

CP23

Section 94 Plan

No 23 – Offsite Parking

Version 2.4.4

xxxxx 2016

Indexed July 2016

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



GENERAL MANAGER

DATE: xxxx

SECTION 94 PLAN No 23

OFFSITE PARKING

VERSION 2.4

In force: xxxx
 Indexed July 2016

Version	Date Effective	Comments	Approved
1.1	16/11/1999	Original Plan	
1.2	20/3/2001	Amendment to include Fingal Head	
1.3	18/12/2001	Exhibited amendment to adjust contribution rates to reflect current land acquisition costs. Final version, no change to rates, but, time payment option added for EBEs.	
1.4	20/7/2005	Amendment to adjust contribution rates to reflect increase in land acquisition costs	
2	3/9/2009	Amend contribution rates to reflect increase in land acquisition costs, construction costs and land bank. Repealed V1.3 reduced rates for Fingal Head, incorporate details re indexing of rates	18/8/2009
2.1	27/1/2010	Extends the mapped area for Cabarita to include adjoining areas zoned 5(a) Special Uses	19/1/2010
2.1.1	1/7/2011	Indexed in accordance with Section 2.13 of this plan and Reg 32 of the EP&A Regulations 2000.	
2.2	1/2/2012	Updates Murwillumbah CBD Plan Area	24/12/2012
2.2.1	1/7/2012	Indexed in accordance with Section 2.13 of this plan and Reg 32 of the EP&A Regulations 2000.	
2.3	2/5/2013	Extended Fingal Head Village contribution area	18/4/2013
2.3.1	1/7/2013	Indexed in accordance with Section 2.13 of this plan and Reg 32 of the EP&A Regulations 2000.	
2.3.2	1/7/2014	Indexed in accordance with Section 2.13 of this plan and Reg 32 of the EP&A Regulations 2000.	
2.3.3	1/7/2015	Indexed in accordance with Section 2.13 of this plan and Reg 32 of the EP&A Regulations 2000.	
2.3.4	1/7/2016	Indexed in accordance with Section 2.13 of this plan and Reg 32 of the EP&A Regulations 2000.	
2.4.4	xxx	Amended to incorporate Business Investment Policy	xxxx

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1.0 PART A – SUMMARY SCHEDULES

1.1 Summary of Current Contribution Rates per Unsupplied On-Site Car Parking Space

	Base rate	Indexed Version 2.3.4* July 2016 Inc 5% admin
Tweed Heads	\$24,570	\$26,797
Murwillumbah	\$15,907	\$16,792
Kingscliff	\$27,657	\$29,195
Bogangar	\$27,657	\$29,195
Pottsville	\$19,750	\$22,522
Fingal Head	\$2,898	\$3,059

The above areas are described in Figures 1A to 1F.

* Indexed in accordance with Section 2.13 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000. See indexation calculations in Appendix A of this plan.

1.2 Land and Construction Costs All Centres

LAND COSTS (including valuation and acquisition costs)			CONSTRUCTION COSTS*		TOTAL COSTS	INDEXATION VERSION 2.3.4 JULY 2016
Location	Land Cost/m ²	Land Cost/Space (30m ² /space)	Type	Cost/Space		
Tweed Heads	825	8,250	Multi level (3 levels)	\$15,150	\$23,400	\$25,521
Murwillumbah	0	0	Multi level (3 levels)	\$15,150	\$15,150	\$15,993
Kingscliff	0	0	2/3 basement plus 1/3 ground level	\$38,130 \$2,760	\$26,340	\$27,805
Bogangar/Cab. Bch	0	0	2/3 basement plus 1/3 ground level	\$38,130 \$2,760	\$26,340	\$27,805
Pottsville	535	16,050	Ground level	\$2,760	\$18,810	\$21,450
Fingal Head	0	0	Ground level	\$2,760	\$2,760	\$2,914

* Multi level parking rate based on actual cost of construction of multi level carpark in Murwillumbah (Aug 2007)

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1.3 Published indices at time of adoption

Index	Rate	Index Date	Published
IPD (Engineering Construction)	111.22	December 2008	Released April 2009 ABS
TSC Land Index	179.51	June 2007	2008/2009 Tweed Shire Council Revenue Policy

2.0 PART B – ADMINISTRATION AND OPERATION OF THE PLAN

2.1 Name of plan

This plan may be cited as "Section 94 Plan No 23 – Offsite Parking".

2.2 Land to which the plan applies

This plan applies to land in the Central Business District Cores of Tweed Heads, Murwillumbah, Kingscliff, Bogangar/Cabarita Beach, Pottsville and Fingal Head as defined in Figures 1A-1F. In addition, this plan applies to the residential zone within Fingal Head village as defined in Figure 1F.

2.3 Purpose of plan

Development projects will normally provide off street parking on the development site in accordance with the provisions of The Tweed Shire Development Control Plan Section A2. Where development projects are unable to provide the required number of car parking spaces on site, this contributions plan provides the alternative of contributing towards the cost of an equivalent number of public car parking spaces in the locality.

The purpose of the Development Contributions Plan is to:

- (a) enable the collection of direct contributions for key community infrastructure in accordance with Section 116H of the *Environmental Planning and Assessment (EP&A) Act*, being the provision of local car parking facilities in the commercial centres of Tweed Heads, Murwillumbah, Kingscliff, Bogangar/Cabarita Beach, Pottsville and Fingal Head (including residential areas of Fingal Head Village) that are required as a consequence of development in these areas and for car parking that has been provided in anticipation of such development;
- (b) ensure that adequate key community infrastructure is provided for as part of any new development
- (c) authorise the council to impose conditions under section 94 (s94) of the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this plan applies
- (d) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis
- (e) ensure that the existing community is not burdened by the provision of key community infrastructure required as a result of future development
- (f) enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

2.4 Scope of plan

This plan aims to provide contributions from non-residential and mixed use developments which under-supply site parking required by DCP Section A2 for provision of public car parking. The proposed plan life is 20 years from 1999 to 2019.

2.5 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*.

2.6 Relationship with other plans and policies

This Plan amends and replaces the previous *Section 94 Contributions Plan No. 23 – Offsite Parking* that came into force on 20 July 2005.

This contribution plan should be read in conjunction with Tweed Local Environmental Plan 2000 and Development Control Plan Section A2 Site Access and Parking Code.

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

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

2.7 Definitions and standards

Definitions	
Accredited Certifier	For the purposes of the certification of Construction Certificates and Complying Development Certificates as referenced in this plan, the Accredited Certifier is the principal certifying authority
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.
Section 94	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.
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Standards used in this contributions plan	
Car space	35 m ²

2.8 When is the contribution payable?

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

2.9 Obligation of accredited certifiers

Construction Certificates:

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

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

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

Complying Development Certificates:

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

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

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

Recalculation of contributions:

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

2.10 Dedication of land and material public benefits

A decision as to whether to accept the dedication of land or the provision of a material public benefit/works "in kind" in lieu of a monetary contribution, will be at the discretion of Council. Factors Council will take into consideration include:

- the extent to which the land/material public benefit/works satisfies a community need;
- the extent to which the land/material public benefit/works satisfies the purpose for which the contribution was sought;
- the valuation of the material public benefit or works in kind;
- whether the site complies with site selection criteria;
- In the case of the Fingal Head Business Centre, the optimum outcome for Fingal Head business zone is considered to be public parking rather than parking on individual lots.

2.11 Deferred/periodic payments

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

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

If council does decide to accept deferred or periodic payment, Council 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. Can the contribution be settled “in-kind” or through a material public benefit?

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

Council may accept such alternatives in the following circumstances:

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

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

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

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

2.13 Review of contribution rates

To ensure that the value of contributions are not eroded over time by movements in the **Implicit Price Deflator for Engineering Construction (IPD)**, 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 review the contribution rates.

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

- construction costs by the **IPD** as published by **Australian Bureau of Statistics (ABS)**.
- land acquisition costs by reference to average land valuation figures 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

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- 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 reviewed 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 review of the contribution rate;
Base Index (IPD)	is the IPD for December 2008 as published on the day of indexation which on the day of adoption is is 111.22 .

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.

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

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

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

Where

\$C_{LV}	is the land values within the plan at the time of adoption of the plan expressed in dollars;
Current LV Index (TSC Land Index)	is the land value index as published by the council available at the time of review of the contribution rate;
Base LV Index (TSC Land Index)	is the land value index as published by the council at the date of adoption of this Plan which is 179.51

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

2.14 How are contributions adjusted at the time of payment?

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

$$\$C_P = \$C_{DC} + \frac{[\$C_{DC} \times (\$C_Q - \$C_C)]}{\$C_C}$$

Where

- $\$C_P$ is the amount of the contribution calculated at the time of payment
- $\$C_{DC}$ is the amount of the original contribution as set out in the development consent
- $\$C_Q$ is the contribution rate applicable at the time of payment
- $\$C_C$ is the contribution rate applicable at the time of the original consent

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

2.15 Pooling of contributions

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

2.16 Savings and transitional arrangements

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

2.17 Contributions register and accounting

Council has established an identifiable account for the management of S94 contributions, showing separate categories of contribution. The following separate categories have been established:

- Car Parking - Commercial areas of Tweed Heads, Murwillumbah, Kingscliff, Bogangar/Cabarita Beach, Pottsville and Fingal Head, and residential area of Fingal Head village.

Contributions must be spent on provision of public car parking for the commercial area from which the contribution originated. Interest will be calculated on funds held for each category and credited appropriately.

Council will maintain a register of all contributions received. The register will record:

- the origin of each contribution by reference to the development consent and commercial area to which it relates;
- the type of contribution received, eg. money, land, works "in kind";
- the amount of the contribution and the purposes(s) for which it was levied;
- the name of the contributions plan the contribution is being levied under;
- the date of receipt of the contribution;
- how, when and where the contribution has been used.

The register will be available for public inspection, free of charge, at any time during normal office hours.

Council may permit the short-term transfer of funds on a priority basis. This will only be done on the basis that:

- full details of the transfer and subsequent reimbursement of funds are recorded;
- the transferred funds are returned to the relevant categories by future contributions;
- there is a reasonable expectation that future contributions will be obtained to enable reimbursement of the category from which monies have been transferred;
- the purpose for which the contributions are transferred is a purpose identified in the Works Program.

Council is not permitted to transfer funds between the S94 account and other funds of Council, for example the General Fund.

2.18 Annual Statement

In accordance with Clause 35 of the Regulation Council will produce an annual statement of contributions received which summarises, by purpose and area, details relating to contributions. This information will be available for public inspection, free of charge, at any time during normal office hours.

2.19 Review of Plan

This contribution Plan will be subject to review by Council as required, so as to:

- monitor car parking trends and community needs;
- ensure that contribution levels reflect current land values and construction costs;
- enable the alteration of work schedules if development and demand for car parking levels differ from original expectations;

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- enable alteration of the plan to reflect the actual costs associated with the land and construction costs of public car parking site selected in accordance with Section 3.3.

Any material change in the plan, with the exception of the annual adjustment of contribution amounts, will require that the plan be amended in accordance with S94AB of the Environmental Planning and Assessment Act, 1979. This will require full public exhibition of the amended plan and consideration of submissions received.

3.0 PART C – STRATEGY PLAN - ESTABLISHING THE NEXUS

3.1 The relationship between expected development and the demand for additional public car parking

Development in the areas to which this plan applies is expected to generate a demand in the locality of the development, for the number of off-street car parking space shown in Development Control Plan Section A2. This demand will normally be satisfied by providing these spaces on the development site.

If it is not expedient or there is insufficient land to provide all the car parking spaces on site, there will be a deficit of unsupplied spaces. In such cases Council may offer the alternative of requiring contributions for provision, in the locality, of an equivalent number of public car parking spaces and associated access facilities. Such contributions may be for new parking spaces to be provided as a consequence of the development or that have already been provided in anticipation of the development.

3.2 What is the expected demand for car parking?

3.2.1 Demand estimation

Estimation of demand for public car parking in each centre covered by this plan will be subject to wide variance as the following matters are difficult to estimate:

- The number, type and size of future developments in each area that will generate car parking requirements;
- The proportion of car parking that will be supplied on site and the proportion unsupplied that will be the subject of this contributions plan.

Having regard to these estimation difficulties the following estimates of demand for car parking caused by new development are used as the basis of this plan.

SHOPPING CENTRE	ESTIMATED UNSUPPLIED DEMAND PER YEAR	ESTIMATED UNSUPPLIED DEMAND FOR THE LIFE OF THIS PLAN (20 YEARS)
Tweed Heads	40	800
Murwillumbah	5	100
Kingscliff	5	100
Bogangar/Cabarita Beach	11	220
Pottsville	5	100
Fingal Head	2.1	42

3.2.2 Apportionment

After considering surveys of parking supply and demand in the areas covered by this plan, it is considered that provision of on site parking by existing development and the current supply of public car parking spaces satisfies the demand from existing development.

No apportionment of costs is made in this plan for a contribution from existing development.

3.3 Supply procedures

Due to the difficulties in accurately estimating demand in this plan it is proposed to adopt the following supply methodology:

- The specific locations and sizes of public car parking areas for Kingscliff, Tweed Heads and Pottsville will not be nominated in this plan. Sites have been identified for Fingal Head, Murwillumbah & Bogangar;
- The plan will include the criteria for the appropriate location of the facility, its estimated cost and other relevant factors (Section 94 Contributions Manual, Second Edition, Department of Urban Affairs and Planning, 1997, Section 4.4.2);
- The selection and purchase of specific sites for future construction as public car parking areas from contributions to this plan will be deferred until there are sufficient contributions in each area to purchase sites that comply with the criteria;
- Construction of public car parking facilities on purchased sites will be deferred until there are sufficient contributions to fund such construction or the rate of contributions is such that it warrants obtaining a loan to finance the construction.

3.4 Where should public car parking be provided?

3.4.1 General principles

Development in the business areas to which this plan applies will generate a demand for parking. In most cases this demand may be satisfied by provision of parking spaces on site, adjacent to the site or in easy walking distance of the site. Due to the density of existing development, demand for higher level usage and the principles of urban design it is not generally desirable to locate public car parking in the CBD Core. Public car parking is more appropriately located in the surrounding CBD Frame (the lower intensity commerce and trade areas surrounding the CBD core) and these parking areas should be linked to the CBD Core by high standard pedestrian facilities (paved pedestrian footways, covered footways, intermediate rest areas with landscaped areas and seating).

All residential developments, and residential portions of mixed use developments, must provide their onsite parking requirements in accordance with DCP A2, and are not eligible for the offsite carparking contribution in lieu of this provision.

3.4.2 Site selection criteria

The following criteria apply to the selection of sites for public car parking areas to be funded by this plan:

- The site shall preferably be within the CBD Frame of the contributing area. It may be within the CBD core if no suitable sites are available in the Frame (see fig.1);

- The site shall have shape, topography and drainage of a standard to permit economic development for car parking purposes;
- The site shall be connected to, or be capable of being connected to, the contributing area by a reasonably direct, paved footway;
- The site shall be of sufficient size to be economically developed as a public car park and a size that is consistent with the cash flow of contributions;
- The site location shall be in accordance with current urban design principles;
- The cost of the site shall not be excessive when compared to other land in the locality.

3.5 Formulae for contributions

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

- The current cost of acquiring the necessary land (where required);
- The current cost of providing car parking and associated facilities ie. Car parking area, landscaping and connecting covered footways;
- 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.

3.6 Works Program

3.6.1 Estimates of costs

Estimating rates

LAND AND CONSTRUCTION COSTS ALL CENTRES

LAND COSTS (including valuation and acquisition costs)			CONSTRUCTION COSTS*		TOTAL COSTS
Location	Land Cost/m ²	Land Cost/Space (30m ² /space)	Type	Cost/ Space	
Tweed Heads	825	8,250	Multi level (3 levels)	\$15,150	\$23,400
Murwillumbah	0	0	Multi level (3 levels)	\$15,150	\$15,150
Kingscliff	0	0	2/3 basement plus 1/3 ground level	\$38,130 \$2,760	\$26,340
Bogangar/Cab. Bch	0	0	2/3 basement plus 1/3 ground level	\$38,130 \$2,760	\$26,340
Pottsville	535	16,050	Ground level	\$2,760	\$18,810
Fingal Head	0	0	Ground level	\$2,760	\$2,760

- * Multi level parking rate based on actual cost of construction of multi level carpark in Murwillumbah (Aug 2007)

3.6.2 Staging

Subject to demand factors detailed in 3.2 the following is the anticipated staging of provision of facilities under this plan.

Public Car Parking Spaces to be provided under this Contributions Plan STAGING		
SHOPPING CENTRE	Estimated Requirements in Short to Medium Term	Estimated Additional Requirements in Long Term
Tweed Heads	200	200
Murwillumbah	50	50
Kingscliff	125	125
Bogangar/Cabarita Bch	75	109
Pottsville	50	50
Fingal Head	10	21

3.7 Contribution rates

3.7.1 Calculated contribution rates

Contribution rates shall be calculated in accordance with the following formula

$C = (CC + LC) \times (100 + A)\%$ OR $C = \text{Total Costs} \times (1+A)$ where

C = amount of contribution per car parking space

CC = Construction costs

LC = Land costs

A = Administration levy %(5%)

3.7.2 Current contribution rates per unsupplied car parking space

Base rate

Indexed Version 2.3.4*
July 2016 Inc 5% admin

Tweed Heads	\$24,570	\$26,797
Murwillumbah	\$15,907	\$16,792
Kingscliff	\$27,657	\$29,195
Bogangar	\$27,657	\$29,195
Pottsville	\$19,750	\$22,522
Fingal Head	\$2,898	\$3,059

The above areas are described in Figures 1A to 1F.

** Indexed in accordance with Section 2.13 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000. See indexation calculations in Appendix A of this plan.*

Figure 1A – Tweed Heads

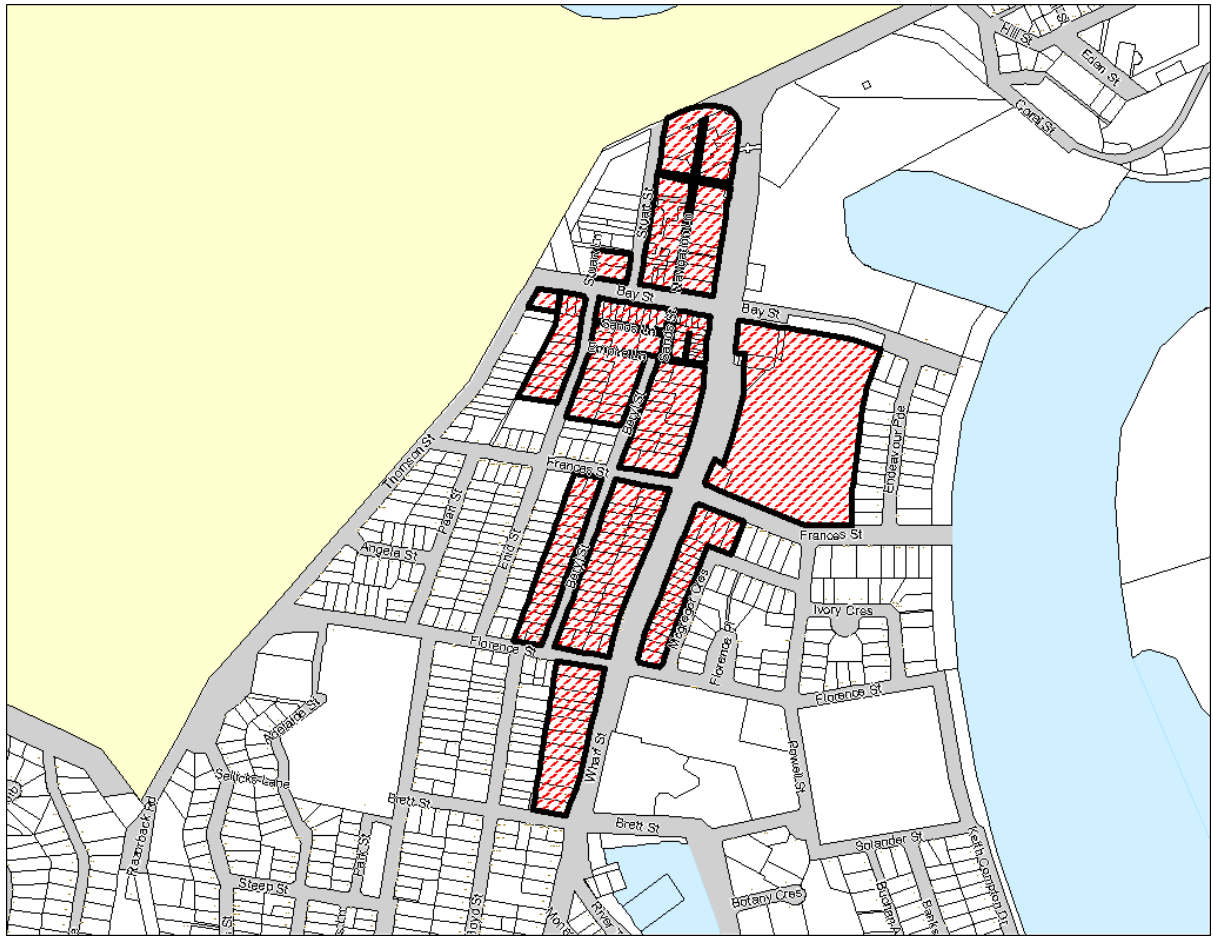


Figure 1B – Murwillumbah

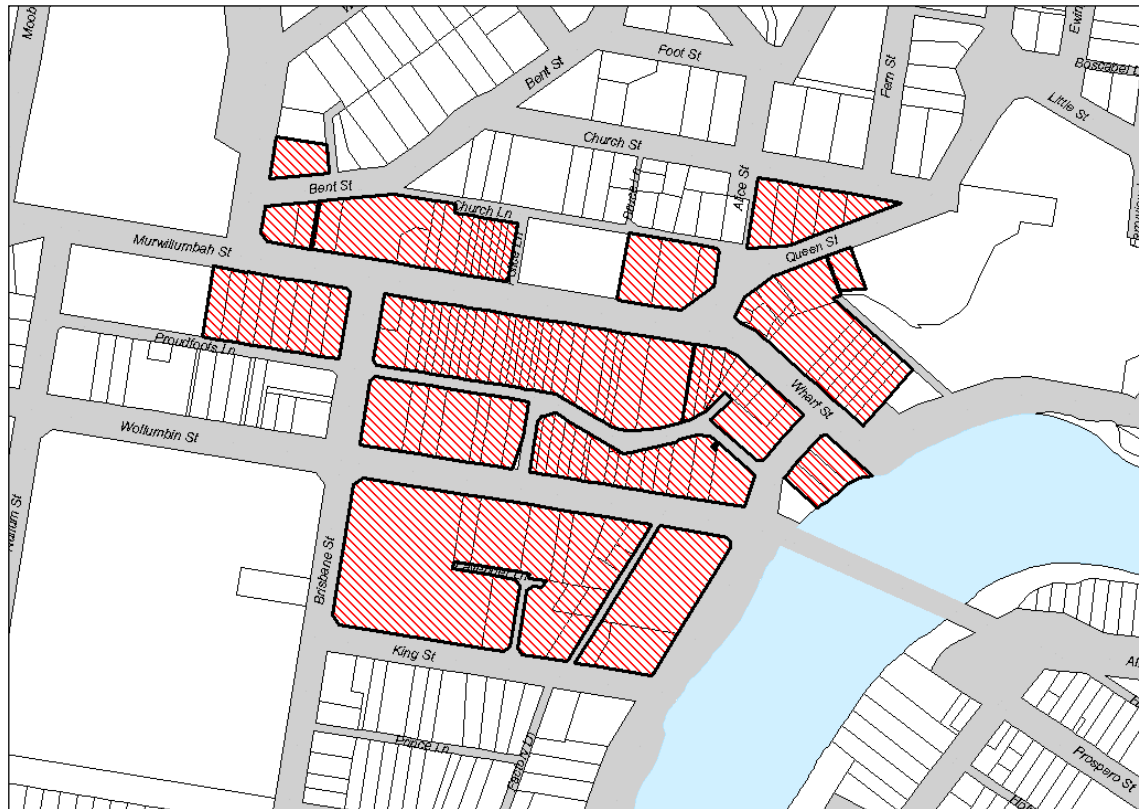


Figure 1D – Bogangar/Cabarita Beach

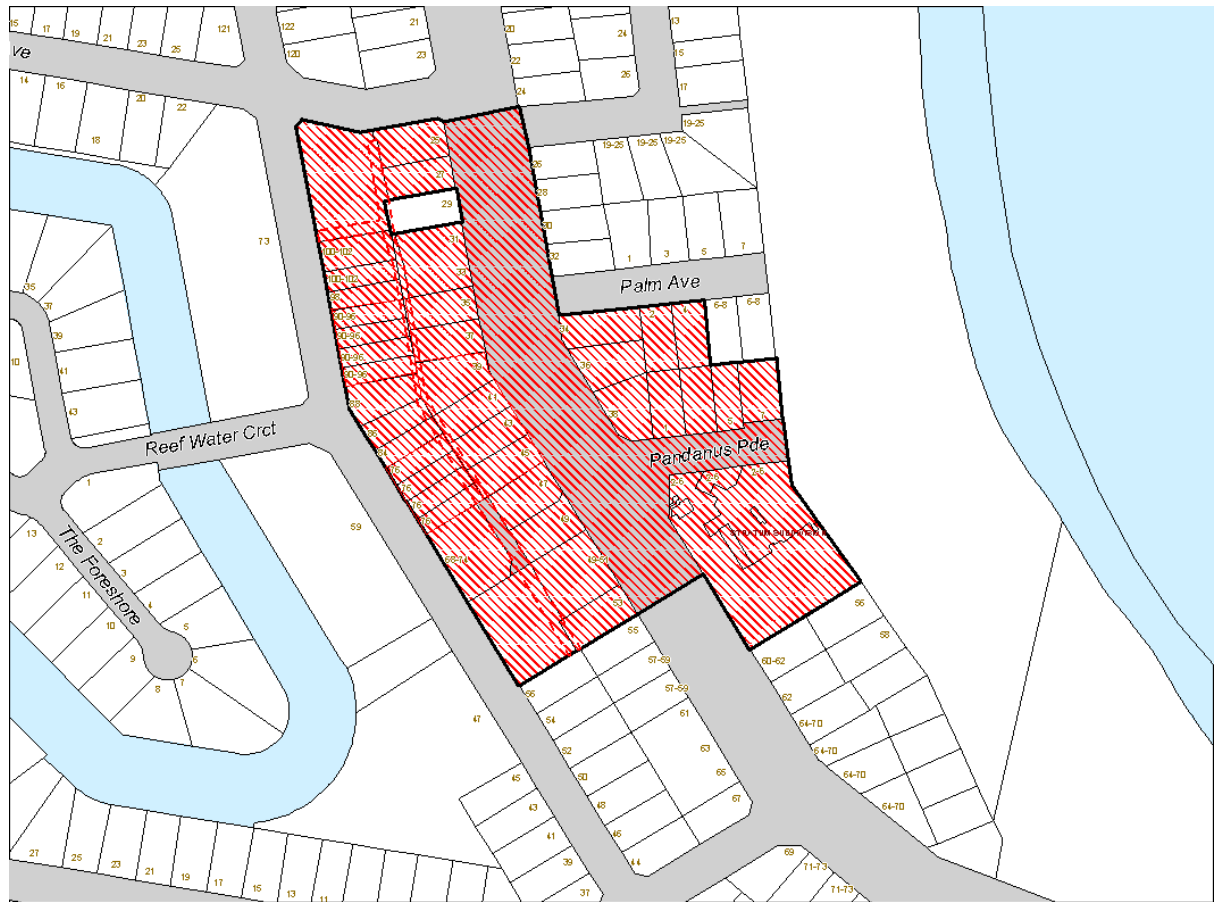


Figure 1E – Pottsville

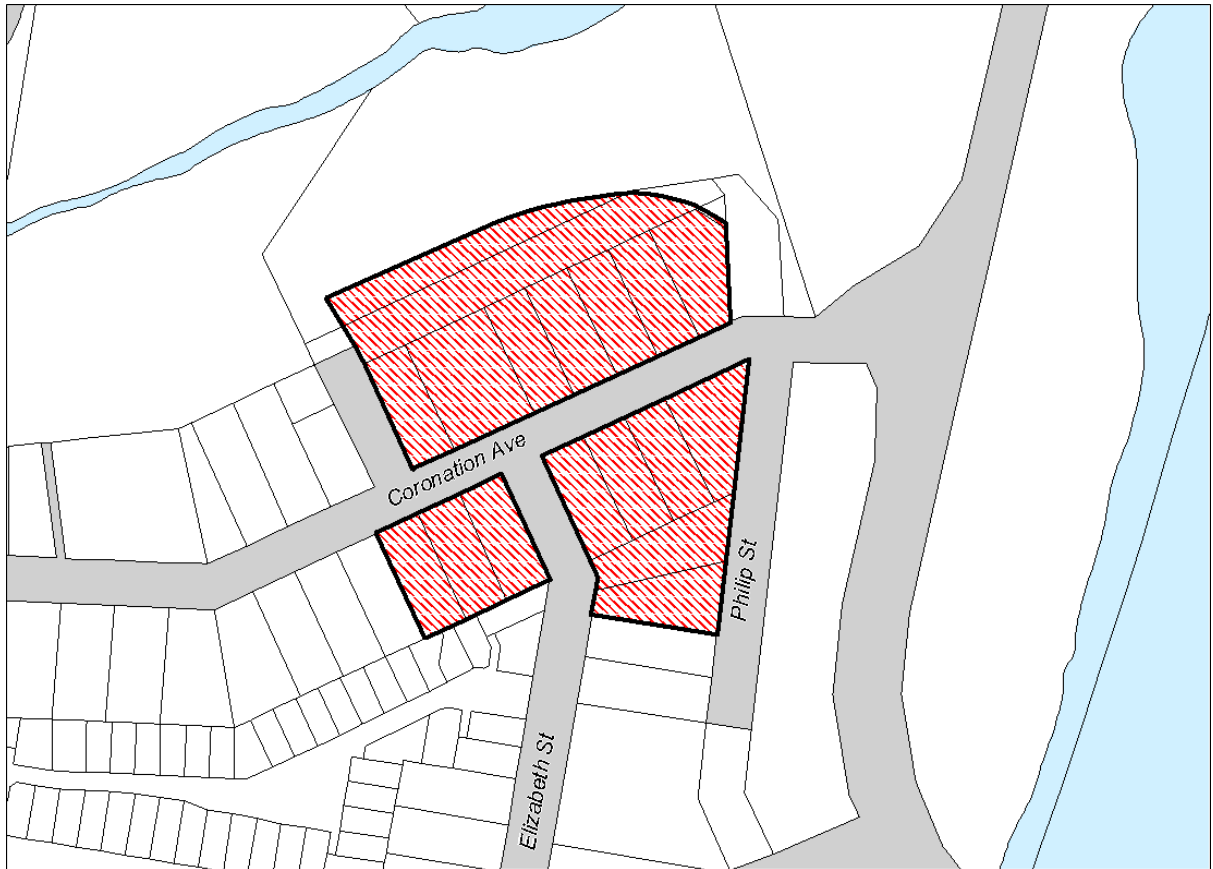
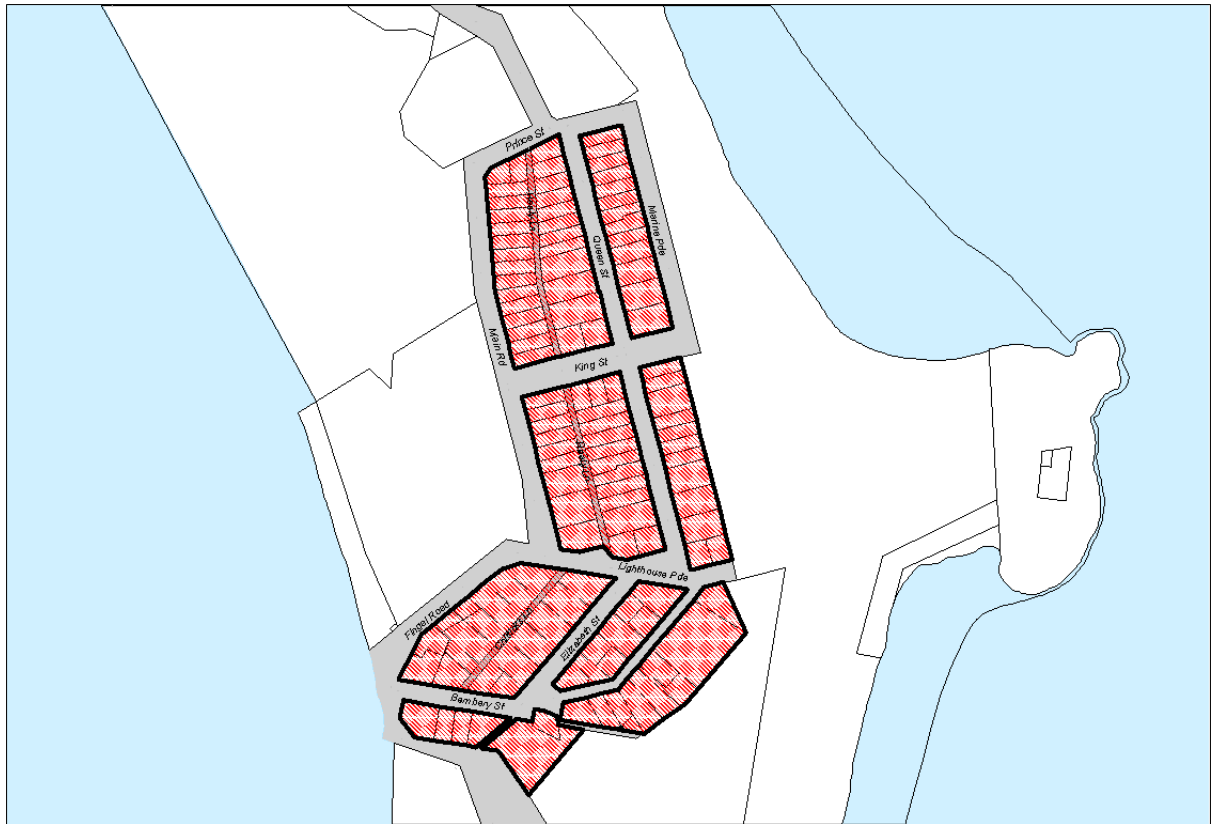


Figure 1F – Fingal Head



Appendix A - Indexation Calculations July 2016

	Original Date	Index Date	Difference	% change
IPD (Engineering Construction)	Dec-08	Dec-15		
	96.18	101.53	5.35	5.56%
TSC Land Cost Index	2006/2007	31/3/2016		
	179.51	207.317	27.807	15.49%

LAND COSTS (including valuation and acquisition costs)				CONSTRUCTION COSTS*			TOTAL COSTS (BASE)	INDEXATION APPLIED VERSION 2.3.4
Location	Land Cost/m ²	Land Cost/Space (30m ² /space)		Type	Cost/ Space			
		Base	Indexed		Base	Indexed		
Tweed Heads	825	8,250	\$9,528	Multi level (3 levels)	\$15,150	\$15,993	23,400	\$25,521
Murwillumbah	0	0	0	Multi level (3 levels)	\$15,150	\$15,993	45,450	\$15,993
Kingscliff	0	0	0	2/3 basement plus 1/3 ground level	\$38,130 \$2,760	\$40,251 \$2,914	26,340	\$27,805
Bogangar/Cab. Bch	0	0	0	2/3 basement plus 1/3 ground level	\$38,130 \$2,760	\$40,251 \$2,914	26,340	\$27,805
Pottsville	535	16,050	\$18,536	Ground level	\$2,760	\$2,914	18,810	\$21,450
Fingal Head	0	0		Ground level	\$2,760	\$2,914	2,760	\$2,914

Section 94 Plan No. 23

Offsite Parking



	Base rate	Indexed Version 2.3.4* July 2016 Inc 5% admin
Tweed Heads	\$24,570	\$26,797
Murwillumbah	\$15,907	\$16,792
Kingscliff	\$27,657	\$29,195
Bogangar	\$27,657	\$29,195
Pottsville	\$19,750	\$22,522
Fingal Head	\$2,898	\$3,059

Appendix B – 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:

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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.

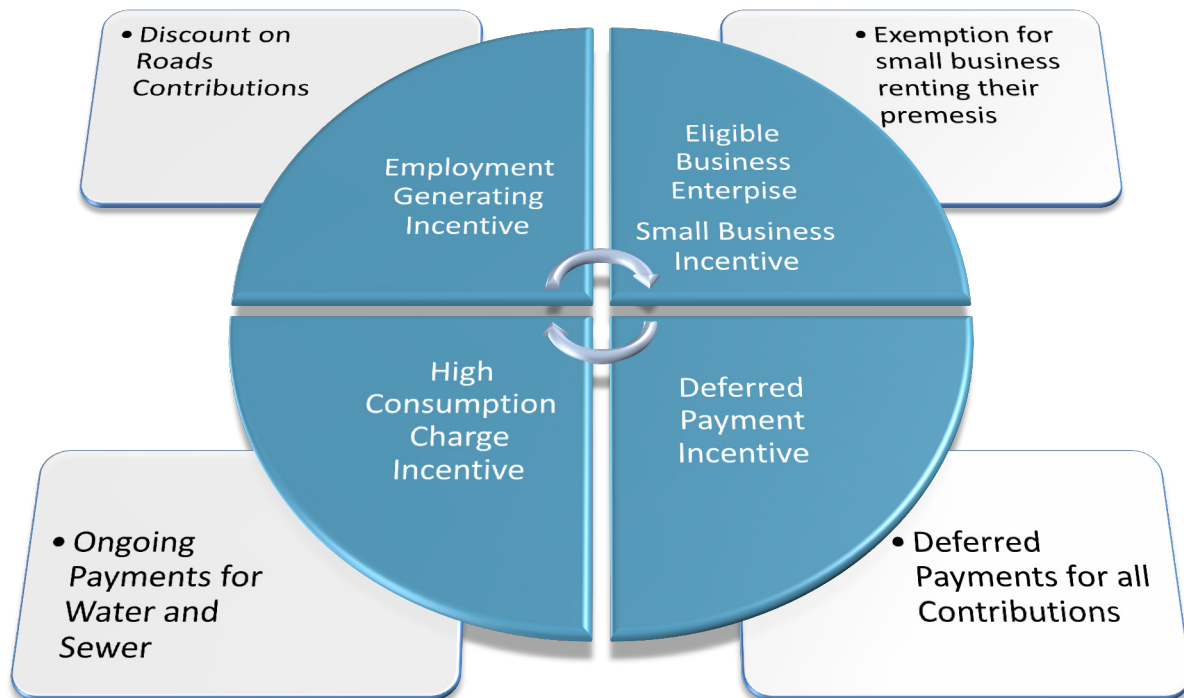
This Policy provides a holistic approach to support business investment and reinvestment in the regional economy, when the investment would not otherwise occur. It also encourages diversification of the economy.

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](#)



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