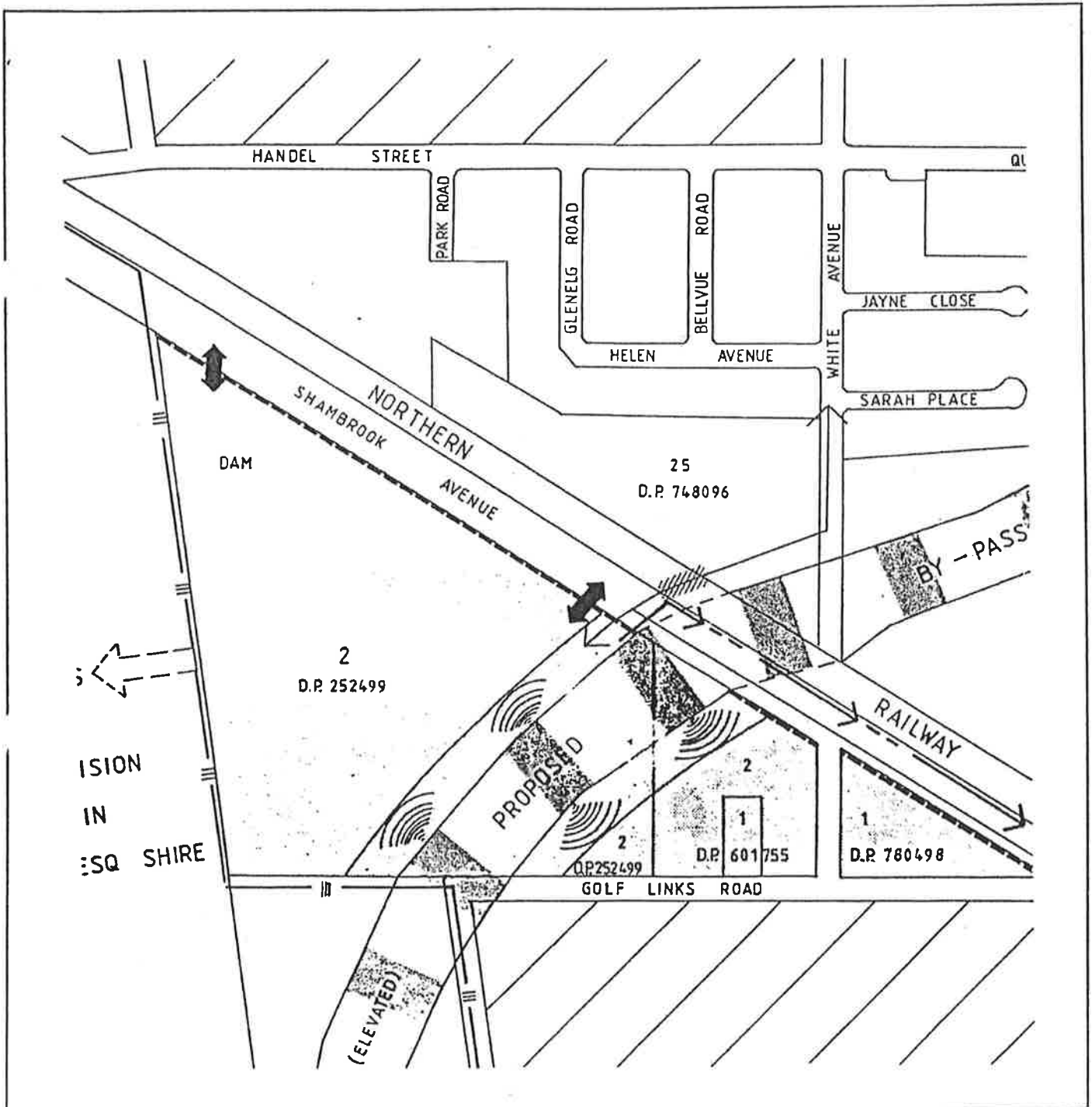


CITY OF ARMIDALE

DEVELOPMENT CONTROL PLAN NO. 19

CONTRIBUTIONS PLAN NO. 2/1993

ss 72 & 94AB Environmental Planning & Assessment Act 1979, as amended



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## PART 1 — INTRODUCTORY

### 1. NAME AND STATUS OF PLAN

This plan is known as "Development Control Plan No. 19 and Contributions Plan No.2/1993" (referred to below as "this plan"). It consists of this written document, a Strategy Plan, Footpath Contribution Diagram and Drainage Contribution Diagram, being Council Plans Nos. 813.37, 813.37B and 813.37C. This plan was made pursuant to Sections 72 and 94AB of the Environmental Planning and Assessment Act 1979.

### 2. COMMENCEMENT

This plan was adopted by Council on 8 March 1993 and came into force on 17 March 1993, pursuant to Clauses 24(2) and 41J of the Environmental Planning & Assessment Regulation 1980, as amended. It was amended by Council on 12 July 1993 by adding a contribution for street lighting to the footpath contribution component of the Plan.

### 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 Contribution 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 Environmental Planning and Assessment Act 1979, as amended.

### 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 Local Environmental Plan, Subdivision Code, and other 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.

## 5. OBJECTIVES

The broad objectives of this Plan are as follows:

- a To facilitate the orderly and economic development of the land, and in particular the land known as Lot 2 DP 252499 shown on the Strategy Plan, 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;
- f To provide for the fair apportionment of costs for public services and amenities that will be required as a consequence of development, between individual developers and the community generally.

## 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). "Significant Development" does not include minor buildings ancillary to existing uses, as defined in Cl.10 of State Environmental Planning Policy No.4 (namely garages, sheds, car ports 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" (Inst. of Engineers Australia, 1987). The actual design for the 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 and adopted by Council;

"Stormwater drainage easement" means a legally established easement to drain water (benefiting Armidale City Council).

## PART 2 - DEVELOPMENT CONTROL

### 7. 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:

#### 7.1 Vehicle and Pedestrian Access

##### 7.1.1 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.

##### 7.1.2 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 also to and City of Armidale Contributions Plan).

##### 7.1.3 Alternative Access Arrangements

Any road providing access to over 30 lots must incorporate an alternative means of access to those lots for use by emergency vehicles.

#### 7.2 Stormwater Drainage

##### 7.2.1 New Public Drainage System

The drainage concept in this plan is to mitigate any potential flooding of downstream properties north of Shambrook Avenue by redirecting stormwater flows to Martin's Gully, which has a better capacity to absorb increased stormwater flows with less potential for flooding causing damage to property.

In the event of significant development of the land identified on the Drainage Catchment Diagram, stormwater is to be directed to an open drain to be constructed (between the road pavement in Shambrook Avenue and the State Rail Authority's permanent way) from west of the proposed Armidale By-Pass to the culvert under the rail tracks carrying the Martin's Gully drainage system (see Strategy Plan).

In the event of significant development within the Drainage Catchment upstream of the Drainage Discharge Point shown on the Strategy Plan, Council's requirements are as follows:

(a) Within Development Sites

Stormwater drainage easement(s) or road drainage systems are to be established to ensure that peak discharges presently accommodated within existing overland flows are safely accommodated as part of any proposed significant development.

Stormwater drainage easement(s) must be of sufficient width, and suitably developed to provide a safe and easily-maintainable (ie grassed) and scour protected channel, which is appropriate in proximity to the proposed development. Easements must also include a flat access strip (berm) to a minimum of 3m wide at the top of the banks of either side of the channel.

All public drainage systems must accommodate:

- (i) Existing discharge from all land in the upstream catchment within Armidale City and Dumaresq Shire of the identified flow path(s); and
- (ii) Potential future peak discharge from all land in the upstream catchment within Armidale City, of the identified flow path(s); and
- (iii) Additional peak discharge arising from the proposed significant development itself.

Specification for trunk drainage channels and "low flows" drainage systems within these shall be as required by Council's engineering standards applicable at the date of lodgement of Development Application(s).

(b) Downstream of Development Sites

As indicated above, the peak discharge from any significant development upstream of the "Drainage Discharge Point" shown on the Strategy Plan shall be accommodated within a public stormwater drainage system between the site boundary and that Point. This system is the subject of part of the Contributions Plan in Part 3 of this Document.

The width of such a system (including any necessary easement/reserves) shall be sufficient to accommodate the 1% AEP rainfall event for the undeveloped catchment within dumaresq Shire and the residentially developed catchment in Armidale City.

(c) Development of land in Dumaresq Shire

Any future development within the upstream drainage catchment of the land (ie on land in Dumaresq Shire) should provide some form of retention or retardation drainage system. The objective of such a system should be to ensure that the peak discharge from developed land in the Shire into the drainage system in Armidale City is no greater than would be generated by the defined rainfall or storm event onto the Shire land in its pre-developed state.

7.2.2 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 the City Engineer or his nominee.

- 7.3 Development of Lot 2 DP 252499, Shambrook Avenue  
This site has been the subject of an amendment to Armidale Local Environmental Plan 1988 to enable residential development of the site to occur.

7.3.1 Drainage

If the developer of the site wishes to construct a retardation system within Armidale City for stormwater drainage generated by development on adjoining land in the Dumaresq Shire, 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 be cleared of all natural vegetation.
- (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. It may be an advantage to use the area required for noise attenuation as part of the drainage system.



#### 7.3.2 Dams to be Filled

Existing dams are located on Lot 2 DP 252499. As part of the development of that site, these dams are to be filled and the fill compacted to the satisfaction of the City Engineer's nominee.

#### 7.4 Noise Attenuation from By Pass (Motorway)

As parts of the land adjoin an elevated section of the proposed Armidale By-Pass, Council requires that significant development of properties in the vicinity of the by pass route shown on the Strategy Plan should make appropriate provision for noise attenuation to future residential premises.

Relevant standards for noise attenuation will be in accordance with the "Environmental Noise Control Manual" published by the former NSW State Pollution Control Commission (now the Environment Protection Authority).

In particular, residential developments should meet the requirements of Ch. 157-2 of the Manual for the environmental goal for traffic noise relative to new residences (maximum  $L_{10, 18 \text{ hours}}$  noise level of 60 db(A) when measured 1 metre from a residential facade or other noise sensitive location).

#### 7.5 Erosion Control and Pollution Management

The proposed drainage system and management of all excavated areas is to be referred to the Soil Conservation Service (a division of Department of Conservation and Land Management) and shall meet their requirements. Written advice from the S.C.S is to be provided with Development Applications for subdivision.

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 and for both long and short term, until a satisfactory vegetative cover is established to control erosion and sediment transfer. This plan shall comply with the requirements of both the Department of Conservation and Land Management and the Environment Protection Authority. The implementation of the plan shall form part of the engineering works and ongoing maintenance programme.

## PART 3 - SECTION 94 CONTRIBUTIONS

### 8. 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 the accompanying drawings also constitutes a "Contributions Plan" for the purposes of s.94AB of the Act.

The following specific provisions apply:

#### 8.1 Administration

The administration of s.94 contributions in the City of Armidale is the subject of detailed explanation in the "Armidale Contributions Plan", a copy of which is available from Council. Specifically, that Plan contains provisions in respect of the timing and method of payment of contributions, deferred payment options, and waivers, credits and refunds of contributions. Those provisions also apply to and should be read in conjunction with this Plan.

Council also holds copies of a "Background Report" on s.94 contributions, which deals with the rationale for such contributions in more detail.

#### 8.2 City-wide contributions

Contributions which apply to the City generally are detailed in the Armidale Contributions Plan (Eg for water and sewer headworks, administration etc).

These contributions will apply in addition to those specifically identified below for the land which is the subject of this Plan.

#### 8.3 Contributions for Trunk Drainage

##### 8.3.1 Public Facilities to be Provided

This Plan requires contributions for the provision of trunk drainage to ensure that the requirements of Part 7.2 of this Plan are met.

##### 8.3.2 Justification

###### (a) Causal nexus

The need for safe and hazard free trunk drainage systems is essential and a direct result of increased run-off arising from residential development.

(b) Spatial nexus

The required drainage works relate to the drainage catchment and to specific sites within the City upon which development is to occur.

(c) Temporal nexus

Since the provision of trunk drainage is essential it must be provided as development takes place.

8.3.3 Calculation & Application of Contribution

Contributions will be levied on development of land within the areas of the catchment identified on the "Drainage Contribution Diagram" accompanying the Plan, on the following basis:

$$\text{Contribution per additional lot} = \frac{\text{TC}}{\text{LY}}$$

where:

TC = total cost of trunk drainage system as shown on Drainage Contributions Diagram - see Clause 9 below for details.

LY = Estimated lot yield within Armidale City Council areas of catchment subject to the contribution, as shown on Drainage Contributions Diagram.

(Note that land in Dumaresq Shire has not been included as making a contribution towards the improvements to public drainage systems, as Shire development cannot be made to provide funds under S94 of the Environmental Planning and Assessment Act 1979, as amended).

(See Clause 10 below for actual contribution rate)

8.3.4 "Settlement" (payment) of Contributions

(i) Payment of required \$ contribution - Council to carry out works using funds received; or

(ii) Developer opts to undertake relevant works ("works in kind") in lieu of all or part of the required \$ contribution, if works have not been undertaken before development.

Settlement of contributions will thus allow for "works in kind" carried out to Council's DCP requirements in conjunction with development to be "credited" against the required cash contribution for a particular proposal.

## 8.4 Contributions for Footpaths

### 8.4.1 Public Facility to be Provided

- i) Concrete paved footpath between the eastern end of the Shambrook Avenue frontage of Lot 2 DP 252499 and the intersection of White Avenue and Helen Avenue, including a pedestrian level crossing of the Northern Railway; and
- ii) A similar footpath between the eastern end of the Shambrook Avenue frontage of Lot 2 DP 252499 and the intersection of Shambrook Avenue and Drew Street; and
- iii) Lighting of both pedestrian routes identified in (i) and (ii).

These footpaths will benefit existing and future development in Shambrook Avenue within the vicinity of the proposed footpaths (beneficiary areas are defined on Footpath Contribution Diagram, attached).

### 8.4.2 Justification

#### (a) Causal nexus

The development of Lot 2 DP 252499 and nearby residentially zoned land will generate a significant demand for an easily-maintainable, well-lit and all-weather pedestrian access in the locations shown on the Footpath Contribution Diagram.

#### (b) Spatial nexus

Contributions received will be used to provide pedestrian connections 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).

#### 8.4.3 Calculation & Application of Contribution

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

$$\text{Contribution per additional lot} = \frac{PC + LI (L \times C)}{Y}$$

where:

PC= \$ cost of pedestrian Crossing to Northern Railway

LI= \$ cost of lighting footpaths

L = Length of footpaths required (1390 metres)

C = \$ cost for construction of footpaths per lineal metre (estimated 1992 cost - see Item 9 below)

Y = Expected lot yield (see Footpath Contribution Diagram)

(See Clause 10 below for actual contribution rate)

Note that part of the cost of the footpath construction may be offset through Council levy on adjacent landowners for footpath provision under s.243 of the Local Government Act or equivalent subsequent legislation.

#### 8.4.4 Settlement ("payment") of contribution

Two options are available for settlement of the contributions.

(i) Payment of required \$ contribution - Council to carry out works using funds received; or

(ii) Developer may carry out relevant work (excluding footpath lighting, to be carried out by New England electricity on Council's behalf and crossing of railway, to be constructed by SRA), as "works in kind" in lieu of part of \$ contribution, if works have not been undertaken before development.

\* Council is concerned that the footpath link over the railway to White Avenue should be provided as soon as possible after any subdivision of Lot 2 DP 252499 occurs, even if subdivision proceeds in "staged" releases. In such circumstances, Council may be prepared to defer payment of other (City-wide) contributions, such as open space and headworks, for an additional period to that provided for in the City of Armidale Contributions Plan (normally 2 years), in the interests of advancing completion of the footpath. Requests for such additional deferral should be negotiated as part of the development application process.

## 9. 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 dependant upon developer activity and accumulation of funds, but since the key development site (Lot 2 DP252499) shown on the Strategy Plan is subject to a seven year "sunset" clause under Armidale Local Environmental Plan 1988 (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 set out below. Estimates are contained in Council's file and these may be inspected on request.

### TRUNK DRAINAGE - (see 8.3)

Pipe system	\$ 18,000
Total costs	\$ 18,000

### FOOTPATHS/RAILWAY CROSSING (see 8.4)

Crossing	\$ 11,100
F'path Prep'n	\$103,841
Concrete	\$ 68,318
Lighting	\$ 22,000
Total costs	\$205,259

## 10. CONTRIBUTION RATES SCHEDULE - 1993

### NOTES

These contribution rates will apply until 31 December 1993. Thereafter contributions will be reviewed annually and indexed in accordance with the ABS "Implicit Price Deflator" (IPD), and this schedule updated accordingly. The use of the IPD is explained in the Armidale Contributions Plan.

Contributions listed are payable on the creation of additional residential lots in the areas identified on the attached Drainage Contribution and Footpath Contribution Diagrams.

Proposals for medium density housing developments and small lot subdivision (230-400 square metre lots) will also be liable for contributions, but these proposals will be assessed at 0.7 of the standard contribution per unit/small lot.

### TRUNK DRAINAGE (see 8.3)

$$\frac{18000}{105} = \$171 \text{ per additional lot.}$$

- Contribution per additional lot \$ 171.00
- Contribution per unit/sml. lot \$ 119.00

(all existing lots will enjoy a "credit" of \$171.00 for calculation purposes).

### FOOTPATHS AND RAILWAY CROSSING (see 8.4)

$$\frac{11,100 + 22000 (123.855 \times 1390)}{124} = \$1655 \text{ per additional lot}$$

- Contribution per additional lot \$ 1655.00
- Contribution per unit/sml. lot \$ 1158.00

(all existing lots will enjoy a "credit" of \$1655.00 for calculation purposes).

# DCP 19 / CONTRIBUTIONS PLAN 3/1992



KEY

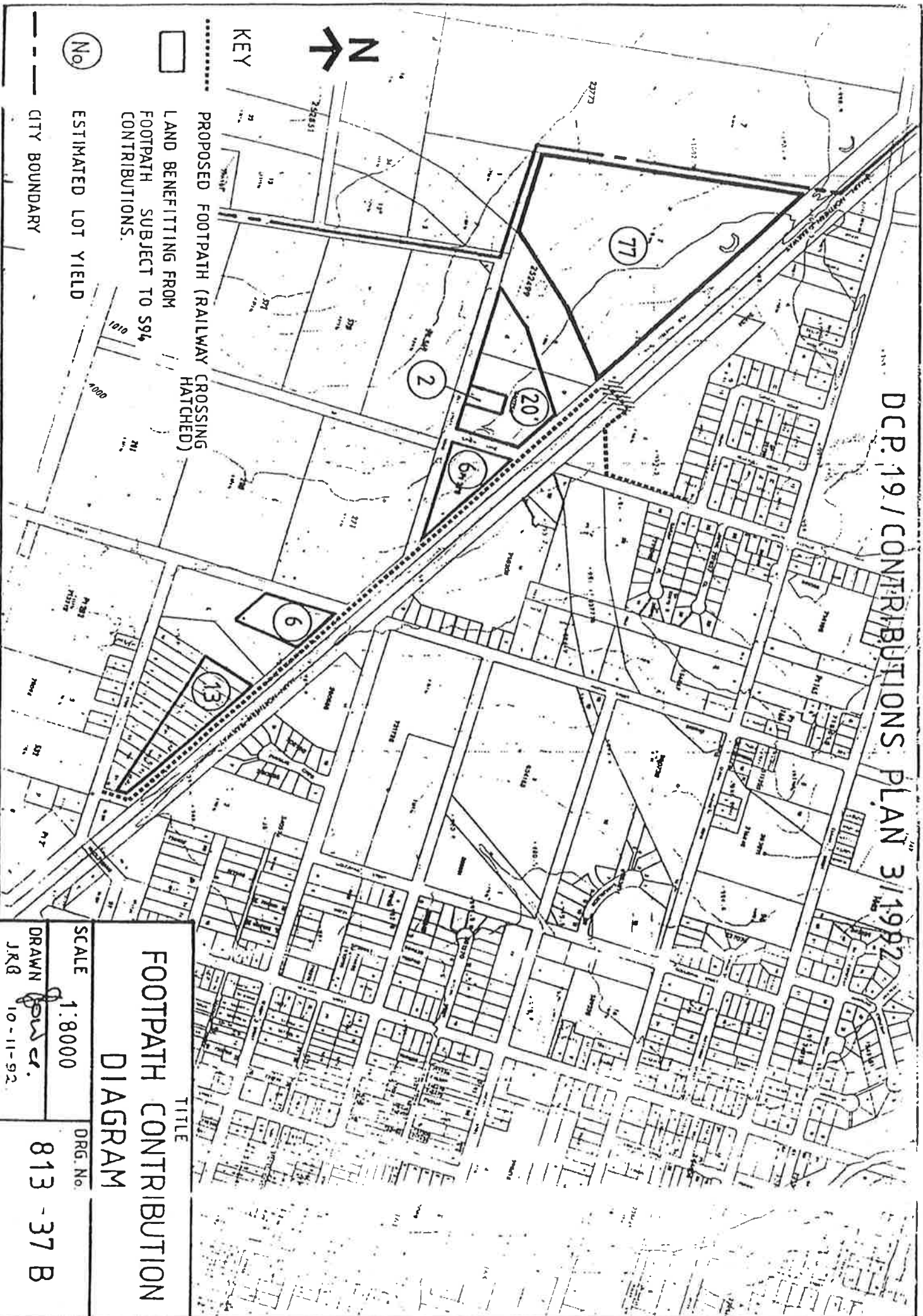


PROPOSED FOOTPATH (RAILWAY CROSSING  
HATCHED)  
LAND BENEFITTING FROM  
FOOTPATH SUBJECT TO 5%  
CONTRIBUTIONS.



ESTIMATED LOT YIELD

CITY BOUNDARY



TITLE  
**FOOTPATH CONTRIBUTION  
DIAGRAM**

SCALE

1:8000

DRG. No.

DRAWN *JRK*

JRK 10-11-92

813 - 37 B



# DCP 19 / CONTRIBUTIONS PLAN 3/1992



KEY



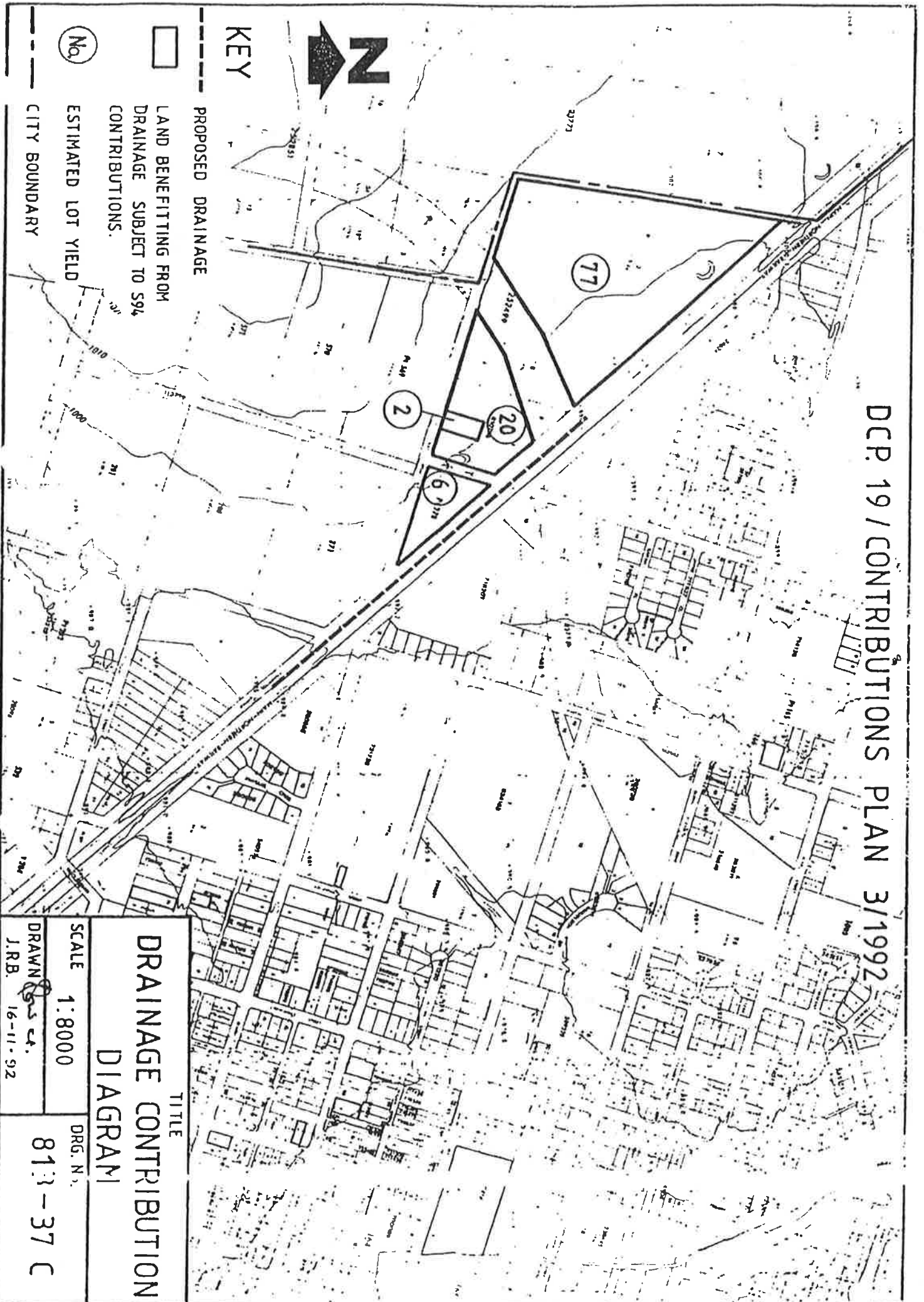
PROPOSED DRAINAGE

LAND BENEFITTING FROM  
DRAINAGE SUBJECT TO S94  
CONTRIBUTIONS.



ESTIMATED LOT YIELD

CITY BOUNDARY



TITLE  
**DRAINAGE CONTRIBUTION  
DIAGRAM**

SCALE  
1:8000

DRG. NO.

8113-37 C

DRAWN BY  
J.R.B.  
16-11-92