Procedure Water Supply & Sewerage Section 64
4.08.3 Charges

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<tr>
<th>Directorate</th>
<th>Transport and Utilities Group</th>
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<tbody>
<tr>
<td>Responsible Officer</td>
<td>Manager</td>
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Scope

Council has invested heavily to ensure water supply and sewerage assets meet the high standards needed to protect the environment and lifestyle quality of the Shire and to ensure services are structured to meet anticipated growth.

Water Supply and Sewerage Section 64 charges are levied where a planned development places additional load on water supply and sewerage systems. It is equitable that developers meet their share of the capital cost of providing these assets.

This procedure applies to all vacant allotments and developed allotments within areas mapped in the current Bega Valley Shire Water Supply and Sewer Development Servicing Plan – Service Area.

Purpose

The purpose of this procedure is to:

- Define the development liable for payment of Section 64 charges.
- Confirm who is responsible for the payment of Section 64 charges.
- Ensure consistency and fairness in the manner in which Council applies Section 64 charges.
- Ensure compliance with legislative requirements under the Local Government Act 1993 and Water Management Act 2000.
- Make the Council’s procedures and requirements for Section 64 charging readily accessible and understandable to customers.

Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td>Development</td>
<td>For the purposes of this procedure, development is coordinated activity resulting in additional loads on water supply and sewerage systems.</td>
</tr>
<tr>
<td>Section 64 or s64 Charges</td>
<td>Water Supply and Sewerage Section 64 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.</td>
</tr>
<tr>
<td>Development Servicing Plan – Service Areas (DSP)</td>
<td>Plans prepared by Council to identify areas within the Bega Valley Shire serviced or proposed to be serviced by the water supply and sewerage systems.</td>
</tr>
<tr>
<td>Equivalent Tenement (ET)</td>
<td>Equal to one occupied residential single detached dwelling.</td>
</tr>
<tr>
<td>Residential Development</td>
<td>Construction of a building primarily used as a residence, including houses, dual occupancies, units, townhouses, etc. Does not include accommodations run for commercial gain (hotel, motel, caravan park, etc).</td>
</tr>
<tr>
<td>Non-residential Development</td>
<td>Development that is not classified as residential development</td>
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# Procedure Implementation

<table>
<thead>
<tr>
<th>No</th>
<th>Term</th>
<th>Description</th>
<th>Responsibility</th>
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<tr>
<td>1</td>
<td>What is the Charge?</td>
<td>The current s64 charges for Water Supply and Sewerage are displayed in Council’s adopted fees and charges. These can be viewed on Council’s web site at <a href="http://www.begavalley.nsw.gov.au">www.begavalley.nsw.gov.au</a>. The background to calculation of the charges is presented in Council’s Water Supply and Sewerage DSP’s which are also available on Council’s Web Site.</td>
<td>Manager Water and Sewerage Services</td>
</tr>
</tbody>
</table>
| 2  | What Development is Liable for Payment of upfront Section 64 Charges? | a) Water supply and sewer s64 charges are payable on residential development of all vacant allotments within areas mapped in the current Bega Valley Shire Water Supply or Sewer Developer Servicing Plans (DSP).  
b) Residential development involving additions to existing serviced buildings that increase loadings on water supply and sewer systems will be liable for s64 charges. The charges will apply if the additional loading exceeds Council’s estimate of one ET or if the proposed development loading exceeds the current loading.  
c) New allotments created as part of a subdivision. | Developer |
| 3  | What Development is Exempt or Partially Exempt from upfront Section 64 Charges? | a) Where s64 charges have been paid previously as part of an approved subdivision or other development, the allotment is exempt from paying additional S64 charges up to the scale of the loading previously paid.  
b) Replacement of existing serviced residential buildings to the scale of the previous water supply and sewerage loading are exempt from s64 charges.  
c) A partial exemption will be granted in the case of vacant assessments, where no contribution has been paid and where unconnected access charges for the service have been continuously paid. In such cases, Council will deduct the sum of the unconnected water access charges paid, to a maximum of 100% (total exemption) of the current s64 water charges payable for the proposed development. Council will process the exemption calculations free of administrative charges back to the year 2000. Exemption calculations associated with unconnected water access charges paid prior to the year 2000 will incur an administrative charge.  
d) A partial exemption will be granted in the case of vacant assessments, where no contribution has been paid and where unconnected access charges for the service have been continuously paid. In such cases Council will deduct the sum of unconnected sewer access charges paid, to a maximum of 100% (total exemption) of the current S64 sewer charges payable for the proposed development. Council will process the exemption calculations free of administrative charges back to the year 2000. Exemption calculations associated with unconnected sewer charges paid prior to the year 2000 will incur an administrative charge.  
e) An exemption from s64 charges will be granted to community infrastructure and facilities proposed to be constructed on community land or Crown land. | Engineering Development Coordinator |
## No 4. When are Section 64 Charges Payable?

**Term:** When are Section 64 Charges Payable?

**Description:**

a) In the case of residential building development on a vacant allotment where the headworks contribution has not been paid under a previous development application, the s64 charge is 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 residential complying development, prior to the issuing of a complying development certificate (whether or not the certificate is issued by Council or an accredited certifier).

c) For other residential developments, prior to the release of the construction certificate.

d) For subdivision, prior to the release of the Linen Plan.

e) Once payment of Section 64 Charges has been made to Council no reimbursement or return of the payment is possible.

**Responsibility:** Engineering Development Coordinator

## No 5. What development is liable for high consumption charges

**Term:** What development is liable for high consumption charges

**Description:** All non-residential developments are liable to pay high consumption charges when their water usage or sewage discharge exceeds the existing ET entitlements for their assessment.

**Responsibility:** Engineering Development Coordinator

## No 6. Assessments Comprising Multiple Lots

**Term:** Assessments Comprising Multiple Lots

**Description:** Where an owner of multiple lots in a single assessment seeks to split one or more lots into separate assessments and where s64 charges have not been paid on one or more lots, that property owner must advise Council in writing of the lot for which s64 charges will be recorded as having been paid. In such cases, one ET will be credited to the lot nominated by the property owner.

**Responsibility:** Engineering Development Coordinator And Developer

## No 7. Complaints and requests

**Term:** Complaints and requests

**Description:** Complaints and requests received regarding the implementation of this procedure will be recorded on Council’s Customer Request Management (‘CRM’) system or records system and handled in accordance with Council’s Complaints and Requests policies.

**Responsibility:** Responsible Officer

## No 8. Consultation

**Term:** Consultation

**Description:** Consultation regarding this procedure will occur on an as needs basis with Council’s Leadership Executive Group.

**Responsibility:** Manager Water and Sewerage Services

## Legislation

In implementing this procedure, Bega Valley Shire Council imposes monetary contributions or works requirements under Section 64 of the Local Government Act (1993) and Division 5, Part 2, Chapter 6 of the Water Management Act (2000).

Developments that may be subject to such requirements include:

a) the erection, enlargement or extension of a building or the placing or relocating of a building on land,

b) the subdivision of land,

c) the change of use of land or of any building situated on the land.

## Governance

This procedure should be read in conjunction with any related legislation, codes of practice, relevant internal policies and