

# CP15

**Section 94 Plan**

## **No. 15 – Developer Contributions for Community Facilities**

**Version 6.0  
September 2010**

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

GENERAL MANAGER

DATE: 21 September 2010

SECTION 94 PLAN No 15  
 DEVELOPER CONTRIBUTIONS FOR COMMUNITY FACILITIES  
 Version 6 (Amendment 5)  
 In Force: 29 September 2010

Version	Adopted	Description	Effective
1			26/10/1996
Amendment 1	18/2/1998	Works program updated	4/3/1998
Amendment 2		Works program and occupancy rates updated	15/5/2000
Amendment 3	21/1/2004	Works program updated	27/1/2004
5 (Amendment 4)	15/12/2009	Admin levy reduced to 5%; works program, occupancy rates and levy updated	23/12/2009
6 (Amendment 5)	21/9/2010	Incorporates SGS report findings, extends area covered to whole of Shire, revises works program	29/9/2010

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## 1.0 PART A – SUMMARY SCHEDULES

### 1.1 Summary schedule – contribution rates

	Persons	Contribution
Per person	1	\$544
Detached dwelling/Lot/1 ET	2.4	\$1,305.60
1 bedroom unit	1.3	\$707.20
2 bedroom unit	1.7	\$924.80
3 bedroom unit	2.1	\$1,142.40
4+ bedroom unit	2.4	\$1,305.60

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

### 1.2 Summary schedule - works program

#### Remainder persons/area after adjustments

Population Growth in Catchments 2010-31	Adjusted Persons	Floor Area requirements	Land Area (m <sup>2</sup> at 50% site coverage)	Building cost (at 3,453/m <sup>2</sup> )
Urban North total: 19,950 • <i>exclude Cobaki Lakes (12,000)</i>	7,950	1,192m <sup>2</sup>	2,384	\$4,115,976
Coastal Towns total: 19,950 • <i>Exclude CP 19 area (10,000)</i>	9,950	1,492m <sup>2</sup>	2,984	\$5,151,876
Rural West 2,940	2,940	441m <sup>2</sup>	882	\$1,522,773
<b>Shire expected growth population to 2031 is 42,840 Remainder Area is 20,840 persons</b>	<b>20,840</b>	<b>3,125m<sup>2</sup></b>	<b>6,250</b>	<b>\$10,790,625</b>

### 1.3 Published indices at time of adoption

Index	Rate	Index Date	Published
IPD (Engineering Construction)	95.49	March 2010	Released 14/7/2010 ABS
TSC Land Index	142.50	June 2009	2009/2010 Tweed Shire Council Revenue Policy

## 2.0 PART B – ADMINISTRATION

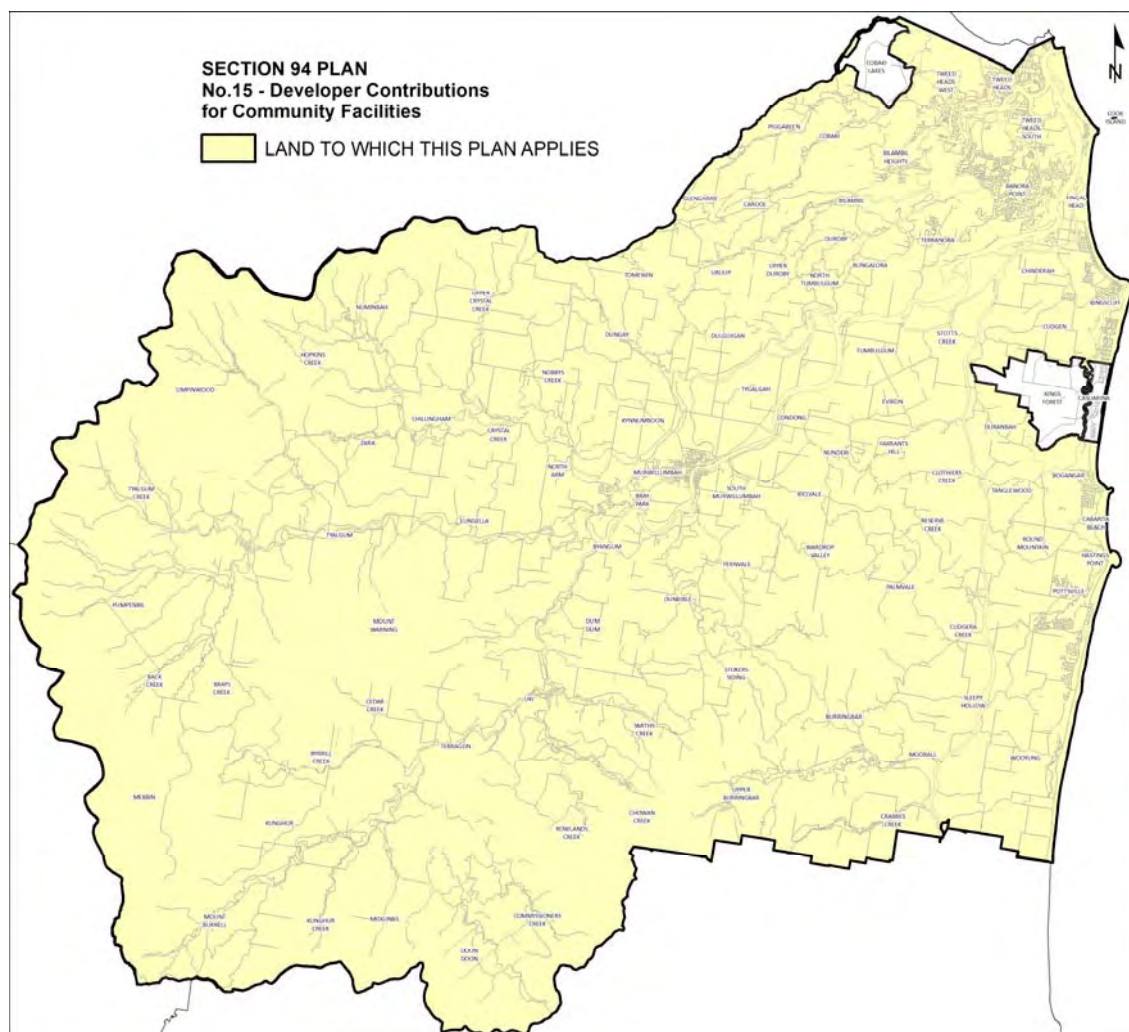
### 2.1 Name of plan

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

### 2.2 Land to which the plan applies

This plan applies to the whole of Tweed Shire, with the exception of those major release areas for which a separate S94 Plan has already been established, being S94 Plan No.10 – Cobaki Lakes and S94 Plan No.19 – Casuarina Beach/ Kings Forest.

It replaces S94 Plan No.15 – Developer Contributions for Community Facilities Version 5, which previously applied only in the two Coastal Districts, North and South.



### 2.3 Purpose of plan

The purpose of the Development Contributions Plan is to:

- (a) enable the social policies contained in the 04/24 Tweed Futures Strategic Plan to be realised, and to meet accepted standards of provision in locations convenient for the Shire population;
- (b) implement the Whole of Shire Cultural & Community Facilities Plan 2007 (SGS Consultants) recommendations covering the whole of the Tweed Shire;
- (c) ensure that all future shire development contributes equitably to the funding of needed community facilities identified in the 2007 Shirewide Community & Cultural Facilities Plan, or generated by subsequent development proposals;
- (d) enable the collection of direct contributions for key community infrastructure, being the provision of cultural and social facilities in Tweed Shire in accordance with Section 116H of the *Environmental Planning and Assessment Act*
- (e) ensure that adequate key community infrastructure is provided for as part of any new development
- (f) 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
- (g) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis
- (h) ensure that the existing community is not burdened by the provision of key community infrastructure required as a result of future development
- (i) enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

### 2.4 Commencement of the plan

Version 1 of this plan came into effect on 26 October 1996 and was subsequently amended on 4 March 1998, 15 May, 2000 27 January 2004 and 23 December 2009. This amended version (Version 6) 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 29 September 2010, pursuant to clause 31(4) of the *Environmental Planning & Assessment Regulation*.

### 2.5 Relationship with other plans and policies

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

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

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

2.6 Definitions and standards

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



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

## 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 B of this plan.

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

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

### **Recalculation of contributions:**

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

## 2.9 Deferred/periodic payments

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

- (a) compliance with the provisions of Clause 2.8 is unreasonable or unnecessary in the circumstances of the case,
- (b) deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program,
- (c) where the applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and council and the applicant have a legally binding agreement for the provision of the works or land dedication,
- (d) there are circumstances justifying the deferred or periodic payment of the contribution.

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

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

#### 2.10 "In-kind" settlement or material public benefit

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

Council may accept such alternatives in the following circumstances:

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

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

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

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

2.11 Discounting and apportionment factors

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

2.12 Adjustment of contribution rates

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

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

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

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

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

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

Where

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

## Section 94 Plan No. 15

### Community Facilities



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:

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

Where

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

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

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

### 2.13 Adjustments at the time of payment

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

The current contribution rates are published by council and are available from council offices. Should the council not validly publish the applicable contribution 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 authorises monetary s94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) to any item in the works schedule. The priorities for the expenditure of the levies are shown in the works schedule, however Council may by resolution amend these priorities to reflect future changes in community demand or future development patterns.

#### 2.16 Savings and transitional arrangements

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

#### 2.17 Register

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

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

### 3.0 PART C – STRATEGY PLAN AND NEXUS

#### 3.1 Introduction

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

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

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

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

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

#### 3.2 Methodology

The recommended outcomes of the 'Whole of Shire Cultural & Community Facilities Plan 2007' are taken as a starting point.

The Facilities Plan identified current needs in terms of facilities, and projected them as a program of facilities to be provided according to thresholds of need and population growth in the three major divisions of the Shire. It also classified facilities as local, district or shirewide (regional), which has implications for S94 funding.



The Plan analysed the Shire's 'greenfield' growth areas, including both those already under development and those not yet rezoned, identifying an ultimate growth capacity for 52,858 additional people.

Since 2007 Council has undertaken an Urban Land Release Strategy which includes updated growth forecasts.

Since 2007 also, studies of 'brownfield' re-development potential have resulted in plans such as the draft Tweed Heads City Centre LEP and the Murwillumbah Growth Strategy, which is a source of population growth not previously considered.

### 3.3 Facilities Plan Recommendations

The 2007 Facilities Plan recommended a range of facilities be provided, either immediately where the need already existed (this caters for existing population and is not relevant to the S94 Plan), or progressively from 2008 to 2024 as population grew, across the three divisions of the Shire, termed Urban North, Coastal, and Rural West.

The Plan identified 16 facilities for Urban North District, 19 for Coastal District, and 0 for Rural West, required Post-2007. It also combined identified needs into multi-purpose facilities, and estimated the floorspace required and the cost of facilities on current building cost indices. As a strategic plan, it focused on the larger growth areas, and did not propose facilities for growth areas of less than 4,000 population. This means that including smaller growth areas could support the generation of contributions for a shirewide S94 plan.

### 3.4 Nexus between Expected Population and Community Facility Demand

The power to levy contributions under S94 relies entirely upon Council's ability to establish a clear nexus between the proposed urban or rural development and the need for increased amenities and services.

A causal nexus is established by the Shire becoming one of the fastest growing regional areas of Australia, averaging 2.2% population growth per annum over the 2001-2006 Census period, compared to NSW growth of 0.7%. Indications are that growth will continue at a similar rate. Apart from the two large excluded release areas, a number of smaller areas are growing, zoned for urban development, or proposed to be rezoned in the Tweed Heads area, along the Coast and as far west as Murwillumbah. In addition, infill or brownfield redevelopment is occurring or envisaged in some of the major urban areas, particularly as part of the Tweed Heads CBD proposals. As each growth area develops, it gives rise to a need for new community facilities and human services in a local centre.



Physical nexus is established by ensuring that new and upgraded facilities are appropriately distributed through the Shire in the Works Program to cater for the new development.

Temporal nexus is satisfied by also including in the Works Program funding to enable a facility construction program that keeps in step with the progression of subdivision and housing construction in each growth area. Timing of expenditure during the Plan period will be triggered by accrual of sufficient funds and the commencement of particular residential developments.

### 3.5 Guiding Principles for Provision of Community Facilities

The types of facilities provided to promote community development throughout Tweed Shire will be diverse to cater for a wide variety of needs arising from the many different social groups in the community. They can be separated into two broad groups:

- 1) Meeting Places for social development including –
  - Auditoriums and larger assembly halls,
  - Village halls and activity centres
  - Meeting rooms attached to other facilities, or in shopping centres.
- 2) Multi-purpose Centres with several compatible, more specialised uses sharing facilities –
  - Children's care and education,
  - Youth activities,
  - Senior's activities,
  - Community support, welfare, meals on wheels and safe places
  - Health and respite centres, disability support and special needs,
  - Cultural services, libraries, museums and art galleries
  - Information centres,
  - Office space for lease to community organisations.

A standard of floorspace provision for community facilities based on historic precedent has been established – 150m<sup>2</sup> per 1,000 population is currently provided. Combinations of facilities will be designed according to local needs, and in collaboration with partner organisations and external funding sources, adopting recognised population thresholds for each type of facility, as recommended in the Community Facility Plan 2007.

Land costs for facilities will be accounted for, whether they are on existing public land, donated land or land purchased in the open market.

Partnerships with other organisations and other funding bodies to provide and manage facilities will be encouraged.

Council will aim to secure resources for both hard and soft infrastructure in each facility, by providing not only buildings and equipment, but also staffing and management, to maximise benefits from the assets for the community.

Facilities will be well-located in the transport network to enable access for all, and will adopt fully accessible design standards for access by people with a disability.

Council will adopt sustainable, low-carbon building technology, and will design facilities to maximise use of contemporary information technology to meet community needs.

### 3.6 Shirewide Approach to Community Facilities

The required facilities identified in the 2007 Facilities Plan are as follows:

- **Bilambil Heights Multi-purpose Centre** including child care centre: minimum 1,200m<sup>2</sup> - maximum 5,400m<sup>2</sup> floorspace, cost (at \$3,453/m<sup>2</sup>) \$4,143,600 - \$18,646,200.
- **Terranora Area E Multi-purpose Centre** (referred to in the Facilities Plan, but not estimated): adopt draft DCP proposals for 1,000m<sup>2</sup> gfa multi-purpose community centre and day care service, for a population of up to 5,000 persons cost (at \$3,453/m<sup>2</sup>) \$3,453,000.

Additional facility needs for growth identified since 2007 include both 'greenfield' and 'brownfield' developments:

- o **Expansion of facilities for Tweed Heads CBD redevelopment.** Served by the existing Civic Centre, but expanded for the more intensive development envisaged in the Tweed Heads CBD LEP 2009, (estimated as 7,000 persons by 2035, or 5,880 persons by 2031.. *(note: this development is included in the Facilities Plan estimated Urban North residential growth of 19,950 from 2010 to 2031.)*  
  
*(In 2007 the Facilities Plan estimated growth of 12,000 at Cobaki Lakes by 2024. In 2010 Cobaki Lakes has not been finally approved, but assuming commencement in 2011, is likely to be fully developed by 2031. This would reduce the estimated share of growth in Urban North outside Cobaki Lakes to (19,950-12,000) = 7,950.)*
- o **Expansion of facilities for envisaged redevelopment in South Tweed CBD.** This is also part of Urban North, and has existing facilities at Heffron St. Proposals have been placed on hold due to drainage issues, but are expected to contribute to urban densification of 3,000 people in the Plan period.

- **Expansion of facilities for the Coastal Towns, outside Kings Forest/Casuarina.**

Much of the Facilities Plan estimated 19,950 Coastal growth by 2031 is assumed to be provided for in CP19, but will also be partly in Kingscliff, West Kingscliff, Tanglewood, Pottsville and Dunloe Park, and proportional facilities there are justified.

*(In 2007 the Facilities Plan estimated growth of 10,000 at Kings Forest by 2024, and a further 2,000 at Casuarina by 2009; in 2010, Casuarina is substantially developed; Kings Forest has not commenced but is assumed to be fully developed by 2031; therefore growth in CP19 by 2031 is estimated as 10,000 (KF), leaving 9,950 growth for the shirewide S94 Plan).*

- **Expansion of facilities for Murwillumbah urban release areas in Rural West.**

Growth is ongoing in West Murwillumbah and rural subdivision proposals since 2007, and is envisaged at Kielvale. These would not generate sufficient growth for a facility in terms of the 2007 Facilities Plan (ie, a minimum of 4,000 population), but do contribute to need for expansion of existing community facilities.

A study of the redevelopment potential of central Murwillumbah has also been completed, indicating moderate prospects of population growth; 1,500 has been assumed, this is within the overall Facilities Plan Rural West estimated growth of 2,940.

- **Nightcap Village.**

Growth of 1,000 in population is envisaged, which also contributes to need for expansion of facilities in Rural West.

- This Plan excludes Cobaki Lakes S94 Plan No.10 facilities and Casuarina Beach/Kings Forest S94 Plan No.19 facilities, which have already been negotiated with and accepted by the developer of those release areas.
- It also excludes the Regional Performing Arts Centre recommended in the 2007 Facilities Plan, for which Council is preparing a separate Regional Performing Arts Centre S94 Plan to provide for this unique facility over a long time scale.

Population Projections (Planning NSW – Preferred Series)

	Tweed Heads	Tweed Part B	Tweed Shire
2006	53,317	29,706	83,023
2011	58,932	31,939	90,871
2016	63,928	34,167	98,095
2021	68,795	36,388	105,183
2026	73,629	38,547	112,176
2031	78,147	40,607	118,754
Total Growth	46.6%	36.7%	43.0%
Annual Growth	1.5%	1.3%	1.4%

### 3.7 Estimated Floorspace Needs

As noted in the Facilities Plan 2007 (Section 2, Planning Framework), identifying needs, establishing standards of service, and anticipating demand for community facilities is an imprecise field; whereas S94 Plans need to be very precise in their calculations for funding purposes.

**Standard Floorspace Expansion.** A standard floorspace expansion rate (150m<sup>2</sup>/1000 population) has been developed, based on the total existing community facilities floorspace in relation to existing Shire population:

Existing Floorspace of Community Facilities in 2010 (F)

(2) Council-maintained civic centres: = 2,750m<sup>2</sup>, plus

(21) Council community centres, neighbourhood centres and public halls = 3,200m<sup>2</sup>

(9) Community pre-school centres = 2,900m<sup>2</sup>

(2) Museums and (1) Regional Art Gallery = 2,590m<sup>2</sup>

(11) Tenanted Council buildings, including Family day care, Tweed Valley Respite Cottage, NORTEC, Volunteering Tweed, Meals on Wheels, and others = 2,170m<sup>2</sup>

Total (F) = **13,620m<sup>2</sup>**

(excludes non-Council-managed public halls (1,600m<sup>2</sup>))

(excludes 3 Council branch libraries covered by a separate S94 Plan,

(excludes 2 tourist information offices)

## Section 94 Plan No. 15

### Community Facilities



(excludes Council administration office space, depots and operational buildings)

#### Total Population 2010:

Community Profile 2008, Planning NSW Projection to 2011: 90,870.

ABS 2008 ERP (86,833) increasing	at 2.6%pa	= 91,407 (Jun 2010)
	at 2.2%pa	= 90,697
	at 1.8%pa	= 89,987

ABS Census average annual Shire Growth 2001-2006 was also 2.2%

2010 Community Facilities	Floorspace/1,000 Population (150m <sup>2</sup> )	= 13,620/90..7
		<b>= 149.6m<sup>2</sup>/1000 persons</b>
Estimated Floorspace Required:	2010-2031 Pop. Growth at 150m <sup>2</sup> /1,000	
Urban North Facilities –	19,950 persons X150m <sup>2</sup> /1,000	= 2,993m <sup>2</sup>
Coastal Facilities–	19,950 persons X150m <sup>2</sup> /1,000	= 2,993m <sup>2</sup>
Rural West Facilities –	2,940 persons X 150m <sup>2</sup> /1,000	= 441m <sup>2</sup>
	Total Floorspace Required 2010-2031 =	<b>6,427m<sup>2</sup></b>
Based on estimated Remainder Area populations, Remainder Area floorspace required 2010-2031 is:	(1,192.5m <sup>2</sup> + 1,492.5m <sup>2</sup> + 441m <sup>2</sup> )	<b>= 3,126m<sup>2</sup></b>

These floorspace figures are shown in the Works Program. When allocated between the nine proposed facility projects they allow only very restricted building sizes; however, they may be supplemented by funds from other sources in some instances.

### 3.7.1 Discounting & Apportionment Factors

Full cost recovery (no apportionment) can only be used where the facility is provided to meet the level of demand anticipated by new development only. If the proposed community facilities satisfy not only the demand of new development, but also some regional demand of existing population, or make up for some existing deficiency, only the proportion of the demand created by the new development can be charged.

The circumstances of this Plan, being a shirewide plan, are different from plans that are restricted to a particular release area.

In the Remainder Area (after excluding Cobaki Lakes and Kings Forest/Casuarina) new community facilities will not usually be shared by the existing population, which generally has its own pre-existing facilities in closer proximity.

In the more isolated Greenfield developments such as Bilambil Heights and Nightcap Village it can be argued that facilities would be inaccessible to residents living elsewhere. For these reasons, full cost recovery is considered appropriate.

### 3.7.2 Aged Persons

In view of the expected high usage of community facilities by the older population, it is not proposed to make any exclusions from contributions for community facilities by seniors' housing developments, or for housing designed for or marketed to older people.

## 3.8 Estimated Building Costs

### **Construction cost:**

The construction cost used in this plan is **\$3,453** per square metre, as sourced from current construction estimates for the Murwillumbah Community Centre as at December 2009, as follows:

<b>Project Budget</b>	<b>Estimate December 2009</b>
Construction, landscaping, consultants and design costs based on QS Report Simon Torney and Associates dated 2 December 2009	3,000,000
Area of Building sq Metres	695
Cost Per Square Metre	\$ 4,316.55
Reduction based on Architectural Difficulty and intrinsic issues with this site	20%
<b>Adjusted Cost per Square Metre</b>	<b>\$ 3,453</b>

- **Land cost:** Local facilities provided within major new residential developments are usually provided on the release area as part of local estate planning, by agreement with the developer.
- Shirewide or Regional facilities such as the Performing Arts Centre, on the other hand, may not be integral to a residential development, and may need to be located more centrally on more expensive land. The land component of the project may be more significant, and land may have to be purchased on the market. Land cost should be included in S94 Plans for these Regional facilities to avoid the risk they may not proceed otherwise.
- For local facilities in residential release areas agreement should be reached with the developer to provide sites at no cost for facilities, which enhance the appeal of the particular development to purchasers of lots..

### 3.9 Estimated Population Growth

- **Appropriate S94 Plan period:**  
2031 aligns with the Far North Coast Regional Strategy and the Tweed Shire Urban Land Release Strategy periods, though is longer than Local Government Department guidelines suggest. The S94 Plan will be updated regularly, at least once each Census period, so the Plan period length is not critical. In a situation where the commencement of development of release areas is continually postponed, a longer period minimises abortive work in updating forecasts, timescales and contribution rates.

Total Shire Growth may be estimated from Tweed Urban Land Release Strategy 2009:

Estimated lots to be released – Years 0-5	3491
- Years 6-10	6167
10 years total	9678 lots

X 21/10 = 20,324 lots over 21 years

X 2.4 persons/household = 48,777 persons total growth by 2031.

The Remainder Area Growth may be estimated by excluding Cobaki Lakes / Kings Forest / Casuarina (total 22,000 persons):

48,777-22,000 = 26,777 persons growth in the remainder of the Shire.

(Note: this figure is inconsistent with the Remainder Area growth in the Works Program (20,840) obtained by adding the three district growth figures. The district growth figures were based on SGS Facility Plan 2007 population estimates, rather than Planning NSW Projections, because the latter are not

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### Community Facilities



divisible into districts. The actual growth figure is likely to be in the range 20,840-26,777).



### 3.10 Levy Formula

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

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

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

### 3.11 Levy Calculation

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

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

#### Per Capita Costs

Per capita contribution is calculated from:

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

#### Equivalent Tenements

Assumptions are made about tenement occupancy, as follows:

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

#### Allocation of the Development Fraction of Costs:

##### **Calculation:**

<b>Cost of facilities</b>	<b>= \$3,453 x 3,125m<sup>2</sup></b>
	<b>= \$10,790,625</b>
<b>5% admin</b>	<b>= \$539,531</b>
<b>Total plan cost</b>	<b>= \$11,330,156</b>
<b>Cost per person</b>	<b>= \$11,330,156 / 20,840 persons</b>
	<b>= \$544</b>

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	Persons	Contribution
Per person	1	\$544
Detached dwelling/Lot/1 ET	2.4	\$1,305.60
1 bedroom unit	1.3	\$707.20
2 bedroom unit	1.7	\$924.80
3 bedroom unit	2.1	\$1,142.40
4+ bedroom unit	2.4	\$1,305.60

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

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### Community Facilities

### 3.12 Works Program: Catchments, Facilities and Costs

Population Growth in Catchments 2010-31	Floor Area Growth in Catchments 2010-31 (m <sup>2</sup> )	Proposed Facility	Facility Floor Area Allocation (m <sup>2</sup> )	Building Cost (\$) (at \$3,453/m <sup>2</sup> *)	Land Cost		Estab't Cost(\$)#	Expected Priority
					Area (m <sup>2</sup> at 50% site coverage)	Cost (\$)^		
Urban North 19,950 (exclude 12,000 in Cobaki Lakes) <b>= 7,950 persons</b>	Area of Urban North 150m <sup>2</sup> /1,000 x 7.95 <b>= 1,192m<sup>2</sup></b>	Bilambil Heights Multi-purpose Centre	350	\$1,208,550	700	\$219,800	35,000	6
		Terranora (Area E) Multi-purpose Centre	350	\$1,208,550	700	\$219,800	35,000	8
		Tweed Heads CBD Growth Facilities	292	\$1,007,984	584	\$161,396	35,000	4
		South Tweed Heads Growth Facilities	200	\$690,600	400	\$125,600	35,000	7
Coastal Towns 19,950 (exclude 10,000 in CP19 area) <b>= 9,950 persons</b>	Area of Coastal Towns 150m <sup>2</sup> /1,000 x 9.95 <b>= 1,492m<sup>2</sup></b>	Coastal Towns Growth Facilities:						
		-Kingscliff	500	\$1,726,500	1,000	\$314,000	35,000	3
		-Bogangar/Tanglewood	292	\$1,008,272	584	\$161,396	35,000	2
		-Pottsville	500	1,726,500	1,000	\$314,000	0	1
		-Dunloe Park	200	\$690,600	400	\$125,600	35,000	9
Rural West <b>= 2,940 persons</b>	Area of Rural West 150m <sup>2</sup> /1,000 x 2.94 <b>= 441m<sup>2</sup></b>	Murwillumbah Growth Facilities:						
		-Extension to facilities in Murwillumbah	441	\$1,522,733	882	\$236,817	0	5
<b>Shire 42,840 CP 15 Area 20,840 persons</b>	<b>Shire Total 6,427m<sup>2</sup> CP15 Area 3,125m<sup>2</sup></b>	<b>Total</b>	<b>3,125</b>	<b>\$10,790,625</b>	<b>6,250</b>	<b>\$1,878,409</b>	<b>\$245,000</b>	

## Section 94 Plan No. 15

### Community Facilities



- \* Cost per square meter based on adjusted 2009 cost – Murwillumbah Community Centre
- ^ Land Costs based on NSW Land and Property Management Authority, Country Land Values 2009, for Tweed Heads (\$314,000/1000m<sup>2</sup>) and Murwillumbah (\$268,500/1000m<sup>2</sup>).
- # Establishment Costs based on Job Grade 5 gross salary for 27 weeks, plus 31% on-costs (not applicable to the expansion of an existing facility).

Initial Facility Floor Area allocations between projects may be varied when projects are developed, depending on future needs, timing of developments and funding available.

Appendix A – Plan History

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

**Amendment 2**

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

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

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

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

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

## Section 94 Plan No. 15

### Community Facilities



including an interest component for a total purchase cost of approximately \$319,000.

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

#### Stingrays Football Club

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

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

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

#### Pottsville Community Centre

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

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

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

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

program set in place to distribute these funds. Approximately \$89,000 has been collected in the South Coast area. The funds borrowed from this account will then be re-paid to this account as it becomes available in the Contribution Plan.

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

**Amendment No 3**

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

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

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

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

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

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

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

In addition it has always been proposed that a skate facility be provided as an additional community facility alongside the Stingrays club to cater for the younger

population along the coast. The additional population identified will enable this facility to be constructed when the funds become available under this plan.

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

### Version 5

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

This results in a contribution of **\$242** per person for Tweed Coast North and **\$274** person for the Tweed Coast South.

### Version 6 (this version):

- Incorporates SGS Facilities Plan 2007 report findings;
- Extends area covered to whole of Shire (excluding Cobaki Lakes, Kings Forest and Casuarina);
- Updates the construction cost per square metre to **\$3,453** per square metre. See Section 3.8 for more detail.
- Revises works program resulting in a contribution rate of **\$544** per person. See the Summary Schedule at Section 1.1 for more detail.



## Appendix B – Complying Development Certificates

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

**For commercial and industrial development:**

Rate x Unit or Lot = Total Charge

Total Charge – Credit = Contribution

**For dwellings:**

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

Total Charge – Credit = Contribution

### **Notes:**

#### Credit

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

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

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

#### Concessions

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

#### Council Assistance

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

## Section 94 Plan No. 15

Community Facilities

### Contribution Fee Sheet

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

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

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

### Condition Template

The condition must be imposed in the following format:

# **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*



Customer Service | 1300 292 872 | (02) 6670 2400

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PO Box 816  
Murwillumbah NSW 2484

Murwillumbah Ratepayers and Residents Association  
PO Box 851  
MURWILLUMBAH 2484

20th August, 2010

The General Manager  
Tweed Shire Council  
P O Box 816  
Murwillumbah  
NSW 2484

PUBLIC MEETINGS.  
S94 COMM FACILITY

TWEED SHIRE COUNCIL	
FILE No:	SEC 94 PLAN NO: 5 -
DOC. No:	.....
REC'D:	20 AUG 2010
ASSIGNED TO:	RAYNER, M
HARD COPY	<input type="checkbox"/>
IMAGE	<input checked="" type="checkbox"/>

Dear Mr Rayner,

RE: Submission on Draft Section 94 Plan, No. 15 -  
Developer Contributions for Community Facilities  
Version 6.0

Thank you for making your officers available to inform the public of this important subject. Sadly it was poorly attended. I was in attendance, as a representative of the Ratepayers Association, and I was shocked that this kind of oversight from the Financial sector has been able to go on for so long.

It is apparent from Development Contributions Plan purpose in part 8, "Ensure that the existing community is not burdened by the provision of key community infrastructure required as a result of future development." This part makes it essential to put this plan into action as soon as possible. We have all ready missed out on contributions from all development in Murwillumbah, such as, Riveroak Drive, Belleview Heights, Hundred Hills, Sovereign Heights, and River Vue Estates. The number of people that this has created now over-runs our infrastructure. It is Council responsibility to maintain our standards, and change with the times.

We are being pressured financially by the incremental rises in our rates, and to take action, and adopt this Plan will ease some of the future burden that we are going to face as we grow bigger, faster.

Please encourage Council to adopt the Plan, along with the Whole of Shire Cultural and Community Facilities Plan. There is a lot of work to be done, and it may show us as sub-standard, but if we refuse to acknowledge, and act upon these reports, then we jeopardise our ratepayers level of social and community survival.

Sincerely,



Robyn Lemaire  
Chairperson for  
Murwillumbah Ratepayers and Residents Association