

Policy

Section 64 Developer Charges for Disaggregated Lots

Version 1.3

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Section 64 Developer Charges for Disaggregated Lots

Policy Objective

This Policy provides criteria and procedures to follow when assessing Section 64 Developer Charges for existing lots in established areas that has not previously paid Section 64 Developer Charges.

This Policy applies specifically to:

	Description
1	Connection to Water Supply and/or Sewerage services for lots that are currently aggregated or have previously been aggregated for rating purposes ' <i>multiple lots rated as one</i> '.
2	Connection to Water Supply and/or Sewerage services for a vacant, unserviced lot in an established area that has not previously been charged section 64 Developer Charges
3	Connection to Water Supply and/or Sewerage services for a previously unserviced lot resulting from the demolition of a dwelling built over the boundary of two lots.

For all other development that would normally require payment of Section 64 Developer Charges, please see **Developer Charges Protocol v1.1**.

Definitions

Term	Definition
Development	For the purposes of this policy, development is activity requiring connection to Councils water supply or sewerage system.
Section 64 or s64 Developer Charges	Water Supply and Sewerage Section 64 Developer Charges applied in accordance with Section 64 of the Local Government Act 1993 and Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.
Development Servicing Plans (DSP)	Plans prepared by Council to identify areas within the Tweed Shire Council serviced or proposed to be serviced by the water supply and sewerage systems.
Equivalent Tenement (ET)	Is a standard measure used to assess the demand or loading of a particular development will have on Council's Water Supply and Sewerage Infrastructure. It is based on the water consumption or sewage discharge for an average residential dwelling or house, based on state-wide data.
Parcel of Land	<p>In relation to rateable land, means a portion or parcel of land separately valued under the Valuation of Land Act 1916.</p> <p>Referred to in this policy as a 'Lot'.</p>
Disaggregated lot	Previously unserviced lots previously aggregated with other lots for rating purposes.
Established Area	An existing area that has water supply and/or sewerage system able to service the lot if appropriate connections are provided.

Policy Background

Section 64 Water Supply and Sewerage Developer Charges are applied to any development which creates new or increased demands or loading upon water supply and sewerage systems. The charges are levied so that Council can fund the infrastructure required for development such as reservoirs, trunk mains, treatment plants and pump stations.

Section 64 of the Local Government Act 1993 refers to Sections 305, 306 and 307 of the Water Management Act 2000. It is the provisions of the Water Management Act that enable Council to recover part of the infrastructure costs incurred in servicing new developments or additions and changes to existing developments.

The identification and payment of Section 64 Developer Charges in relation to vacant land would normally be covered by the initial subdivision of the land. However, in the case of lots which had previously been aggregated with other lots for rating purposes, Section 64 Developer Charges may not have been paid. Therefore no entitlement to connect to Water Supply or Sewerage exists for these lots.

Properties which consist of more than one lot for ratings purposes, and pay a single sewer and/or water access charge, are only entitled to a single water and/or sewer connection. Where a lot is not connected to the Water Supply and/or Sewerage system or was previously aggregated with other lots for rating purposes, Section 64 Developer Charges are payable before the lot is connected to water and/or sewer if not previously paid.

This Policy outlines the criteria and procedures to follow when assessing Section 64 Developer Charges on existing lots in established areas that has not previously paid Section 64 Developer Charges.

Policy

Water Supply and Sewerage Section 64 Developer Charges are payable on development of all lots applying to connect to Council's water supply or sewerage systems.

This policy applies where Section 64 Developer Charges have not been paid previously as part of an approved subdivision or other development for existing lots in an established area. This policy does not apply to the subdivision of land on subsequent development on a lot.

Lots meeting the criteria of this policy will be charged the reduced rate for Section 64 Developer Charges outlined in this Policy.

This Policy applies specifically to the following circumstances where Section 64 Developer Charges have not been previously paid for the lot:

	Description
1	Connection to Water Supply and/or Sewerage services for unserviced lots that are currently aggregated or have previously been aggregated for rating purposes ' <i>multiple lots rated as one</i> '.
2	Connection to Water Supply and/or Sewerage services for a vacant, unserviced lot in an established area that has not previously been charged Section 64 Developer Charges
3	Connection to Water Supply and/or Sewerage services for a previously unserviced lot resulting from the demolition of a dwelling built over the boundary of two lots.

On assessment of the relevant application to Council in accordance with this policy, the following Section 64 Developer Charges will apply:

	Section 64 Developer Charge
Water	20% of one (1) ET for the current financial year
Sewer	20% of one (1) ET for the current financial year

The above charges will apply irrespective of whether or not the lot has been paying a water and/or sewerage access charge.

Lots that are assessed as meeting the criteria and fulfilling the requirements of this policy will be granted a 1ET credit on the issue of the Certificate of Compliance.

Development not covered by this Policy

All other development that would normally require payment of Section 64 Developer Charges, including the subdivision of land, boundary adjustments and lots that are being redeveloped for more intense housing such as units or community subdivisions.

Application of this Policy

The application of charges relating to this policy may be triggered by (but not limited to) the following events:

- a) Development Application
- b) Application for a Certificate of Compliance
- c) Application for connection to the Water and/or Sewerage system (Section 68 application)
- d) Subdivision certificates for minor boundary adjustments
- e) Trade waste agreement

When Section 64 Developer Charges are Payable

- a) In the case of building development on a vacant lot where the Section 64 Developer Charges has not been paid under a previous development application, the Section 64 Developer Charges are payable prior to release of the Construction Certificate for the building works, or where no construction certificate is required, prior to connection to the service.
- b) For complying development, prior to the issuing of a complying development certificate (whether or not the certificate is issued by Council or an accredited certifier).

Related Legislation

Local Government Act (1993) s64

Local Government Act (1993) s552

Water Management Act (2000) s305, s306, s307

Valuation of Land Act (1916) s26

Review Period

A report will be provided to Council in two (2) years reviewing this Policy.

Useful Links

[Tweed Shire Council website](#)

[Office of Local Government](#)

Version Control:

Version History		
Version #	Summary of changes made	Date changes made
1.3	<i>Establishment of Policy</i>	01/05/2017

