



# **Mount Vernon Development Contributions Plan**

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

**Adopted by Council: 18 April 1995**

**Effective from: 3 May 1995**

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## **1.0 INTRODUCTION**

The land now known as Mt Vernon was rezoned to enable additional rural residential development on 4<sup>th</sup> February 1994 following gazettal of Penrith Local Environmental Plan No 201 (Rural Lands) (Amendment No 2).

This Plan and the adopted Development Control Plan allowed for rural/residential subdivision of existing allotments down to 1ha minimum lot size. In order for the land to be used for further rural residential development certain services and facilities were identified as necessary.

In 1992, in conjunction with the proposed rezoning of the land, Council undertook an assessment of the services and facilities required by development within the estate.

Since then, community consultation has enabled valuable decisions to be made about the form and extent of the facilities required.

Utility services such as water, power, telephone and the like are not included as they are provided by the relevant service authorities at a charge to the developer of the land.

## **2.0 THE PURPOSES AND OBJECTIVE OF THIS PLAN**

The purpose and objectives of this plan are to:

1. identify facilities and services necessary for rural residential development in Mt Vernon;
2. establish the costs of providing the services and facilities identified in the plan;
3. estimate the timing for the provision of the services and facilities identified in the plan area;
4. describe the method of calculating the contributions applicable to development within the plan area,
5. outline Council's policy in relation to the method and timing of payment for contributions to fund the services and facilities identified in the plan;
6. employ a user pays policy regarding the funding of services and amenities to ensure that existing residents of the City do not have to subsidise new development;

## **2.1 Demand for Services and Facilities**

This plan adopts as its basic rationale the following principles in establishing the relationship between the expected types of development in the area and the demand for additional public amenities and services to meet that development.

1. The provision of a service and/or facility via a section 94 contribution is a measurable consequence of the proposed development.
2. The services and /or facility can be physically provided within a reasonable time frame.

## **3.0 LAND AFFECTED BY THE PLAN**

This plan applies to the land shown on the map included in the annexures, known as the Mt Vernon estate.

## **4.0 RELATIONSHIP TO OTHER PLANS**

The land is affected by Penrith Local Environmental Plan 201 (Rural Lands) (as amended). This Plan provides the statutory framework for subdivision and development of the land. From the densities and minimum areas in the plan it is possible to estimate the development potential of the land.

## **5.0 PROPOSED CONTRIBUTION ITEMS**

In this section of the plan the items to be provided for the estate are identified and the reasons for inclusion in the plan are discussed.

The contributions that will be outlined are:

- ❖ Roads and Traffic Management
- ❖ Community Facilities
- ❖ Plan Administration

It is relevant to briefly outline the background to development of the subject areas. This has a direct bearing on the timing and level of services to be provided.

### **5.0.1 Demographic Characteristics and Lot Yield**

From allotments sold and established to date, it is possible to prepare a profile of the residents in the estate from the 1991 census data. This information can be used to estimate the likely numbers and characteristics of the population, which may emerge following the development of new allotments.

The following details outline the characteristics of the existing local community.

### 5.0.2 Existing Population – 1991 Census

Table 1 indicates the estimate age structure of the population living in the Mt Vernon estate at the time of the 1991 Census. These figures are based on data issued by the Australian Bureau of Statistics for the collector district, which incorporates the majority of the estate.

From analysis of the 1991 census figures for the collector district incorporating the majority of the Mt Vernon Estate, it is estimated that there were around 510 people living in the area in 1991. The data shows that area has an age profile more consistent with the Sydney region in general, rather than a new community. The demographic profile is scheduled below.

#### Mt Vernon Demographic Profile

##### Proportion %

Age Range	Mt Vernon	D.O.P.	
		Sydney Region	Urban Release
0-4	7.8	7.3	11.3
5-9	7.2	7.0	10.3
10-14	8.3	7.9	9.4
15-19	9.2	8.0	7.4
20-34	24.2	24.8	27.3
35-54	26.7	24.8	28.1
55-59	6.3	4.8	2.9
60-74	8.9	11.2	6.4
75+	1.4	4.2	1.9

(Source ABS and DOP)

The Department of Planning (DOP) figures are from the publication “Population and Dwelling Characteristics of Release Areas” (April 1991) and based on an analysis of different housing markets from the 1986 Census data.

These comparisons suggest that the Mt Vernon area has a similar mix of the different age ranges as the Sydney Regional generally.

In particular, the high level of demand for children’s services normally associated with a new community is not reflected in the statistics. However, there will still be a need for a broad range of “baseline” services and facilities.

### 5.0.3 Population Projections

Population projections for the Mt Vernon area have been carried out based on assumptions about three major elements –

- the timing of the release of lots
- the rate at which the lots will be built on and occupied

- the age specific occupancy rate of lots over the early years of the estate.

The assumptions regarding the release of lots are based on development staging at nearby Capitol Hill and previous discussions with the Department of Planning for the 1992 regional consultations of the Urban Development Program (July 1992). The total anticipated yield for the Mt Vernon estate (including existing allotments) is expected to be 244 lots.

The rate at which lots will become occupied is difficult to anticipate and the assumptions adopted are based on considerations about ownership, housing sub-markets, and the number of lots likely to be developed privately.

The assumptions about age specific occupancy rates over time have been used in other Council plans (see Glenmore Park Final Draft Community Plan D.C.P. – July 1991) and are drawn from information contained in a previous study by Latona/Masterman – “People Before Figures” (1987) which examined statistics available from the 1981 and 1986 Censuses. These assumptions will be updated when more detailed data becomes available from the 1991 Census.

Although there are 133 allotments within the estate, there are in the order of 12 or so existing allotments located within an area of high visual or geological sensitivity. These lots will have limited development potential. The remaining 121 or so contributing allotments can be anticipated, over the following 8-10 years, to create approximately 111 new lots. The total development of Mt Vernon is likely to yield approximately 120 new dwellings, including an allowance based on the current rate of development of dual occupancy generally in the rural residential areas of Penrith.

However, it is difficult to accurately estimate the rate of development given the high level of fragmented private ownership.

The following three years is likely to see in the order of 40 allotments development. This assumption is based on the rapidity with which the owners of land more interested in development proceeded and the reticence of other owners

The estimated rate of development is as follows:

	Year	No of Lots
1.	1994/1995	15
2.	1995/1996	15
3.	1996/1997	15
4.	1997/1998	15
5.	1998/1999	12
6.	1999/2000	12
7.	2000/2001	12
8.	2001/2002	12
9.	2002/2003	3
	TOTAL	<u>111</u>

This lot production rate will depend upon the market conditions that emerge over the coming years and will be reviewed by Council from time to time to determine the current rates.

## **5.1 Needs**

In this section, the needs generated by the development of the land are outlined and the method for establishing this need is discussed. In some cases benchmarks can be adopted which guide the provision of a facility, however these must be linked to quality and function and relate to the specific characteristics of an area.

### **5.1.1. Roads and Traffic Management**

The development of further residential allotments will generate an increase in traffic on the existing road network.

Council has undertaken a traffic study of the Mt Vernon area. That study addressed the existing and potential traffic volumes and predicted the traffic generation that would result from further development of the estate.

Various road and traffic facilities were identified to address potential problems in the road network. The philosophy adopted by Council is that the benefits of those facilities will be realised by all new residents to the area, and as such should be funded equally by all new lots, not just those adjacent to the facilities. The works identified were only required as a result of the potential development of the area.

The new facilities address traffic management, road safety and the control of vehicular speed.

Consequently, the following works have been identified:

- Intersection improvement Kerrs / Mamre Road

This work involves the upgrading of the intersection from its current form, which is adequate for the existing traffic flows to a Type “C” AUSTRROADS configuration.

- Intersection improvements Mt Vernon / Mamre Road

This work involves the upgrading of the intersection from its current form, which is adequate for the existing traffic flows to a Type “B” AUSTRROADS configuration.

- Intersection Improvements at Kerrs Road / Mt Vernon Road

This work involves the upgrading of the intersection from its current form, which is marginally adequate for the existing traffic flows, to provide for an adjustment of the priority to the predominant traffic movements in a safe manner. A number of solutions for this are being investigated including a roundabout, and reconstruction as a “T” with appropriate signage.

- Selected widening of Kerrs Road Mt Vernon Road

These works provide for the widening of the roads at the curves. The existing road is generally satisfactory for current traffic volumes, however with additional traffic, the curves in the roads will require widening to provide for a safer access arrangement.

It is likely that these works will be undertaken in stages consistent with the rate and location of development.

### **5.1.2 Community Facilities**

Penrith City Council provides both recreation facilities and neighbourhood centres in recognition of the vital need to overcome isolation and lack of support facing residents of both new and established areas. Such facilities are accessible to all people in the community.

These facilities provide residents in an identifiable community with a resource for the community as a whole.

Council is of the view that the most cost effective and timely provision of community facilities to Mt Vernon residents will be afforded if that facility is one shared jointly with the adjacent Capitol Hill community.

In July 1994, Council canvassed resident opinion amongst the Mt Vernon / Capitol Hill community to ascertain the appropriate level of community facilities required. Responses received to Council's questionnaires and previous community forums have been assessed and consequently, the provision of the following community facilities are warranted:

- Tennis court/s
- Night lighting for tennis courts
- Small playground with play equipment / grassed open area for games
- Community meeting / activity facility/ parking area/ site landscaping

A base facility will be provided on the site indicated on the attached plan in fulfilment of the needs generated by the new Capitol Hill community, by the developer of that estate. The base facility will include:

- A tennis court with night lighting and provision for a second tennis court
- Parking for ten (10) cars
- A pavilion structure incorporating amenities, stage and bar-b-cue facilities
- Landscaping, including a grassed open area.

Augmentation of these facilities, consisting of alterations / additions to the pavilion structure and extensions to the informal carpark to provide a facility that will meet the needs of a development community, will be funded by the new development in Mt Vernon.

### 5.1.3 Plan Administration

To implement, monitor and review Section 94 contributions plans Council must dedicate staff and administrative resources to the task. This has resulted in the inclusion of a 1% administrative component.

### 5.1.4 Utility Services

Each site which is proposed to be used for community purposes or open space has an associated utility services cost. These costs will be reviewed periodically, and are included in the programme budget.

## 6.0 FINANCIAL INFORMATION

Council's Environmental Planning Department maintains a register of contributions in accordance with Clause 33 of the Environmental Planning and Assessment Regulation.

A separate accounting record is maintained by Council for this Plan. It contains details of contributions received and expended, including interest earned, for each contribution category.

This record is available for inspection free of charge.

### 6.1 *Formulae for Contributions*

Dual occupancy development will be levied at the rate of one lot per additional residential unit. Subdivision development will be levied on the basis of additional lots created, i.e. a subdivision of one lot into three lots will be levied on the basis of the two additional lots.

The contribution rates are based on the total cost of the works in each category divided by the potential lot generation.

Hence, the contributions are

Community Facilities	\$145,000	111 (lots) =	\$1,306 per lot*
Roadworks	\$495,000	111 (lots) =	\$4,459 per lot*
Design Supervision	\$ 64,000	111 (lots) =	\$ 576 per lot*
Plan Administration	\$ 7,040	111 (lots) =	\$ 63 per lot*
<b>TOTAL CONTRIBUTION</b>			<b>\$6,405 per lot^</b>

\* these figures have been rounded off

^ Actual contribution amount

The schedule of works that is included in the plan establishes a total amount for each category.

## **6.2 Indexation of Budget**

The Budget will be automatically indexed on a quarterly basis, for any items that remain to be constructed. This indexing is based on the Consumer Price Index (All groups Sydney) at the time of indexation compared with the index at the time of adoption.

Budget items that have been constructed by Council at the date of quarterly review are carried forward in the adjusted budget at the actual cost plus any accrued interest payments on borrowed funds used to construct the works.

There will also be periodic reviews 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 have been completed.

## **7.0 METHOD AND TIMING OF CONTRIBUTIONS**

This section of the plan has been prepared to describe Council's proposed administration of Section 94 funds.

The document is divided to reflect the sequence of events in preparing and levying contributions.

### **7.1 Issue of Development Consent**

When development consent is issued conditions related to Section 94 contributions will be outlined in the consent conditions. These conditions will include the amount of the contribution, will fix a time at which the contribution will remain constant (normally three months), will specify the variation to the rate if not paid by the specified time (normally 1.5% per quarter after that time), and will specify the time when the contribution must be paid.

### **7.2 Method of Payment of Contributions**

Payment of Section 94 Contributions will be required by either cash or bank cheque.

Under special circumstances the Council may agree to the contributions being paid via a Bank Guarantee. The guarantee will be required to be unconditional with no time limits, however, Council will normally allow a guarantee to be lodged for a maximum period of 6 months. If the developer has not paid the Council the contribution within this time and has not requested the Council to release the guarantee, the Council will redeem the guarantee from the bank.

During the period of the guarantee the contribution will be indexed in accordance with Section 7.3 above. The guarantee shall be lodged for the contribution expected 6 months after the guarantee is lodged. Any developer proposing to utilise this Section should discuss the matter with officers of Council's Environmental Planning Department.

### **7.3 Indexation of Contributions**

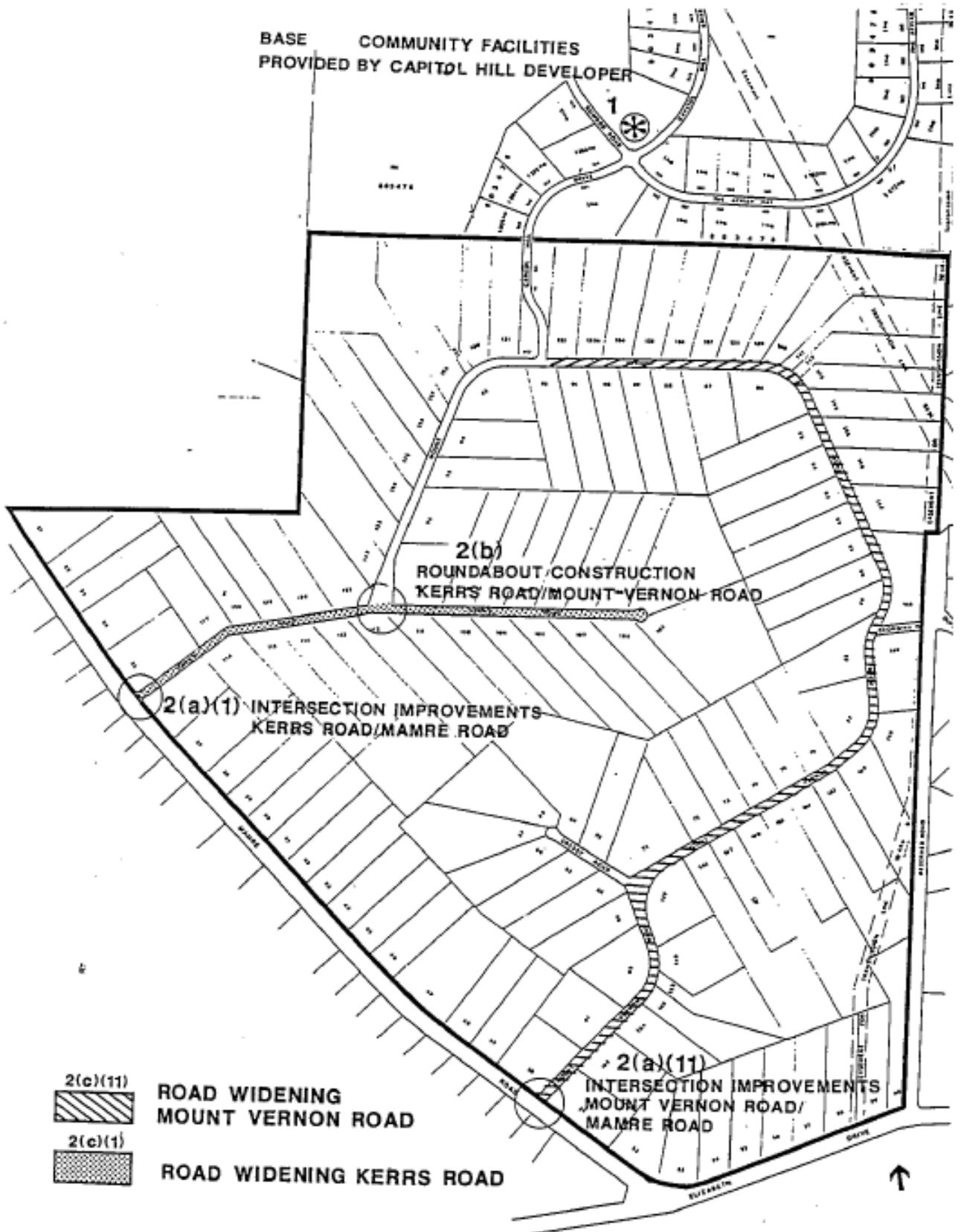
If not paid by the time specified in the consent notice, the contribution will be subject to an indexation from the date of consent until the contribution is paid. This indexation will be based on the current projected inflation and interest rate movements. For the purpose of this plan the rate is 1.5% per quarter.

Developers should confirm the exact amount of the contribution prior to payment. The contribution adjustment will be based on:

Additional contribution = initial contribution \* 1.5% number of quarters (or part quarters) since issue of consent.

## **ANNEXURES**

<b>Schedule of works</b>	<b>Budget Cost (\$)</b>	<b>Tentative Timing</b> (subject to review based on development rate)
<b>Mt Vernon/Capitol Hill</b>		
<b><u>1. Community Facilities</u></b>		
<i>Improvements to base facilities provided by Capitol Hill Developer</i>		
(i) Improvements to parking area	<b>\$35,000</b>	2002
(ii) Community facility (stage 2 building extensions)	<b>\$110,000</b>	2002
<i>Sub Total</i>	<b>\$145,000</b>	
<i>Contrib rate per lot</i>	<b>\$1,306</b>	
<b><u>2. Traffic Management</u></b>		
<i>(a) Intersection Improvement</i>		
(i) Kerrs Rd / Mamre Rd	<b>\$105,000</b>	1998
(ii) Mt Vernon Rd / Mamre Rd	<b>\$85,000</b>	1998
<i>(b) Roundabout Construction</i>		
Kerrs Rd / Mt Vernon Rd	<b>\$60,000</b>	1998
<i>(c) Road widening</i>		
(i) Kerrs Rd	<b>\$35,000</b>	1998-2002+
(ii) Mt Vernon Rd	<b>\$210,000</b>	1998-2002+
<i>Sub Total</i>	<b>\$495,000</b>	
<i>Contrib per lot</i>	<b>\$4,459</b>	
<b><u>3. Design, supervision and contract administration</u></b>		
	<b>\$64,000</b>	
<b><u>Total cost of works</u></b>	<b>\$704,000</b>	
<b><u>4. Sec 94 Plan Administration</u></b>		
	<b>\$7,040</b>	
<i>Contrib per lot</i>	<b>\$63</b>	
<b><u>Total Contribution Rate Per New Lot</u></b>	<b>\$6,405</b>	



**MOUNT VERNON ESTATE  
Sec 94 CONTRIBUTIONS PLAN**



SCALE: 1:12 500

LOCALITY MT.VERNON

1(c) RURAL 'C' - Rural Residential

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

CITY OF PENRITH

**LOCAL ENVIRONMENTAL PLAN No.201 (RURAL LANDS)  
(AMENDMENT No.2)**

DRAWN BY C.Horne	DATE 8-12-1993	STATEMENT OF RELATIONSHIP WITH OTHER PLANS Amends L.E.P. No 201 (Rural Lands)
SUPERVISING DRAFTSMAN G.Capsonis		
PLANNING OFFICER B. McDonald		
COUNCIL FILE NO. 4108/9		CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979, AND REGULATIONS
DEPT. FILE NO P.91-00699		
GOVT. GAZETTE OF		
FORMLEP		TOWN CLERK DATE 8-12-1993