



Draft Policy:

**Water and Sewer
Equivalent Tenements**

2017

INFORMATION ABOUT THIS DOCUMENT

Date Adopted by Council	24 May 2007	Resolution No.	07-277
Policy Responsibility	Infrastructure Services		
Review Timeframe	3 Years		
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Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
DM704573		Policy No. 07/100 Water And Sewer Equivalent Tenements Policy For Determining Developer Servicing Charges Adopted May 2007 Resolution No. 07-277
DM680600	30/8/07	Res 07-448 Delete swimming pool rate
DM1099082	11/08/11	Res 11-618 Insert Table numbering. Res 11-621 Swimming pools to be assessed based on surface area. Res 11-622 Decrease the value of reduction in waterless composting toilet assessments.
DM1161610	24/11/11	Reported to Council Amended Sewer ET values
DM1199090	02/02/12	Res 11-934 24/11/11 adopted after close of exhibition (2/2/12) – no submissions received (Policy No. 12/001)
E2013/17740	14/03/13	Res 13-134 14/03/13 Remove consideration of residential swimming pools at Item 11.5; (new Policy No. 13/005)
E2013/57161	29/08/13	Res 13-436 29/08/13 Update Clause 4.7 Consolidated Lots. Additional category comments Section 5. Land Use Categories.
E2013/77244	26/11/13	Adopted as per Res No. 13-632
E2017/71719	26/10/17	2017 Draft Review - increase value of reduction in waterless composting toilet assessments as per Res No: 17-489

Further Document Information and Relationships

Related Legislation	Local Government Act, Water Management Act
Related Policies	Liquid Trade Waste Policy; Revenue Policy
Related Procedures/ Protocols, Statements, documents	Developer Servicing Plans for Water Supply and Sewerage Services Section 94 Developer Contribution Plans and Local Environmental Plans

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POLICY TITLE

WATER AND SEWER EQUIVALENT TENEMENTS POLICY
(For Determining Developer Servicing Charges)

1. OBJECTIVES

This Policy provides guidelines to allow the calculation of Developer Servicing Charges by specifying the demand on Council's water and sewer services generated by new development

2. POLICY STATEMENT

2.1. Equitable Methodology

Council requires an equitable methodology to assess the Developer Servicing Charges for new development to contribute towards the cost of expanding or upgrading Council's water and sewer infrastructure.

2.2. Calculation of Developer Charges

The calculation of Developer Servicing Charges is based upon the fundamental principle that Council's investment in assets servicing a development area is fully recovered from that development in accordance with Council's adopted Development Servicing Plans for Water Supply and Sewerage Services.

2.3. Quantum of Water and Sewer Equivalent Tenement

For the purposes of this policy an equivalent tenement is defined as the average residential water consumption of 630 litres per day per dwelling and sewerage loading of 590 litres per day per dwelling in accordance with Council's current adopted Developer Servicing Plans. This figure is based upon flow information throughout the urban areas of the Shire and the Section 64 Determination of Equivalent Tenements Guidelines for NSW Local Government Water Authorities by the NSW Water Directorate.

3. POLICY OUTLINE

3.1 Purpose

This Policy allows Council to determine Equivalent Tenement figures for new developments to calculate Developer Servicing Charges under Section 64 of the Local Government Act.

3.2 Context

This Policy and the assessment criteria supersede Council's previous resolutions and methods of calculation. This Policy is to be read in conjunction with other Byron Shire Council policies and plans including but not limited to Developer Servicing Plans for Water Supply and Sewerage Services, Liquid Trade Waste Approvals Policy; Section 94 Developer Contribution Plans and Local Environmental Plans.

3.3. Definition of an Equivalent Tenement: Water

That for the purpose of this policy an Equivalent Tenement is 630 litres per day of water consumption. These loadings are the average loading per dwelling. The water figure allows for losses in the water supply network.

3.4. Definition of an Equivalent Tenement: Sewage

That for the purpose of this policy an Equivalent Tenement is 590 litres per day of unmetered sewage discharge. These loadings are the average loading per dwelling. The sewer figure allows for base load infiltration to the sewerage system.

3.5. Responsibilities

The responsibilities under this Policy are listed in the table below.

Task	Position/Stakeholder	Recommended Frequency
• Implementation	• General Manager	• Ongoing
• Review of the Policy and assessment criteria	• The elected Council	• Every 3 years
• Monitoring of water supply and sewerage capacity, demand and usage. (current, approved and approval potential in terms of hydraulic and treatment capacities)	• Director, Infrastructure Services	• Ongoing monitoring • Detailed assessment every year
• Compliance	• Director Sustainable Environment and Economy • Director, Infrastructure Services	• Ongoing

4. DETERMINATION OF QUANTUM OF DEVELOPER SERVICING CHARGES

4.1. Definitions

The definitions of types of usage and standard units shall be made in order to best match the nature of the development with the rate of usage.

Example 1: In Section 5. Land Use Categories, the standard unit reads as “Bed” and is taken to be a single bed equating to one person. A development indicating a double bed in a proposed development will be assessed as two persons and, hence, two “bed” units.

Example 2: In Section 5. Land Use Categories, the standard units reads as “Floor Area” and is taken to be the “Gross Floor Area” of a development, except where usage is proposed outside of the “Gross Floor Area”, in which case the “Floor Area” shall be equal to the “Gross Floor Area” plus additional area. For example; a beer garden.

4.2. Method of Determination

Council shall use the values in the “Section 64 Determinations of Equivalent Tenements Guidelines” as developed by the NSW Water Directorate as published from time-to-time modified so as to suit Byron Shire Council’s unique circumstances, as provided in Section 5. Land Use Categories.

4.3. Matters of Local Precedence

Matters of Local Precedence have been incorporated into Section 5. Land Use Categories, applied generally where there is no direction given by the Water Directorate’s published guidelines.

4.4. Demand Management Initiatives

Demand management refers to practices that significantly reduce either the volume of water being used and/or the volume of sewage/liquid trade waste being generated by a development and discharged to sewer.

Where mechanisms are included that reduces demand for water or sewer capacity, and is guaranteed by an instrument such as a Section 88B provision, volumes and hence charges may be reduced.

Demand Management Initiative	Reduction Amount	Comment
Waterless Composting Toilets	25% reduction of water and sewerage load	There must be <u>no</u> sewerage toilets in the development
Internal and / or External Recycled Water Use	Case by case basis	Depending on the extent and nature of the use
Other	Case by case basis	Depending on the extent and nature of the use

4.5. Allowance for existing development

Developer Servicing Charges for new developments will be levied according to the estimated increase in water and sewer demand as specified in Section 5. Land Use Categories. Existing equivalents (entitlements) for developments connected to water supply and sewerage pertaining to the site will be deducted from the total prior to the calculation of the new charges.

4.6. Assessment of new subdivisions

Subdivisions, where the intensity of development has not been defined, shall be assessed using Section 5. Land Use Categories.

4.7. Consolidated lots

Lots which are consolidated as one property for rating purposes (paying a single sewer and/or water access charge) are still considered to carry one ET entitlement per each Lot of developable size (within the planning definition and Council's applicable Development Control Plan).

4.8. Industrial Uses (not light industrial)

The Director, Infrastructure Services, using data from the developer, comparable uses, Water Directorate figures and the Sewerage Code of Australia as developed by the Water Services Association of Australia, shall assess and determine appropriate ET loads.

4.9. Non-Specified Uses

For uses other than those specified, the Director, Infrastructure Services, using data from comparable uses, Water Directorate figures and the Sewerage Code of Australia as developed by the Water Services Association of Australia, shall assess and determine appropriate ET loads.

5. LAND USE CATEGORIES

Ref	CATEGORY	STANDARD UNIT	WATER ET	SEWER ET	COMMENTS
<u>Subdivision Categories - Intensity Not Defined</u>					
1.0	New Torrens Title Subdivision (Intensity Not Defined)				
1.1	Residential	Lot	1.00	1.00	
1.2	Commercial	Lot	1.00	1.00	
1.3	Light Industrial	Gross Ha	15.00	15.00	
<u>Residential User Categories - Standard ET Figures</u>					
2.0	Single Residential Lots (House)				
2.1	Standard Residential Torrens Title Lot (450m ² to 2000m ²)	Lot	1.00	1.00	
2.2	Small Residential Torrens Title Lot (< 450m ²)	Lot	Use rate for Units in Multi-Residential Lots (see 3.0 below)		
2.3	Large Residential Torrens Title Lot (> 2000m ²)	Lot	1.20	1.00	
3.0	Multi-Residential Lots (Medium Density 1 - 2 Storey)				
3.1	Dual Occupancy – 1 bedroom	Dwelling	Use Units (see 3.7 to 3.10 below) for a Lot size of less than (<) 450m ² / dwelling. or Use 2.1 or 2.3 : Standard Residential Lot size greater than or equal to (>=) 450m ² / dwelling Example: A dual occupancy (two dwellings) on a lot of 1000 m ² is assessed as 500 m ² per dwelling and will be 2ET (Ref:2.1)		
3.2	Dual Occupancy – 2 bedrooms	Dwelling			
3.3	Dual Occupancy – 3 or more bedrooms	Dwelling			
3.4	Duplex - 1 bedroom	Dwelling			
3.5	Duplex - 2 bedrooms	Dwelling			
3.6	Duplex - 3 or more bedrooms (or more)	Dwelling			
3.7	Units - 1 bedroom	Dwelling	0.40	0.50	
3.8	Units - 2 bedrooms	Dwelling	0.60	0.75	
3.9	Units - 3 or more bedrooms (or more)	Dwelling	0.80	1.00	
3.10	Managers Residence**	Dwelling	Use Units (see 3.7 to 3.9 above)		e.g. Commercial or Industrial Complex
4.0	Multi-Residential Lots (High Density)				
4.1	Multi Storey Apartments (1 bedroom)	Dwelling	0.33	0.50	
4.2	Multi Storey Apartments (2 bedrooms)	Dwelling	0.50	0.75	
4.3	Multi Storey Apartments (3 or more or more bedrooms)	Dwelling	0.67	1.00	

Ref	CATEGORY	STANDARD UNIT	WATER ET	SEWER ET	COMMENTS
Commercial User Categories - Standard ET Figures					
5.0	Accommodation (Permanent)				
5.1	Nursing Home / Special Care Home	Bed	0.50	0.75	Limited medical facilities, communal kitchen / laundry
5.2	Self Care Retirement Units / Villas	-	Use Units (see 3.7 to 3.9 above)		Internal kitchen / laundry facilities
5.3	Self Care Retirement - Serviced Unit (Onsite)	-			No internal kitchen / laundry facilities
5.4	Self Care Retirement - Serviced Unit (Offsite)	Bed	0.30	0.45	No internal kitchen / laundry facilities
5.5	Boarding House	Bed	0.33	0.50	Communal kitchen / laundry
5.6	Caravan / Mobile Home Park (1 bedroom)	Van	0.40	0.50	
5.7	Caravan / Mobile Home Park (2 bedrooms)	Van	0.60	0.75	Use this if the number of rooms is <u>unknown</u>
5.8	Caravan / Mobile Home Park (3 bedrooms)	Van	0.80	1.00	
6.0	Accommodation (Short Term)				Peak week loading - use peak occupancy
Caravan Park					
6.1	Camping Site (temporary)	Site	0.50	0.63	Site approx. equivalent to average caravan site
6.2	Caravan / Cabin Site (temporary)	Site	0.50	0.63	Also use for on-site caravans / cabins
Other					
6.3	Bed & Breakfast / Guest House	Bedroom	0.40	0.50	House based with communal kitchen / laundry. Add 1 ET for the principal dwelling.
6.4	Motel / Hotel / Resort Room	Bedroom	0.30	0.45	Consider food prep, entertainment & sporting separately
6.5	Backpackers / Hostel	Bed	0.15	0.23	Communal kitchen, small laundry, not serviced
6.6	Extended Stay/Serviced Apartments	-	Use 4.0 Multi-Res lots (High Density)		Self contained (if not, use motel)
7.0	Accommodation (Medical Care)				
7.1	Hospital	Bed	0.90	1.43	Includes medical facilities
7.2	Hostel (Medical)	Bed	0.70	1.11	Includes some medical facilities
8.0	Business (Excluding Food Preparation)				
General					
8.1	Single Retail Shop**	Floor Area m ²	0.003	0.003	

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Ref	CATEGORY	STANDARD UNIT	WATER ET	SEWER ET	COMMENTS
8.2	Supermarket**	Floor Area m ²	0.003	0.003	Includes minor food preparation e.g. Deli cabinet Excludes cooked chickens (See 9.0 Food Preparation)
8.3	Shopping Centre	-	Assess amenities, food preparation area & specific businesses individually		
8.4	Offices**	Floor Area m ²	0.01	0.004	
Specific					
8.5	Hairdresser / Beauty Salon	Basin	0.50	0.79	Excludes: spray tanning, tattooing, ear piercing or hair removal One (1) sink is permitted for hygiene purposes and not counted as a requirement for this activity.
8.6	Laundromat	Machine	0.45	0.71	
8.7	Medical Centre / Therapy / Consultation Room	Room	0.40	0.63	Based on number of consultation rooms. Includes: Dentist, Ophthalmologist, Colonic irrigators, Spa/Health resort Excludes: Psychologist, Chiropractor, Osteopath, Podiatrist, Kinesiology, Naturopath, Acupuncture, etc. – to be assessed as 8.4 Offices
8.8	Plant Nursery	-	To be considered on a case by case basis		
8.9	Car Yard / Showroom**	Floor Area m ²	0.01	0.004	See 8.4 Offices
8.10	Service Station	Lane	0.60	0.90	
8.11	Car Wash – not recycling water	Lane	5.70	9.03	
8.12	Car Wash – recycling water	Lane	To be considered on a case by case basis		
8.13	Escort Agency	Room	0.40	0.50	
8.14	Animal Boarding	Floor Area m ²	To be considered on a case by case basis		
8.15	Vet Clinic or Animal Grooming	Floor Area m ²	0.01	0.01	No animal washing or bathing.
8.16	Animal Grooming/Wash	Bath	0.50	0.79	
8.17	Self Storage**	Floor Area m ²	0.01	0.01	Consider the office area only
9.0	Food Preparation				
General					
9.1	Restaurant / Café	Floor Area m ²	0.01	0.01	Include the Additional floor area for on-street and al fresco dining

Ref	CATEGORY	STANDARD UNIT	WATER ET	SEWER ET	COMMENTS
9.2	Take Away / Fast Food (no amenities)	Floor Area m ²	0.02	0.02	Also use for general food preparation Amenities provided for “employees only”.
9.3	Take Away / Fast Food (including amenities)	Floor Area m ²	0.03	0.05	Amenities are toilets and hand wash basins provided for use by customers.
9.4	Catering	Floor Area m ²	0.02	0.02	The food preparation area to be considered separately
Specific					
9.5	Bakery	-	Use 9.2 Take Away / Fast Food (no amenities)		
9.6	Butcher	-	Use 9.2 Take Away / Fast Food (no amenities)		
9.7	Fishing Co-op	-	Use 9.2 Take Away / Fast Food (no amenities)		
9.8	Bulk Food/Product Storage Area**	-	Use 13.2 Light Industrial. The food preparation, storage, office areas to be considered separately.		
10.0	Entertainment				
10.1	Licensed Club	Floor Area m ²	The food preparation, entertainment, office areas to be considered separately.		
10.2	Pub / Bar	Floor Area m ²	0.03	0.05	The food preparation area to be considered separately Use 9.1 Restaurant / Café rate for beer garden and balance of area**
10.3	Cinema / Theatre / Public Entertainment**	Seat	0.01	0.01	
10.4	Function / Conference Centre**	Floor Area m ²	0.01	0.01	The food preparation area to be considered separately Use 9.0 Food Preparation
10.5	Special Events and Festivals**		Separate and assess the food preparation, entertainment, amenities individually If more toilets are required to service the events than the existing fixtures then portable amenities may be used. Developer charges will not be payable for the use of portable amenities that are not connected to water or sewerage The normal calculation for such types of events nominates 1 WC for each 100 males, 1 urinal for every 10 males, and 1 WC for every 25 females. These calculations arise from the Building Code of Australia tables, with some interpretation for events i.e. may require more WCs if serving alcohol at the event.		
10.6	Marina	Berth	0.60	0.90	
11.0	Sporting / Spectator Facilities				
General					
11.1	Gym / yoga / fitness centre**	Floor Area m ²	0.01	0.01	The food preparation area to be considered separately Use 9.0 Food Preparation

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Ref	CATEGORY	STANDARD UNIT	WATER ET	SEWER ET	COMMENTS
Specific					
11.2	Hockey Field (artificial surface)	-	To be considered on a case by case basis		
11.3	Bowling Alley	Lane	0.35	0.55	The food preparation and office areas to be considered separately.
11.4	Bowling Green	-	Separate and assess the Food Preparation, Amenities, Irrigation areas individually.		
11.5	Private Residential Swimming Pool	Litres	Not considered as per Res 13-134		
11.6	Commercial/Public Swimming Pool - Indoor or Outdoor	Litres	To be considered on a case by case basis Commercial/public swimming pool or spa pool means a swimming pool or spa pool to which the public is admitted, whether free of charge, on payment of a fee or otherwise, including: (a) a pool to which the public is admitted as an entitlement of membership of a club, or (b) a pool provided at a workplace for the use of employees, or (c) a pool provided at a hotel, motel or guest house (including Bed & Breakfast) or at holiday units, or similar facility, for the use of guests, or (d) a pool provided at a school or hospital.		
12.0	Community Facilities				
12.1	Child Care Centre / Pre-school	Person	0.06	0.10	A person includes a student/pupil, teacher and staff member
12.2	Education – School (primary & secondary)	Person	0.03	0.05	A person includes a student/pupil, teacher and staff member
12.3	Education - College, University (tertiary)	Person	0.02	0.02	Consider and assess the Food Preparation separately
12.4	Correctional Centre	Person	0.50	0.75	Example: Prison, Gaol
12.5	Church / Place of Worship**	Floor Area m ²	0.005	0.005	
12.6	Community Building / Hall / Library**	Floor Area m ²	0.005	0.005	See Clause 6. Notes & Definitions
12.7	Parks / Gardens / Reserves (Irrigation)	-	To be considered on a case by case basis		
12.8	Public Amenities (per shower)	Shower	0.40	0.63	
12.9	Public Amenities (per WC or Urinal)	WC or Urinal	0.40	0.63	The equivalent width of one urinal equals 600mm
Industrial User Categories - Standard ET Figures					
13.0	Industrial General				

Ref	CATEGORY	STANDARD UNIT	WATER ET	SEWER ET	COMMENTS
13.1	Light Industrial	Gross Ha	15.00	15.00	Gross Ha includes Road Area (i.e. Length of parcel road frontage x ½ road reserve width)
13.2	Light Industrial**	Floor Area m ²	0.003	0.003	For mixed use sites
13.3	Future Unknown - Light	Gross Ha	15.00	15.00	Gross Ha includes Road Area as per comments at 13.1
13.4	Future Unknown - Medium	Gross Ha	30.00	30.00	Gross Ha includes Road Area as per comments at 13.1
13.5	Future Unknown - Heavy	Gross Ha	50.00	50.00	Gross Ha includes Road Area as per comments at 13.1
** Rate set by Local Precedence					

6. NOTES & DEFINITIONS

a.	One (1) Local ET = Town Water Usage of 630 L/day & Sewerage Loading of 590 L/day
b.	The ET rate for units shall be calculated on the basis of each bedroom or a room that could be used as or perceived as a bedroom.
c.	Assessed ET rounded to the second decimal place e.g. calculated at 7.456 ET = 7.46 ET
d.	Ancillary use: Ancillary means 1. Subordinate; subsidiary. 2. Auxiliary; helping - The definition of ancillary means something that is helping or subordinate, but not as necessary. A conference room in a holiday complex is NOT ancillary and will attract ET loading. It is an additional feature of the holiday complex which is essentially approved for short term accommodation. A bathroom or toilet servicing a number of offices/retail stores in the same building can be considered as ancillary –the bathroom is subordinate to the office in that it is a requirement for people working in the office/retail store. The offices/retail stores attract the ET load already. A baggage store at a hotel can argued to be ancillary as it is only used for temporary storage and security of luggage for people prior to departure. It's not occupied by people that would create an ET load. The use of the word Ancillary in the EP&A Act and Regulations is not the same as it is used in this policy.
e.	" Bed " is taken to be a single bed equating to one person
f.	A " bedroom " is any habitable room that, in the opinion of Council, by its physical design, designated or capable of being used as a bedroom including separably accessible rooms designated a bedroom, study, studio, den, attic, media room, home office or the like other than a kitchen, WC, bathroom or laundry.
g.	A " bulk store " means a building or place used for the warehousing of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on the adjoining land in the same ownership.

h.	A “community building” means a building or place owned, occupied or operated by the council or another public or local authority and used to provide facilities comprising or relating to any one or more of the following: (a) a library, rest room, meeting room, neighbourhood centre, senior citizens centre, youth centre, welfare centre or any similar place, or (b) health centre or place providing similar services, or (c) indoor recreation, child minding or any similar activity, or (d) arts and craft centre, information centre or kiosk.
i.	Developable Size: refer to Byron Local Environment Plan 2014 and/or Council’s current Development Control Plan for guidance on minimum size of a Developable Lot.
j.	Dry weather flow definition: The average daily flow to the treatment works during seven consecutive days without rain (excluding a period which includes public holidays) following seven days during which the rainfall did not exceed 0.25 millimetres on any one day.
k.	“Floor Area” is taken to be the “Gross Floor Area” of a development, except where usage is proposed outside of the “Gross Floor Area”, in which case the “Floor Area” shall be equal to the “Gross Floor Area” plus additional area
l.	Restaurant versus Take Away: Restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises. Take Away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.
m.	A “swimming pool”, including a spa, is subject to Public Health Act 2010 & Regulation 2012 requirements. Water and sewerage load demands from the pool will be generated by top-up water requirements due to splash-out, evaporation, backwash water demand and backwash water discharged to sewer. Reference is made to the “NSW Heath - Swimming Pool and Spa Advisory Document 2013” to calculate loadings, consideration is given to: • The volume of the pool. • cross-sections of the pool structure which show depths. • The turnover rate of the pool. • The daily volume of make-up water required for the pool. • The daily volume of backwash water discharged to sewer.
n.	Torrens Title Lot versus Strata Lot: Strata lots are only air space sitting on a parent Torrens Title Lot; it is intent of the policy to deal only with Torrens title lots. Hence, a strata lot is assessed as a dwelling or for the land use category itself. A vacant strata lot, without a specified land use, will be assessed as one (1) ET. From Water Management Regulations: WATER MANAGEMENT (GENERAL) REGULATION 2011 - REG 139 Sewerage service not to be shared Subclause (4) For the purposes of this clause, the separate lots in a strata scheme under the Strata Schemes (Freehold Development) Act 1973 or the Strata Schemes (Leasehold Development) Act 1986 are taken to constitute a single parcel of land.
o.	Additional definitions – may use dictionary in the Byron Local Environment Plan 2014 or words and phrases are not defined in LEP 2014 then refer to the meaning defined in the Dictionary contained in Appendix A1 of the Byron Shire Development Control Plan 2014