



CP04

Section 94 Plan

No. 4 – Tweed Road Contribution Plan


Version 6.3.5
September 2016
Indexed July 2016

CERTIFICATION:

This ***Tweed Road Contribution Plan (CP No 4 - Version 6.3.5)*** was adopted by Tweed Shire Council on **xxx** and became effective on **xxx**.

Pursuant to Clauses 31 and 32 of the Environmental Planning and Assessment Regulation 2000, the following contribution plans are repealed by the approval of this Tweed Road Contribution Plan (being a subsequent plan):

- Tweed Road Contribution Plan (CP No 4 Version 4.1)
- Tweed Road Contribution Plan (CP No 4 Version 4.2)
- Tweed Road Contribution Plan (CP No 4 Version 4.3)
- Tweed Road Contribution Plan (CP No 4 Version 4.4)
- Tweed Road Contribution Plan (CP No 4 Version 4.5)
- Tweed Road Contribution Plan (CP No 4 Version 4.6)
- Tweed Road Contribution Plan (CP No 4 Version 4.8)
- Tweed Road Contribution Plan (CP No 4 Version 4.9)
- Tweed Road Contribution Plan (CP No 4 Version 5)
- Tweed Road Contribution Plan (CP No 4 Version 5.1)
- Tweed Road Contribution Plan (CP No 4 Version 5.2)
- Tweed Road Contribution Plan (CP No 4 Version 6)
- Tweed Road Contribution Plan (CP No 4 Version 6.1)
- Tweed Road Contribution Plan (CP No 4 Version 6.2)



Director Engineering



General Manager

Table of Contents

1.0	PART A – SUMMARY SCHEDULES	1
1.1	Summary schedule – contribution rates.....	1
1.2	Summary schedule - works program	1
1.3	Published indices at time of adoption	2
2.0	PART B - ADMINISTRATION	3
2.1	Name of plan.....	3
2.2	Land to which this plan applies.....	3
2.3	The purpose of the s94 plan	3
2.4	Commencement of the plan.....	3
2.5	Relationship to other council plans	4
2.5.1	Tweed Road Development Strategy (1997)	4
2.5.2	Lower Tweed and Pacific Highway Traffic Masterplan (2006).....	4
2.5.3	The Tweed Community Strategic Plan (2011/2021).....	4
2.5.4	Local Growth Management Strategy.....	5
2.5.5	Tweed Local Environment Plan 2000.....	5
2.5.6	Draft Tweed Local Environment Plan 2010.....	5
2.5.7	Draft Tweed Heads Masterplan 2009.....	5
2.5.8	Contribution Plan No 14 - Mebbin Springs	6
2.6	Definitions and standards	6
2.7	Timing of payment.....	7
2.8	Obligation of accredited certifiers.....	7
2.9	Deferred or periodic payment	8
2.10	“In-kind” settlement or material public benefit	9
2.11	Credits.....	9
2.12	Adjustment of contribution rates	9
2.13	Adjustments at the time of payment.....	11
2.14	Allowances for existing development.....	11
2.15	Pooling of contributions	11
2.16	Savings and transitional arrangements.....	11
2.17	Register.....	11
3.0	PART C – STRATEGY PLAN AND NEXUS.....	13
3.1	Introduction	13
3.2	Levy Areas	14
3.2.1	Standard Contribution.....	15
3.2.2	Local Area Contributions.....	15
3.3	Nexus.....	16
3.3.1	Need.....	16
3.3.2	Impacts.....	16
3.3.3	Assessment.....	17
3.4	Works Schedule	19
3.4.1	Works	19
3.4.2	Contingencies.....	19

3.5	Formula.....	21
	3.5.1 Background (Transport Modelling).....	21
	3.5.2 Standard Formula.....	21
	3.5.3 Local Area Formula	22
	3.5.4 Interest	23
	3.5.5 Heavy Haulage (Extractive Material).....	24
	3.5.6 Administration.....	24
3.6	Contribution Rates.....	25
	3.6.1 Standard and Local Area Contributions	25
	3.6.2 Heavy Haulage Contributions	31
	3.6.3 Self Containment and Disputes.....	31
3.7	Cash Flows	32
	3.7.1 Income.....	32
	3.7.2 Expenditure	32
3.8	BIBLIOGRAPHY.....	33
	SCHEDULE 1 – HEAVY HAULAGE (OF EXTRACTIVE MATERIAL) .	34
	SCHEDULE 2 – CREDIT POLICY	35
	SCHEDULE 3 – BOUNDARY DEFINITIONS.....	36
	SCHEDULE 4 – VERSIONS OF THIS PLAN.....	41
	SCHEDULE 5 – WORKS SCHEDULE.....	48
	SCHEDULE 6 – ADJUSTMENT FACTOR.....	49
	SCHEDULE 7 – COMPLYING DEVELOPMENT CERTIFICATES.....	50
	SCHEDULE 8 – CONTINGENCIES FOR ROAD ESTIMATES	52

1.0 PART A – SUMMARY SCHEDULES

1.1 Summary schedule – contribution rates

As in previous versions of this s.94 Plan, the proposed levies will comprise a Standard Contribution, plus a Local Area Contribution (if applicable). Local Area Contributions will be levied in 2 ‘local areas’ of the Shire, so as to recover the full cost of selected road infrastructure projects required to specifically serve these areas. The Standard Contributions, which vary with locality across the Shire, will partially fund the balance of the road infrastructure works program.

This Plan proposes developer contributions based on land use, calculated in accordance with the traffic generating principles in Section 3.6. The contributions payable by a typical new household would be as follows:

Table 1.1 TRCP Household Contributions

Sector	Locality	Total Trip End Contribution inc Admin		Household Contribution (6.5 trip ends) inc Admin	
		Version 6	Version 6.2.5	Version 6	Version 6.2.5
		Base Rate	Indexed 1/7/2016	Base Rate	Indexed 1/7/2016
1	Tweed Heads	\$815	\$866	\$5,299	\$5,629
2	Tweed Heads South	\$1,318	\$1,400	\$8,567	\$9,100
3	Cobaki	\$1,377	\$1,463	\$8,952	\$9,510
4	Bilambil Heights	\$2,836	\$3,013	\$18,432	\$19,585
5	Terranora	\$1,988	\$2,112	\$12,924	\$13,728
6	Kingscliff	\$1,137	\$1,207	\$7,387	\$7,846
7	Duranbah/Cabarita	\$1,145	\$1,216	\$7,440	\$7,904
	LAC4: Casuarina	\$1,313	\$1,395	\$8,531	\$9,068
8	Pottsville	\$1,284	\$1,364	\$8,345	\$8,866
	LAC3: Koala Beach/Seabreeze	\$1,352	\$1,436	\$8,791	\$9,334
9	Murwillumbah	\$1,317	\$1,399	\$8,562	\$9,094
10	Rural - Inner East	\$1,807	\$1,920	\$11,745	\$12,480
11	Burringbar	\$1,252	\$1,330	\$8,139	\$8,645
12a	Rural - Inner North	\$2,928	\$3,111	\$19,035	\$20,222
12b	Rural - Inner West	\$2,239	\$2,379	\$14,556	\$15,464
13	Rural - Outer	\$2,534	\$2,692	\$16,470	\$17,498

1.2 Summary schedule - works program

Sector	Locality	Net Sector Works Program - Total Cost to Council*
1	Tweed Heads	\$29,052,126
2	Tweed Heads South	\$175,803,319

Section 94 Plan No. 4

Tweed Road Contribution Plan

Sector	Locality	Net Sector Works Program - Total Cost to Council*
3	Cobaki	\$82,425,728
4	Bilambil Heights	\$68,544,251
5	Terranora	\$6,273,278
6	Kingscliff	\$113,441,245
7	Duranbah / Cabarita	\$28,271,800
LAC4	Casuarina	\$1,548,800
8	Pottsville	\$12,468,341
LAC3	Koala Beach / Seabreeze	\$678,000
9	Murwillumbah	\$23,949,946
10	Rural - Inner East / Kielvale	\$18,719,436
12a & 12b	Rural - Inner North and West	\$26,880,003
TOTAL		\$588,066,273

*Excludes expected payments from other contributors, including developers and the RTA.

Refer to Schedule 5 for detailed works program, including specific projects and their costs.

1.3 Published indices at time of adoption

Index	Rate	Index Date	Published
IPD (Engineering Construction)	100.49	30/06/2011	19/10/2011
TSC Land Index	195.12	June 2009	2009/2010 Tweed Shire Council Revenue Policy

2.0 PART B - ADMINISTRATION

2.1 Name of plan

This development contributions plan is called S94 Plan No 4 – Tweed Road Contribution Plan Version 6 (CP4).

2.2 Land to which this plan applies

This Plan applies to land within Tweed Shire as shown on the map(s) in Schedule 3.

2.3 The purpose of the s94 plan

This Plan enables Tweed Shire Council to levy s.94 developer contributions for the provision of additional road capacity to service increased traffic loading as a result of urban growth and/or development demands. It also permits Council to recoup past expenditures in the road network made in anticipation of development throughout the entire Tweed Shire.

The purpose of the Plan is to:

- (a) to ensure that an adequate level of public road infrastructure is provided throughout the Tweed Local Government Area;
- (b) provide an administrative framework under which the Tweed Road Development Strategy, the Lower Tweed and Pacific Highway Traffic Masterplan and other specific strategies may be implemented and coordinated;
- (c) ensure that adequate distributor road facilities are provided for as part of any new development;
- (d) to authorise the council to impose conditions under section 94 (s94) of the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this plan applies;
- (e) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis;
- (f) ensure that the existing community is not burdened by the provision of distributor road infrastructure required as a result of future development;
- (g) enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan;
- (h) to update Contribution Plan No 4 (Version 5.2) as a result of a review of road infrastructure requirements and their associated costs. (NB. The underlying principles and methods of allocating the cost of the road infrastructure program to future development have not changed from those used in versions 4.0 to 5.2 of the Plan).

2.4 Commencement of the plan

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

2.5 Relationship to other council plans

This plan is part of the package of Contributions Plans prepared for a variety of key community infrastructure which is required to be provided and/or augmented by, or on behalf of, Tweed Shire Council to meet the needs of new development within the Tweed Shire Local Government Area.

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

The traffic studies, which have shaped this Plan include the:-

- *Tweed Road Development Strategy (1997)*
- *Banora Point and Tweed Road Development Strategy Review (2004)*
- *Murwillumbah Distributor Road Network Study (2005)*, and
- *Lower Tweed and Pacific Highway Traffic Masterplan (2006)*

2.5.1 Tweed Road Development Strategy (1997)

The *Tweed Road Development Strategy (TRDS)* predicts traffic growth based on current and planned land use within the Shire, in order to define Council's long-term road improvement strategy. The TRDS was last updated in 2007. The TRDS provides the basis for the works program within CP4.

2.5.2 Lower Tweed and Pacific Highway Traffic Masterplan (2006)

The Lower Tweed and Pacific Highway Traffic Masterplan was produced on behalf of Tweed Shire Council and the NSW Roads and Traffic Authority (RTA) to provide an integrated masterplan for the Pacific Highway between Chinderah and the Tugun Bypass (QLD) in order to effectively address the future traffic demands on the Tweed road network.

The Lower Tweed and Pacific Highway Traffic Masterplan considers the long term needs of the region in terms of both highway and local network functionality. In particular, the study focuses upon the form, functionality and timing of the Banora Point upgrade and Kirkwood Road interchange, and the influence of the Tugun Bypass.

2.5.3 The Tweed Community Strategic Plan (2011/2021)

The Tweed Community Strategic Plan (TCSP) provides a 10 year vision for Council, in accordance with the NSW Government's integrated planning and reporting framework, to ensure local government operations and strategic planning are meeting the needs of the community.

This plan creates a framework to implement Council's four-year Delivery Program and annual Operational Plan, which will align the community's aspirations with the necessary strategy development, planning and resourcing required to achieve the long term vision and deliver the outcomes.

The TCSP has been informed by:

- Extensive community engagement
- The former 20-year vision Tweed Futures 04/24 (which was informed by the Tweed 2000+ Strategic Plan).
- All of Council's current major strategies (including the Tweed Road Contribution Plan).
- The NSW Department of Planning's 'Far North Coast Regional Strategy' (2006).

Within the TCSP theme of “Supporting Community Life”, a key objective is the provision of an integrated transport system that services local and regional needs. The strategy aims to provide a safe and efficient network of arterial roads connecting neighbourhoods to town centres, employment, shopping, health, commercial and education facilities, as well as promoting accessible and cost effective public transport.

2.5.4 Local Growth Management Strategy

The Far North Coast Regional Strategy (2006) requires Councils to prepare a Local Growth Management Strategy prior to rezoning further land for urban, commercial and industrial uses. The Local Growth Management Strategy comprises three adopted documents, which have been considered in the preparation of CP4:

- Tweed Shire Employment Lands Strategy (2009)
- Tweed Shire Urban Lands Strategy (2009)
- Tweed Retail Strategy (2005)

2.5.5 Tweed Local Environment Plan 2000

The Tweed Local Environment Plan (LEP) 2000 is a statutory plan, consisting of a set of Zone Maps, which divide the Shire into various land-use zones, and a written document, which sets out the development that can be carried out within them.

The Tweed LEP is a ‘living document’. It was first gazetted in April 2000 and has since been the subject of 47 amendments, reflecting the outcomes of the Shire’s own planning studies or of planning approvals, with the last revision being in October 2006.

2.5.6 Draft Tweed Local Environment Plan 2010

The Draft Tweed LEP 2010 is being prepared in two stages with the current Stage 1 generally consisting of a rollover of the existing provisions of Tweed LEP 2000 into the State Government’s standard LEP template ‘Standard Instrument Order 2006’.

The future Stage 2 review will comprise a comprehensive review of the existing LEP provisions and land zoning maps, with regard to the Local Growth Management Strategy and other strategic management plans. The Stage 2 LEP may necessitate future updates to the Tweed Road Development Strategy and CP4.

2.5.7 Draft Tweed Heads Masterplan 2009

Tweed Shire Council in collaboration with the Department of Planning’s City Centre Taskforce has prepared a new draft LEP for Tweed City Centre, which is also supported by a new Development Control Plan and Vision Document.

The masterplan aims to consolidate future urban growth forecast by the Far North Coast Regional Strategy into existing urban areas of Tweed Heads, in order to revitalise the city centre and reduce demand for new urban release areas. This plan has implications for existing road infrastructure in the Tweed Heads area, including the Pacific Highway, and as such has been considered in traffic masterplanning for the Lower Tweed and Pacific Highway corridor.

2.5.8 Contribution Plan No 14 - Mebbin Springs

Version 4.0 of this Plan superseded the *Rural Road Upgrading, Mebbin Springs Subdivision, Kyogle Road, Kunghur Contributions Plan (No 14)*. CP No 14 was repealed with the adoption of this subsequent Plan in only so far as all future development applications are concerned, That is, Consent S94/70, the only consent issued to date, will continue to be administered under CP No 14 for as long as the consent remains valid.

2.6 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.
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). Causal nexus requires that the need for the service or facility being levied must be a result of the development being levied. Physical nexus requires that the service or facility be near enough in physical terms to provide benefit to that development. Temporal nexus requires that the service or facility must be provided within a reasonable time.

Standards used in this contributions plan

Dwelling house/lot	Equivalent to 2.4 persons (one Equivalent Tenement) Source: Tweed Shire Urban Land Release Strategy 2009
Trip End or 'trips'	Contributions in this Plan have been calculated using 'trip-ends', which is a basic measure of traffic generation. Every trip has two ends. For more information about how the 'trip end' is calculated and utilised in this plan, see Section 3.5.1 (Background (Transport Modelling)) on page 21.

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 or complying development certificate.

Council's policy regarding the timing of payment of S94 contributions is prescribed below:

Table 2.7.1- Timing of Payments

<i>Type of consent</i>	<i>Timing</i>
Subdivision where no further approvals are required	prior to release of the subdivision certificate
Development not involving subdivision but where a subsequent development application is required	prior to release of the construction certificate
Any other developments	prior to the endorsement of the final plan or commencement

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 Schedule 7 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 or periodic payment

The Council will generally not accept deferred or periodic payment of contributions, except where eligible under the Business Investment Policy. However, Council may consider an application where:

- (i) compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case; and
- (ii) non-compliance with the terms of this clause will not prejudice the timing or the manner of the provision of road facilities for which the contribution was required as outlined in the Works Schedule; and
- (iii) 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,
- (iv) there are circumstances justifying the deferred or periodic payment of the contribution.

If council does decide to accept deferred or periodic payment, Council will require the recipient to provide a bank guarantee for the full amount of any outstanding deferred monies. Alternative Council may choose to enter into a general or specific security agreement/deed under the Personal Property Securities Act 2009.

The bank's obligations are discharged when payment to 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.

The bank guarantee is to be provided by an Australian bank or recognised financial institution.

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 as referred to in the Environmental Planning and Assessment Regulation 2000 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 "in kind" or material public benefit 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 "in kind" or material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program; and

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 Credits

Some developments will require the construction of works identified in the Works Schedule. Clause 7.3.6 of Council's *Tweed Development Program - Management Plan* outlines Council's policy in these instances and it is reproduced here in Schedule 2 for completeness.

Works will be valued in accordance with the Works Schedule of this Plan provided the applicant is paying the levies nominated in this 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.

Contributions are fixed for a twelve month period from the date of development consent and thereafter levied at the contribution rate current at the time of payment.

Sector contributions in this Plan

- (i) will be indexed on the 1st July of each year based on the Implicit Price Deflator (IPD) for Private Gross Fixed Capital Expenditure for Engineering Construction as published by the Australian Bureau of Statistics (A405071T) or

- (ii) will be adjusted based on revised works estimates prepared and the VLC transport/contribution models re-run with the “re-valued” works included as and when required.

Where applicable, 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

$\$C_A$	is the contribution at the time of adoption of the plan expressed in dollars;
Current Index IPD	is the IPD as published by the ABS available at the time of adjustment of the contribution rate;
Base Index IPD	is the IPD as published by the ABS for 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;
<u>Current LV Index</u> <u>TSC Land Index</u>	is the land value index as published by the council available at the time of adjustment of the contribution rate;
<u>Base LV Index</u> <u>TSC Land Index</u>	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 expressly authorises monetary s94 contributions paid for different purposes within this plan to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are determined by separate resolution of Council.

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

Section 94 Plan No. 4

Tweed Road Contribution Plan

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 demand placed on the road network to meet the needs of the increased population as a result of new development and the works program designed to provide it.

According to the *Tweed 4/24 Strategic Plan 2004-2024* (Sept. 2004), the population on the Tweed could potentially reach 120,000 persons by 2024. Further, it has previously been estimated that the zoning provisions in the current *Local Environmental Plan 2000* could, ultimately, provide for a population of up to 150,000 persons. This latter figure represents almost a doubling in the Shire’s current (2006) population of about 84,000 persons.

Summary of Road Infrastructure Program

As a consequence of the past and projected development, and having regard to the level of road facilities currently available, it has and will be necessary to provide substantial additional road capacity.

The Plan identified 137 individual road improvement projects that either have been, or need to be, constructed to accommodate anticipated traffic volumes. (These projects exclude most of the roads and streets that developers will need to construct in order to specifically serve their own developments). The cost of the projects, that Council has or will need to fund, is \$588M as summarised below.

Table 3.1A – Road Infrastructure Program Costs

<u>Location</u>	<u>Capital Cost</u>	<u>Works Status</u>	
		<u>Completed</u>	<u>Proposed</u>
TOTAL	\$588M	\$80M*	\$508M

*Based on actual costs and 2011 estimates for works as shown in Schedule 5

The plan anticipates that there are instances where road infrastructure works will need to be completed by Council prior to development taking place. The plan provides a mechanism for carrying this deficit until such time as it can be refunded by development contributions.

Based on the contribution rates specified in this Plan and the extent and distribution of the anticipated future development, the Plan will recover 48% of the total (\$588M) cost of the road infrastructure program, as shown in Table 3.1B, below. The balance of the cost of the road infrastructure program (\$303.5M) will be carried by Council and represents an investment in the 'spare capacity' of the road network that would exist, once the currently anticipated levels of development are achieved.

Table 3.1B – Road Infrastructure Cost Recovery

<u>Works Type</u>	<u>Value</u>	<u>Revenue</u>	<u>Recovery</u>
LAC Works	\$ 2.2M	\$ 2.2M	100%
Other Works	\$ 585.8M	\$ 282.3M	48%
All Works	\$ 588M	\$ 284.5M	48%

The contribution rates in the Plan will be amended on the 1st of July each year based on the IPD (Engineering Construction) as determined by the Australian Bureau of Statistics or a re run of the VLC model.

Council Policies

Under this plan, certain business premises are eligible for the following concessions in accordance with the Business Investment Policy (Refer to Schedule 9). Applicants will need to nominate their development for each concession in their Development Application to Council.

A) *Employment Generating Incentive*

A discount in contributions for job creating business premises. Eligibility and terms and conditions provided in the Business Investment Policy.

B) *Deferred Payments*

Deferral of contributions for business premises. Eligibility and terms and conditions provided in the Business Investment Policy.

C) *Eligible Business Enterprises – Small Business Incentive*

A discount in contributions for change of use small business premises. Eligibility and terms and conditions provided in the Business Investment Policy.

3.2 Levy Areas

This Contribution Plan levies all traffic generating developments within the Tweed Shire local government area. A two-tier system is used to determine the overall TRCP contribution: Standard Contribution and a Local Area Contribution.

3.2.1 Standard Contribution

In assessing the standard contribution, the Plan uses a differential pricing system based on 14 sectors (or localities) and the intended land use:

- Sectors - the unit rate of contribution varies across the Shire depending on the value and amount of road space likely to be consumed by a unit of traffic (a trip-end) generated by a development located in that area. The 14 sectors defined for this purpose are shown in Figure 3.1 (in Schedule 3).
- Land Use – differing land uses and development types generate differing traffic volumes or demands. The potential traffic generation of an intended development can be determined using the trip rate table in Table 3.6.1A.

The Standard Contribution payable is determined from the product of the sector-based unit rate and the estimated traffic generation of the development.

3.2.2 Local Area Contributions

Council administers, on behalf of land-owners/developers, the assignment or apportionment of responsibility for works in localised areas. These areas are listed in Table 3.2.2 and defined in Figures 3.2a – 3.2d. Council may add to this list where the need arises or when approached by a consortium of land owners.

Table 3.2.2 - Local Area Contributions

<i>No.</i>	<i>Locality</i>	<i>Developments</i>	<i>Application</i>
1	Deleted in Version 6		
2	Deleted in Version 6		
3	Pottsville	Seabreeze, Koala Beach	Land defined in Figure 3.2c ⁽¹⁾
4	Duranbah /Cabarita	Casuarina	Land defined in Figure 3.2d ⁽¹⁾

Notes: 1. Refer to Schedule 3

3.3 Nexus

3.3.1 Need

Population growth is known through experience to generate additional traffic, creating the need for improved roads or sometimes more roads. The actual volume and characteristics of traffic demand is directly related to land-use. Field surveys and manuals on the subject, including the NSW Roads and Traffic Authority’s Guide to Traffic Generating Developments demonstrate that the increase in traffic is dependent on the types of development. The actual increases vary considerably with the extreme being the increase in traffic generation due to shopping centres, fast food stores and the like.

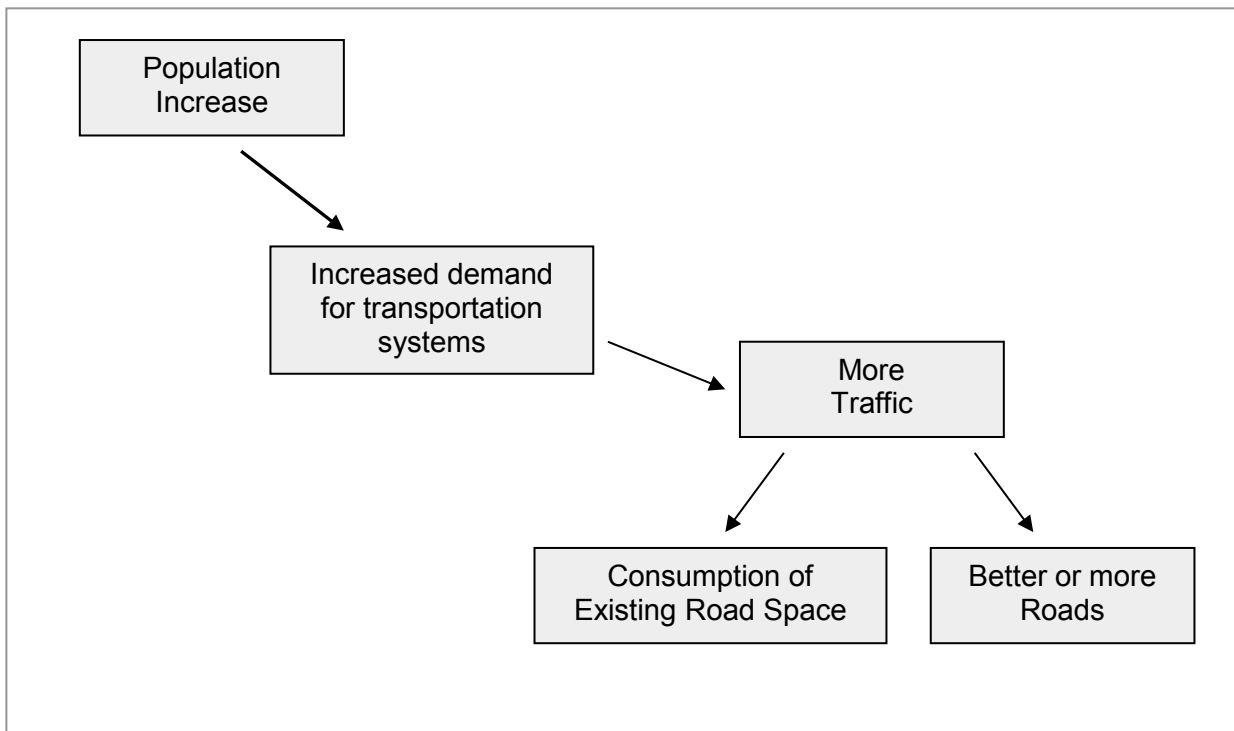


Figure 3.3 Nexus

3.3.2 Impacts

Extra traffic can impact upon:

- * operational efficiency
- * amenity
- * safety
- * pavement life; and
- * public finances

Operational efficiency traditionally relates to the performance of major roads. However, in high growth areas like the Tweed Shire, the effects may extend to local roads, which were never designed nor envisaged to be significant traffic corridors. Amenity is primarily a concern for residents fronting local roads and in particular local urban streets. Safety, arguably the most important consideration of all, applies everywhere. Remedies are provided through augmentation, replication, and diversion.

3.3 Nexus continued

Development traffic may significantly reduce the expected life of a road pavement. Such impacts are well advanced in literature. For example, it has been known since the 1950's (Yoder, 1959) that the life of a pavement is proportional to the load being applied and varies directly with the logarithm of the number of load applications. That is, the heavier the load and the more frequent a load is applied, the quicker a road fails.

Traffic impacts accumulate over time. A contributions policy overcomes financing issues created by incremental development / decision making processes. It can nearly always be shown that an impact of a small single development is negligible and therefore seemingly admissible. However, in time the cumulative impact of several developments may cause significant funding dilemmas for a service provider, especially where threshold capacities are exceeded.

3.3.3 Assessment

Council engaged, Veitch Lister Consulting to examine the impact of development on Council's road network and to equitably assign the cost of developing the future road network between the users. This was undertaken as part of the Tweed Road Development Strategy (1997), and refined in subsequent updates.

3.3.3.1 Model

Veitch Lister Consulting used advanced computer simulation techniques to predict the likely impact of traffic on the Tweed road network. The outcome of this mathematical model is the best prediction Council can obtain of the volume and distribution of traffic growth in the years to come.

3.3.3.2 Growth

As a prerequisite to developing the new traffic model of Tweed Shire for the Banora Point / South Tweed Traffic Study (2004), VLC undertook a comprehensive review of the Shire's potential future population and its distribution. This re-appraisal was documented in Working Paper No.2 (Demographic Assumptions) of that study and summarised in Table 4.1, below.

Table 3.3.3.2 - Forecast Population Growth

Area	2001	2011	Ultimate (2030?)
Tweed Heads	7,642	8,241 (+8%)	9,028 (+18%)
West Tweed Heads	9,138	13,027 (+43%)	27,461 (+201%)
South Tweed Heads	22,161	27,791 (+25%)	36,141 (+63%)
North Tweed Coast	8,807	16,075 (+83%)	29,574 (+236%)
South Tweed Coast	7,298	12,521 (+72%)	15,274 (+109%)
Murwillumbah	7,553	8,714 (+15%)	11,900 (+58%)
Rural ⁽¹⁾	11,781	12,828 (+9%)	17,888 (+52%)
TOTAL	74,380	99,197 (+33%)	147,266 (+98%)

Notes: 1. Including rural villages

3.3.3.3 Traffic

VLC's traffic modelling found that the Tweed Shire road network will experience considerable traffic growth, especially on the Tweed Coast and in the urban areas, as a result of the

3.3 Nexus continued

anticipated urban development. Most major urban road corridors will be required to carry considerably more traffic, with many needing to be upgraded or augmented through the addition of new road corridors or links.

Schedule 5 to this Plan describes in detail the scale of works needed to provide adequate levels of traffic service in these growth areas. No new rural road links are required, however many rural roads require widening and re-alignment to improve capacity and road safety generally. No rural road has been identified to be greater than two lanes.

3.4 Works Schedule

3.4.1 Works

The road infrastructure projects covered by this Plan (both completed and proposed) are listed, along with detailed costings, in Schedule 5. The road infrastructure works program comprises 137 items, estimated to cost around 588M.

This road infrastructure works program is the result of functional analyses of the future road network during the various traffic studies that preceded this Plan and is listed Section 2.5.Existing Roads

Contributions specified in this Plan are calculated on the unit capacity consumed in the road network, including existing roads assessed at replacement value including a land value component, in accordance with Council’s policy. Although the contributions are based on road space consumption, the monies raised will all be directed toward completing the projects in the road infrastructure works program.

3.4.2 Contingencies

The majority of road infrastructure projects covered by this plan are based on conceptual designs only, that is, strategic level assessments of likely alignments, cross sections, and constraints. Due to this fact contingencies have been applied to the cost estimates to reflect the risk to Council that when these road projects are actually constructed, the actual costs will be higher than originally estimated.

Percentage contingencies for road works estimates have been calculated in general accordance with the Project Estimating matrix for strategic road projects (Roads and Traffic Authority NSW) as detailed in Schedule 8, and as summarised below:

Low Level of Concept Certainty:

Task	Comment	Contingency
Project scope	Not confident and not reliable	15%
Risks	Not confident and not reliable	15%
Constructability	Not confident and not reliable	10%
Key dates	Not confident and not reliable	5%
Information	Not confident and not reliable	15%
Length of project	Not confident and not reliable	10%
	TOTAL	70%
	ADOPTED CONTINGENCY	70%

Medium Level of Concept Certainty:

Task	Comment	Contingency
Project scope	Reasonably confident and reliable	12%
Risks	Reasonably confident and reliable	12%
Constructability	Reasonably confident and reliable	8%

Section 94 Plan No. 4

Tweed Road Contribution Plan

3.3 Works Schedule continued

Key dates	Reasonably confident and reliable	4%
Information	Reasonably confident and reliable	12%
Length of project	Reasonably confident and reliable	7%
	TOTAL	55%
	ADOPTED CONTINGENCY	50%

High Level of Concept Certainty:

Task	Comment	Contingency
Project scope	Highly confident and reliable	9%
Risks	Highly confident and reliable	9%
Constructability	Highly confident and reliable	6%
Key dates	Highly confident and reliable	3%
Information	Highly confident and reliable	9%
Length of project	Highly confident and reliable	4%
	TOTAL	40%
	ADOPTED CONTINGENCY	30%

Detailed Design Available: Adopt standard 15% contingency, except where known areas of uncertainty justify application of a higher contingency.

3.5 Formula

3.5.1 Background (Transport Modelling)

The prediction of traffic volumes on individual roads in Tweed Shire has been undertaken using VLC’s proprietary travel demand forecasting software (‘Zenith’). In essence, the Zenith models forecast the number of ‘trips’ likely to be made between differing areas (or zones) - a ‘trip matrix’. A trip has two end points - a beginning point or ‘origin’ and a ‘destination’, which is sometimes referred to as the ‘attraction’.

For example, if someone leaves home to go shopping, the ‘origin’ end of their trip is their house and the ‘destination’ end of their trip is the chosen shopping centre. On the journey home though, the shopping centre becomes the start point or origin and the person’s house is the destination. Some journeys may involve a number of ‘stops’ and this too is accounted for via a concept called ‘diverted’ trips.

Given the future land use assumptions and the transport network connecting these land uses, the Zenith model uses parameters derived from existing travel patterns and choices to forecast where people will most likely travel from and to. It does this for a multiplicity of trip purposes, such as shopping trips, commuting, going to school, etc. The Zenith model also forecasts which trips are likely to be undertaken by walking or cycling and by public transport, in order to determine the ‘vehicle trip matrices’.

3.5.2 Standard Formula

Contributions in this Plan have been calculated using ‘trip-ends’, which is a basic measure of traffic generation. Every trip has two ends.

In making a journey or trip, a vehicle will occupy space (or consume capacity) on each road link travelled. By assigning unit values (\$) of capacity to each link in the model road network, the VLC model is able to determine the value of road space consumed by vehicular trips between pairs of areas (or sectors).

Given that each trip has two ends, the value of the road space consumed by each trip can be allocated half to each sector.

The value of road space consumed by each sector is half of the sum of the road space consumed by all trips to or from that sector. The average value of road space consumed by the sector any trip to or from the sector is, then, that sectors total share of road space consumption divided by the total number of trip-ends generated or attracted by that sector. The formula below conceptually outlines the computation process.

$$\$Standard\ Trip\ End_{cost} = \frac{\$Total\ Road\ Capacity\ Consumed_{sector}}{Total\ Trip\ Ends_{sector}}$$

where:

$$\$Standard\ Trip\ End_{cost} = \text{Standard Contribution per daily trip-end}$$

3.5 Formula continued

and

$Total\ Trip\ Ends_{sector}$ = the sum of all trip-ends either originating from or attracted to land use activities within the sector.

and

$\$Total\ Road\ Capacity\ Consumed_{sector}$ = the sum of road capacity consumed on all roads by traffic either originating or attracted to activities in the sector.

The above calculations are repeated for each individual area (or sector). In the case of this Plan, fourteen sectors have been assessed (as defined in Figure 3.1 in Schedule 3) and the calculation summarised in Table 3.5.2 below.

Table 3.5.2 - Standard Trip End Costs

<i>Sector</i>	<i>Value of Capacity Consumed by Each Sector</i>	<i>Trip Ends Generated by Each Sector</i>	<i>\$Standard Trip End_{cost}</i>
1. Tweed Heads	\$72,996,996	94,010	\$ 776
2. Tweed Heads South	\$187,081,449	149,032	\$ 1,255
3. Cobaki	\$47,678,786	36,352	\$1,312
4. Bilambil Heights	\$115,393,688	42,727	\$2,701
5. Terranora	\$52,288,330	27,612	\$1,894
6. Kingscliff	\$68,571,284	63,352	\$1,082
7. Duranbah	\$83,239,190	76,362	\$1,090
8. Pottsville	\$34,090,397	27,880	\$1,223
9. Murwillumbah	\$69,470,951	55,379	\$1,254
10. Rural – Inner East	\$48,301,208	28,067	\$1,721
11. Burringbar	\$8,138,700	6,825	\$1,192
12a. Rural – Inner North	\$11,111,532	3,984	\$2,789
12b. Rural – Inner West	\$22,329,422	10,470	\$2,133
13. Rural - Outer	\$25,031,688	10,373	\$2,413
Overall	\$845,723,621	632,425	\$1337

3.5.3 Local Area Formula

This Plan also administers the equitable distribution of construction costs of local works between local developers. Urban release areas may involve a number of landowners, and the aim is to assist the parties to jointly fund shared and necessary infrastructure facilities.

Section 94 Plan No. 4

Tweed Road Contribution Plan

3.5 Formula continued

The cost of the designated local works in each local area have been similarly apportioned on the basis of the trip-ends expected to be generated / attracted by all anticipated developments in that local area, as follows:

$$\text{\$Local Trip End}_{\text{cost}} = \frac{\text{\$Works}_{\text{local}}}{\text{New Trip Ends}_{\text{local}}}$$

where:

$\text{\$Local Trip End}_{\text{cost}}$ - Local Area Contribution per daily trip end

and

$\text{\$Works}_{\text{local}}$ - value of the local works projects.

and

$\text{New Trip Ends}_{\text{local}}$ - the total 'new' trip-ends expected to be generated / attracted by all anticipated (new) developments in the area.

Table 3.5.3 is the result of applying the local area formula at four localities. The number of localities may increase where local developers wish Council to administer the distribution or liability for local works.

<i>Location</i>	<i>Value of Works_{local}</i>	<i>New Trip Ends</i>	<i>\\$Local Trip End_{cost}</i>	<i>Comments</i>
1. Terranora				<ul style="list-style-type: none"> Deleted Version 6
2. Cabarita				<ul style="list-style-type: none"> Deleted Version 6
3. Pottsville	\$ 678,000	10,435	\$65	<ul style="list-style-type: none"> Applies to Seabreeze and Koala Beach Estates only Work Items 135 - 136
4. Kings Beach	\$ 1,548,800	9,680	\$160	<ul style="list-style-type: none"> Applies to Kings Beach (Casuarina) Development only Works Item 137
Total	\$ 18,595,789	--	--	

Local Area Works are to be totally funded by the 'new' development, as the works are not required by the broader community. The determination of the Local Area Contribution is purely administrative, to allow Council to share local costs between local developers. That is, Council would not manage localised situations, if it meant funding or acting as banker to the release area.

3.5.4 Interest

It is not planned to borrow to fund the construction of projects listed in the Works Schedule of the Plan. The timeframe for construction will be based on cash flow paid into the Plan and projects generally won't be constructed until sufficient funds are available within the plan

Section 94 Plan No. 4

Tweed Road Contribution Plan

3.5 Formula continued

3.5.5 Heavy Haulage (Extractive Material)

Deleted in Version 3.6.5

3.5.6 Administration

A surcharge of 5% to cover the costs associated with administering and updating the Plan is applied to contributions collected under this Plan.

3.6 Contribution Rates

Traffic generating developments are required to contribute to the development of Tweed Council’s road network, calculated in accordance with Sections 3.6.1 and 3.6.2 below. Development applications will be conditioned at consent to contribute the TRCP contribution ($\$Con_{TRCP}$).

3.6.1 Standard and Local Area Contributions

TRCP contributions, $\$Con_{TRCP}$, are calculated:

$$\$Con_{TRCP} = (Admin \times Trip\ End_{(development)} \times \$Total\ Trip\ End_{cost}) - \$Existing$$

where:

$\$Con_{TRCP}$ - contributions to be paid to Council by way of condition of consent

and

$Trip\ Ends_{development}$ - the total trip ends created or attracted to the development being assessed, using trip generation rates in Table 7.1.

and

$\$Total\ Trip\ End_{charge}$ - total trip-end charge, as defined later in this Section.

and

$\$Existing$ - value of ‘existing use rights’, where applicable.

and

$Admin$ - Administration Charge of 5%

The total trip-ends of a development shall be calculated using the trip generation rates listed in Table 3.6.1A, following. These trip generation rates are NOT to be used for the design of traffic facilities, as Council adopts specific design codes referred to in Tweed Development Control Plan Section A5 for these works.

Redevelopment will not be automatically entitled to the ‘existing right’. Applicants may need to show how the ‘existing right’ reflects contributions to the funding of major works in this Plan.

The total trip cost is given by:

$$\$Total\ Trip\ End_{cost} = Modification \times (\$Standard\ Trip\ End_{cost} + \$Local\ Trip\ End_{cost})$$

where:

$Modification$ - allowance for diverted trips - see Table 3.6.1B

$\$Standard\ Trip\ End_{charge}$ - Standard Contribution - see Table 3.5.2

$\$Local\ Trip\ End_{cost}$ - Local Area Contribution - see Table 3.5.3

Section 94 Plan No. 4

Tweed Road Contribution Plan

3.6 Contribution Rates continued

Table 3.6.1A - Trip Generation Rates by Land Use

No	Land Use	Daily Trip Rate	Unit Per
RESIDENTIAL AND TOURIST			
1	Dwelling house	6.5	Household Unit
2	Multi Dwelling housing	3.9	
2.1	Housing for older people or people with disabilities (SEPP 5)		
a.	Residential care facility	2	Occupant
b.	Hostel	2	Occupant
c.	Self contained dwelling with onsite community facilities (community meeting rooms, recreation/sports facilities, library/reading rooms etc)	2.5	Dwelling
d.	Self contained dwelling. No onsite community facilities (apart from communal laundry, washing)	3	Dwelling
21	Motels	5	100 m2 GLA
35	Tourist Resort	2.48 plus 12	Room or Unit 100m ² GLA of restaurant
COMMERCIAL-RETAIL*			
6	Service station	200	Pump
8	Shop/General Store <, 100m2	2.8 (A)	A = m2 GLA
9	Shopping Centre 100m2 < SC < 6,000m2	200 + 0.8 (A)	A = m2 GLA
10	Shopping Centre 6,000m2 < SC < 10,000m2	500 + 0.75 (A)	A = m2 GLA
11	Shopping Centre >= 10,000m2	3200 + 0.48 (A)	A = m2 GLA
12	Retail Garden centre not included in Shopping Centre	40	100 m2 retail area
13	Hardware not included in shopping centre	80	100 m2 GLA
20	Retail Tyre Outlets	10	100 m2 GLA
22	Pub / Tavern / Hotel	110	100 m2 GLA
23	Refreshment Room (eg Restaurant)	60	100 m2 GLA
23.1	Fast food outlet with associated drive through capability	200	100m2GLA
24	Retail Market	20	100 m2 GLA
31	Licensed Clubs	100	100 m2 GLA
32	Motor Showrooms	5	100 m2 GLA
BULKY GOODS*			
14	Mixed Retail Showroom (Bulky and Non Bulky goods)	40	100 m2 GLA
15	Bulky Goods Retailing (eg Furniture Showroom)	10	100 m2 GLA
COMMERCIAL – OFFICE*			
16	Commercial Premises (Offices / Professional Centre)	16	100 m2 GLA
17	Commercial Premises (Major Offices including government)	12	100 m2 GLA
COMMERCIAL-BUSINESS PREMISES*			
18	Medical Centres & Dentists(greater than 3 consulting rooms)	50	100 m2 GLA
19	Professional Consulting Rooms	50 - 150	100 m2 GLA
LIGHT INDUSTRY*			
28	Light Industry	5	100 m2 GLA
34	Mixed Industrial Park	7.0	100 m2 GLA
WAREHOUSE OR DISTRIBUTION CENTRE*			
29	Warehouses	4	100 m2 GLA
MISCELLANEOUS			
3	Child Care Centre	3.7	Enrolment
4	Education Establishment	1.4	Enrolment

3.6 Contribution Rates continued

Table 3.6.1A - Trip Generation Rates by Land Use

5	(Primary School) Education Establishment (High School)	1.4	Enrolment
7	Education Facility (TAFE College/University)_	1.8	Enrolment
25	Recreation Facility - Squash	40	Court
26	Recreation Facility - Tennis	40	Court
27	Recreation Facility - Gymnasium	50	100 m2 GLA
30	Hospitality Facilities	50	100 m2 GLA
33	General Heavy Industry	1.5	100 m2 GLA

* Definition of commercial and industrial uses in accordance with SEPP (Exempt and Complying Development Codes) 2009 and the standard LEP template.

Notes:

- a) 'A' denotes area of floor space in m2 Gross Leasable Area (GLA). GLA is defined as the sum of the area of each floor of a building where the area of each floor is taken to be the area within the internal faces of the walls, excluding stairs, amenities, lifts, corridors and other public areas but including stock storage areas. Where a calculation of GLA is not provided with a development application or cannot be reasonably determined from submitted plans, GLA shall be assumed to be 75% of Gross Floor Area (GFA). GFA is defined by the Tweed Local Environmental Plan.
- b) Detached housing in Sector 13 - adopt 6.5 daily trips per household.
- c) Multiple Occupancies (MO's) in Sectors 12 and 13 - adopt half (0.5) the detached household generation rates per MO household.
- d) GLA for Motor Showrooms includes any external display areas.
- e) A TOURIST RESORT is defined as a tourist accommodation facility with integrated reception area, common servicing and management of up to 400 rooms or units; featuring mainly accommodation with restaurants, pools, tennis courts, gym, conference facilities and moderate rates of arrival by car of 40 to 70%; and being in an Urban or Fringe Urban location within the Tweed Region.
If the Tourist Resort has a golf course/bowling greens/retail shopping/marina or is within a National park and is open to day visitors then category use No 35 does not apply and a Traffic Management Report will be required.
- f) Where a proposed traffic generation rate departs from the prescriptive rates in this table (excluding the dwelling house and multi dwelling house component) or is not stated, a detailed *Traffic Study* is required substantiating that the proposal conforms with the principles and objectives of this plan. The *Traffic Study* may be based on observed daily traffic generation rates of similar land uses in the area on at least 4 representative occasions. Further reference should also be made to Section 3.6.3 of this plan.

Allowance is made for diverted trip making, being shared purpose journeys, using factors given in Table 3.6.1B.

Table 3.6.1B - Modification Factors for Specific Land Uses

<i>Category of Land Use</i>	<i>Contribution Modification</i>
Child Minding Facilities	0.60
Primary School	0.75
High School	0.80
Suburban Service Station	0.10
Local Shops to 100 m ²	0.15
100 m ² < Shop < 6,000 m ²	0.15 to 0.55 at 6,000 m ²⁽¹⁾
6,000 m ² < Shop < 10,000 m ²	0.55 to 0.60 at 10,000 m ²⁽²⁾
Shops >= 10,000 m ²	0.6
Fast food outlet with drive through facility	0.65

Section 94 Plan No. 4

Tweed Road Contribution Plan



3.6 Contribution Rates continued

3.6 Contribution Rates continued

Equations required for modification factor (Shop)

$$(1) \quad = 0.15 + 0.4 \left[\frac{A - 100}{5,900} \right]$$

$$(2) \quad = 0.55 + 0.05 \left[\frac{A - 6,000}{4,000} \right]$$

$$A = m^2 GLA$$

The modification factor applies to both the Standard and Local Area Contributions save that suburban service stations shall be a minimum of 0.5 when calculating the Local Area Contribution.

LTTS payments previously paid for a property are recognised by the TRCP at current dollar value, that is, indexed from the day of payment using the All Groups Consumer Price Index (ABS 6401.0) for Brisbane. Alternatively, where LTTS contributions have been made, recognition may be given at the rates in this Plan for equivalent land use categories. For example, a previous payment for 10 households in the old LTTS Scheme is equivalent 10 households in this scheme.

In summary, TRCP contributions per household for each sector, including local area contributions are outlined in Table 3.6.1C. This table also gives the \$Total Trip End charge for each Sector, assuming no discounts for diverted trip making and no previous LTTS payments.

Section 94 Plan No. 4

Tweed Road Contribution Plan

Sector	Locality	Base Rate Per Trip Calculation				Household calculation	
		\$Standard Trip End Contribution ⁽¹⁾	\$Local Trip Contribution	Admin Fee 5% Factor	Total Trip End Contribution (prior to application of adjustment factor)	Trip ends per Household	Total Household Contribution
1	Tweed Heads	\$776	\$ -	1.05	\$815	6.5	\$5,299
2	Tweed Heads South	\$1,255	\$ -	1.05	\$1,318	6.5	\$8,567
3	Cobaki	\$1,312	\$ -	1.05	\$1,377	6.5	\$8,952
4	Bilambil Heights	\$2,701	\$ -	1.05	\$2,836	6.5	\$18,432
5	Terranora	\$1,894	\$ -	1.05	\$1,988	6.5	\$12,924
6	Kingscliff	\$1,082	\$ -	1.05	\$1,137	6.5	\$7,387
7	Duranbah/Cabarita	\$1,090	\$ -	1.05	\$1,145	6.5	\$7,440
	LAC4: Casuarina	\$1,090	\$160	1.05	\$1,313	6.5	\$8,531
8	Pottsville	\$1,223	\$ -	1.05	\$1,284	6.5	\$8,345
	LAC3: Koala Beach/Seabreeze	\$1,223	\$65	1.05	\$1,352	6.5	\$8,791
9	Murwillumbah	\$1,254	\$ -	1.05	\$1,317	6.5	\$8,562
10	Rural - Inner East	\$1,721	\$ -	1.05	\$1,807	6.5	\$11,745
11	Burringbar	\$1,192	\$ -	1.05	\$1,252	6.5	\$8,139
12a	Rural - Inner North	\$2,789	\$ -	1.05	\$2,928	6.5	\$19,035
12b	Rural - Inner West	\$2,133	\$ -	1.05	\$2,239	6.5	\$14,556
13	Rural - Other	\$2,413	\$ -	1.05	\$2,534	6.5	\$16,470

Section 94 Plan No. 4

Tweed Road Contribution Plan

3.6 Contribution Rates continued

3.6.2 Heavy Haulage Contributions

Deleted Version 3.6.5.

3.6.3 Self Containment and Disputes

This Plan assumes particular land uses and traditional containment factors consistent with a wide range of urban forms, but not all situations can be pre-empted. From time to time, Council may receive development applications that do not fit with these assumptions. Council will assess these instances on the merit of the individual case.

Council's strong preference is towards a negotiated outcome; however, in the event that an agreement cannot be reached Council will commission a competent consultant, funded by the applicant to resolve the matter.

3.7 Cash Flows

3.7.1 Income

Development contributions are expected to yield \$284.5 Million (Table ES 3) excluding concessions. The estimated cost of the projects in the Works Schedule is \$588 Million resulting in a shortfall of \$303.5 million which is to be funded from grants and other funding sources.

3.7.2 Expenditure

Council will adopt a rolling 5 year Road Infrastructure Works Program based on the projects listed in the works schedule (Schedule 5) and taking into account traffic demand and the funds balance within the Plan. The 5 Year Works Program will be reviewed annually to ensure its currency

An underlying consideration in determining the Road Infrastructure Works Program is that contributions from some developments will be “in kind” for several years before ‘credit’ works are exhausted. Council must be in agreement with ‘in kind’ contributions prior to approval since ‘works contributions’ may jeopardise the financing of other Plan projects.

3.8 BIBLIOGRAPHY

1. *Tweed Shire Local Environment Plan*
By Tweed Shire Council, first gazetted April 2000, with last amendment (No. 47) in October 2006
2. *Tweed 4/24 Strategic Plan 2004-2024*
By Tweed Shire Council, September 2004
3. *Tweed Shire 2000+ Strategic Plan*
By Tweed Shire Council, December 1996
4. *Banora Point and Tweed Road Development Strategy Review 2004*
By Veitch Lister Consulting, for Tweed Shire Council, December 2004
5. *Murwillumbah Distributor Road Network Study*
By Veitch Lister Consulting, for Tweed Shire Council, June 2005
6. *Tweed Road Development Strategy 1997*
By Veitch Lister Consulting, for Tweed Shire Council, 1997
7. *Lower Tweed and Pacific Highway Traffic Master Plan*
By Parsons Brinckerhoff Australia, for NSW Roads and Traffic Authority and Tweed Shire Council, October 2006
8. *Principle of Pavement Design*
By E. J. Yoder, published by John Wiley & Sons (5th printing, 1967)
9. *Tweed Road Development Strategy 2007*
By Veitch Lister Consulting, for Tweed Shire Council, July 2007
10. Project Estimating Manual (Version 2.0, March 2008) by NSW Roads and Traffic Authority

SCHEDULE 1 – HEAVY HAULAGE (OF EXTRACTIVE MATERIAL) (DELETED)

Deleted Version 3.6.5.

Many of Council's urban and rural sealed roads have between 150 mm to 200 mm of gravel cover over virgin insitu material. While this is adequate for current needs, that is a projected life of 15 to 20 years, increased traffic usage or the increased percentage of heavy haulage traffic using a road significantly reduces the life of the existing pavement.

Council roads will normally require a further 200 mm of "top class" gravel to provide the additional strength for sustained heavy haulage developments. In most instances road base gravel may be added in the form of an "overlay". The existing bitumen is ripped, the additional gravel added, compacted and then sealed using 20/10 mm aggregates. Isolated weak points may be excavated or bridged with the use of "geo-textiles", but these additional costs are not generally incurred.

The Council's works cost estimation database currently (at March 2007) uses a unit rate of \$41 per square metre for such rehabilitation to a Type D pavement. Assuming a pavement width of 10 metres (averaged over the whole shire), a typical 2-lane road would cost \$205,000 per lane-kilometre to rehabilitate.

In terms of traffic load, the life of a pavement is normally between 4×10^5 to 1×10^6 Equivalent Standard Axles (ESA's). For the purposes of this computation an average life of 7×10^5 ESA's will be assumed. The unit cost of the damage caused by heavy haulage vehicles can then be calculated as:-

<i>\$Damage</i>	\$205,000 per lane-kilometre

	7×10^5 ESA's
	\$0.29 per ESA per kilometre of road traversed

Based on a standard T44 articulated vehicle (semi-trailer) with a laden weight of 30 tonne and a tare weight of 6 tonne (ie. a 24 tonne load), the pavement damage incurred by it making a return trip would be:-

<i>\$Unit</i>	(3.75 ESA's + 0.75 ESA's) x \$0.29 per ESA
	\$1.30 per kilometre of the haulage route
	5.4c per tonne per kilometre of the haul route

SCHEDULE 2 – CREDIT POLICY

Extract from Council’s Tweed Development Program (at Page 30f):

“7.3.6 Credits

<i>STRATEGY No 9</i>
<i>i) Credits are not cash redeemable</i>
<i>ii) Credits are not transferable to other CP’s unless purchased by the CP so neither fund is disadvantaged</i>
<i>iii) Credits are not a commodity that may be bought and sold on the open market, they reside with the land (the person or company who is the proprietor of the development may assign credits to particular land parcels within their properties)</i>
<i>iv) Credits may only be claimed at a new site if CP works required at the new site are not compromised by Council accepting works-in-kind rather than cash</i>
<i>v) Credits are indexed in proportion to any indexations of levies or contributions</i>
<i>vi) Not all external works are eligible for s94 assistance even though others gain benefit</i>

Some developments require the construction of works identified in s94 Contribution Plans. In these instances Council will condition the development to build these works (s91 EPA). In addition, the consent may:

- delete any requirement to make a monetary contribution to the Contribution Plan concerned (except the administration levy). That is, Council is satisfied the development has made a sufficient contribution, works-in-kind, to the s94 works program;
- in addition to requiring the construction of the said works include a provision to pay a monetary contribution in order to fund works away from the site, needed by the development; or
- include a requirement to build works, pay contributions and a relief mechanism where the built works may be used to offset monetary contributions.

Developments may provide ‘works-in-kind’ in excess of their fair share of contribution liability. A development is said to be in ‘credit’ at this point. Council will not cash redeem any credits as outlined below because this has the potential to undermine the orderly extension of Council’s infrastructure. It will be a commercial decision upon the part of the developer whether they can fund their proposals.

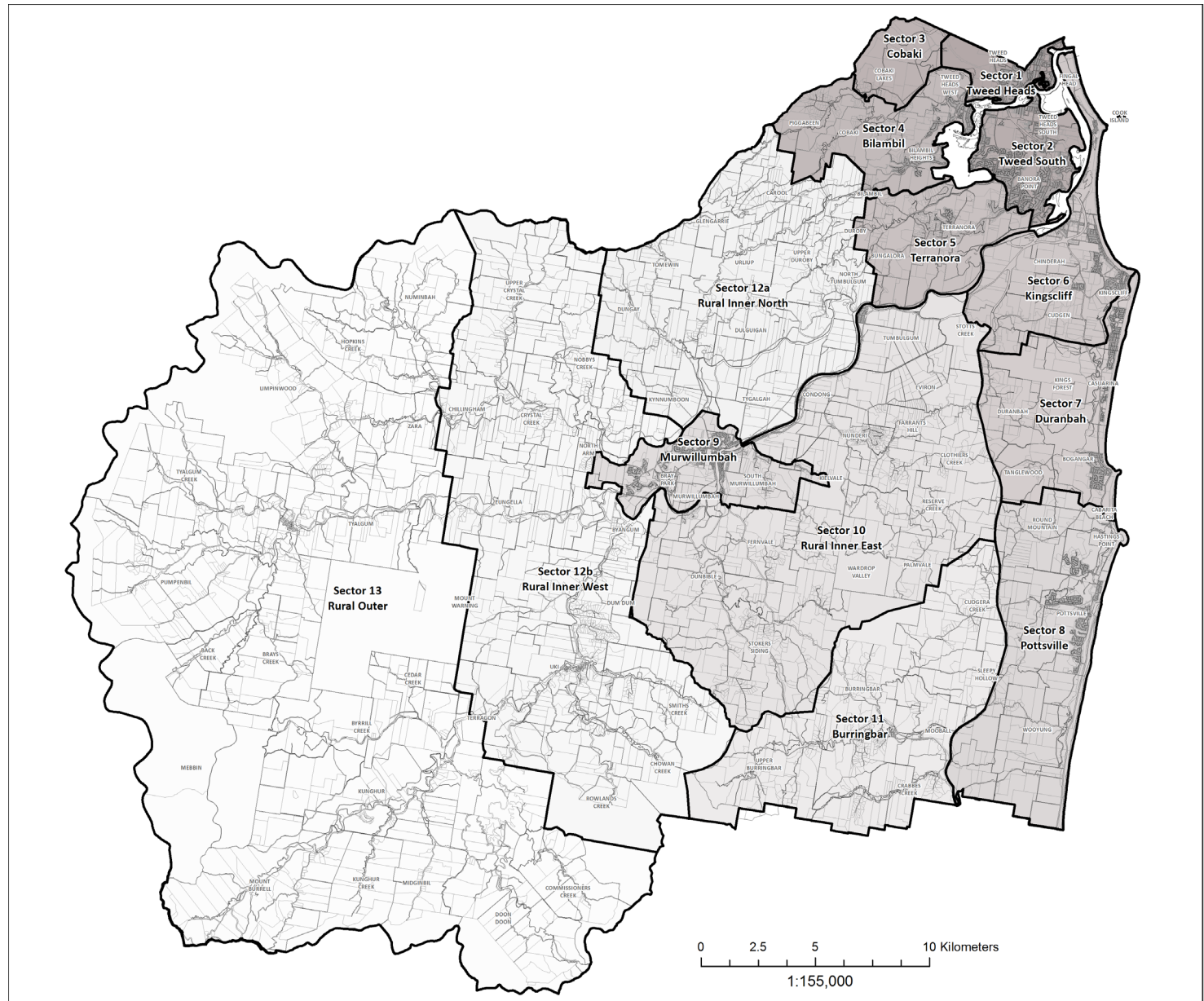
External works, those works beyond a development property, are often required to enable a development to proceed. For example, connection to Council’s infrastructure networks and local drainage catchments. The need and scale for these works are assessed as part of development application/ determination process using merit considerations outlined in s90 of EPA. Conditions of consent are then applied to a development requiring the works to be completed with the development.

The cost of these external works may be substantial and often not included in contribution plans. In recent years, the development industry has pursued and obtained more flexible zonings which allow greater variety of land uses. However, this actually restricts the opportunities for cost sharing arrangements at the local level since the nature of development is imprecise, works undefinable, and beneficiaries unknown. Consequently, the standard nexus and financial arrangements can not be satisfactorily formulated in some contribution plans

**SCHEDULE 3 –
BOUNDARY
DEFINITIONS**

Figure 3.1: Sectors

Figure 3.1 defines the boundaries of the 14 sectors to be used in determining the applicable rate of Standard Contribution.



Filepath: Z:\GIS_Jobs\00063001 to 00064000\00063357\IS94 4 - Figure 3-1 Sectors.mxd

Author: C. Lees - Information Technology Unit

Date Printed: 23 April, 2013

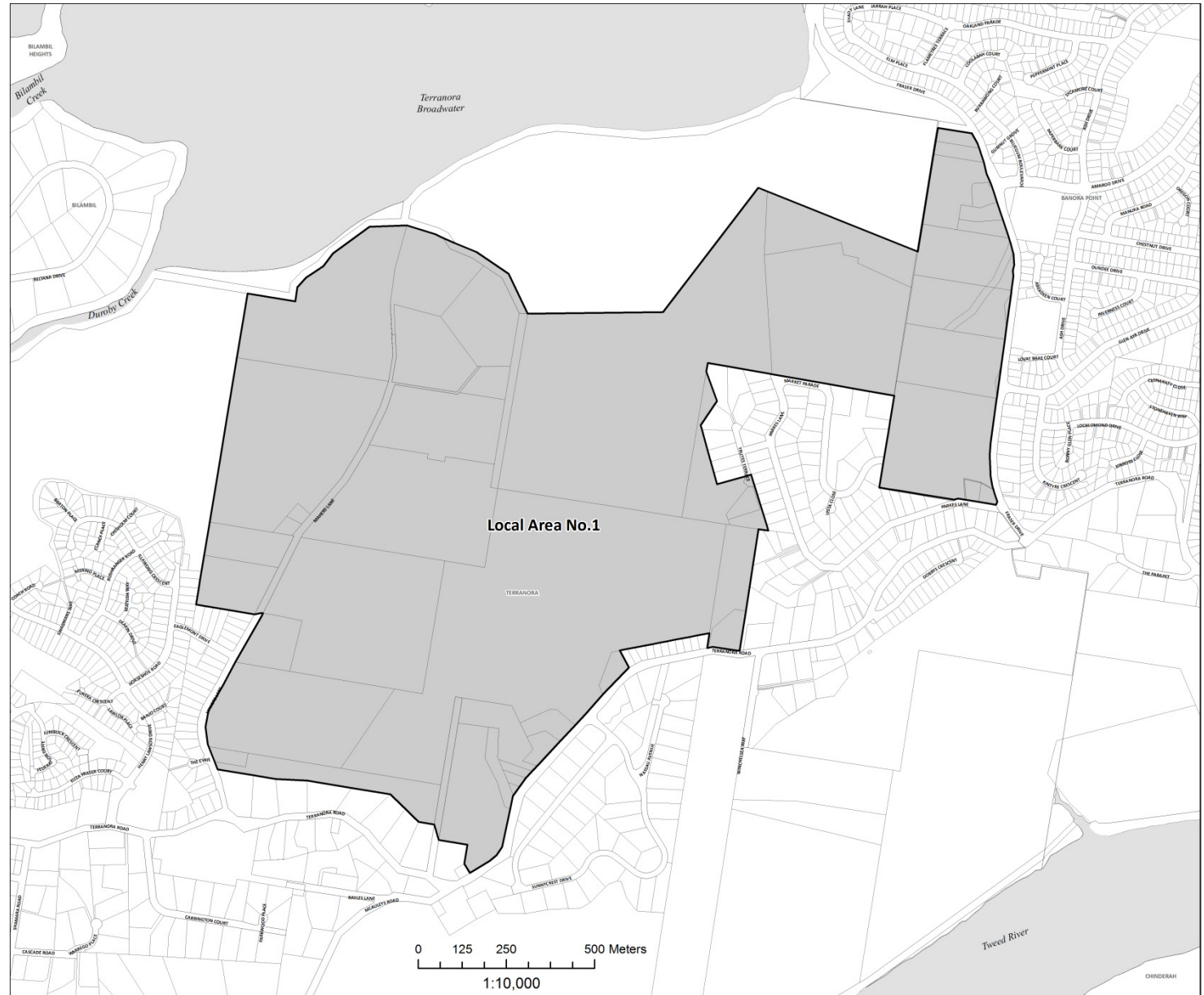
Section 94 Plan No. 4

Tweed Road Contribution Plan

Figure 3.2a : Local Area No.1

Figure 3.2a defines the lands to which Local Area Contribution No 1 applies.

Note: LAC1 deleted in Version 6



Filename: z:\esr\planning\projects\section 94 plans\S94-4_Figure 3-2a Local Area No-1.mxd

Author: J.Batchelor - Planning Reforms Unit

Date Printed: 7 October, 2009

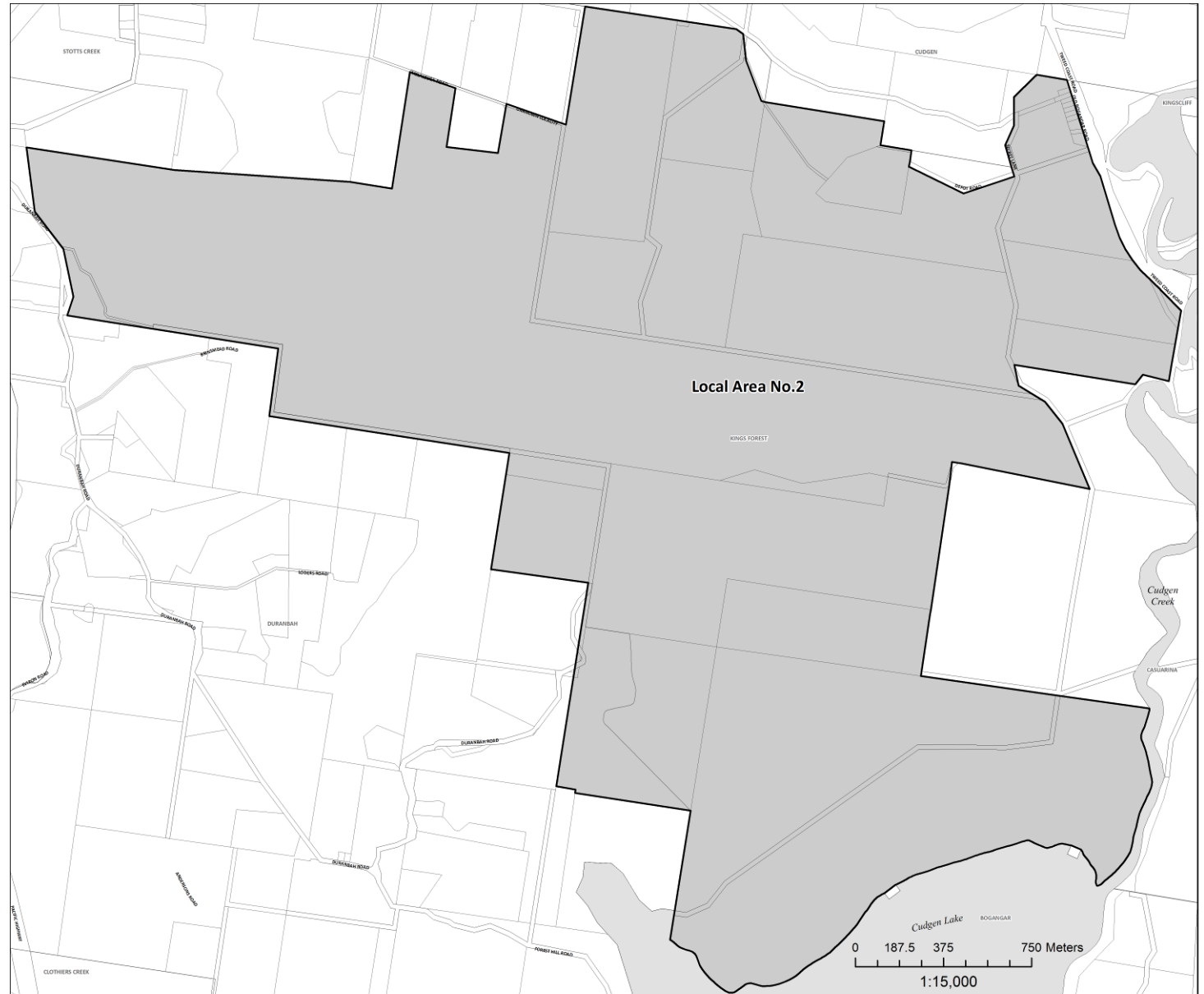
Section 94 Plan No. 4

Tweed Road Contribution Plan

Figure 3.2b : Local Area No.2

Figure 3.2b defines the lands to which Local Area Contribution No 2 applies.

Note: LAC2 deleted in Version 6



Filename: z:\esri\planning\projects\section 94 plans\594-4_Figure 3-2b Local Area No-2.mxd

Author: J.Batchelor - Planning Reforms Unit

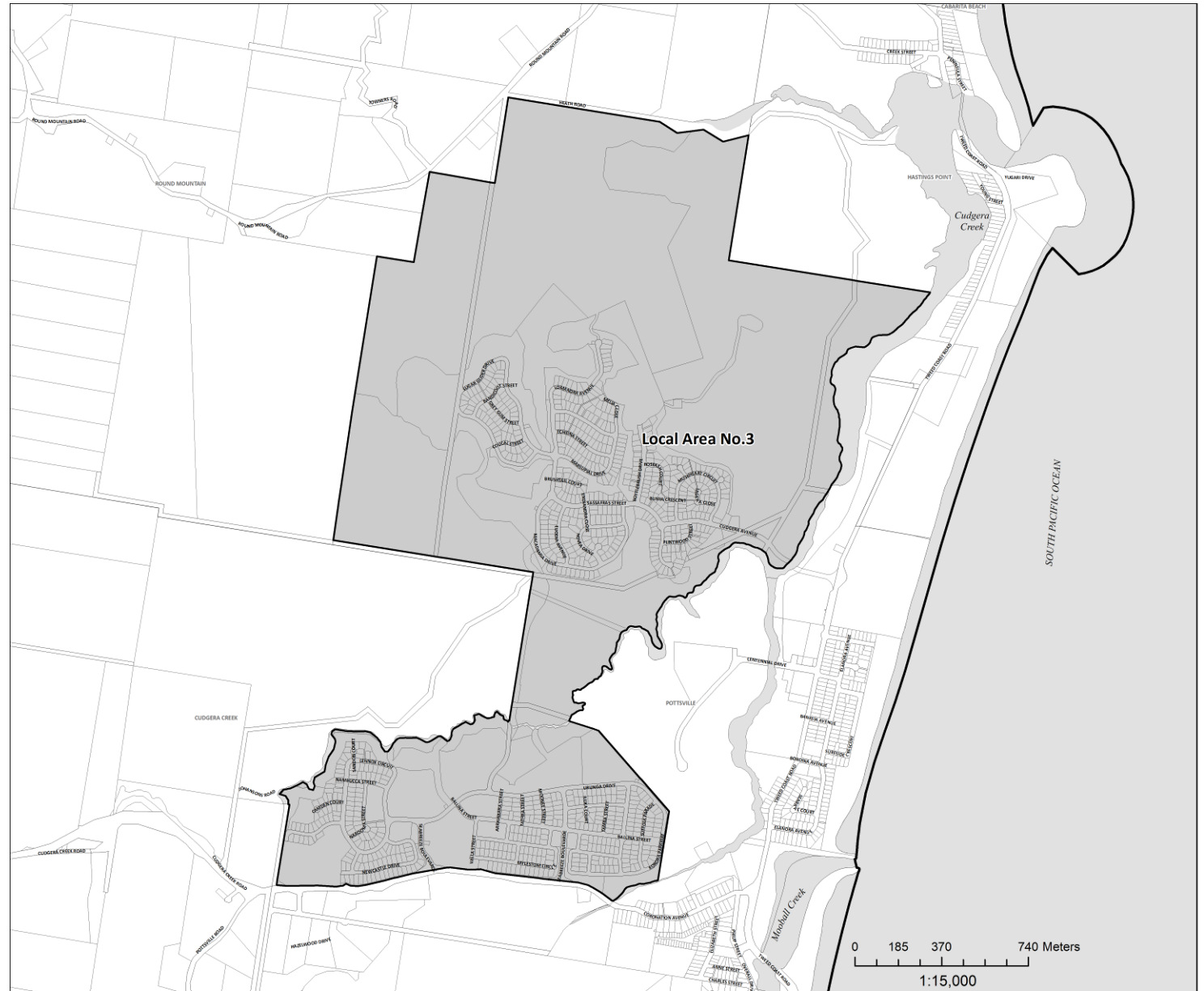
Date Printed: 7 October, 2009

Section 94 Plan No. 4

Tweed Road Contribution Plan

Figure 3.2c : Local Area No.3

Figure 3.2c defines the lands to which Local Area Contribution No 3 applies.



Filename: z:\esr\planning\projects\section 94 plans\594-4_Figure 3-2b Local Area No-2.mxd

Author: J.Batchelor - Planning Reforms Unit

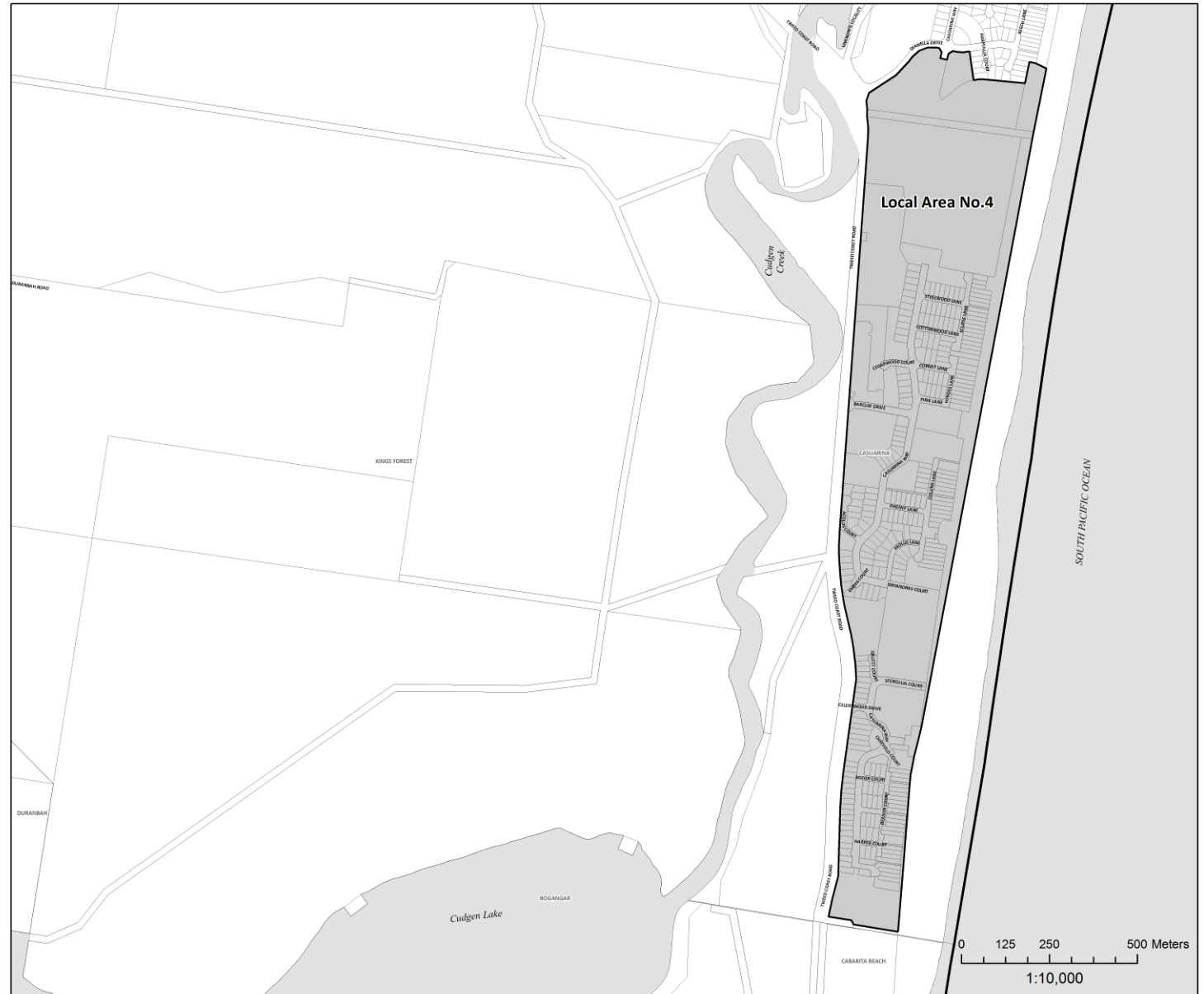
Date Printed: 7 October, 2009

Section 94 Plan No. 4

Tweed Road Contribution Plan

Figure 3.2d : **Local Area No.4**

Figure 3.2d defines the lands to which Local Area Contribution No 4 applies.



Filename: z:\esri\planning\projects\section 94 plans\594-4_Figure 3-2b Local Area No-2.mxd

Author: J.Batchelor - Planning Reforms Unit

Date Printed: 7 October, 2009

SCHEDULE 4 – VERSIONS OF THIS PLAN

VERSIONS/EDITIONS

Version	Description	Commenced
1	Council's Works Committee adopted an interim procedure for the charging of s94 LTTS (Lower Tweed Contribution Plan) roads contributions	5/12/1990
2	Council adopted an LTTS works program and schedule of levies to be charged against development	22/5/1991
3	Council adopted a formal s94 Contribution Plan for the levying of LTTS developer contributions	8/7/1993
3.1	Amendment by Council to include additional costs/works in Cobaki Lakes Development	8/9/1995
3.2	Amendment by Council to include 10% admin levy	9/12/1995
4.0	Tweed Road Contribution Plan, operational 20-6-97 all consents issued on or after that date; or 30-7-97 for all current consents (more than twelve months old) with conditions requiring Lower Tweed Transportation conditions.	20/6/1997
4.1	Repeals and replaces Version 4.0. Changes operation of heavy haulage contribution.	1/1/1999
4.2	Repeals and replaces Version 4.1. This Version of the plan amends Table 5.1(d) "Works Schedule" and Schedule 6 "TRDS Project Costings" by adding an additional item 137 for the new Local Area No. 4. <i>137 Cudgen Ck to Bogangar - 3 i/s- Kings Beach, Total Cost \$1,210,000</i>	8/8/2000
4.3	This Version of the plan amends Table 5.1(b) "Works Schedule" and Schedule 6 "TRDS Project Costings" by adding an additional item 138:- <i>138 Minjungbal Dr / Shallow Bay Dr Intersection, Total Cost \$300,000</i>	3/10/2000
4.4	provides trip generation rates for housing of older people or people with a disability (SEPP 5) and for fast food outlets.	
4.5	inserts the category of tourist resort in the trip generation table 7.1	
4.6	Version 4.6. of this plan amends Table 5.1(b) "Works Schedule" and Schedule 6 "TRDS Project Costings" by adding additional items 139 and 140:- 139 Minjungbal Dr/Machinery Dr Intersection, Total Cost \$323,000 140 Leisure Drive Upgrades (a) Upgrade Darlington Drive from Tweed Heads Bypass to Leisure Drive Total Cost: \$495,000 (b) Upgrade Leisure Drive from Darlington Drive to about 200m past Winders Place Total Cost \$510,000 (c) Upgrade Leisure Drive from Fraser Drive to Eucalyptus Drive Total Cost \$600,000	

Section 94 Plan No. 4

Tweed Road Contribution Plan

4.7 (draft)	amends the works programme by the addition of a new bridge over Cudgen Creek, Kingscliff (<i>this draft was abandoned</i>)	
4.8	amends Table 5.1(a) "Works Schedule" and Schedule 6 "TRDS Project Costings" by deleting item 22 and substituting existing item 23 with: "23. Const McAllisters Rd on existing alignment Total Cost \$856,300 Version 4.9, effective 19 July 2005, amends Table 5.1(b) "Works Schedule" and Schedule 6 "TRDS Project Costings" by adding items 141 and 142: "141. Shallow Bay Drive to Eastlakes Drive connection Total Cost \$341,554 142. i/s - Amber Road and Machinery Drive Total Cost \$190,147"	13/7/2004
5.0	Updates the works program and cost estimates, and adjusts sector boundaries.	20/7/2007

Version 5.0 amendments under Environmental Planning & Assessment Regulation Clause 32(3)(a)

- **5/11/2007** - Correction to typographical error corrected: Number of Trips for Sector 13 in comment should be 6.5.
- **28/4/2008** - EP&A Regulation Clause 32(3)(a) correction to typographical error corrected 28/4/2008 local area trip cost Pottsville (Leisure Gardens and Koala Beach).

Sector	Locality	Standard Contribution	Adjusted Standard Contribution	Local Contribution	Total Contribution	Adjusted Total Contribution
8	Pottsville	\$ 6,470*	\$ 6,647	\$ -	\$ 6,470*	\$ 6,647
	LAC3: Koala Beach /Leisure Gardens	\$ 6,470*	\$ 6,647	\$513	\$7,007	\$7,182

- **28/10/2008** - Indexation of Contribution Rates in line with the ABS Implicit Price Deflator for Non-Residential Construction, resulting in an increase of 7.15%:

Index	Index Date	Rate	Released ABS	Rate date	% increase
IPD (Non-Residential Construction)	Mar-07	109.85	July 2007	20-Jul-07	
	Jun-08	117.70	October 2008	20-Oct-08	7.15%

Sector	Locality	Base Rate Calculation			Total Trip End Contribution		Trip ends per Household	Household Contribution	
		Standard Trip End Contribution	Local Trip Contribution	Admin Fee 5%	Base Rate	Adjusted for IPD		Base Rate	Adjusted for IPD
1	Tweed Heads	\$568	\$ -	1.05	\$596	\$639	6.5	\$3,877	\$4,154
2	Tweed Heads South	\$811	\$ -	1.05	\$851	\$912	6.5	\$5,535	\$5,931
3	Cobaki	\$865*	\$ -	1.05	\$908	\$973	6.5	\$5,904	\$6,326
4	Bilambil Heights	\$1,603*	\$ -	1.05	\$1,677	\$1,797	6.5	\$11,679	\$12,514
5	Terranora	\$1,322	\$ -	1.05	\$1,388	\$1,487	6.5	\$9,023	\$9,668

Section 94 Plan No. 4

Tweed Road Contribution Plan

Sector	Locality	Base Rate Calculation			Total Trip End Contribution		Trip ends per Household	Household Contribution	
		Standard Trip End Contribution	Local Trip Contribution	Admin Fee 5%	Base Rate	Adjusted for IPD		Base Rate	Adjusted for IPD
	LAC1: 'Area E'	\$1,322	\$479	1.05	\$1,891	\$2,026	6.5	\$12,292	\$13,170
6	Kingscliff	\$745	\$ -	1.05	\$782	\$838	6.5	\$5,085	\$5,448
7	Duranbah/Cabarita	\$827	\$ -	1.05	\$868	\$930	6.5	\$5,644	\$6,047
	LAC2: Kings Forest Development	\$827	\$343	1.05	\$1,228	\$1,316	6.5	\$7,985	\$8,556
	LAC4: Casuarina	\$827	\$137	1.05	\$1,012	\$1,084	6.5	\$6,579	\$7,049
8	Pottsville	\$974*	\$ -	1.05	\$995	\$1,066	6.5	\$6,470	\$6,932
	LAC3: Koala Beach/Seabreeze	\$974*	\$79	1.05	\$1,078	\$1,155	6.5	\$7,007	\$7,508
9	Murwillumbah	\$1,010	\$ -	1.05	\$1,060	\$1,136	6.5	\$6,893	\$7,386
10	Rural - Inner East	\$1,386	\$ -	1.05	\$1,455	\$1,559	6.5	\$9,459	\$10,135
11	Burringbar	\$972	\$ -	1.05	\$1,021	\$1,094	6.5	\$6,634	\$7,108
12a	Rural - Inner North	\$2,041	\$ -	1.05	\$2,143	\$2,296	6.5	\$13,930	\$14,925
12b	Rural - Inner West	\$1,785	\$ -	1.05	\$1,874	\$2,008	6.5	\$12,183	\$13,054
13	Rural - Other	\$2,048	\$ -	1.05	\$2,150	\$2,304	6.5	\$13,978	\$14,977

Version 5.1, effective 4 February 2009

- Amends the works program by the addition of the four-laning of Kennedy Drive between Rose Street and Cobaki Bridge.
- Amends typographical discrepancies between contribution tables in the plan to reflect figures in the table below:

Sector	Locality	Base Rate Calculation			Total Trip End Contribution			Trip ends per Household	Household Contribution		
		Standard Trip End Contribution	Local Trip Contribution	Admin Fee 5%	Base Rate	Adjusted Total Trip End	Adjusted for IPD		Base Rate	Adjusted Total Per Lot	Adjusted for IPD
4	Bilambil Heights	\$1,577	\$ -	1.05	\$1,656	\$1,662	\$1,781	6.5	\$10,764	\$10,803	\$11,577
8	Pottsville	\$974*	\$ -	1.05	\$995	\$1,022	\$1,095	6.5	\$6,470	\$6,647	\$7,122
	LAC3: Koala Beach/Seabreeze	\$974*	\$79	1.05	\$1,078	\$1,105	\$1,184	6.5	\$7,007	\$7,182	\$7,695

- Inserts equations required to calculate the modification factor for a shop (Table 7.2)
- Items 9,10 and 11 of Table 7.1 have been amended to include Shops with a GLA of 100m².6,000 m² and 10,000m².

9	Shopping Centre 100m ² < SC < 6,000m ²	200 + 0.8 (A)	A = m ² GLA
10	Shopping Centre 6,000m ² < SC < 10,000m ²	500 + 0.75 (A)	A = m ² GLA
11	Shopping Centre >= 10,000m ²	3200 + 0.48 (A)	A = m ² GLA
- Moves 'adjustment factor' calculation details from the body of the Plan into a new schedule, Schedule 6.

Section 94 Plan No. 4

Tweed Road Contribution Plan

Version 5.1.1, 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 Non-Residential Construction has been applied to the base rates, resulting in an increase of 10.04% on 1 July 2009:

Index	Index Date	Rate	Released ABS	Rate date	% increase
IPD (Non-Residential Construction)	Mar-07	100.95	Jul-07	20-Jul-07	
	Dec-08	111.09	Apr-09	01-Jul-09	10.04%

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 5.2 effective 23 December 2009

- Inserts wording to enable application of TRCP S94 Development Levy on Complying Development Certificates (See Section 9.5 and Schedule 7).
- Reorganises *Table 3.6.1A - Trip Generation Rates by Land Use* by subheadings to coincide with development types in SEPP (Exempt and Complying Development Codes) 2009 and the standard LEP template. Provides an additional note requiring a traffic study where traffic generation rates depart from prescriptive rates in Table 7.1.
- Updates the Sector and Local Area maps.
- Fixes minor calculation discrepancy between indexed trip rate and ET rate (6.5 trips). This will not affect charges as applied to development consents as these are all currently calculated using the per trip value which is correct.
- Extends the concession for employment generating development.
- Clarifies consideration of material public benefit in Clause 9.3.1

Version 6.0 effective 1 February 2012

- Adopt standard format, resulting in significant reorganisation of plan sections;
- Update works program (Schedule 5) based on contemporary planning strategies and development patterns;
- Update cost of works program items based on current unit rates;
- Apply contingencies to conceptual works estimates in accordance with RTA Project Estimating Manual (Schedule 8)
- Delete LAC 1 and LAC 2;
- Update plan to reflect adoption of Tweed Community Strategic Plan, Local Growth Management Strategies, and progress with draft Tweed LEP 2010 and draft Tweed Heads Masterplan;
- Adjustment factor deleted for Sectors 4 and 8 (Schedule 6).
- Amend Eligible Business Enterprise clause.

Version 6.0.1 effective 1 July 2012

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 0.84% on 1 July 2012:

Section 94 Plan No. 4

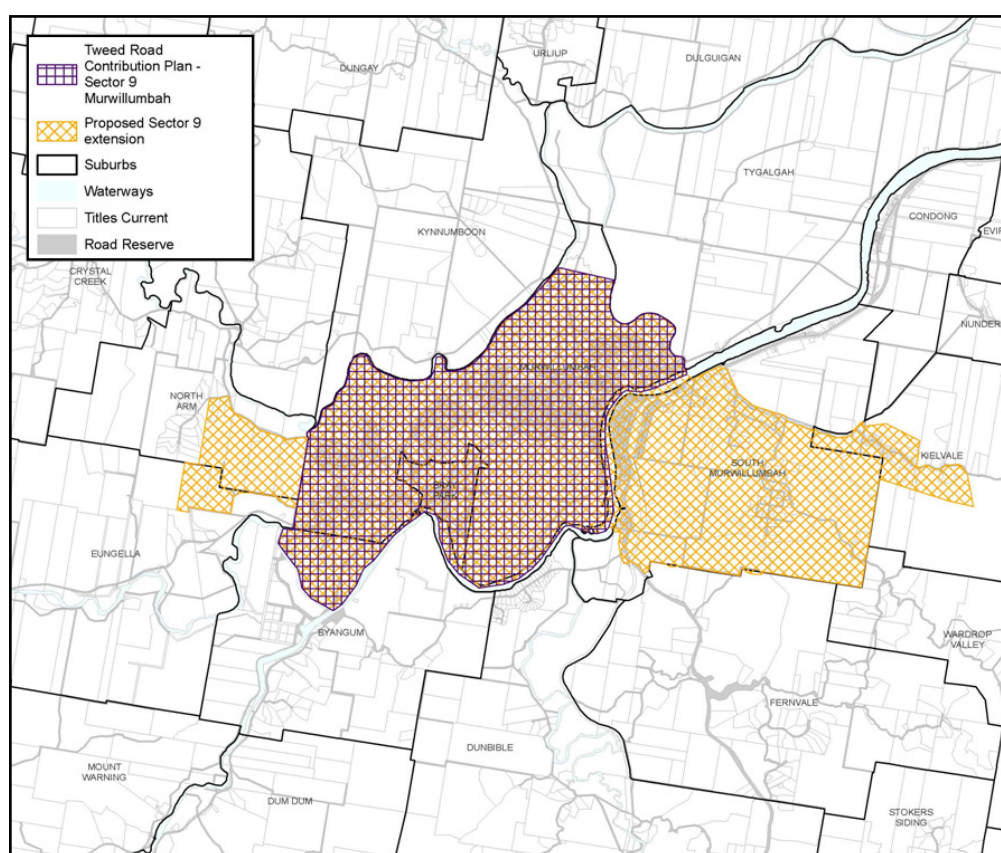
Tweed Road Contribution Plan

Index	Index Date	Rate	Released ABS	Rate date	% increase
IPD (Engineering Construction)	Jun-11	102.43	Apr-12	Jan-12	
	Dec-11	103.29	Apr-12	Jul-12	0.84%

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 effective 3 July 2013

Updates Sector 9 boundaries as follows:



Version 6.1.2 revised rates effective 1 July 2013

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 3.55% on 1 July 2013:

Index	Index Date	Rate	Released ABS	Rate date	% increase
IPD (Engineering Construction)	Jun-11	100.94	Apr-13	May-13	
	Dec-12	104.52	Apr-13	May-13	3.55%

Section 94 Plan No. 4

Tweed Road Contribution Plan



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 6.2.2 effective 30 July 2014

This version deletes the exclusion of:

- coastal development between Kingscliff and Bogangar,
- Bilambil Heights and
- Cobaki

from eligibility for the employment generating development concessions detailed in Section 3.1 of this plan.

Version 6.2.3 effective 1 July 2014

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 4.69% to the original works program in Version 6 as at 1 July 2014:

Index	Index Date	Rate	Released ABS	Rate date	% increase
IPD (Engineering Construction)	Jun-11	98.74	Apr-14	Apr-14	
	Dec-13	103.37	Apr-14	Apr-14	4.69%

Version 6.2.4 effective 1 July 2015

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 5.2% to the original works program in Version 6 as at 1 July 2015:

Index	Index Date	Rate	Released ABS	Rate date	% increase
IPD (Engineering Construction)	Jun-11	96.74	Apr-15	Apr-15	
	Dec-14	101.77	Apr-15	Apr-15	5.20%

Section 94 Plan No. 4

Tweed Road Contribution Plan

Version 6.2.5 effective 1 July 2016

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 6.24% to the original works program in Version 6 as at 1 July 2015:

Index	Index Date	Rate	Released ABS	Rate date	% increase
IPD (Engineering Construction)	Jun-11	95.57	Apr-16	Apr-16	
	Dec-15	101.53	Apr-16	Apr-16	6.24%

Version 6.3 (this version) effective **xxxxx**

Version 6.3 makes the following amendments to the plan in accordance with the August 2016 Council resolution entitled "Amendments to Developer Contribution Plans to facilitate Business Investment Policy":

- In respect of changes to discounts, incentives and deferral of payment as detailed in the Business Investment Policy 2016:
 - Amends clauses 2.9 and 3.1.
 - Adds new Schedule 9 which references and inserts the Business Investment Policy adopted August 2016.
- In respect of clauses relating to the collection of contributions for 'heavy haulage', which is being abandoned by this amendment:
 - Deletes clauses 3.5.5 and 3.6.2
 - Amends Clauses 3.2, 3.3.2 and 3.6
 - Deletes Schedule 1
- To clarify the distinction between Gross Floor Area (GFA) (which is defined in the Tweed LEP 2014) and Gross Leasable Floor Area (GLA) (which is not defined in the Tweed LEP 2014) amends the definition of Gross Leasable Floor area in note (a) under Table 3.6.1A.

Section 94 Plan No. 4

Tweed Road Contribution Plan



SCHEDULE 5 – WORKS SCHEDULE

Refer to attached spreadsheet

Section 94 Plan No. 4

Tweed Road Contribution Plan



SCHEDULE 6 – ADJUSTMENT FACTOR

Deleted in Version 6.

SCHEDULE 7 – 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:

STEP 1 – CALCULATE THE CHARGEABLE TRIPS:

For commercial and industrial development:

(Gross Leasable Area proposed / Unit) x Daily Trip Rate = total trips

Total Trips – credit = chargeable trips

For Dwellings:

(Trip Rate x total household units existing and proposed) = total trips

Total Trips – credit (one ET credit (6.5 daily trip rate) for an established lot and credit for any other existing on-site dwellings according to the daily trip rate applicable to continuing/ existing dwelling type) = chargeable trips

STEP 2 – CALCULATE THE CONTRIBUTION:

= chargeable trips x unit charge amount

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 total trips already paid for as evidenced in a previous development consent. Where a development consent does not exist for a continuing development, or the total trips charged for can not be determined, they shall be determined by calculating the current chargeable trips based on existing gross leasable area or existing households / lot.

Unit charge amount - Is specified in Table 1.1 on page 1.

Daily trip rates - Are specified in **Table 3.6.1A - Trip Generation Rates by Land Use** on page 26.

Units - Are specified in **Table 3.6.1A - Trip Generation Rates by Land Use** on page 26.

Sectors - Are specified in

Figure 3.1: Sectors on page 36 and Figures 3.2a-d.

Concessions

Concessions for employment generating commercial development are applicable to calculations above in accordance with the TRCP plan (refer **Concessions** on page 14).

Section 94 Plan No. 4

Tweed Road Contribution Plan

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.

Any application which proposes to waive this contribution under the terms of the eligible business enterprise concession must contact Council's Development Assessment Unit for contribution calculation and ultimate approval to apply the concession by Council's Director Planning and Regulation. This will be undertaken 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 ET / trip rate and credit) 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	Trips	ETs	Credit(ETs)	Rate per Trip/ET	Total \$
S94 Plan No 4	Xxx	Xxx	Xxx	Xxx	Xxx	\$xxx

Condition Template

The condition must be imposed in the following format:

#	<p><u>Section 94 Contributions</u></p> <p>Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.</p> <p>The complying development shall NOT commence unless all Section 94 Contributions have been paid.</p> <p>A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS COMPLYING DEVELOPMENT CERTIFICATE <u>MUST</u> BE PROVIDED AT THE TIME OF PAYMENT.</p> <p>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.</p> <p>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.</p> <p>« Tweed Road Contribution Plan:</p> <p>6.5 Trips @ \$xxxx per Trip \$xxxx</p> <p>S94 Plan No. 4</p> <p>Sector xxxx</p>
---	--

Section 94 Plan No. 4

Tweed Road Contribution Plan



SCHEDULE 8 – CONTINGENCIES FOR ROAD ESTIMATES

When preparing strategic estimates for major road infrastructure projects, Tweed Shire Council has adopted the NSW Roads and Traffic Authority's Project Estimating Manual (Version 2.0, March 2008) as the basis for contingency allowances. The following schedule is reproduced from the Manual, and is used as the basis for calculating appropriate contingencies taking into account the level of risk or uncertainty associated with the strategic estimates. Calculations for road components of the works program are provided in the body of the contribution plan.

Road projects that have progressed beyond the strategic design stage generally utilise lower contingencies of 15%.

19.2 Appendix B – Contingency for strategic estimates

Contingency for Strategic Estimates that have been derived using TYPICAL rates such as the ones indicated below should be in the range of 40-70% depending on the confidence and reliability of the of the information used in preparing the estimate. Please note that the estimating manual recommends a range of 35-70%, the 35-40% should be used only if the project has been advanced to concept but for some reason is titled strategic.

One way to derive a contingency % is by testing the reliability and confidence there is in different aspects of the information used to generate the estimate:

Task/activity	Comments	Highly confident and reliable	Reasonably confident and reliable	Not confident and not reliable	Contingency
Project scope	<ul style="list-style-type: none"> • Is it well defined? No↑Yes↓ • Is there room to vary the works? No↓Yes↑ • Are there many options? No↓Yes↑ 	9%	12%	15%	
Risks	<ul style="list-style-type: none"> • Are there significant risks with this Project? No↓Yes↑ <ul style="list-style-type: none"> ◆ Political ◆ Community ◆ Technical ◆ Financial • Has a detailed risk analysis been undertaken? No↑Yes↓ 	9%	12%	15%	
Constructability	<ul style="list-style-type: none"> • Has a constructability review been under taken? No↑Yes↓ • Is constructability a problem? No↓Yes↑ 	6%	8%	10%	

Task/activity	Comments	Highly confident and reliable	Reasonably confident and reliable	Not confident and not reliable	Contingency
Key dates	<ul style="list-style-type: none"> • Are the Projects dates known? No↑Yes↓ • Is the project planned for the distant future? No↓Yes↑ 	3%	4%	5%	
Information	<ul style="list-style-type: none"> • Has any investigation been undertaken (include desk top studies)? No↑Yes↓ <ul style="list-style-type: none"> ◆ Geotechnical ◆ Heritage ◆ Environmental ◆ Technical ◆ Hydraulic 	9%	12%	15%	
Length of the project	<ul style="list-style-type: none"> • Is the project short? No↓Yes↑ • <1km - short project • >25km - long project 	4%	7%	10%	
Total:					

Notes:

- No↓ denotes that if the answer is No, decrease contingency.
- No↑ denotes that if the answer is No, increase contingency.
- Yes↑ denotes that if the answer is Yes, increase contingency.
- Yes↓ denotes that if the answer is Yes, decrease contingency.

If it is required to project the prices into the future, use an escalation factor:

- During construction, adopt a 6% per year linear escalation.
- For time frames of 0-5 years into the future, adopt a 10% per year linear escalation prior to construction.
- For time frames in excess of 5 years into the future, adopt a 15% per year linear escalation prior to construction.

Section 94 Plan No. 4

Tweed Road Contribution Plan



Schedule 9 – Business Investment Policy

Policy Version 2.0 which was adopted by Council on 20 June 2016 is attached to this document.

Please refer to Council's Website to view the latest version of this policy:

www.tweed.nsw.gov.au



TWEED
SHIRE COUNCIL

Policy

Business Investment Policy

Version 2.0

Adopted by Council at its meeting on 20 August 2016

Minute No: 395

Commencement Date: xxx

Division: General Manager
Section: Business and Economic Development
File Reference: Business, Industry and Economic Development
Historical Reference:

THIS PAGE IS BLANK

Business Investment Policy

Policy Objective

This policy encourages the development of a robust Tweed economy which is resilient to fluctuations in the economic cycle, has a broad range of business activities and supports the growth and development of sustainable employment opportunities for Tweed Shire's population.

Council will provide leadership and support as well as advocating on behalf of new or existing businesses to the other levels of government to attract funding and any other applicable incentives.

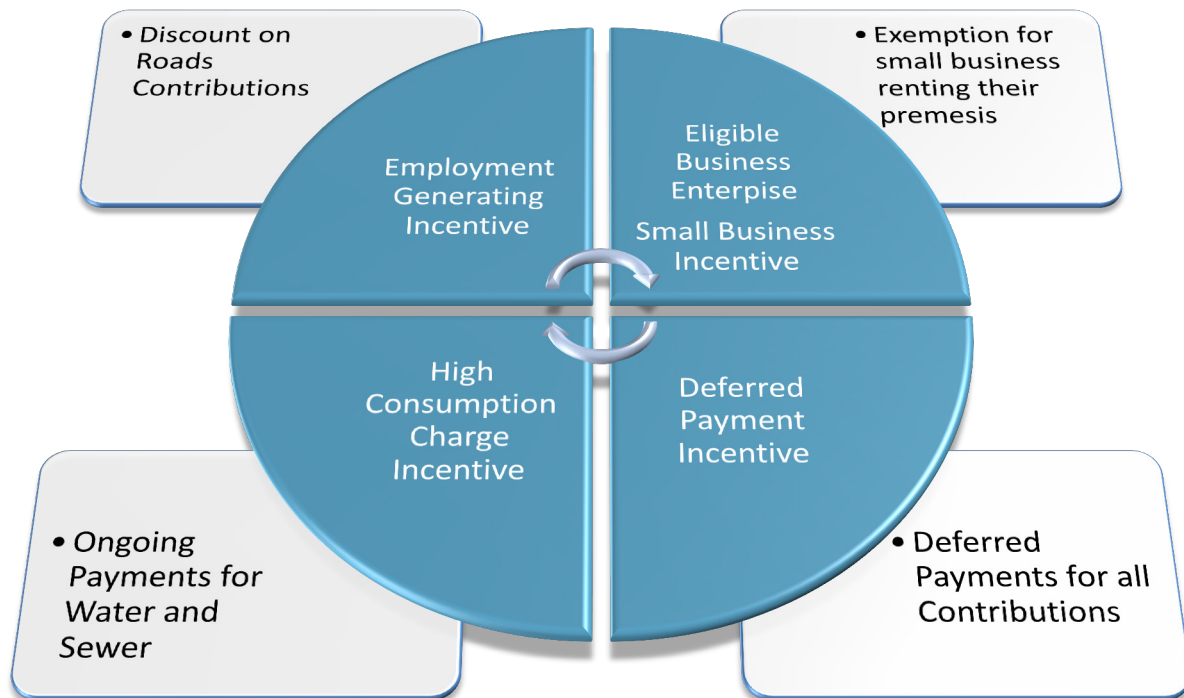
This Policy provides a holistic approach to support business investment and reinvestment in the regional economy, when the investment would not otherwise occur. It also encourages diversification of the economy.

This Policy provides the strategic context and governance platform to support Council's economic development strategies as outlined in the Tweed Economic Development Strategy and the Tweed Community Strategic Plan 2013/2023.

Policy Background

Tweed Council supports business development and growth and has prepared this Policy to offer a range of incentives to encourage new businesses and the expansion of existing businesses. This Policy is aimed at facilitating the development of businesses as they go through the difficult development phase.

The Policy provides a range of solutions to deal with developer charges and contributions arising from the development process. This range of incentives allows for all size of businesses to take advantage of this Policy. Depending on their eligibility businesses will be able to choose from the incentives shown below.



Guiding principles

Assistance from Council to new business developments under this Policy will comprise a non-cash incentive package which allows for payment by instalments of developer contributions for water supply and/or sewer services infrastructure, pursuant to section 64 of the *Local Government Act 1993* (Infrastructure Charge) and section 94 of the *Environmental Planning and Assessment Act*.

Any development relying on the incentive mechanisms under this Policy accepts that the incentive program is offered in good faith and that Council reserves the right to accept or refuse any application for assistance. An application under the minimum threshold may be considered by Council provided the applicant can demonstrate extenuating circumstances.

New investment and reinvestment should result in significant economic gain. This Policy tries to encourage a diversity of small businesses to develop and grow, especially in our CBDs. It also encourages businesses, developers and investors who will foster support services, employment and growth.

Under Council's Community Strategic Plan, Tweed Shire Council must demonstrate ecological sustainability through all aspects of its operations. In its endeavours to become a community leader in ecological sustainability Council encourages all developers and businesses to consider optimising the level of sustainability in their proposed developments.

Developer Charges and Development Contributions

Development Contributions are payments made by developers to enable Council to provide public amenities and services required for new residents and businesses. Section 94 of the Environmental Planning and Assessment Act 1979 is the principal legislation enabling Councils to levy contributions for public amenities and services. Section 94 Contributions are imposed by way of a condition of development consent or complying development. Currently there are 23 Developer Contribution plans but only three of these apply to commercial / employment generating developments. These are car parking, roads and Council administration offices.

Developer Charges are levied to assist in funding water and sewer infrastructure capital works required for growth. These capital works include water treatment plants, water reservoirs, pumping stations sewer treatment plants etc. These Developer Charges are levied through S. 64 of the Local Government Act and administered through the Water Management Act.

Policy

Developer Contributions – Incentives

The Policy provides incentives for the establishment or reinvestment in employment generating businesses.

Employment Generating Incentive

Name:	Employment Generating Incentive
Type:	Discount
Delegated Approval:	Director Planning and Regulation
Applies to:	<ul style="list-style-type: none">• Tweed Roads Contributions Plan (TRCP) (S.94 Plan No.4)
Eligibility:	An incentive is offered to all job creating Business Premises across the Shire.
Ineligible	Residential development, including residential components of mixed use developments. The concession is not available for developments exploiting 'existing use rights' as defined in Clause 3.6.1 of the TRCP, and nor can Local Area Contributions be discounted by the concession.
Security:	Nil
Min. Threshold:	Nil
Incentive:	Forty percent (40%) discount. Council may review the concession on an annual basis at 1st July each year.

Application:	Applicants will need to nominate their development as an Employment Generating Development in their Development Application to Council.
---------------------	---

Eligible Business Enterprise - Small Business Incentive

The Policy provides incentives for the establishment or reinvestment of small businesses.

Name:	Eligible Business Enterprise
Type:	Discount
Delegated Approval:	Director Planning and Regulation
Applies to:	<ul style="list-style-type: none"> Tweed Roads Contributions Plan (TRCP) (S.94 Plan No.4)
Eligibility:	A permitted change of use within established rented premises for business use.
Ineligible	Development initial construction
Security:	Nil
Min. Threshold:	Nil
Incentive:	<p>Less than 500m² (Total GFA): 100% (Full Exemption) 501m² to 750m² (Total GFA): 75% discount 751m² to 1,000m² (Total GFA): 50% discount Up1,001m² to 1,500m² (Total GFA): 25% discount Over 1,500m² (Total GFA): 0% (No Exemption)</p> <p>Note: These discounts are based on the Total Gross Floor Area of the development and are not cumulative.</p> <p>Note: This discount is in addition to any applicable Employment Generating Incentive (currently 40% discount).</p>
Application:	Applicants will need to nominate their development as an Eligible Business Enterprise in their Development Application to Council.

Developer Charges - Incentives

High Consumption Charge (Water / Sewer) Incentive

The policy provides an incentive to businesses undertaking further development of sites within Tweed for the establishment or expansion of that business.

Name:	High Consumption
Type:	Payment of High Consumption Charges in lieu of Developer Charges
Delegated	Director Engineering

Approval:	
Applies to:	<ul style="list-style-type: none"> • Developer Charges (s.64) <ul style="list-style-type: none"> ○ Water Development Servicing Charge ○ Sewer Development Servicing Charge
Eligibility:	A incentive is offered to all commercial and industrial development where there is a change of use.
Ineligible	Subdivisions Development initial construction
Security:	Nil
Min. Threshold:	Nil
Incentive:	The offer by Council is to provide an opportunity for proponents to reduce their upfront establishment costs. Where a proponent of a non-residential development, with the consent of the property owner, elects to do so and it is approved by Council or where required by Council, a high water consumption charge and or a high sewerage usage charge will apply to any consumption of water or sewerage usage by the non-residential property, above the Equivalent Tenement (ET) Entitlement, in lieu of Section 64 Developer Charges.
Application:	Applicants will need to provide the land owners consent to allow as the charge is levied against the water and sewer rates of the property.

General

Deferred Payments Incentives

Name:	Deferred Payments
Type:	Deferral
Delegated Approval:	Resolution of Council
Applies to:	<ul style="list-style-type: none"> • Tweed Roads Contributions Plan (TRCP) (S.94 Plan No.4) • Offsite Carparking (S.94 Plan No. 23) • Council Admin Offices (S.94 No.18) • Developer Charges (s.64) <ul style="list-style-type: none"> ○ Water Development Servicing Charge ○ Sewer Development Servicing Charge
Eligibility:	Business Premises
Ineligible:	<ul style="list-style-type: none"> • Residential Accommodation • Subdivisions • Community or not for profit groups • Deferred Payment Incentive of Developer Charges and Developer Contributions will only be considered for Business Premises that do not require

	immediate upgrading (i.e. within the terms of the instalment period) of infrastructure for the business to operate.
Security:	Agreement and Security over Assets
Min. Threshold:	\$25,000 (S.94 & S.64 Developer Contribution Amount from specific DA)
Incentive:	Combined developer contributions (S. 94 and S.96) form a specific eligible development approval; Up to \$20,000: 0 Years Up to \$50,000: 2 Years Up to \$100,000: 4 Years Over \$100,000: 6 Years
Application:	Applicants will need to request Council to consider a deferred payments plan for their Development when they lodge a development application.

Process

The applicant will be required to enter into a written agreement with Council deferred payments. This agreement will outline milestones, claims and deliverables that are in line with the business case originally provided as part of the application for assistance under this policy.

An investment which does not meet these thresholds may only be approved if it:

- provides a major opportunity to enhance Tweed Shire's investment reputation,
- fills a critical gap in the supply chain for a priority sector of the economy, or
- provides broader economic and social value for a specific location.

This policy recognises and facilitates major investments that require a staged/incremental development process. The applicant must disclose all grant funds or investment incentives offered by other agencies for the same development.

Security over Assets

Council will require protection of ratepayer funds as a result of any business incentive offered under this Policy by seeking security over the assets of the business entity benefiting from the incentive. Refer to Security of Assets section below.

Specifically, all deferred payment approved by Council will require the recipient to provide a bank guarantee for the full amount of any outstanding deferred monies. Alternatively Council may choose to enter into a general or specific security agreement/deed under the *Personal Property Securities Act 2009*.

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
- the bank guarantee is provided by an Australian bank or recognised financial institution.

Agreement

Council requires that in some instances an agreement will be required to formalise the conditions of the incentives package being offered. Any agreement will need to be sealed under the common seal of Council. Entering into an agreement will require a formal resolution of Council. Any report dealing with an application under this Policy will be dealt with as a confidential report to Council. Council will only enter into an agreement with the applicant of the Development Application.

Bankruptcy

Council will check to determine if an applicant under this Policy is currently declared bankrupt. Council will not make any offer to enter into long term financial arrangements with applicants who are currently identified as bankrupt.

Commencement

This policy will come into force at such time as appropriate amendments have been made to all relevant S.94 Developer Contribution Plans to cause these incentives to become effective.

This Policy will only be applicable to all development applications lodged from the date of commencement.

Review Period

A report will be provided to Council in two (2) years reviewing this Policy making recommendations for amendment.

Definitions

Business Premises: means a building or place at which commercial, industrial or professional activities are undertaken. A business can be any legal entity including, an individual, a partnership, a private company, a public company, a not for-profit entity or a trust.

Developer Charges: Developer Charges in this Policy refers to charges levied on approved commercial developments to contribute towards water and sewer infrastructure within the Tweed. These charges are levied in accordance with S.96 of the Local Government Act and the Water Management Act.

Developer Contributions: Developer Contributions in this Policy refers to charges levied on approved commercial developments to contribute towards the road and car parking infrastructure of the Tweed. These charges are levied in accordance with S94 of the Environmental Planning and Assessment Act.

Residential Accommodation: means a building or place used predominantly as a place of residence including serviced apartments and caravan parks.

Related Legislation

Local Government Act 1993

Roads Act 1993

Crown Lands Act 1989

Environmental Planning and Assessment Act 1979

Useful Links

[**Tweed Shire Council website**](#)

[Division of Local Government](#)

Version Control:

Version History		
Version #	Summary of changes made	Date changes made
2.0	<i>Major Re-write to revise incentive packages and consolidate exceptions available in S94 plus new high use water charge into single document.</i>	<i>dd/mm/yyyy</i>



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

tsc@tweed.nsw.gov.au
www.tweed.nsw.gov.au

Fax (02) 6670 2429
PO Box 816
Murwillumbah NSW 2484