

ANNEXURE 1 (cont)

CONTRIBUTIONS PLAN 2/1992 – NORTH-EAST ARMIDALE SECTOR

SUMMARY ONLY

The above plan came into force on 2 December 1992.

The purpose of the Plan is to provide a concrete footpath along Rockvale Road, between Norris Drive and Gordon Street.

The format of the Contributions Plan consists of a written document and contribution diagram.

Further details are available from Council's Development Control Unit, Civic Administration Building, Rusden Street, Armidale during normal business hours



Attachment POL085-Regulatory

Armidale Dumaresq Council

DEVELOPMENT CONTROL PLAN 18

CONTRIBUTIONS PLAN NO.2/1992

ARMIDALE NORTH EASTERN SECTOR

Adopted 2 December 1992
Amended 7 March 1994
Amended 25 September 2000
Amended 3 February 2006

Armidale Dumaresq Council
PO Box 75A
ARMIDALE NSW 2350



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PART 1 INTRODUCTORY

1.1 Name and Status of Plan

This Plan is known as 'Development Control Plan No. 18 and Contributions Plan No.2/1992' (referred to below as this Plan). It consists of this written document, a Strategy Plan, Drainage Catchment Diagram and Footpath Contribution Diagram, being Council Plans Nos 813.36, 813.36A and 813.36B. This Plan was made pursuant to Sections 72 and 94AB of the Environmental Planning and Assessment Act 1979.

1.2 Commencement

This Plan came into force on 2 December 1992, pursuant to Clauses 24(2) and 41J of the Environmental Planning & Assessment Regulation 1980, as amended.

The Plan was amended on 7 March 1994 by deletion of drainage contribution provisions which will henceforward be dealt with under the provisions of the Water Supply Authorities Act 1987 (refer to North East Armidale Drainage Contributions Plan),.

The plan was again amended on 3 February 2006 to alter the requirement for the treatment of the natural drainage channels within the site.

1.3 Application and Variance

This Plan applies to the area (hereafter referred to as 'the land') shown on the Strategy Plan, Footpath Contribution Diagram and Drainage Catchment Diagram, in the manner described in this document.

The Council will assess all development proposals on their merits and may vary the requirements of this Plan where it is considered reasonable or necessary to do so in the circumstances of a particular case.

Equally, an application which complies with the requirements of this Plan will not necessarily be approved if Council considers that a proposed development would be unsatisfactory having regard to other statutory plans, Council codes and policies and the provisions of the Environment Planning and Assessment Act 1979, as amended.

1.4 Relationship to Other Plans/Policies

This Plan is supplementary to and should be read in conjunction with the provisions of the Environmental Planning and Assessment Act 1979, as amended, Council's relevant Development Control Plans and Contributions Plans or any draft Plans which apply or have been publicly exhibited at the date of lodgement of any development application for the land.

The requirements of such Plans and Codes will be considered by Council in conjunction with this Plan when processing applications for development of the land.

1.5 Objectives

The broad objectives of this Plan are as follows:

- (a) To facilitate the orderly and economic development of the land, including future subdivision;
- (b) To provide for responsible development having regard to natural and man-made environmental features and constraints;
- (c) To provide for safe and effective utility and other infrastructure servicing of the land;
- (d) To minimise any adverse impacts of future development in the area on adjoining and nearby properties;
- (e) To provide landholders and prospective developers with a guide to Council's requirements for future development of the land, including provisions for certain locality-specific monetary and land contributions by developers under s.94 of the Environmental Planning and Assessment Act 1979, as amended.

1.6 Definitions

In this Plan:

- Significant Development means any development which requires development consent under Armidale Local Environmental Plan 1988 (as amended) and any form of subdivision, but does not include the erection of a single dwelling house on an existing allotment of land zoned 'Residential 2' under Armidale Local Environmental Plan 1988 (as amended) – except as provided for in the provisions of Part 2.4 of this Plan regarding Rockvale Gardens Estate being Norris Drive. Significant Development does not include minor buildings ancillary to existing uses, as defined in Council Local Approvals Policy Development Control Plan 1999 (namely garages, sheds, carports and the like).
- Peak Discharge means the stormwater discharge associated with at least a 1 in 100 year Average Recurrence Interval (ARI) Storm Event, calculated in accordance with 'Australian Rainfall and Runoff' (Institute of Engineers Australia, 1987). The actual design ARI will depend on an assessment of the hazard rating in accordance with the criteria detailed in the NSW Government Publication 'Floodplain Development Manual' 1986 adopted by Council.
- Stormwater drainage easement means a legally established easement to drain water and may include Drainage Reserves and the like under the control of Armidale Dumaresq Council.

PART 2 DEVELOPMENT CONTROL

2 FUTURE DEVELOPMENT OF THE LAND

Future significant development of the land shall be carried out in accordance with principles shown diagrammatically on the Strategy Plan.

The following specific provisions also apply:

2.1 Roads and Access

2.1.1 Interallotment Access

Any significant development of the land shall not prejudice and, if appropriate, shall provide for future interallotment vehicle and pedestrian access as shown diagrammatically on the Strategy Plan. Dedication of land for future road reserves is also dealt with under Part 3 of this Plan below.

2.1.2 Former Road Reserves

Wherever the opportunity arises, former (undedicated) road reserve areas adjacent to sites where significant development is proposed are to be consolidated with adjoining land in the same ownership. This will promote the effective integration of such areas with future subdivisions and avoid uneconomic and impractical Lot shapes and dimensions.

2.1.3 Box Hill Drive

In any significant development proposal requiring access to Box Hill Drive, provision shall be made for the construction (ie sealing) of Box Hill Drive to create a two-lane 'rural type' road with gravel shoulders and table drain from the nearest available sealed public road to the point of entry to that development site. Detailed design and method of construction shall be to the Council's road design standards applicable at the date of lodgement of the development application.

Council may also require additional work beyond the point of entry to eliminate dust nuisance to adjacent residential properties.

Box Hill Drive is designated by Council as a future arterial road link between Erskine Street and Rockvale Road. In the long term, further upgrading of the road carriageway and footpaths may be carried out to reflect this future road status.

However, no developer contributions are required for upgrading to arterial road status as part of this Plan. In the meantime, road designs should endeavour to retain as many existing trees within the road reserve as is feasible and safe, having regard to the function of the road reserve to accommodate both pedestrian and vehicle traffic.

2.1.4 Limited Access Frontages

On frontages denoted 'Limited Access' on the Strategy Plan, multiple points of vehicle access will not be permitted for any significant development. Moreover, Council will seek mounded landscaping in public reserves along such frontages to provide a visual 'buffer' to development, in accordance with Council's adopted Policy for such reserves (refer Armidale Contributions Plan).

2.1.5 Access Denial

On frontages denoted 'Access Denial' on the strategy Plan, no vehicle access will be permitted in the event of significant development. Mounded landscaping in public reserves will also be required as for Limited Access frontages, in accordance with Council's adopted Policy for such reserves (refer Armidale Contributions Plan).

2.1.6 Road Design Generally

New subdivision road design should minimise visual impact on the local environment by endeavouring to preserve existing trees and by following contour lines as closely as possible. Road design should also have regard to stormwater drainage issues.

2.2 Stormwater Drainage

Contributions will be levied on development of land zoned Residential 2 and Rural-Residential 1(b) under Armidale Local Environmental Plan 1988 and identified on the 'Drainage Catchment Diagram'. Details are contained in the North East Armidale Drainage Contributions Plan.

2.2.1 Existing Natural Flow Paths – Creation of Drainage Reserves/Easements:

All land identified on the Drainage Catchment Diagram and Strategy Plan drains to the 'Drainage Discharge Point' also shown on the Plans, and thence to Dumaresq Creek. In the event of significant development within the area show on the Drainage Catchment Diagram, Council's requirements are as follows:

(a) Within Development Sites

Stormwater discharge for any significant development is to use the identified "existing natural flow path(s)" shown on the Strategy Plan, maintaining the natural watercourse in accordance with the Department of Natural Resources requirements under Part 3A of the River and Foreshores Improvements Act 1948 and generally in accordance with the typical reshaping treatment for watercourses, shown in Appendix 1. Each design solution submitted with a Development Application will be considered on its merits.

Natural reserve areas are to be defined and suitably landscaped to accommodate:

- (i) Existing and potential future peak discharge from all land upstream; and
- (ii) Additional peak discharge arising from the proposed significant development itself, and
- (iii) Flat access strips to a minimum of 3 metres wide at the top of the banks of both sides of the channel.

Note: Dedication of drainage reserves may also be required on parts of flow paths near or adjacent to proposed development sites where the continued existence of a natural flow path in unimproved form would pose an unacceptable hazard to the proposed development and its future occupants.

(b) Downstream of Development Sites

The peak discharge from any significant development shall be accommodated within the natural waterway and the natural reserve areas.

The width of the natural reserve areas shall be sufficient to accommodate the potential future peak discharge from all land upstream of the point at which stormwater is discharged from the development site.

Note: Assessment of the potential future upstream peak discharge is to be calculated on the basis that land below the 1000 metre contour is likely to be developed for urban purposes, and land above that level will realise the full potential of the existing land use zoning as applicable at the date of lodgement of the development application.

The natural drainage system is to be established by the developer and for the feasibility of such an easement (including the consent of the affected owner(s)) to be demonstrated in the relevant development application. Within the natural downstream stormwater drainage system, additional works may be required to mitigate potential hazard and nuisance.

2.2.2 Interallotment Drainage

Interallotment drainage shall also be provided for any significant development, including any subdivision, in accordance with Council's Subdivision Code and Engineering Standards. This interallotment drainage should direct stormwater flows in a hazard-free and nuisance-free manner to a downstream point of 'no reasonable complaint' as determined by Armidale Dumaresq Council.

2.3 Gara 'Raw' Water Main

The location of this main is shown on the Strategy Plan. The main is not available for domestic water connections. In addition, as part of any significant development of sites through which the main passes, a 5-metre wide maintenance easement in favour of Armidale Dumaresq Council is to be provided, with the line of the pipeline itself offset by 1.5m from one side of the easement to allow access to the pipe by Council plant should repair of the main be required.

Council will consider the realignment of the main, at the developer's expense, where this will assist with subdivision proposals.

2.4 Rockvale Gardens Estate being Norris Drive

This site has been the subject of rezoning to enable residential development on the majority of the site, while retaining the western portion, which has significant tree cover in an Environmental Protection zoning.

2.4.1 Drainage

Given the existence of a considerable portion of land within the site which does not have significant development potential (ie the section to be zoned Environment Protection) Council may be prepared to waive the requirements of Part 2.2.2 above in respect of this site if the developer of the Portion wishes to construct an on-site retardation system for stormwater drainage generated by site development.

Criteria for acceptance of such a system would be as follows:

- (i) Capacity Requirements – the detention basin shall be sized to ensure that the peak discharge from the outlet of the retardation system for the developed catchment shall be no greater than for an equivalent rainfall event with the catchment in the undeveloped state.
- (ii) Private ownership and maintenance – a Community Title Management Plan and ownership system shall be in place for perpetuity to ensure that the system shall be maintained by the beneficiaries in a condition that will fulfil the design function, without any financial or legal obligation on Council. Council has resolved that it will not accept into public ownership any facility of this nature.
- (iii) Safety requirements – the basin shall be designed to ensure all safety standards applicable at the time of construction are fulfilled. The basin shall not be designed to permanently hold water unless detailed management arrangements are in place to ensure safety of the public and maintain water quality at an acceptable standard.
- (iv) Aesthetics – any basin shall be designed as part of the overall landscape proposal for the development and shall be complementary to the development theme. It is not desirable for the area to be cleared of all natural vegetation and any mature trees (eg >5m high) be maintained in accordance with Council's Tree Preservation Order.

- (v) Dual use – Council will have no objection to the dual use of the area if it can be shown that the uses are compatible and no conflict occurs with the primary function, on a long term basis, of controlling the peak discharge from the site.

2.5 Potentially Contaminated land

Investigations carried out in connection with the preparation of this Plan have revealed the existence of two former orchards in the locations shown on the Strategy Plan. The Department of Environment and Conservation (DEC) has recommended that these sites be investigated for the existence of pesticide spray residues before any development is permitted upon or in the vicinity of them.

As part of any application for the development of these sites, a contamination investigation and, if necessary, a Remediation Plan, both prepared by a suitably qualified and experienced professional consultant, shall be submitted for the approval of Council and the DEC.

Where remediation measures are necessary, the proposed development shall not proceed unless approved remediation measures have first been carried out to the satisfaction of Council and the DEC.

2.6 Erosion Control and Pollution Management

Proposed drainage systems and management of all excavated areas shall be referred to the Department of Natural Resources (DNR) and shall meet their requirements. Written advice from the DNR is to be provided with development applications for subdivisions.

An Erosion and Sediment Control Management Plan for development sites shall be produced as part of the engineering submissions. It shall address the construction phase, staging proposals for the work for both long and short terms, until a satisfactory vegetative cover is established to control erosion and sediment transfer. This Plan shall comply with the requirements of both the DNR and DEC. The implementation of the Plan shall form part of the engineering works and ongoing maintenance programme.

PART 3 SECTION 94 CONTRIBUTIONS

Contributions Plan

In conjunction with the preparation of this Plan, Council has identified the need to secure certain public services and amenities in conjunction with development, as provided for by s.94 of the Environmental Planning and Assessment Act 1979, as amended. To this end, as indicated in Part 1 (1) – (3) above, this Plan and accompanying drawings also constitute a ‘Contribution Plan’ for the purposes of s.94AB of the Act.

3.1 Contributions for Footpath

3.1.1 Public Facility to be Provided

A (concrete) paved footpath along Rockvale Road, linking development on Rockvale Gardens Estate being Norris Drive and Gordon Street. The footpath is also likely to benefit both existing and future development on either side of Rockvale Road within the vicinity of the proposed footpath (beneficiary land is identified on attached Footpath Contribution Diagram).

3.1.2 Justification

(a) Causal nexus

The development of Rockvale Gardens Estate being Norris Drive and nearby rural residential zoned land will generate a significant demand for an easily maintainable all-weather pedestrian access between Rockvale Gardens Estate being Norris Drive and the existing (grassed) footpath at Gordon Street.

(b) Spatial nexus

Contributions received will be used to provide a pedestrian connection in a location of direct benefit to contributing sites.

(c) Temporal nexus

Since the provision of a footpath link in this location is essential to the access and mobility of the local community, it must be provided as development takes place (see also ‘Settlement’ below).

3.1.3 Calculation & Application of Contribution

Contributions will be levied on development of land within the areas identified on the 'Footpath Contribution Diagram' accompanying this Plan, on the following basis:

$$\frac{L \times C}{Y} = \text{Contribution (per additional Lot)}$$

Where

L = Length of footpath required (550m)

C = \$ cost for construction of footpath per lineal metre (estimated 1992 cost – see below)

Y = Expected Lot yield (see Footpath Contribution Plan)

See Clause 10 below for actual contribution rate.

3.1.4 Settlement (payment) of Contribution

Two options are available for settlement of the contributions. They are:

- (i) Payment of required \$ contribution – Council to carry out works using funds received; or
- (ii) Developer carries out works (works in kind) in lieu of all or part of \$ contribution if works not completed in advance of development.

Notes:

- * *Part of the cost of footpath construction may be offset through Council levy on adjacent landowners for footpath provision under s.243 of the Local Government Act.*
- * *Council is concerned that the footpath should be provided in full as soon as any subdivision proceeds in 'staged' releases. In such circumstances, Council may be prepared to defer payment of other contributions, such as water and sewer headworks, for an additional period to that provided for in the Armidale Dumaresq Contributions Plan in the interests of advancing completion of the footpath. Requests for such additional deferral should be negotiated as part of the development application process.*

3.2 Contributions of Land for Widening

3.2.1 Public Facility to be Provided

The Strategy Plan identifies sections of Rockvale Road where dedication of land for road widening will be required. Council will require dedication as shown in the event of subdivision or other significant development of the site(s) adjacent to the identified widening.

3.2.2 Justification

(a) Causal nexus

The widenings will improve traffic safety in the vicinity of the sites affected.

(b) Spatial nexus

The required widening strips form part of the sites concerned.

(c) Temporal nexus

The dedication of land will be obtained as development of the sites concerned takes place.

3.2.3 Calculation & Application of Contribution

The location of land to be dedicated and radii of widening is shown on the Strategy Plan.

PART 4 WORKS SCHEDULE

Pursuant to cl.41F of the Environmental Planning and Assessment Regulation 1980, Council is required to indicate the likely cost, staging and timing of the public amenities and services required under this Contributions Plan. Exact timing will be dependent upon developer activity and accumulation of funds, but since a number of the key development sites in the area shown on DCP 18 are subject to a seven year 'sunset' clause under Armidale Local Environmental Plan (as amended), the majority of the work is expected to have been carried out within that period (ie by 1999).

The works identified in this Plan and the 1992 cost thereof are as follows:

Rockvale Road Footpath (approx 550m) @\$116.95 per metre comprising	Total Costs	\$64,320.00
	Footpath preparation	\$30,000.00
	Concrete	\$34,320.00
Road Widening	Land dedication only (no works) Value to be determined at date of settlement.	

PART 5 CONTRIBUTION RATES SCHEDULE – 1994

Notes:

These contribution rates are based on 1992 prices as adjusted using the ABS Implicit Price Deflator (IPD). The use of the IPD is explained in the Armidale Dumaresq Contributions Plan.

Contributions listed are payable on the creation of additional residential Lots in the areas identified on the attached Footpath Contribution Diagram.

Proposals for medium density housing developments and small Lot subdivision (230-400 sq m Lots) will also be liable for contributions, but these proposals will be assess at 0.7 of the standard contribution per unit/small Lot.

FOOTPATH – ROCKVALE ROAD (See 3.1)

64320 = \$784.00 per additional Lot created.
82

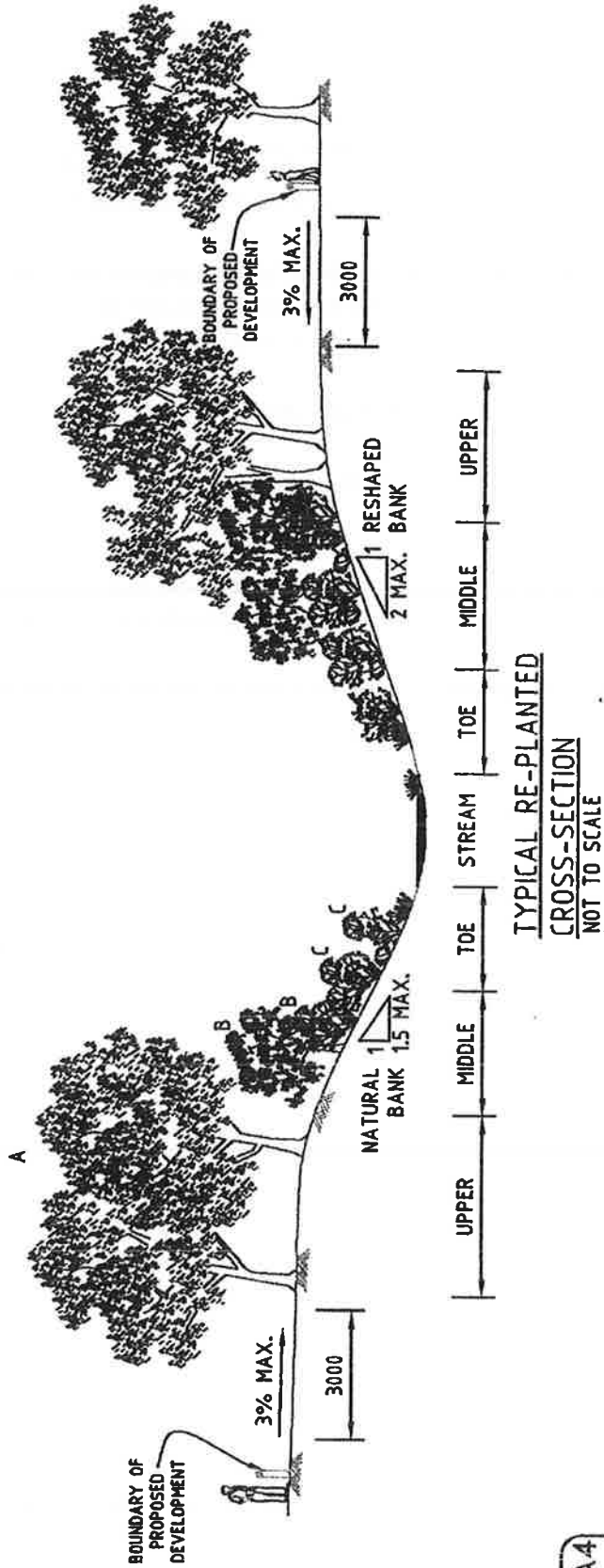
- Contribution per additional Lot \$784.00
- Contribution per unit/small Lot \$549.00

All existing lots will enjoy a credit of \$784.00 for calculation purposes)

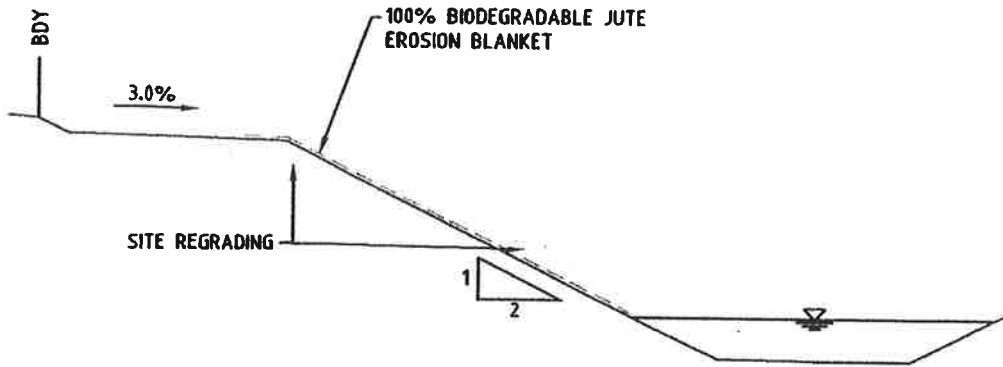
APPENDIX 1

CONCEPT PLANTING SCHEDULE

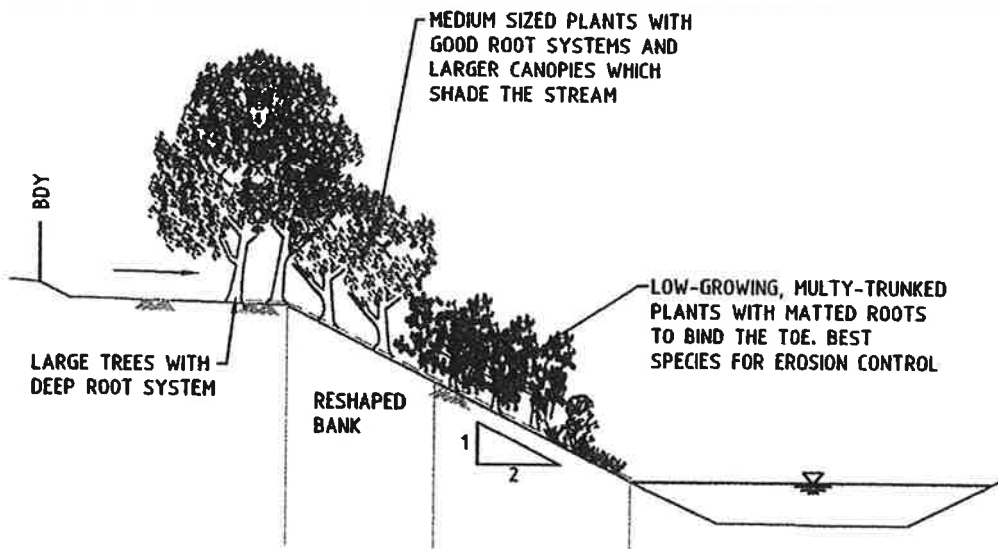
A	UPPER	ACACIA DEALBATA, EUCALYPTUS STELLULATA, BANKSIA INTEGRIFOLIA	LARGER TREES WITH DEEP ROOT SYSTEMS
B	MIDDLE	ACACIA MELANDRYLON, EUCALYPTUS PAUCIFLORA, GREVILLEA JUNIPERINA	MEDIUM SIZED PLANTS WITH GOOD ROOT SYSTEMS AND LARGER CANOPIES WHICH SHADE THE STREAM
C	TOE	CALLISTEMON SIEBERI, CAREX GAUDICHAUDIANA, SCHOENOPLECTUS VALIDAS	LOW-GROWING, MULTI-TRUNKED PLANTS WITH MATTED ROOTS TO BIND THE TOE. BEST SPECIES FOR EROSION CONTROL



APPENDIX 1 (cont.)

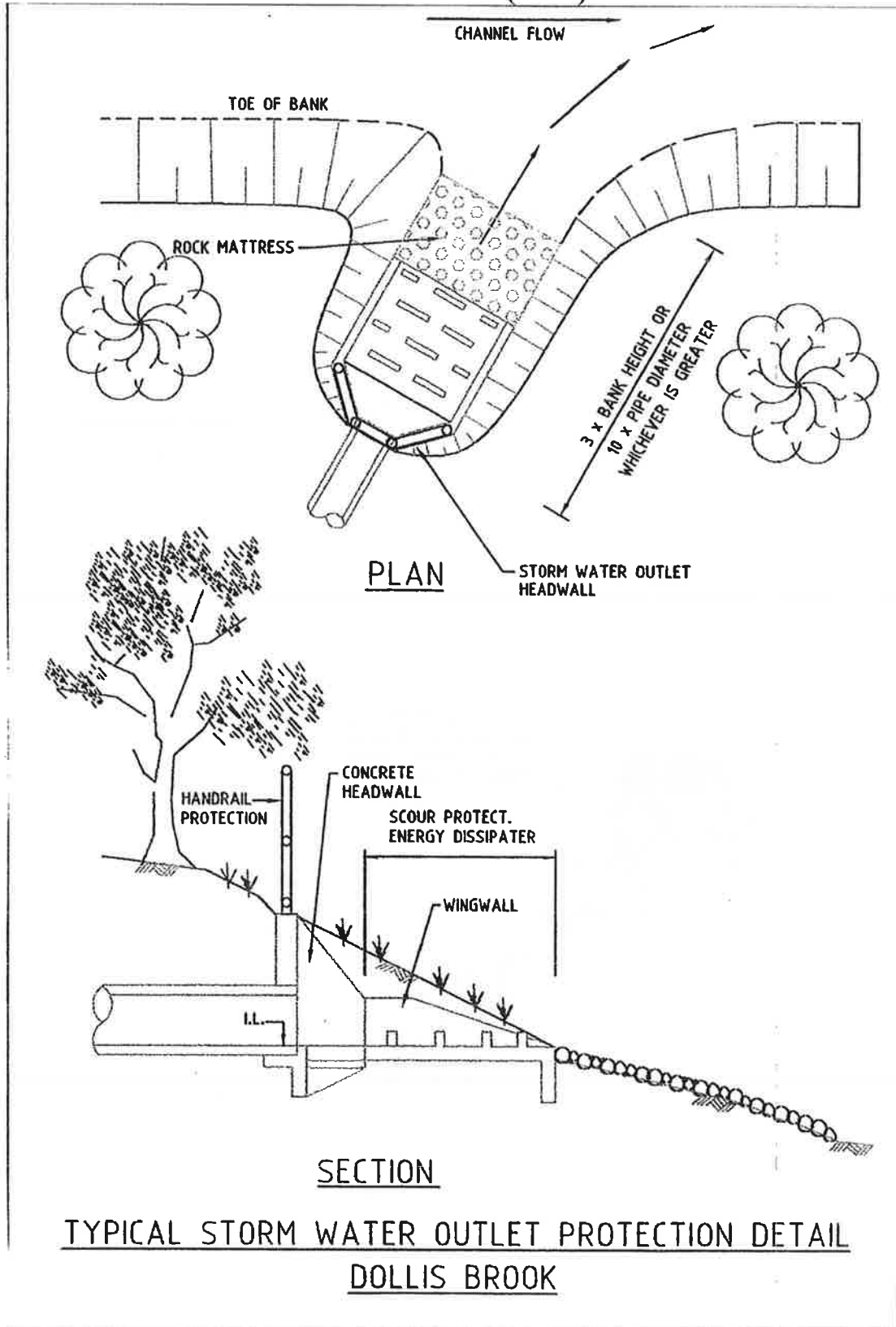


EROSION CONTROL & SOIL STABILIZATION ON
REGRADED CHANNEL BANKS (TYPICAL)

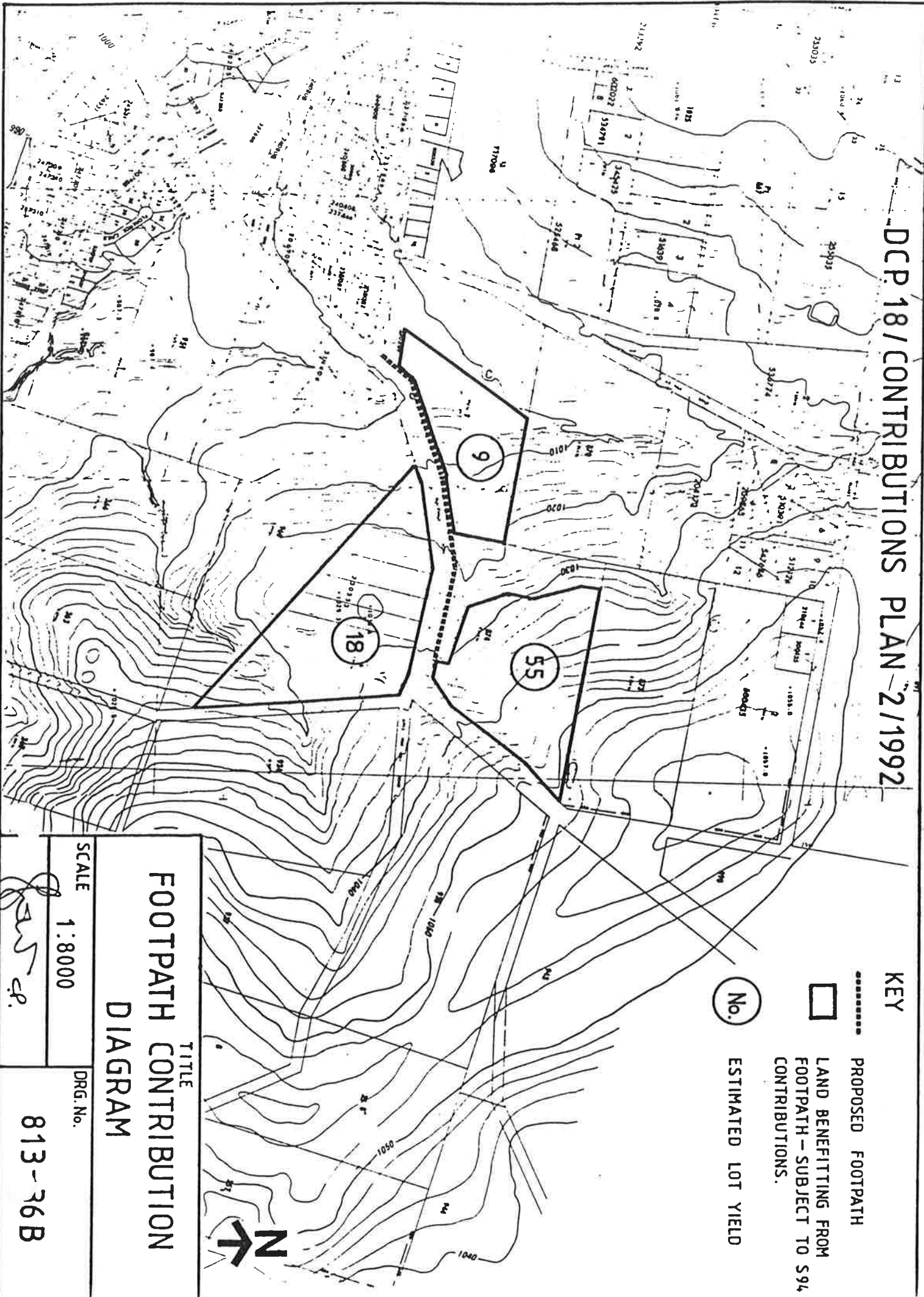


CATEGORIES OF CHANNEL VEGETATION

APPENDIX 1 (cont.)



DCP 18/CONTRIBUTIONS PLAN 2/1992



KEY

----- PROPOSED FOOTPATH



LAND BENEFITTING FROM FOOTPATH - SUBJECT TO S94 CONTRIBUTIONS.



ESTIMATED LOT YIELD

TITLE
**FOOTPATH CONTRIBUTION
 DIAGRAM**

SCALE
 1:8000

DRG. No.

813-36B



Gas

