

TITLE: [EO-OC] Section 94 Plan No. 18 - Council Administration Offices and Technical Support Facilities, 2005/25 Amendment

ORIGIN:

Planning & Infrastructure

SUMMARY OF REPORT:

Substantial increases in construction costs have occurred since the current Plan was adopted. The proposed amendment revises the project cost estimates in the plan based on recent tenders for building extensions at the Civic Centre and Gray Street Depot.

Draft version 2.1 of *Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities* has been revised to increase developer contributions to finance these facilities. The amended Plan is recommended for public exhibition and comment.

RECOMMENDATION:

That:-

- 1. Council adopt draft version 2.1 of the Section 94 Plan No. 18 - Council Administration Offices and Technical Support Facilities as a basis for exhibition and community discussion.**
- 2. Draft Section 94 Plan No 18 - Council Administration Offices and Technical Support Facilities Version 2.1 be exhibited as required by the Environmental Planning and Assessment Regulations to repeal and replace the existing Version.**

REPORT:**1. Background****1.1 Current Version of Contributions Plan**

The current version of Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities was adopted on 27 September 2005 and was for a 20 year time horizon.

This Plan provided for:-

Short term building works	\$967,626	2005/06
Long term building	\$ 4,631,700	2008/09
Depot	\$ 4,959,599	2007/08

1.2 Review of CP18 - Version 2.0 September 2005

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

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

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

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

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

The projected staff increases are estimated to require additional 2,414m² of gross office space and an additional depot/store (probably located in the west of the Tweed Coast region) of 1.5ha.

The entire demand for additional office space and depot/stores is generated by population/development growth and therefore eligible for financing via Section 94 of the Environmental Planning and Assessment Act 1979.

The purpose of this report is to increase the charges contained in the Contribution Plan to reflect current construction costs. If the recommended new charges are not adopted, the shortfall in funding will need to be sourced from the general fund from existing ratepayers who are not contributing to the demand for the infrastructure covered by this plan.

1.3 Revised Costs - Draft Version 2.1 February 2007

The following changes are proposed to the rates used in the Plan.

1.3.1 Office Extension

The unit rate for construction of the 'short term building works' has increased from \$1,000/m² to \$2,974/m² based on actual construction tenders. The rate for the 'long term building work' has been increased by a further 10% from \$1,700/m² to \$3,271/m².

Car Parking

The car parking rate has been adjusted to reflect current land purchase and construction costs and has increased from \$250/m² to \$427/m².

Other Costs

These costs for the short and long term extensions have been increased by 10% and include Survey & Design, approvals, project management and computers and furnishings.

1.3.2 Technical Support Facilities

Construction Costs

The cost of construction has been adjusted to reflect the contract cost for the Gray Street building component of the Depot Facility which is \$1,150/m².

Other Costs

All other costs have been increased by 20% to reflect increased land, construction and material costs and are shown in the Draft CP 18 Version 2.1.

Appendix A in Version 2.0 has been deleted from Version 2.1 as it is out of date.

2.1 Works Program and Estimated Costs - Version 2.1

The estimated costs and proposed works program for the amended plan are:

		Version 2.0	Version 2.1
Current Plan (16 June 1998) 60% of total debt \$2,800,000 = \$1,680,000		1,680,000	1,680,000
New offices internal staff (as per report August 2004)	5,581,326		10,167,949
New depot (see estimate in draft CP18)	<u>4,959,599</u>	<u>10,540,925</u>	6,258,949
Total cost of Works program		12,220,925	18,106,867

2.2 Staging

The works are expected to be staged as follows:-

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

2.3 Finance , Loans Interest Costs

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

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

2.4 Proposed Revised Contribution Rates

Calculated contribution rate:-

Contribution rates shall be calculated in accordance with the following formula

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

C = amount of contribution per person

CF = Cost of facilities (\$18,106,867)

OP = Balance from original plan (\$1,680,000)

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

A = Administration levy %(10%)

n = Population growth

$$\begin{aligned} C &= \frac{(18,106,867 + 1,680,000 + 8,148,090) \times 110\%}{40,000} \\ &= \frac{27,934,957 \times 1.1}{40,000} \\ &= \$768 \text{ per person} \end{aligned}$$

Comparing proposed and current contribution rates:-

	Version 2.1	Current (2005 V2.0)
Per person	\$768.00	\$488.00
Per lot or large dwelling (2.6 persons)	\$1,996.80	\$1,268.80
Per Medium density unit (1.7 persons)	\$1,305.60	\$892.60
Per tourist accommodation unit (1.5 persons)	\$1,152.00	\$732.00
Per small industrial unit	\$399.40	\$253.00
Per small commercial or retail unit	\$399.40	\$253.00
Larger commercial, retail or industrial per 300m ²	\$277.00	\$176.00

The full text of *Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities Version 2.1* is an attachment to this agenda.

3. Conclusion

The proposed draft plan will result in a significant increase in contribution rates, however it is considered that the proposed works are necessary to service the 40,000 Tweed Shire population growth expected in the next 20 years.

The amended draft version 2.1 of the plan is recommended for public exhibition.

LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

The adoption of draft version 2.1 of *Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities Version 2.1* will enable Council to finance its administration office building and depot construction program required to service population growth in the 2005 to 2025 period from this future development/ population by means of s94 contributions.

If the draft revision is not adopted, these works would require financing from the general fund and from existing ratepayers who are not contributing to the demand for these extra services.

POLICY IMPLICATIONS:

The adoption of Draft Section 94 Plan No 18 – Council Administration Offices and Technical Support Facilities Version 2.1 will continue Council's user pays policy for services needed to service population/development growth.

UNDER SEPARATE COVER/FURTHER INFORMATION:

To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).

1. *Draft Section 94 Plan No. 18 - Council Administration Offices and Technical Support Facilities Version 2.1. (DW 1535839).*
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Planning
Service

TWEED SHIRE COUNCIL

Section 94 Plan No 18

Council Administration Offices and Technical Support Facilities Version 2.1

24 April 2007

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TWEED SHIRE COUNCIL

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



GENERAL MANAGER

DATE: 24/4/2007

SECTION 94 PLAN No 18

COUNCIL ADMINISTRATION OFFICES AND TECHNICAL SUPPORT FACILITIES
 VERSION 2.1

Version original	Original Plan taking effect 17 June, 1998
Version 2.0	Version 2 approved by Council 21 September 2005, effective 27 September 2005
Version 2.1	Approved by Council 17 April 2007 effective 24 April 2007

SUMMARY OF CONTRIBUTION RATES

Residential lot or large dwelling	\$1996.80
Medium density unit	\$1305.60
Tourist accommodation unit	\$1152.00
Small industrial lot or unit	\$399.40
Small commercial or retail lot or unit	\$399.40
Larger commercial, retail or industrial per 300m ² floor area	\$277.00

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SECTION 94 PLAN NO 18 – COUNCIL ADMINISTRATION OFFICES AND TECHNICAL SUPPORT FACILITIES

1.0 INTRODUCTION

1.1 Name Of Plan

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

1.2 Land to which the Plan applies

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

1.3 Purpose of Plan

The purpose of this Plan is to enable the levying of developer contributions for the provision and upgrading of Council's administration office and technical support facilities, which Council considers are necessary to adequately cope in the future with the increased demands generated by new development within its area.

1.4 Scope of Plan

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

1.5 Section 94

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

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

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

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

1.6 Relationship to Other Environmental Planning Instruments

This Plan has been prepared in accordance with the provisions of Section 94AB of the Environmental Planning and Assessment Act and the attendant Regulations. This Plan supplements the provisions of the Tweed Local Environmental Plan 2000 as amended.

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

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2.0 ESTABLISHING THE NEXUS

2.1 The Relationship Between Expected Development And The Demand For Additional Administration Offices And Technical Support Facilities

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

2.2 How Is The Nexus Between Anticipated New Development And The Proposed Contributions Established?

New residential development and population growth, and associated industrial, commercial, retail and other development, will create additional demands for the provision of a range of public services and facilities provided and managed by Tweed Shire Council. Council administration offices accommodate most of the staff and office-based needs of a range of services and amenities to the wider community, including engineering services, community services, financial administration services, environmental health services, development assessment and strategic planning services, recreation services and emergency services. Council's works depot and technical support services facilitate the construction and maintenance of many diverse public amenities and services, mainly related to the provision and maintenance of engineering infrastructure, including roads, drainage, parks and gardens, sewage and water supply, and related staff training, staff accommodation, vehicle maintenance, etc.

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

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

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

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

As with indoor staff and facilities, the servicing of a larger area of urban development and other forms of development and continued growth necessitates provision of additional technical

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support services and facilities to cater for such growth, over and above those services subject to “fee for service”.

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

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

2.3 What Is The Expected Demand For Additional Administration Offices And Technical Support Facilities

2.3.1 Demand Estimation

(a) Current Plan Adopted 17 June 1998

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

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

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

(b) Version 2.0 of the Plan 2005-2025

(i) Accommodation Needs for additional Indoor Staff

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

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

(ii) Technical Support Facilities

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

2.4 What Apportionment Or Discounting Of Costs Is Appropriate?

2.4.1 Facilities Planned in the 1998 Version of this Plan

In the 1998 version of this Plan, some of the additional administration office floor space and facilities provided by Council are considered necessary to upgrade the facilities to an adequate standard to cater for the Council's current office-based workforce, or in other words, rectifying what may be described as deficiencies in the amount and type of accommodation and facilities

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to service the current population. Therefore it is reasonable to apportion only 60% of the cost of the 1998 planned office extensions to the needs of new development, to take account of a proportional cost which is attributable to the existing population.

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

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

2.4.2 Facilities Planned in the Version 2.0 of this Plan

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

3.0 TIMING OF CONTRIBUTIONS

Contributions will be required as a condition of development consent.

Payment is to be made prior to release of a construction certificate.

4.0 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.

5.0 FORMULAE FOR CONTRIBUTIONS

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

- The current cost of acquiring land and providing Council administration offices and technical support facilities;
- The cost of interest on loans required to finance the facilities (where facilities are required prior to sufficient contributions funds being available);
- increases in land acquisition and building costs, based on the CPI (all groups, Brisbane);

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- A 10% levy applies to all Section 94 charges to cover the costs associated with administration, development and review of Section 94 Plans.

6.0 WORKS PROGRAM

6.1 Estimates Of Costs

(a) Current Plan Adopted 17 June 1998

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

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

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

(b) Version 2.1 of the Plan 2005-2025

(i) Accommodation Needs for additional Indoor Staff

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

It is proposed to build in two stages.

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

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

Costs of Additional Building

(a) The short term extension costs per m²

Building works	2974
Survey, design, approvals, project management etc	93
Computers, furnishings etc	323
Parking	427
	\$ 3,817 per m ²

Cost of short term building extensions $\$ 3817 \times 594 \text{ m}^2 = \$ 2,267,298$

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(b) Long term new building costs, 2008

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

Cost of new long term building $\$4341 \times 1,820 \text{ m}^2 = \mathbf{\$ 7,900,620}$

Total cost of new buildings for indoor staff generated by population increases from 2005 to 2025:

$\$ 2,267,298 + \$ 7,900,620 = \mathbf{\$ 10,167,918}$

(ii) Technical Support Facilities

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

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

Item	Description	Amount	
1	Land	1.5 ha rural land	666,600
2	Investigation, survey, design, approvals, supervision		391,442
3	Site preparation	Earthworks, perimeter fencing	186,480
4	Services	Power, water, sewerage, telecommunications	750,480
5	Civil works	Road extension and intersection/entry works, parking, internal roads, concrete and sealed hardstand areas, gravel surfaces, stockpile bays/bins, compounds, racks, tanks, fuel supply, security, wash down bay, pollution control fire service, landscaping.	1,329,900
6	Buildings	Sheds (workshop incl gantry crane, gangs, store), Admin building (offices, training rooms).	1,955,000
7	Plant	Workshop equipment, forklift, site loader	438,000
8	Contingencies		541,047
			6,258,949

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(c) Total Works Program Costs

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

Total cost of Works program 18,106,867

6.2 Staging

The works are expected to be staged as follows:

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

6.3 Finance, Loans, Interest Costs

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

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

7.0 CONTRIBUTION RATES

7.1 Calculated Contribution Rates

Contribution rates shall be calculated in accordance with the following formula

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

n

C = amount of contribution per person

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

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

A = Administration levy %(10%)

n = Population growth

$C = \frac{(18,106,867 + 1,680,000 + 8,148,090) \times 110\%}{40,000}$

40,000

= $\frac{27,934,957 \times 1.1}{40,000}$

40,000

= \$ 768 per person

Contribution per residential lot or per large dwelling household @2.6 persons = \$1,996.60

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Contribution per Medium Density dwelling @1.7 persons = \$1,305.60

Contribution per tourist accommodation unit = \$1,152.00

Contribution per small industrial lot or unit = \$399.40

Contribution per small commercial lot or unit = \$ 399.40

For the purpose of this Plan, medium density development is any residential development which has a density equal to or greater than one dwelling per 400 m² area, including a dual occupancy, residential flat building, duplex, cluster housing, mobile home park or integrated housing.

Contributions will be levied in respect of other types of new development which provide for residential or tourist accommodation on a pro-rata basis based on an occupancy of 1.5 persons per dwelling.

Contributions for industrial or commercial units are based on the likelihood that new commercial or industrial development does impose some additional burden on Council's administration and servicing infrastructure, over and above those services provided on a fee for service basis. However, this additional burden or cost is relatively small and has been assumed at about 20% of equivalent levy for a residential lot or large dwelling. Where large commercial, retail or industrial units are involved, the levy will be worked out on a pro-rata basis at 1 levy unit (\$277) per 300 m² of floor area, to the nearest unit.

8.0 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:

- Council administration offices and technical support facilities.

Contributions must be spent on provision of Council administration offices and technical support facilities. Interest will be calculated on funds credit or debit balance and credited/debited as appropriate.

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;

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- 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.

9.0 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.

10.0 REVIEW OF PLAN

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

- monitor population trends and community needs;
- ensure that contribution levels reflect current costs;
- enable the alteration of work schedules if development and demand for offices and depots differ from original expectations.
- enable alteration of the Plan to reflect the actual costs .

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.

From the date of the first review of this Plan CPI increases (all groups, Brisbane) will be added to facilities land acquisition, construction and any other associated costs.

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