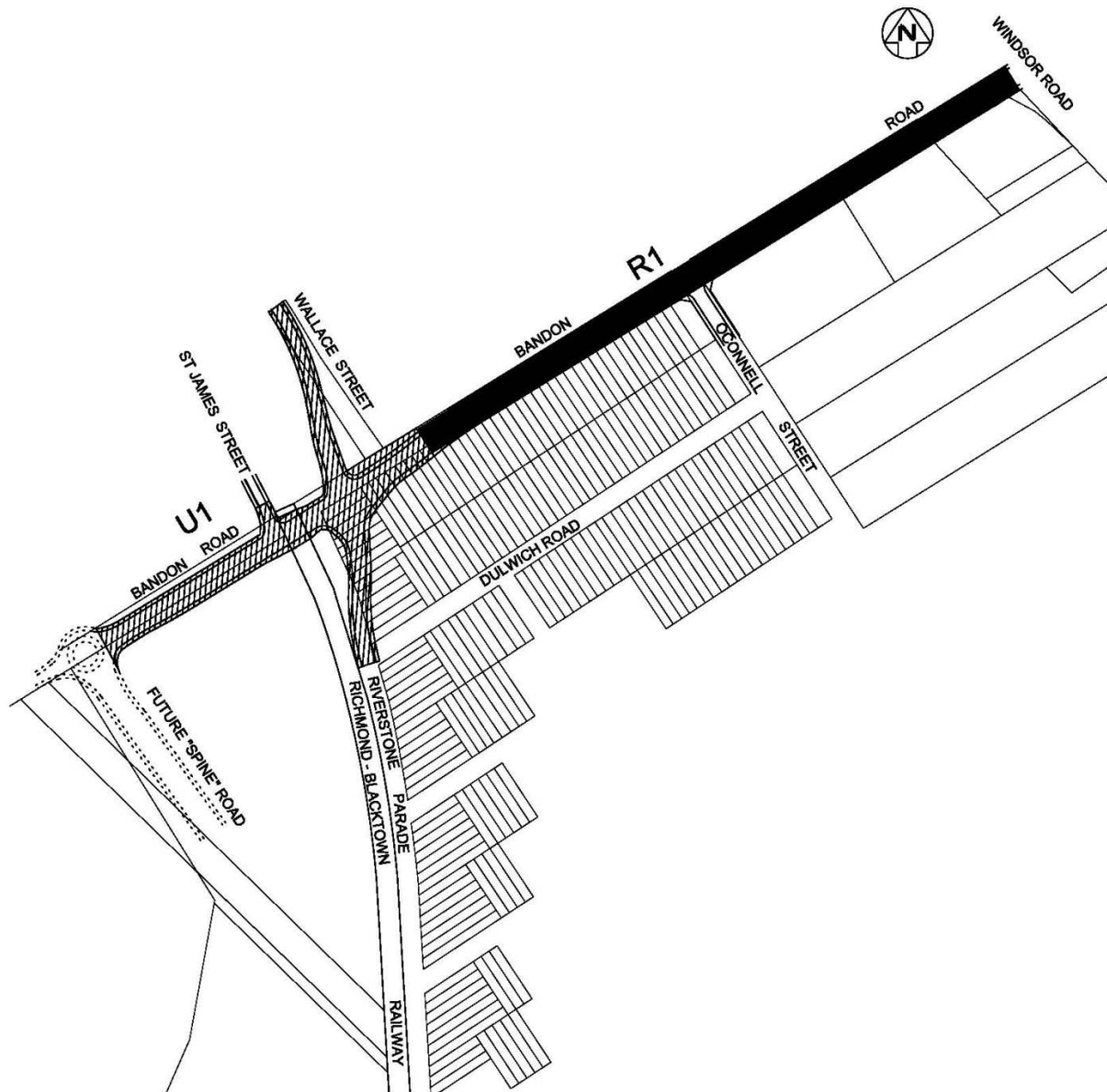
Map information is not necessarily up-to-date or correct and Blacktown City Council accepts no responsibility in that regard. As such no reliance on these maps should be made without reference to Council's GIS mapping of catchment zones.

CONTRIBUTION ITEM
**Water Cycle
Management**

CATCHMENT AREA
**Riverstone West
Precinct**

APPENDIX B 1 of 2

**RIVERSTONE WEST PRECINCT
TRAFFIC AND TRANSPORT MANAGEMENT FACILITIES**



Location Map indicative only

Map information is not necessarily up-to-date or correct and Blacktown City Council accepts no responsibility in that regard. As such no reliance on these maps should be made without reference to Council's GIS mapping.

CONTRIBUTION ITEM
**Traffic & Transport
Management**

CATCHMENT AREA
**Riverstone West
Precinct**

APPENDIX B 2 of 2

RIVERSTONE WEST PRECINCT TRAFFIC AND TRANSPORT MANAGEMENT FACILITIES

Description of Works	Item No.	Length (m)	Estimated Cost		Total
			Timing of Infrastructure to be Determined		
Bandon Road	R1	620		\$7,488,000	\$7,488,000
Bandon Road Underpass Works	U1			\$36,217,000	\$36,217,000
		620	\$0	\$43,705,000	\$43,705,000

CONTRIBUTION ITEM
Traffic & Transport
Management

CATCHMENT AREA
Riverstone West
Precinct

APPENDIX C

SCHEDULE OF VALUES IN THE CONTRIBUTION FORMULAE

CATCHMENT	SIZE OF CATCHMENT (Ha)	LAND ACQUIRED L1 (\$)	YET TO ACQUIRE L2 (\$)	ITEMS CONSTRUCTED C1 (\$)	YET TO CONSTRUCT C2 (\$)	TOTAL L1+L2+C1+C2 (\$)
WATER MANAGEMENT						
RIVERSTONE WEST	114.67		\$654,000		\$15,140,000	\$15,794,000
TRAFFIC MANAGEMENT						
RIVERSTONE WEST	114.67		\$1,059,000		\$43,705,000	\$44,764,000
TOTAL		\$0	\$1,713,000	\$0	\$58,845,000	\$60,558,000

BASE CONTRIBUTION RATES (per hectare)

(Base CPI Dec 2009 - 162.7)

CATCHMENT	CONTRIBUTION RATE (\$)
WATER MANAGEMENT	
RIVERSTONE WEST	\$138,423
TRAFFIC MANAGEMENT	
RIVERSTONE WEST	\$392,324

INDEXATION METHOD

The method of indexing the base contribution rate is to multiply the most recently published CPI at the time of payment and divide it by the June 2009 CPI. At all times the contributions payable will not fall below the base rates listed in the table.

APPENDIX D**SUPPORTING TECHNICAL DOCUMENTS AND REPORTS**

The following identifies technical documents, studies, relevant legislation, and reports which have been used for researching this contributions plan:

- Paterson Britton & Partners Pty Ltd *Riverstone West Precinct Flood Impact Assessment*, December 2008, prepared on behalf of the Growth Centres Commission.
- ARUP Pty Ltd *Riverstone West Transport & Access Study*, December 2008, prepared for the Growth Centres Commission.
- *Environmental Planning and Assessment Act 1979*.
- *Environmental Planning and Assessment Regulation 2000*.
- *The Growth Centres (Development Corporations) Act 1974 No 49* (as amended);
- Department of Planning *Development Contributions Practice Note (July 2005)*.
- Growth Centres Commission (2006), *Special Infrastructure Contribution Practice Note*, December 2006.
- Growth Centres Commission (2006), *Growth Centres Development Code*, October 2006.