

# CP23

**Section 7.11 Plan**  
(formerly Section 94)

## No 23 – Offsite Parking

**Version 3.0.1**  
**March 2023**  
**Indexed July 2024**

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

GENERAL MANAGER

DATE:

SECTION 7.11 PLAN No 23

OFFSITE PARKING

VERSION 3

In force: 2/5/2023

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 Repealed V1.3 reduced rates for Fingal Head, incorporate details re indexing of rates	18/8/2009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- 2.3.4	July 2013-July 2016	Indexed in accordance with Section 2.13 of this plan and Reg 32 of the EP&A Regulations 2000.	
2.4.4	1/12/2016	Amended to incorporate Business Investment Policy	27/10/2016
2.4.5	1/7/2017	Indexed in accordance with Section 2.13 of this plan and Reg 32 of the EP&A Regulations 2000.	
2.4.6	1/7/2018	Indexed in accordance with Section 2.13 of this plan and Reg 32 of the EP&A Regulations 2000 and reference to s7.11	
2.4.7, 2.4.8	1/7/2019, 1/7/2020	Indexed in accordance with Section 2.13 of this plan and Reg 32 of the EP&A Regulations 2000	
3	2/5/2023	Works Program re-evaluation, contribution rates updates, demand rates updated, locations for potential facilities identified, general updates to reflect changes to Regulations and EPA Act.	20/4/2023
3.0.1	1/7/2024	Indexed in accordance with Section xxx of this plan and the EP&A Regulations 2021.	

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## 1.0 PART A – SUMMARY SCHEDULES

### 1.1 Summary schedule - Contribution Rates per Unsupplied On-Site Car Parking Space

Sector	Location	Unsupplied Car Parking Contribution Rates Base Rate	Indexed Version 3.0.1 July 2024 Inc 5% admin
1	Tweed Heads	\$55,616	\$60,083
2	Murwillumbah	\$20,121	\$23,008
3	Kingscliff	\$48,872	\$52,739
4	Bogangar	\$41,160	\$44,340
5	Pottsville	\$37,351	\$40,602
6	Fingal Head	\$35,090	\$38,128

The above Locations are described in Appendix 1 - Figures 1A to 1F.

*NOTE: Indexed in accordance with Section 211 of this plan and Clause 207 of the Environmental Planning and Assessment Regulations 2021. See Appendix 4 - Indexation Calculations for more information*

### 1.2 Summary schedule - works program

Sector / Location	Land Cost/Space	Type of facility	Construction Cost/ Space	Total Cost/space	Site Location
(1) Tweed Heads	\$13,768	Multi -level (3 levels)	\$39,200.00	\$52,968.00	To be determined in accordance with 3.4.1 and 3.4.2
(2) Murwillumbah	0	Multi- level (3 levels)	\$20,121.00	\$20,121.00	Within Existing multi deck car park or similar
(3) Kingscliff	\$7,345	Multi- level (3 levels)	\$39,200.00	\$46,545.00	To be determined in accordance with 3.4.1 and 2
(4) Bogangar/ Cab. Bch	0	Multi- level (3 levels)	\$39,200.00	\$39,200.00	Within Council property on Hastings Road Bogangar or similar
(5) Pottsville	\$29,573	Ground level	\$6,000.00	\$35,573.00	To be determined in accordance with 3.4.1 and 3.4.2
(6) Fingal Head	\$ 26,419	Ground level	\$7,000.00	\$33,419.00	Within Village area via maximising on street or reserve parking

See Section 3 and Appendix 3 for more detail.

**1.3 Published indices at time of adoption**

Index	Rate	Index Date	Published
PPI (Producer Price Index) (Non-residential construction NSW)	138.5	2022-Q3	ABS Oct 22
TSC Land Index	514.412	March 2022	2022 Tweed Shire Council Revenue Policy

Note The PPI will be used to index contribution rates. The CPI (All Groups Sydney) will be used to increase rates if the PPI or annual percentage value increase is unavailable.

## **2.0 PART B – ADMINISTRATION AND OPERATION OF THE PLAN**

### **2.1 Name of this development contribution plan**

The name of this plan is Tweed Shire Council Section 7.11 Contributions Plan No 23 – Offsite Parking (Version 3).

### **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 Appendix 1 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 the 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.

This plan allows for contributions from non-residential and mixed-use developments which under-supply site parking required by the Tweed Development Control Plan (DCP) Section A2 - Site Access and Parking regarding the provision of public car parking.

Where development projects are unable to provide the required number of public car parking spaces on site, Council may offer the alternative of requiring contributions in accordance with this plan.

If offered, it provides the alternative of contributing towards the cost of an equivalent number of public car parking spaces in the locality.

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.

The purposes of this plan are to authorise:

- The consent authority, when granting consent to an application to carry out development to which this plan applies; or
- The Council or an accredited certifier, when issuing a Complying Development Certificate (CDC) for development to which this plan applies,

to require a contribution (under Section 7.11 of *the Environmental Planning and Assessment Act* (EP&A Act) to be made towards the provision of Local Infrastructure required as a consequence of development within the Plan area, to fund the cost of providing public car parking spaces as defined in this Plan.

Other purposes of this plan are as follows:

- To provide a comprehensive strategy for the administration of this plan including the assessment, collection, expenditure accounting and review of development contributions on an equitable basis.
- To ensure that the existing community is not burdened by the provision of local infrastructure required as a result of future development
- To establish the relationship between the expected development and proposed Local Infrastructure (Nexus) to demonstrate that the S7.11 contributions required under this plan are reasonable.

**2.4 Commencement of the plan**

This development contributions plan has been prepared pursuant to the provisions of S7.11 of the EP&A Act 1979 and Part 7 of the Environmental Planning & Assessment Regulation 2021 (EP&A Regulations) and takes effect from the date on which public notice was published, pursuant to clause 214(4) of the EP&A Regulation 2021.

**2.5 Relationship with other plans and policies**

This contribution plan should be read in conjunction with the Tweed Local Environmental Plan (TLEP) 2014 (and the TLEP 2000 for land shown as “deferred matters”), Tweed City Centre LEP 2012 and Shire-wide sections of Council’s Development Control Plan and other applicable Shire wide S7.11 Contribution Plans.

Specific documents that apply to this plan are:

- TSC Development Control Plan (DCP)

**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 1979, as amended
EP&A Regulation	Environmental Planning and Assessment Act Regulation 2021, as amended.
PPI (Producer Price Index)	Index used for adjustment of construction component from 2020: ABS Reference 3020 Non-residential construction NSW



<b>Definitions</b>	
TSC Land Index	Index used for adjustment of land acquisition costs - Tweed Shire Council Land Index, as published in Council's Management Plan and Quarterly Report.
Nexus	The relationship between the expected types of development in the area and the demand created by those developments for additional public facilities. The link between the proposed development and the increased demand for public facilities may be demonstrated through causal nexus (what), spatial nexus (where) and temporal nexus (when). Causal nexus requires that the need for the service or facility being levied must be a result of the development being levied. Physical nexus requires that the service or facility be near enough in physical terms to provide benefit to that development. Temporal nexus requires that the service or facility must be provided within a reasonable time.
Car Parking Space	Vehicle parking on the development site in accordance with the provisions of The Tweed Shire Development Control Plan Section A2 for non-residential and mixed-use developments

<b>Standards used in this contributions plan</b>	
Car Parking Space	See details in the DCP Section A2 including an area of 35 m <sup>2</sup> per space

## 2.7 Timing of Contributions

Contributions will be required as a condition of development consent for eligible applications. 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.

Contributions are required to be paid as follows:

- For development applications including subdivision, prior to release of plan of subdivision or subdivision certificate.
- For applications including building work, prior to issuing the construction certificate.
- For development applications where no building approval is required, within 30 days of issue of the development consent.

### 2.8 Deferred payments

Deferred or periodic payments are permitted for business premises in accordance with the Business Investment Policy (Refer to Appendix 2). 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

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 (i.e., 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:

- 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
- the standard of the works is to council's full satisfaction; and
- 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.

## **2.9 Obligation of registered certifiers**

### **Construction Certificates or Complying development certificates:**

A registered certifier must not issue a construction certificate or Complying Development Certificate for building work or subdivision work under an approval 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. 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.

### **Council must approve application of this contribution plan:**

Any application which invokes this contribution plan in lieu of parking spaces required under "Tweed Shire Development Control Plan Section A2 for non-residential and mixed-use developments" must be approved by Council and should be assessed by Council as part of a standard Development Application or Complying Development Certificate.

### **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.
- a consideration of locational and other factors which may affect useability.
- an assessment of recurrent maintenance costs to Council.
- consistency with the provisions of Tweed Development Control 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.

### 2.11 Adjustment of contribution rates

To ensure that the value of contributions is 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 **Producer Price Index (PPI) 3020 Non-residential building construction New South Wales 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 parcels of land that are identified in the S7.11 Plan.
- the costs of various studies and activities required to support the strategies in the plan by reference to the actual costs incurred by the Council in obtaining these studies

In accordance with the EP&A Regulation, the following sets out the means that the council will make changes to the rates set out in this plan.

## Contribution Plan No. 23

Offsite Parking



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

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

Where:

<b>\\$C<sub>A</sub></b>	is the contribution at the time of adoption of the plan expressed in dollars;
Current <u>Index</u> PPI	is the <b>PPI</b> as published by the ABS available at the time of adjustment of the contribution rate;
Base Index <u>PPI</u>	is the <b>PPI</b> as published by the <b>ABS</b> for the date of adoption of this plan.

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

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

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

Where-

<b>\\$C<sub>LV</sub></b>	is the land values within the plan at the time of adoption of the plan expressed in dollars;
Current LV Index_ <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;
Base LV Index <u>TSC</u> <u>Land Index</u>	is the land value index as published by the council for the date of adoption of this plan.

Note: If 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.

Should either index not be published for a given year, ABS CPI (All Groups Sydney) is to be used.

### 2.12 Adjustments at the time of payment

The contributions stated in a condition of consent imposed in accordance with this Plan will reflect the contribution rates in this Plan as at the date the condition is

imposed (which may have been indexed or varied from the original contribution rates in this Plan in accordance with Clause 2.11).

This Plan authorises a condition of consent to provide that the contributions payable under the condition will be adjusted up until the date of payment in accordance with Clause 2.11.

### **2.13 Pooling of contributions**

This plan expressly authorises monetary S7.11 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.

### **2.14 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.

### **2.15 Contributions register and accounting**

Council will maintain a register of all contributions received in accordance with Clause 217 of the EP&A Regulation 2021. Council has established an identifiable account for the management of contributions, showing separate categories of contribution. The following separate categories have been established:

- Car Parking - Commercial areas of Tweed Heads (Sector 1), Murwillumbah (Sector 2), Kingscliff (Sector 3), Bogangar/Cabarita Beach Sector 4), Pottsville (Sector 5) and Fingal Head (Sector 6), including 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, e.g., 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, on Council's website.

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 Schedule.

### **2.16 Annual Statement**

In accordance with Clauses 217-220 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, on Council's website.

### **2.17 Review of Plan**

This contribution Plan will be subject to review by Council as required, 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.
- enable alteration of the plan to reflect the actual costs associated with the land and construction costs of public car parking sites selected in accordance with Section 3.3.

Any material changes in the plan, except for the annual adjustment of contribution amounts, will require that the plan be amended in accordance with Clause 215 of the Environmental Planning and Assessment Regulation 2021. This will require public exhibition of the amended plan and consideration of submissions received.

### **3.0 PART C – STRATEGY PLAN - ESTABLISHING THE NEXUS**

There are 5 key considerations for determining 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 car parking facilities to meet the needs of the increased population as a result of new development and the works schedule designed to provide it.

#### **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 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.

Since the plans inception in 1999 some data is now available to enable the estimation of demand to be refined.

This data includes the number of developments approved in each of the six sectors and how many spaces were contributed towards. This data has been used to generate a rate of demand for each Sector which is then utilised to estimate the demand for the next 20 years in addition to the demand already established through development approvals.

The data and revised estimated demand are provided in Appendix 3.

The revised estimated public carparking demand is as follows:

SECTOR / COMMERCIAL AREA	ESTIMATED UNSUPPLIED DEMAND PER YEAR	ESTIMATED UNSUPPLIED DEMAND to 2043
(1) Tweed Heads	1.0	45
(2) Murwillumbah	3.0	148
(3) Kingscliff	1	56
(4) Bogangar/Cabarita Beach	1.5	88
(5) Pottsville	0.5	28
(6) Fingal Head	0.5	23

### 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.

All demand is created by developments that can't supply the required number of car parking spaces specified in the Tweed DCP.

### 3.3 Supply procedures

Due to the many variables in accurately estimating public parking space demand in this plan, and timeframes, 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 Murwillumbah & Bogangar.
- The plan will include the criteria for the appropriate location of the facility, its estimated cost and other relevant factors (demand and timeframe)
- 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 (commercial) 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, 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 such 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 Appendix 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 i.e., 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 7.11 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**

LAND COSTS (including valuation and acquisition costs)			CONSTRUCTION COSTS*		TOTAL COST/ SPACE
Sector / Location	Land Cost/m <sup>2</sup>	Land Cost/Space (35m <sup>2</sup> /space)	Type of facility	Cost/Space	
(1) Tweed Heads	\$1,181.71	\$13,768	Multi-level (3 levels)	\$39,200.00	\$52,968.00
(2) Murwillumbah	0	0	Multi-level (3 levels)	\$20,121.00	\$20,121.00
(3) Kingscliff	\$629.59	\$7,345	Multi-level (3 levels)	\$39,200.00	\$46,545.00
(4) Bogangar/ Cab. Bch	0	0	Multi-level (3 levels)	\$39,200.00	\$39,200.00
(5) Pottsville	\$844.96	\$29,573	Ground level	\$6,000.00	\$35,573.00
(6) Fingal Head	\$736.50	\$26,419	Ground level	\$7,000.00	\$33,419.00

See Appendix 3 for more details on estimating construction costs, land costs and parking requirement projections.

**3.6.2 Demand, Location and Staging**

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

<b>Public Car Parking Spaces to be provided</b>			
<b>SHOPPING CENTRE</b>	<b>Estimated Requirements in Short to Medium Term</b>	<b>Estimated Additional Requirements in Long Term</b>	<b>Site Location</b>
Tweed Heads	20	25	To be determined in accordance with 3.4.1 and 3.4.2
Murwillumbah	100	48	Within Existing multi deck car park or similar
Kingscliff	30	26	To be determined in accordance with 3.4.1 and 2
Bogangar/Cabarita Bch	60	28	Within Council property on Hastings Road Bogangar or similar
Pottsville	14	14	To be determined in accordance with 3.4.1 and 3.4.2
Fingal Head	5	18	To be determined in accordance with 3.4.1 and 2

**3.7 Contribution rates**

**3.7.1 Calculation of contribution rates**

Contribution rates shall be calculated in accordance with the following formula

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

C = amount of contribution per car parking space

CC = Construction costs

LC = Land costs

A = Administration levy % (5%)

See Appendix 4 for details and calculations.

**3.7.2 Current contribution rates per unsupplied car parking space**

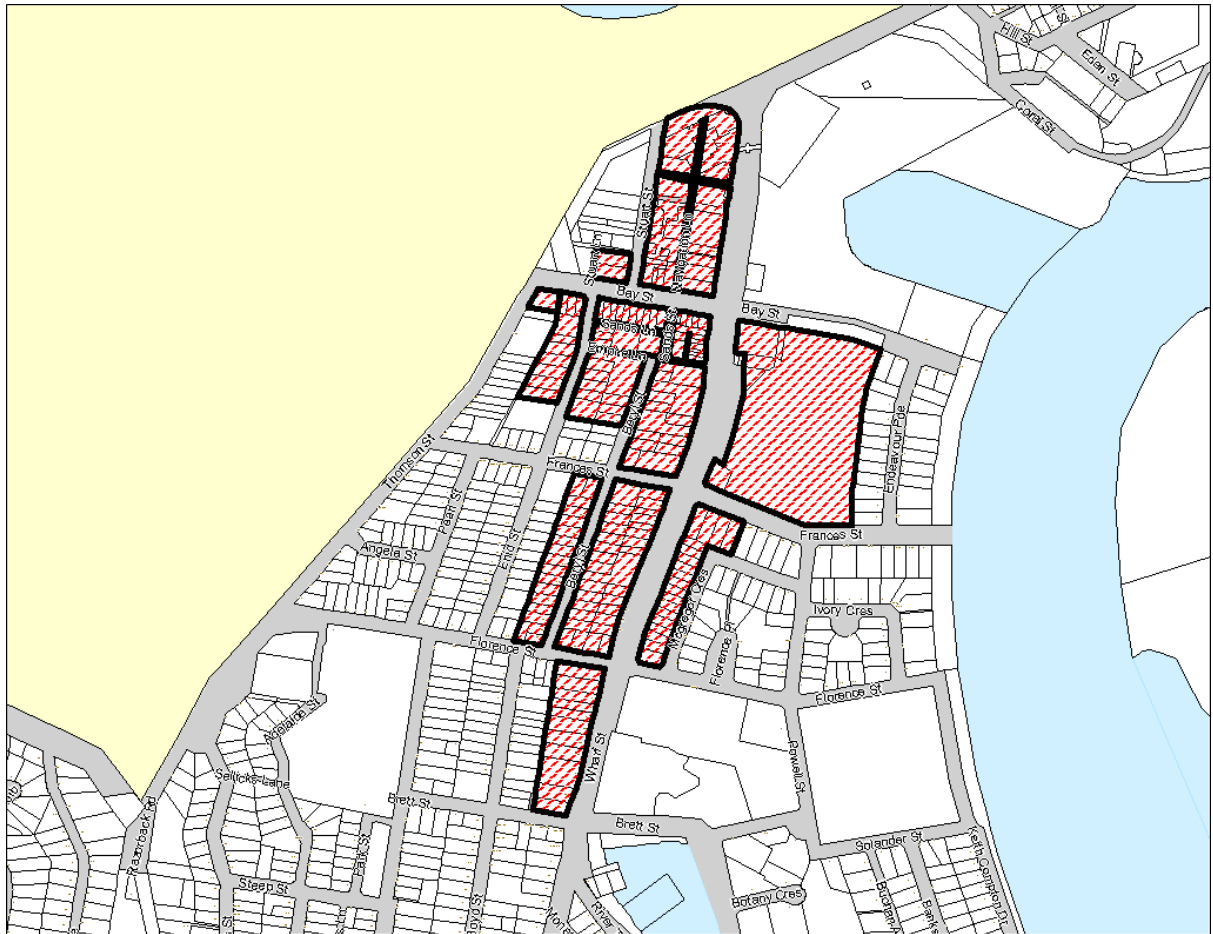
Sector	Location	Unsupplied Car Parking Contribution Rates
1	Tweed Heads	\$55,616
2	Murwillumbah	\$20,121
3	Kingscliff	\$48,872
4	Bogangar	\$41,160
5	Pottsville	\$37,351
6	Fingal Head	\$35,090

*NOTE: Rates above will be Indexed in accordance with Section 2.11 of this plan and the Environmental Planning and Assessment Regulations. See indexation calculations in Appendix 4 of this plan.*

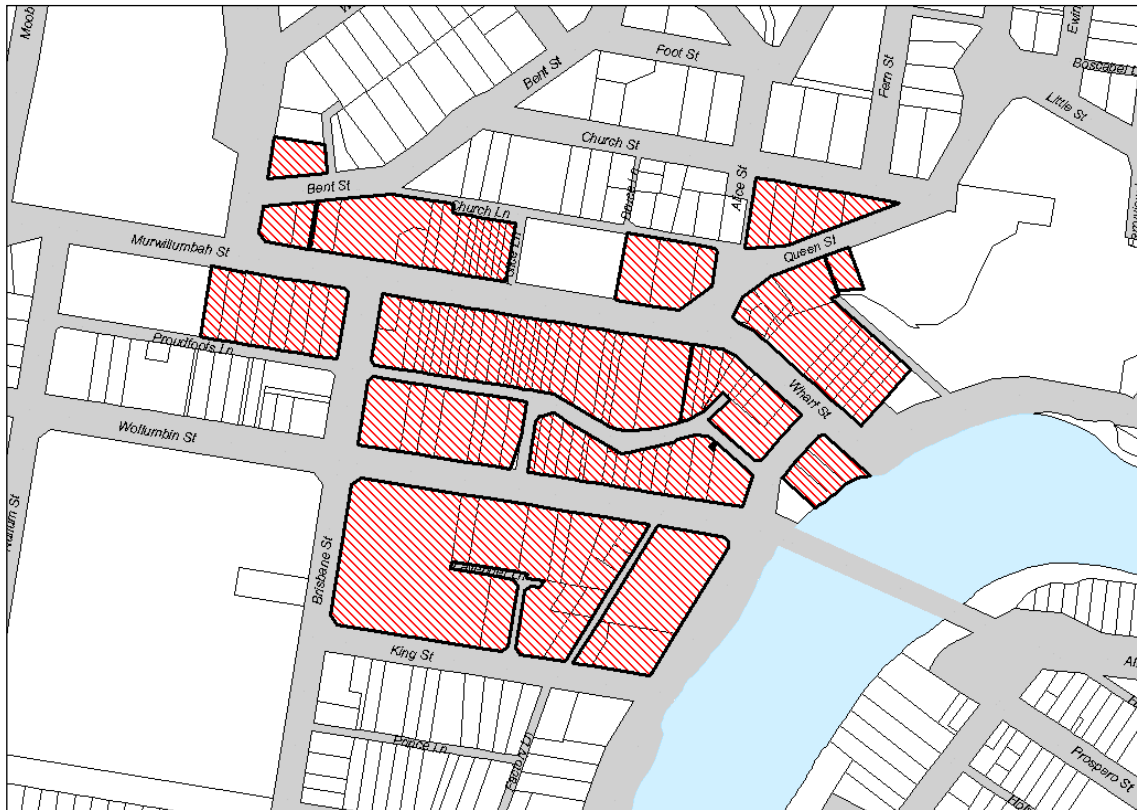
The above Locations are described in Figures 1A to 1F.

**Appendix 1 - CBD commercial cores areas that are subject to this plan**

**Figure 1A Sector 1 – Tweed Heads**

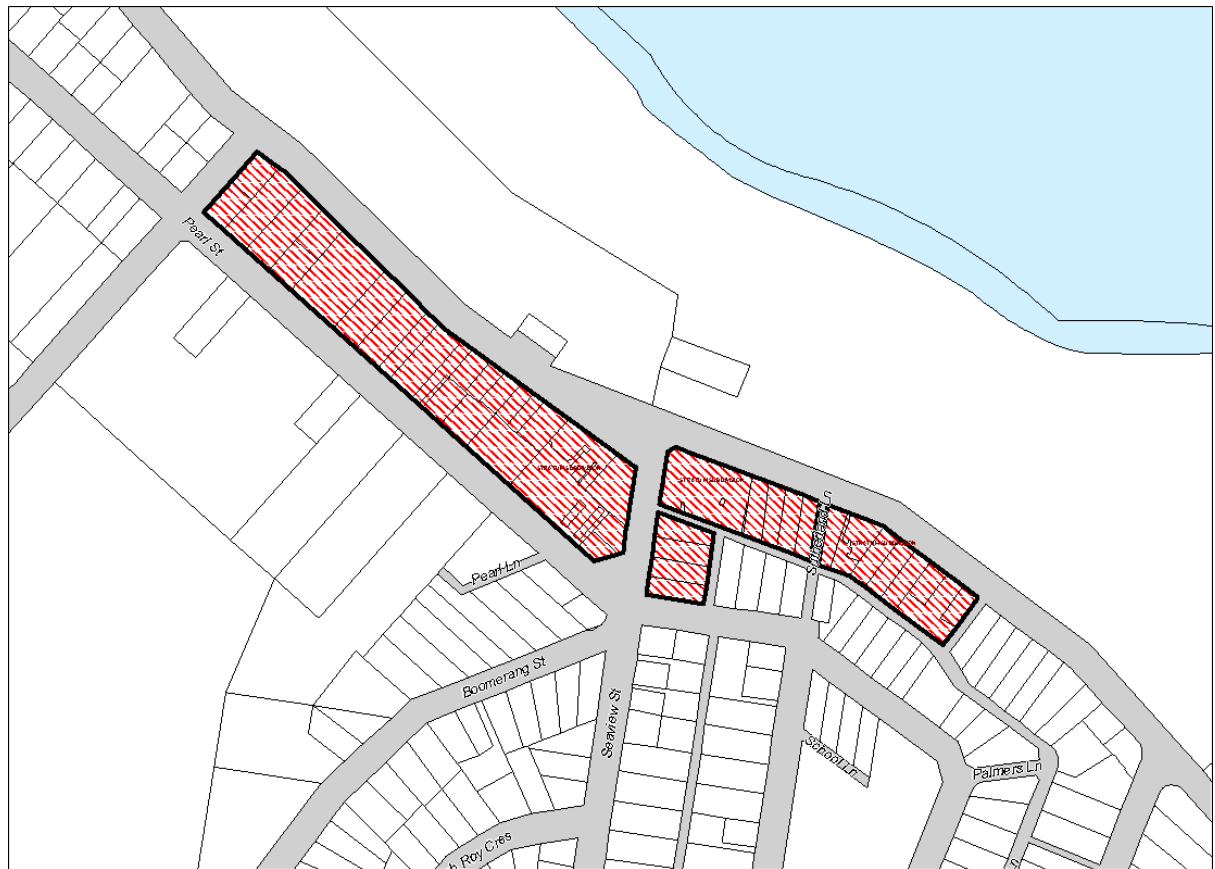


**Figure 1B Sector 2 – Murwillumbah**

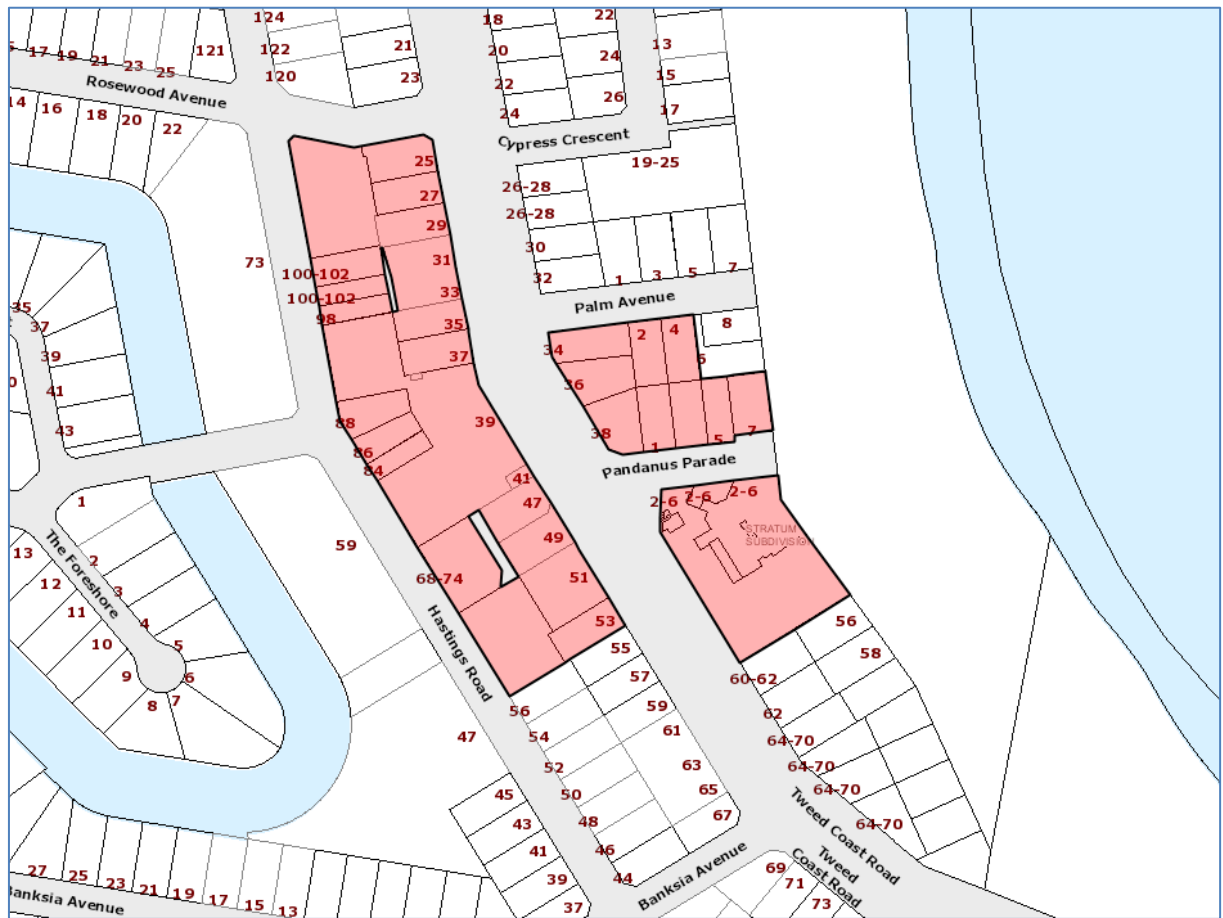




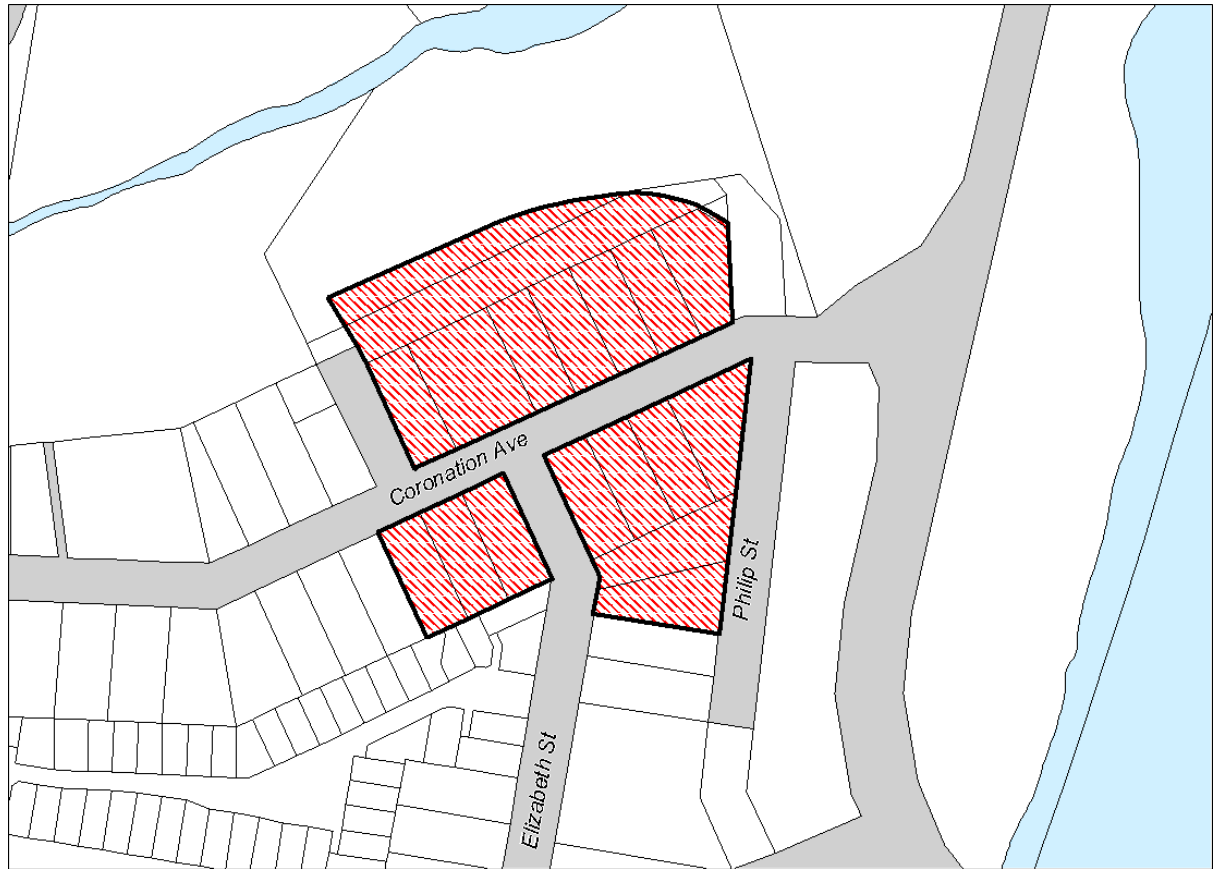
**Figure 1C Sector 3 – Kingscliff**



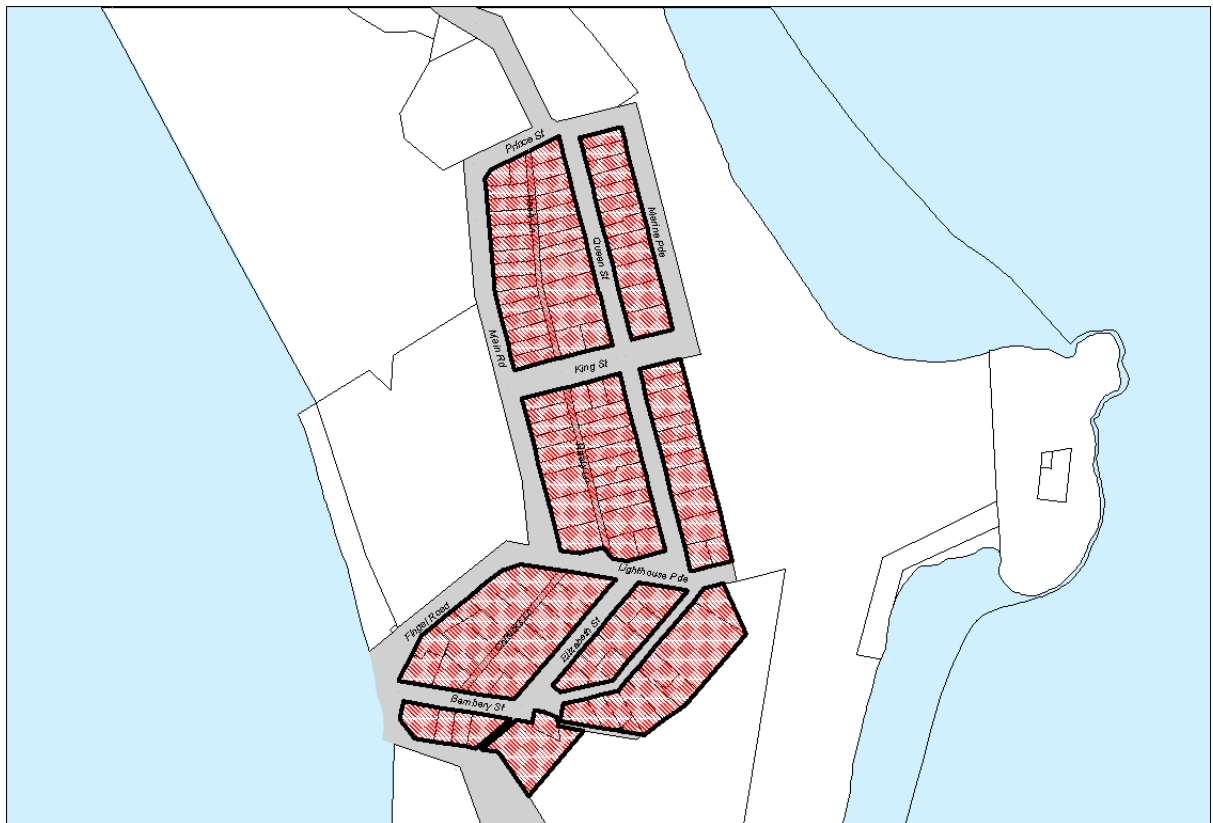
**Figure 1D Sector 4 - Bogangar/Cabarita Beach**



**Figure 1E Sector 5 – Pottsville**



**Figure 1F Sector 6 – Fingal Head**



**Appendix 2 – Business Investment Policy**

Policy Version 2.2 which was adopted by Council and effective from 15 December 2022 can be accessed at the following link:

<https://www.tweed.nsw.gov.au/files/assets/public/documents/council/council-policies/business-investment.pdf>

Or by accessing Councils Website at <https://www.tweed.nsw.gov.au/council/policies-plans-reports/policies>

**Appendix 3 – Cost and Land Estimates and projected Parking needs**

**A3.1 Car Space Land Valuations**

**DETERMINATION OF CAR SPACE LAND VALUATIONS / AREA**

Dec 2022

PN	Locality	Property Description	Valuer General Land Value 1/7/2019	Indexed Value to 1/7/2022	Land Area (m2)	value per m2	Value/car space at \$35/m2	Assume 3 storey car park Value/Space	Land Value /space used in CP23
50591	Tweed Heads	1//880816	\$-	\$-	2045	NA	NA	NA	
49798	Tweed Heads	1//848723	\$-	\$-	3400	NA	NA	NA	
28711	Tweed Heads	7035//1053313	\$662,000.00	\$763,386.09	646	<b>\$1,181.71</b>	\$41,359.93	<b>\$13,786.64</b>	<b>\$13,768.64</b>
111209	Tweed Heads	100//1244522	\$2,060,000.00	\$2,375,491.46	2135	\$1,112.64	\$38,942.48	\$12,980.83	
110497	Kingscliff	17//5879 and B//378968	\$6,650,000.00	\$7,668,455.43	2753	\$2,785.49	\$97,492.17	\$32,497.39	
106511	Kingscliff	13//871753	\$2,100,000.00	\$2,421,617.50	66256	\$36.55	\$1,279.23	\$426.41	
112132	Kingscliff	101//1266301	\$11,175,000.00	\$12,886,464.57	20468	<b>\$629.59</b>	\$22,035.68	<b>\$7,345.23</b>	<b>\$7,345.23</b>
76170	Pottsville	534//48641	\$2,210,000.00	\$2,548,464.13	4046	<b>\$629.87</b>	\$22,045.54	NA	
104897	Pottsville	5//1121923	\$1,720,000.00	\$1,983,160.00	1959	<b>\$1,012.33</b>	\$35,431.65	NA	
5551	Pottsville	370//755701	\$847,000.00	\$976,591.00	1094	<b>\$892.68</b>	\$31,243.77	NA	
	Pottsville Average					\$844.96	<b>\$29,573.65</b>		<b>\$29,573.65</b>
	Fingal	700 // 704337	\$967,000	\$967,000.00	3073	\$314.68	\$11,013.67	NA	\$-
	Fingal	12 // 1215220	\$647,000	\$647,000.00	558	\$1,159.50	\$40,582.44	NA	\$-
	Fingal	351 // 755740	\$935,000	\$935,000.00	940	\$994.68	\$34,813.83	NA	\$-
	Fingal	347 // 755740	\$1,680,000	\$1,680,000.00	1011	\$1,661.72	\$58,160.24	NA	\$-
	Fingal								<b>\$26,419.55</b>

NOTES:

- (1) Note Kingscliff land value not previously included as a site for proposed basement carpark was identified but since that proposal has been abandoned so land will need to be purchased or a deal to part purchase multi-level car spaces reached.
- (2) Pottsville has highest land value as car parking is proposed at grade only (i.e., not multi-level) and crown land may need to be purchased along Berkleys Lane highlighted used in land valuations for plan rate calculations.
- (3) Land values are 2019 VG rates indexed to 2022 values using the TSC Land Index (+15.3%).
- (4) To provide parking spaces at Fingal, land purchase will be required, possibly crown land in appropriate location previously spaces were to be included on Council owned land.

### A3.2 Expected Car Park Space Demand

#### NEW CP 23 Offsite Parking Revised Parking Demand

15/12/2022

Sectors and Locality	CP23 Ver 2.4.8 Predicted total spaces required to 2019	Number of spaces constructed based on recoupments 1999 to 2022	Estimated Total Number of Spaces constructed 1999 to 2022	Total Number of Spaces contributions received for to 2022	Demand rate for spaces (1999 to 2021) / year	Adjusted Demand Rate (min.0.5 spaces/year) spaces/year (3)	Revised Projected growth for 20 years 2022 to 2042 (5)	Revised Predicted Total spaces required 1999 to 2042	Site Location
Sector 1 Tweed Heads	400	5	102	5	0.3	1.0	40	45	To be determined in accordance with 3.4.1 and 3.4.2
Sector 2 Murwillumbah	100	117 #	**	68	3.4	3.0	80	148	Within Existing multi deck car park or similar
Sector 3 Kingscliff	250	4	30	16	0.8	1	40	56	To be determined in accordance with 3.4.1 and 2
Sector 4 Cabarita/Bogangar	184	3.5	12	38	1.9	1.5	50	88	Within Council property on Hastings Road Bogangar or similar
Sector 5 Pottsville	100	0	77	8	0.4	0.5	20	28	To be determined in accordance with 3.4.1 and 3.4.2
Sector 6 Fingal	31	0	0	3	0.2	0.5	20	23	Within Village area via maximising on street or reserve parking
<b>TOTAL</b>	<b>1065</b>	<b>125</b>		<b>138</b>			<b>250</b>	<b>388</b>	

Notes:

- (1) based on Building Economist (BE)-Cost Index Sept 2022 for Sydney for multi-level car parks and at ground car parks for Fingal and Pottsville.
  - (2) based on 35m<sup>2</sup> per space (as per BE) but is distributed over 3 levels where multi deck car park is expected.
  - (3) Sector 2 and 4 demand rate was high because of one large development only in each Sector and has been scaled down. All others rounded up with a minimum demand rate of 0.5 spaces/year.
  - (4) \$485,000 paid to Sector 2 in 2004 = 53 spaces at 2004 cont. rates.
  - (5) Includes 20 space allowance (10 for Fingal and Pottsville) for potential developments where single large contributions are made such as Cabarita and Murwillumbah.
  - (6) As current Pottsville Contribution rate is higher than revised calculation, the current contribution rate is maintained.
- # Excludes any allowance for interest which may have been charged but not in CP23.
- \*\* Excess capacity was provided in the Murwillumbah multi-level car park to be funded by future shortfalls from private developments contributed to via CP23.

### A3.3 Car Park Space Construction Estimate

#### NEW CP 23 Offsite Parking Revised Cost Estimates

19/12/2022

Contribution Sectors and Locality	Number of spaces constructed based on recoupments 1999 to 2022	Total Number of Spaces contributions received for to 2022	Revised Predicted Total spaces required 1999 to 2042	Current CP 23 Cost incl land \$	Construction cost excl land 2023 (1) \$	Land Cost 2023 (2) \$	Total Car Parking Space Cost 2023 \$	2023 DEVELOPER CONTRIBUTION RATE (8) \$
Sector 1 Tweed Heads	5	5	45	35,628	39,200	13,768.00	52,968.00	55,616.40
Sector 2 Murwillumbah (9)	117 #	68	148	20,121	-	-	20,121.00	20,121.00
Sector 3 Kingscliff	4	16	56	34,983	39,200	7,345.00	46,545.00	48,872.25
Sector 4 Cabarita/Bogangar	3.5	38	88	34,983	39,200	-	39,200.00	41,160.00
Sector 5 Pottsville	0	8	28	33,133	6,000	29,573.00	35,573.00	37,351.65
Sector 6 Fingal	0	3	23	3,666	7,000	26,419.55	33,419.55	35,090.53
<b>TOTAL</b>	125	138	388					

Notes:

- (1) Based on Building Economist (BE)-Cost Index Sept 2022 for Sydney for multilevel car parks and at ground car parks for Fingal and Pottsville.
- (2) Based on 35m2 per space (as per BE) but is distributed over 3 levels where multi deck car park is expected.
- # Excludes any allowance for interest which may have been charged but not in CP23.
- \*\* Spare capacity provided in the Murwillumbah multilevel car park to be funded by shortfalls from private developments through CP23.
- (7) Fingal "Total Contribution 2022" increased by an extra amount to cover higher than average environmental and cultural heritage costs for this sensitive area.
- (8) Developer contribution rate includes 5% admin levy.
- (9) The construction costs for Murwillumbah have not been increased as the parking structure has already been constructed so the actual construction costs (with annual indexing) is used



**Appendix 4 - Indexation Calculations**

	Original Date	Index Date	Difference	% change
PPI (Non Res Construction)	2022-Q3	2023-Q4		
	138.5	149.2	10.7	7.73%
TSC Land Cost Index	2021/2022	2023/2024		
	514.4116	560.2	45.7884	8.90%

Contribution Sectors and Locality	Current CP 23 Cost incl land \$	Construction cost excl land 2023 \$	Land Cost 2023 \$	Total Car Parking Space Cost 2023 \$	Land Cost Version 3.0.1-July 2024 Indexed by TSC LI 8.90%	Constr Cost Version 3.0.1-July 2024 Indexed by PPI 7.73%	Indexed total inc 5% admin
Sector 1 Tweed Heads	35,628	39,200	13,768.00	52,968.00	14,993.51	42,228.45	60,083.05
Sector 2 Murwillumbah (9)	20,121	-	-	20,121.00	-	21,911.99	23,007.59
Sector 3 Kingscliff	34,983	39,200	7,345.00	46,545.00	7,998.79	42,228.45	52,738.60
Sector 4 Cabarita/Bogangar	34,983	39,200	-	39,200.00	-	42,228.45	44,339.87
Sector 5 Pottsville	33,133	6,000	29,573.00	35,573.00	32,205.33	6,463.54	40,602.31
Sector 6 Fingal	3,666	7,000	26,419.55	33,419.55	28,771.19	7,540.79	38,127.58



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