

TITLE: Transport Infrastructure In-Kind Contributions Policy



REFERENCE NUMBER:	Doc/17/108570
RESPONSIBLE DEPARTMENT:	Infrastructure and Projects
APPLICABLE LEGISLATION:	Local Government Act 1999
MOUNT BARKER 2035 – DISTRICT STRATEGIC PLAN:	Governance & Leadership 3.1 Partner with developers to contribute financially to providing community infrastructure to benefit current and future generations
RELATED POLICIES:	<ul style="list-style-type: none">• Recreation, Sport and Community Infrastructure: In Kind Contributions Policy• Infrastructure Contributions – Separate Rate Relief Policy• Separate Rate – Developer Contributions: Payment, Rebate Postponement Policy
SUPPORTING PROCEDURES:	<ul style="list-style-type: none">• {Under development}
ENDORSED BY COUNCIL:	6 November 2017
NEXT REVIEW DATE:	6 November 2018

1. POLICY STATEMENT

Mount Barker District Council is committed to working with the State and Federal Governments and developers to ensure that transport infrastructure meets the needs of its growing community.

Council will proactively seek to facilitate the timely provision of transport infrastructure required due to growth through negotiations and agreement with State Government and developers of land.

Where a Council declared separate rate for transport infrastructure applies, Council will consider proposals/applications from developers for an in-kind contribution for the timely provision of Transport Infrastructure (as defined below in 3. Definitions).

It is acknowledged that where a developer has executed a Deed with the State Government via the Minister for Transport and Infrastructure, similar provision exists for the developer to submit an in kind proposal to the Minister.

2. POLICY OBJECTIVES

This Policy establishes the framework for in kind contributions in satisfaction of a developer's obligation to pay the Transport Infrastructure Separate Rate.

This policy does not apply when the development of land is subject to a Transport Infrastructure Deed between the developer and State Government.

The objectives of this Policy are to ensure:

- provision of good quality, fit for purpose transport infrastructure;
- value for money and infrastructure in accordance with Council specifications and any relevant Australian standards;
- transparency, fairness, consistency and certainty for developers regarding in kind contributions; and
- consistency of approach to transport infrastructure in kind proposals over an extended period (potentially up to 30 years).

3. DEFINITIONS

Transport Infrastructure – refers to the infrastructure required in relation to the growth areas of Mount Barker and Nairne as reflected on the endorsed consolidated list identified by Council/State Government which may be amended from time to time and is available via the Council's website.

Transport Infrastructure Separate Rate – refers to the Separate Rate for Transport Infrastructure for the Ministerial Development Plan Amendment area including both Mount Barker and Nairne.

In Kind Agreements – refers to agreements between Council and a developer regarding the provision of transport infrastructure by developers in exchange for a 'credit' or offset against the Transport Infrastructure Separate Rate.

4. ROLES & RESPONSIBILITIES

Council:

- Endorse the Policy
- Monitor its application and formally review the Policy
- Make decisions on applications from developers that are outside the delegated authority of Council Officers

Chief Executive Officer:

- Make decisions on applications from developers and finalise and execute In Kind Agreements with developers that are consistent with this Policy up to the maximum value of financial delegations authorised by Council

Deputy Chief Executive Officer/General Manager, Infrastructure & Projects

- Monitor application of the Policy and related procedures
- Ensure thorough assessment of all in kind proposals/applications from developers
- Make decisions on applications from developers and finalise and execute In Kind Agreements with developers that are consistent with this policy to maximum value of financial delegations authorised by Council
- Report on the application of the Policy (inclusive of decision making by Council officers under delegation) at 6 monthly intervals to Council meetings.
- Communicate with State Government in relation to developer proposals/applications received by Council and the outcome of same.

Group Manager, Infrastructure or delegate

- Undertake thorough assessment of in kind proposals/applications from developers and provide recommendations on same.

5. POLICY STATEMENTS

5.1 Transport Infrastructure Separate Rate

Council has adopted a Transport Infrastructure Separate Rate under the Local Government Act 1999 (Section 154). An amount is declared per hectare on rateable land within the 2010 Ministerial Development Plan Amendment area that will raise funds to meet the costs of the activity of the required Transport Infrastructure to support and service the growth area for the benefit of the occupiers of that land.

5.2 Transport Infrastructure In-Kind Proposal

Council's Infrastructure Contributions – Separate Rate Relief Policy includes provision for the opportunity for Council and a developer to reach agreement on the provision by the developer of an in kind proposal in lieu of the financial contribution (or portion thereof) required by the Transport Infrastructure Separate Rate.

The relevant separate rate(s) will be fully remitted by the Council in relation to the land to which they apply when Council has determined that all obligations have been complied with.

Council will welcome in kind proposals/applications from developers but is not obligated to accept any such proposal/application. Assessment criteria have been established to enable Council to make a determination regarding proposed in kind contributions. The assessment criteria are set out in this policy at paragraph 5.6 and will ensure adequate public benefits are achieved through in kind contributions.

5.3 Minimum requirements

To be eligible for credit or offset against Transport Infrastructure Separate Rates the in kind contribution must generally be:

- Transport Infrastructure items identified by Council/State Government and included on the consolidated list of required transport infrastructure (as updated from time to time);
- Procured through a process that will deliver value for money;
- In compliance with Council specifications and any relevant Australian Standards;
- Of benefit to the occupants of the area that the Transport Infrastructure Separate Rate applies; and
- Provided within an agreed timeframe.

Transport infrastructure proposals from developers that are additional or at variance to that identified by Council as being required (via the consolidated list of required transport infrastructure as updated from time to time) will be considered at Council's discretion.

The acceptance of any proposal/application to Council for an in kind contribution will be at the sole discretion of Council.

5.4 Exclusions

The following infrastructure is excluded from this Policy:

- transport infrastructure obligation that is subject to a deed with the State Government;
- transport infrastructure required as a normal requirement of a developer as set out in the Development Act 1993 and Development Regulations 2008 or the Planning Development and Infrastructure Act 2016;
- transport infrastructure that is not considered by Council as necessary for the Ministerial Development Plan Amendment growth area.

The developer will need to demonstrate how the proposal/application meets the assessment criteria outlined below at paragraph 5.6, and show that the proposal

is above and beyond transport infrastructure provisions within the development site required by a development, and will provide tangible community benefits.

5.5 In Kind Agreements

A voluntary and legally binding agreement (in the form of a deed or agreement) between Council and a developer will be used to give effect to any alternatives to payment of the Transport Infrastructure Separate Rate.

In Kind Agreements regarding in kind contributions will be binding upon the owner and all subsequent owners of the land that the agreement affects.

In Kind Agreements for Transport Infrastructure should include:

- a description of the infrastructure to be delivered
- the location
- the required timing
- concept design plan
- the indicative/estimated cost
- procurement method
- amount of the in kind contribution
- applicable development application (if any)
- any special considerations (financial, resourcing, technical etc)

5.6 Assessment Criteria for In Kind Contribution Proposals

Council will consider proposals for in kind contributions having regard to the following criteria (where applicable to the proposal):

- the proposal is consistent with the consolidated list of required Transport Infrastructure
- the proposal timing is consistent with the timing identified by Council
- the proposal represents value for money for the community
- the proposal will not impose unreasonable maintenance costs on Council

The assessment criteria may be weighted and are not listed in any particular order of importance.

Any proposed changes to the list of required Transport Infrastructure will be at Council's discretion.

5.7 Determination of Proposals

The determination of proposals/applications for Transport Infrastructure Separate Rates credit or offset will be delegated to the Chief Executive Officer or the Deputy Chief Executive Officer/General Manager, Infrastructure & Projects unless the proposal is of a value which exceeds the amount of financial delegation to those officers and must be the subject of a determination at a Council meeting.

A formal procedure for internal use for determining in kind contribution proposals/applications made under this Policy and information for developers seeking an in kind agreement is being prepared.

Acceptance of a developer proposal/application to Council (in full or in part) is ultimately at Council's discretion.

6. REVIEW

This Policy will be reviewed after one year and then every four years or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by the Deputy Chief Executive Officer/General Manager Infrastructure and Projects.

7. ACCESS TO THE POLICY

The Policy is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website www.mountbarker.sa.gov.au

8. FURTHER INFORMATION

For further information on this Policy, please contact:

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