

# **CP05**

## **DRAFT**

### **Section 94 Plan**

## **No 5 – Local Open Space**

Version 6.1.17  
~~November XXX 2009~~ 2013

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

GENERAL MANAGER

DATE: ~~17 November 2009~~XXXX  
2013

DRAFT SECTION 94 PLAN No 5

Local Open Space

Version ~~76.1.1~~

Version	Date Effective	Comments	Approved by Council
Amendment No 4	21 July 1999	Revised works program, taking account of revised population figures, extension of life of plan.	
Amendment No 5	17/9/2003	Revision of cost of Piggabeen Sports Ground.	9/9/2003
Version 6	24/10/2008	Revision of occupancy rates, enable indexation, revised population projections, new rates, updated works program.	9/10/2008
Version 6.1.1	25/11/2009	Change admin levy from 10% to 5%, provide occupancy rate breakdown	17/11/2009
<u>Version 7</u>	<u>Xxxx</u>	<u>Removes exclusion of CP 27 area from this plan, updates works program to current costs, amends dwelling house definition</u>	<u>xxx</u>

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## 1.0 PART A – SUMMARY SCHEDULES

### 1.1 Summary schedule – contribution rates

CONTRIBUTION FOR PROVISION AND EMBELLISHMENT OF LOCAL STRUCTURED OPEN SPACE						
Additional Resident Population for the purposes of structured open space 2006 – 2031		Cost of Local Open Space Provision & Upgrading <a href="#">Indexed 5/2013</a>	Persons	Levy	INDEXED RATE 1 JULY 2009	<a href="#">INDEXED RATE Version 7 5/2013</a>
Population ex development areas	33,609					
Aged care beds	-2,055					
Net population increase	31,554	<del>\$7,560,000</del> <del>8,176,140*</del>				
Levy per						
• Person			1	\$240	\$251	<del>\$259.12</del>
• Dwelling house/lot			2.4	\$575	\$602	<del>\$622</del>
• 1 bedroom unit			1.3	\$312	\$327	<del>\$337</del>
• 2 bedroom unit			1.7	\$408	\$427	<del>\$440</del>
• 3 bedroom unit			2.1	\$504	\$528	<del>\$544</del>
• 4_ bedroom unit			2.4	\$575	\$602	<del>\$622</del>

\* Including 5% admin levy-

Does not apply to tourist accommodation or aged persons

CONTRIBUTION FOR PROVISION AND EMBELLISHMENT OF LOCAL CASUAL OPEN SPACE						
Additional Resident & Tourist Population for the purposes of casual open space 2006 – 2031		Cost of Local Open Space Provision & Upgrading <a href="#">Indexed 5/2013</a>	Persons	Levy	INDEXED RATE 1 JULY 2009	<a href="#">INDEXED RATE Version 7 5/2013</a>
Population ex development areas	33,609					
Tourist Beds	+500					
Net population increase	34,109	<del>\$7,140,000</del> <del>7,721,910*</del>				
Levy per						
• Person			1	\$209	\$219	<del>\$226.39</del>
• Dwelling house/lot			2.4	\$502	526	<del>\$543</del>
• 1 bedroom unit			1.3	\$272	\$285	<del>\$294</del>
• 2 bedroom unit			1.7	\$356	\$373	<del>\$385</del>
• 3 bedroom unit			2.1	\$440	\$460	<del>\$475</del>
• 4_ bedroom unit			2.4	\$502	\$526	<del>\$543</del>

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\* Including 5% admin levy

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

## 1.2 Summary Works Programs

### Local Structured Open Space

Proposed Amenity	Total Cost
Kingscliff Sports Complex (Walter Peate, Reg Dalton, Merv Edwards Sports Fields)	<del>\$2,000,000</del> \$2,450,000
Piggabeen Sportsfield	\$1,335,000
Arkinstall Park Upgrade (Local)	250,000
<b><u>Bogangar/Hastings Point, Pottsville, Burringbar (includes rural catchment)</u></b>	
• Upgrade Pottsville sports facilities	<del>\$160,000</del> \$270,000
• Bogangar – Les Burger Field	<del>\$755,000</del> \$545,000
• Round Mountain - Barry Smith Fields	<del>\$300,000</del> \$400,000
<b><u>Murwillumbah (includes rural catchment):</u></b>	
• Knox Park – Netball, Croquet	<del>\$800,000</del> \$350,000
• Murwillumbah – Jim Devine	\$800,000
• Murwillumbah – Stan Sercombe	\$500,000
• Murwillumbah – Les Cave, Rabjones	\$300,000
<b>SUB-TOTAL</b>	\$7,200,000
<u>+ indexation ABS IPD 8.15%*</u>	<del>\$586,800</del>
<u>Subtotal including indexation</u>	<del>\$7,786,800</del>
Administration Levy 5%	<del>\$360,000.00</del> 389,340
<b>TOTAL</b>	<del>\$7,560,000.00</del> <b>8,176,140</b>

\* See Appendix E - Indexation Summary for calculation of this index.

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### Local Casual Open Space

Proposed Amenity	Costs to be Funded
<b>Tweed Heads/ West Tweed</b>	
<del>Ducat Park Upgrade (5)</del> <u>Not proceeding</u>	<del>\$250,000</del>
Razorback Look-Out	<del>\$100,000</del>
Kennedy Drive / Cobaki Creek Upgrade (6)	<del>\$125,000</del>
Quota Park Upgrade	<del>\$200,000</del>
	<del>\$250,000</del>
	<del>\$150,000</del>
<b>South Tweed/Banora Point</b>	
Upgrade local parks	\$500,000
Kingscliff/Chinderah/	
Upgrade <u>Open Space at Cudgen Creek (north shore)</u> <u>Local Parks</u>	<del>\$500,000</del>
	<del>\$150,000</del>
<b>Fingal</b>	
Upgrade boat harbour and foreshore area	\$500,000
<b>Bogangar/Hastings Point</b>	
Upgrade Local Parks	\$1,500,000
<b>Pottsville</b>	
Upgrade Casual Open Space	\$1,000,000
<b>Murwillumbah Parks</b>	
<u>Upgrade Knox Park and</u> local parks	\$2,000,000
<b>SUB-TOTAL</b>	\$6,800,000.00
<u>+ indexation ABS IPD 8.15%</u>	<del>\$554,200</del>
<u>Subtotal including indexation</u>	<del>\$7,354,200</del>
Administration levy 5%	<del>\$340,000.00</del>
	<del>\$367,710</del>
<b>TOTAL</b>	<del>\$7,140,000</del>
	<del>\$7,721,910</del>

\* See Appendix E - Indexation Summary for calculation of this index.

### 1.3 Published Indices at time of Adoption

Index	Rate	Index Date	Published
IPD (Engineering Construction)	<del>96.64</del> <del>116.21</del>	March 2008	<del>Released 15/07/2008-</del> <del>ABS</del> Released ABS April 2013
TSC Land Index	179.51	June 2007	<del>2008/2009</del> 2013/2014-Tweed Shire Council Revenue Policy

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## 2.0 PART B - ADMINISTRATION

### 2.1 Name of this development contributions plan

The name of this Plan is *Tweed Shire Council Section 94 Contributions Plan No. 5 – Local Open Space (Version [67](#))*.

### 2.2 Area to which this plan applies

This Plan applies to all new residential and tourist accommodation development on land within the Shire of Tweed in relation to local structured and casual open space, except for development within the urban release areas of Banora Point/Tweed Heads South, West Kingscliff, Cobaki Lakes Kings Beach/ Kings Forest, Seabreeze Estate (Pottsville), Terranora Village, SALT, ~~Tweed Heads~~ & Seaside City to which Section 94 Contribution Plan Nos: 1, 7, 10, 19, 20, 21 25, ~~27~~ & 28 apply.

See Appendix A for a map showing the land to which this Plan applies. If any new local area contribution plan is made which includes provision for local open space contributions, this plan will not apply to the area defined by the new plan.

### 2.3 Purpose of this plan

The purpose of the Development Contributions Plan is to:

- (a) enable the collection of direct contributions for key community infrastructure, being the provision of local open space in accordance with Section 116H of the *Environmental Planning and Assessment Act*
- (b) ensure that adequate key community infrastructure is provided for as part of any new development
- (c) authorise the council to impose conditions under section 94 (s94) of the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this plan applies
- (d) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis
- (e) ensure that the existing community is not burdened by the provision of key community infrastructure required as a result of future development
- (f) enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

### 2.4 Objectives of this plan

The objectives of this Plan are as follows:

- To implement the Tweed Shire Open Space Infrastructure Policy (2002) concerning local open space provision;
- To enable the acquisition of land for local public open space which is defined as key community infrastructure in accordance with Environmental Planning and Assessment Regulation 31A;

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- To enable Council to require, as a condition of development consent, a reasonable contribution towards the cost of providing local public open space to meet the needs of the development;
- To demonstrate compliance with Environmental Planning and Assessment Regulation 116H by establishing the nexus between population growth as a result of future development and demand / need for local open space facilities; and
- To require the dedication of land for local open space where appropriate in cases where Council considers the development and land has the locational and quality attributes for viable open space.

#### 2.5 Commencement of the plan

This development contributions plan has been prepared pursuant to the provisions of s94 of the *Environmental Planning & Assessment Act* and Part 4 of the *Environmental Planning & Assessment Regulation* and takes effect from the date on which public notice was published, pursuant to clause 31(4) of the *Environmental Planning & Assessment Regulation*.

#### 2.6 Relationship with other plans and policies

This Plan replaces the previous *Section 94 Contributions Plan No. 5 - Open Space Contribution Version 6 (Amendment No.5)* which came into force on ~~14 September~~[17 November 2009](#)~~2009~~.

This Plan takes account of the Tweed Shire Open Space Infrastructure Policy 2002. The Policy provides a mechanism by which the current and future needs of local open space are able to be determined, thereby enabling the calculation of future monetary contributions for the provision and embellishment of open space to be accurate and reasonable.

Development standards for provision, dedication and embellishment of open space are detailed in Tweed Shire Council Development Control Plan Section A5 – Subdivision Manual (Table A5-8) and Development Design Specification D14- Landscaping and Open Space.

Section 94 Contributions Plan No 26 sets out Council's requirements and policy in respect of shirewide/regional open space.

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

### 2.7 Definitions and standards

Definitions	
Accredited Certifier	For the purposes of the certification of Construction Certificates and Complying Development Certificates as referenced in this plan, the Accredited Certifier is the principal certifying authority.
EP&A Act	Environmental Planning and Assessment Act, as amended
EP&A Regulation	Environmental Planning and Assessment Act Regulation, as amended.
IPD (Implicit Price Deflator)	Index used for adjustment of construction component – refers to the value of work done (implicit price deflator); Chain Volume Measures; Engineering Construction; ABS Reference A405071T, ABS Product Number 8782.0.65.001
TSC Land Index	Index used for adjustment of land acquisition costs – Tweed Shire Council Land Index, as published in Council's Management Plan and Quarterly Report.
Structured (Active) Public Open Space	<p>Sportsfields used for organised sporting activities such as cricket, rugby league, rugby union, hockey, netball, etc. These areas do not include open trunk drains and lakes.</p> <p>Cycleways will not, by themselves, be included as structured open space. They may be provided in conjunction with the provision of sportsfields.</p>
Casual (Passive) Public Open Space	<p>Public open space utilised for a variety of generally “non-organised” activities. These areas include neighbourhood parks, natural bushland parks, formal garden parks and pedestrian links. These areas do not include open trunk drains and lakes.</p> <p>Cycleways will not, by themselves, be included as casual open space. They may be provided in conjunction with the provision of neighbourhood parks, etc.</p>
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

Definitions	
	service or facility must be provided within a reasonable time.

Standards used in this contributions plan	
<a href="#">Detached Dwelling</a> 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
Open space standard	2.83 hectares per 1000 persons Source: as adopted by Land and Environment Court for developing areas (Department of Planning 1992)
Local structured open space standard	1.7ha per 1,000 population Source: Tweed Shire Open Space Infrastructure Policy 2002
Local casual open space standard	1.13ha per 1,000 population Source: Tweed Shire Open Space Infrastructure Policy 2002

## 2.8 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 or complying development certificate.

### 2.9 Obligation of accredited certifiers

#### **Construction Certificates:**

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

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

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

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

In accordance with section 94EC of the EP&A Act a certifying authority must impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with this plan. The condition must require payment prior to commencement of works or prior to commencement of use whichever occurs first. The condition must be set out and be calculated in accordance with Appendix F on page 34 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.

### 2.10 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.

## 2.11 “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.

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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.

Where, in Council's opinion, it is impractical or undesirable for developers to provide additional local open space to satisfy new demand, contributions will be required towards the cost of upgrading / embellishing existing local open space to meet such new demand. In this regard, Council will not accept areas of local open space over the maximum amount ie 2.83 ha per 1,000 new population, unless it is satisfied that no additional maintenance responsibility, including fire management, weed control, and the like will result for Council, unless funding for long term maintenance is committed or assured.

Any area of land to be dedicated will not be accepted by Council unless embellished or rehabilitated to a minimum maintenance state to the satisfaction of Council's Recreation Services Unit. This will include the land being drained, improved, topsoiled, turfed, provided with amenities, irrigation, vehicular access and with weed management and fire management measures in place. A maintenance agreement will be required between Council and the subdivider to accommodate establishment costs for new open space, and where Council nominates the purchase of land for public open space in the Works Program, establishment costs will be included in total project costs.

The determination of the suitability of land and acceptable "hand-over" state will involve compliance with the guiding principles and performance criteria and will occur at the Development Application (DA) stage.

Council may permit developers to embellish dedicated open space within a subdivision under Council supervision and subject to approval / costing of an embellishment plan, equivalent to the value of the monetary contribution. This will also be assessed at the DA stage.

In summary, Council will generally require either land dedication or a monetary contribution towards the capital costs of acquiring, embellishing and augmenting structured and / or casual local open space in lieu of dedication based on the formulae provided below.

As the Open Space Infrastructure Policy identifies that Council already has an adequate overall supply of unembellished land for open space, any land proposed to be dedicated as casual open space must meet the highest standards identified in the Policy and be located in an area where Council does not already own suitable unembellished land. Council will generally not accept dedications of land for the purposes of structured open space.

### 2.12 Discounting and apportionment factors

In the case of multiple occupancy development or residential subdivision development utilising the Community Land Development and Community Land Management Acts 1989, Council may accept a reduction in the amount of public open space to be dedicated or the monetary contribution in lieu. This applies only where Council is satisfied that a suitable amount and type of private communal open space is available and that such private open space is accessible to the general public and community groups. This must be guaranteed through the Management Statement or other legally binding agreement to which Council is a party. Each case will be assessed on its merits.

While Section 94A Direction that prohibits councils from levying contributions on aged person housing (formerly SEPP5 housing) or disabled housing has been repealed, the Department of Urban Affairs and Planning has released guidelines relating to the demand for public facilities. In the light of this, it is considered that the future aged housing population in the Shire is unlikely to require the use of local structured open space and therefore this type of development will be excluded from paying a levy for this type of facility. Developments for aged housing will be required to pay a contribution levy for local casual open space.

### 2.13 Adjustment of contribution rates

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

The contribution rates will be adjusted by reference to the following specific indices:

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

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

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

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

Where

$\$C_A$	is the contribution at the time of adoption of the plan expressed in dollars;
Current _ Index IPD	is the <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> at the date of adoption of this Plan.

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

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

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

Where

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

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

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

**Note:** This clause does not cover the adjustment of a contribution between the time of consent and the time payment is made. This is covered by clause 2.14.

### 2.14 Adjustments at the time of payment

The contributions stated in a consent are calculated on the basis of the s94 contribution rates determined in accordance with this plan. If the contributions are not paid within the quarter in which consent is granted, the contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in accordance with the consent condition.

The current contributions are published by council and are available from council offices. Should the council not validly publish the applicable contribution rates, the rate applicable will be calculated in accordance with the rate prevailing in the previous quarter.

### 2.15 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.

### 2.16 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.

### 2.17 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.

### 2.18 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 suitably embellished open space to meet the needs of the increased population as a result of new development and the works program designed to provide it.

#### 3.2 Tweed Shire's growth rate

Tweed Shire has grown at a faster rate than both NSW and Australia over the past decade, averaging 2.1% annual growth in the past five years, compared to State growth of 0.7%, with Tweed Heads accounting for the bulk of the increase (Draft Tweed Shire Urban Land Release Strategy October 2007). Although projections in the previous version of this Plan (Amendment 5 dated September 2003) were not realised, the Tweed Futures 4/24 Strategic Plan dated September 2004 suggests a growth figure of 2,000 persons per year and further recommends that the projected growth figure for future population in Tweed Shire remain at 2,200 persons per annum. For the purposes of this plan, the suggested growth figure of 2,000 persons per year has been utilised as this figure aligns more closely with more recent observed trends, being the Department of Planning's projection of 2.2% annual growth, and past annual growth averaging 2.1% as reported in the Draft Urban Land Release Strategy.

#### 3.3 Expected residential development and population growth

Residential growth in Tweed Shire is expected to average 1,323 residents per year in areas where CP 5 applies. The expected population growth for 2006-2031 within the CP 5 area is 33,070 persons.

Catchments within the Shire have been identified for the purpose of monitoring population growth. This will allow the allocation of collected funds to items which

are included in the works schedule that generally reflect the local demand created by development in respective areas or catchments.

Projected residential population growth for the various catchments is identified in Table 3.2.1:

Catchment	Actual 2006	2011	2016	2021	2026	2031
1. Tweed Heads, Tweed Heads West, Tweed Heads South, Banora Point, Bilambil Heights, Bilambil/Piggabeen, Terranora, Cobaki Lakes, adjacent rural areas	28,183	29,501	32,588	35,637	38,781	41,829
2. Kingscliff, Fingal, Chinderah, Duranbah, South Kingscliff, Kings Beach, Kings Forest, Bogangar/Cabarita adjacent rural areas such as Eviron	11,691	14,024	15,601	16,968	18,522	19,888
3. Tweed South Coast, , Hastings Point, Pottsville, Burringbar/Mooball, adjacent rural areas such as Round Mountain, Reserve Creek, Clothiers Creek, Sleepy Hollow and Wooyung;	6,922	7,113	8,050	8,981	9,854	10,785
4. Murwillumbah urban area including West Murwillumbah, Bray Park and Condong	7,959	8,665	9,513	10,227	11,206	11,920
5. Tweed Valley hinterland including rural north-west, rural south-west, Uki, Tyalgum, Wardrop Valley/Kielvale and Dulguigan/Carool	9,186	9,622	10,529	11,294	12,363	13,128
Sub – Total	63,941	68,925	76,282	83,107	90,725	97,550
Urban Release Areas	15,386	20,402	23,045	26,220	29,600	31,776
Total Shire	79,327	89,237	99,327	109,327	119,326	129,326

NB: Population growth based on estimated yield and commencement of known major development over the next 25 years, adjusted to align with projected growth of 2,000 per year as predicted in Tweed Futures.

### Adjustments to population figures for the purposes of calculating demand

The above ABS population figures utilised in this Plan are for ‘resident’ population, which include aged care beds, but do not include tourist beds:

- the growth of tourist accommodation in motels, resorts and the like to 2031 is estimated to be 1500 rooms or beds for the whole Shire, with the majority of those located within the urban release areas, while it is estimated that 500\* beds or rooms (persons) will be located within the 5 catchments;
- An average of 82 aged care units were approved each year in non-urban release areas from 2001-2006 and if this trend continues, it is expected that the resident population figure will include a total 2055 additional aged care units by 2031.

\* Source: Tweed Tourism, November 2007, 1500 predicted additional rooms in total

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### Local Open Space

Therefore the population figures to be used for the calculation of required open space will be adjusted as follows:

Catchment	Tourist beds (add to 'Casual' population)	Aged care beds (subtract from 'Structured' population)
Catchment 1	216	887
Catchment 2	102	418
Catchment 3	56	231
Catchment 4	60	247
Catchment 5	66	272
Total	500	2055

### 3.4 Demand for open space

The following table indicates the required additional open space as a result of the above identified population growth between 2006 and 2031 and based on Tweed Shire Council's adopted open space standards of 1.7 ha per '000 for structured open space and 1.13 ha per '000 for casual open space.

Catchment	Type of open space required	Additional Resident Population ex urban release 2006-2031*			Area (ha)
		Pop'n	Adjust	Total	
1	Structured	13,646	-887	12,759	21.69
	Casual	13,646	+216	13,862	15.66
2	Structured	8,197	-418	7,779	13.22
	Casual	8,197	+102	8,299	9.38
3	Structured	3,863	-231	3,632	6.17
	Casual	3,863	+56	3,919	4.43
4	Structured	3,961	-247	3,714	6.31
	Casual	3,961	+60	4,021	4.54
5	Structured	3,942	-272	3,670	6.24
	Casual	3,942	+66	4,008	4.53

\* **adjusted for (+) tourist & (-) aged care beds**

### 3.5 Relationship between expected population and expected demand (nexus)

Anticipated continued growth will result in additional demand for high quality open space facilities within the Shire to satisfy the recreational needs of the new residents. Thus a **causal nexus** between development and required open space is established.

**Physical nexus** is established by ensuring that new and upgraded open space facilities are well distributed in the Works Program for open space provision or embellishment in relation to areas of population growth and new development. Five catchments have been nominated for Tweed Shire, as shown on the map at Appendix B and described in section 2.2 and Table 3.2.1. Growth activity in different catchments of the Shire will be monitored and will in turn guide the allocation of funds to these areas, consistent with the Works Program.

**Temporal nexus** or staging of open space provision is ensured by monitoring growth in the identified catchments and providing open space and/or embellishment in the areas where residential and tourist development is occurring. Tourist and Aged Housing developments are required to contribute to local casual open space only. These developments are not required to contribute to structured open space as it is considered that tourists and the aged will not use structured open space (playing fields and the like).

It should be noted that Council already owns significant amounts of unembellished land allocated for open space, therefore the purchase cost of any land necessary for open space required by new development has been offset against necessary upgrading and embellishment costs of existing land to bring the land to a standard outlined in the Open Space Infrastructure Policy.

#### 3.6 Type of facilities to be provided

The Open Space Infrastructure Policy identifies a settings approach on a performance based system for provision of new open space facilities. The Policy identifies that there is an adequate overall supply of existing land for open space in the Shire. However, whilst Council already owns the majority of land required to provide the local open space necessary to meet the demands of increased population as a result of new development in non-urban release areas, the Policy identifies that this land is poorly distributed and embellished. Consequently the standard of open space facilities needs to be upgraded to meet the requirements for new development, and ensure appropriate quality, type and equitable distribution of open space in relation to new communities and populations.

#### 3.7 Quality of open space to be provided

The Open Space Infrastructure Policy identifies a settings approach on a performance based system for provision of new open space facilities.

The Policy provides that land to be dedicated must satisfy certain performance standards before being accepted by Council. As the Open Space Infrastructure Policy identifies that Council already has an adequate overall supply of unembellished land for open space, any land proposed to be dedicated as casual open space must meet the highest standards and be located in an area where Council does not already own suitable unembellished land. Council will generally not accept dedications of land for the purposes of structured open space.

The Policy identifies guiding principles and performance criteria against which new open space contributions should be measured and existing open space facilities should be compared to identify where monetary contributions are to be

spent. The performance criteria for the various open space settings are attached as Appendix D.

The settings approach has been used to identify different types of open space and their characteristics. In the Policy, five open space settings were identified, namely sports fields, parkland, foreshore, bushland / environmental park and ancillary (eg. drainage reserves, road reserves etc.). The first four of these settings were also placed within a hierarchy comprising two levels, local and Shire wide. The identification of different levels of usage of different types of open space setting provides guidance on the future funding and management of these open space facilities.

The settings approach to open space provision is based on the Recreational Opportunity Spectrum (ROS) which aims to recognise a range of opportunities relating to a range of open space settings in order to satisfy the diverse needs of the whole Shire whilst providing for flexibility and change as needs change.

Council's Policy for the provision and acceptance of additional local public open space to cater for new development is based on the following:

- The existing quantitative standard of 2.83ha per 1,000 resident population, being 1.7ha per 1,000 population for local structured open space provision and 1.13ha per 1,000 population for local casual open space, is to continue. The Open Space Infrastructure Policy identified a need for regional structured open space facilities to be funded through Contribution Plan No.26, including an additional land component; and
- Both the general performance criteria for open space and the specific performance criteria for each open space setting type (see Appendix D) should be applied in the selection and approval of open space dedications. This is to ensure that subdividers / developers locate and produce quality open space to most effectively meet the varied requirements of the community as new development takes place.
- Tourist and Aged Housing developments are required to contribute to local casual open space only. These developments are not required to contribute to structured open space.

### 3.8 Calculations

#### 3.8.1 How the contributions are calculated

Catchments within the Shire have been identified for the purpose of monitoring population growth. This will allow the allocation of collected funds to items which are included in the works schedule that generally reflect the demand created by development in respective areas or catchments.

Contribution rates for both local structured and casual open space are averaged across the Shire, for simplicity of calculation and more effective management of contribution income and expenditure. This also reflects equity in the cross shire usage of facilities by all residents.

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The formulae for calculating the amount of the contribution considers the following factors:

- The additional demand as a result of the increase in population arising from development, both resident and tourist;
- The current cost of acquiring land;
- The current capital cost of improving, upgrading and embellishing existing public open space facilities to cater for the increased local demand as a result of development, including landscaping, drainage, irrigation, playground equipment, car parking, amenities buildings, lighting, picnic tables etc; and
- The project costs involved in valuations, revaluations, legal and design fees, etc.
- The cost of establishing the open space provided, acquired or dedicated for the first two years generally until open space reaches a state allowing normal maintenance. A reasonable method of calculating the establishment cost is by doubling the normal cost of maintenance to open space for the Shire for the typical establishment period of two years. This establishment cost is estimated at \$5,000 per ha/year for passive open space and \$10,000 per ha/year for structured open space.

A facility to recoup interest applied to borrowed funds is not included in this plan. Therefore future works will only be provided generally when sufficient funds are accrued. If a decision is made to 'go ahead of accrued funds' then interest should be met from sources outside the Plan.

The contribution rate is calculated by dividing the cost across the anticipated additional population between 2006 and 2031, representing the life of this Contribution Plan.

#### 3.8.2 Calculation - local structured open space

The existing standard of 1.7ha per 1,000 population is to be applied for local structured open space provision, utilising current estimated dwelling occupancy rates to provide the following calculations:

1.7ha/1000	=	17m <sup>2</sup> /person
Dwelling house/lot	=	17m <sup>2</sup> x 2.6 persons
	=	44.2m <sup>2</sup> /dwelling house or lot
Medium density unit	=	17m <sup>2</sup> x 1.7 persons
	=	28.9m <sup>2</sup> /medium density unit

- No structured open space will be required in respect of tourist developments or aged housing.

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### Local Open Space

Where Council determines that a monetary contribution is more appropriate than dedication of land, or where the amount of land does not fully satisfy the standard of structured open space to be provided, the following formula will apply:

Contribution/person	=	$\frac{C + I + A + K + E}{P}$	+ 10%(administration levy)
Where: C =	Cost of acquiring necessary land serving locality (where land not dedicated)		
I =	Improvement, embellishment costs		
A =	Project costs		
P =	Anticipated additional population in Shire to be serviced by acquired / embellished structured open space		
K =	Revaluation Cost (if relevant)		
	Being (i) initial valuation		
	(ii) annual revaluation		
E =	Establishment costs		

CONTRIBUTION FOR PROVISION AND EMBELLISHMENT OF LOCAL STRUCTURED OPEN SPACE						
Additional Resident Population for the purposes of structured open space 2006 – 2031		Cost of Local Open Space Provision & Upgrading <u>Indexed 5/2013</u>	Persons	Levy	INDEXED RATE 1 JULY 2009	<u>INDEXED RATE</u> <u>Version 7</u> <u>5/2013</u>
Population ex development areas	33,609					
Aged care beds	-2,055					
Net population increase	31,554	<del>\$7,560,000</del> <u>8,176,140*</u>				
Levy per						
• Person			1	\$240	\$251	<u>\$259.12</u>
• Dwelling house/lot			2.4	\$575	\$602	<u>\$622</u>
• 1 bedroom unit			1.3	\$312	\$327	<u>\$337</u>
• 2 bedroom unit			1.7	\$408	\$427	<u>\$440</u>
• 3 bedroom unit			2.1	\$504	\$528	<u>\$544</u>
• 4_ bedroom unit			2.4	\$575	\$602	<u>\$622</u>

\* Including 5% admin levy-

Does not apply to tourist accommodation or aged persons

The Works Program at Appendix C lists the structured local open space to be acquired or embellished and the cost estimates involved.

#### 3.8.3 Calculation of local casual open space

The existing standard of 1.13ha per 1,000 population for provision of local casual open space is to continue, utilising current estimated dwelling occupancy rates to provide the following calculations:

1.13 ha/1000	=	11.3m <sup>2</sup> /person
Dwelling house/lot	=	11.3m <sup>2</sup> x 2.6 persons
	=	29.38 m <sup>2</sup> /dwelling house or lot
Medium density unit	=	11.3m <sup>2</sup> x 1.7 persons
	=	19.21m <sup>2</sup> /medium density unit
Tourist accommodation	=	11.3m <sup>2</sup> /bed*

Where Council determines that a monetary contribution is more appropriate than dedication of land, or where the amount of land does not fully satisfy the standard of casual open space to be provided, the following formula will apply:

Contribution/person	=	$\frac{C + I + A + K + E}{P} + 10\%(\text{administration levy})$
Where:	C =	Cost of acquiring necessary land serving locality (where land not dedicated)
	I =	Improvement, embellishment costs
	A =	Project costs
	P =	Anticipated additional population in Shire to be serviced by acquired / embellished structured open space
	K =	Revaluation Cost (if relevant) Being (i) initial valuation (ii) annual revaluation
	E =	Establishment costs

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### Local Open Space

CONTRIBUTION FOR PROVISION AND EMBELLISHMENT OF LOCAL CASUAL OPEN SPACE						
Additional Resident & Tourist Population for the purposes of casual open space 2006 – 2031		Cost of Local Open Space Provision & Upgrading <u>Indexed 5/2013</u>	Persons	Levy	INDEXED RATE 1 JULY 2009	<u>INDEXED RATE Version 7 5/2013</u>
Population ex development areas	33,609					
Tourist Beds	+500					
Net population increase	34,109	<del>\$7,140,000</del> <u>7,721,910*</u>				
Levy per						
• Person			1	\$209	\$219	<u>\$226.39</u>
• Dwelling house/lot			2.4	\$502	526	<u>\$543</u>
• 1 bedroom unit			1.3	\$272	\$285	<u>\$294</u>
• 2 bedroom unit			1.7	\$356	\$373	<u>\$385</u>
• 3 bedroom unit			2.1	\$440	\$460	<u>\$475</u>
• 4_ bedroom unit			2.4	\$502	\$526	<u>\$543</u>

\* Including 5% admin levy

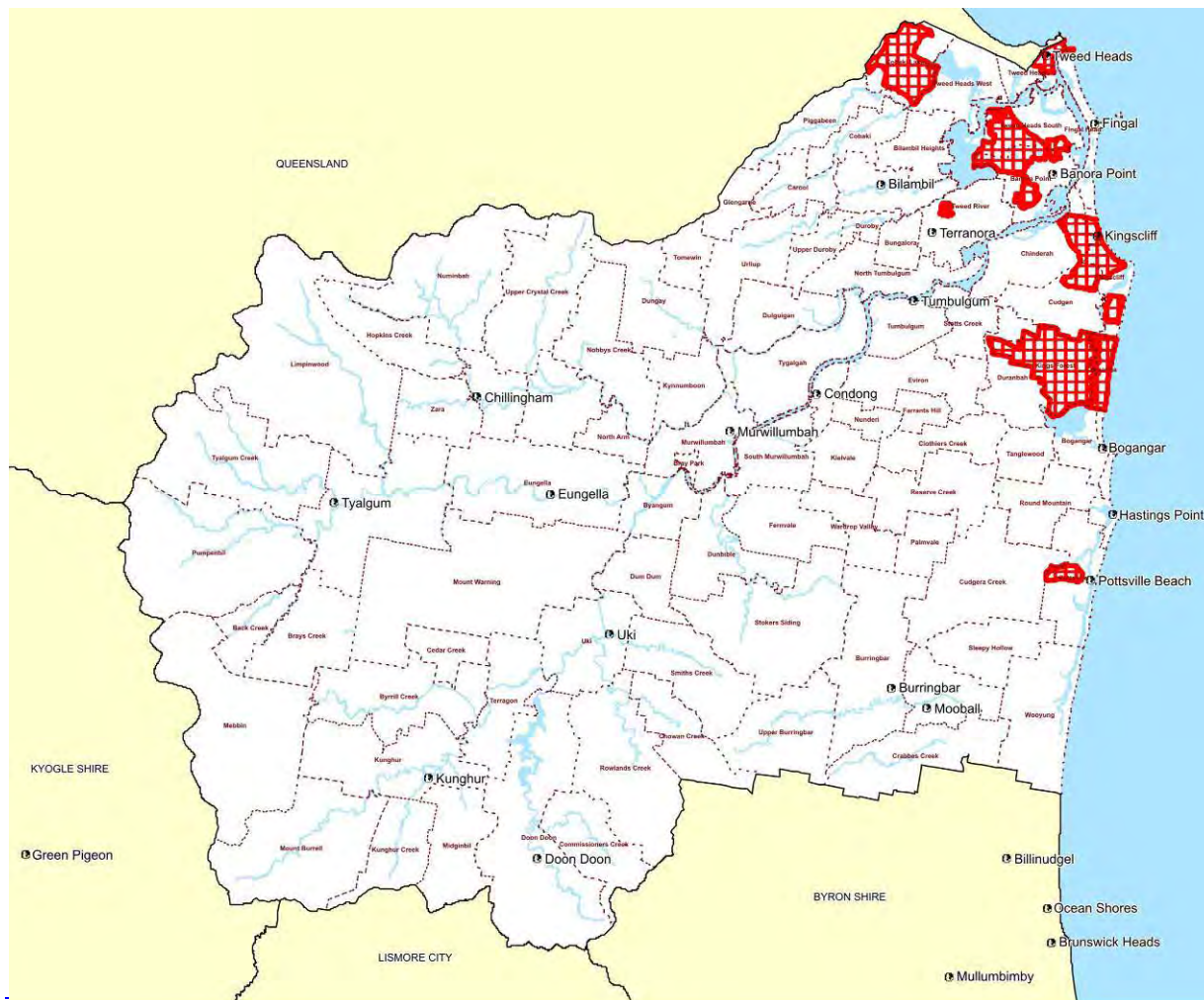
The rate for tourist development that provides accommodation is to be applied per bedroom as above.

The Works Program at Appendix C lists the casual local open space to be acquired or embellished and the cost estimates involved.

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### Local Open Space

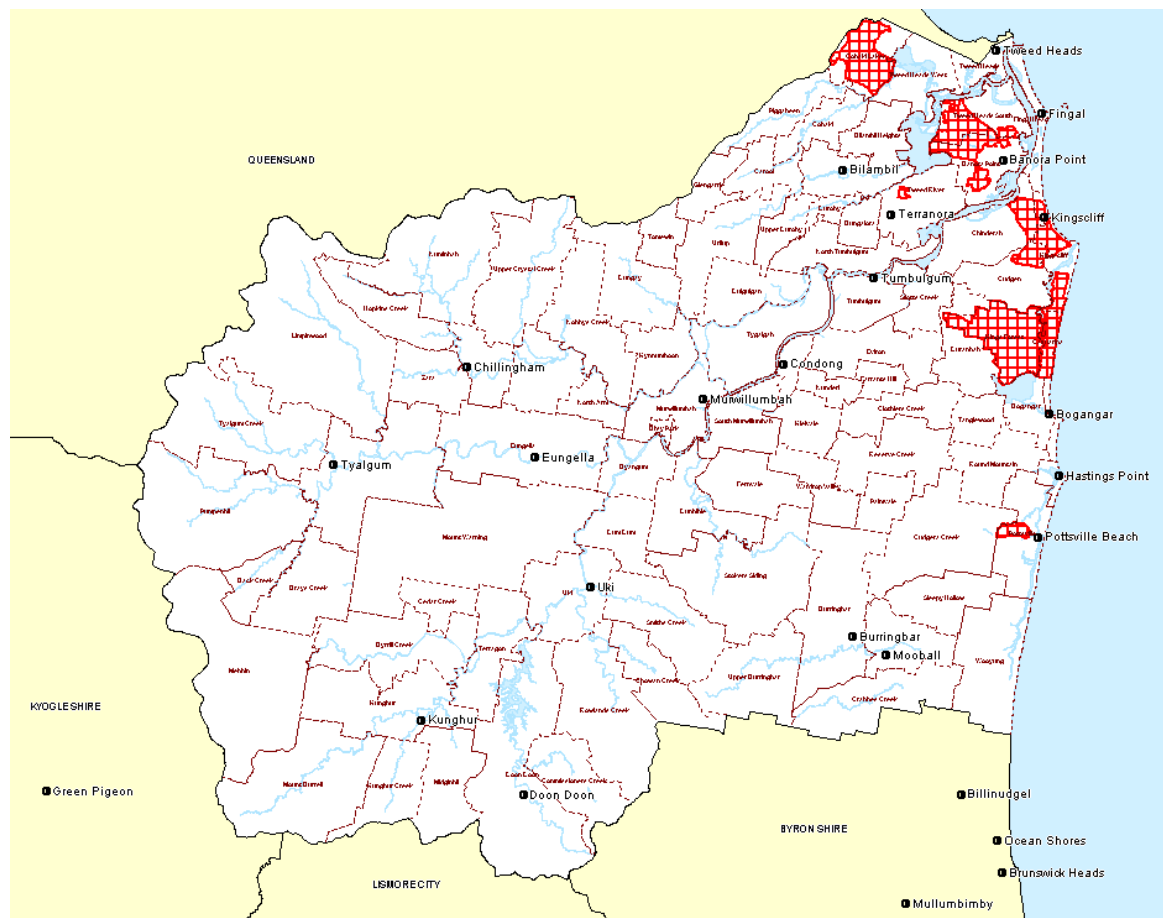
## Appendix A – Land to which this Plan applies




(REMOVED)

## Section 94 Plan No. 5

### Local Open Space



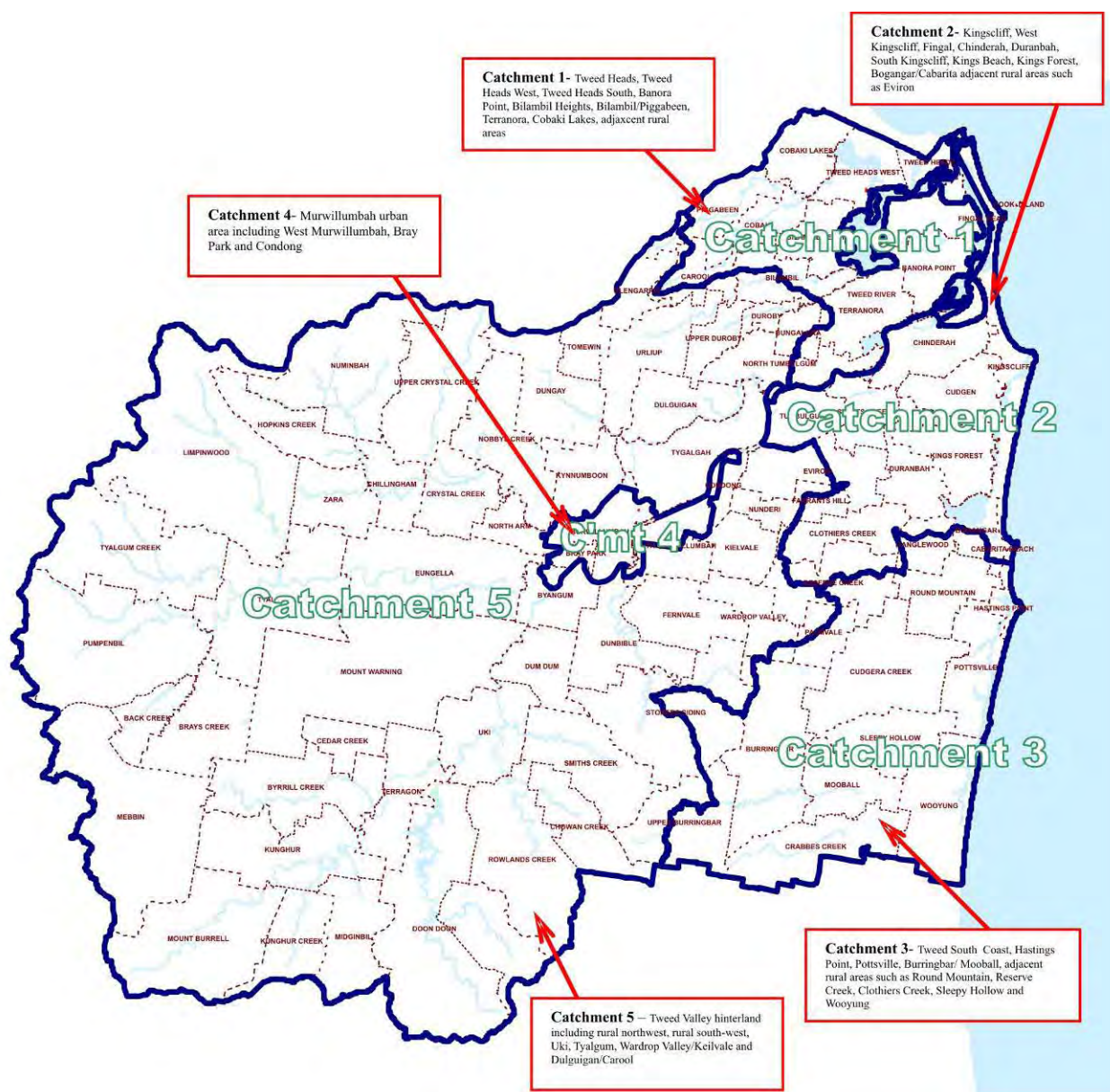
[\(Replacement Map\)](#)

 Applies to all of Tweed Shire, but does not include development areas covered by Contribution Plans 1, 7, 10, 19, 20, 21, 25, ~~27~~ or 28 shown red hatched.

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Local Open Space

### Appendix B – Catchment Plan



## Section 94 Plan No. 5

### Local Open Space

## Appendix C – Works Programs

### Local Structured Open Space

Proposed Amenity	Area to be Acquired	Land Cost	Re-valuation Cost <sup>s</sup>	Capital Cost	Project Cost	Establishment cost	Total Cost
Kingscliff Sports Complex (Walter Peate, Reg Dalton, Merv Edwards Sports Fields)				<del>\$1,500,000</del> <u>\$1,950,000</u>	\$300,000	\$200,000	<del>\$2,000,000</del> <u>\$2,450,000</u>
Piggabeen Sportsfield				\$1,140,000	\$195,000		\$1,335,000
Arkinstall Park Upgrade (Local)							250,000
<b><u>Bogangar/Hastings Point, Pottsville, Burringbar (includes rural catchment)</u></b>							
• Upgrade Pottsville sports facilities	-	-		<del>\$120,000</del> <u>\$200,000</u>	<del>\$24,000</del> <u>\$50,000</u>	<del>\$16,000</del> <u>\$20,000</u>	<del>\$160,000</del> <u>\$270,000</u>
• Bogangar – Les Burger Field				<del>\$566,250</del> <u>\$400,000</u>	<del>\$113,250</del> <u>\$69,500</u>	\$75,500	<del>\$755,000</del> <u>\$545,000</u>
• Round Mountain - Barry Smith Fields	-			<del>\$225,000</del> <u>\$325,000</u>	\$45,000	\$30,000	<del>\$300,000</del> <u>\$400,000</u>
<b><u>Murwillumbah (includes rural catchment):</u></b>							
• Knox Park – Netball, Croquet				<del>\$600,000</del> <u>\$300,000</u>	<del>\$120,000</del> <u>\$30,000</u>	<del>\$80,000</del> <u>\$20,000</u>	<del>\$800,000</del> <u>\$350,000</u>
• Murwillumbah – Jim Devine				\$600,000	\$120,000	\$80,000	\$800,000
• Murwillumbah – Stan Sercombe				\$375,000	\$75,000	\$50,000	\$500,000
• Murwillumbah – Les Cave, Rabjones				\$225,000	\$45,000	\$30,000	\$300,000
<b>SUB-TOTAL</b>							\$7,200,000
<u>+ indexation ABS IPD 8.15%*</u>							<u>\$ 586,800</u>
<u>Subtotal including indexation</u>							<u>\$ 7,786,800</u>
Administration Levy 5%							<del>\$360,000.00</del> <u>389,340</u>
<b>TOTAL</b>							<del>\$7,560,000.00</del> <u>8,176,140</u>

\* See Appendix E - Indexation Summary for calculation of this index.

## Section 94 Plan No. 5

### Local Open Space

### Local Casual Open Space

Proposed Amenity	Area to be Acquired	Land Value	Revaluation	Capital Cost	Project Cost	Establishment cost	Costs to be Funded
<b><u>Tweed Heads/ West Tweed</u></b>							
<a href="#">Ducat Park Upgrade (5)Not proceeding</a>	-	-		\$187,500	\$62,500	-	\$250,000
Razorback Look-Out	-	-		\$7,500 \$120,000	\$2,500 \$5,000	-	\$100,000 \$125,000
Kennedy Drive / Cobaki Creek Upgrade (6)	-	-		\$150,000	\$50,000	-	\$200,000
Quota Park Upgrade	-	-		\$187,500 \$125,000	\$62,500 \$62,500	-	\$250,000 \$150,000
<b><u>South Tweed/Banora Point</u></b>							
Upgrade local parks	-	-		\$375,000	\$125,000	-	\$500,000
Kingscliff/Chinderah/ <a href="#">Upgrade Open Space at Cudgen Creek (north shore)Local Parks</a>	-	-		\$375,000 \$125,000	\$125,000 \$25,000	-	\$500,000 \$150,000
<b><u>Fingal</u></b>							
Upgrade boat harbour and foreshore area				\$375,000	\$125,000	-	\$500,000
<b><u>Boqangar/Hastings Point</u></b>							
Upgrade Local Parks	-	-		\$1,125,000	\$375,000	-	\$1,500,000
<b><u>Pottsville</u></b>							
Upgrade Casual Open Space	-	-		\$750,000	\$250,000	-	\$1,000,000
<b><u>Murwillumbah Parks</u></b>							
<a href="#">Upgrade Knox park and local parks</a>				\$1,500,000	\$500,000	-	\$2,000,000
<b>SUB-TOTAL</b>							\$6,800,000.00
<a href="#">+ indexation ABS IPD 8.15%</a>							\$554,200
<a href="#">Subtotal including indexation</a>							\$7,354,200
Administration levy 5%							\$340,000.00 \$367,710
<b>TOTAL</b>							\$7,140,000 \$7,721,910

\* See Appendix E - Indexation Summary for calculation of this index.

### Appendix D - Extract from Tweed Shire Open Space Infrastructure Policy

TABLE 1: GENERAL PERFORMANCE MEASURES AND ISSUES TO BE CONSIDERED WHEN PLANNING FOR OPEN SPACE FOR ALL SETTING TYPES	
PERFORMANCE MEASURE	CONSIDERATIONS
USAGE PATTERNS	Daytime; afternoon; evening; weekends.
USER CHARACTERISTICS	Young children; older children; adult/ elderly; visitor/tourist.
LOCATION	Walking distance; straight line distance.
SIZE	Minimum size of activity zone; minimum width of buffer zone to houses etc.; sporting fields ie. shape, size; conservation areas large enough to be ecologically sustainable.
PHYSICAL FEATURES	Appropriate number/quality of play equipment and furniture; seating for spectators; bicycle racks; walking tracks; interpretative signage; slope and drainage; ability to allow for extension; landscaping and planting; orientation eg. for sportsfields; lighting and amenities.
LINKAGES	Connectivity to other open space and community facilities, schools etc; links by walkway and/or cycleway to form network.
SERVICES	Maintenance schedule; utility services; proposed open space which is to be used primarily for water quality control and stormwater detention is to be dedicated as drainage reserve.
ACCESS AND SAFETY	Method of access eg. vehicle, bicycle, foot; obstacles to child/elderly access eg. water bodies, rail lines, busy roads; public transport access; overlooking by houses for casual supervision; compliance with Australian Standards for playground design; bushfire management; risk management.
CATCHMENT	Number of people or households served.

**TABLE 2: SPECIFIC PERFORMANCE CRITERIA  
FOR SPORTSFIELD PROVISION AND EMBELLISHMENT  
WITHIN TWEED SHIRE**

<b>PERFORMANCE MEASURE</b>	<b>LOCAL LEVEL CRITERIA</b>
<b>USAGE PATTERNS</b>	Predominately afternoon/evening and weekends; Multi-use during weekends should be encouraged to increase social and economic efficiency.
<b>LOCATION</b>	Located central to community allowing safe and easy access; Within safe walking/cycling distance for older children and adults; Where possible locate within 1km of residences, and adjacent to school sportsfields.
<b>SIZE</b>	Basic standard of 1.7ha per 1,000 population; Minimum total area of 5 hectares with minimum dimensions of 210m by 170m. This allows for a minimum playing area as well as a minimum 40% increase in this area allowed for ancillary buildings, movement areas and safe play margins.
<b>PHYSICAL FEATURES</b>	Suitable topography, shape and orientation (preferably north-south); Should incorporate some flexibility to cater for future changes in use; Minimum characteristics: cleared, levelled, grassed; Benching to allow for informal spectator seating; Buffering to adjacent residences; Lighting, amenities required; Site to be above the 1 in 5 year flood level, higher for heavy use sites.
<b>SERVICES</b>	Regular garbage collection; Regular mowing regime; Toilets; Utility services ie water, electricity; Irrigation.
<b>ACCESS AND SAFETY</b>	Appropriate distribution and location of areas; Located to provide for safe access; Vehicle access and parking provided directly to the site.
<b>CATCHMENT</b>	Approximately 3,000-5,000 people.
<b>CURRENT EXAMPLE</b>	Pottsville Oval

**TABLE 3: SPECIFIED PERFORMANCE CRITERIA FOR  
PARKLAND PROVISION AND EMBELLISHMENT WITHIN TWEED SHIRE**

PERFORMANCE MEASURE	LOCAL LEVEL CRITERIA	DISTRICT LEVEL CRITERIA
<b>USAGE PATTERN</b>	Predominately daytime/afternoon with extensive use on week-ends	Predominately daytime/afternoon with extensive use on week-ends
<b>LOCATION</b>	Located within easy and safe walking distance to homes for young children and the elderly ie no greater than 250m straight line distance or 400m, 5 minute walking distance; Located to allow for casual supervision from adjacent households and streets.	Appropriate to locate close to sporting fields, town centres or other attractive feature such as beach, creek, native bushland; Located as central as possible; Within 800-1,000m or 15 minutes walking time.
<b>SIZE</b>	Basic standard of 1.13ha per 1,000 resident population; Central activity zone minimum 400m <sup>2</sup> contains all play equipment and play areas with 20m wide buffer to all residential boundaries.	Central activity zone of 3000m <sup>2</sup> ; 30m buffer to all residential dwelling boundaries.
<b>PHYSICAL FEATURES</b>	Where possible locate away from potential dangers such as busy roads, electricity cables, railway lines and waterways; Site needs to be well drained with general surfaces either grassed or landscaped; Soft fall surfaces to be provided under all play equipment; Hard surfaces for ball games; Seating in shade for carers and supervisors; Avoid long narrow less useable strips which do not serve as useful walkway/cycleway linkages.	Variety of play equipment to stimulate interest and excitement; Soft fall surfaces under play equipment; Kick about area; Hard surface area; Seating in shade for carers and supervisors; Well drained with slope less than 10% over at least 60% of site; Landscaping and grassed areas; Railings for the aged; Water fountains; Multi-use as drainage reserve may be appropriate.
<b>SERVICES</b>	Regular garbage collection; Basic maintenance and mowing regime.	Regular garbage collection; Basic maintenance and mowing regime; Watering system.
<b>ACCESS AND SAFETY</b>	Provided within safe and easy access to bicycle/pedestrian networks; Vehicle access provided via the local street system, via more than one street where possible, and in directions that discourage through traffic; Should be designed to be as permeable as possible to provide short and direct access; 50% frontage to street for security and visibility.	Direct access to bicycle/pedestrian network; Good linkage to other open space within the district; Ease of access to the main road system; Permeable with short and direct access between parkland and housing; 50% of frontage to street for security and visibility.
<b>CATCHMENT</b>	Approximately 180-200 lots (based on 10 lots per hectare).	3,000-5,000 people; Preferably more than one supplied in each small town or suburb/ neighbourhood.
<b>CURRENT EXAMPLE</b>	Ducat Street Park, Tweed Heads.	Knox Park, Murwillumbah.

**TABLE 4: SPECIFIC PERFORMANCE CRITERIA  
FOR FORESHORE PROVISION AND EMBELLISHMENT  
WITHIN TWEED SHIRE**

<b>PERFORMANCE MEASURE</b>	<b>LOCAL LEVEL CRITERIA</b>
<b>USAGE PATTERNS</b>	Predominately seasonal with summer being the highest use; Daytime and weekend use.
<b>LOCATION</b>	Location is predetermined adjacent to beaches, rivers and lakes.
<b>SIZE</b>	Not applicable.
<b>PHYSICAL FEATURES</b>	Low key facilities such as: BBQ/picnic areas, minimal amenities, walking tracks and interpretative information.
<b>SERVICES</b>	Maintenance schedule may include rehabilitation and stabilisation of dunes and vegetation.
<b>ACCESS AND SAFETY</b>	Predominant access is by vehicle, except near urban areas; Access to water body may be restricted to foot but may include 4WD and boat access; Cycle and pedestrian access should be provided through linkage to the regional cycleway/pedestrian network.
<b>CATCHMENT</b>	Local resident population, occasionally tourist usage.
<b>CURRENT EXAMPLE</b>	Ray Pascoe Park, Tweed Heads.

TABLE 5: SPECIFIC PERFORMANCE CRITERIA FOR BUSHLAND/ENVIRONMENTAL PARK PROVISION AND EMBELLISHMENT WITHIN TWEED SHIRE	
PERFORMANCE MEASURE	LOCAL LEVEL CRITERIA
USAGE PATTERNS	Predominately daytime/afternoon and weekends.
LOCATION	Often located as ancillary open space within or at the edge of urban development.; Small urban bushland pockets; Larger, less accessible bushland areas.
SIZE	Not applicable.
PHYSICAL FEATURES	Regrowth and remnant vegetation; Rarely any facilities to encourage intrusion.
SERVICES	Characterised by low levels of maintenance; Utility services often not available.
ACCESS AND SAFETY	Relatively inaccessible; Access by foot or bicycle; No parking provided.
CATCHMENT	Local suburb/neighbourhoods: Small towns.
CURRENT EXAMPLE	Remnant areas of bushland at Koala Beach.

## Appendix E – Indexation Summary

### Version 6.0.1, effective 1 July 2009

**Indexation of base rates in line with the ABS IPD:** Indexation of Contribution Rates in line with the ABS Implicit Price Deflator for Engineering Construction has been applied to the base rates, resulting in an increase of 4.72% on 1 July 2009:

Index	Index Date	Rate	Released ABS	Rate date	% increase
IPD (Engineering Construction)	Mar-08	106.21	Jul-08	24-Oct-08	
	Dec-08	111.22	Apr-09	01-Jul-09	4.72%

Note that in accordance with Regulation 32(3) of the Environmental Planning and Assessment Regulations, adjustment of rates in line with indexation adopted by the plan (Section 9.2) does not require the preparation of a new contribution plan for exhibition.

### Version 6.1.1 ~~(this version)~~

1. Amends admin levy from 10% to 5%.
2. Provides standardised rates for unit development with reference to the number of bedrooms in accordance with adopted Tweed Urban Land Release Strategy 2009 (see section 2.7).
3. Provide clarification to take account of changing index base years when indexation is applied to contribution rates.
4. Includes Clause, Schedule and definition to enable levying of developer contributions on Complying Development Certificates where applicable.

### Version 7 (this version)

1. Removes CP 27 - Tweed Heads Master Plan from the exclusion list, ie this plan now applies to the CP 27 area.
2. Updates the works program.
3. Changes the term 'dwelling house' to 'detached dwelling house' to align with terminology in Council's other S94 Plans.

**Indexation of base rates in line with the ABS IPD:** Indexation of Contribution Rates in line with the ABS Implicit Price Deflator for Engineering Construction has been applied to the base rates, resulting in an overall increase of 8.15% in this version (an incremental increase of 3.43% since the last rate update).

<u>Index</u>	<u>Index Date</u>	<u>Rate</u>	<u>Released ABS</u>	<u>Rate date</u>	<u>% increase</u>
<u>IPD (Engineering Construction)</u>	<u>Mar-08</u>	<u>96.64</u>	<u>Apr-13</u>	<u>24-Oct-08</u>	-
	<u>Dec-12</u>	<u>104.52</u>	<u>Apr-13</u>	<u>23-Apr-13</u>	<u>8.15%</u>

## Appendix F – Complying Development Certificates

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

**For commercial and industrial development:**

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

$$\text{Total Charge} - \text{Credit} = \text{Contribution}$$
**For dwellings:**

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

$$\text{Total Charge} - \text{Credit} = \text{Contribution}$$
**Notes:**Credit

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

Rate - Is specified in Table 1.1

Lots, Units and Persons – Are specified in Table 1.1

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.

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.

## Section 94 Plan No. 5

Local Open Space

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 5	CP 5	Xxx	Xxx	Xxx	\$xxx

### Condition Template

The condition must be imposed in the following format:

#	<b><u>Section 94 Contributions</u></b>
	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.
	<b>A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS COMPLYING DEVELOPMENT CERTIFICATE <u>MUST</u> BE PROVIDED AT THE TIME OF PAYMENT.</b>
	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.
«	<i>Contribution type:</i>
	XXX Persons @ \$xxxx per person <span style="float: right;">\$xxxx</span>
	S94 Plan No. XX
	Sector xxxx



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