



TWEED SHIRE  
COUNCIL

Section 94 Plan No 12

# Bus Shelters

INFRASTRUCTURE  
PLANNING UNIT



[www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au)

**DRAFT** Version 1.3

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: ~~7/7/2005~~

SECTION 94 PLAN No 12

BUS SHELTERS

|  
In force as at ~~13 July 2005~~ xxxx

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DRAFT VERSION 1.3

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## SECTION 94 PLAN NO 12 – BUS SHELTERS

### 1.0 PART A – SUMMARY SCHEDULES

#### 1.1 Summary schedule – contribution rates

	Persons	Rate
Per person	1	<del>\$10</del> <u>\$25</u>
Per Lot/ET	<del>2.6</del> <u>2.4</u>	<del>\$26</del> <u>\$60</u>
Detached dwelling	<del>2.6</del> <u>2.4</u>	<del>\$26</del> <u>\$60</u>
<u>1 bedroom unit</u>	<u>1.3</u>	<u>\$33</u>
<del>Medium Density Unit</del>	<del>1.6</del> <u>1.95</u>	<del>\$16</del> <u>\$49</u>
<u>2 bedroom unit</u>	<u>1.7</u>	<u>\$43</u>
<u>3 bedroom unit</u>	<u>2.1</u>	<u>\$53</u>
<u>4+ bedroom unit</u>	<u>2.4</u>	<u>\$60</u>

NB: Does not apply to residential development, including subdivision, in a rural zone.

#### 1.2 Summary schedule - works program

<u>Price per shelter including concrete base</u>	<u>\$13,100</u>
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NB: 4 shelters required for each 2,200 persons

#### 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



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### 2.0 ~~INTRODUCTION~~ PART B - ADMINISTRATION

~~Tweed Shire Council intends providing bus shelters to facilitate usage of public transport to and from residential areas, and to provide for the amenity of residents using buses. Section 94 of the Environmental Planning and Assessment Act, 1979 (as amended) enables Councils to require monetary contributions from developers towards the cost of provision of public facilities provided by Local Government, such as community halls and centres, open space and playing fields, and public amenities.~~

#### 2.1 Name of plan

The name of this Plan is Tweed Shire Council Section 94 Contributions Plan No 12 – Bus Shelters.

#### 2.2 ~~Where does the Plan apply?~~ Land to which the plan applies

~~The Plan applies to all residential development, including subdivision, on land within Tweed Shire, except residential development and subdivision within a rural zone, except minor residential development involving less than ten residential allotments or less than ten equivalent tenements in other forms of residential development such as residential flat buildings within existing established residential areas.~~

#### 2.3 ~~What is the purpose of the Plan?~~ Purpose of the plan

The purpose of ~~this~~ the Development Contributions Plan is to:

- (a) enable the levying of developer contributions for the provision of bus shelter facilities. Bus shelters are required to meet the expected demand for such facilities generated by residential population growth within the Shire, particularly in areas of new subdivision or development.
- (b) enable the collection of direct contributions for key community infrastructure, being the provision of local bus facilities in accordance with Section 116H of the *Environmental Planning and Assessment Act*
- (c) ensure that adequate key community infrastructure is provided for as part of any new development
- (d) authorise the council to impose conditions under section 94 (s94) of the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this plan applies
- (e) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis





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- (f) ensure that the existing community is not burdened by the provision of key community infrastructure required as a result of future development
- (g) enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

### ~~2.3~~ What are the aims of the Plan?

~~The aims of this Plan are:~~

- ~~(a) to enable Council to require as a condition of development consent a contribution towards the cost of provision of bus shelter facilities;~~
- ~~(b) to ensure that the contributions levied on residential development under this Plan relates to the planning purpose, relates to the development concerned, and are reasonable;~~
- ~~(c) to establish the nexus between anticipated population growth and development and the demand/need for new bus shelter facilities;~~
- ~~(d) to identify the extent and nature of bus shelter facilities required to serve the needs of the growing population;~~
- ~~(e) to facilitate proper financial management and accountability for expenditure and contributions received.~~

### 2.4 ~~When does the Plan come into effect?~~ Commencement of the plan

The provisions of this Contributions Plan come into effect on 1/4/96, being the date of public notification of adoption by Council of the Plan. This Plan was subsequently amended on 10/2/98, ~~and~~ 13/7/05 and xxxx.

This amended version (Version 1.3) 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 ~~How does the Plan relate to other Plans and what is its status?~~ Relationship with other plans and policies

~~This Plan has been prepared in accordance with the provisions of Section 94AB of the Environmental Planning and Assessment Act 1979 and the attendant~~



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~~Regulations 1994. The Plan supplements the provisions of the Tweed Local Environmental Plan 1987 as amended.~~

This Plan is part of the package of Contributions Plans prepared for a variety of ~~public services and facilities~~ 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.

### 2.6 Definitions and standards

<u>Definitions</u>	
<u>Accredited Certifier</u>	<u>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.</u>
<u>EP&amp;A Act</u>	<u>Environmental Planning and Assessment Act, as amended</u>
<u>EP&amp;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 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</u>



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<u>Definitions</u>	
	<p><u>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.</u></p> <p><u><b>Temporal nexus</b> 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>            Source: <u>Tweed Shire Urban Land Release Strategy 2009</u></p>
<u>1 bedroom unit</u>	<p><u>Equivalent to 1.3 persons</u>            Source: <u>Tweed Shire Urban Land Release Strategy 2009</u></p>
<u>2 bedroom unit</u>	<p><u>Equivalent to 1.7 persons</u>            Source: <u>Tweed Shire Urban Land Release Strategy 2009</u></p>
<u>3 bedroom unit</u>	<p><u>Equivalent to 2.1 persons</u>            Source: <u>Tweed Shire Urban Land Release Strategy 2009</u></p>
<u>4+ bedroom unit</u>	<p><u>Equivalent to 2.4 persons</u>            Source: <u>Tweed Shire Urban Land Release Strategy 2009</u></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:

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



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

### 2.8 Obligation of accredited certifiers

#### **Construction Certificates:**

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

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

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

#### **Complying Development Certificates:**

In accordance with section 94EC of the EP&A Act a certifying authority must impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with this plan. The condition must require payment prior to commencement of works or prior to commencement of use whichever occurs first. The condition must be set out and be calculated in accordance with Appendix 3 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:



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

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

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

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

### 2.11 Discounting and apportionment factors

As the bus route network expands to meet the demand generated by population growth arising from ~~N~~new residential development, and population growth will give rise to the need for provision of, the provision of additional bus shelters along existing ~~or~~ and ~~proposed~~ future bus routes will be necessary.

### ~~2.7~~ What apportionment or discounting of costs is appropriate?

~~Over the next ten years it is anticipated that, on average, in the expanding urban areas of the Shire, the existing population will form only about 30% of the total population by the year 2006; the proportions will vary greatly due to the individual characteristics of development areas within Tweed Shire. It is reasonable to, therefore, apportion only 70% of the cost of bus shelters to new development, to take account of the proportion of costs which is attributable to the existing population. It is intended that all advertising revenue be utilised for maintenance only, and not for the capital costs of providing shelters.~~

A typical new residential neighbourhood of approximately 64ha (ie, 4 modules or cells of 400m) with a population of 2,200 persons, would be likely to require provision of about 5-8 bus stops and, say, 4 bus shelters (assuming an average dwelling density of twelve dwellings per hectare).



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This plan has previously provided for the collection of contributions for bus shelters from rural development. Previous versions of this plan did not collect a contribution from smaller urban developments of less than 10ET. This version apportions the contribution to all residential development in Tweed Shire except for development in rural zones. It is felt that although many properties in rural zones are in reasonable proximity to a bus route, the frequency of personal trips from and to those properties is likely to be limited, given the more infrequent bus services available to those locations.

Given the above factors, together with the likelihood that any new bus shelters will be constructed in and used by residents of residential and urban areas, contributions will be collected from all residential development in those areas only, and apportionment of the cost per person in those areas will be set at 100%.

~~Obviously, the situation will differ in detail depending on a number of factors.~~

It is likely that some bus shelters will continue to be provided or subsidised by private sponsorship; however, this is expected to occur only in existing areas or commercial areas, rather than in new subdivisions. -It is intended that all advertising revenue be utilised for maintenance only, and not for the capital costs of providing shelters. Grant funding, which has also contributed significantly to previous works programs also cannot be guaranteed to continue. Where appropriate, Council will continue to require actual provision of bus shelters as conditions of consent to the larger, self-contained subdivisions, and in these cases, contribution levies will not be sought under Section 94.

### 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



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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

<u><math>\\$C_A</math></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><math>\\$C_{LV}</math></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.

### 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.



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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.

### ~~2.8 How is accountability ensured?~~

~~Council is required by legislation to maintain a Contributions Register, and to produce annual statements on the performance of the plan. These documents will be provided at cost upon request.~~

~~Any material change to the Plan with the exception of the annual adjustment of contribution amounts will require the Plan to be amended in accordance with Section 94AB of the Environmental Planning and Assessment Act 1979. This will require full exhibition of the amended Plan and consideration of submissions received.~~



### 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 bus services to meet the needs of the increased population as a result of new development and the works program designed to provide it.

#### 3.2 What bus shelter facilities are proposed?

Current residential design guidelines, such as Tweed Shire Council's Subdivisions Manual, AMCORD 1995, and QLD Streets (1993), recommend that the design of new residential subdivision estates provide for bus routes via collector roads such that 90% of allotments or dwellings are within a 400m straight line distance of a potential bus route. Existing bus routes and bus services are available mainly through private operators, Surfside Buslines and the Murwillumbah Bus Company to the main urban areas of the Shire, namely Tweed Heads, Tweed Heads West, Tweed Heads South, Banora Point, Terranora, Bilambil Heights, Kingscliff, Chinderah, Bogangar/Cabarita Beach, Hastings Point, Pottsville and Murwillumbah. It is anticipated that bus routes be available through all new residential subdivision release areas by appropriate planning of street systems at subdivisional stage to achieve the objective of 90% of houses being located within 400m of straight line distance of a bus route.



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### 3.3 What is the cost of bus shelter facilities?

The bus shelter design recommended by the Director, Engineering Services & Operations is known as the 'Seapspray' design. ~~consists of an aluminium-framed construction with tinted polycarbonate sheeting to back and sides, similar to those provided to the Gold Coast City Council and known as the "metrolite".~~ The cost of this unit, including construction of the concrete base, in ~~2005-2009~~ prices is approximately ~~\$7,300~~ \$13,100.

### 3.4 How is the nexus between anticipated new development and the proposed contributions established?

As the bus route network expands to meet the demand generated by population growth arising from ~~New residential development and population growth will give rise to the need for provision of,~~ the provision of additional bus shelters along existing ~~or and proposed future~~ bus routes will be necessary.

New subdivisions are required to provide lots with access to a bus route within 400m of the property boundary. It is argued that most properties within the shire, including rural properties, are in reasonable proximity to a bus route of some kind. It is felt that the frequency of personal trips from and to rural properties is likely to be limited, given the more infrequent bus services available to those locations and hence a contribution for bus shelters will not be levied on residential development in rural zones.

~~Over the next ten years it is anticipated that, on average, in the expanding urban areas of the Shire, the existing population will form only about 30% of the total population by the year 2006; the proportions will vary greatly due to the individual characteristics of development areas within Tweed Shire. It is reasonable to, therefore, apportion only 70% of the cost of bus shelters to new development, to take account of the proportion of costs which is attributable to the existing population. It is intended that all advertising revenue be utilised for maintenance only, and not for the capital costs of providing shelters.~~

A typical new residential neighbourhood of approximately 64ha (ie, 4 modules or cells of 400m) with a population of 2,200 persons, would be likely to require provision of about 5-8 bus stops and, say, 4 bus shelters (assuming an average dwelling density of twelve dwellings per hectare).

Previous versions of this plan did not collect a contribution from smaller urban developments of less than 10ET. This version apportions the contribution to all residential development in Tweed Shire, including smaller urban developments of less than 10ET, except for development in rural zones.

Given the above factors, together with the likelihood that any new bus shelters will be constructed in and used by residents of residential and urban areas, contributions will be collected from all residential development in those areas only, and apportionment of the cost per person in those areas will be set at 100%.



~~Obviously, the situation will differ in detail depending on a number of factors.~~

~~New development, and also existing development, may benefit from the provision of such facilities.~~

~~It is expected that most of the additional 22,000 persons to be accommodated within Tweed Shire over the next ten years (1996-2006) will be living in new dwellings in new subdivisions or estates with a minority accommodated in the form of infill development in existing established areas or rural residential developments.~~

~~As already stated, new estates are required to be designed generally such that 90% of dwellings or allotments are within 400m of an existing or proposed bus route, and it is reasonable to assume that about four shelters would be provided to service a neighbourhood of approximately 2,200 persons.~~

~~It is reasonable that a major share of the costs of providing facilities be apportioned to new residential development, the occupants of which would derive direct benefits from and require usage of the bus shelters over a number of years.~~

#### 4.0 HOW THE PLAN WORKS

### 3.5 How the levy is calculated

The formula for determining the development contribution towards the provision of bus shelters is as follows:

$$\text{Levy per person} = \frac{C}{n} \times P$$

where C = cost of provision of four bus shelters within typical urban growth neighbourhood  
n = total population within the neighbourhood  
P = proportion attributable to new development (70%)

P = proportion attributable to new development (70%)

n = total population within the neighbourhood

$$= \frac{\$7,300}{2,200 \text{ persons}} \times 4 \times 70\%$$

$$= \frac{\$10.00}{2,200 \text{ persons}} \times 4 \times 70\% + 105\%$$

$$= \$25.00 \text{ per person}$$

Based on current occupancy rates per dwelling or per lot, the actual contribution rates are as follows:

- Contribution per residential lot created or per additional dwelling (2.6 persons per dwelling) = \$10.00 x 2.6 = \$26 (rounded).



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- Contribution per medium density dwelling, such as townhouse, flat, or caravan park site (1.7 persons per dwelling) =  $\$10 \times 1.6 = \$16$  (rounded).

	Persons	Rate
Per person	1	<del>\$10</del> <u>\$25</u>
Per Lot/ET	<del>2.6</del> <u>2.4</u>	<del>\$26</del> <u>\$60</u>
Detached dwelling	<del>2.6</del> <u>2.4</u>	<del>\$26</del> <u>\$60</u>
<u>1 bedroom unit</u>	<u>1.3</u>	<u>\$33</u>
<del>Medium Density Unit</del>	<del>1.6</del> <u>1.95</u>	<del>\$16</del> <u>\$49</u>
<u>2 bedroom unit</u>	<u>1.7</u>	<u>\$43</u>
<u>3 bedroom unit</u>	<u>2.1</u>	<u>\$53</u>
<u>4+ bedroom unit</u>	<u>2.4</u>	<u>\$60</u>

NB: Does not apply to residential development, including subdivision, in a rural zone.

~~For the purposes of this Plan, minor residential developments comprising less than ten allotments or ten equivalent tenements located within any existing established urban area will not attract a levy.~~



APPENDIX 1

BUS SHELTERS CONTRIBUTIONS PLAN

1995/1996 Ledger

MONTH	COUNCIL- EXPENDITURE	ADMINISTRATION- LOAD	DEVELOPMENT- CONTRIBUTION	INTEREST	NET BALAN



### APPENDIX 1 – Plan History

#### TWEED SHIRE BUS SHELTERS CONTRIBUTIONS PLAN NO 12 LEVY SUMMARY

Version 1.3 - This Plan was reviewed and amended on 13 July 2005 to apply an increase in the contribution rate due to an increase in the cost of the bus shelters.

The new levy rates are:

Single Residential Lot	\$26 per Lot
Medium Density Residential Lot	\$16 per Lot

The occupancy rate per dwelling has also been amended as follows:

Single Residential Lot from 2.9 persons per dwelling to 2.6 persons per dwelling.

Medium Density Residential Lot from 2.2 persons per dwelling to 1.7 persons per dwelling.

#### **DRAFT Version 1.3 (this amendment)**

##### This amendment

- Updates the cost of providing a bush shelter to 2009 levels.
- Fully apportsions the cost to all urban residential development.
- 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.
- Adds Appendix 3 – Complying Development Certificates.
- Applies the current Department of Planning Template for a S94 plan.
- Revises the admin component from 10% to 5%.

Calculations in this amendment result in a contribution of **\$25.00** per person. See Section 1.1 - Summary schedule – contribution rates on page 1 to view the rates in detail.





## SECTION 94 PLAN NO 12 – BUS SHELTERS

### APPENDIX 2 – Expenditure

Expenditure on bus shelters over the past 4 years showing source of funds:

<u>Fin year</u>	<u>Funding Source</u>	<u>Maintenance</u>	<u>Capital expenditure</u>	
			<u>other sources</u>	<u>s94</u>
<u>2006-2007</u>	<u>CPTIGS</u>		<u>\$ 156,000</u>	
<u>2007-2008</u>	<u>CPTIGS</u>		<u>\$ 86,636</u>	
	<u>S94</u>			<u>\$ 72,000</u>
<u>2008-2009</u>	<u>CPTIGS</u>		<u>\$ 92,000</u>	
	<u>S94</u>			<u>\$ 23,000</u>
<u>2009-</u>	<u>Attorney Gen Dept - Lighting</u>		<u>\$ 78,000</u>	
	<u>Attorney Gen Dept - Refurbishment</u>	<u>\$ 108,000</u>		
	<u>S94</u>			<u>\$ 59,883</u>
			<u>\$ 412,636</u>	<u>\$ 154,883</u>
	<u>s94 funds in bank</u>			<u>\$ 35,075</u>
	<u>Total S94</u>			<u>\$ 189,958</u>
				<u>32%</u>



## SECTION 94 PLAN NO 12 – BUS SHELTERS

### Appendix 3 –Complying Development Certificates

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

**For commercial and industrial development:**

Rate x Unit or Lot = Total Charge

Total Charge – Credit = Contribution

**For dwellings:**

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

Total Charge – Credit = Contribution

**Notes:**

Credit

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

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

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 12 – BUS SHELTERS

### 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