

THIS CONTRIBUTION PLAN CEASED TO APPLY FROM 31/12/2009  
THE CONTRIBUTIONS IN THIS PLAN DO NOT APPLY TO  
CONSENTS ISSUED FROM 1/1/2010.

# CP16

## Section 94 Plan

### No 16 – Emergency Facilities (Surf Lifesaving)

Version 6.0.1

November 2009

Works Program Revised April 2015

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



GENERAL MANAGER

DATE: 17 November 2009

DRAFT SECTION 94 PLAN No 16

Emergency Facilities (Surf Lifesaving)

Version 6 (Amendment No 5)

In Force: 25 November 2009

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### 1.0 PART A – SUMMARY SCHEDULES

#### 1.1 Summary schedule – contribution rates

|                   | Persons | Rate    |
|-------------------|---------|---------|
| Per person        | 1       | \$47.20 |
| Detached dwelling | 2.4     | \$113   |
| 1 bedroom unit    | 1.3     | \$61    |
| 2 bedroom unit    | 1.7     | \$80    |
| 3 bedroom unit    | 2.1     | \$99    |
| 4+ bedroom unit   | 2.4     | \$113   |

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

#### 1.2 Summary schedule - works program

|   |                    |
|---|--------------------|
| Expenditure on surf lifesaving capital first use equipment and new Clubhouse inclusive of admin | \$1,024,254        |
| Remaining identified works inclusive of admin   | \$420,000          |
| <b>Total</b>  | <b>\$1,444,254</b> |

#### 1.3 Published indices at time of adoption

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

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### 2.0 PART B - ADMINISTRATION

#### 2.1 Name of plan

The name of this Plan is Tweed Shire Council Section 94 Contributions Plan No 16 – Emergency Facilities (Surf Lifesaving).

#### 2.2 Land to which the plan applies

The Plan applies to all residential development, including subdivision of land and all tourist accommodation development within Tweed Shire.

#### 2.3 Purpose of plan

The purpose of the Development Contributions Plan is to:

- (a) identify the extent and nature of the new surf lifesaving facilities required to serve the needs of the growing population as a result of new development;
- (b) enable the collection of direct contributions for key community infrastructure, being the provision of social facilities in Tweed Shire in the form of volunteer rescue and volunteer emergency services facilities 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 Commencement of the plan

The provisions of this Contributions Plan come into effect on 15/8/96, being the date of public notification of adoption by Council of this Plan; it was amended on 29/11/00, 26/2/03, 5/10/05 and 1/3/2006. This amended version (Version 6) 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 25 November 2009, pursuant to clause 31(4) of the *Environmental Planning & Assessment Regulation*.

No contributions will be levied under this plan on new consents after 31 December 2009. Funds held in balance after this date shall be expended on elements of the works program.

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### 2.5 Relationship with other plans and policies

This Plan is part of the package of Contributions Plans prepared for a variety of key community infrastructure 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.

### 2.6 Definitions and standards

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

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| <b>Standards used in this contributions plan</b>        |   |
|---|---|
| Dwelling house/lot                                      | Equivalent to 2.4 persons (one Equivalent Tenement)<br>Source: Tweed Shire Urban Land Release Strategy 2009 |
| 1 bedroom unit  | Equivalent to 1.3 persons<br>Source: Tweed Shire Urban Land Release Strategy 2009                           |
| 2 bedroom unit  | Equivalent to 1.7 persons<br>Source: Tweed Shire Urban Land Release Strategy 2009                           |
| 3 bedroom unit  | Equivalent to 2.1 persons<br>Source: Tweed Shire Urban Land Release Strategy 2009                           |
| 4+ bedroom unit   | Equivalent to 2.4 persons<br>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                      |

### 2.7 Timing of payment

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

Council's policy regarding the timing of payment of S94 contributions is 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.

### 2.8 Obligation of accredited certifiers

#### **Construction Certificates:**

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



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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 4* on page 19.

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

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

### **Recalculation of contributions:**

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

## 2.9 Deferred/periodic payments

Deferred or periodic payments may be permitted in the following circumstances:

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

If council does decide to accept deferred or periodic payment, council may require the applicant to provide a bank guarantee by a bank for the full amount of the contribution or the outstanding balance on condition that:

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- the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security
- the bank unconditionally pays the guaranteed sum to the council if the council so demands in writing not earlier than 12 months from the provision of the guarantee or completion of the work
- the bank must pay the guaranteed sum without reference to the applicant or landowner or other person who provided the guarantee, and without regard to any dispute, controversy, issue or other matter relating to the development consent or the carrying out of development
- the bank's obligations are discharged when payment to the council is made in accordance with this guarantee or when council notifies the bank in writing that the guarantee is no longer required.
- where a bank guarantee has been deposited with council, the guarantee shall not be cancelled until such time as the original contribution and accrued interest are paid.

### 2.10 "In-kind" settlement or material public benefit

The council may accept an offer by the applicant to provide an "in-kind" contribution (ie the applicant completes part or all of work/s identified in the plan) or through provision of another material public benefit 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.

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### 2.11 Discounting and apportionment factors

It is considered that existing facilities meet the needs of the existing population and the needs identified in this plan are as a direct result of increases in population as a result of development. Therefore funding for the facilities identified in this plan will be met solely by distributing the cost across the projected population increase. Apportionment is detailed in Part 3.0 – Strategy Plan.

### 2.12 Adjustment of contribution rates

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

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

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

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

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

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

Where

|                        |  |
|------------------------|--|
| $\$C_A$                | is the contribution at the time of adoption of the plan expressed in dollars;                                  |
| Current _<br>Index IPD | is the <b>IPD</b> as published by the <b>ABS</b> available at the time of adjustment of the contribution rate; |
| Base Index _<br>IPD    | is the <b>IPD</b> as published by the <b>ABS</b> for the date of adoption of this Plan.                        |

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

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

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

Where

|  |   |
|--|---|
| $\$C_{LV}$                                       | is the land values within the plan at the time of adoption of the plan expressed in dollars;                      |
| <u>Current LV Index</u><br><u>TSC Land Index</u> | is the land value index as published by the council available at the time of adjustment of the contribution rate; |
| <u>Base LV Index</u><br><u>TSC Land Index</u>    | is the land value index as published by the council for the date of adoption of this Plan.                        |

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

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

### 2.13 Adjustments at the time of payment

The contributions stated in a consent are calculated on the basis of the s94 contribution rates determined in accordance with this plan. The contributions payable will be adjusted and the amount payable will be calculated on the basis of the contribution rates that are applicable at time of payment in accordance with the consent condition.

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

### 2.14 Allowances for existing development

Contributions will be levied according to the estimated increase in demand. An amount equivalent to the contribution attributable to any approved development on the site of a proposed new development will be allowed for in the calculation of contributions. Council will determine the credit on the basis of the likely demand that the existing development would create.

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### 2.15 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.

### 2.16 Savings and transitional arrangements

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

### 2.17 Register

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

The register will be made available for public inspection at any time during normal office hours. An annual statement of contributions will be produced documenting amounts received and 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 additional volunteer rescue and volunteer emergency facilities (surf lifesaving) to meet the needs of the increased population as a result of new development and the works program designed to provide it.

#### 3.2 What are the existing facilities for Surf Lifesaving in Tweed Shire?

Surf lifesaving facilities are currently provided through the existing three surf lifesaving clubs on the Tweed Coast, namely;

- Fingal Headland Club, erected on the reserve occupied by the Fingal Head Caravan Park - relatively small membership (58 members, 1996);
- Cudgen Headland Surf Club, located on a reserve adjacent to the Kingscliff Caravan Park (520 members, 1996); and
- Cabarita Beach Surf Club, occupying a former set of shops owned by Tweed Shire Council and an adjoining building converted to storage for use by the Club on land owned by the Trustees of the Surf Club (175 members, 1996).

At the end of 1995, a Patrol Outpost of the Cabarita Beach Surf Club was established at Pottsville and the new SALT Surf Lifesaving Club is the subject of this amendment.

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### 3.3 What new facilities are required for Surf Lifesaving?

Having regard for the likely increase in population in Tweed Shire over the twenty years from 2001-2021, it is proposed to cater for the needs/demands of the expanding population. Cudgen, Cabarita, and Fingal clubs have already received equipment under this Contribution Plan over the past five years. The equipment for these clubs below is required for the twenty years from 2001-2021 as a result of growth in the Shire, particularly along the coast. The outpost at Pottsville has not been established at the time of this amended plan. Over the life of this plan, the following facilities required to provide the necessary identified increase in volunteer rescue services will be extended or built at the following locations:

- Cudgen Headland SLSC;
- Cabarita Beach SLSC;
- Fingal Headland SLSC
- new facilities at Pottsville:
- SALT Surf Lifesaving Club

#### **New surf clubhouse at Cabarita**

The Cabarita Surf Lifesaving building is to be constructed in 2005/6. The original building was demolished to make way for the new building.

The total contribution required for the club was \$650,000.

Community facilities provided under Section 94 are usually located on Council owned land (normally through dedication or acquisition). However the proposed clubhouse will be located on private land (see below) and to safeguard the continuation of this public facility into the future the following has been agreed between the Cabarita Surf Lifesaving Club and Council:

- Cabarita Beach Surf Life Saving Club (the Club) will provide to Council a registered first mortgage over the subject site to secure Council's advance of \$650,000, with the mortgage containing the standard covenants and provide for:
  - provision for repayment of part or the whole at any time;
  - provision for repayment of outstanding monies, plus interest, either upon any sale of the land or should the Club become insolvent or unable to pay its debts, in which event the Council could sell the premises as Mortgagee.

The new building will be situated on Cabarita Surf Lifesaving Club land being Part Lot 6 Section 5 DP 29748 and Lot 7 Section 5 DP 29748 (See Appendix 2). An application for a boundary adjustment between Lot 6 and 7 is to be submitted to Council.

NB: Although the original version of this plan provided for the funding for the Cabarita SLSC to be provided for by advance loans, due to delays in the construction of the building, by the time construction commenced there were sufficient funds within this contribution plan account that the loans were no longer



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necessary to fund the building construction. The whole amount of the \$650,000 was paid directly from CP16 during the 05/06 and 06/07 years.

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

The Tweed Recreation Study, undertaken by the Hunter Valley Research Foundation, on behalf of Tweed Shire Council in 1990, identified between 29.8% and 49.7% of Shire residents as having used beaches, lakes or rivers for recreational use during a six months period, with 89.6% of visitors to the Shire as having used beaches, lakes or rivers.

Surf lifesaving facilities are utilised by all Shire residents. Although use of such facilities by residents of hinterland areas may be marginally less than the use of such facilities by coastal residents, it is appropriate to "round" the usage in absence of the specific research data. The existing surf lifesaving facilities cater for the existing population of the Shire, and new facilities or augmented facilities will be required to service the needs of new residents, both provided by the three existing Surf Lifesaving Clubs, and by potential new surf lifesaving facilities likely to be provided at Pottsville within the next five years. It is not intended that Section 94 funds be used for the provision or upgrading of private club members' facilities such as bars, which are not available for a proper planning purpose.

The Plan takes account of the development that is to take place at South Kingscliff. This area will have a relatively large tourist population with resorts and other tourist accommodation to be constructed, in addition to permanent residents with a requirement that the beach be patrolled. It is therefore proposed that an outreach service will be provided along this beach area, similar to the one that is to be provided at Pottsville Beach; and a new surf club building that will be constructed at Cabarita. A new facility at SALT requires the construction of facilities and is the subject of this amendment.

#### 3.5 How the levy is calculated

##### **Population Estimate**

As argued above, surf lifesaving facilities are utilised by a significant proportion of all Tweed residents and visitors and it is therefore appropriate that all residential development contribute to the cost of providing the additional facilities necessitated by that development. While the more recent amendments to this plan apportioned future works to remaining estimated population, this version returns to applying the total expenditure required under this plan to the total population the plan was originally apportioned to, being the estimated incoming population. In 2001 this was estimated to be 54,000 persons (to 2023). Projections since then have generally been revised downwards and taking into account recent census figures and trends, the Tweed Shire's Community Profile (May 2008) now projects that the increase from 2001 to 2021 will be **30,600**.

##### **Expenditure to date**

Under this Plan at the time of the preparation of this version a total of **\$1,024,254** has been expended on construction of the Clubhouse at Cabarita, identified capital expenditure for first use equipment and facilities at several outposts, and



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the admin component which until this version was set at 10%. In addition works totally **\$420,000** (including 5% admin) remaining outstanding. Outstanding capital equipment in the plan has been removed from this version at the request of the Minister for Planning.

### Remaining identified works

Remaining capital works contributions identified as pertaining to the incoming population identified in this plan are:

- Pottsville Outpost Building \$150,000
- Fingal Surf Club Upgrade \$100,000
- Salt SLSC facilities \$100,000
- Cudgen SLSC building extensions \$50,000
- 5% admin to be collected on outstanding works \$20,000

In summary the total works budget under this plan over the life of the plan is therefore:

|  |             |
|--|-------------|
| Expenditure to date - surf lifesaving capital first use equipment and new Clubhouse inclusive of admin | \$1,024,254 |
| Remaining identified works inclusive of admin  | \$420,000   |
| Total  | \$1,444,254 |

Which gives a total works program and budget for the plan of \$1,444,254 (inclusive of admin).

Based on this the formula for determining the appropriate development contribution towards the remaining Work Program is as follows:

$$\text{Levy per person} = \frac{\$1,444,254}{30,600}$$

$$= \mathbf{\$47.20 \text{ per person}}$$

Contributions will also be levied in respect of other types of new development which provide for residential accommodation or tourist accommodation on a pro-rata basis.

Utilising the current occupancy rates from Tweed Shire Council's Urban Release Strategy 2009 the following rates are therefore applicable:

|                   | Persons | Rate  |
|-------------------|---------|-------|
| Detached dwelling | 2.4     | \$113 |
| 1 bedroom unit    | 1.3     | \$61  |
| 2 bedroom unit    | 1.7     | \$80  |
| 3 bedroom unit    | 2.1     | \$99  |
| 4+ bedroom unit   | 2.4     | \$113 |

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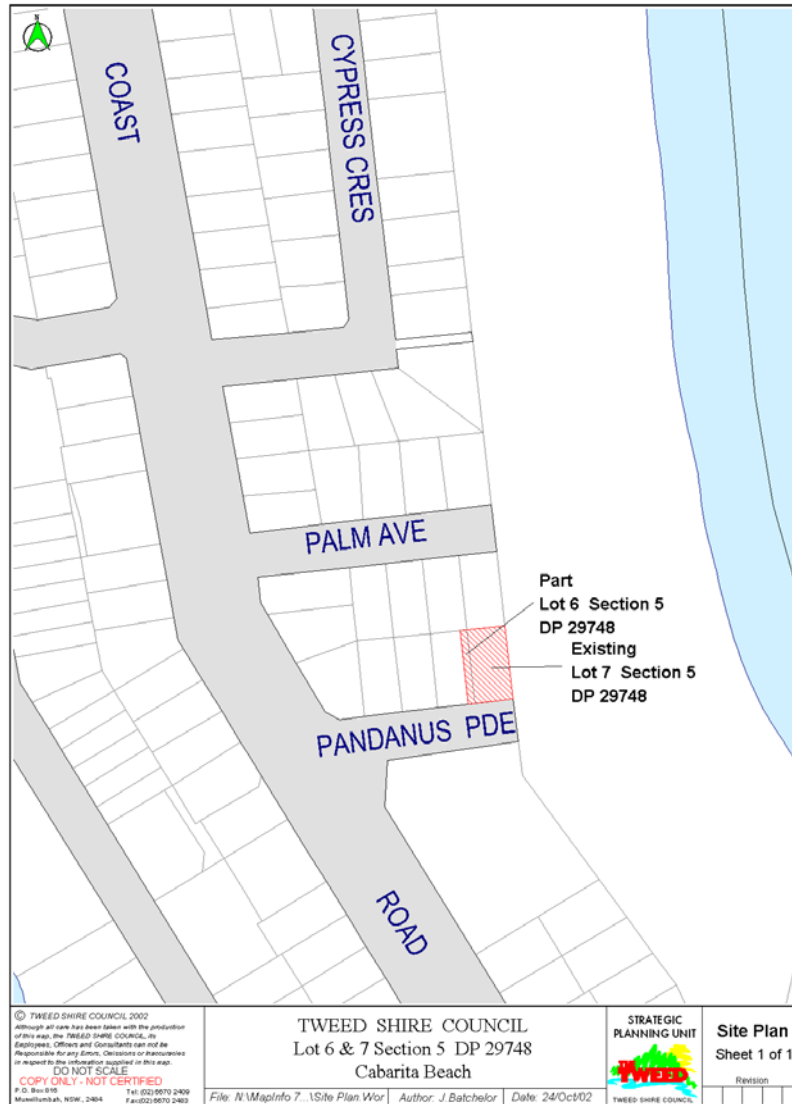
The rate for tourist development that provides accommodation is to be applied per bedroom as above.

APPENDIX 1 – Schedules

|  | Program<br>2009    | Expenditure<br>at Feb 2015  | Revised<br>Program 2015  |
|--|--------------------|---|--|
| Expenditure to (2009) date - surf lifesaving capital first use equipment and new Clubhouse inclusive of 10% admin  | \$1,024,254        |   | \$1,024,254  |
| Remaining identified works inclusive of admin (2009)   | \$420,000          |   |  |
| <ul style="list-style-type: none"> <li>• Pottsville Outpost Building* \$150,000</li> <li>• Fingal Surf Club Upgrade* \$100,000</li> <li>• Salt SLSC facilities \$100,000</li> <li>• Cudgen SLSC building extensions \$50,000</li> <li>• 5% admin \$20,000</li> </ul> |                    | <ul style="list-style-type: none"> <li>\$21,587</li> <li>\$96,409</li> <li>0</li> <li>45,454</li> <li></li> </ul> | <ul style="list-style-type: none"> <li>\$21,587</li> <li>\$228,413</li> <li>\$250,000</li> <li>\$50,000</li> <li>\$20,000</li> </ul> |
| <b>Total</b>   | <b>\$1,444,254</b> |   | <b>\$1,594,254</b>   |

\* Unexpended funds allocated towards Pottsville Outpost Building redirected to Fingal Surf Club Upgrade and Salt SLSC facilities, as reported to Council in April 2015.

APPENDIX 2 – Cabarita Surf Club Location  
 Location of proposed Cabarita Surf Lifesaving Club



### APPENDIX 3 – Plan History

#### Version 6.0.1 (this version)

This administrative amendment endorsed by Council on 16 April 2015 redirects unexpended funds allocated to the Pottsville outpost to the Fingal Surf Club Upgrade and to the Salt SLSC Facilities items, and results in no change to the total works program value for this plan.

#### Version 6 (Amendment No 5)

This amendment

- Revises the works program, taking account of outstanding works and expenditure to date.
- Reverts to original apportionment factors.
- Makes reference to forthcoming changes to the EP&A Act with reference to S94 and addresses part 116D regarding the 5 key considerations for a S94 Plan.
- Adjusts the occupancy rates per bedroom to those adopted by Council in the Tweed Shire Urban Release Strategy 2009.
- Includes clauses to enable future indexation of rates in the plan.
- Applies the current Department of Planning Template for a S94 plan.
- Standardises the contribution for tourist development to apply per bedroom rather than per bed.
- Revises the admin component for the remaining works from 10% to 5%.

Calculations in this amendment result in a contribution of **\$47.20** per person. See *Section 1.1- Summary schedule – contribution rates* on page 1 to view the rates in detail.

#### Amendment No 4

This amendment reflects:

- The addition of equipment and facility for the SALT Surf Lifesaving Club (\$59,055).
- The deletion of the proposed emergency facilities at Kingscliff South (replaced by the SALT facility).
- Deletion of the separate contribution levy for the NSW Tourism Commission land, SALT, Seaside City, Kings Forest and Casuarina Beach. It is considered that all residents of the Shire have an opportunity to use the beaches adjoining these areas, and therefore should contribute to the facilities and equipment required to service these beaches. In addition the population estimates used in this Plan to date for Kings Forest and Seaside City will not, at this stage, be reached in

## **Section 94 Plan No. 16**

Emergency Facilities (Surf Lifesaving)



the timeframe originally envisaged in this Plan. It is easier then to include a whole of Shire population estimate for the Plan.

The following contribution rates apply under this Plan:

**Per residential lot or detached dwelling: \$200**

**Per medium density dwelling: \$131**

## APPENDIX 4 – 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:**

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

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

**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. 16

Emergency Facilities (Surf Lifesaving)

### 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 16 | CP 16  | Xxx     | Xxx              | Xxx                 | \$xxx    |

### Condition Template

The condition must be imposed in the following format:

|   |
|---|
| # <b><u>Section 94 Contributions</u></b>  |
| Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.  |
| The complying development shall NOT commence unless all Section 94 Contributions have been paid.  |
| <b>A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS COMPLYING DEVELOPMENT CERTIFICATE <u>MUST</u> BE PROVIDED AT THE TIME OF PAYMENT.</b>  |
| These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment. |
| A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.   |
| « <i>Contribution type:</i>   |
| XXX Persons @ \$xxxx per person <span style="float: right;">\$xxxx</span>   |
| S94 Plan No. XX   |
| <i>Sector xxxx</i>  |





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