

CP18

Section 94 Plan

No. 18 – Council Administration Offices and Technical Support Facilities

Version 2.3.6
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CERTIFIED IN ACCORDANCE WITH
 THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
 AND REGULATIONS

GENERAL MANAGER

DATE: xxxx

SECTION 94 PLAN No 18

COUNCIL ADMINISTRATION OFFICES AND TECHNICAL SUPPORT FACILITIES

VERSION 2.3

In Force: xxxx
 Indexed July 2016

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2.1	17/4/2007	Revised works program, recalculated levy	24/4/2007
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2.3.6	xxxx	Amended to incorporate reference to Business Investment Policy 2016	xxxx

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 the Plan applies.....	3
2.3	Purpose of Plan.....	3
2.4	Scope of Plan	3
2.5	Section 94	3
2.6	Commencement of the plan	4
2.7	Relationship with other plans and policies.....	4
2.8	Definitions and standards	5
2.9	Timing of payment.....	6
2.10	Obligation of accredited certifiers	7
2.11	Deferred/periodic payments.....	7
2.12	“In-kind” settlement or material public benefit.....	8
2.13	Discounting and apportionment factors	9
2.14	Adjustment of contribution rates	9
2.15	Adjustments at the time of payment	10
2.16	Allowances for existing development.....	10
2.17	Pooling of contributions	11
2.18	Savings and transitional arrangements	11
2.19	Register	11
3.0	PART C – STRATEGY PLAN AND NEXUS	12
3.1	Introduction.....	12
3.2	The relationship between expected development and the demand for additional administration offices and technical support facilities	12
3.3	How is the nexus between anticipated new development and the proposed contributions established?.....	12
3.4	What is the expected demand for additional administration offices and technical support facilities	13
3.4.1	Demand estimation	13
3.5	What apportionment or discounting of costs is appropriate?	14
3.5.1	Facilities planned in the 1998 version of this plan.....	14
3.5.2	Facilities planned in the version 2.0 of this plan.....	14
3.6	Formulae for contributions.....	15
3.7	Works program	15
3.7.1	Estimates of costs	15
3.7.2	Staging.....	17
3.7.3	Finance, loans, interest costs.....	17
3.8	Contribution rates	17
3.8.1	Calculated contribution rates.....	17

Appendix 1 – History of the Plan	20
Appendix 2 – Indexation Calculations.....	22
Appendix 3 – Complying Development Certificates.....	23

1.0 PART A – SUMMARY SCHEDULES

1.1 Summary schedule – contribution rates

	Persons	Rate	Indexed Rate 1/7/2016 Version 2.2.6*
Residential and Tourist			
Per person	1	\$733.29	\$795.66
Per Lot/ET	2.4	\$1,759.90	\$1,909.57
Detached dwelling	2.4	\$1,759.90	\$1,909.57
1 bedroom unit	1.3	\$953.28	\$1,034
2 bedroom unit	1.7	\$1,246.60	\$1,353
3 bedroom unit	2.1	\$1,539.91	\$1,671
4+ bedroom unit	2.4	\$1,759.90	\$1,909.57
Commercial			
	Per		
Small industrial lot or unit	Lot or Unit	\$381.35	\$413.78
Small commercial or retail lot or unit	Lot or Unit	\$381.35	\$413.78
Larger commercial, retail or industrial per 300m2 floor area	300m2 floor area	\$264.48	\$286.97

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

* Indexed in accordance with Section 2.14 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000. See Appendix 2 for details of indexation calculations.

1.2 Summary schedule - works program

Item	
Cost of facilities	\$18,106,867
Original plan balance	\$1,680,000
Interest finance cost	\$8,148,090
Total	\$27,934,957

Section 94 Plan No. 18

Council Admin and Technical Support Facilities



1.3 Published indices at time of adoption

Index	Rate	Index Date	Published
IPD (Engineering Construction)	105.94	July 2009	Released 14/10/2009 ABS
TSC Land Index	142.50	June 2009	2009/2010 Tweed Shire Council Revenue Policy

Section 94 Plan No. 18

Council Admin and Technical Support Facilities

2.0 PART B - ADMINISTRATION

2.1 Name of Plan

This Plan may be cited as "Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities".

2.2 Land to which the Plan applies

The Plan applies to all residential, tourist, retail, commercial, industrial and related development, including subdivision of land..

2.3 Purpose of Plan

The purpose of this Contributions Plan is to

- (a) enable the levying of developer contributions for the provision and upgrading of Council's administration office and technical support facilities, which Council considers are necessary to adequately cope in the future with the increased demands generated by new development within its area.
- (b) enable the collection of direct contributions for key community infrastructure, being the provision of key community infrastructure in accordance with Section 116H of the *Environmental Planning and Assessment Act*
- (c) ensure that adequate key community infrastructure is provided for as part of any new development
- (d) authorise the council to impose conditions under section 94 (s94) of the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this plan applies
- (e) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis
- (f) ensure that the existing community is not burdened by the provision of key community infrastructure required as a result of future development
- (g) enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

2.4 Scope of Plan

This Plan aims to provide contributions from developments which result in increased demand for Council administration office and technical support facilities. The proposed Plan life is 20 years.

2.5 Section 94

This Plan explains and justifies contributions for Council's administration office and technical support facilities levied in accordance with S94 of the Environmental Planning and Assessment Act on developments within the Plan area.

Section 94 Plan No. 18

Council Admin and Technical Support Facilities



Section 94 of the Environmental Planning and Assessment Act 1979 permits Council to levy contributions from developers to fund the increasing demand for public services and amenities generated by the carrying out of development. The contribution may take the form of monetary contributions, the dedication of land free of cost, or the construction of works.

Section 94 of the Act requires that there must be a "nexus" between conditions imposed on a development consent relating to public services and the amenities demanded by the development. The Section 94 criteria for contributions is -

- i. it must be for, or relate to, a planning purpose;
- ii. it must fairly and reasonably relate to the subject development; and
- iii. it must be such as a reasonable planning authority, duly appreciating its statutory duties, could have properly imposed.

2.6 Commencement of the plan

The provisions of this Contributions Plan came into effect on 17 June 1998, being the date of public notification of adoption by Council of this Contribution Plan and were amended on 27 September 2005, 24 April 2007 and 23 December 2009.

This amended version (Version 2.2) has been prepared pursuant to the provisions of s94 of the *Environmental Planning & Assessment Act* and Part 4 of the *Environmental Planning & Assessment Regulation* and takes effect from the date on which public notice was published, being 23 December 2009, pursuant to clause 31(4) of the *Environmental Planning & Assessment Regulation*.

2.7 Relationship with other plans and policies

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

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

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

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

2.8 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
1 bedroom unit	Equivalent to 1.3 persons Source: Tweed Shire Urban Land Release Strategy 2009
2 bedroom unit	Equivalent to 1.7 persons Source: Tweed Shire Urban Land Release Strategy 2009
3 bedroom unit	Equivalent to 2.1 persons Source: Tweed Shire Urban Land Release Strategy 2009
4+ bedroom unit	Equivalent to 2.4 persons Source: Tweed Shire Urban Land Release Strategy 2009
Tourist related development that provides accommodation	Equivalent to the above residential standards with reference to the number of bedrooms
Commercial contributions	Contributions for industrial or commercial units are based on the likelihood that new commercial or industrial development does impose some additional burden on Council's administration and servicing infrastructure, over and above those services provided on a fee for service basis. However, this additional burden or cost is relatively small and has been assumed at about 20% of equivalent levy for a residential lot or large dwelling. Where large commercial, retail or industrial units are involved, the levy will be worked out on a pro-rata basis at 1 levy unit per 300 m ² of floor area, to the nearest unit.

2.9 Timing of payment

A contribution must be paid to the council at the time specified in the condition that imposes the contribution. If no such time is specified, the contribution must be paid prior to the issue of a construction certificate.

Council's policy regarding the timing of payment of S94 contributions is as follows:

- DAs involving subdivision - prior to the release of the subdivision linen plan;
- DAs involving building work - prior to the release of approved building plans; and
- DAs where no building work involved - prior to occupation.

2.10 Obligation of accredited certifiers

Construction Certificates:

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

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

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

Complying Development Certificates:

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

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

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

Recalculation of contributions:

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

2.11 Deferred/periodic payments

Deferred or periodic payments are permitted for business premises in accordance with the Business Investment Policy (Refer to Appendix 4). Deferred or periodic payments for other developments may be permitted in the following circumstances:

- compliance with the provisions of Clause 2.8 is unreasonable or unnecessary in the circumstances of the case,
- deferred or periodic payment of the contribution will not prejudice the timing or the manner of the provision of public facilities included in the works program,

Section 94 Plan No. 18

Council Admin and Technical Support Facilities



- 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,
- 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. 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.

2.12 The bank guarantee is to be provided by an Australian bank or recognised financial institution. “In-kind” settlement or material public benefit

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

Council may accept such alternatives in the following circumstances:

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

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

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

Acceptance of any such alternative is at the sole discretion of the council. Council may review the valuation of works or land to be dedicated, and may seek the

Section 94 Plan No. 18

Council Admin and Technical Support Facilities



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.

2.13 Discounting and apportionment factors

See Section 3.5 - *What apportionment or discounting of costs is appropriate?*

2.14 Adjustment of contribution rates

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

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

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

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

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

$$\text{\$C}_A + \frac{\text{\$C}_A \times (\text{Current Index} - \text{Base Index})}{\text{Base Index}}$$

Where

$\text{\$C}_A$	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.

Section 94 Plan No. 18

Council Admin and Technical Support Facilities



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

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

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

Where

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

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

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

2.15 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.

2.16 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.

Section 94 Plan No. 18

Council Admin and Technical Support Facilities



2.17 Pooling of contributions

This plan expressly authorises monetary s94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

2.18 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.

2.19 Register

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

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

3.0 PART C – STRATEGY PLAN AND NEXUS

3.1 Introduction

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

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

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

3.2 The relationship between expected development and the demand for additional administration offices and technical support facilities

Tweed Shire Council has and will continue to provide building extensions, new buildings and new facilities for additional administration offices and technical support services at Council's works depot to carry out adequately its function of servicing the needs of the increased population within its area. Section 94 of the Environmental Planning and Assessment Act 1979 (as amended) enables Councils to require monetary contributions from developers towards the cost of public facilities and services provided by Local Government, such as community centres, public amenities, playing fields, where such public facilities are provided for a public purpose and are required as a consequence of demands generated by development.

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

New residential development and population growth, and associated industrial, commercial, retail and other development, will create additional demands for the provision of a range of public services and facilities provided and managed by

Section 94 Plan No. 18

Council Admin and Technical Support Facilities



Tweed Shire Council. Council administration offices accommodate most of the staff and office-based needs of a range of services and amenities to the wider community, including engineering services, community services, financial administration services, environmental health services, development assessment and strategic planning services, recreation services and emergency services. Council's works depot and technical support services facilitate the construction and maintenance of many diverse public amenities and services, mainly related to the provision and maintenance of engineering infrastructure, including roads, drainage, parks and gardens, sewage and water supply, and related staff training, staff accommodation, vehicle maintenance, etc.

It has been established that Council administration offices and technical services depots are infrastructure enabling the provision of public services and amenities within the meaning of Section 94 of the Act, and satisfy the *Newberry* test of validity as a planning purpose for which contributions may be sought in a Contributions Plan (*Stockland Contractors Pty Ltd v. Shellharbour Council*, Stein J., L. and E. Court NSW No. 10591 of 1995).

From 2005 to 2025 the population of Tweed Shire is expected to grow by 40,000 and this is expected to generate a need for additional Council staff at the rate of 8 staff per 1,000 persons or a total of 320 persons being 142 indoor and 178 outdoor at a 45:55 ratio.

The projected increase in indoor staff at a rate of 8 staff per 1,000 population and a 45:55 indoor/outdoor staff ratio is estimated at:

2005	288
2025	<u>430</u>
Increase	142

As with indoor staff and facilities, the servicing of a larger area of urban development and other forms of development and continued growth necessitates provision of additional technical support services and facilities to cater for such growth, over and above those services subject to "fee for service".

The projected increase in outdoor staff at a rate of 8 staff per 1,000 population and a 45:55 indoor/outdoor staff ratio is estimated at:

2005	352
2025	<u>530</u>
Increase	178

3.4 What is the expected demand for additional administration offices and technical support facilities

3.4.1 Demand estimation

(a) Current Plan Adopted 17 June 1998

The 1998 version of CP18 estimated that the following facilities were required:

- Building Extensions and Fit-out 2,130,000

Section 94 Plan No. 18

Council Admin and Technical Support Facilities

• Car Parking Contribution	600,000
• Customer Service Facilities	540,000
• New Stores, Depots	750,000
Total	4,020,000

This Plan established that 60% of these facilities are attributed to new development and 40% are attributed to the existing (pre June 1998) population.

(b) Version 2.0 of the Plan 2005-2025

(i) Accommodation Needs for additional Indoor Staff

Based on current demands and other research it is estimated that there is a need for 17m² gross floor area (includes 8 to 9m² net floor area plus allowance for meeting rooms, amenities, corridors, auxiliary space etc) per staff member. Total floor space requirement is:

142 x 17m²/staff = 2,414m² of gross office space

(ii) Technical Support Facilities

It has been identified that as a result of new development and an increase in outdoor staff of 178 persons during the period of this Plan an additional depot will be needed in the Tweed Coast area. The depot needs to be approximately 1.5ha in area and contain a wide range of technical support facilities (See Appendix A)

3.5 What apportionment or discounting of costs is appropriate?

3.5.1 Facilities planned in the 1998 version of this plan

In the 1998 version of this Plan, some of the additional administration office floor space and facilities provided by Council are considered necessary to upgrade the facilities to an adequate standard to cater for the Council's current office-based workforce, or in other words, rectifying what may be described as deficiencies in the amount and type of accommodation and facilities to service the current population. Therefore it is reasonable to apportion only 60% of the cost of the 1998 planned office extensions to the needs of new development, to take account of a proportional cost which is attributable to the existing population.

However, new and upgraded customer services facilities within the administration offices are required to meet the needs of additional population and development, and are not subject to discounting or apportionment to take account of the of the existing population and development within the Shire.

Likewise, with the technical support facilities, some of the additional and upgraded technical support facilities in the 1998 version of this Plan have been provided to render the technical support services adequate for the needs of the current population and development within the Shire. It is also reasonable to apportion only 60% of these facilities costs to new development.

3.5.2 Facilities planned in the version 2.0 of this plan

The new administration offices and technical support facilities proposed in version 2.0 of this Plan are 100% attributed to new development

3.6 Formulae for contributions

The formula for calculating the amount of contribution will be based on consideration of:

- The current cost of acquiring land and providing Council administration offices and technical support facilities;
- The cost of interest on loans required to finance the facilities (where facilities are required prior to sufficient contributions funds being available);
- increases in land acquisition and building costs, based on the CPI (all groups, Brisbane);
- A 5% levy applies to all Section 94 charges to cover the costs associated with administration, development and review of Section 94 Plans.

3.7 Works program

3.7.1 Estimates of costs

(a) Current Plan Adopted 17 June 1998

The 1998 version of CP18 estimated that the following facilities were required:

• Building Extensions and Fitout	2,130,000
• Car Parking Contribution	600,000
• Customer Service Facilities	540,000
• New Stores, Depots	750,000
Total	4,020,000

The above facilities have been financed by loans and \$2,800,000 capital debt is yet to be paid off. 60% (apportioned amount attributed to new development) of this debt or \$1,680,000 will be brought forward into this version of the Plan.

(b) Version 2.1 of the Plan 2005-2025

(i) accommodation needs for additional indoor staff

Total floor space requirement is: $142 \times 17\text{m}^2/\text{staff} = 2,414\text{m}^2$ of gross office space

It is proposed to build in two stages.

Firstly an interim expansion/optimisation of the existing Council building to increase by 594 m² which will provide for (594m²/17m²) 35 extra staff. This will satisfy needs until about 2008.

Secondly in the longer term, after 2007 provide a new building(s) for the remaining staff $2,414 - 594 = 1,820\text{m}^2$

Costs of Additional Building

Section 94 Plan No. 18

Council Admin and Technical Support Facilities

(a) The short term extension costs per m²

Building works	2974
Survey, design, approvals, project management etc	93
Computers, furnishings etc	323
Parking	427
	\$ 3,817 per m²

Cost of short term building extensions \$ 3817 x 594 m² = \$ **2,267,298**

(b) Long term new building costs, 2008

Building works	3271
Survey, design, approvals, project management	187
Computers furnishings	323
Land (based on cost of land to relocate SES)	133
Parking	427
	\$ 4,341 per m²

Cost of new long term building \$4341 x 1,820 m² = \$ **7,900,620**

Total cost of new buildings for indoor staff generated by population increases from 2006 to 2026:

\$ 2,267,298+ \$ 7,900,620= \$ **10,167,918**

(ii) Technical Support Facilities

It has been identified that as a result of new development and an increase in outdoor staff of 128 persons during the period of this Plan an additional depot will be needed in the Tweed Coast area. The depot needs to be approximately 1.5ha in area and contain a wide range of technical support facilities

The estimated cost of the new depot is \$ **6,258,949**

Item	Description	Amount	
1	Land	1.5 ha rural land	666,600
2	Investigation, survey, design, approvals, supervision		391,442
3	Site preparation	Earthworks, perimeter fencing	186,480

Section 94 Plan No. 18

Council Admin and Technical Support Facilities

Item	Description	Amount	
4	Services	Power, water, sewerage, telecommunications	750,480
5	Civil works	Road extension and intersection/entry works, parking, internal roads, concrete and sealed hardstand areas, gravel surfaces, stockpile bays/bins, compounds, racks, tanks, fuel supply, security, wash down bay, pollution control fire service, landscaping.	1,329,900
6	Buildings	Sheds (workshop incl. gantry crane, gangs, store), Admin building (offices, training rooms).	1,955,000
7	Plant	Workshop equipment, forklift, site loader	438,000
8	Contingencies		541,047
			6,258,949

(c) Total Works Program Costs

Current Plan (16 June 1998)	1,680,000
New accommodation internal staff	10,167,918
New depot	6,258,949

Total cost of Works program 18,106,867

3.7.2 Staging

The works are expected to be staged as follows:

Short term building works	\$ 2,267,620	2006/07
Long term building	\$ 7,900,620	2008/09
Depot	\$ 6,258,949	2007/08

3.7.3 Finance, loans, interest costs

Loan funds will be required to finance the above staging program. The resultant debt will be paid off in the later part of the 20 year Plan.

Based on a population growth of 2,000 persons per year, the above capital works staging program, and an interest rate of 6.5%, the estimated total interest cost for the life of the Plan is \$ 8,148,090.

3.8 Contribution rates

3.8.1 Calculated contribution rates

Contribution rates shall be calculated in accordance with the following formula

Section 94 Plan No. 18

Council Admin and Technical Support Facilities

$$C = \frac{(CF + OP + F) \times (100 + A)\%}{n} \text{ where}$$

C = amount of contribution per person

CF = Cost of facilities (\$18,106,867) OP = Balance from original Plan (\$1,680,000)

F = Interest finance cost (\$8,148,090)

A = Administration levy %(5%)

n = Population growth

$$C = \frac{(18,106,867 + 1,680,000 + 8,148,090) \times 105\%}{40,000}$$

$$= \frac{27,934,957 \times 1.05}{40,000}$$

$$= \$ 733.29 \text{ per person}$$

3.9

	Persons	Rate	Indexed Rate 1/7/2015 Version 2.2.5*
Residential and Tourist			
Per person	1	\$733.29	\$786.94
Per Lot/ET	2.4	\$1,759.90	\$1,888.66
Detached dwelling	2.4	\$1,759.90	\$1,888.66
1 bedroom unit	1.3	\$953.28	\$1,028
2 bedroom unit	1.7	\$1,246.60	\$1,337.80
3 bedroom unit	2.1	\$1,539.91	\$1,652.57
4+ bedroom unit	2.4	\$1,759.90	\$1,888.66
Commercial			
	Per		
Small industrial lot or unit	Lot or Unit	\$381.35	\$409.25
Small commercial or retail lot or unit	Lot or Unit	\$381.35	\$409.25
Larger commercial, retail or industrial per 300m2 floor area	300m2 floor area	\$264.48	\$283.84

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

Contributions for industrial or commercial units are based on the likelihood that new commercial or industrial development does impose some additional burden on Council's administration and servicing infrastructure, over and above those services provided on a fee for service basis. However, this additional burden or cost is relatively small and has been assumed at about 20% of equivalent levy for

Section 94 Plan No. 18

Council Admin and Technical Support Facilities



a residential lot or large dwelling. Where large commercial, retail or industrial units are involved, the levy will be worked out on a pro-rata basis at 1 levy unit (\$264.48) per 300 m² of floor area, to the nearest unit.

Appendix 1 – History of the Plan

Version 2.2

Version 2.2:

- Applies the latest Department of Planning template for a S94 contributions plan.
- Includes clauses to enable future indexation of rates in the plan.
- Provides the contribution rates for residential development per bedroom in accordance with rates adopted by Council in the Tweed Shire Urban Land Release Strategy 2009.
- Reduces the admin component from 10% to 5% to be consistent with the Direction from the Minister for Planning dated 10 July 2009.
- Calculations in this amendment result in a contribution of **\$733.29** per person. See Section 1.1 to view the rates in detail.

Version 2.2.1

Applies indexation for 1/7/2011 in accordance with Clause 2.14 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulation 2000, resulting in a revised contribution cost of **\$740.76** per person. See Section 1.1 to view the rates in detail.

Version 2.2.2

Applies indexation for 1/7/2012 in accordance with Clause 2.14 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulation 2000, resulting in a revised contribution cost of **\$755.26** per person. See Section 1.1 to view the rates in detail.

Version 2.2.3

Applies indexation for 1/7/2013 in accordance with Clause 2.14 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulation 2000, resulting in a revised contribution cost of **\$775.13** per person. See Section 1.1 to view the rates in detail.

Version 2.2.4

Applies indexation for 1/7/2014 in accordance with Clause 2.14 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulation 2000, resulting in a revised contribution cost of **\$783.49** per person. See Section 1.1 to view the rates in detail.

Section 94 Plan No. 18

Council Admin and Technical Support Facilities



Version 2.2.5

Applies indexation for 1/7/2015 in accordance with Clause 2.14 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulation 2000, resulting in a revised contribution cost of **\$786.94** per person. See Section 1.1 to view the rates in detail.

Version 2.2.6

Applies indexation for 1/7/2016 in accordance with Clause 2.14 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulation 2000, resulting in a revised contribution cost of **\$795.66** per person. See Section 1.1 to view the rates in detail.

Version 2.3.6) (this version)

Amends the plan to incorporate incentives, discounts and deferment options in accordance with Council's Business Investment Policy (see Appendix 4).

Section 94 Plan No. 18

Council Admin and Technical Support Facilities



Appendix 2 – Indexation Calculations

Version 2.2.6 of this plan was indexed on 1 July 2016 in accordance with Section 2.14 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000. Calculation as follows:

Indexation rates:

Index	Year	Index	Difference	increase
Tweed Shire Council Land Cost Index ¹	2008/2009	194.63		
	March 2016	207.32	12.687	6.52%
ABS IPD (Engineering Construction)	Jul-09	93.53		
	Dec-15	101.53	8	8.55%

1. Source: Draft Tweed Shire Council Revenue Policy 2016/2017

Land component:

$$= \$666,600 / \$27,934,957 = 2.39\%$$

Applied to current rates:

	Base Rate	Land component (2.39% of base rate – add 6.52%)	Non-land component (add 8.55%)	Indexed Rate
Per person	\$733.29	\$17.50	\$715.79	
Indexation applied*		\$18.64	\$777.01	\$795.66
Per small industrial lot or unit	\$381.35	\$9.10	\$372.25	
Indexation applied		\$9.69	\$404.09	\$413.78
Per Small commercial or retail lot or unit	\$381.35	\$9.10	\$372.25	
Indexation applied*		\$9.69	\$404.09	\$413.78
Per 300m ² floor area larger commercial retail or industrial	\$264.48	\$6.31	\$258.17	
Indexation applied*		\$6.72	\$280.25	\$286.97

Appendix 3 – Complying Development Certificates

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

For commercial and industrial development:

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

$$\text{Total Charge} - \text{Credit} = \text{Contribution}$$

For dwellings:

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

$$\text{Total Charge} - \text{Credit} = \text{Contribution}$$

Notes:

Credit

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

Rate - Is specified in *Section 1.1 - Summary schedule – contribution rates* on page 1.

Lots, Units and Persons – Are specified in *Section 1.1 - Summary schedule – contribution rates* on page 1.

Concessions

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

Council Assistance

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

Section 94 Plan No. 18

Council Admin and Technical Support Facilities



Contribution Fee Sheet

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

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

S94 Plan	Sector	Persons	Credit (Persons)	ETs (minus credits)	Total \$
S94 Plan No 18	CP 18	Xxx	Xxx	Xxx	\$xxx

Condition Template

The condition must be imposed in the following format:

Section 94 Contributions

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

The complying development shall NOT commence unless all Section 94 Contributions have been paid.

A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS COMPLYING DEVELOPMENT CERTIFICATE MUST BE PROVIDED AT THE TIME OF PAYMENT.

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

« *Contribution type:*

XXX Persons @ \$xxxx per person

\$xxxx

S94 Plan No. XX

Sector xxxx

Section 94 Plan No. 18

Council Admin and Technical Support Facilities



Appendix 4 – 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

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:

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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.

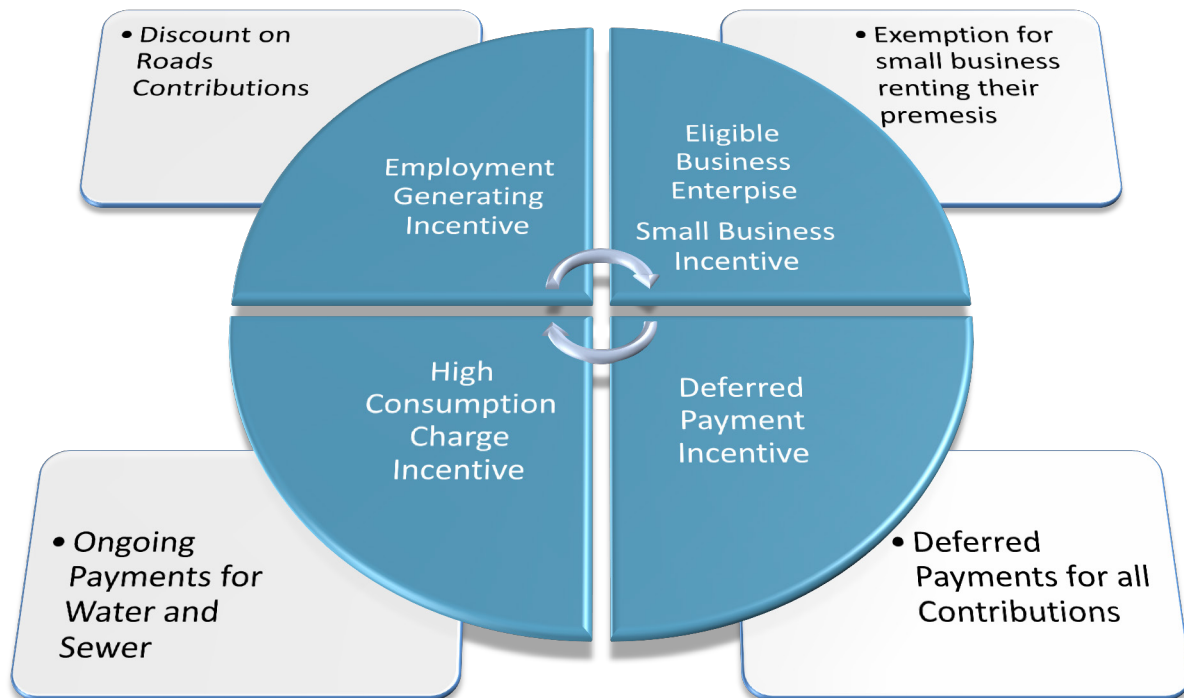
This Policy provides a holistic approach to support business investment and reinvestment in the regional economy, when the investment would not otherwise occur. It also encourages diversification of the economy.

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.
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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>





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