



Tweed Shire Council

Planning  
Service

TWEED SHIRE COUNCIL

## Section 94 Plan No 6

In accordance with the Minister for Planning's Direction under Section 94E of the Environmental Planning & Assessment Act 1979 (10 July 2009) no contributions will be levied under this plan on new consents after 17 July 2009.

# Street Tree Planting in Residential Areas

Version 3.0.1  
December 2009



TWEED SHIRE COUNCIL

**Development Services Division**

Phone: (02) 6670 2400

Fax: (02) 6672 6250

*The Planning Service is on the web at:  
[www.tweed.nsw.gov.au/planningservice](http://www.tweed.nsw.gov.au/planningservice)*

TWEED SHIRE COUNCIL

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

  
GENERAL MANAGER

DATE: 7/7/2005  
CEASED: 17/7/2009

SECTION 94 PLAN No 6

STREET TREE PLANTING IN RESIDENTIAL AREAS

Version 3.0.1

Version	Comment	Effective
Version 3.0.1	Minor edit noting effect of Direction from the Minister for Planning that the plan ceases to be in effect	17 July 2009

THIS  
PAGE  
IS  
BLANK

THIS  
PAGE  
IS  
BLANK

**TABLE OF CONTENTS**

**1.0 INTRODUCTION ..... 1**

**2.0 WHERE DOES THE PLAN APPLY? ..... 1**

**3.0 WHAT IS THE PURPOSE OF THE PLAN? ..... 1**

**4.0 HOW DOES THIS CONTRIBUTION PLAN RELATE TO OTHER PLANS  
AND POLICIES, AND WHAT IS ITS STATUS? ..... 1**

**5.0 WHEN DID THE PLAN COME INTO FORCE? ..... 1**

**6.0 HOW DOES THE PLAN WORK? ..... 1**

**7.0 WHAT IS THE AMOUNT OF THE CONTRIBUTION? ..... 3**

**8.0 WHAT IS THE PUBLIC ACCOUNTABILITY OF THE CONTRIBUTIONS?. 3**

## **EXECUTIVE SUMMARY**

Version 3 to apply an increase in the contribution rate due to an increase in the cost of the street trees. The new rate per lot is \$297.

In accordance with the Minister for Planning's Direction under Section 94E of the Environmental Planning & Assessment Act 1979 (dated 10 July 2009), no contributions will be levied under this plan on new consents after 17 July 2009:

## 1.0 INTRODUCTION

Council's ability to obtain contributions from developers for the provision of landscaping is contained in Section 94 of the Environmental Planning and Assessment Act 1979 (as amended).

This enables Council as the consent authority to require:

- the dedication of land free of cost; or
- the payment of a monetary contribution;
- or both;

where it is satisfied that a proposed development will or is likely to require the provision of or increase the demand for public amenities or services within an area.

A major feature of the Tweed is the rate of growth and associated new urban areas. This plan provides for landscaping of new suburbs to ensure a high quality of urban design.

## 2.0 WHERE DOES THE PLAN APPLY?

The Plan applies to all residential suburbs within the Shire of Tweed.

## 3.0 WHAT IS THE PURPOSE OF THE PLAN?

The purpose of the Plan is to set out Council's requirements to apply to residential subdivisions in order both to fund the planting of street trees and enable landscaping of other public areas within a subdivision as required pursuant to Section 94 of the Environmental Planning and Assessment Act.

## 4.0 HOW DOES THIS CONTRIBUTION PLAN RELATE TO OTHER PLANS AND POLICIES, AND WHAT IS ITS STATUS?

This Plan has been prepared in accordance with Section 72 and 94 of the Environmental Planning and Assessment Act, and related Regulations. It replaces the Section 94 Contribution requirement adopted by Council on 24 July 1991.

## 5.0 WHEN DID THE PLAN COME INTO FORCE?

The provisions of the Plan came into force on 25 August 1993 and were subsequently amended on 9/12/95, 10/2/98 and 13/7/05. In accordance with the Minister for Planning's Direction under Section 94E of the Environmental Planning & Assessment Act 1979 (dated 10 July 2009), no contributions will be levied under this plan on new consents after 17 July 2009:

- 4.2 *Monetary Contributions towards ... street tree planting are not to be required by any Development Consent under any Contributions Plan applying to land within the Council's area.*

## 6.0 HOW DOES THE PLAN WORK?

Roads within new suburbs require landscaping in order to provide an appropriate standard of urban design. This standard is best achieved by the planting of street trees. Arrangements whereby the developer established the trees prior to release of the linen plan proved unsatisfactory because of inappropriate species, poor locations and lack of maintenance.

Consequently, to overcome this situation, Council now provides plants and maintains street trees, at the rate of two trees for each allotment, subject to the location of public utilities, driveways and other obstructions.

In addition to the contributions towards the cost of this planting, developers will be required to embellish public reserves (including the planting of trees), walkways and other public areas within the subdivision.



## 7.0 WHAT IS THE AMOUNT OF THE CONTRIBUTION?

The cost of providing two trees per allotment is determined on the following basis:

- cost of tree
- stake
- fertiliser
- plant and labour

These costs are outlined in Schedule 1 which are reviewed annually.

### Administration Levy

A 10% levy applies to all section 94 charges to cover the costs associated with administration, development and review of section 94 Plans. This levy is to be applied to all section 94 charges as of 9/12/95.

## 8.0 WHAT IS THE PUBLIC ACCOUNTABILITY OF THE CONTRIBUTIONS?

### Annual Statement (see Clause 35 of the Regulation)

Council will produce an annual statement of contributions received which summarises, by purpose and are, details relating to contributions, in accordance with Clause 41N of the Regulation. This information will be available for public inspection, free of charge, at any time during normal office hours.

### Review of Plan

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.

### Contribution Plan

Council will have available for public inspection the current Street Planting Contribution Plan.

<b>Schedule 1</b>
-------------------

What is the amount of the contribution to enable Council to undertake street planting.

As at March 2005 the costs associated with providing one tree is as follows:

- |                    |         |
|--------------------|---------|
| - Tree             | \$60.00 |
| - Plant and labour | \$15.00 |
| - Establishment    | \$60.00 |

(Source: Recreation Services Unit)

The cost to provide two (2) trees per lot is \$270.00 + 10% Administration Levy (Section 7).  
= \$297.00 per lot.