

CP15

Section 94 Plan

No. 15 – Developer Contributions for Community Facilities

**Version 5.0
December 2009**

CERTIFIED IN ACCORDANCE WITH
THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
AND REGULATIONS

GENERAL MANAGER

DATE: 15 December 2009

SECTION 94 PLAN No 15

DEVELOPER CONTRIBUTIONS FOR COMMUNITY FACILITIES

Version 5 (Amendment 4)

In Force 23 December 2009

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1.0 PART A – SUMMARY SCHEDULES

1.1 Summary schedule – contribution rates

	Persons	Tweed Coast North	Tweed Coast South
Per person	1	\$242	\$274
Detached dwelling/Lot	2.4	\$581	\$658
1 bedroom unit	1.3	\$315	\$356
2 bedroom unit	1.7	\$411	\$466
3 bedroom unit	2.1	\$508	\$575
4+ bedroom unit	2.4	\$581	\$658

The rate for tourist development that provides accommodation to be applied per bedroom as above.

1.2 Summary schedule - works program

Tweed Coast North	\$600,000
Tweed Coast South	\$600,000

1.3 Published indices at time of adoption

Index	Rate	Index Date	Published
IPD (Engineering Construction)	105.94	July 2009	Released 14/10/2009 ABS
TSC Land Index	142.50	June 2009	2009/2010 Tweed Shire Council Revenue Policy

2.0 PART B – ADMINISTRATION

2.1 Name of plan

The name of this Plan is Tweed Shire Council Section 94 Contributions Plan No 15 – Developer Contributions for Community Facilities.

2.2 Land to which the plan applies

The Community Facilities Contribution Plan applies to residential development on land in two districts; Tweed Coast South, Tweed Coast North. These districts have retained their original 1996 boundaries, and are more extensive than the Coastal Part C area recently created by the ABS.

Within the two districts, however, a new S94 plan, CP19 – Casuarina and Kings Forest, has been created for these developments, and contributions within these developments will accumulate to CP19 rather than CP15. It is intended that the plan will be progressively extended to other districts.

2.3 Purpose of plan

The purpose of the Development Contributions Plan is to:

- (a) enable the social policies contained in the 04/24 Tweed Futures Strategic Plan to be realised, and should be designed to meet accepted standards of provision in locations convenient for the Shire population;
- (b) enable the collection of direct contributions for key community infrastructure, being the provision of cultural and social facilities in Tweed Shire in accordance with Section 116H of the *Environmental Planning and Assessment Act*
- (c) ensure that adequate key community infrastructure is provided for as part of any new development
- (d) authorise the council to impose conditions under section 94 (s94) of the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this plan applies
- (e) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis
- (f) ensure that the existing community is not burdened by the provision of key community infrastructure required as a result of future development
- (g) enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

2.4 Commencement of the plan

Version 1 of this plan came into effect on 26 October 1996 and was subsequently amended on 4 March 1998, 15 May 2000 and 27 January 2004. This amended

version (Version 5) has been prepared pursuant to the provisions of s94 of *the Environmental Planning & Assessment Act* and Part 4 of the *Environmental Planning & Assessment Regulation* and takes effect from the date on which public notice was published, being **23 December 2009**, pursuant to clause 31(4) of the *Environmental Planning & Assessment Regulation*.

2.5 Relationship with other plans and policies

This development contributions plan supplements the provisions of Tweed Local Environmental Plan 2000 and any amendment or local environmental plan which it may supersede.

This development contributions plan supplements the provisions of the adopted Tweed Development Control Plan and any amendment which it may supersede.

This development contributions plan takes account of the findings of the Whole of Shire Cultural and Community Facilities Plan prepared by SGS Economics and Planning as adopted by Council at its meeting held 3 June 2008.

2.6 Definitions and standards

Definitions	
Accredited Certifier	For the purposes of the certification of Construction Certificates and Complying Development Certificates as referenced in this plan, the Accredited Certifier is the principal certifying authority.
EP&A Act	Environmental Planning and Assessment Act, as amended
EP&A Regulation	Environmental Planning and Assessment Act Regulation, as amended.
IPD (Implicit Price Deflator)	Index used for adjustment of construction component – refers to the value of work done (implicit price deflator); Chain Volume Measures; Engineering Construction; ABS Reference A405071T, ABS Product Number 8782.0.65.001
TSC Land Index	Index used for adjustment of land acquisition costs – Tweed Shire Council Land Index, as published in Council’s Management Plan and Quarterly Report.
Nexus	The relationship between the expected types of development in the area and the demand created by those developments for additional public facilities. The link between the proposed development and the increased demand for public facilities may

Definitions	
	<p>be demonstrated through causal nexus (what), spatial nexus (where) and temporal nexus (when). Causal nexus requires that the need for the service or facility being levied must be a result of the development being levied. Physical nexus requires that the service or facility be near enough in physical terms to provide benefit to that development. Temporal nexus requires that the service or facility must be provided within a reasonable time.</p>

Standards used in this contributions plan	
Dwelling house/lot	<p>Equivalent to 2.4 persons (one Equivalent Tenement) Source: Tweed Shire Urban Land Release Strategy 2009</p>
1 bedroom unit	<p>Equivalent to 1.3 persons Source: Tweed Shire Urban Land Release Strategy 2009</p>
2 bedroom unit	<p>Equivalent to 1.7 persons Source: Tweed Shire Urban Land Release Strategy 2009</p>
3 bedroom unit	<p>Equivalent to 2.1 persons Source: Tweed Shire Urban Land Release Strategy 2009</p>
4+ bedroom unit	<p>Equivalent to 2.4 persons Source: Tweed Shire Urban Land Release Strategy 2009</p>
Tourist related development that provides accommodation	<p>Equivalent to the above residential standards with reference to the number of bedrooms</p>

2.7 Timing of payment

A contribution must be paid to the council at the time specified in the condition that imposes the contribution. If no such time is specified, the contribution must be paid prior to the issue of a construction certificate.

Council's policy regarding the timing of payment of S94 contributions is as follows:

- DAs involving subdivision - prior to the release of the subdivision linen plan;
- DAs involving building work - prior to the release of approved building plans; and

- DAs where no building work involved - prior to occupation.

2.8 Obligation of accredited certifiers

Construction Certificates:

In accordance with Clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the council in accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the council. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

Complying Development Certificates:

In accordance with section 94EC of the EP&A Act a certifying authority must impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with this plan. The condition must require payment prior to commencement of works or prior to commencement of use whichever occurs first. The condition must be set out and be calculated in accordance with Appendix F of this plan.

Payment for contributions cannot be accepted by Council before Council has registered the complying development certificate in its system which will not occur until Council has received notification of the complying development certificate from the accredited certifier of the issuing of the certificate.

Failure to follow this procedure may render such a certificate invalid.

Recalculation of contributions:

Council's search fee will apply in cases where the recalculation of contribution rates is required.

2.9 Deferred/periodic payments

Deferred or periodic payments may be permitted in the following circumstances:

- (a) compliance with the provisions of Clause 2.8 is unreasonable or unnecessary in the circumstances of the case,
- (b) deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program,

- (c) where the applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and council and the applicant have a legally binding agreement for the provision of the works or land dedication,
- (d) there are circumstances justifying the deferred or periodic payment of the contribution.

If council does decide to accept deferred or periodic payment, council may require the applicant to provide a bank guarantee by a bank for the full amount of the contribution or the outstanding balance on condition that:

- the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security
- the bank unconditionally pays the guaranteed sum to the council if the council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development
- the bank's obligations are discharged when payment to the council is made in accordance with this guarantee or when council notifies the bank in writing that the guarantee is no longer required.
- where a bank guarantee has been deposited with council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.

2.10 "In-kind" settlement or material public benefit

The council may accept an offer by the applicant to provide an "in-kind" contribution (ie the applicant completes part or all of work/s identified in the plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this plan.

Council may accept such alternatives in the following circumstances:

- (a) the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan; and
- (b) the standard of the works is to council's full satisfaction; and
- (c) the provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program.

The value of the works to be substituted must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Council will require the applicant to enter into a written agreement for the provision of the works.

Acceptance of any such alternative is at the sole discretion of the council. Council may review the valuation of works or land to be dedicated, and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by the council in determining the value of the works or land will be paid for by the applicant.

2.11 Discounting and apportionment factors

It is considered that existing facilities meet the needs of the existing population and the needs identified in this plan are as a direct result of increases in population as a result of development. Therefore funding for the facilities identified in this plan will be met solely by distributing the cost across the projected population increase. Apportionment is detailed in Part 3.0 – Strategy Plan.

2.12 Adjustment of contribution rates

To ensure that the value of contributions are not eroded over time by movements in the land value increases, the capital costs of administration of the plan or through changes in the costs of studies used to support the Plan, the council will adjust the contribution rates.

The contribution rates will be adjusted in accordance with the consent condition by reference to the following specific indices:

- construction costs by the **IPD Chain Volume Measures:Engineering Construction** as published by **the Australian Bureau of Statistics (ABS)**;
- land acquisition costs by reference to average land valuation figures (**Tweed Land Index**) published by council in Council's Management Plan;
- specific valuations for particular parcels of land that are identified in the s94 plan as published by the council in Council's Management Plan;
- changes in the capital costs associated with provision of administration and salary costs for staff involved in implementing council's s94 plan by reference to increases in salary rates under the Local Government State Award Plan as published by the council in Council's Management Plan;
- changes in the capital costs of various studies and activities required to support the strategies in the plan by reference to the actual costs incurred by council in obtaining these studies plan as published by the council in Council's Management Plan.

In accordance with clause 32(3)(b) of *the EP&A Regulation*, the following sets out the means that the council will make changes to the rates set out in this plan.

For changes to the **IPD** index, the contribution rates within the plan will be adjusted on a quarterly basis in accordance with the following formula:

$$\$C_A + \frac{\$C_A \times ([\text{Current Index} - \text{Base Index}])}{[\text{Base Index}]}$$

Where

$\$C_A$	is the contribution at the time of adoption of the plan expressed in dollars;
Current Index IPD	is the IPD as published by the ABS available at the time of adjustment of the contribution rate;
Base Index IPD	is the IPD as published by the ABS for the date of adoption of this Plan.

Note: In the event that the Current IPD is less than the previous IPD, the Current IPD shall be taken as not less than the previous IPD. Also note that the ABS adjusts the base year annually and therefore the actual IPD figures to be used are those applicable on the date on which indexation occurs. Please refer to paragraph 1.3 for the applicable figures at the time of adoption, however these may vary over time for the reasons stated.

For changes to land values, the council will publish at least on an annual basis the revised land index values that are to be used to change the base land values contained in the plan which will be determined in accordance with the following formula:

$$\$C_{LV} + \frac{\$C_{LV} \times ([\text{Current LV} - \text{Base LV Index}])}{[\text{Base Index}]}$$

Where

$\$C_{LV}$	is the land values within the plan at the time of adoption of the plan expressed in dollars;
Current LV Index <u>TSC Land Index</u>	is the land value index as published by the council available at the time of adjustment of the contribution rate;
Base LV Index <u>TSC Land Index</u>	is the land value index as published by the council for the date of adoption of this Plan.

Note: In the event that the Current LV Index is less than the previous LV Index, the Current LV Index shall be taken as not less than the previous LV Index. Also note that the council may adjust the base year for this index and therefore the actual LV Index figures to be used are those applicable on the date on which indexation occurs. Please refer to paragraph 1.3 for the indexation figures available at the time of adoption, however these may vary over time for the reasons stated.

For changes in salary costs and changes in the costs for studies and other activities associated with the plan, council will publish at least on an annual basis the revised indices that are to be used to change the base costs of salaries and the costs of studies and associated activities in administering the plan.

2.13 Adjustments at the time of payment

The contributions stated in a consent are calculated on the basis of the s94 contribution rates determined in accordance with this plan. The contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in accordance with the consent condition.

The current contribution rates are published by council and are available from council offices. Should the council not validly publish the applicable contribution

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rates, the rate applicable will be calculated in accordance with the rate prevailing in the previous quarter.

2.14 Allowances for existing development

Contributions will be levied according to the estimated increase in demand. An amount equivalent to the contribution attributable to any approved development on the site of a proposed new development will be allowed for in the calculation of contributions. Council will determine the credit on the basis of the likely demand that the existing development would create.

2.15 Pooling of contributions

This plan expressly authorises monetary s94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

2.16 Savings and transitional arrangements

A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.

2.17 Register

Council will maintain a register of all contributions in accordance with EP&A Regulation 34.

The register will be made available for public inspection at any time during normal office hours. An annual statement of contributions will be produced documenting amounts received and relevant details. Such statements will also be made available for public inspection upon request.

3.0 PART C – STRATEGY PLAN AND NEXUS

3.1 Introduction

Part 116D of the Environmental Planning and Assessment Act requires that Council take account of 5 key considerations for development contributions, being:

- (a) *Can the public infrastructure that is proposed to be funded by a development contribution be provided within a reasonable time?*
- (b) *What will be the impact of the proposed development contribution on the affordability of the proposed development?*
- (c) *Is the proposed development contribution based on a reasonable apportionment between existing demand and new demand for public infrastructure to be created by the proposed development to which the contribution relates?*
- (d) *Is the proposed development contribution based on a reasonable estimate of the cost of proposed public infrastructure?*
- (e) *Are the estimates of demand for each item of public infrastructure to which the proposed development contribution relates reasonable?*

These considerations are addressed in this section by demonstrating a clear nexus between the requirement for the required additional community facilities to meet the needs of the increased population as a result of new development and the works program designed to provide it.

Community facilities encompass buildings operated for public use. Examples of facilities which are commonly levied by Councils under Section 94 of the Act include:

- community halls and activity centres;
- offices for community workers and community groups;
- specialist services - for children, youth and the ageing.

3.2 Population Growth

The Shire population is expanding rapidly. It is expected to grow from 79,300 in 2006 to 90,800 in 2016 (rounded ABS/Dept. of Planning Estimated Residential Population 2016), an increase of 11,500 in 10 years. It is expected that 15% of the 2016 whole Shire population will be growth - which is generally in-migration from outside the Shire.

Growth in the coastal districts is proceeding at a faster rate than the Shire as a whole, however. Actual growth in the coastal districts from 1996 to 2006 was 4,900 people, or 490 pa. Extrapolating this for a further decade indicates that

23.7% of the 2016 coastal population will be growth (in the previous decade it was 25%).

On the same basis, expected growth numbers by 2016 are 2,300 for the South Coast District and 2600 for the North Coast District.

The essential requirement is to demonstrate that the facilities being funded by the levy are:

- a direct result of the needs of new development;
- physically near enough to the development to provide benefit to it; and
- provided within a reasonable time frame.

The time frame for this Plan is 10 years, chosen because this is a reasonable period allowing various benefits:

- it is aligned with the dates of population Censuses;
- it is the limit of reasonably reliable population projections;
- it is long enough to allow a program of major works to be implemented; a shorter period would enable only the higher priority works, leaving some areas deficient.

If necessary, adjustments to the Plan can be made as growth projections are determined more precisely.

This Plan also takes into consideration the particular demographic characteristics of the Tweed Shire population, including:

- highest growth rates in the two coastal districts of the Shire;
- increasing numbers in such disadvantaged groups as people with disabilities, older people with low mobility, people without access to personal transport and physically isolated people;
- a high proportion of retired or unemployed people with low incomes;
- significant numbers of families, youth and children living in dispersed rural areas.

3.3 Apportionment of costs

The works required for the Tweed Coast have been apportioned as two catchments, Bogangar/Pottsville in the south, Kingscliff in the north. The costs of these works are set out in Appendix B.

The Council has previously provided a range of community facilities for the existing population, amounting to 3,200m² of facilities floorspace in community centres, community halls and meeting rooms, respite facilities, a sports club and a branch library.

3.4 Existing facilities - Tweed Coast District

Existing facilities include the Kingscliff Amenities Hall, Bogangar Multi-Purpose Building (childcare and meeting room), Pottsville Beach Neighbourhood Centre,

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Pottsville Community Hall, Pottsville Bicentennial Hall, Les Berger Sports Club (referred to in previous versions of this Plan as "Stingrays"), and Kingscliff Library, all provided or substantially supported by Tweed Shire Council.

3.5 Services and facilities proposed

3.5.1 Tweed Coast District

To cater for growth and the changing demographic patterns of Tweed Coastal towns, the following changes to the network of community facilities are proposed.

- (a) Pottsville, as a major growth centre, requires augmentation of its existing facilities. The administration building at Pottsville Beach Neighbourhood Centre is inadequate for the demands upon the expanding Centre, and it is proposed to replace it with a larger building to provide more space for visiting and outreach services and records storage.
- (b) At Kingscliff the Amenities Hall is capable of further development, linked with the plans to create foreshore open space in the adjoining Holiday Park. It is proposed to expand and refurbish the Hall and adjacent buildings to create a performing arts space associated with youth facilities, and to improve the urban design of this prominent tourist visitor area.
- (c) At Bogangar there are outline proposals to provide a local youth facility in the longer term

Details of facilities and timing are outlined in Appendix B for the Kingscliff and Bogangar/Pottsville catchments respectively.

3.6 Levy Calculation

The formula for determining the development contribution toward provision of community facilities is as follows:

$$\text{Contribution} = \frac{C \times P}{n} + 5\% \text{ administration levy}$$

Where

C	=	Total cost of new facilities to be provided
P	=	Proportion attributable to new development in equivalent tenements
n	=	Estimated additional population within the Shire

3.7 Levy

All forms of residential development are liable for contributions in whichever zone they may be approved, and including residential development intended for tourist accommodation. The amount of contribution will be based on the number of additional equivalent tenements.

The community facilities will be provided when critical population thresholds are reached and adequate funds are held in the S94 fund as provided in the Schedule of Works.

Per Capita Costs

Per capita contribution is calculated from:

$$\frac{\text{Attributable Facilities Cost} + \text{Attributable Land/Serviceing Cost} + 5\% \text{ administration levy}}{\text{Population Increase}}$$

Equivalent Tenements

Assumptions are made about tenement occupancy, as follows:

- (a) 1 Equivalent Tenement (et) equates to 2.4 persons or:
- 1 detached dwelling;
 - 1 residential allotment.

Allocation of the Development Fraction of Costs:

Tweed Coast South:

Population growth 2006-2016	=	2,300 people
Attributable facilities cost	=	\$600,000
Per Capita Contribution	=	\$600,000/2300 + 5%
	=	\$274/person
1 equivalent tenement	=	2.4 x \$274
	=	\$658

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Tweed Coast North:

Population growth 2006-2016	=	2,600 people
Attributable facilities cost	=	\$600,000
Per Capita Contribution	=	\$600,000/2600 + 5%
	=	\$\$242/person
1 equivalent tenement	=	2.4 x \$242
	=	\$581

	Persons	Tweed Coast North	Tweed Coast South
Per person	1	242	\$274
Detached dwelling/Lot/1 ET	2.4	\$581	\$658
1 bedroom unit	1.3	\$315	\$356
2 bedroom unit	1.7	\$411	\$466
3 bedroom unit	2.1	\$508	\$575
4+ bedroom unit	2.4	\$581	\$658

The rate for tourist development that provides accommodation to be applied per bedroom as above.

3.8 Works Program

The rate of expenditure will be dependent on the rate of development income. The Works Program outlined in Appendix C is predicated upon certain objectives and assumptions.

a) Objectives

- | |
|---|
| * Meet the needs of the growing coastal community for a range of community facilities and services. |
|---|

The expenditure of the funds will provide facilities and amenities located in each of the two districts for the social activity, and human service needs of various groups within the community, including child health, youth, families, aged care, disabled persons, arts, cultural activities, indoor recreation, education and information.

- | |
|--|
| <p>* Provide a local community focus which enhances the quality of civic life.</p> |
|--|

b) Assumptions

The Schedule of Works has been formulated having regard to the following:

- Existing Council assets in land and buildings built up through past expenditure may be included in the Council fraction of the Plan.
- CP19 will capture the major portion of contributions when development of Kings Forest and Seaside City begins, but CP15 will receive contributions from other development along the coast.
- Due to the size and cost of individual facilities, the works program has had to be based on a combination of funds of the two catchments, to provide facilities within a reasonable time.

Appendix A – Population Estimates

A1
POPULATION ESTIMATES

Division	1991 Est Residential Population	Projected Population		Projected Growth 1996-2006
		1996	2006	
Tweed Heads	24,200	30,400	42,700	12,300 (29

Appendix B – Estimated Facilities Requirements, Costs and Timing

**ESTIMATED FACILITY REQUIREMENTS, COSTS AND TIMING
TWEED COAST**

Item	Details	Estimated Expenditure (\$ 2009)	Population Threshold	Anticipated Date
TWEED COAST SOUTH:				
Pottsville Beach Neighbourhood Centre	Replacement of Administration Building to provide additional office space for visiting services and records storage (200m ²).	\$400,000	21,000	2010
Bogangar/ Cabarita	Provision of a local youth facility	\$200,000	25,000	2016
TWEED COAST NORTH:				
Kingscliff Community Centre	Expand the Amenities Hall and refurbish the adjacent buildings to provide a performing arts space and youth facilities, with upgraded kitchen	\$600,000	23,000	2012

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Appendix C – Tweed Coast Works Program

TWEED COAST WORKS PROGRAM

Population	15,700	16,290	16,880	17,470	18,060	18,650	19,240	19,830	20,420	21,010	21,600
Pop Increase		590	590	590	590	590	590	590	590	590	590
Year	Jun-96	Jun-97	Jun-98	Jun-99	Jun-00	Jun-01	Jun-02	Jun-03	Jun-04	Jun-05	Jun-06

Projects	\$'000.00		\$'000,00	\$'000,00	\$'000,00	\$'000,00	\$'000,00	\$'000,00	\$'000,00	\$'000,00	\$'000,00	\$'000,00
Pottsville Community Centre	426						64	64	64	64	64	106
Pottsville/Bogangar/Cabarit a Stingrays club house	255								125	130		
Skate park at Stingrays	80									80		
Kingscliff Site Works	150						25	75	50			
Kingscliff Community Centre Stage 1	180							30	55	95		
Kingscliff Site Works	100									10	90	
Kingscliff Community Centre Stage 2	120										15	105

Expenditure												
Total	1,311						89	169	294	379	169	211

Appendix D – Plan History

Amendments	Council resolution
<p>Amendment No 1 in force 4/3/98</p> <p>Addition of Stingrays club refurbishment</p> <p>Amendment No.2 in force 15/5/00</p> <p>Additional funds for Stingrays</p> <p>Reduction in size of Pottsville land purchased</p> <p>Additional funds for refurbishment of Pottsville</p> <p>Change in occupancy rate</p> <p>Amendment No.3 in force</p> <p>Tweed Coast Sports and Community Facility (Stingrays) at Cabarita - upgrade the toilets and showers: \$50,000</p> <p>Skate facility located adjacent to the Stingrays facility: \$80,000</p> <p>Sealing of access road and car parking area at Stingrays: \$90,000</p>	<p>18/2/98 (adopted)</p>

Amendment 2

Contribution Plan No.15 has been in operation since 1996 and is intended to cater for the additional population on the Tweed North and South Coast over the next 10 years.

The current work program for the South Coast community facilities is:

Pottsville - purchase of 0.8 ha of existing school land and purchase of the existing school, and refurbish the school building for use by the community - proposed cost \$500,000

Refurbishment of Stingrays Football Club - estimated cost \$40,000

This school is being purchased over five years from the Department of Conservation and Land Management. This purchase was approved by Council along with a resolution for expenditure of up to \$40,000 for the refurbishment of the school. The annual commitment to purchasing the school is nearly \$64,000 including an interest component for a total purchase cost of approximately \$319,000.

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Council also purchased the Stingrays sports building as well as a large open space area which is suitable for possible community purposes and acquired the lease for the reserve on which is situated the Les Burger playing field. This facility was purchased ahead of funds being available.

Stingrays Football Club

Council acquired in 1998 the former Stingrays Football Club premises and land, and the lessee's interest in the former Stingrays Football Club Sportsground, located on the Coast Road south of Bogangar/Cabarita.

Contribution Plan No.15 has in its work program an allocation of \$40,000 for the refurbishment of the Stingrays club, which was the best estimate at the time for the work required. Following further assessment additional work is required on the club to bring it up to a standard for use by the community. The estimated cost for the total work is \$125,000, \$85,000 above the amount estimated in the Plan. The work required is:

windows, doors, security	\$15,000
ceiling	\$10,000
upgrade canteen and toilets	\$10,000
lock-up for equipment	\$5,000
awning for building	\$20,000
chairs and other equipment	\$6,000
internal construction/partitit.	\$25,000
separate activities room (ext.)	\$20,000
parking (half cost)	\$7,500
establishment costs	\$6,500

Pottsville Community Centre

Council purchased the old Pottsville School and 0.4ha of land from DLAWC in 1999 as the major focus of its community facilities for the south coast area.

Since purchasing the school Council has been in a position to assess the costs required to bring the school up to a standard suitable for use as community facility. However it is estimated that a further \$50,000 is required principally as the damage to the school has been greater than anticipated. The additional expenditure required is made up of:

refurbishment	\$26,000
furnishings/set up costs	\$24,000

It is proposed that the additional \$50,000 required for the Pottsville community centre be borrowed from the Shire Wide Community Facilities Account. Contributions in this account have come from developments that took place where there was no Section 94 Plan in place, but paid through negotiated agreements. The contributions in this Account total \$234,141 for which there is no formal work program set in place to distribute these funds. Approximately \$89,000 has been

collected in the South Coast area. The funds borrowed from this account will then be re-paid to this account as it becomes available in the Contribution Plan.

The occupancy rate has changed from 2.93 person per lot for single residential to 2.6 persons.

Amendment No 3

While Contribution Plan No.15 is estimated to operate until 2006 a recent audit of the potential growth in the South Coast area of Tweed indicated that there is still significant growth that could take place over the next 7 years or so. The growth of the south coast area since the commencement of the plan has been such that the current work program is almost completed. Therefore there has been a requirement to re-examine the future of the plan.

The main areas for this growth are the remainder of Koala Beach, Black Rocks and Seabreeze Estate with an estimated future population of approximately 1,800 people. This amendment does not propose a time frame in which to provide the additional facilities/refurbishment as it is difficult to predict the development rate of the areas identified.

Based on the remaining lots in the above estates and the estimated remaining commitments under the South Coast program it is estimated that the potential funds for community facilities (over and above what has been committed and expended to date) is around \$400,000.

In order that the contribution rate remain at \$584 per lot for single residential development for the identified facilities (it is equitable that the incoming population is levied the same rate as the population that has already contributed under this plan), the estimated population growth for this amendment is for an increase in the population of 1,080. This plan may require further amendments as further facilities are identified to service the needs for the remainder of the population in the above estates.

Therefore in the short term, and the subject of this Amendment No.3, it is proposed that the following works program be added to the Plan:

- Tweed Coast Sports and Community Facility (Stingrays) at Cabarita
 - upgrade the toilets and showers: \$50,000
 - Skate facility located adjacent to the Stingrays facility: \$80,000
 - Sealing of access road and car parking area at Stingrays: \$90,000
- TOTAL \$220,000

The Tweed Coast Sports and Community Facility (Stingrays) at Cabarita has received some support under this plan to date – See Amendment 2 above. Now that it appears that further funds will be available due to the proposed development identified along the South Coast region, the above work program proposes to complete the refurbishment of the community part of the building and improve the access to the building and its parking.

In addition it has always been proposed that a skate facility be provided as an additional community facility alongside the Stingrays club to cater for the younger population along the coast. The additional population identified will enable this facility to be constructed when the funds become available under this plan.

Section 94 Plan No. 15

Community Facilities



The contribution rate will remain at \$584 per lot for single residential development.

Version 5 (Amendment No 4 - This Version)

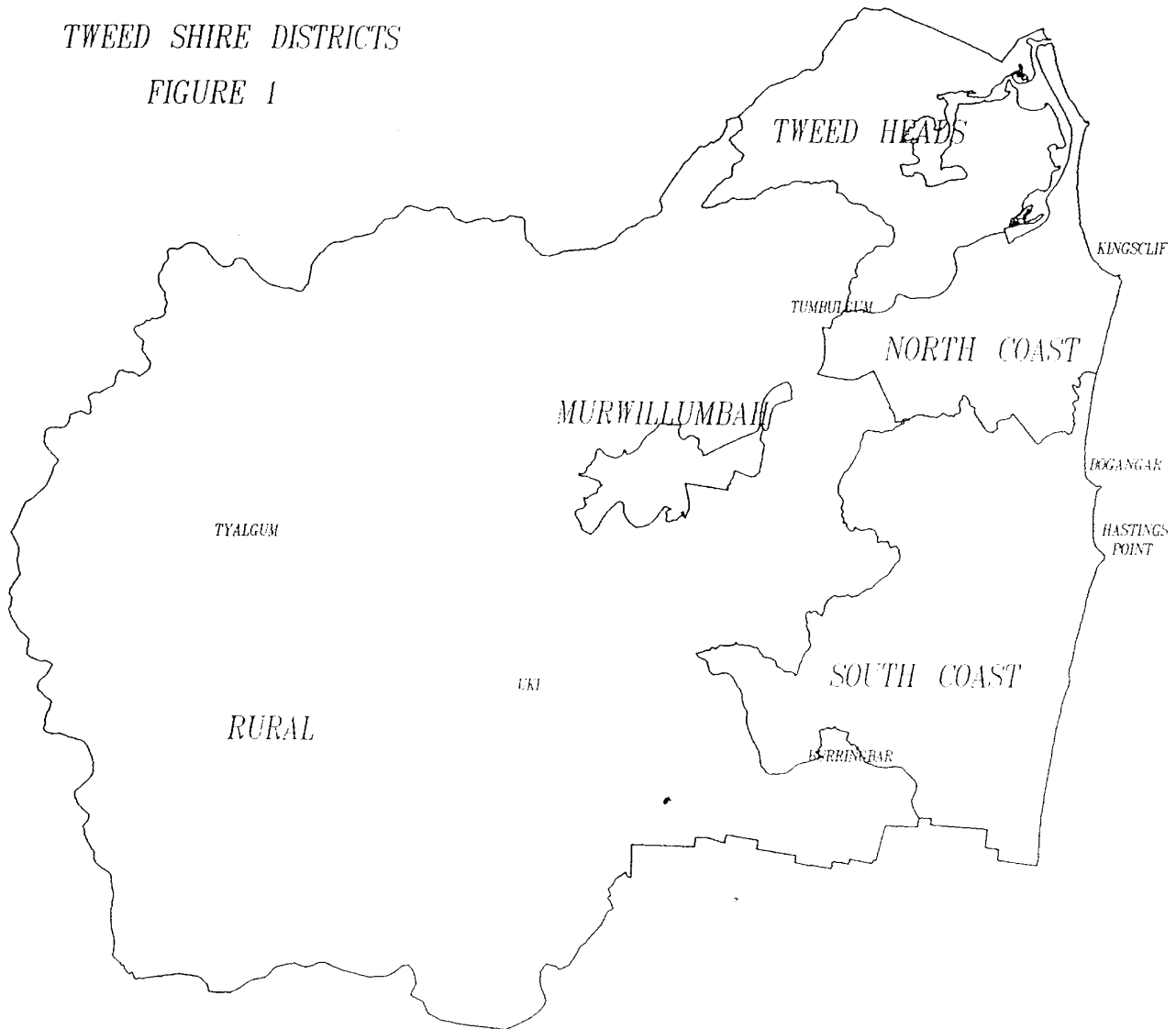
This Version:

- Revises the works program and population figures
- Makes reference to forthcoming changes to the EP&A Act with reference to S94 and addresses part 116D regarding the 5 key considerations for a S94 Plan.
- Adjusts the occupancy rates per bedroom to those adopted by Council in the Tweed Shire Urban Release Strategy 2009.
- Includes clauses to enable future indexation of rates in the plan.
- Applies the current Department of Planning Template for a S94 plan.
- Standardises the contribution for tourist development to apply per bedroom rather than per bed.
- Revises the admin component for the remaining works from 10% to 5%.

This results in a contribution of **\$242** per person for Tweed Coast North and **\$274** person for the Tweed Coast South. See the Summary Schedule at Section 1.1 for more detail.

Appendix E – Districts

TWEED SHIRE DISTRICTS
FIGURE 1



Appendix F – Complying Development Certificates

Contributions will be levied according to the estimated increase in demand. In assessing the contribution of proposed development, the following calculation shall be used:

For commercial and industrial development:

Rate x Unit or Lot = Total Charge

Total Charge – Credit = Contribution

For dwellings:

(Dwelling type persons x rate per person x number of dwellings of that type)
= Total Charge

Total Charge – Credit = Contribution

Notes:

Credit

A credit amount equivalent to the contribution attributable to any continuing (or approved) development on the site of a proposed new development will be allowed for in the calculation of contributions. The credit is equal to the rate (number of lots or units x rate) already paid for as evidenced in a previous development consent. For dwellings and tourist development, the credit is 1 ET which is equivalent to **2.4** persons or any approved existing persons/bedrooms onsite. Where a development consent does not exist for a continuing development, or the total rate charged for cannot be determined, they shall be determined by calculating the current chargeable rate based on existing floor area or existing households / lot.

Rate - Is specified in *Section 1.1 - Summary schedule – contribution rates*.

Lots, Units and Persons – Are specified in *Section 1.1 - Summary schedule – contribution rates*.

Concessions

Concessions may be applied in accordance with this plan if applicable.

Council Assistance

Should a certifying authority choose not to calculate contributions, Council officers are able to undertake calculations at the cost of Council's Enquiry Fee.

Contribution Fee Sheet

The certifying authority shall attach to the complying development certificate, a fee sheet which details calculations (including persons, credits and total ETs) undertaken to determine the applicable contributions.

The contribution fee sheet should use a format showing all of the details in the table below:

S94 Plan	Sector	Persons	Credit (Persons)	ETs (minus credits)	Total \$
S94 Plan No 15	CP 15	Xxx	Xxx	Xxx	\$xxx

Condition Template

The condition must be imposed in the following format:

<p># <u>Section 94 Contributions</u></p> <p>Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.</p> <p>The complying development shall NOT commence unless all Section 94 Contributions have been paid.</p> <p>A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS COMPLYING DEVELOPMENT CERTIFICATE <u>MUST</u> BE PROVIDED AT THE TIME OF PAYMENT.</p> <p>These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.</p> <p>A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.</p> <p>« <i>Contribution type:</i></p> <p>XXX Persons @ \$xxxx per person \$xxxx</p> <p>S94 Plan No. XX</p> <p><i>Sector xxxx</i></p>
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