



TWEED SHIRE
COUNCIL

CP22

Section 94 Plan No 22

Cycleways

INFRASTRUCTURE
PLANNING UNIT



www.tweed.nsw.gov.au

DRAFT Version 3

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: ~~8/8/2005~~XXX

SECTION 94 PLAN No 22

CYCLEWAYS

In Force

| ~~10 August 2005~~XXXX

| DRAFT Version ~~2~~3

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1.0 PART A – SUMMARY SCHEDULES

1.1 Summary schedule – contribution rates

	Persons	Rate
Per person	1	\$135.58 \$186.08
Per Lot/ET	2.6 2.4	\$352 \$ 447
Detached dwelling	2.6 2.4	\$352 \$ 447
1 bedroom unit	1.3	\$ 242
Medium density development	1.7	\$ 230 363
2 bedroom unit	1.7	\$316
3 bedroom unit	2.1	\$391
4+ bedroom unit	2.4	\$447

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

1.2 Summary schedule - works program

<u>Total value network to 2021 (minus external funding)</u>	<u>\$18,640,242</u>
<u>Total population 2021</u>	<u>105,183</u>

Works Program

<u>Funded by this plan</u>	<u>\$4,123,491</u>
<u>To be funded by Council and external sources</u>	<u>\$1,649,780</u>
<u>Total construction cost of network 2006-2021</u>	<u>5,773,271</u>

1.3 Published indices at time of adoption

<u>Index</u>	<u>Rate</u>	<u>Index Date</u>	<u>Published</u>
<u>IPD (Engineering Co)</u>	<u>108.6</u>	<u>March 2009</u>	<u>Released 14/07/2009 ABS</u>



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<u>Instruction</u>				
<u>TSC Land Index</u>	<u>142.50</u>		<u>June 2009</u>	<u>2009/2010 Tweed Shire Council Revenue Policy</u>

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2.0 PART B - ADMINISTRATION

~~1.0 INTRODUCTION~~

2.1 Name of plan

The name of this Plan is Tweed Shire Council Section 94 Contributions Plan No 22 – Cycleways.

2.2 Land to which this plan applies

This Section 94 Contributions Plan applies to the whole of the Tweed Shire, except the following zones in the rural, environmental protection and rural village areas which are exempt from the cycleways levy:

Zones 1(a), 1(b1), 1(b2), 1(c), 1(d), 1(f)
 2(d)
 7(a), 7(d), 7(f), 7(l)

The cycle routes are illustrated on the cycleways maps ~~at the end of~~ attached to this plan.

2.3 Purpose of the plan

The purposes of this plan are to:

- ~~1. enable the levying of contributions which will be required to fund the cost of providing cycleway as a consequence of increased demand generated by development in the Shire;~~
- (a) enable the collection of direct contributions for key community infrastructure, being the provision of cultural and sporting facilities (cycleways) in accordance with Section 116H of the *Environmental Planning and Assessment Act*
- (b) ensure that adequate key community infrastructure is provided for as part of any new development
- (c) 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



- (d) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis
- (e) ensure that the existing community is not burdened by the provision of key community infrastructure required as a result of future development
- (f) enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan
- ~~(g) establish the "nexus" between development and the cycleway required;~~
- ~~(h) make clear Council's intentions regarding the location and timing of the cycleway;~~
- ~~(i) demonstrate that the contributions received will be used for the purposes for which they were levied and within a reasonable time;~~
- ~~(j) advise the development industry of the amount of contributions that will be required for the provision of the cycleway.~~

~~13.0 REVIEW OF PLAN~~

~~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.~~

~~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.~~

2.4 Commencement of the plan

The provisions of Section 94 Plan No 22 came into force on 15 September 1999 and Version No 2 came into force on 10 August 2005.



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This amended version (Version 3) 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 XXXXX, pursuant to clause 31(4) of the *Environmental Planning & Assessment Regulation*.

2.5 Relationship with other plans and policies

~~This contribution plan should be read in conjunction with Tweed Local Environmental Plan 1987 and other Shire wide Section 94 Plans.~~

This Plan is part of the package of Contributions Plans prepared for a variety of key community infrastructure which are required to be provided and/or augmented by Tweed Shire Council to meet the needs of new development within the Shire.

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 Tweed Shire Bicycle Plan.

2.6 Definitions and standards

<u>Definitions</u>	
<u>EP&A Act</u>	<u>Environmental Planning and Assessment Act, as amended</u>
<u>EP&A Regulation</u>	<u>Environmental Planning and Assessment Act Regulation, as amended.</u>
<u>IPD (Implicit Price Deflator)</u>	<u>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</u>
<u>TSC Land Index</u>	<u>Index used for adjustment of land acquisition costs – Tweed Shire Council Land Index, as published in Council's Management Plan and Quarterly Report.</u>
<u>Nexus</u>	<u>The relationship between the expected types of development</u>



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



- applications involving subdivision - prior to the release of the subdivision linen plan or subdivision certificate;
- applications 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 C 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.

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.

2.11 Discounting and apportionment factors

Contributions will be levied on the assumption that a dwelling house will be erected on each lot created by subdivision, the occupancy rate to be based on information from ~~the 1996 Census~~ Council's Urban Land Release Strategy 2009. When subsequent development occurs, ~~including subdivisions, which increases~~ creates a housing density ~~at or below 1 dwelling per 450m²,~~ contributions will be based on ~~the medium density occupancy rate from the Tweed Urban Land Release Strategy 2009~~ latest Census per bedroom rates specified in this Plan.



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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 from the latest Census.~~ The amount of contribution paid at subdivision stage will be subtracted from this amount.

~~As~~ As the major part of the rural community will not be in close proximity to the proposed cycleway and therefore less likely to use it, ~~it proposed~~ for the purpose of equity, ~~that~~ all new rural development and development in the rural villages ~~be is~~ excluded from the Section 94 levy for the cycleways. Specifically this exemption applies to Rural Zones, Zone 2(d) Residential - Rural Village Zone, and Environmental Protection Zones.

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.



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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

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

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

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

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.



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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 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.

11.0 CONTRIBUTIONS REGISTER AND ACCOUNTING



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~~Council has established an identifiable account for the management of S94 contributions.~~

~~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.~~

~~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.~~

~~12.0 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.~~



3.0 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 additions to the Shire's cycleway to meet the needs of the increased population as a result of new development and the works program to extend the cycleway network which serves this growth.

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.~~

3.2 Background

The Tweed Shire has become increasingly popular as a destination for residents and tourists. Cycling is recognised by residents and visitors as being an environmentally sustainable and healthy mode of transport. Transport planning now recognises alternative modes of transport to the motorcar such as cycling in terms of both functional and recreational use and cycleways are becoming an integral part of urban development around the world. 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.

In this respect Tweed Council wishes to promote cycling as a safe and environmentally friendly mode of transport throughout the Shire.

In recognition of the benefits of establishing a comprehensive network of bicycle facilities within the Shire, Council commissioned a study to prepare a Tweed Shire Bicycle Plan. This study was completed in May 1995 and on the basis of the findings in the study the opportunities for and constraints on developing bicycle facilities were identified and recommendations for actions required to establish a safe, functional and integrated bicycle network throughout the Shire were made. This Plan mapped a regional bicycle way link throughout the Shire.

While this Bicycle Plan identified the bicycle facilities required within the Tweed Shire, its implementation program and the possible provision of assistance from the State Government, it did not include contributions from new development. [It should be noted that the Bicycle Plan is currently being reviewed.](#)

The Development Area

This cycleways plan proposes links throughout the Shire as well as local cycle links within the urban areas. Contribution levies will therefore apply to all new development within the Tweed Shire, except development in those zones identified in Section 3.02.2.

Proposed Facilities

The value of the existing cycleway in the Shire as at ~~2005~~ 2009 is approximately ~~\$13,565,278~~ [16,474,485](#). The anticipated cost [to 2021](#) of the proposed cycleway is ~~\$8,447,831~~ [\\$5,773,271](#), made up of primarily off-road cycleways. The cycleway will be incorporated into the existing road network where the road width allows, with some costs associated with line marking. The total length of the proposed off-road cycleways under this plan will be approximately [90 kilometres](#). The proposed route and costing of the cycleways is shown at Appendix [BA](#) to this plan.



3.3 Expected population

The total predicted population for the Shire by the year ~~2020~~ 2021 will be ~~approximately 112,000~~ 105,183, an increase of ~~30,000~~ 22,160 over the ~~current~~ 2006 population of ~~82,000~~ 83,023.

3.4 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 in the Shire. 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.

Council has examined the feasibility of providing a cycleway network for the entire Tweed Shire. In this respect Council commissioned a study to prepare a Tweed Shire Bicycle Plan, with this contribution plan providing for the funding of the network as it relates to the proportion created by the new development

Nexus

The cycleway proposed for the Shire under this Plan will benefit both the existing residents and the future population. The existing cycleway has been developed already using a combination of funding from the Roads Traffic Authority of NSW and Tweed Council funds (~~\$75,000 per year from each organisation~~). A total of ~~\$13,565,278~~ \$16,474,485 has been spent on the existing cycleway to date including work on the coastal cycleway by the developers of SALT ~~and~~ Casuarina and Seaside City.

New residential development and population growth will create additional demands for the cycleway. Population growth forecasts indicate an estimated ~~30,000~~ 105,183 persons will reside in Tweed Shire ~~growth between the years 2005 and 2020 in 2021, from an increase on a the~~ current population in 2006 of ~~about 82,000~~ 83,023. It should be noted that contributions from external sources such as the RTA ~~has~~ ve not been included in the calculations for ~~the cycleway~~ this Plan. The calculations for the developer contributions are at Appendix A.

It is also assumed that the tourist population will take advantage of the cycleway and therefore a contribution is to be obtained from all tourist accommodation developments in the Shire.

As the major part of the rural community will not be in close proximity to the currently proposed cycleway and therefore less likely to use it, ~~it proposed~~ for the purpose of equity, ~~that~~ all new rural development and development in the rural villages ~~be is~~ excluded from the Section 94 levy for the cycleways.



Specifically this exemption applies to Rural Zones, Zone 2(d) Residential - Rural Village Zone, and Environmental Protection Zones.

3.5 ~~FORMULAE FOR CONTRIBUTIONS~~ Calculation

Occupancy rates

The occupancy rates used will be those as derived from the ~~1996~~ Census Tweed Urban Land Release Strategy 2009. The occupancy rates are as follows:

~~Separate Dwellings~~ ~~2.6~~ ~~Medium Density~~ ~~1.7~~

	<u>Persons</u>
<u>Per person</u>	<u>1</u>
<u>Per Lot/ET</u>	<u>2.4</u>
<u>Detached dwelling</u>	<u>2.4</u>
<u>1 bedroom unit</u>	<u>1.3</u>
<u>2 bedroom unit</u>	<u>1.7</u>
<u>3 bedroom unit</u>	<u>2.1</u>
<u>4+ bedroom unit</u>	<u>2.4</u>

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

Formula

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).
- project costs, being valuation and annual revaluation of lands.
- a ~~40~~5% levy applies to all Section 94 charges to cover the costs associated with administration, development and review of Section



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94 Plans. ~~This~~ An administration levy has applied to Section 94 charges since 9/12/95.

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Calculation:

		<u>Total</u>
<u>Value of existing network 2009</u>	<u>\$ 16,474,485</u>	
<u>Value of proposed network to 2021</u>	<u>\$ 5,773,271</u>	
<u>Total network value (TNV)</u>		<u>\$22,247,756</u>
-		
<u>External funding sources</u>		
<u>RTA</u>	<u>\$ 2,275,000</u>	
<u>Department of Planning</u>	<u>\$ 569,514</u>	
<u>Regional Infrastructure Program (Federal Govt)</u>	<u>\$ 263,000</u>	
<u>Expected future funding</u>	<u>\$ 500,000</u>	
<u>total external funding</u>		<u>\$ 3,607,514</u>
-		
<u>TNV minus external funding</u>		<u>\$18,640,242</u>
-		
<u>Total population 2021</u>	<u>105,183</u>	
-		
<u>Contribution per person at 100% apportionment/full network/total population</u> = \$18,640,242 105,183		<u>\$ 177.22</u>
<u>Contribution per person including 5% admin</u>		<u>\$ 186.08</u>

The contributions plan can expect to collect \$4,123,491, or 19% of the total value of the cycleway network. The population is expected to increase by 21% during the same period. This leaves an amount of \$1,649,780 which will require funding by Council and external sources.

This results in the following contributions:

	Persons	Rate
Per person	1	\$135.58 <u>\$186.08</u>
Per Lot/ET	2.6 2.4	\$352 <u>\$447</u>
Detached dwelling	2.6 2.4	\$352 <u>\$447</u>
1 bedroom unit	1.3	<u>\$242</u>
Medium density development	1.7	\$ 230 <u>363</u>
2 bedroom unit	1.7	<u>\$316</u>
3 bedroom unit	2.1	<u>\$391</u>
4+ bedroom unit	2.4	<u>\$444</u>



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

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APPENDIX A --CYCLEWAYS CONTRIBUTION COSTS^{[[k1]]}

Plan duration: ~~2005-2006~~ - ~~2020~~2021

Target Population: ~~112,000~~105,183

Existing Population: ~~82,000~~83,023

Population growth: ~~30,000~~22,160 (~~2,000 people per year~~)

Source: Department of Planning (2005) Preferred Population Projection to 2021

Estimated on-going Council funding: ~~\$75,000~~\$92,000 pa, total ~~\$1,575,000~~\$1,380,000

Estimated on-going RTA funding: ~~\$75,000~~\$45,000 pa, total ~~\$1,575,000~~\$675,000 plus contributions of \$1.6 million for Sexton Hill Cycleway completed in 2004 = ~~\$3,175,000~~\$2,275,000.

NB: RTA funding was originally matched by Council \$ for \$ however reductions in RTA funding in recent years has led to Council allocating more funding as the RTA funding level drops. The above revised estimates are made in light of these recent trends.

Additional funding of \$569,514 has been received in recent years from the Department of Planning. It is required that Council apply each year and match any funding received with S94 funds collected. This year there has not been sufficient S94 funds available to enable Council to apply for more such funds.

The total value of the proposed network is now estimated to be \$22,247,756, however it is estimated that only 25% this program, or \$5,773,271, will be completed by 2021.

Value of existing network 2009 = ~~\$13,565,278~~16,474,485
~~as at 2005~~

Value of proposed network to 2021 = ~~\$ 8,447,831~~15,773,271

Total network value (TNV) ~~\$22,013,109~~22,247,756

External funding sources

RTA ~~\$2,275,000~~

Department of Planning ~~\$ 569,514~~

Net TNV (minus RTA contribution) ~~\$18,838,109~~18,640,242

Contribution on behalf of existing population

Value of existing network to 2021 ~~\$13,565,278~~16,474,485

Council total contributions ~~\$ 1,575,000~~500,000



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\$15,140,278

Amount attributable to development between 2005-2020 ————— **\$3,697,831**

PER LOT CONTRIBUTION

Population growth to the year 2020 ————— **= 30,000 people**

<u>Total cycleway works program</u>	
<u>Banora Point</u>	<u>\$5,527</u>
<u>Banora Point</u>	<u>\$3,320,421</u>
<u>Tweed Area</u>	<u>\$5,320,770</u>
<u>Kingscliff</u>	<u>\$5,294,766</u>
<u>Bogangar</u>	<u>\$7,248,516</u>
<u>Pottsville</u>	<u>\$491,946</u>
<u>Murwillumbah</u>	<u>\$1,411,136</u>
<u>TOTAL</u>	<u>\$23,093,082</u>
<u>25% of total program (to 2021)</u>	<u>\$5,773,271</u>

Attributable facility cost ————— **= \$3,697,831**
(net of Council and RTA contribution)

Per Capita Contribution ————— **= \$3,697,831/30,000 + 10%**
Administration levy

————— **= \$123/person + 10%**

————— **= \$135.58**

Single residential lot: 2.6 persons x \$135.58 = \$352

Medium density: 1.7 persons x \$135.58 = \$230

Tourist accommodation: \$136/bed

(See exemptions from levy following The Executive Summary)



[Appendix B – History of the Plan](#)

[Executive Summary](#)

DRAFT Version 3 (This Amendment)

This amendment

- Revises the works program, taking account of outstanding works and expenditure to date.
- Apportions the full cost of the cycleway network to 2021 to the total expected population for 2021, retaining the exemption for residential development in rural zones.
- 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%.
- Calculations in this amendment result in a contribution of **\$186.08** per person. See Section 1.1 to view the rates in detail.

Amendment No. 1 – Version 2

This amendment takes account of an increase in the cost of constructing cycleways. The costs per metre has increased from an average of \$28 to \$47. In updating these costs the duration of this amended plan will remain at 2020. However, the estimated population growth for this remaining period (2005-2020) has been revised in the light of population projections undertaken recently for the Shire. The estimated population growth rate is 2,000 people per year, and therefore the remaining populations for the period 2005 – 2020 is estimated at 30,000.

Appendix A sets out these new costs and population figures, and takes into account work undertaken on the cycleway to date. It should be noted that



SECTION 94 PLAN NO 22 – CYCLEWAYS

part of the cycleway work over the past two to three years has been undertaken at the Casuarina and SALT developments where the developers have constructed the cycleway. That is one reason the value of the existing cycleway as outlined in Appendix A has risen so much since this plan commenced.

The new contribution rate is as follows:

single residential lot: 2.6 persons x \$135.58= \$352

medium density: 1.7 persons x \$135.58= \$230

tourist accommodation: \$136/bed

Exclusion from Plan

The following zones in the rural, environmental protection and rural village areas are exempt from the cycleways levy:

Zones 1(a), 1(b1), 1(b2), 1(c), 1(d), 1(f)

2(d)

7(a), 7(d), 7(f), 7(l)



Appendix C – 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 2.

Lots, Units and Persons – Are specified in Section 1.1- Summary schedule – contribution rates on page 2.

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.



SECTION 94 PLAN NO 22 – CYCLEWAYS

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 12</u>	<u>CP 12</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



[Appendix D – Cycleway Routes](#)

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SECTION 94 PLAN NO 22 – CYCLEWAYS

| [Separate attached document available here.](#)

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