

Section 94 - Material Public Benefit

Version 01

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Policy Objectives

To provide a comprehensive policy framework within which to make decisions on Material Public Benefits in lieu of S.94 monetary contributions.

Policy Statement

- a. Council is under no obligation to accept Material Public Benefits, although the benefits to the Council and the community should be assessed. Due consideration will be given to:
- b. An assessment of the value of the works proposed.
- c. An assessment of the shortfall or credit in assessed monetary contributions as a result of the proposal.
- d. The impact on the financial integrity of the Council's Section 94 Contributions Plan for the City, and the ability to provide the amenities scheduled in the plan.
- e. The availability of supplementary funding to make up the shortfall in contributions.
- f. The extent to which the MPB satisfies a community need or may reduce the demand for levied items.
- g. The extent to which the MPB satisfies the purpose for which the contribution was sought.
- h. Locational and other factors that may affect usability.
- i. Impact of recurrent operational and maintenance costs.

If the above criteria have been satisfied, the matter should be referred to Council's S.94 Administration Committee and Works Program Committee before ratification by Council. If the proposal is accepted, the following conditions are to be satisfied:

- a. It will be necessary to allocate supplementary funding to address the shortfall as a result of the MPB or to amend the existing work schedule to take into account the changed priorities, and to make suitable notation in the S.94 Contributions Register.
- b. Submission of relevant applications and plans prior to works commencing, for approval by Council.
- c. Submission of a suitable bank guarantee, the amount of which to be determined by Council. If the works are not completed to the satisfaction of Council, the bank guarantee will be called up by Council to rectify any outstanding or substandard construction.
- d. The quality of the works to be of a standard acceptable to Council, verified by regular inspection by Council Officers.
- e. Payment of a suitable supervision fee for inspections (note that Council accepts no supervisory construction role or responsibility in this regard).
- f. Dedication of the facility to Council after satisfactory completion and/or agreed handover period.
- g. Where necessary, entry into a deed of agreement outlining the terms of acceptance of the proposed facility.
- h. Assessment of any credit in contributions as a result of the proposal in accordance with the Policy Guideline for "Acceptance of S.94 Credits".