



TWEED SHIRE  
COUNCIL

Section 94 Plan No 19

# Casuarina Beach/ Kings Forest

INFRASTRUCTURE  
PLANNING UNIT



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**DRAFT** Version 4  
October 2009

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TWEED SHIRE COUNCIL

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

GENERAL MANAGER

DATE: 9/11/2005 xxxx

SECTION 94 PLAN No 19

CASUARINA BEACH/KINGS FOREST  
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## 1.0 PART A – SUMMARY SCHEDULES

### 1.1 Summary schedule – contribution rates

	Persons	Community Facilities Base Rate 2005	Community Facilities Indexed 2009	Structured Open Space Base Rate 2005	Structured Open Space Indexed 2009
Per person	1	<del>\$556</del> \$546.29	\$671	<del>\$594</del> \$298.56	\$513
Detached dwelling/Lot (1 ET)	2.62.4	<del>\$1,685</del> \$1,311	\$1,611	<del>\$1,544</del> \$717	\$1,231
1 bedroom unit	1.3	\$873	\$873	\$388	\$667
2 bedroom unit	1.7	\$1,309	\$1,141	\$508	\$872
Medium Density Unit	1.95	<del>\$1,369</del> \$1,065	1,309	<del>\$1,010</del> \$582	\$1,000
3 bedroom unit	2.1	\$1,147	\$1,410	\$627	\$1,077
4+ bedroom unit	2.4	\$1,311	\$1,611	\$717	\$1,231

For structured open space only, the rate for tourist development that provides accommodation to be applied per bedroom as above.

### 1.2 Summary works program

Proposed Amenity	Total Cost
Community Facilities	<del>\$5,213,095</del> \$9,636,014
Cycleways	\$546,8580
Open Space	<del>\$2732,754</del> \$2,748,999

### 1.3 Published indices at time of adoption

Index	Rate	Index Date	Published
IPD (Engineering Construction)	108.6	March 2009	Released 14/07/2009 ABS
TSC Land Index	142.50	June 2009	2009/2010 Tweed Shire Council Revenue Policy



## 2.0 PART B – ADMINISTRATION

### 2.1 Name of this development contributions plan

The name of this Plan is *Tweed Shire Council Section 94 Contributions Plan No. 19 – Casuarina Beach/Kings Forest (Version 4)*.

The provisions of Section 94 Plan No. 19 came into force on 16/12/98 and were subsequently amended on 16 November 2005 and xxxxx.

### 2.2 Land to which this plan applies

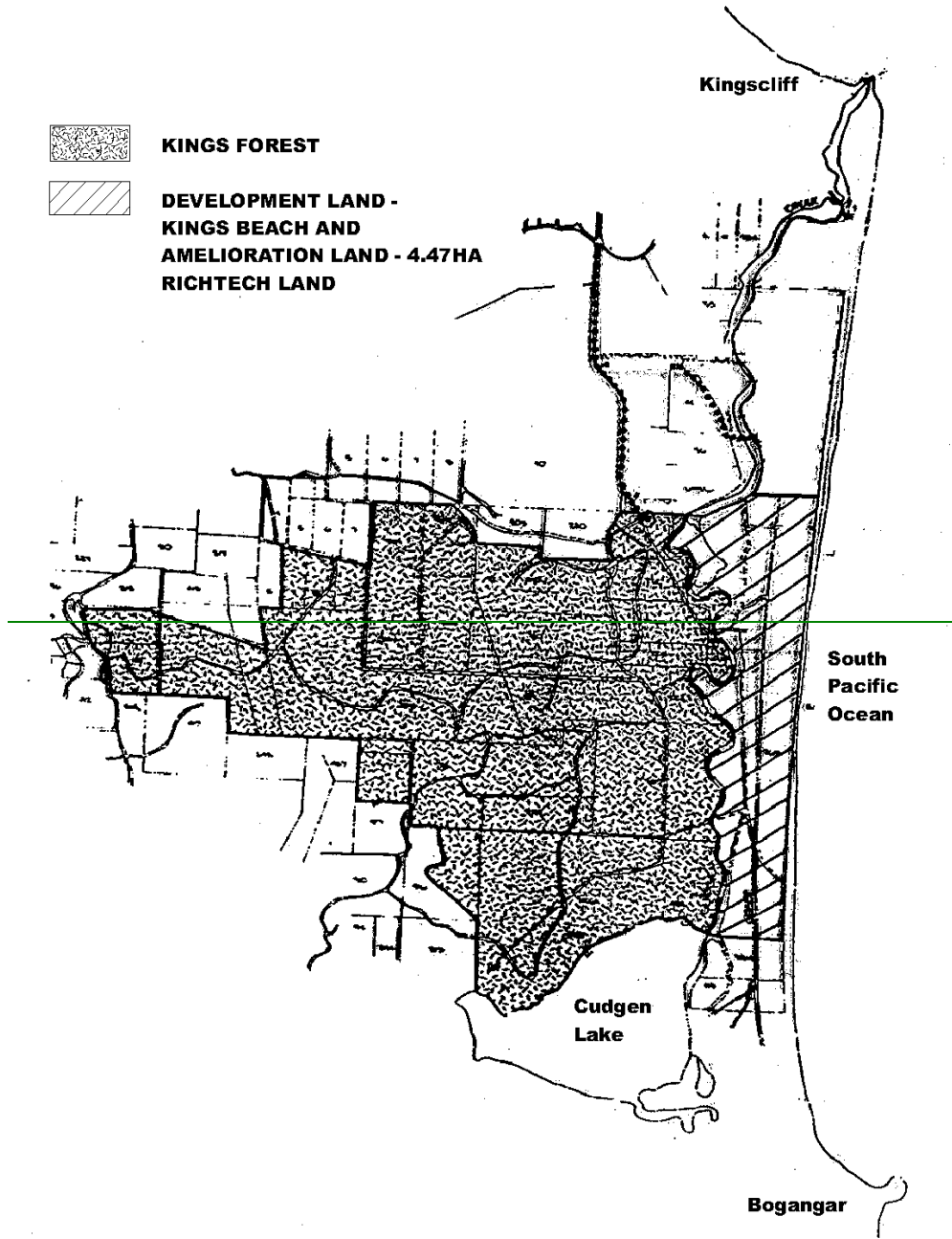
This Section 94 Contributions Plan applies to the development land area of Kings Beach and Kings Forest as illustrated on Map 1.





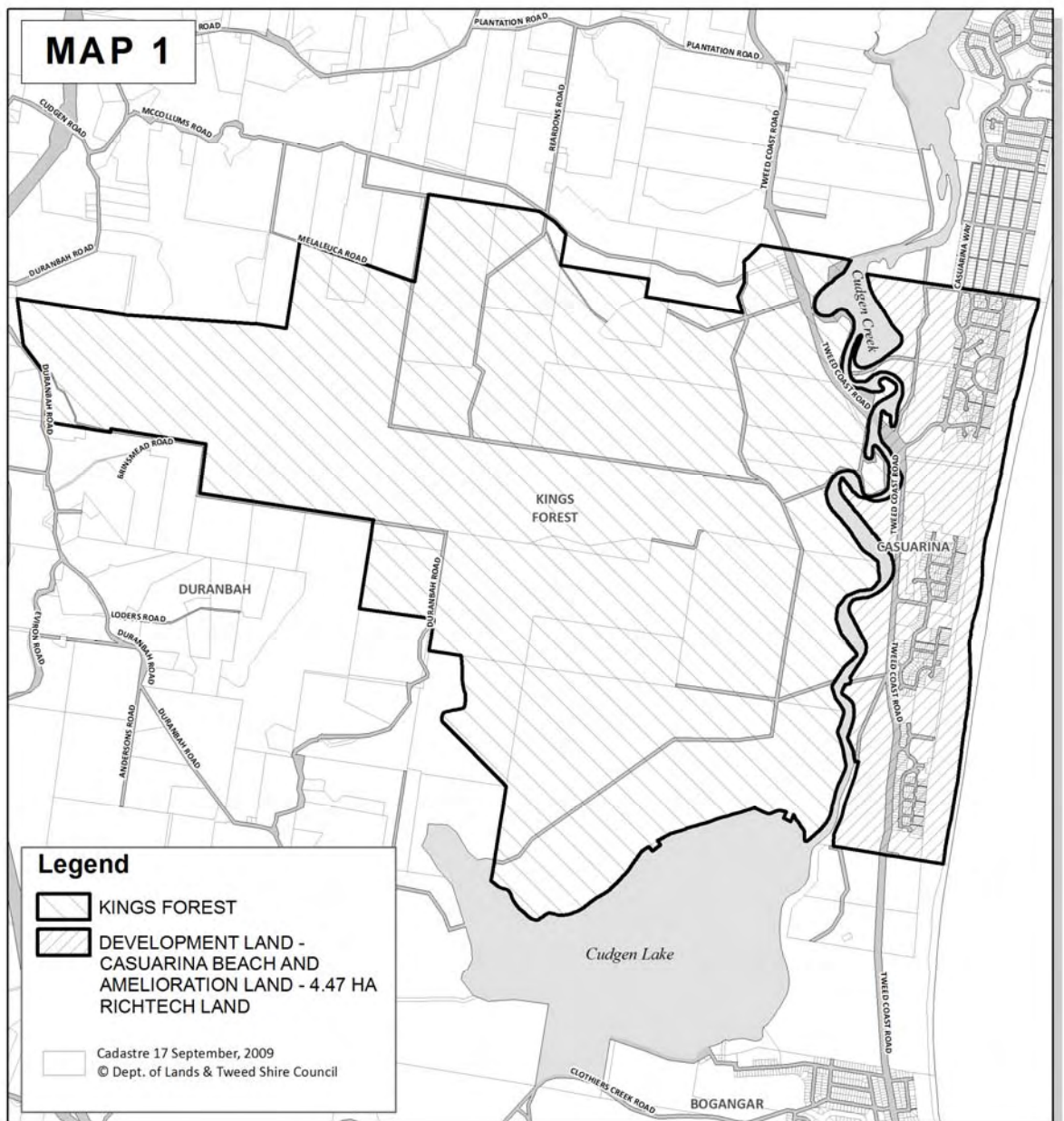
# SECTION 94 PLAN NO 19 – CASUARINA BEACH/KINGS FOREST

**MAP 1**





## SECTION 94 PLAN NO 19 – CASUARINA BEACH/KINGS FOREST



### 2.3 The purpose of the s94 contribution plan

The purposes of this plan are to:

1. enable the levying of direct contributions for key community infrastructure, being services specified which will be required to fund the cost of providing community facilities, open space, cycleways, environmental open space and the Amelioration Land as a consequence of increased demand generated by development in the development land and to Kings Forest for



certain facilities in accordance with Section 116H of the Environmental Planning and Assessment Act;

2. ensure that adequate key community infrastructure is provided for as part of any new development;
3. 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
4. provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis
5. ensure that the existing community is not burdened by the provision of key community infrastructure required as a result of future development
6. enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

- ~~2. establish the "nexus" between the development, redevelopment and the additional amenities or services required;~~
- ~~3. ensure that an appropriate level of service and amenity provision occurs in the development land area;~~
- ~~4. make clear Council's intentions regarding the type, location and timing of service and amenity provision in the area;~~
- ~~5. demonstrate that the contributions received will be used for the purposes for which they were levied and within a reasonable time;~~
- ~~6. advise the development industry of the amount of contributions that will be required for development in the area.~~

#### 2.4 Commencement of the plan

This development contributions plan 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, pursuant to clause 31(4) of the Environmental Planning & Assessment Regulation.



2.5 Relationship to other council plans

This contribution plan should be read in conjunction with Tweed Local Environmental Plan ~~1987~~–2000, [Shire-wide sections of Council's Development Control Plan, Development Control Plan Section B5 – Casuarina](#) and other Shire wide Section 94 Plans that apply to Kings Beach.

2.6 [Definitions and standards](#)

<b><u>Definitions</u></b>	
<a href="#">Accredited Certifier</a>	<a href="#">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.</a>
<a href="#">EP&amp;A Act</a>	<a href="#">Environmental Planning and Assessment Act, as amended</a>
<a href="#">EP&amp;A Regulation</a>	<a href="#">Environmental Planning and Assessment Act Regulation, as amended.</a>
<a href="#">IPD (Implicit Price Deflator)</a>	<a href="#">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</a>
<a href="#">TSC Land Index</a>	<a href="#">Index used for adjustment of land acquisition costs – Tweed Shire Council Land Index, as published in Council's Management Plan and Quarterly Report.</a>
<a href="#">Structured (Active) Public Open Space</a>	<a href="#">Sportsfields used for organised sporting activities such as cricket, rugby league, rugby union, hockey, netball, etc. These areas do not include open trunk drains and lakes.</a>  <a href="#">Cycleways will not, by themselves, be included as structured open space. They may be provided in conjunction with the provision of sportsfields.</a>
<a href="#">Casual (Passive) Public Open Space</a>	<a href="#">Public open space utilised for a variety of generally “non-organised” activities. These areas include neighbourhood parks, natural bushland parks, formal garden parks and pedestrian links. These areas do not include open trunk drains and lakes.</a>



<u>Definitions</u>	
	<u>Cycleways will not, by themselves, be included as casual open space. They may be provided in conjunction with the provision of neighbourhood parks, etc.</u>
<u>Nexus</u>	<u>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 be demonstrated through causal nexus (what), spatial nexus (where) and temporal nexus (when). <b>Causal nexus</b> requires that the need for the service or facility being levied must be a result of the development being levied. <b>Physical nexus</b> requires that the service or facility be near enough in physical terms to provide benefit to that development. <b>Temporal nexus</b> requires that the service or facility must be provided within a reasonable time.</u>

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



## 2.7 Timing of contributions

Contributions will be required as a condition of development consent for subdivision, medium density, including dual occupancy, development and tourist uses.

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 ~~or complying development certificate.~~

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

~~Contributions are required to be paid as follows:~~

- for development applications involving subdivision prior to release of linen plan of subdivision or subdivision certificate;
- for applications including building work, prior to issuing building approval or construction certificate;
- for development applications not involving building work or subdivision prior to issuing development consent.

## 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 Attachment D 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 Credits

As the 5.5 hectares of active open space has been dedicated prior to any development applications for the subdivision/development of individual management lots (and as taken account of in the calculations for contributions) Council has to ensure that the resultant 'credits' are equitably allocated through the anticipated development as set out in the Development Control Plan. The estimated population for each management lot is set out in Table 1 below together with the allocation of the structured open space 'credit'. Any development which exceeds the estimated population levels will require review of the Plan.

**TABLE 1**

<b>Lots</b>	<b>Population</b>	<b>Active Open Space (0.98ha/1,000 persons)</b>
1	219	0.214 ha
2	618	0.61
3	985	0.965
4	704	0.69
5	1357	1.33
6	485	0.475
7	484	0.475
Lot 1 DP811425	777	0.75
<b>Total</b>	<b>5629</b>	<b>5.5ha</b>



## 2.10 Dedication of land and material public benefits

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.

A decision as to whether to accept the dedication of land or the provision of a material public benefit/works "in kind" in lieu of a monetary contribution, will be at the discretion of Council. Factors Council will take into consideration include:

- the extent to which the land/material public benefit/works satisfies a community need;
- the extent to which the land/material public benefit/works satisfies the purpose for which the contribution was sought;
- the valuation of the material public benefit or works in kind.
- a consideration of locational and other factors which may affect useability;
- an assessment of recurrent maintenance costs to Council.

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 Contribution rates for different densities of development

Contributions will be levied on the assumption that a dwelling house will be erected on each lot, the occupancy rate to be based on information from the 1996 Census. When subsequent development occurs, including subdivisions, which creates a housing density at or below 1 dwelling per 450m<sup>2</sup>, contributions will be based on the adopted medium density occupancy rates from the ~~latest Census~~ Tweed Urban Land Release Strategy 2009.

Such development is classed as multi dwelling housing comprising two or more dwellings and includes dual occupancy, residential flat buildings, duplexes, cluster housing, villas, terrace housing and integrated housing. Manufactured housing estates are also included.

When medium density development is proposed contributions will be derived from the number of dwelling units proposed multiplied by the occupancy rate for the number of bedrooms from the latest Census and Tweed Urban Land Release Strategy 2009. The amount of contribution paid at subdivision stage will be subtracted from this amount.

## 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 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:

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

Where

- \$C<sub>A</sub>** 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** at 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:

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

Where

- \$C<sub>LV</sub>** is the land values within the plan at the time of adoption of the plan expressed in dollars;
- Current LV Index TSC Land Index is the land value index as published by the council available at the time of adjustment of the contribution rate;
- Base LV Index TSC Land Index is the land value index as published by the council at 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.

*Note: This clause does not cover the adjustment of a contribution between the time of consent and the time payment is made. This is covered by clause 2.13.*

#### 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. If the contributions are not paid within the quarter in which consent is granted, 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 contributions are published by council and are available from council offices. Should the council not validly publish the applicable contribution rates, the rate applicable will be calculated in accordance with the rate prevailing in the previous quarter.

#### 2.14 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.

~~Council may permit the short-term transfer of funds on a priority basis. This will only be done on the basis that:~~

- ~~● full details of the transfer and subsequent reimbursement of funds are recorded;~~
- ~~● the transferred funds are returned to the relevant categories by future contributions;~~
- ~~● there is a reasonable expectation that future contributions will be obtained to enable reimbursement of the category from which monies have been transferred;~~
- ~~● the purpose for which the contributions are transferred is a purpose identified in the Works Program.~~

~~Council is not permitted to transfer funds between the S94 account and other funds of Council, for example the General Fund.~~



2.15 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.

2.16 Contributions register and accounting

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.

~~Council has established an identifiable account for the management of S94 contributions, showing separate categories of contribution. The following separate categories have been established:~~

- ~~● cycleways~~
- ~~● active open space~~
- ~~● casual open space (including the Environmentally Sensitive Land and the Amelioration Land)~~
- ~~● community facilities~~

~~Contributions must be spent for the purpose for which they were levied in the time specified in the Works Program. Interest will be calculated on funds held for each category and credited an appropriate.~~

~~Council will maintain a register of all contributions received. The register will record:~~

- ~~● the origin of each contribution by reference to the development consent to which it relates;~~
- ~~● the type of contribution received, eg. money, land, works "in kind";~~
- ~~● the amount of the contribution and the purposes(s) for which it was levied;~~
- ~~● the name of the contributions plan the contribution is being levied under;~~
- ~~● the date of receipt of the contribution;~~



- ~~how, when and where the contribution has been used.~~

~~The register will be available for public inspection, free of charge, at any time during normal office hours.~~

## ~~2.9 Annual statement~~

~~In accordance with Clause 35 of the Regulation Council will produce an annual statement of contributions received which summarises, by purpose and area, details relating to contributions. This information will be available for public inspection, free of charge, at any time during normal office hours.~~

## ~~2.10 Review of plan~~

### ~~2.10.1 General~~

~~This contribution Plan will be subject to regular review by Council, so as to:~~

- ~~monitor population trends and community needs;~~
- ~~ensure that contribution levels reflect current land values and construction costs;~~
- ~~enable the alteration of work schedules if development and population levels differ from original expectations.~~
- ~~schedule the remainder of the development at Kings Beach as development plans are finalised.~~

~~Any material change in the plan, with the exception of the annual adjustment of contribution amounts, will require that the plan be amended in accordance with S94AB of the Environmental Planning and Assessment Act, 1979. This will require full public exhibition of the amended plan and consideration of submissions received.~~

~~From the date of the first review of this Plan CPI increases (all groups, Sydney) will be added to land acquisition and construction costs.~~



### 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 amenities specified in this plan required to meet the needs of the increased population as a result of new development, and the works program designed to provide it.

#### 3.2 The development area

Kingscliff South has been identified by Tweed Shire Council as the location for the development of a self-contained community, comprising two distinct areas:

1. Casuarina Beach: the coastal strip east of Cudgen Creek and within which tourist, commercial and residential areas will predominate
2. Kings Forest: west of Cudgen Creek which will provide residential, service industries, commercial/retail focus, recreational and some limited tourist uses.

The development area of South Kingscliff comprises six main parcels of land:



1. Crown Reserve No.1002202 for Tourist Facilities and Services at the northern end, formerly the NSW Tourism Commission land
2. Land owned by Lenen Pty Ltd comprising portions 194, 301, 312 immediately south of the NSW Tourism Commission land, and identified as the Lenen North Land
3. The coastal site of 15 hectares owned by Richtech Pty Ltd, being Lot 1, DP 811425
4. A number of smaller land holdings south of the Lenen North land known collectively as Seaside City and for the most part owned by Richtech Pty Ltd
5. Crown and Crown reservations areas, including Lot 500, the Coastal Reserve, and
6. The land the subject of the Kings Beach Stage 1 Development Application presently being Lot 2, DP 811425, owned by Lenen Pty Ltd and identified as the Lenen South Land

However for the purposes of this Plan it is proposed to provide public facilities for the proposed development on the Lenen South Land ('Casuarina Beach'), described as Lot 2 DP 811425, and the coastal site of 15 hectares owned by Richtech Pty Ltd being Lot 1, DP 811425, which is the subject of Amendment No. 1. Stage 1 of the proposed development is for the Lenen site and the Amelioration Land.

The reason for the provision of facilities in the development land is to implement the 'Out of Court' Settlement for the relevant Development Application.

The total population for South Kingscliff is expected to be 8,000 - 9,000 persons, with permanent residents and tourists to be accommodated. Kings Forest is estimated to have a population of 12,000 residents.

The expected population for Casuarina Beach is 5,629, with 3,029 permanent and 2,600 tourists to be accommodated.

The staging of the development site and Kings Forest will be undertaken independently, with the development land commencing before Kings Forest. However contributions for some of the major infrastructure will require joint funding or funding on a Shire wide basis as there will be some overlapping of facilities. For example limited community facilities will be located within the development land with the remainder to be located in the adjoining development of Kings Forest with the cost of these facilities to be shared between the two developments.

The Development Control Plan for Casuarina Beach assumes progressive and/or sequential development within the development land,





however market requirements will also influence the development process. Therefore the Contribution Plan will require flexibility to allow for any changes with regular reviews of the Plan undertaken. There is no definite time-frame for the completion of the development land as well as for the remainder of the Kings Beach site.

With respect to the tourist population proposed in the Kings Beach area, it is difficult to predict the timing and number of units involved in the proposed tourist area. However allowance has been made for contributions from the tourist accommodation development towards the cost of open space facilities, the cycleway and the environmental open space. As it is assumed that most of the tourists will not be staying in the area for any great length of time, this Plan does not provide for contributions from this sector for community facilities.

### 3.3 Car Parking

A Council study has identified that in new beach side development areas public car parking is required at the rate of 300 car parking spaces per kilometre of coast to cater for visitors to the associated coastal facilities and attractions. In accordance with that requirement a total of 720 spaces are required as a result of the development on the development land as compatible with good quality design of the development. Substantial on-street parking is located within 100 metres from the eastern boundary of the coastal foreshore roads as shown in the Development Plan.

As the planning for Casuarina Beach becomes more certain, contributions for any additional beach side car parking will be incorporated into a Shire Wide Car Parking Contribution Plan.

### 3.4 Dune Management Plan and Environmental Plan of Management

A Dune Management Plan and the Environmental Plan of Management are required. An amendment to this Section 94 Plan will be required to implement these Plans.

## **SECTION 94**

~~This plan explains and justifies contributions levied in accordance with S94 of the Environmental Planning and Assessment Act on developments within the area described below.~~





~~Section 94 of the Environmental Planning and Assessment Act 1979 permits Council to levy contributions from developers to fund the increasing demand for public services and amenities generated by the carrying out of development. The contribution may take the form of monetary contributions, the dedication of land free of cost, or the construction of works.~~

~~Section 94 of the Act requires that there must be a "nexus" between conditions imposed on a development consent relating to public services and the amenities demanded by the development. The Section 94 criteria for contributions is -~~

- ~~i. it must be for, or relate to, a planning purpose;~~
- ~~ii. it must fairly and reasonably relate to the subject development;  
and~~
- ~~iii. it must be such as a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed.~~

~~The development land will contribute developer charges for water and sewerage, and is included in Shire wide Section 94 Contribution Plans such as the Tweed Road Transportation Plan and Libraries.~~

### 3.5 Expected population

The total population for Casuarina Beach is expected to be 5,629 persons, with 3,029 permanent residents and 2,600 tourists. Kings Forest is expected to have a population of approximately 12,000.

Population Estimates will be revised during reviews of this Plan.

The occupancy rates used will be those for Kingscliff as stated in the [ABS Census 2006 and Tweed Shire Urban Land Release Strategy 2009 Residential Development Strategy 1991, and updated from the 1996 Census](#). The occupancy rates are ~~as follows~~ [summarised in Section 2.6 - Definitions and standards](#).

<del>Separate Dwellings</del>	<del>Medium Density</del>
<del>2.6</del>	<del>1.7</del>

### 3.6 The nexus between development and amenities/ services required

There is a fundamental requirement for a link between development and the specific need for the facility generated by the development. Where these facilities fall outside the responsibility of other levels of government,



Local Government is called upon to provide them and is entitled to recover that proportion of the costs arising from demand induced by development.

Casuarina Beach proposes a population of approximately 5,629 residents and tourists. This development will generate the need for community facilities, open space, cycleways and environmental open space and it is reasonable that the cost of these facilities be apportioned amongst those developments which will benefit from these facilities. The proposed Kings Forest development of approximately 12,000 will also generate the need for community facilities, some of which, it is assumed, will be used by the development land's residents.

### 3.7 Formulae for contributions

The formulae for calculating the amount of contribution will vary according to the type of facility or service in question. Each formula is based on consideration of:

- the demand for the facility or service generated by the development, based on the additional population expected.
- the current cost of acquiring the necessary land.
- the current capital cost of providing the facility or service.
- increases in land acquisition and building costs, based on the ~~CPI (all groups, Sydney)~~ [IPD and Tweed Shire Land Index](#).
- project costs, being valuation and annual revaluation of lands.
- a ~~105%~~ [405%](#) levy applies to all Section 94 charges to cover the costs associated with administration, development and review of Section 94 Plans. ~~This levy is to be applied to Section 94 charges as of 9/12/95.~~

### 3.8 Specific plans

#### 3.8.1 Open space

##### 1. **Principles for the Open Space Network**

Key principles of the open space network include the following:

- The conservation and enhancement, where appropriate, of environmentally sensitive areas including some of the lands zoned 7(a) Wetlands and all of the 7(l) Habitat zoned land.



- The creation of a linear open space network, containing a variety of movement systems, which meander throughout the site providing links north, south, east and west. It is envisaged that pedestrian and cycle ways, and both passive and active recreational activities will be developed.
- Provision of major open space corridors to allow controlled access through the dunes to the beach areas and to Cudgen Creek.
- provide a series of indigenous theme environmental areas which will create micro-environments for various developments and an interesting diversity of vegetation.
- provide suitable crossings (such as underpasses, pedestrian lights, etc) of the coast road and key east-west open space/pedestrian links in strategic locations.
- control public and private access in environmentally sensitive areas.
- provide diversity and interest in the proposed networks such that enjoyment is enhanced by a combination of environments ranging from about Cudgen Creek riverside parks to tree lined suburban street and laneway accesses to littoral rainforest to the beachfront cycleway.
- provide a range of open space facilities such as picnic areas;

### **2. Appropriate active and passive open space**

- (i) Structured (Active) Public Open Space - sportsfields used for organised sporting activities such as cricket, rugby league, rugby union, hockey and netball. These areas do not include open trunk drains and lakes, which are designated primarily for drainage purposes, golf courses or the pedestrian and cycle path system.
- (ii) Unstructured (Passive) Public Open Space - open space utilised for a variety of generally “non-organised” activities including picnic and childrens’ play areas. These areas include neighbourhood parks, natural bushland parks and formal gardens. These areas do not include open trunk drains and lakes; or the trunk pedestrian and the north /south cycle path system.



**3. Relevant Standards to Be Used for Different Categories of Public Amenities**

For the purposes of deriving the area of land to be set aside for active and passive public open space, Council has generally adopted the commonly used standard of 2.83 hectares per 1,000 persons, in the following proportions in order to meet community needs for open space:

- (i) 1.7 hectares (60%) “structured” open space (sportsfields) per 1,000 persons;
- (ii) 1.13 hectares (40%) “passive” open space (neighbourhood parks, natural bushland, local cycle paths etc) per 1,000 persons

This standard has generally been adopted by the Land and Environment Court for developing areas (Department of Planning, 1992).

On this basis, with a projected population of 5,629, 15.8 hectares (9.50 ha structured/6.3 ha passive) is required. However a proportion of the population in Casuarina Beach will be tourists who would not require as much structured open space on a formal basis.

It is considered reasonable to allocate 7 hectares of structured open space (note: 5.5 ha will be located in Casuarina Beach and a net additional 1.5 ha in the Kings Forest site will be located at the former Waste Depot site in Depot Road, Lot 1 DP 397082) based on the assumed permanent population. It is proposed that a total at least 8.8 hectares of passive open space will be dedicated, details of which are on page 14 onwards and identified on Kings Beach Development Plan (No MG 9808/2 - Map 5) dated 6 October 1998 (the Plan).

**4. Open Space Requirements**

**(a) Environmentally Sensitive Areas (Lot 8)**

Lot 8 of Casuarina Beach is to be dedicated at no cost to Council in conjunction with the negotiation of the linen plan for Stage 1 of the development, as embodied in the Deed of Agreement and Settlement. Lot 8 is identified on the Plan.

**(b) Amelioration Land**

The proposed development is covered by substantial stands of Coast Banksia which provides habitat for the Queensland Blossom Bat. To ameliorate the loss of this habitat, an additional 4.47 hectares of land to the north of the development land, owned by



Richtech Pty Ltd is to be revegetated and the land dedicated at no cost to Council prior to the release of the linen plan for Stage 1 of the development, as embodied in the Deed of Agreement and Settlement. This area is identified on Map 2A.

### **(c) Structured Open Space**

In the locations nominated on the Plan, the developer has dedicated a total of 5.5 ha of structured open space at no cost to Council in conjunction with the Stage 1 of Casuarina Beach.

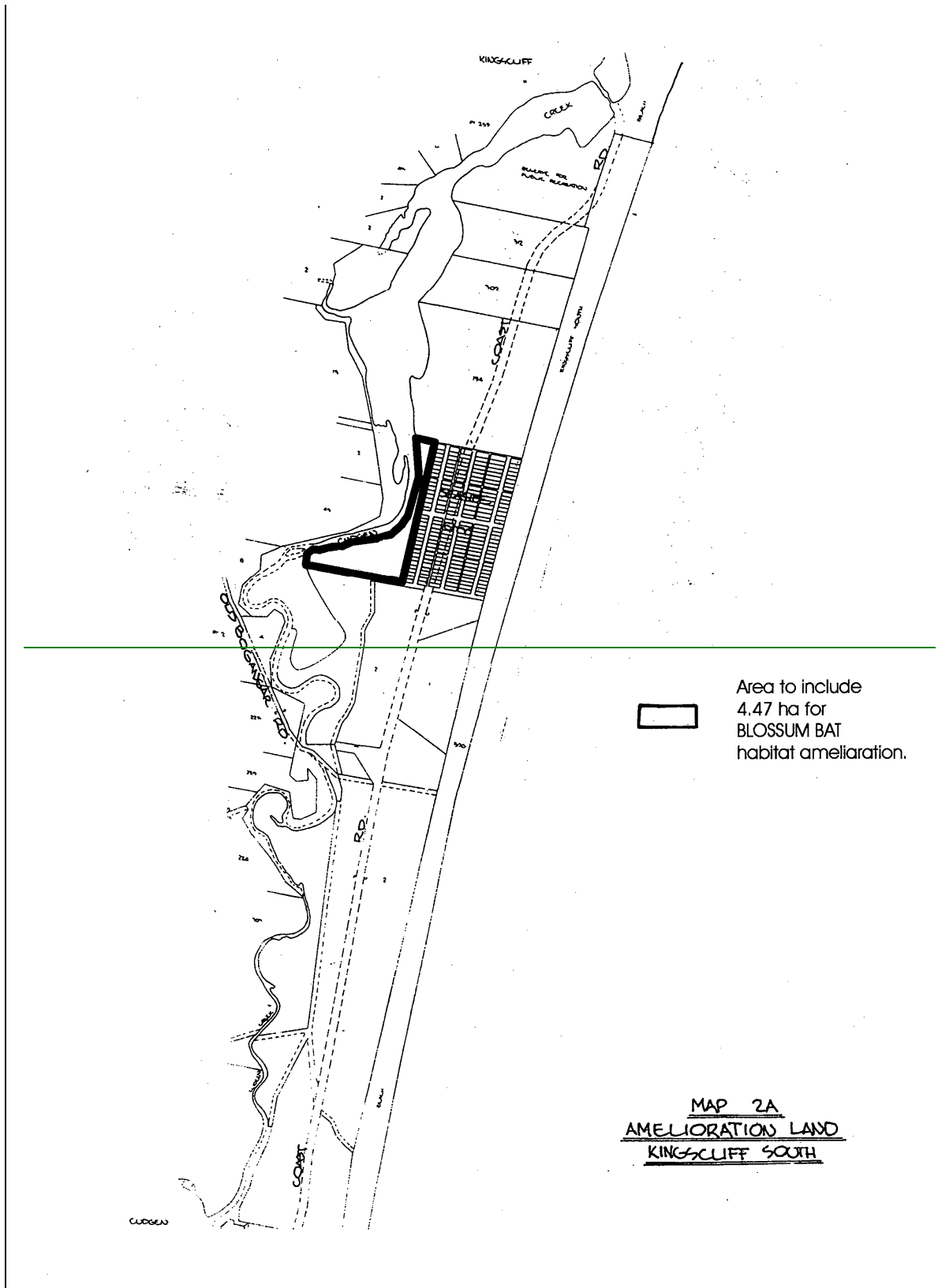
The structured open space nominated on the Plan, contributions shall be levied for acquisition and embellishment of 1.5 hectare site [in Kings Forest at the former waste depot site, being Lot 1 DP 397082 Depot Road, Cudgen.](#)



DRAFT

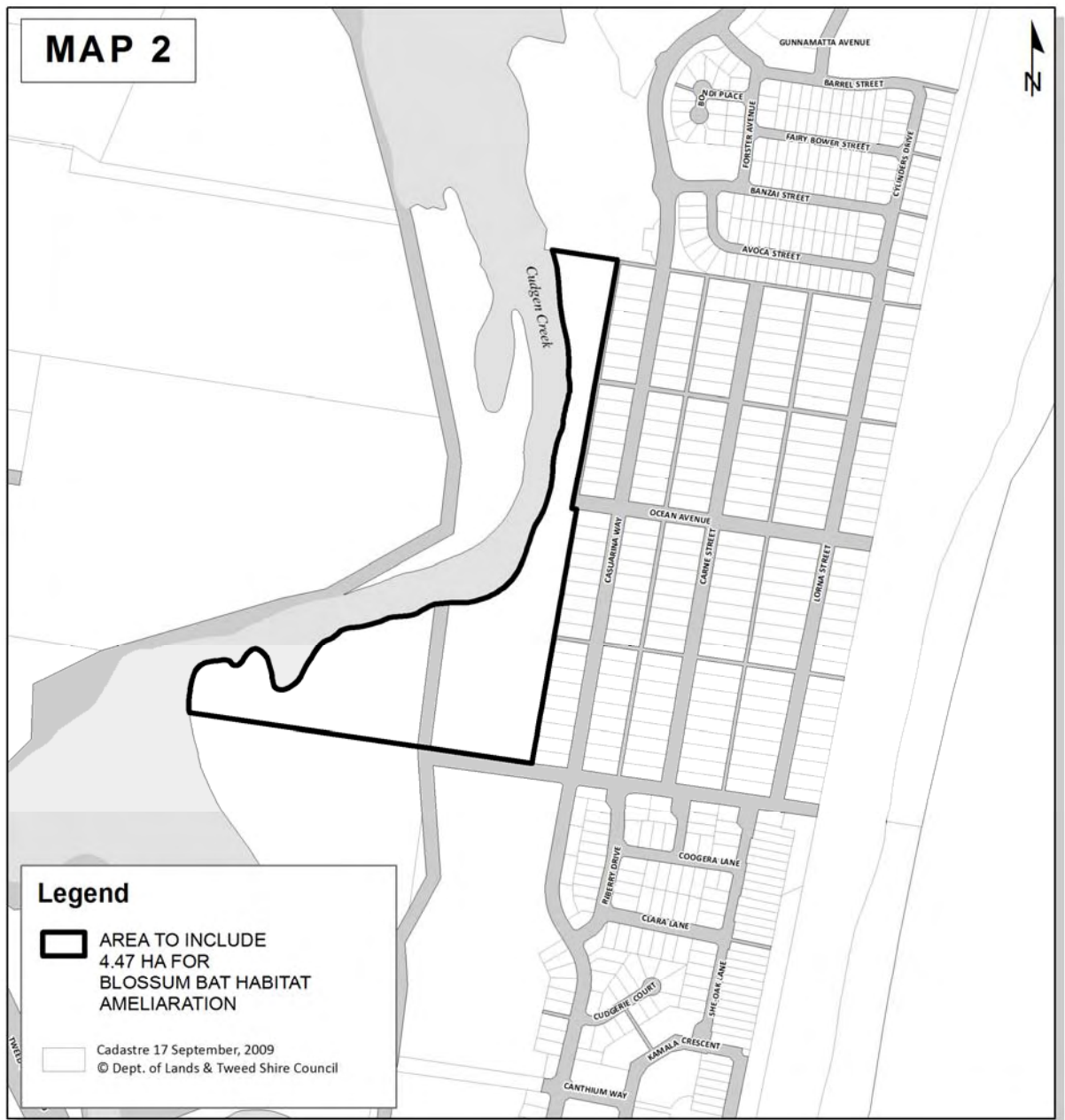


# SECTION 94 PLAN NO 19 – CASUARINA BEACH/KINGS FOREST





# SECTION 94 PLAN NO 19 – CASUARINA BEACH/KINGS FOREST







## SECTION 94 PLAN NO 19 – CASUARINA BEACH/KINGS FOREST

Where contributions are required, contributions are charged on the basis of a single dwelling per lot at the subdivision stage, and in the case of medium density development remaining contributions will be levied upon consent for the additional dwelling units. Tourist developments are levied at the rate of ~~one person per bed~~ per bedroom as specified in Section 1.1 - Summary schedule – contribution rates on page 1.

A cash contribution will be required based on the contribution formula below. If the applicant nominates to undertake works-in-kind in lieu of contributions and these works-in-kind are not completed prior to the release of the linen plan, then the applicant will have to provide Council with suitable financial guarantees (normally by way of Bank Guarantee) for the amount of works not completed. Upon completion of the works the financial guarantee will be discharged by Council.

For structured open space this Plan

### Contribution Formulae:

Cost per person  $\frac{C + (E + K + B)}{P} + 105\%$  administration levy

### Where

C = Value of 1.5ha of land \$500,000 @ \$1,124,290 per hectare in Kings Forest (valuation of Depot Road site April 2008) - 1.5ha of land in Kings Forest from the Depot Road site. ~~\$750,000~~ \$1,686,434

*NB: There was no movement in the TSC Land Index from 2008-2009*

E = Cost of embellishments, as based on information from Council's Recreation Services Unit, ~~and adjusted annually by the use of the Consumer Price Index:~~ \$512,040  
\$639,683

Topsoil - (\$35/m<sup>3</sup> for 7 ha, @150mm deep) \$367,000

Seeding - 120kg/ha at \$6/kg \$5,040

Irrigation \$20,000 per hectare \$140,000

Total embellishment costs \$512,040

Adjusted for IPD (+23%) \$639,683

K = Revaluation cost: initial valuation and annual revaluation \$1,000  
\$1000 + 23% of \$1000 \$1,249

B = Amenities blocks \$337,500  
\$421,633

Council will also require provision of an amenities block and



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carparking area at the 1.5ha playing field.

- At the 1.5 ha playing field: 150m<sup>2</sup> (2 change rooms with showers and toilets, store room and separate toilets for the public)

150m <sup>2</sup> x \$1,350/m <sup>2</sup>	\$202,500
Parking costs: assume 30 car spaces at Lot 9 30 x 30m <sup>2</sup> /car space=2,900m <sup>2</sup> x \$150/m <sup>2</sup>	\$135,000
Total	\$337,500
<u>Adjusted for IPD</u>	<u>\$421,633</u>

P = Population – Permanent residential (3,029) + tourist population (2600) = 5629

**Cost per person**

~~\$1,686,434~~~~\$750,000~~ + ~~\$639,683~~~~\$512,040~~ + ~~\$1,249~~~~\$1,000~~ +  
\$421,633\$337,500 + 105% admin cost  
2,2505,629

~~1,600,540~~ – ~~\$384,844~~  
2,250

= ~~\$2,748,999~~~~\$1,215,696~~ + 105%  
2,2505,629

= ~~\$488.36~~~~\$540~~ per person + 105% admin levy = ~~\$594~~\$513

**PER LOT CONTRIBUTION**

~~single residential lot: 2.6 persons x \$594 = \$1,544~~

~~medium density: 1.7 persons x \$594 = \$1,010~~

~~tourist accommodation: \$594/bed~~

~~Note: At the time of this amendment there had been contributions of \$384,844. This amount has been taken off the above total and an estimated remaining population of 2,250 people has been used.~~

	<u>Persons</u>	<u>Structured Open Space Base Rate 2005</u>	<u>Structured Open Space Indexed 2009</u>
<u>Per person</u>	<u>1</u>	<del>\$594</del> <u>\$298.56</u>	<u>\$ 513</u>



<u>Detached dwelling/lot (1 ET)</u>	<del>2.6</del> <u>2.4</u>	<del>\$1,544</del> <u>\$717</u>	<u>\$ 1,231</u>
<u>1 bedroom unit</u>	<u>1.3</u>	<u>\$388</u>	<u>\$ 667</u>
<u>2 bedroom unit</u>	<u>1.7</u>	<u>\$508</u>	<u>\$ 872</u>
<del>Medium Density Unit</del>	<del>1.95</del>	<del>\$1,010</del> <u>\$582</u>	<u>\$1,000</u>
<u>3 bedroom unit</u>	<u>2.1</u>	<u>\$627</u>	<u>\$ 1,077</u>
<u>4+ bedroom unit</u>	<u>2.4</u>	<u>\$717</u>	<u>\$ 1,231</u>

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

**(d) Passive Open Space**

The developer of Casuarina Beach shall dedicate at no cost to Council the following passive open space areas:

1. Passive open space as shown on the Plan as public open space at no cost in conjunction with registration of the linen plan of subdivision for Stage 1.

The developer shall prepare and submit a plan for the approval of the Director of Development Services prior to the release of the linen plan for Stage 1 for embellishment works and such plans shall provide for:

1. removal of bitou bush and other noxious weeds
2. rehabilitation of the area consistent with the Dune Management Plan
3. provision of adequate and appropriate security lighting for users.
4. Provision of suitable related day visitor facilities, generally consistent with the drawings contained in Appendix E of the Statement of Environmental Effects submitted by the developer to Council.
5. Passive open space later dedicated as public open space as depicted on the Plan including areas related to the drainage reserves and the community common.
6. The future dedication of local parks to be provided in accordance with the provisions of AMCORD 1995 - that is each park to have an area of not less than 2000 m<sup>2</sup>; be generally not more than 250 meters from any residential dwelling and each park's perimeter shall have at least 50% frontage to a public road.



Depending on the location of passive open space this embellishment may also include filling, topsoiling, grading, seeding, planting or installation of seating and playground equipment and shade cover. Developers are required to consult with Council's Recreation Services Unit regarding appropriate embellishment requirements for casual open space prior to embellishment.

Council will be responsible for the future maintenance requirements for passive open space. Where more than the required amount of suitable passive open space is provided, Council may consider its dedication as parkland.

If however a monetary contribution is considered more appropriate than dedication of land, or where the amount of land does not fully satisfy the standard of passive open space to be provided, the following formula shall apply:

$$\text{Contribution per person} = \frac{C + E + A + 105\% \text{ Administration levy}}{P}$$

Where:

C = cost of acquiring land serving the locality

E = improvement, embellishment costs

A = project costs

P = anticipated population in locality to be served by the unstructured open space

### 3.8.2 Cycleways

#### **Background**

Council has examined the feasibility of providing a cycleway network for the entire Tweed Shire and has proposed a local area bicycle plan for Tweed Heads and adjacent areas. It is proposed that a Shire wide Section 94 cycleway plan be introduced following the finalisation of these cycleway routes, with the proposed cycleway along the beach front at Casuarina Beach and its link to Kings Forest forming part of the cycleway network for the Shire.

#### **Nexus**

Cycleway and pedestrian networks are increasingly becoming important requirements for urban areas, as a means for recreation/exercise and as an alternative mode of transport to the private vehicle. This is particularly the case where bicycle traffic is likely to be high, such as along routes connecting shopping centres, parks and other open space areas, which is



planned for Casuarina Beach. In addition the proposed north/south cycleway in Casuarina Beach provides a means for the permanent and tourist population to enjoy the coastal strip area, as well as providing a connection between Kingscliff in the north, Bogangar in the south, and the proposed development of Kings Forest to the west.

### Description of the cycleway

It is proposed that a 2.5 metre wide north-south pedestrian/cycleway, within a 10 metre reserve, shall be provided in the 7(f) zone along the frontage of the development land. A cycleway shall also be provided from the beach front across Casuarina Beach to the proposed Kings Forest development, establishing a link between the two proposed release areas. The majority of the cycleway network for the remainder of Casuarina Beach will be provided as part of the local residential street, and must link to the underpass and cycleway alongside the coast road.

Cycleway/footpaths in local residential streets will be provided as part of the works associated with the subdivision and the remainder of the land is to be dedicated to Council. Section 94 Contributions are therefore only required for the construction cost of:

- the proposed cycleway/footpath along the beach front of Casuarina Beach;
- the cycleway in the 7(a) zone providing the link to Kings Forest;
- the cycleway link through the proposed Community Common to the structured open space area, and the link between the structured open space areas, passive open space areas and the beach in Lots 4 and 5.

The cycleway shall be integrated with any adjacent proposed car parking areas, beach access points and the day visitor facilities to be provided for the casual open space areas, and shall extend to the full frontage of the land including, where necessary, within the Crown Foreshore Reserve subject to the written approval of the Reserves Trust.

It is assumed that the tourist population will take advantage of the cycleway/footpath because of its close proximity to the beach, and therefore a contribution is to be obtained from all tourist accommodation developments in this area.

As there ~~was~~ no Section 94 plan for cycleways in the Shire ~~at present~~ when this plan was first adopted, it is proposed that this Casuarina Beach Plan included the cycleway facility operative only in the development site area at this stage, which will then be intended that this be integrated into a Shire wide cycleways plan when the latter is drafted that plan was drafted. Section 94 Contributions Plan No 22 - Cycleways has



[since been adopted by Council and applies to any additional development in the area covered by this plan.](#)

No contribution is required as the developer of Casuarina is constructing the cycleway as part of the development.

### 3.8.3 Community facilities

#### A. POLICIES

The objective of the community facilities program is to provide an adequate standard of community facilities to satisfy social and cultural needs of the future residents of Casuarina Beach and Kings Forest. The capital works identified will provide benefits to the new residents who will move into these two new release areas over the next 10 to 20 years.

This contribution applies to all forms of residential development in the South Kingscliff [area](#) which encompasses the six main parcels of the Casuarina Beach area, as described on Page 1, and Kings Forest. It is however considered reasonable that the cost of providing these facilities be apportioned between Casuarina Beach and Kings Forest population only and not the area north of the development land as this latter area is zoned 2(t) tourist and, as noted earlier, the tourist population will not be levied for the community facilities. It is considered that residents of both areas will benefit from the facilities, and charged over the time during which the population will be growing.

The range of facilities to be provided under this Plan have been based on a review of accepted standards for community facilities and services and which have been applied to other release areas within the Shire. The proposed facilities are considered primarily local ones for the Casuarina Beach and Kings Forest residents to meet their basic community needs.

The Works Program indicates the appropriate threshold at which to provide the facilities. It is acknowledged that special factors may arise requiring provision of a facility before the stated threshold is reached. Regular reviews of the Plan, including consultation with the service providers, will assist in identifying where adjustments are required.

The key elements of the Community Facilities requirements include:

- the provision of centrally located, socially just, equitable and accessible community services and facilities to meet the needs of Casuarina Beach and Kings Forest's community, including a community centre, youth activity centre, a health centre and an elderly persons' activity centre;





- timely provision of facilities as population grows, with initial priority to encouraging community social bonding and youth activities;
- clustering of facilities in the town centre, where appropriate, for economy, convenience, easy identification and more viable provision of public transport;
- design of facilities, furnishings and equipment in consultation with service providers and user groups in order to ensure successful operation;
- integration of facilities with open space where possible

The facilities will be located conveniently for access by the future population, and in stages concurrent with the population of the two areas.

### B. FACILITY DESCRIPTION

#### 1. Multi Purpose Community/Civic Centre with expanded neighbourhood centre functions, incorporating a library and a co-located /integrated youth centre. ~~multi use hall~~

The centre shall incorporate the following features:

1. Office space for staff, including library staff and potential staff from community service organisations
2. Meeting rooms/spaces that can service both small groups and larger groups ~~which is available for information displays and visiting services;~~
3. A kitchen area with capacity to cater for small functions as required ~~which is suitable to permit social contact;~~
4. Activities areas of sufficient size to permit multi-purpose activities;
5. An art/craft area with a tiled floor and sinks;
6. Storage space ~~permitting the safe storage of equipment;~~
7. A room for the use of nursing mother /baby change facilities;
8. Features such as toddler proof fences which make the centre and grounds safe for children.
9. Toilets /disabled toilets and; change rooms ~~etc.~~

#### 2. Youth Facilities

The co-located youth facilities shall incorporate the following features:



- ~~A space which can be used as a no alcohol café and perhaps video game venue;~~
- Multiple spaces, with casual drop-in capability, and provision for weekend, evening and everyday use;
- A space suitable for amplified music and dancing, and include activities and equipment of interest, ie, computers, games and sports~~which can accommodate a dance floor which is adaptable for other indoor recreational pursuits such as roller skating;~~
- An indoor sports hall for basketball, badminton, volleyball or a cinema;
- A space suitable for an evening youth social club venue with kitchen;
- Toilets;
- Office facilities.~~A space that can be used for information, advocacy and support youth work.~~

### 3. Community Health Centre incorporating Aged Care Services/Respite Centre~~Care Facilities~~

The health care facility shall incorporate the following features:

- Rooms suitable for consultation and visiting services;
- A reception/waiting room area;
- A small kitchen;
- Secure and separate storage area;
- Toilets, including a disabled toilet and baby change room;
- Health care services including maternal and child health, audiology, allied health services, oral health, counselling, Social work, information and referral, outreach services, and an operational base for services such as meals on wheels, day respite for frail aged people or younger people with a disability, or transport services.

### **4. Library Facilities**

A branch library offering access to both text and online resources for learning, and incorporating meeting spaces and areas for study~~shall incorporate the following features:~~





- Office space for library staff;
- An area for displays and exhibitions;
- An area for children's activities;
- Toilets, including a disabled toilet;
- A baby change facility;
- Adequate floor loading facility;
- Study and reference areas.

**C. PROGRAM OF FACILITIES**

Having regard to the overall objectives, anticipated population and distribution of this population, provision has been made for the following:

- ~~4.~~ Community facilities in the Town Centre at Kings Forest ([The Cultural & Community Facilities Plan 2007 did not recommend any facilities at local centres in the Coastal Catchment](#)).
- ~~2.1.~~ Community facilities located in the local shopping centres.

**1. Kings Forest Town Centre**

At the time of preparing this Contribution Plan, ~~no sites had been identified as possible locations for the community facilities as~~ only a draft Master/Concept Plan had been prepared for the estate. In order to be able to include the community facilities for Kings Forest in this Plan for levying purposes, the baseline standards used in the rest of the Shire have been used, with a predicted population of 12,000. When the structure plan for Kings Forest is finalised, this Plan will be reviewed and adjustments will be made to the Plan. In the light of this, the following baseline facilities are proposed:

1. Town Centre Site

a.			<u>Index</u>	<u>Result</u>
	1,000 lot threshold		<u>24.9%</u>	<u>\$562,177</u>
	• Multi use hall and attached child care facility (250m <sup>2</sup> ) @ 1,800/ m <sup>2</sup>	\$450,000	<u>24.9%</u>	<u>\$562,177</u>
	• Youth activities centre (400m <sup>2</sup> ) - sports hall, club @ \$1,800/m <sup>2</sup>	\$720,000	<u>24.9%</u>	<u>\$899,484</u>



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	Land cost of 3,900 m <sup>2</sup>	\$600,000	<u>18.22%</u>	<u>\$709,308</u>
	Driveway/parking costs: assume half of site area = 1950 <sup>m2</sup> hardstand @ \$150/m <sup>2</sup>	\$292,500	<u>24.9%</u>	<u>\$365,415</u>
	Establishment costs	\$30,000	<u>24.9%</u>	<u>\$37,478</u>
	Furnishings, equipment etc	\$25,000	<u>24.9%</u>	<u>\$31,232</u>
<hr/>				
b.	3,000- 5,000 lot threshold			
	• Youth activities centre extension (100m <sup>2</sup> )	\$180,000	<u>24.9%</u>	<u>\$224,871</u>
	• Multi use hall extension (150m <sup>2</sup> )	\$270,000	<u>24.9%</u>	<u>\$337,306</u>
	• Library (250m <sup>2</sup> )	\$450,000	<u>24.9%</u>	<u>\$562,177</u>
	• Community Health Centre(100m <sup>2</sup> )	\$180,000	<u>24.9%</u>	<u>\$224,871</u>
	Land cost: (land area:1,000m - 2x land required for building as some carparking and road access already available):	\$240,000	<u>18.22%</u>	<u>\$283,723</u>
	Driveway/parking costs: assume half of site area = 600 <sup>m2</sup> hardstand @ \$150/m <sup>2</sup>	\$90,000	<u>24.9%</u>	<u>\$112,435</u>
	Establishment costs	\$30,000	<u>24.9%</u>	<u>\$37,478</u>
	Furnishings, equipment etc	\$30,000	<u>24.9%</u>	<u>\$37,478</u>
<hr/>				
	Note: State Valuation Office values land in the 2(e) zone in Kings Forest for above purposes as 'developed land' on 6 August 1998. This evaluation was revised in July 2005 <a href="#">and indexed using the TSC Land Index 2005-2009.</a>			
	<b>SUB TOTAL TOWN CENTRE COMMUNITY FACILITIES</b>	<b>\$3,587,500</b>		<b><u>\$4,425,436</u></b>



**2. Local Shopping Centre Community Facilities**

**1. Casuarina Beach**

It is proposed that the development land will have a permanent population of approx. 3,069 people with the remaining (2,600) made up of tourists. Based on this population projection, it would be appropriate to locate one multi purpose hall/meeting facility with an attached child care facility for use by the users of the facility in the development site, with similar as well as additional facilities to be provided at Kings Forest where a much larger population is envisaged

The tourist accommodation will not be levied for the community facilities as it is assumed that the tourist use of these facilities will be minimal.

It is proposed to locate the community facility in the seaside village, as identified on the Plan, for economy, convenience, easy identification and more viable provision of public transport

The approximate costing for this centre is as follows:

		<a href="#">Index</a>	<a href="#">Result</a>
a. 1,000 lot threshold			
<ul style="list-style-type: none"> <li>Multi use hall/meeting facility - 400m<sup>2</sup> consisting of:</li> </ul>			
<ul style="list-style-type: none"> <li>kitchen, meeting rooms, 3 offices, storage, multi-use hall (200m<sup>2</sup>)</li> </ul>			
<ul style="list-style-type: none"> <li>attached child care</li> </ul>			
<ul style="list-style-type: none"> <li><u>100m<sup>2</sup>,</u></li> </ul>			
<u>Total</u>	<u>500m<sup>2</sup></u>		
Construction cost: \$1,800/m <sup>2</sup> @ 500m <sup>2</sup>	\$900,000	<a href="#">24.9%</a>	<a href="#">\$1,124,354</a>
Land cost: assume land size of 1,500m <sup>2</sup>	\$600,000 <sup>(1)</sup>	<a href="#">18.22%</a>	<a href="#">\$709,308</a>
Driveway/parking costs: assume half of site area=750m <sup>2</sup> hardstand @ \$150/m <sup>2</sup>	\$112,500	<a href="#">24.9%</a>	<a href="#">\$140,544</a>



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Establishment costs (professional fees, oversight of construc. etc)	\$40,000	<u>24.9%</u>	<u>\$49,971</u>
Equipment, furnishings etc	\$25,000	<u>24.9%</u>	<u>\$31,232</u>
(1) Note: State Valuation Office values this land in the 2(e) zone land as 'developed land' with a value for the 1500m <sup>2</sup> site at \$600,000 - Valuation undertaken 25 May 2005.			
<b>2. <u>Kings Forest (two local shopping centres)</u></b>			
a. 3,000 lot threshold			
• Multi use hall and attached child care facility x 2			
Total 250m <sup>2</sup> x 2 = 500m <sup>2</sup> 500m <sup>2</sup> x \$1,800/m <sup>2</sup>	\$900,000	<u>24.9%</u>	<u>\$1,124,354</u>
Land cost of land area required - 3,000m <sup>2</sup>	\$600,000	<u>18.2%</u>	<u>\$709,308</u>
Driveway/parking costs: assume half of site area=1500m <sup>2</sup> hardstand @ \$150/m <sup>2</sup>	\$225,000	<u>24.9%</u>	<u>\$281,089</u>
Establishment costs	\$30,000	<u>24.9%</u>	<u>\$37,478</u>
Furnishings, equipment etc = \$25,000 x 2	\$50,000	<u>24.9%</u>	<u>\$62,464</u>
b. 5,000 -6,000 lot threshold			
• Multi use hall extension (100m <sup>2</sup> ) x 2 200m <sup>2</sup> x \$1,800/m <sup>2</sup>	\$360,000	<u>24.9%</u>	<u>\$449,742</u>
Land cost of land area - 1,600m <sup>2</sup>	\$320,000	<u>18.2%</u>	<u>\$378,298</u>
parking costs: assume quarter of site area = 400m <sup>2</sup> hardstand@\$150/m <sup>2</sup>	\$60,000	<u>24.9%</u>	<u>\$74,957</u>
Note: one quarter of site area used as driveway and some aisle areas already			



established			
Establishment costs	\$30,000	24.9%	<u>\$37,478</u>
<b>SUB TOTAL LOCAL SHOPPING CENTRE COMMUNITY FACILITIES:</b>	<b>\$4,252,500</b>		<b><u>\$5,210,577</u></b>

**CONTRIBUTION LEVY FOR KINGS FOREST/CASUARINA BEACH DEVELOPMENT LAND**

1. Formula to be used if land is not dedicated;

$$C = \frac{F + K}{N} + 105\% \text{ admin levy}$$

where

C = amount of contribution per person

F = total cost of the facilities

N = number of ~~lots~~ expected permanent residents

K = valuation costs: initial valuation and annual revaluation

$$C = \frac{\$7,840,000 + 9,636,014}{15,000} + 105\%$$

$$= \frac{\$7,840,000 - 269,025^*}{15,000}$$

$$= \frac{\$7,570,975 + 9,636,014}{15,000} + 105\%$$

$$= \$504.73639.46 + 105\%$$

$$= \$555.671$$

\* Note: At the time of the amendment there had been contributions of \$269,025. This amount has therefore been subtracted off the total.

**COMMUNITY FACILITIES PER LOT CONTRIBUTION**

**single residential lot: 2.6 persons x \$555 = \$1,443**

**medium density: 1.7 persons x \$555 = \$943**

	<u>Persons</u>	<u>Community Facilities Base Rate</u>	<u>Community Facilities Indexed</u>
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## SECTION 94 PLAN NO 19 – CASUARINA BEACH/KINGS FOREST

		<u>2005</u>	<u>2009</u>
<u>Per person</u>	<u>1</u>	<del>\$555</del> <u>\$546.29</u>	<u>\$ 671</u>
<u>Detached dwelling/Lot (1 ET)</u>	<del>2.6</del> <u>2.4</u>	<del>\$1685</del> <u>\$1,311</u>	<u>\$ 1,611</u>
<u>1 bedroom unit</u>	<u>1.3</u>	<u>\$873</u>	<u>\$ 873</u>
<u>2 bedroom unit</u>	<u>1.7</u>	<u>\$1,309</u>	<u>\$ 1,141</u>
<del>Medium Density Unit</del>	<del>1.95</del>	<del>\$1,369</del> <u>\$1,065</u>	<del>1,309</del>
<u>3 bedroom unit</u>	<u>2.1</u>	<u>\$1,147</u>	<u>\$ 1,410</u>
<u>4+ bedroom unit</u>	<u>2.4</u>	<u>\$1,311</u>	<u>\$ 1,611</u>



## SECTION 94 PLAN NO 19 – CASUARINA BEACH/KINGS FOREST

~~ATTACHMENT A – WORK PROGRAM – S94 CONTRIBUTION PLAN No 19 – CASUARINA BEACH/KINGS FOREST DEVELOPMENT~~ Attachment A – Works Program (subject to final determination of facilities required)

Proposed Amenity	Timing	Area to be acquired/dedicated	Land Cost	Capital Cost	Project Cost	Rate	Indexed Total	Total Cost
<b>Community Facilities</b>								
<u>Kings Forest Town Centre Site</u>								
Purchase/cost of land for community centre	1,000 lots	3,900 sq m	\$600,000			18.22%	\$709,308	
Multi use hall and ancillary child care	1,000 lots	250 sq m		\$450,000		24.9%	\$562,177	
Driveway/parking costs					\$292,500			
Established costs	1,000 lots	1,950 sq m			\$30,000	24.9%	\$365,415	
Furnishings, equipment					\$25,000			
Purchase/cost of land for extension and health centre		1,000 sq m	\$240,000			18.22%	\$283,723	
Youth activities centre	1,000 lots	400 sq m		\$720,000		24.9%	\$899,484	
Youth activities centre extension	3,000-5,000 lots	100 sq m		\$180,000		24.9%	\$224,871	
Multi use hall extension		150 sq m		\$270,000		24.9%	\$337,306	



## SECTION 94 PLAN NO 19 – CASUARINA BEACH/KINGS FOREST

Proposed Amenity	Timing	Area to be acquired/dedicated	Land Cost	Capital Cost	Project Cost	Rate	Indexed Total	Total Cost
Community Health Centre		100 sq m		\$180,000		24.9%	\$224,871	
Library		250 sq m		\$450,000		24.9%	\$562,177	
Driveway/parking		600 sq m			\$90,000	24.9%	\$112,435	
Establishment costs					\$30,000	24.9%	37,478	
Furnishings/equipment					\$30,000	24.9%	\$34,478	
					<b>\$3,587,500</b>			<b>\$4,425,436</b>
<u>Casuarina Beach Local Shopping Centre Site</u>								
Purchase/cost of land for community centre	1,000 lots	1,500 sq m	\$600,000			18.22%	\$709,308	
Baseline community facility - multi use hall ancillary child care	1,000 lots	400 sq m 100 sq m		\$900,000		24.9%	\$1,124,354	
Driveway/parking					\$112,500		\$140,544	
Establishment costs		750 sq m			\$40,000	24.9%	\$49,971	
Equipment, furnishings					\$25,000		\$31,232	
					<b>\$775,000</b>			
<u>Kings Forest Local Shopping Centre Sites (two sites)</u>								
Purchase/cost of land	3,000 lots	3,000 sq m	\$600,000			18.22%	\$709,308	
Multi use hall and ancillary child care 9x 2)		500 sq m		\$900,000		24.9%	\$1,124,354	





## SECTION 94 PLAN NO 19 – CASUARINA BEACH/KINGS FOREST

Proposed Amenity	Timing	Area to be acquired/dedicated	Land Cost	Capital Cost	Project Cost	Rate	Indexed Total	Total Cost
Driveway/parking costs Establishment costs Furnishings	3,000 lots	1,500 sq m			\$225,000 \$30,000 \$50,000	<u>24.9%</u>	<u>\$281,089</u> <u>\$37,478</u> <u>\$62,464</u>	
Purchase/cost of land for extensions		1,600 sq m	\$320,000			<u>18.22%</u>	<u>\$378,298</u>	
Multi use hall extension	5,000-6,000 lots	200 sq m		\$360,000		<u>24.9%</u>	<u>\$449,742</u>	
Driveway/parking costs Establishment costs	5,000-6,000 lots				\$60,000 \$30,000	<u>24.9%</u>	<u>\$74,957</u> <u>\$37,478</u>	
					<b>\$4,252,500</b>			<b><u>\$5,210,579</u></b>
<b>Cycleways</b>		Works-in-kind						
To be located adjacent to the beach reserve leading to Kingscliff and also across to Kings Forest	Stage 1 of development	5,700m			\$444,600	<u>24.9%</u>	<u>\$555,305</u>	<b><u>\$555,305</u></b>
<b>Open Space</b>								
<u>Structured open space</u>								
7 hectares of sports playing fields, including two amenities blocks	Stage 1 of site development and development of Kings Forest	7 hectares	<del>\$750,000</del> <u>\$1,686,434</u>	<del>\$337,500</del> <u>\$415,186</u>	<del>\$513,040</del> <u>\$629,901</u> <u>\$1,230</u>		<del>\$1,600,540</del> <u>\$2,732,751</u>	<b><u>\$2,732,751</u></b>
<u>Unstructured open space</u>								



## SECTION 94 PLAN NO 19 – CASUARINA BEACH/KINGS FOREST

Proposed Amenity	Timing	Area to be acquired/dedicated	Land Cost	Capital Cost	Project Cost	Rate	<u>Indexed Total</u>	Total Cost
Unstructured open space	Stage 1 of the development site	At least 8.8 hectares to be dedicated, and embellished where required						

DRAFT



ATTACHMENT B – CONTRIBUTION RATE SUMMARY

Open Space

Structured Open Space

- single residential lot: 2.6 persons x \$594 = \$1,544
- medium density: 1.7 persons x \$594 = \$1,010
- tourist accommodation: \$594/bed

Community Facilities

If land not dedicated

- single residential lot: 2.6 persons x \$555 = \$1,443
- medium density: 1.7 persons x \$555 = \$943



[Attachment B - History of the Plan](#)

Amendments

Amendment No 1: Addition of the 15 hectare Richtech land along the coast

Minor amendment to the population level and contribution rate

Note: While the projected population of the Richtech land is 777, the revised population projection to be covered by this plan means that there is a net increase of 29 persons from 5600 to 5629.

- Amendment No 2:
1. Increased costs for:
    - Construction of the community buildings, and amenities buildings for the open space areas.
    - Parking areas.
    - Revaluation costs.
  2. Revised land valuations for open space and community facilities.
  3. Deletion of the contribution levy for cycleways as works in kind are being undertaken.
  4. Revised population projections for Kings Forest.

Amendment No 3 (DRAFT Version 4) (this version):

1. It was resolved at a Council meeting held on 30/10/2008 that 1.5ha of land to be acquired for structured open space in Casuarina would now be provided from the former Waste Depot site at Lot 1 DP 397082 Depot Road, Cudgen. This land, which is 8.094ha in total, has been rehabilitated, is currently in the ownership of Tweed Shire Council and various options had been investigated for its use or sale. A valuation completed by Valuers Australia in April 2008 valued the whole site at \$9.1 million.

2. Contribution rates have been recalculated using the following adjustments:

\* Indexation of costs in line with IPD



- \* Indexation of land costs for land required for community services facilities in line with the Tweed Shire Land Index
  - \* Valuation of 1.5 ha of land required for structured open space derived from the valuation of the Depot Road site (ie \$1,124,290 x 1.5) or \$1,686,434.
  - \* Apportionment of full cost to total expected population in the locality.
3. Occupancy rates revised in accordance with the ABS Census 2006 and Tweed Shire Urban Land Release Strategy 2009
  4. Plan has been reformatted to co-incide with latest DoP template for a S94 Plan.
  5. This amendment adds the Attachment 4 for Complying Development Certificates.



Attachment C - Index Calculations

<u>Index Date</u>	<u>IPD</u>	<u>% Increase</u>
<u>30/06/2005</u>	<u>87.13</u>	
<u>31/03/2009</u>	<u>108.85</u>	<u>24.9%</u>

<u>Index Date</u>	<u>TSC Land Index*</u>	<u>% Increase</u>
<u>30/06/2005</u>	<u>120.54</u>	
<u>30/06/2009</u>	<u>142.5</u>	<u>18.22%</u>

\* Published in Tweed Shire Council Revenue Policy



Attachment D – 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:**

$$\text{Rate x Unit or Lot} = \text{Total Charge}$$

$$\text{Total Charge} - \text{Credit} = \text{Contribution}$$

**For dwellings:**

$$\text{(Dwelling type persons x rate per person x number of dwellings of that type)} = \text{Total Charge}$$

$$\text{Total Charge} - \text{Credit} = \text{Contribution}$$

**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 on page 1.

Lots, Units and Persons – Are specified in Section 1.1- Summary schedule – contribution rates on page 1.

Concessions

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

Council Assistance



## SECTION 94 PLAN NO 19 – CASUARINA BEACH/KINGS FOREST

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:

<u>S94 Plan</u>	<u>Sector</u>	<u>Persons</u>	<u>Credit (Persons)</u>	<u>ETs (minus credits)</u>	<u>Total \$</u>
<u>S94 Plan No 19</u>	<u>CP 19</u>	<u>Xxx</u>	<u>Xxx</u>	<u>Xxx</u>	<u>\$xxx</u>

### Condition Template

The condition must be imposed in the following format:

#### # Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

The complying development shall NOT commence unless all Section 94 Contributions have been paid.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS COMPLYING DEVELOPMENT CERTIFICATE MUST BE PROVIDED AT THE TIME OF PAYMENT.**

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.

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.

« Contribution type:

XXX Persons @ \$xxxx per person \$xxxx

S94 Plan No. XX

Sector xxxx