

Implementation Guide Development Servicing Plan Stormwater

May 2022

1. Introduction

1.1 Land subject to Section 64 Stormwater Contributions

Section 64 Stormwater contributions will be applied to land in the area identified in the Development Servicing Plan (DSP) Stormwater November 2007 and any addendums made to this Plan.

Development occurring outside the DSP area will not be charged Section 64 Stormwater infrastructure contributions.

If land is rezoned outside the DSP Stormwater area yielding over 500 lots, it will be added to the DSP area via an addendum to the Plan. If land is to be rezoned outside the DSP area and is expected to yield less than 500 lots, the impact will be assessed on a case by case basis and changes to the DSP area will be made if required.

1.2 Development Exempt from Section 64 Stormwater Contributions

The following development in the DSP area is exempt from Section 64 Stormwater infrastructure contributions:

- A dwelling house on a vacant lot,
- Replacement, or alterations and additions to, an existing residential building,
- Secondary dwelling,
- Outbuildings (as defined by the Codes SEPP meaning balcony, deck, patio, pergola, terrace or veranda detached from a dwelling house; cabana, cubby house, fernery, garden shed, gazebo or greenhouse; carport, farm building, garage, rain water tank detached from a dwelling house),
- Subdivision of land with any zone other than residential as shown in the Local Environmental Plan 2010,
- Boundary adjustments, and
- Lots created for the provision of service and infrastructure.

2. Implementation

2.1 Calculation of Section 64 Stormwater Contributions

All development (other than that listed as exempt) in the DSP area will be assessed for Section 64 Stormwater infrastructure contributions. There are three different methods used to calculate Section 64 Stormwater contributions depending on the type of development and the zone of the land.

Section 64 Stormwater calculations are based on equivalent tenements (ET). The Section 64 Determinations of Equivalent Tenements Guidelines, April 2017 defines an ET as the measure of the demand a development will have on stormwater infrastructure in terms of the average discharge for an average residential dwelling.

An ET in Wagga Wagga is a dwelling on a residential lot, averaging 800m² in size, with an expected average hardstand of 480m² (or 60% of the lot). It is assumed 2.6 people will live in the dwelling on the average lot.

2.1.1 Residential Subdivision Calculation

The subdivision of residentially zoned land uses an ET per new lot as the basis for the calculation. The calculation is as follow.

$$\text{S64 Stormwater} = (\text{number of new lots} \times 1\text{ET}) - (\text{number of existing lots} \times 1\text{ET})$$

This formula is only to be applied when there is no detail of the proposed built form for the land included in the development application. If a development application includes details of the built form and subdivision of land, the calculations will be based on either of the two methodologies below (depending on the land zone).

2.1.2 Development on Residential Zoned Land Calculation

It is very common for residential zoned lots in Wagga Wagga to propose buildings other than, or in addition to a dwelling house. It is important to capture Section 64 contributions for this development as the impact is greater than the average house on the average residential lot.

Section 64 Stormwater contributions for the development of any type of building on residential zoned land (other than that listed as exempt) will be calculated using the below methodology. This includes (but is not limited to) dwellings other than a dwelling house, mixed use development and commercial buildings on residential zoned land.

This methodology is also to be used in calculating Section 64 Stormwater contributions for development applications which include subdivision and details of proposed buildings in the one application on residential zoned land.

This methodology is based on the ratio of the size of the lot being developed to the size of the average lot in Wagga Wagga (800m²) and the area of hardstand being proposed to the average hardstand on a lot (480m² in Wagga Wagga), multiplied by the current ET rate. It also takes into account the lot has a credit of 1ET.

The calculation is as follows.

$$\text{S64 Stormwater} = (\text{AH}/800 \times \text{AH}\%/0.6 - 1\text{ET}) \text{ ET}$$

AH = area of proposed new hardstand

AH% = area of the proposed new hardstand as a percentage of the lot

2.1.3 Development on Land other than Residential Zoned Land Calculation

Subdivision of land other than residential zoned land is not subject to Section 64 Stormwater infrastructure contributions. However, when development of hardstand areas is proposed for development on land other than residential zoned land Section 64 Stormwater contributions are required. It is important to capture Section 64 contributions for this development as the development has an impact on Council's stormwater network.

Section 64 Stormwater contributions for the development of any type of building on land other than residential zoned land (other than that listed as exempt) will be calculated using the below methodology.

This methodology is also to be used in calculating Section 64 Stormwater contributions for development applications which include subdivision and details of proposed buildings in the one application on land other than residential zoned land.

This methodology is based on the increase in hardstand area proposed in the development multiplied by the current ET rate expressed as a per metre rate based on the average hardstand on a lot (480m² in Wagga Wagga).

The calculation is as follows.

$$\text{S64 Stormwater} = \text{Additional Hardstand} \times \text{Catchment ET rate}/480\text{m}^2$$

2.2 Application of Section 64 Stormwater Contributions

2.2.1 Payment of Section 64 Stormwater Contributions

Payment of Section 64 Stormwater contributions will be a monetary payment. The requirement to make this payment relies on Section 306 (2) of the Water Management Act 2000 which authorises a water authority (Council) to levy for drainage services.

For development approved by a development application, a monetary contribution is required by a condition imposed on a development consent in accordance with the DSP Stormwater, and addendums to it and this Implementation Guide. Payment is generally required:

- before the subdivision certificate can be issued for subdivision,
- before the construction certificate can be issued for construction of most buildings,
- before the construction certificate can be issued for development which includes subdivision and construction in a single development application.

For development approved by a complying development certificate, payment of the monetary contribution is required before any inspections are conducted for the final approval of the development.

2.2.2 Variation to Section 64 Stormwater Contributions

The consent authority, other than a private accredited certifier, may, after considering a written application, vary the monetary contribution otherwise calculated in accordance with the provisions of this Guide.

A developer's request for variation to a contribution calculated in accordance with this Guide must be supported by written justification setting out the following, as relevant:

- grounds on which variation to Section 64 Stormwater infrastructure contribution is reasonable,
- details and calculations showing that application of Section 64 Stormwater infrastructure contribution is unreasonable and
- calculations showing that an alternative amount fairly reflects the net increase in demand for infrastructure included in the DSP Stormwater.

The consent authority will not consider requests for reductions based solely on any perceived broader community benefit of the development.

2.2.3 Deferred Payment of Section 64 Stormwater Contributions

An applicant or any other person entitled to act upon a development consent containing a Section 64 Stormwater infrastructure condition imposed in accordance with this Implementation Guide and the DSP Stormwater, may apply to Council to modify a condition to provide for a deferred or periodic payment of Section 64 Stormwater infrastructure contributions, secured by an unconditional bank guarantee.

Approval for deferred or periodic payment can only be made by a resolution of Council and will only be granted:

- in exceptional circumstances such as the demonstrated financial hardship of the developer, and
- where the deferred or periodic payment
 - will not prejudice the timing or the manner of provision of public amenities and services with the Council and
 - does not otherwise create an undesirable precedent.

3. Examples

3.1 Residential Zoned Land Subdivision Examples

Example 1

A Torrens title subdivision of residential zoned land an existing 3,200m² lot into 5 lots with no buildings in proposed.

$$\begin{aligned}\text{Section 42 Stormwater} &= (5\text{ET} - 1\text{ET})\$2,310 \\ &= \$9,240\end{aligned}$$

Example 2

A Torrens title subdivision of two existing lots residential zoned lots into 10 lots with no buildings is proposed.

$$\begin{aligned}\text{Section 42 Stormwater} &= (10\text{ET} - 2\text{ET})\$2,310 \\ &= \$18,480\end{aligned}$$

3.2 Development on Residential Zoned Land Examples

Example 1

A dual occupancy is proposed on an existing lot. The total hardstand area is 600m², which is 75% of the lot.

$$\begin{aligned}\text{Section 64 Stormwater} &= (600/800 \times 75/60 - 1) \$2,310 \\ &= \$0\end{aligned}$$

Example 2

Multi dwelling housing of 10 dwellings on 2 existing lots is with a total new hardstand area of 2,200m², which is 80% of the lot is proposed.

$$\begin{aligned}\text{Section 64 Stormwater} &= (2,200/800 \times 80/60 - 2) \$2,310 \\ &= \$3,850\end{aligned}$$

Example 3

A resident flat building is proposed (with 25 dwellings) with a hardstand area of 1,500m², which is 85% of the lot.

$$\begin{aligned}\text{Section 64 Stormwater} &= (1,500/800 \times 85/60 - 1) \$2,310 \\ &= \$2,826\end{aligned}$$

Example 4

An integrated housing development proposing the erection of 13 dwellings and community title subdivision. The hardstand area of the development is 4,000m² and this is 70% of the lot.

$$\begin{aligned}\text{Section 64 Stormwater} &= (4000/800 \times 70/60 - 1) \$2,310 \\ &= \$13,475\end{aligned}$$

3.3 Land Other Than Residential Zoned Land Subdivision Examples

Example 1

A subdivision of land other than residential zoned land an existing 9,000m² lot into 5 lots with no buildings in proposed.

There are no Section 64 Stormwater contributions due.

3.4 Development on Land Other Than Residential Zoned Land Examples

Example 1

A new industrial building is proposed with 4500m² combined building and hardstand area on an existing vacant lot zoned industrial land with no impervious surfaces.

$$\begin{aligned}\text{Section 42 Stormwater} &= (4,500 \times \$2,310/480) \\ &= \$21,656\end{aligned}$$

Example 2

It is proposed to demolish an existing industrial building with a hardstand area of 9,500m² and replace it with a new industrial building and driveway with a hardstand area of 9,500m².

As there is not increase in hardstand there is no Section 64 stormwater contribution required.

Example 3

Enlargement of and existing industrial premises building by 358m² is proposed. 100 m² of which will be erected over an existing loading area the remainder over a grassed area. The proposal also includes a new driveway on an existing grassed area with a hardstand area of 400m².

$$\begin{aligned}\text{Section 42 Stormwater} &= ((358-100+400) \times \$2,310/480) \\ &= \$3,167\end{aligned}$$