



# **Erskine Business Park**

## **Development Contributions Plan 2008**

**(under Section 94 of the Environmental Planning and  
Assessment Act, 1979 as amended)**

**(This Plan amends Erskine Park Employment Area Section  
94 Development Contributions Plan)**

**Adopted by Council: 7 April 2008  
Effective from: 29 April 2008**

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## **PART A: SUMMARY SCHEDULE**

## 1.1 SUMMARY WORKS PROGRAM

FACILITY	CATCHMENT	TOTAL COST	INDICATIVE TIMEFRAME
<b>Drainage Works</b>			
	Western	\$3,050,992	2008/2009
	<b>Sub total</b>	<b>\$3,050,992</b>	
<b>Road Works</b>			
Major Intersection and Road Works	See section 5.3.	\$46,748,987	Refer Section 5.3
Ancillary Works	See section 5.3.	\$179,357	Refer Section 5.3
	<b>Sub total</b>	<b>\$46,928,344</b>	
	<b>TOTAL</b>	<b>\$49,979,335</b>	

## 1.2 SUMMARY SCHEDULE – CONTRIBUTIONS RATE SUMMARY BY CATCHMENT AND CATEGORY

WORKS / FACILITY TYPE	CATCHMENT	ITEMS	CONTRIBUTION RATE PER DEVELOPABLE HECTARE
<b>1. Drainage and Water Quality</b>	<b>Western</b>	1	<b>\$12,856</b>
<b>2. Roads and Traffic Management</b>	<b>Catchment A</b>		
	Stage 1	2,5	\$14,328
	Stage 2	6,7	\$47,932
	<b>Total</b>		<b>\$62,260</b>
	<b>Catchment B</b>		
	Stage 1	2,4,5	\$123,344
	Stage 2	6,7	\$47,932
	<b>Total</b>		<b>\$171,276</b>
	<b>Catchment C</b>		
Stage 1	2,3,5	\$45,850	
Stage 2	6,7	\$47,932	
<b>Total</b>		<b>\$93,782</b>	
<b>3. Plan Administration</b>	<b>1% of Total Works and Facilities / Developable Area</b>	--	<b>\$1,533</b>

## **PART B: ADMINISTRATION & OPERATION OF THE PLAN**

This plan amends Erskine Park Employment Area Section 94 Development Contributions Plan.

## **2.1 What is the name of this Development Contributions Plan?**

This Development Contributions Plan is called Erskine Business Park – Development Contributions Plan 2008.

## **2.2 Area the Plan applies**

This Plan applies to the land known as Erskine Business Park within the Local Government Area of Penrith City Council.

## **2.3 Purpose of the this Development Contributions Plan**

The purpose of this Development Contributions Plan is to:

- (a) provide an administrative framework under which specific public facilities strategies may be implemented and coordinated.
- (b) ensure that adequate public facilities are provided for as part of any new development.
- (c) to authorize the Council to impose conditions under section 94 (s94) of the *Environmental Planning & Assessment Act 1979* when granting consent to development on land to which this plan applies.
- (d) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis.
- (e) ensure that the existing community is not burdened by the provision of public amenities and public services required as a result of future development.
- (f) enable the Council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

## **2.4 Commencement of the Plan**

This development contributions plan has been prepared pursuant to the provisions of Section 94 of *EP& A Act 1979 (as amended)* and *Regulation 2000* and takes effect from 29 April 2008.

## 2.5 Relationship to Other Plans & Agreements

The Erskine Business Park Development Contributions Plan 2008 supplements the provisions of Penrith Local Environmental Plan 1994 (Erskine Park Employment Area and any amendment or Local Environmental Plan which it may supersede).

In addition to this plan, Council has adopted a number of other Section 94 plans which require contributions to be paid. These include contributions for Library Facilities, and Cultural Facilities and Open Space (district facilities).

To the extent that it is not inconsistent, this plan operates in addition to these and any other section 94 contributions plans.

## 2.6 Definitions

In this Plan, the following words and phrases have the following meanings:

**Contribution** means the dedication of land, or the making of a monetary contribution, as referred to in section 94 of the EPA Act.

**Contributions Plan** means a contributions plan referred to in Part 4, Division 6 of the EPA Act.

**Council** means the Council of the City of Penrith.

**EPA Act** means the *Environmental Planning and Assessment Act 1979*.

**EPA Regulation** means the *Environmental Planning and Assessment Regulation 2000*.

**LGA** means local government area.

**Market value** has the same meaning as defined in section 56 of the *Land Acquisition (Just Terms Compensation Act) 1991*.

**Works in kind** means the undertaking of a work or provision of a facility by an applicant which is already nominated in the works schedule of a contributions plan.

**Works schedule** means the schedule of the specific public facilities for which contributions may be required, and the likely timing of provision of those public facilities based on projected rates of development, the collection of development contributions and the availability of funds from supplementary sources.

## **2.7 When is the contribution payable?**

Council will collect contributions (in cash, land or material public benefit) for all leviable land where development occurs which gives rise to the need for facilities or works to be funded from this plan. Council will normally levy the contribution at the first opportunity to do so, but its right to collect is not extinguished if by error, non-payment, or any other reason, the contribution is not received at this time. Council will impose as a condition of consent, a requirement for the payment of a Section 94 contribution in respect of an application for development on the subject land.

A contribution must be paid to the Council on every parcel of land to which a Development Application applies. If a contribution has already been paid under this plan, then no contribution is payable on that portion of the land already levied and paid.

### **Development Applications involving Subdivision works**

- Payment to be made prior to release of a Subdivision Certificate (linen plan).

### **Development Applications involving Building Works**

- Payment to be made prior to the release of a Construction Certificate.

### **Complying Development Works**

- Payment to be made prior to the issue of a Complying Development Certificate.

Payment may be made by any means acceptable to Council provided that, if the payment is not cash or bank cheque, then:

- Any costs or commission payable by Council on the transaction or its collection must also be paid; and
- The payment shall not be deemed to be received until Council's bankers acknowledge that the funds are cleared.

In the event that this plan is reviewed and new contribution rates are established, any payments not already due will become due on the day prior to the new rates being adopted. The developer may alternately request the contribution be recalculated under the new rates.

## **2.8 Deferred/periodic payments**

Where extenuating circumstances exist, Council will give consideration to any request for deferment of contributions on its merits, however, the developer must make written application.

If Council grants such a request it is conditional upon the applicant providing a suitable Bank Guarantee and Deed of Agreement for the full amount of the contributions payable.

A period for deferral of a contribution will be agreed between the applicant and Council prior to preparation of the Bank Guarantee. The period may be extended in circumstances acceptable to Council.

Interest and an administrative fee will be charged on deferred contributions. The amount of the Bank Guarantee will be calculated in the following manner:

$$G = C \times (1 + r)^P$$

Where:

**G** is the amount of the Bank Guarantee;

**C** is the contribution owing at the time the guarantee is lodged with Council;

**r** is the interest rate applicable on the last day of the quarter of the 90-day bank bill swap rate plus 1% rate;

**P** is in years and reflects the number of years that the bank guarantee is expected to be held.

The guarantee will be terminated when the liability is met by the payment of cash or transfer of land or works or Council advises that the guarantee is no longer required.

The Deed of Agreement is to be prepared by Council's solicitors at full cost to the applicant.

If contributions are not paid by the agreed date the Bank Guarantee may be called up by Council.

## **2.9 Can the contribution be settled “in-kind” or through a material public benefit?**

Council may accept the construction of amenities or services to offset the monetary contribution payable.

The works provided must be in accordance with the Schedules of Works embodied in this Plan. The application will be required to provide full details of the work proposed to be undertaken for Council's consideration.

Documentation necessary for the verification of proposed credits will also be outlined in the consent and a reasonable time frame will be established in order to prevent any delay.

In addition, conditions of transfer, including restoration and maintenance arrangements, will be set out in the consent.

If a detailed design for works in kind has not been completed at the time of consent, which does not require amendment, the value and contributions will be outlined in the consent notice. The arrangements for this are discussed below.

This agreement will include the value of the works and expected time for completion of the works. In the event that the works will extend beyond the release of a subdivision certificate for which the works are expected to provide a credit against the Section 94 contributions, Council will accept a bank guarantee for the agreed value of the works. Council will return the Bank Guarantee upon hand-over of the agreed works.

The value of the works to be substituted must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor or a person who can demonstrate equivalent qualifications.

At the time of detailed design and documentation a cost estimate will be established. If this varies from the adopted Section 94 budget, steps will be taken to rectify the variation. Land which has not been redeveloped which benefits from the works in kind will be affected by any increase and will similarly be affected by any decrease.

Once an agreement has been reached between Council and the developer about the revised cost, the developer may undertake the works. The developer will remain liable for any cost overruns. Similarly, any economies in construction costs will flow to the developer, provided that the quality of the work is not diminished. No further verification of the cost of work will be necessary following the detailed design and estimation. However, a valuation will be required, as the work will form part of Council's asset register.

## **2.10 Review of contribution rates**

### **2.10.1 Setting and Indexation of Contribution Rates**

In order to provide sufficient funding to cover price rises between writing the plan and paying for the items to be delivered by the plan, it is necessary to index the amounts that will be contributed. Indexing applies from date of adoption until issue of consent. Clause 10.9 provides for the indexation of contributions after the issue of development consent.

The Section 94 contribution rates will be indexed based on:

- i) the Consumer Price Index (All Groups Sydney) or equivalent index system or a projection thereof, and
- ii) the appropriate interest rate for that portion of the plan that is loan funded, and
- iii) the land value index for that proportion of the plan that relates to land acquisition or equivalent index system or a projection thereof.

The indexation will be in accordance with this plan and the rates will be published in Council's Annual Management Plan in July each year listing the rates for the next 12-month period. The formulas automatically adjust in the first quarter of each management plan for any prior estimation errors. The method of establishing the contribution rate to be published in the Management Plan shall be to estimate the result that would be achieved by applying the following formulas on a quarterly basis.

In addition, Council may review the whole Contributions Plan, and subject to the regulations could adopt new contributions rates.

There will also be periodic review of the plan and the construction costs of all items. At the time of these reviews the revised contribution rate will not apply to developments that have already been approved or completed.

### **2.10.2 Indexation of Contribution Rates except Land**

Except for those contribution rates which are specified as being indexed below, all contribution rates will be adjusted pursuant to clause 32(3)(b) of the Environmental Planning and Assessment Regulation 2000 as follows:

$$RC = AC \times CPI/ACPI$$

Where:

**RC** is the amended contribution rate.

**AC** is the contribution rate as at the date of adoption of this plan.

**CPI** is the latest Consumer Price Index (All Groups Sydney).

**ACPI** is the Consumer Price Index (All Groups Sydney), which applied at the date of adoption of the plan.

### 2.10.3 Indexation of Contribution Rate for Land Acquisition

The contribution rate for land acquisition will be amended, pursuant to clause 32(3)(b) of the Environmental Planning and Assessment Regulation 2000, in line with movements in the Index.

The amended contribution rate will be:

$$RC = AC \times CV/VA$$

Where:

**RC** is the amended contribution rate for land acquisition.

**AC** is the contribution rate for land acquisition as at the date of adoption of this plan.

**CV** is the Index current from time to time.

**VA** is the Index at the date of adoption of this plan.

'Index' means the index for established home prices: Sydney as published by the Australian Bureau of Statistics.

If the index registers less than zero it will be deemed to be zero for the purposes of the calculation.

### 2.10.4 Contribution Rate Loan Funded

Where loan funds have been applied in the provision of works and services or land have been provided, the contribution rates in respect of the works, services or land will be reviewed pursuant to clause 32(3)(b) of the Environmental Planning and Assessment Regulation 2000 in accordance with the following formula from the date the loan funds are drawn down and every quarter thereafter:

$$RC = PC \times (1+r)$$

Where:

**RC** is the amended contribution rate for the current quarter.

**PC** is the contribution rate at the previous quarter.

**r** is the interest rate applicable on the last day of the quarter of the 90-day bank bill swap rate plus 1% rate and then converting the annual rate to a quarterly rate by dividing by 4.

### **2.10.5 Amended Contribution Rates**

The amended contribution rates shall replace the contribution rates as found in Section A.

### **2.11 How are contributions adjusted at the time of payment?**

The contributions payable are stated in the development consent. The Council shall be entitled on the condition of consent to require the contribution payable to be increased by an amount in accordance with the following formula:

$$\text{NCP} = \text{CP} \times \text{CPI (at the date of calculation)} / \text{CPI (at the date the consent was approved)}$$

Where:

**NCP** = New contribution payable

**CP** = Contribution payable in the consent

**CPI** = Consumer Price Index (All Groups Sydney) as published by the ABS

The NCP shall become the contribution payable under the development consent.

### **2.12 Pooling of contributions**

This plan expressly authorizes monetary S94 contributions paid for different purposes to be pooled and be applied (progressively or otherwise) for those purposes. The priorities for expenditure of the levies are shown in the works schedule.

### **2.13 Financial Information**

Council maintains a contributions register in accordance with clause 34 of the Environmental Planning and Assessment Regulation 2000.

A separate accounting record is maintained by Council's Financial Services Department for this Plan. It contains details of contributions received and expended, including interest earned, for each contribution category. These records are available for inspection free of charge at Council.

### **2.14 Transfer of Land**

Where Council considers that land is to be transferred is an integral part of a development proposal or the land transfer is required because it contains works for the benefit of the community, Council can require the land to be transferred to Council.

### **2.15 Credits**

Prior to work being commenced, which would result in a developer entering into a position of credit, Council approval will be required. This may occur in conjunction with development consent after assessment of likely Section 94 works.

Following satisfactory completion of any works and their valuation, the item will be acknowledged as a credit against Section 94 liabilities for the relevant section of the budget.

## **2.16 Timing of Works**

The rate of receipt of income from Section 94 Contributions is dependent on the rate of development, which is difficult to precisely predict. This Plan aims to provide works within a reasonable period of time in accordance with the indicative timeframes for each of the respective facilities. Nothing in this Plan binds the Council to have to provide any works or material public benefit the subject of this Plan in advance of receipt of sufficient funds through the contributions that have been made under this Plan.

## **PART C: STRATEGY PLANS**

### 3.1 Introduction

This section of the contributions plan determines the anticipated development which will arise from the Erskine Business Park then identifies the relationship between this development and the demands for additional public amenities and public services.

### 3.2 Nexus

This plan adopts as its basic rationale the following principles in establishing a nexus between a proposed development and the service or facility:

- Provision of a service and/or facility via a Section 94 contribution is a measurable consequence of the proposed development.
- The service and/or facility can be physically provided within a reasonable time interval.

A *nexus* is the relationship between the expected types of development in the area and the demand for additional public amenities and services to meet that demand. Before levying developers for contributions, Council must establish a clear link or nexus between the contribution being sought and the development being levied. That is, it must be likely that the residents of the development being charged will benefit from the service or facility being provided.

There are three types of nexus – causal, physical and temporal. A causal nexus establishes that the need for a service or facility is a direct result of the development being levied. A physical nexus means that the facility to be provided is physically close enough to the development being levied for it to benefit. A temporal nexus involves the facility being provided within a reasonable time.

### 3.3 Developable Area

The total developable land area for the Erskine Business Park is **326.0 ha**.

Developable area for the purposes of determining contribution rates in this plan means the total site area of any particular site less specific land to be excluded.

The specific areas omitted from the Erskine Business Park Development Contributions Plan are listed as follows:-

- Biodiversity Conservation Area (includes Western Catchment drainage basin)
- Land required for Development Contributions (Section 94) Funded Roads
- Drainage Reserve (Fitzpatrick Investments Property)
- Electricity Transmission Line Easements (Transgrid & Integral Energy)
- Mamre Substation Site (Integral Energy)
- Part lot 116, DP 1106722 (north-west corner of EBP & north of ETL easement)
- Part lot 419, DP 811909 (rear yards of residential properties & south of ETL easement)
- Part lot 500, DP 813628 (rear yards of residential properties & south of ETL easement)

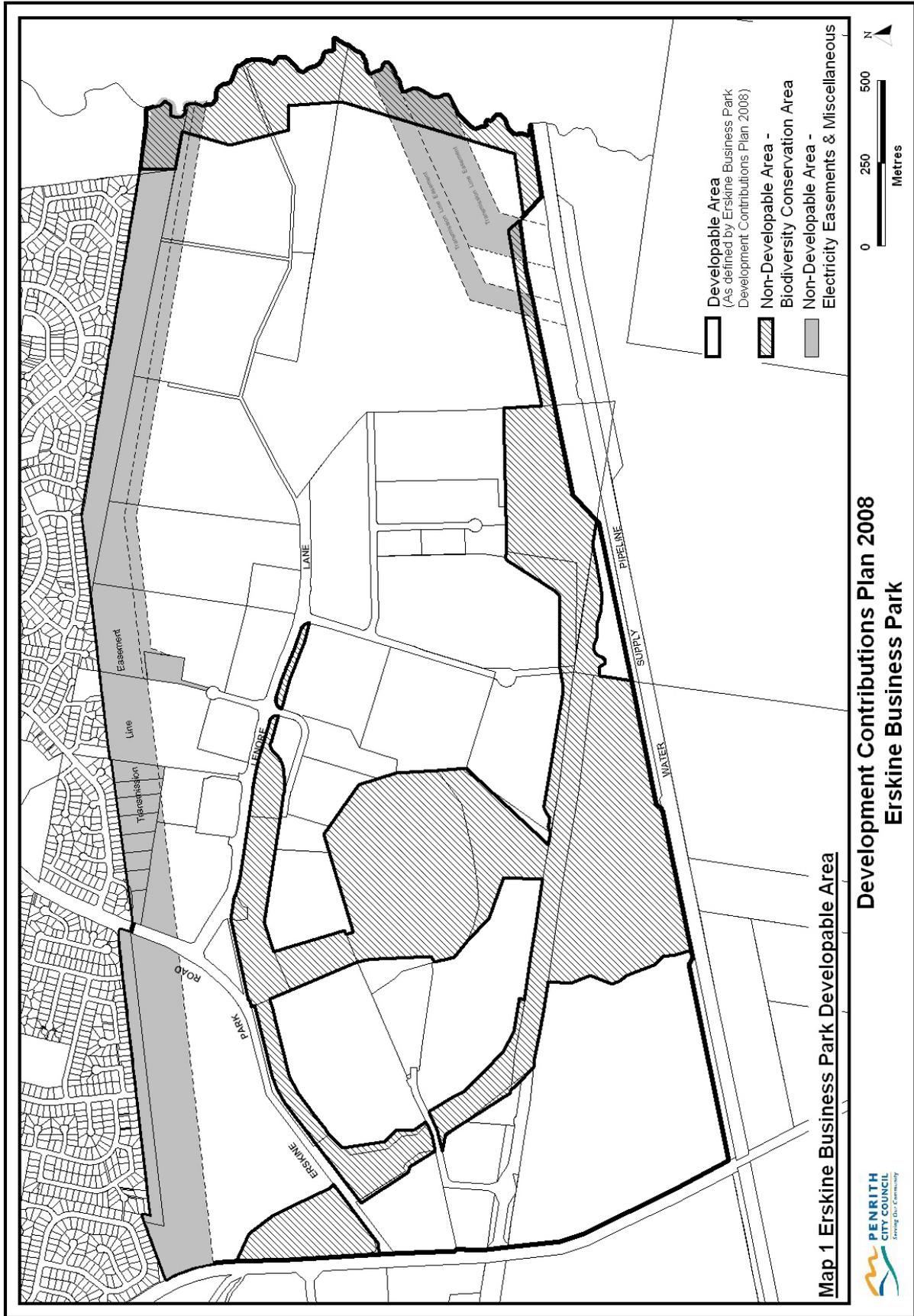
Non Developable	199.8 ha
Developable	326.0 ha
Total	525.8 ha

**Map 1** shows the location of Developable Areas and Non-Developable Areas within Erskine Business Park.

### **3.4 Facilities Required**

This draft Contributions Plans levies for a number of drainage and roads facilities which have been based on the anticipated costs of developing this release area. The facilities included in this draft Plan are for road culverts, basin facility construction, major intersection road works, other major road works, signage and entrance walls, land acquisition and bridge construction.

# Map 1 Erskine Business Park Developable Area



## **4.1 Development Contributions - Drainage and Water Quality**

The provision of a drainage system for the Erskine Business Park is necessary to ensure that urban development is adequately serviced, occurs in an orderly manner and that best practice is applied to stormwater management solutions.

Council has determined that the most effective method to facilitate development is to encourage at-source pollution controls and promote the maintenance of predevelopment flow regimes from all developed land. In considering all Development Approvals, Council will assess the adequacy of the trunk drainage system, downstream of the proposed development and its ability to meet the Objectives listed below.

The disposal of any stormwater from all land within the release area shall be to Council's satisfaction. Applicants should consult with Council regarding this requirement prior to the lodgement of a Development Application.

Approval for any development may require the completion of major drainage works, as considered necessary.

Additional information on the complete requirements for both allotment and trunk drainage can be found in the Penrith Development Control Plan 2006 (Penrith DCP 2006) (as amended).

## **4.2 Objectives**

Penrith Development Control Plan 2006 (Penrith DCP 2006) (as amended) includes the following objectives for drainage:-

- (a) to ensure that an adequate and environmentally acceptable method of removing surface water and stormwater is implemented;
- (b) to ensure that development in the Employment Area does not result in the pollution of waterways and that the transportation of pollutants is minimised;
- (c) to ensure that development in the Employment Area does not create or exacerbate problems relating to saline or highly erodible soils;
- (d) to protect, restore and maintain the physical and biological integrity of the waterways;
- (e) to ensure the overall drainage system is designed to minimise, to acceptable levels, the risk of local flooding.

The Development Control Plan divides the Erskine Business Park into two sub-catchments – identified generally as the 'western' catchment discharging into South Creek and the 'eastern' catchment discharging into Ropes Creek, due to the distinct ridge that traverses the area. Both of these catchments drain into the greater South Creek Catchment. The contributions are levied on the basis of the contribution catchment. A schedule has been prepared of facilities and works planned to be provided for the Western Catchment. No drainage contributions are levied or required for the Eastern Catchment.

### 4.3 Western Catchment – South Creek

The western portion of the release area drains under Mamre Road, to the north of the Erskine Park Road intersection, and into South Creek. It is dominated by an old quarry site, which splits the catchment into northern and southern sub-catchments.

The Warragamba-Prospect Water Supply Pipeline traverses the southern sub-catchment from west to east and further subdivides it into two distinct catchments north and south of the pipeline. The catchment south of the pipeline is located outside the boundary of the estate. There are a number of partly formalised natural drainage lines, which drain this southern external catchment under the Water Supply Pipeline and into the Erskine Business Park. Existing flows entering from this southern external catchment are to be accommodated within the stormwater drainage infrastructure elements provided within the estate. The crossings under the Water Supply Pipeline shall not be modified without prior approval from Penrith City Council and the Sydney Catchment Authority.

The main features of the proposed trunk drainage scheme in this western catchment are the detention basin facility located adjacent to the southern side of Erskine Park Road near Mamre Road and the various channel elements directing flows to and from these two major waterbodies.

Major trunk drainage elements proposed for this western catchment are shown in **Map 2**. Additional drainage infrastructure will be required to be provided upstream of these identified elements in conjunction with development of individual sites to achieve the desired stormwater management objectives. This additional drainage infrastructure is to be constructed by the developer of the land concerned. Existing creek lines within areas of significant vegetation also form major trunk drainage functional elements and are not expected to be modified by development.

A proportion of flows from the land to the north of Erskine Park Road is to be directed into the proposed detention basin facility on the southern side of Erskine Park Road to ensure compliance with the appropriate stormwater management outcomes. Pre development flows across Mamre Road are to be maintained.

Should any development occur within the “south western” sub-catchment then all developments, within the sub-catchment, shall treat and attenuate their discharges on site to Council’s requirements. The resultant flows shall be directed towards the north into the detention basin facility located adjacent to Erskine Park Road. Only environmental flows, of appropriate quality, from any future development of the “south western” catchment, shall be directed across Mamre Road into the rural lands to the west.

Refer to section “4.5 Required Infrastructure and Costing” for details of works to be funded by contributions levied under this plan together with the status of lands required for drainage purposes.

All land identified by Council as performing a significant drainage function and where not specifically identified in this Development Contributions (S94) Plan, such land is to be covered by an appropriate “restriction as to user” as deemed applicable by Council and created free of cost to Council.

### 4.4 Eastern Catchment – Ropes Creek

The eastern portion of the release area drains into Ropes Creek. A small section of this portion drains directly into Ropes Creek via a number of local swales, whilst the remainder of

the catchment drains to an existing channel system located along the eastern side of the Erskine Park residential estate.

Development within the sub-catchment, which drains directly into Ropes Creek, will be required to direct its stormwater runoff into a detention basin facility. Special attention will need to be given to this aspect of the development during the subdivision design process.

No trunk drainage channel elements have been identified in this catchment. Developments in this area will be required to design environmentally sensitive stormwater management solutions consistent with the constraints specific to the site. All drainage infrastructure required in this catchment shall be provided with the development of the land, at the developer's cost.

Management of stormwater quantity and quality as close to its source has the potential to limit the impact of major drainage works on the endangered vegetation throughout this area. Consequently, at-source on-site controls are the preferred treatment strategy in this catchment and their implementation will be encouraged.

No regional water quality or water quantity controls have been identified in this Plan, however there will be a requirement for the runoff from the Eastern Catchment to conform to Council's standards. This will be the responsibility of individual developers in that part of the estate. It is envisaged that these facilities will be provided near the Ropes Creek interface. There will be no levies associated with this Eastern Catchment.

The drainage solution shall include provision for water quality and quantity for all roads. This water quality / quantity system shall be clear of the 1:100 year flood line and biodiversity corridor.

Refer to section "4.5 Required Infrastructure and Costing" for details of works to be funded by contributions levied under this plan together with the status of lands required for drainage purposes.

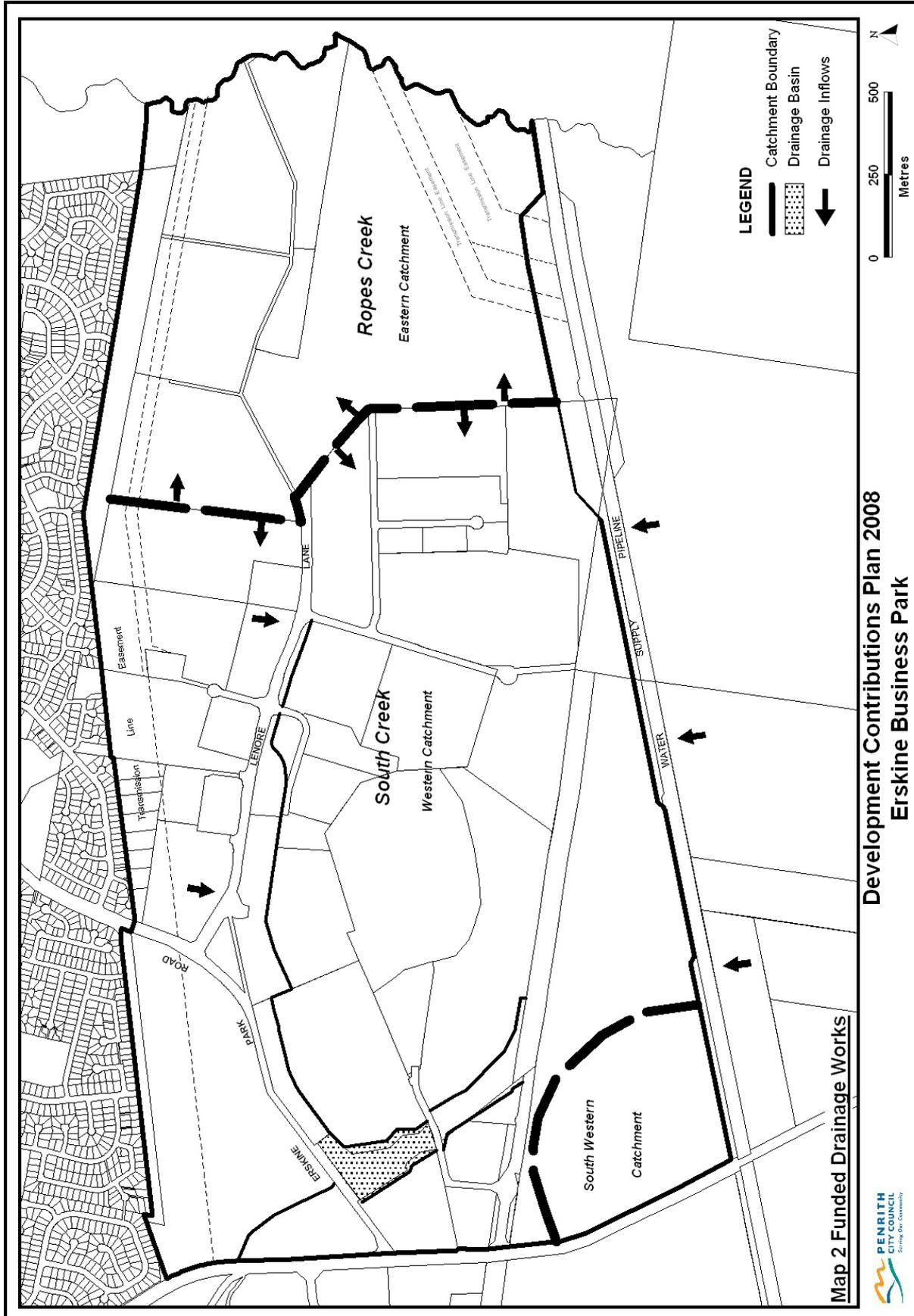
All land identified by Council as performing a significant drainage function and where not specifically identified in this Development Contributions (S94) Plan is to be covered by an appropriate "restriction as to user" as deemed applicable by Council and created free of cost to Council.

## **4.5 Required infrastructure and costing**

**The drainage infrastructure to be provided for Erskine Business Park under this plan is identified by Map 2 and is as follows:-**

- One detention basin facility is proposed by this Plan - located south of Erskine Park Road near Mamre Road within the *western catchment*. Land required for this drainage basin is to be dedicated as 'drainage reserve' free of cost to Council by the respective land owners. No land acquisition costs for drainage purposes are therefore included in this plan. A second facility - within the *eastern catchment* – is not part of this Plan and will be provided by the landowner.
- Culvert amplification works on the existing culverts under Erskine Park Road.

## Map 2 Funded Drainage Works



#### 4.5.1 Western Catchment

Indicative pre-design estimates of the required works and costs for the studies are listed below:

<b>Works</b>	<b>Item</b>	<b>Cost</b>	<b>Indicative Timeframe</b>
<b>Erskine Park Road culverts upgrade and Basin facility construction</b>	<b>1</b>	<b>\$3,050,992</b>	<b>2008/2009</b>
<b>Total</b>		<b>\$3,050,992</b>	

#### 4.5.2 Eastern Catchment

All drainage infrastructure required in this catchment shall be provided with the development of the land, at the developer's cost and maintained by the landowner. Consequently, there will be no drainage levies imposed by this Plan within the Eastern Catchment.

## 4.6 Calculation of drainage contribution rates

Contributions will be charged as a rate per hectare based on the developable area (as defined in section 3.3 of this Plan).

Development contribution rates are calculated exclusive of any taxes or charges payable on the transaction. If the transactions are, or become, liable for GST or any other tax or charge, the contribution payable will be increased accordingly.

Based on the Penrith DCP 2006 (as amended), approximately 326.0 ha of land is available for development (developable area) in the Erskine Business Park with approximately 237.3 ha in the Western Catchment and 85.7 ha in the Eastern Catchment.

The contribution rate is calculated by dividing the total cost of the works to be provided by the available land area, to reach a contribution per hectare.

$$\frac{\text{Total cost of facilities}}{\text{Developable land available}} = \text{contribution rate / ha}$$

### Western Catchment

$$\frac{\$3,050,992}{237.3} = \$12,856/\text{ha of developable area}$$

### Eastern Catchment

No drainage contributions or levies are required for the Eastern Catchment as all drainage infrastructure required in this catchment shall be provided by the landowner.

Note: The above contribution rates are applicable as at the date of adoption of this Plan. Contribution rates will be indexed in accordance with Section 2.10 of this Plan.

## 5.1 Development Contributions - Roads & Traffic Management

The local roads existing in the Erskine Business Park are of a standard sufficient to cater to the existing rural use of the land. They do not have the capacity to accommodate increased traffic and the changed nature of traffic that will result from the development of the area for employment generating uses. Additional local roads within the employment area are to be provided as part of the subdivision works.

The Transport Network Objectives as outlined in the Penrith DCP 2006 (as amended) are:

- (a) to create a road network which enables a safe and efficient access for all users, while minimising through traffic on minor roads;
- (b) to incorporate sustainable landscape and drainage opportunities in the design of the transport network;
- (c) to encourage the use of efficient alternate transport, including public transport, bicycles, and pedestrians;
- (d) to provide traffic facilities to give safe and efficient access to the external road system;
- (e) to provide for a future link to the Westlink M7;
- (f) to minimise the number of road entry points to the northern access road thereby allowing more efficient traffic management; and
- (g) to maintain the capacity of the State Arterial Roads (Erskine Park and Mamre) by minimising the number of access points.

In addition to road upgrading, a number of intersections also require upgrading to ensure adequate access for the increased traffic volumes and minimal impact on the access to surrounding areas.

Details of the road works required for development and to be funded under this plan are outlined in the following section.

## 5.2 Roadworks

Development Contributions Plan funded works within the Erskine Business Park will be staged. Stage 1 will include construction of three signalised intersections, the construction of Lenore Drive to a four lane industrial road standard (approximately 2.2 km) and the construction of the first 200 m and roundabout for James Erskine Drive.

Stage 2 will include upgrading Lenore Drive to an arterial road and extending the road to a bridge crossing (half-width provided) over Ropes Creek.

### 5.2.1 Major Intersection Works

#### ***Intersection of Mamre Rd and Erskine Park Rd***

This intersection will experience increased traffic as a result of development. Accordingly it will be upgraded to RTA requirements including a set of traffic signals to maintain safety and efficiency.

#### ***Intersection of Mamre Rd and James Erskine Drive***

The level of traffic anticipated at this intersection as a result of the development will require construction to RTA requirements including a set of traffic signals, to maintain safety and efficiency.

#### ***Intersection of Erskine Park Rd and Lenore Drive***

This intersection needs to be upgraded to RTA requirements including a set of traffic signals to accommodate the expected increase in traffic turning into and out of the northern access road to the Employment Area.

### 5.2.2 Estate Entrance Walls and Estate Signage

Masonry entrance walls and Estate signage (indicating the name of the Estate) shall be funded by this Development Contributions (Section 94) Plan as shown on **Map 3** at the following entrance points to the Estate:-

- the intersection of Mamre Road and Erskine Park Road;
- on Erskine Park Road for south-bound traffic leaving the Erskine Park residential area;
- the intersection of Mamre Road and James Erskine Drive ;
- on Lenore Drive at the future eastern entrance to the Estate at Ropes Creek when the link to the Westlink M7 is constructed. (Stage 2)

### 5.2.3 Major Access Roads

#### ***Lenore Drive***

##### **Stage 1**

Lenore Drive will be the principal access road to the northern section of the Erskine Business Park. It will be initially reconstructed to a four lane industrial road standard with a central, depressed, grassed median and a road reservation width of 35m. The road works and additional land acquisition for a distance of approximately 2.2 km has been identified to be of benefit to the northern part of the Erskine Business Park and is to be funded as part of the Section 94 Traffic Management Works for Catchment B. The road will be constructed from the intersection with Erskine Park Road to the western end of Lot 10 DP253678 or a point of equivalent distance from that intersection, as shown on **Map 3**.

The proposed works include realignment of approximately 150m of Lenore Drive (from the intersection with Erskine Park Road) to provide an appropriate intersection alignment. These works are shown on **Map 3**.

## **Stage 2**

The provision of a link to the Westlink M7 will mean Lenore Drive will be upgraded to arterial road standard by widening the pavement within the median, and extending the road to a bridge crossing over Ropes Creek. As this will benefit all of the estate, it will be funded by all three road catchments. The proposed works will include road widening, extending the road to Ropes Creek and funding for half of the bridge construction.

The two stages of construction for Lenore Drive will be identified as two separate items within the Erskine Business Park Development (Section 94) Contributions Plan 2008.

Lenore Drive currently has a road reservation of approximately 10m. The land acquisition for the required additional 25m reservation will be funded from that Plan.

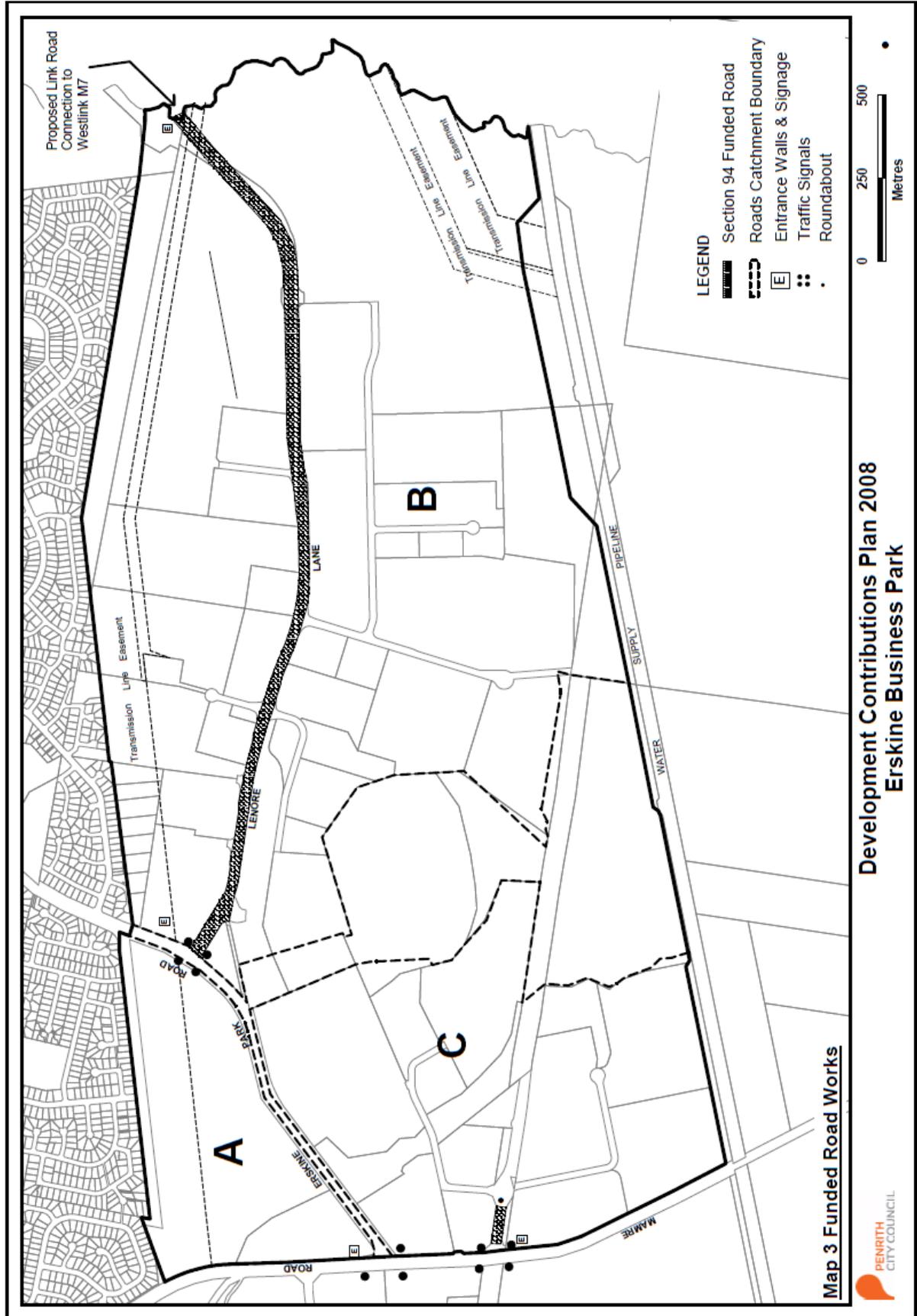
### ***James Erskine Drive***

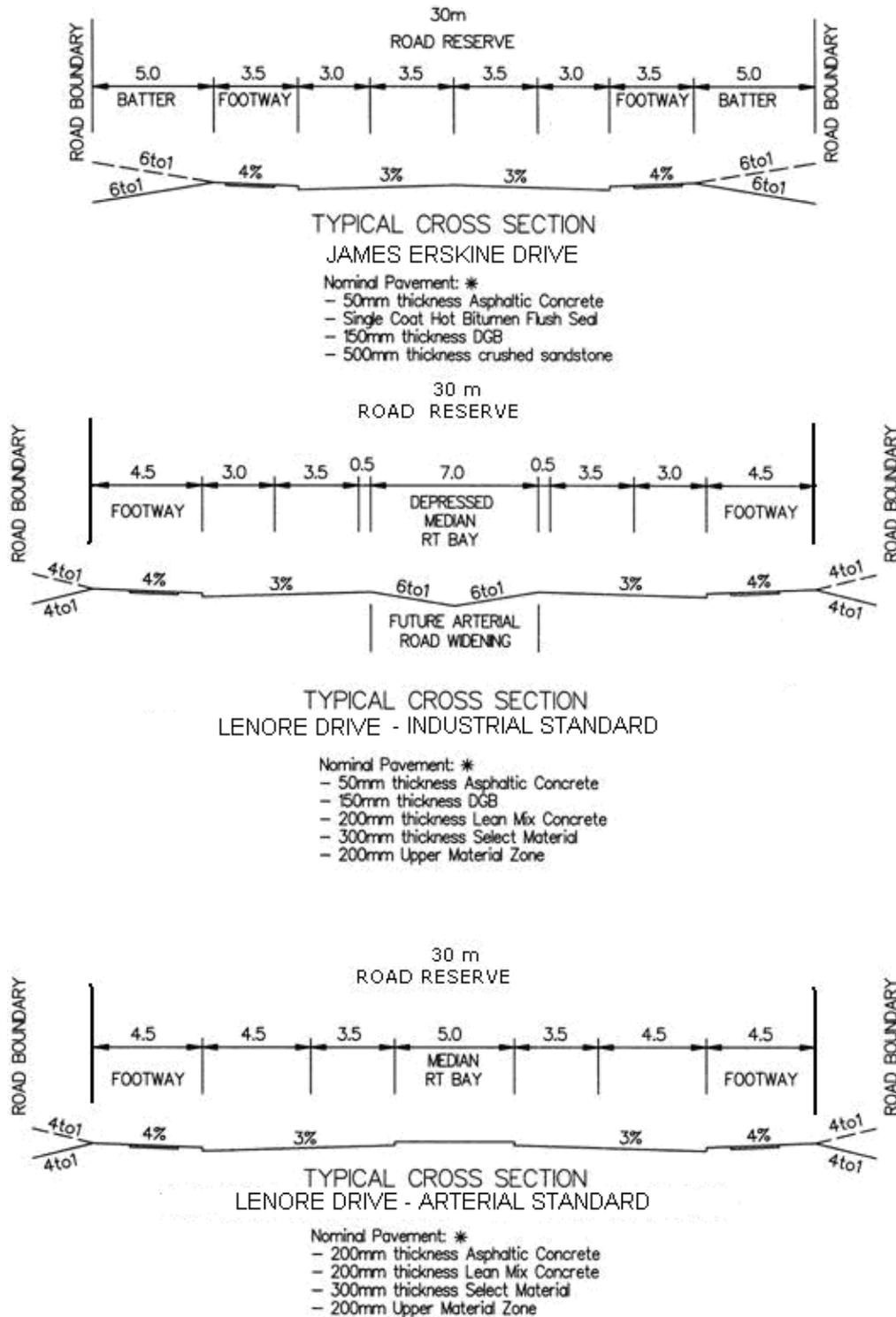
James Erskine Drive is the major access road to the southern and western sections of Erskine Business Park and has been constructed to a four lane industrial road standard. These works, including the roundabout, will be funded as part of the Development Contributions (Section 94) Traffic Management Works for Catchment C as they will benefit all of the landowners within this catchment.

Beyond this point, Quarry Road serves the properties to the north and Sarah Andrews Close serves the properties to the south. These roads will be local (non-funded) roads.

**The roadworks infrastructure to be provided for Erskine Business Park under this plan is identified by Map 3.**

### Map 3 Funded Road Works





\* Subject to Geotechnical Studies

Figure 1 – Lenore Drive and James Erskine Drive Typical Cross Sections

### 5.3 Cost of the Proposed Works

This section lists each of the required fourteen works items under the two separate stages. The pre-design estimates of the proposed works are:

#### STAGE 1

Item	Works	Catchment	Cost	Indicative Timeframe
<b>Intersections and Access Roads Works</b>				
2	Mamre Road/Erskine Park Road intersection upgrade (RTA standards)	All	\$4,536,522	2008/2009
3	James Erskine Drive	C	\$2,808,470	Completed
4	Lenore Drive Stage 1 (Road and intersection construction, re-location of Fire Shed and land acquisition)	B	\$23,822,610	Partially completed - remainder as part of development in Catchment B
<b>Sub-total</b>			<b>\$31,167,602</b>	
<b>Ancillary Works</b>				
5	Estate Signage Stage 1	All	\$134,531	Partially completed - Erskine Park Road/Mamre Road sites – 2009
<b>Total Stage 1</b>			<b>\$31,302,133</b>	

#### STAGE 2

Item	Works	Catchment	Cost	Indicative Timeframe
<b>Major Access Roads</b>				
6	Lenore Drive Stage 2 (Road construction, Half-width bridge construction {to DLAWC & RTA standards} and land acquisition)	All	\$15,581,385	In conjunction with remainder of arterial road development outside of EBP
<b>Sub-total</b>			<b>\$15,581,385</b>	
<b>Ancillary Works</b>				
7	Estate Signage Stage 2	All	\$44,826	The Ropes Creek site – in conjunction with remainder of arterial road development
<b>Total Stage 2</b>			<b>\$15,626,211</b>	
<b>Overall Total Stages 1 and 2</b>			<b>\$46,928,344</b>	

## 5.4 Calculation of Contribution Rates

Contributions will be charged as a rate per hectare based on the developable area (as defined in section 3.3 of this plan).

Development contribution rates are calculated exclusive of any taxes or charges payable on the transaction. If the transactions are, or become, liable for GST or any other tax or charge, the contribution payable will be increased accordingly.

Based on the Erskine Business Park component of the Penrith DCP 2008, approximately 326.0 ha of land is available for development (developable area) in the Erskine Business Park.

The contributions are levied on the basis of a 'contribution catchment' (i.e. the land area over which a contribution for a particular item is levied). Three catchments have been determined for roads and traffic facilities. These are indicated by **Map 3** and are outlined below:

- **Catchment A** (North-Western Area) 18.4 hectares
- **Catchment B** (South-Western Area) 218.5 hectares
- **Catchment C** (Eastern Area) 89.1 hectares

The contribution rate is calculated by dividing the total cost of the works to be provided by the available land area, to reach a contribution per hectare.

$$\frac{\text{Total cost of facilities}}{\text{Developable land available}} = \text{contribution rate / ha}$$

This section lists the required works that will benefit all catchments and also lists additional works which will benefit Catchment A (nil), Catchment B and Catchment C. The works to be provided for each catchment and the contribution calculation are as follows.

**All Catchments**

**STAGE 1**

<b>Proposed Works</b>	<b>Cost</b>
<b>Major Intersection Works</b>	
Mamre Road/Erskine Park Road intersection upgrade (RTA standards)	\$4,536,522
<b>Sub-Total</b>	<b>\$4,536,522</b>
<b>Ancillary Works</b>	
Estate Signage Stage 1	\$134,531
<b>Sub-Total</b>	<b>\$134,531</b>
<b>Total Stage 1</b>	<b>\$4,671,053</b>

**STAGE 2**

<b>Proposed Works</b>	<b>Cost</b>
<b>Major Access Roads</b>	
Lenore Drive Stage 2 (Road construction, Half-width bridge construction {to DLAWC & RTA standards} and land acquisition)	\$15,581,385
<b>Sub-Total</b>	<b>\$15,581,385</b>
<b>Ancillary Works</b>	
Estate Signage Stage 2	\$44,826
<b>Sub-Total</b>	<b>\$44,826</b>
<b>Total Stage 2</b>	<b>\$15,626,211</b>
<b>Overall Total Stages 1 and 2</b>	<b>\$20,297,264</b>

**\$20,297,264**

**326.0**

**\$62,260 /ha of Developable Area for all Catchments**

**Catchment A**

Proposed Additional Works	Cost
All Stage 1	\$0
Nil	\$0
<b>Total</b>	<b>\$0</b>

**Total Contribution for Catchment A**

Stage 1 and 2 (all catchments) contribution	\$62,260	/ha
Stage 1 (specific Catchment A contribution)		/ha
<b>Total</b>	<b>\$62,260</b>	<b>/ha of developable area</b>

**Catchment B - Additional Works**

Proposed Works	Cost
All Stage 1	
Major Road and Intersection Works	
Lenore Drive Stage 1 (Road and intersection construction, re-location of Fire Shed and land acquisition)	\$23,822,610
<b>Total</b>	<b>\$23,822,610</b>

**\$23,822,610**

**218.5**

**\$109,016 /ha of Developable Area for Catchment B**

**Total Contribution for Catchment B**

Stage 1 and 2 (all catchments) contribution	\$62,260	/ha
Stage 1 (specific Catchment B contribution)	\$109,016	/ha
<b>Total</b>	<b>\$171,276</b>	<b>/ha of developable area</b>

**Catchment C - Additional Works**

Proposed Works	Cost
All Stage 1	
Major Road and Intersection Works	
James Erskine Drive	\$2,808,470
<b>Total</b>	<b>\$2,808,470</b>

**\$2,808,470**

**89.1**

**\$31,522 /ha of Developable Area for Catchment C**

**Total Contribution for Catchment B**

Stage 1 and 2 (all catchments) contribution	\$62,260	/ha
Stage 1 (specific Catchment C contribution)	\$31,522	/ha
<b>Total</b>	<b>\$93,782</b>	<b>/ha of developable area</b>

## 5.5 Summary of Contribution Rates

A summary of Roadworks Contribution Rates for each catchment nominating rates per hectare of developable area for each stage is summarised below.

### Catchment A

Stage 1	\$14,328
Stage 2	\$47,932
<b>Total</b>	<b>\$62,260</b>

### Catchment B

Stage 1	\$123,344
Stage 2	\$47,932
<b>Total</b>	<b>\$171,276</b>

### Catchment C

Stage 1	\$45,850
Stage 2	\$47,932
<b>Total</b>	<b>\$93,782</b>

This data is included with a list of roadworks items and Drainage and Plan Administration contributions in a Summary Table in Summary Schedule 1.2 in Part A of this Plan.

Note: The above contribution rates are applicable as at the date of adoption of this Plan. Contribution rates will be indexed in accordance with Section 2.10 of this Plan.

## 6.1 Administration Levy

To monitor, review and implement this Development Contributions (Section 94) Plan, Council must dedicate staff and resources to the task. This has resulted in the inclusion of an administrative component equivalent to 1% of the total works and facilities or land to be provided divided by the total developable area.

Contributions are based on the total cost of works and facilities or land divided by the total developable area. The administration levy is determined using the following formula:

$$\mathbf{\$D/DA \times 0.01 = \$A}$$

Where:

**\$D** is the total cost of works and facilities or land.

**DA** is the total developable area.

**\$A** is the contribution payable for administration.

$$\left( \frac{\mathbf{\$3,050,992 + \$46,928,344}}{\mathbf{326.0}} \right) \times 1\% = \mathbf{\$1,533}$$

## **PART D: REFERENCES**

Council has undertaken a number of studies in drainage investigation and design. More information on these studies is included in the Erskine Business Park Development Control Plan 2008. They were a necessary part of releasing the area for development and as such their cost will be recouped under this plan.

- Rust PPK – drainage investigation
- Berzins Env. Planning – planning study
- Proust and Gardner – survey
- Boyden & Partners – drainage investigation
- Ladd – Hudson – landscape review
- AES Env. Consultants – environmental review/infrastructure
- BIOSIS - environmental study
- BIOSIS – Lenore Lane environmental investigation

Other related studies are kept in the offices of Penrith City Council and further details may be obtained from Council's Design & Technical Advice Department.