

Attachment 2**Transport Infrastructure – Governance Arrangements**

- Proposed Single Advisory Committee
 - Strategic in nature
 - Simplistically to provide advice on 3 matters:
 - Priorities and timing for expenditure (annual review);
 - Scope of works to be funded (annual review); and
 - Proposals from developers seeking an offset/credit i.e. in kind not financial contribution (as required).

- Proposed Advisory Committee Composition
 - Skills based membership
 - Independent Chairperson
 - 2 x Council
 - 2 x State Government
 - 2 x UDIA

- Minister and Council to appoint

- Meeting frequency may be say 3 times annually/as required

11.2 REPORT TITLE: MDPA Wastewater Commitment Separate Rate

DATE OF MEETING: 18 MAY 2015

FILE NUMBER: 48/030/087

Strategic Plan 2012-2017 Ref:

Urban Growth

The Mount Barker District is a leader in growth area water management.

Purpose:

To seek authority to undertake community consultation on the proposed MDPA Wastewater Commitment Separate Rate.

Summary – Key Issues:

- When a developer executes a Wastewater Commitment Deed with Council security for the extent of their commitment is required.
- The proposed primary mechanism for this purpose is an MDPA Wastewater Commitment Separate Rate.
- This mechanism requires that community consultation be undertaken.

Recommendation:

That Council:

1. Authorise community consultation being undertaken on the proposed MDPA Wastewater Commitment Separate Rate as a replacement mechanism for the existing Wastewater (Sewer) Infrastructure MDPA Mount Barker Area Separate Rate once a developer has executed a Wastewater Commitment Deed with Council and requested the use of this mechanism.
 2. Delegate authority to the Chief Executive Officer or nominee to prepare and finalise a Consultation Report to overview the proposed MDPA Wastewater Commitment Separate Rate for the purposes of the required community consultation process, with the Report to be in accordance with the content of this agenda item; and
 3. Note that post the community consultation process, a further agenda item will be prepared for consideration pre decision making at the Council meeting to be held on 6 July 2015.
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Background:

1. The existing Wastewater (Sewer) Infrastructure MDPA Mount Barker Area Separate Rate is to continue.
2. This is declared over all rateable land within the Mount Barker area of the 2010 Ministerial DPA.
3. The separate rate only becomes payable by the developer of the land when development is undertaken.
4. Until this occurs the amount of the separate rate is 100% postponed.
5. As reported via previous agenda items to Council meetings, Council has entered into a Wastewater Commitment Deed with a number of developers for the provision of a sewer service, and this process is currently work in progress with further developers.
6. The Deeds contain provisions regarding security for the commitment being made by the developer.
7. This includes the intent of the parties that the separate rate be the primary mechanism for this purpose.

Discussion:

8. The use of the separate rate mechanism for this purpose is considered sound.
9. In practice it would work as follows:
 - Wastewater (Sewer) Infrastructure MDPA Mount Barker Area Separate Rate is declared – the amount is the same on each assessment, currently \$7,250.
 - A developer and Council execute a Wastewater Commitment Deed which will include the total amount being committed to by each developer.
 - The developer advises Council:
 - that they wish to use the MDPA Wastewater Commitment Separate Rate as the primary security mechanism for the amount of the commitment made;
 - of the land parcel/s on which they wish to have the separate rate raised; and
 - of the amounts to be applied to each land parcel where there is more than one held by the developer.

- Council needs to be satisfied that the value of the land parcel/s nominated by the developer is sufficient relative to the amount of the commitment being made and the required security.
 - The Wastewater (Sewer) Infrastructure MDPA Mount Barker Area Separate Rate is then replaced by a MDPA Wastewater Commitment Separate Rate for the amount of the commitment made by the developer as specified in the Wastewater Commitment Deed.
10. Hence the amount of the MDPA Wastewater Commitment Separate Rate will vary from one land parcel to another. An example has been prepared to illustrate this and is included as attachment 1.
 11. In due course as the developer makes the required payments to Council the amount of the MDPA Wastewater Commitment Separate Rate will progressively reduce.
 12. For the purposes of the required community consultation process regarding the proposed MDPA Wastewater Commitment Separate Rate, Council officers will prepare a Consultation Report to overview what is proposed.

Community Engagement:

Community consultation as required by the Local Government Act	This process will include a letter to all developers who have already executed a Wastewater Commitment Deed with Council and those who are currently considering same; a public notice; and inclusion in the draft 2015/16 Council Annual Business Plan
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Policy:

A policy is being prepared in relation to the administration of the proposed MDPA Wastewater Commitment Separate Rate.

Budget:

No impact in 2014/15.

The proposed MDPA Wastewater Commitment Separate Rate will provide security for future revenue from those developers of land within the Mount Barker area of the Ministerial DPA who have signed a Wastewater Commitment Deed with Council.

Statutory/Legal:

- Local Government Act.
- Wastewater Commitment Deeds.
- Advice from Mr Michael Kelledy of Kelledy Jones Lawyers.