



**SECTION 94 Environmental Planning &
Assessment Act, 1979 (as amended)**

BSC 11

SEWER - MILLTHORPE

PART A

INTRODUCTION

Development within the Shire places additional pressures on Council to provide public services and amenities, invariably at the expense of established priorities.

Development charges serve two related functions. Firstly, they provide a source of funding for infrastructure required for new urban developments. Secondly, developer charges provide signals regarding the costs of urban development and thus encourage less costly forms and areas of development. Charges for infrastructure for urban developments signal the relative costs of providing such infrastructure. This ensures that the charges do not distort the form and sequence of developments.

Under the Environmental Planning and Assessment Act 1979 (EP&A Act), Section 94 is the sole source of power for Council to levy developer contributions for these public services and amenities.

The power for local government councils to levy developer charges for water supply sewerage and stormwater derives from Section 64 of the Local Government Act 1993 by means of a cross-reference in that act to Section 306 of the Water Management Act 2000.

Council can impose a condition requiring the dedication of land free of cost or the payment of a monetary contribution. Council can recoup costs for services and amenities which have been provided to facilitate development or in anticipation of development. Council is also permitted, under Section 94(1) of the Environmental Planning and Assessment Act 1979 to levy contributions towards recurrent expenditure on roads where there is abnormal impact from mining and extractive industry traffic.

The court has established the following principles for testing the validity of a consent condition requiring a Section 94 contribution:

1. The contribution must relate to a planning purpose
2. The contribution must fairly and reasonably relate to the subject development.
3. The contribution must be such as a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed.

It is a requirement of the Act that Council prepare Section 94 Contributions Plans for the various categories of services and amenities for which a levy is made. The Plan identifies the project, method of funding, recovery of expenditure and timing of works.

PART B

PLAN BSC 6 SEWER - MILLTHORPE

This Plan is identified as BSC 11 SEWER - MILLTHORPE PLAN for the development of the sewerage system. This contribution Plan is made pursuant to Section 94(1)(2) of the Environmental Planning and Assessment Act 1979 as amended and Part 4 of the Environmental Planning and Assessment Regulations, 2000 as amended and Section 64 of the Local Government Act 1993 as amended and the Water Management Act 2000.

The Plan comes into effect on.

PLAN OBJECTIVES

The objective of the Plan is:

- a) to provide the basis for levying developer contributions;
- b) to identify the amenities and services which Council intends to provide;
- c) to establish a nexus between any anticipated development and contributions sought;
- d) to enable the early provision of facilities and services;
- e) to encourage public participation in the formation of the Plan;
- f) to provide the development industry with early advice as to the amount of contribution which will be required for a particular development;
- g) to facilitate proper financial management and accountability for expenditure of contributions received;
- h) develop minimum standards which will meet that demand; and
- i) to identify the increase in demand on the Blayney Sewerage Treatment Plan which will result from development in Blayney.

RELATIONSHIP TO ENVIRONMENTAL PLANNING INSTRUMENTS

The Plan enables the levying of developer contributions for land uses permissible under the Blayney Shire Local Environmental Planning Instruments.

PART C

ASSESSMENT OF CONTRIBUTIONS

LAND TO WHICH PLAN APPLIES

This Plan applies to all land within the Village of Millthorpe as shown on the attached map by heavy black edging.

NEXUS

The demand for sewerage treatment works capacity is generated by growth in residential, commercial and industrial activity related to population increase. The cost to provide this capacity is, therefore, directly related to this growth.

The plant has a capacity of 4000 equivalent persons (ep). The present loading as at January 2002 is 3700 ep.

It is reasonable to set the level of contribution such that the additional capacity provided is recouped from new development.

METHODOLOGY

The demand for sewerage improvements is directly related to the occupancy of tenements.

In order to calculate contributions, the occupancy rates of tenements have been determined as:-

a.	Bedsitter or Bachelor Flat	1 person
b.	Single Bedroom Unit	1.1 persons
c.	Two Bedroom Unit	2.2 persons
d.	Three Bedroom Unit	3.3 persons
e.	Dwelling House	4 persons
f.	Subdivision Lot	4 persons
g.	Commercial/industrial development	4 persons

CONTRIBUTIONS

Contribution Formula - Domestic

The formula for monetary contribution formula will, therefore apply:

The original report to Council in 2002 indicated appropriate levels being:

Based on an Asset of:-

	\$
Treatment Works	
Land	
Pump Stations	
Rising Mains	
Mains	
Total	

Utilising the formula contribution = $\frac{C}{P}$

where

C = total cost of works

P = equivalent population capacity of the system

the contribution should be $\frac{4,768,366}{4,000} = \$ 1192$ (rounded) per person

CONTRIBUTION FORMULA - INDUSTRIAL / COMMERCIAL

The affect of industrial and commercial development is no less significant than the affects accepted as imposed by residential developments. It is therefore equitable that all new industrial/commercial developments inclusive of major alterations, additions and ancillary works (with the exception of home industry and home occupation), be subjected to the application of this policy. An amount equivalent to that adopted as appropriate for a subdivision Lot in this contribution plan is considered appropriate as a minimum figure.

Alternatively major industrial/commercial developments are likely to have significant effects on existing infrastructure and Council will assess the warrant for either a flat rate contribution based on the development cost of the proposed development (at 0.25% of the proposed development or the above mentioned minimum, which ever is the greater) or an individual merit assessment appropriate to the scale of the proposal.

Contribution adopted by Council at its meeting of = \$ per person, based on schedule 1.

		\$
a.	Bedsitter or Bachelor Flat	1 person
b.	Single Bedroom Unit	1.1 persons
c.	Two Bedroom Unit	2.2 persons
d.	Three Bedroom Unit	3.3 persons
e.	Dwelling House	4 persons
f.	Subdivision Lot	4 persons
g.	Industrial Commercial Development	

OR

0.25% of value whichever is greater

OR

merit assessment as abovementioned

APPLICATION OF CONTRIBUTIONS

- i. any additional lot created to an assessment (subdivision)
- ii. any dwelling in excess of 1, applying to an assessment (workers dwelling/dual occupancy)
- iii. any new assessment created or likely to be created by an assessment split (sale)
- i. any new commercial or industrial activities or the extension/expansion of an existing commercial or industrial operation.

Section 4 of the Environmental Planning and Assessment Act 1979 prescribes for the purposes of Clause 306 of the Water Management Act development to be:

- (a) The use of land, and
- (b) The subdivision of land, and
- (c) The erection of a building, and
- (d) The carrying out of work, and
- (e) The demolition of a building or work, and

Any other act, matter or thing referred to in Section 26 that is controlled by an environmental planning instrument, but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

At its meeting of 8th December 1997, it was resolved by Council that the following merit assessment be applied to development contributions:

1. *That where the total estimated cost of works for the proposed development is below the threshold of \$20,000, Council adopt the following staging of Section 94 contribution fees:-*
 - i. *Total estimated building works less than \$10,000 - Nil payment;*

- ii. Total estimated building works between \$10,000 and \$20,000 - payment of 50% of full contributions applicable for building works over \$20,000.*
- 2. That the estimated building cost of any additional works carried out on premises within a two year period, will be considered with previous building works within that time frame, and the combined sum over \$10,000 will be subject to the appropriate Section 94 contribution fee.*
- 3. That the application of this policy be retrospective to 1st July 1997.*

INDEXATION

Sewer contribution levies may be indexed on the 1st July of each year in accordance with the Australian Bureau of Statistics Consumer Price Index for the preceding 12 months to take account of the increase in construction costs.

TIMING OF PAYMENT

Contributions will be payable prior to the release of the plan of subdivision or the Building Approval for new dwellings.

EXPENDITURE OF CONTRIBUTIONS

Council will utilise contributions from any development levied under this Plan on improvements in accordance with the works set out in Schedule 1 of this Plan.

ACCOUNTABILITY

Register of Contributions

As required under the Act, Council will maintain a Register setting out contributions levied and the manner in which levies are being spent.

Updating the Plan

The Plan will be periodically reviewed in the light of development trends. Any change to the Plan will be re-exhibited for public comment.

Annual Statement

An Annual Statement will be prepared by Council setting out the works undertaken, expenditure, monies held and progress with meeting priorities established.

SCHEDULE 1

MILLTHORPE - SEWER

\$

1. Pump Stations
2. Land
3. Treatment Works
4. Rising Mains
5. Mains

Total