

Developer Contributions to Works

Council Policy Number	130
Date adopted	16 June 2021
Scheduled for review	June 2025



1. Preamble

Campaspe Shire Council (Council) will control the standards for infrastructure assets in its community with a mind to the whole of life costs of maintaining/managing them. Council will ensure no cost of infrastructure required to support any new development are imposed on local residents affected by the development.

2. Purpose

To provide guidance to developers, Council's Assets and Planning & Building Departments when determining the extent to which a developer should provide, or contribute towards the cost of, works to appropriately service their development.

3. Definitions

Infrastructure Works

Works the developers may fund are described in Section 46M of the *Planning and Environment Act 1987*. The following is a summary of those works:

- Acquisition of land for roads, drainage, public open space.
- Construction of roads, including construction of bicycle and foot paths, traffic management and control devices.
- Construction of public transport infrastructure, including fixed rail infrastructure, railway stations, bus stops and tram stops.
- Basic improvements to public open space, including earthworks, landscaping, fencing, seating and playground equipment.
- Drainage works.
- Building and works for, or associated with, the construction of:
 - A maternal and child health care centre
 - A child care centre
 - A kindergarten, or
 - Any facility which provides these facilities in combination.

4. Policy Statement

4.1 Consideration

When considering the extent to which a proposed development requires the provision of, or payment towards, works the following matters must be considered:

- a. The impact of the proposed development on Council's existing infrastructure, if any, which will service the development i.e. does the existing infrastructure have the capacity to cater for the additional loading to be imposed on it by the new development. If not, the developer may be required to make a cash contribution towards the future upgrade of existing infrastructure, which will be required as a result of the new development.
- b. The condition, capacity and design standard of any existing infrastructure and/or required infrastructure within and/or abutting the development. The requirements of the Infrastructure Design Manual will give guidance in this consideration.

- c. The other landowners (including Council) that would benefit from the provision of new works or the upgrading of existing infrastructure required as a result of the proposed development.
- d. The zoning of adjoining land and extent of any surrounding future development, including the likelihood that development will take place in the foreseeable future e.g. existing houses on large allotments in existing residential areas which can be subdivided in the future.
- e. The recommendations contained in any traffic impact assessment report, drainage concept design or any other report prepared to determine the requirements for the provision of works and the impacts on existing infrastructure.
- f. The timing and staging of the proposed development including having regard to Council or other benefitting landowner's ability to contribute to the costs of any works.

4.2 Council Funding Contribution

If Council will receive a benefit from the provision of new works or the upgrade of existing works, Council may contribute to the works. However, this would be contingent on Council having available funding and the benefit(s) being clearly defined and measurable.

4.3 Formalising the Arrangements

The requirement works may be arranged and managed through a Development Contribution Agreement, conditions in a planning permit, or a Section 173 Agreement pursuant to the *Planning and Environment Act 1987*. A Section 173 Agreement can be used to place an obligation on the parties to provide works, and/or pay for works.

These agreements will specify:

- a. The costs and standards of infrastructure provision (to be based on a case by case approach and be an equivalent percentage to the size and cost of each development).
- b. The timing of the provision of infrastructure will be agreed to before the issuing of a planning permit.
- c. Each party's obligation to provide the infrastructure.
- d. Timing of payments towards infrastructure.
- e. The refund of cash contributions if infrastructure is not provided.
- f. The upfront provision of infrastructure by one landowner and the reimbursement of the cost by other landowners as they develop, or
- g. Works-in-kind in lieu of cash contribution.

Any and all costs in relation to the creation of the agreement are solely the applicants.

5. Exclusions

Nil

6. Human Rights

This policy has considered and complies with the Human Rights and Responsibilities contained in the Victorian Charter of *Human Rights and Responsibilities Act 2006*.

7. Related Legislation

Planning and Environment Act 1987

8. Related Policies, Procedures and Strategies

The Infrastructure Design Manual ('IDM') is a joint initiative of Victorian rural and regional Councils working together to formulate and maintain a set of consistent requirements and standards for the design and development of infrastructure.

9. Attachments

Nil

10. Review Period Responsible Officer

Four years

Manager Assets

11. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter the policy, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

12. Approval History

Adopted	21 September 2010	Minute Book Reference No 16407 (Item 12.6)
Revised	19 August 2014	Minute Book Reference No 878 (Item 6.1)
Revised	20 March 2018	Minute Book Reference No 486 (Item 7.1)
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Chief Executive Officer: 

Date: 19 JUNE 2021

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