

CP15

Section 7.11 Plan
(formerly Section 94)

No. 15 – Developer Contributions for Community Facilities

Version 7.0.2
November 2022
Indexed July 2024

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

GENERAL MANAGER

DATE: 1 December 2022

SECTION 7.11 PLAN No 15

DEVELOPER CONTRIBUTIONS FOR COMMUNITY FACILITIES

Version 7

In Force: 15 December 2022

Indexed: July 2024

Version	Adopted	Description	Effective
1			26/10/1996
Amendment 1	18/2/1998	Works program updated	4/3/1998
Amendment 2		Works program and occupancy rates updated	15/5/2000
Amendment 3	21/1/2004	Works program updated	27/1/2004
5 (Amendment 4)	15/12/2009	Admin levy reduced to 5%; works program, occupancy rates and levy updated	23/12/2009
6 (Amendment 5)	21/9/2010	Incorporates SGS report findings, extends area covered to whole of Shire, revises works program	29/9/2010
6.0.8		Indexation applied in accordance with Section 2.12 of this plan and Regulation 32 of the EP&A Regulations 2000 and reference to s7.11	1/7/2018
6.0.1; 6.0.2; 6.0.3; 6.0.4; 6.0.5; 6.0.6; 6.0.7; 6.0.9, 6.0.10		Indexation applied in accordance with Section 2.12 of this plan and Regulation 32 of the EP&A Regulations 2000	July 2011-July 2020
7	1/12/2022	Updated Works Program based on the CFP, population data update, Facility construction costs updated and general update to make plan current (e.g. replace S94 with S7.11)	15/12/2022
7.0.1,7.0.2		Indexation applied in accordance with Section 2.12 of this Plan and the EP&A Regulation 2021.	1/7/2023-1/7/2024

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1.0 PART A – SUMMARY SCHEDULES

1.1 Summary schedule – contribution rates

	Persons	Community Facilities Contribution Rates	Indexed 1 July 2024
Per person	1	\$868	\$954.35
Detached dwelling/Lot (1 ET)	2.4	\$2,083	\$2,290.45
1 bedroom unit	1.3	\$1,128	\$1,240.66
2 bedroom unit	1.7	\$1,476	\$1,622.40
3 bedroom unit	2.1	\$ 1,823	\$2,004.14
4+ bedroom unit	2.4	\$2,083	\$2,290.45

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

Indexed in accordance with Section 2.11 of this plan and Clause 207 of the Environmental Planning and Assessment Regulations 2021. See Appendix 5 - Indexation Calculations for more information.

1.2 Summary schedule - works program

	Amenity or Facility	Staging*	Land area (m ²)	Land cost (\$)	Building gross floor area (m ²)	Facility costs** (\$)	Total Cost (\$)
1	General use community facility Terranora Area E	M	1,500	Dedication free of charge by developer	500	2,620,729	2,620,729
2	General use community facility Bilambil/Bilambil Heights	L	1,500	Dedication free of charge by developer	500	2,641,389	2,641,389
3	General use community facility Kingscliff West	M	1,500	Dedication free of charge by developer	500	2,717,720	2,717,720
4	General use community facility	L	1,500	Dedication free of	500	2,721,340	2,721,340

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Community Facilities

	Dunloe Park			charge by developer			
5	District Community Centre Tweed Urban	L	10,000	Dedication free of charge by developer or co-locate on Council land with existing facilities	1,500	7,736,387	7,736,387

S (Short Term) 0 – 5 years (From CFP)

M (Medium Term) 5 – 10 years

L (Long Term) 10 – 20 years

1.3 Published indices at time of adoption

Index	Rate	Index Date	Published
PPI (Producer Price Index) (Non-residential construction NSW)	135.7	2022-Q2	ABS Oct 2022
TSC Land Index	307.32	March 2021	2021 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.

2.3 The Purpose of the plan

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 dedicate land and fund the cost of providing community facilities 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 community 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.
- To allow the opportunity for Local Infrastructure to be provided by land developers as works in kind in lieu of paying a monetary contribution when it accords with Council objectives or outcomes.
- To require the dedication of land by landowners at no cost to Council when proposed within Council strategies, plans, objectives or outcomes.

2.4 Commencement of the plan

Version 1 of this plan came into effect on 26 October 1996 and was subsequently amended on 4 March 1998, 15 May 2000, 27 January 2004, 23 December 2009 and Version 6 came into effect on 29 September 2010.

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 Council Plans and Strategies

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 Community Facilities Plan 2019-2036
- TSC Development Control Plan

2.6 Definitions and standards

Definitions	
Accredited Certifier	For the purposes of the certification of Construction Certificates and Complying Development Certificates as referenced in this plan, the Accredited Certifier is the principal certifying authority.
EP&A Act	Environmental Planning and Assessment Act 1979, as amended
EP&A Regulation	Environmental Planning and Assessment Act Regulation 2021, as amended.
IPD (Implicit Price Deflator)	Index used for adjustment of construction component to 2020 – 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
PPI (Producer Price Index)	Index used for adjustment of construction component from 2020: ABS Reference 3020 Non-residential construction NSW
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.

Definitions	
Community Infrastructure	<p>Refers to community infrastructure, services and networks which help individuals, families, groups and communities meet their social needs, maximise their potential for development and enhance community wellbeing. Council owned and/or managed community infrastructure consists of</p> <ul style="list-style-type: none"> • Libraries • Community Centres • Community Halls/General community use meeting spaces • Art Gallery • Museum • Auditoria/Performing Arts • Tenanted facilities
Nexus	<p>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.</p>

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

Contributions will be required as a condition of development consent for subdivision, and medium density development, including dual occupancy and tourist developments.

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.

In respect of land dedications, land is to be dedicated at the time specified in the condition.

2.8 Deferred payments

Council will accept deferred payments only in special circumstances. Applicant for deferred payment of contributions must enclose a submission in writing to accompany any Development Application setting out the reasons for deferral of payment.

If the application for deferral is accepted, the following conditions will apply:

1. A bank guarantee will be required to be lodged for the full value of the contribution(s). The applicant will be responsible for any charges involved in servicing the guarantee.
2. The amount of contributions outstanding will be indexed in accordance with *Clause 2.11 **Error! Reference source not found.*** so that the value of the contribution does not diminish over time. Indexing will be calculated from the date on which the contribution was due to the date of payment.
3. Council will call up the bank guarantee if full payment of the deferred contributions is not received within six (6) months of release of linen plan/occupation of the buildings.

An alternative to deferred payments is for an applicant to request that contributions be satisfied through periodic payments. The following conditions will apply if an application for deferred payments is to be accepted:

1. The application is to be made in writing and will include details of instalments and interest calculations.
2. Periodic payments will be required with each stage of a development where staged development is nominated in a development application.
3. Periodic payments will be indexed in the same manner as deferred payments and similar bank guarantee requirements will apply.

The decision as to whether to accept periodic payments rests solely with Council.

2.9 Obligation of accredited certifiers

Construction Certificates:

A certifying authority must not issue a construction certificate for building work or subdivision work under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

In particular, the certifier must ensure that the applicant provides a receipt(s) confirming that contributions have been fully paid and copies of such receipts must be included with copies of the certified plans provided to the Council. 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 S7.21 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 of this plan.

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

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

Recalculation of contributions:

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

2.10 Dedication of Land and material public benefit

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;
- 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; or

- the Tweed Shire Community Facilities Plan 2019-2036.

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.

In some circumstances, particularly regarding land provision within greenfield development areas, dedication of land is required to form part of the development as part of the developer contribution under this plan. The contribution required is calculated based upon land area per projected population and generally in accordance with the CFP.

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.

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:

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

Where

$\$C_A$	is the contribution at the time of adoption of the plan expressed in dollars;
Current Index <u>PPI</u>	is the PPI as published by the ABS available at the time of adjustment of the contribution rate;
Base Index <u>PPI</u>	is the PPI as published by the ABS 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 may adjust the base year annually and therefore the actual PPI 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;
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 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.

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.

The current contribution rates are published by council and are available from council offices.

2.13 Pooling of contributions

This plan authorises monetary S7.11 contributions paid for different purposes to be pooled and applied (progressively or otherwise) to any item in the works schedule. 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.

The register will be available for public inspection in accordance with the EP&A Regulation.

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, at any time during normal office hours.

2.17 Review of plan

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

- ensure that contribution levels reflect current land values and construction costs.
- enable the amendment of work schedules if development and population levels differ from original expectations.

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 AND NEXUS

3.1 Introduction

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 community facilities to meet the needs of the increased population as a result of new development and the works program designed to provide it.

Community Facilities Plan 2019 - 2036

In 2019, Council adopted a new *Community Facilities Plan* (CFP) which focused on the need for community and cultural infrastructure to 2036. The CFP outlined the findings of a needs assessment which considered standards of service, demographics and social trends, audit and demand of existing infrastructure and extensive consultation. This evidence informed the recommended network action planning activities by whole-of shire, and network action plans by district and local levels.

In determining community and cultural facilities, the following principles were adopted:

- Provide a network of accessible, welcoming and activated places for the whole community – supporting people to build social connections and active lifestyles.
- Lead by example – promoting universal access and social inclusion for our diverse community through design, management and activation of Council's community infrastructure.
- Provide facilities in a timely manner at a level commensurate with need and in sequence with the distribution of our growing population – recognising indicators of disadvantage and supporting social cohesion in communities.

- Maximise use of existing facilities that are well located for the current and growing population. Co-locate compatible activities in flexible, multi-purpose facilities and plan for longevity, including adaptability over time.
- Locate facilities with access to public and active transport – in functional activity centres where appropriate.
- Engage in partnerships with the private, community sector and other levels of government to deliver affordable, attractive and accessible facilities.
- Deliver high quality urban design with safe and visible facilities that contribute and relate to the public domain and a sense of place.
- Recognise the need to support disadvantaged communities and isolated areas with declining or small populations.
- Design and manage the network to support sustainable facilities that are efficient, viable and affordable to run.
- Involve community members in identifying community infrastructure needs across the network and informing the function and design of individual facilities.
- Engagement in the planning process builds people’s capacity to participate in their community.

Tweed Shire Council’s *Community Facilities Plan* principles align with the *NSW Government Better Placed (GANSW 2017)* seven objectives to achieve improved design of the built environment for today’s community and future generations:

- Better fit: contextual, local and of its place.
- Better performance: sustainable, adaptable and durable.
- Better for community: inclusive, connected and diverse.
- Better for people: safe, comfortable and livable.
- Better working: functional, efficient and fit for purpose.
- Better value: creating and adding value.
- Better look and feel engaging, inviting and attractive.

Good neighbourhood design providing community infrastructure that meets these principles attracts new residents and initiates community connection and social cohesiveness.

3.2 Expected Population

This plan provides for the needs of growth in all areas of the Shire. The Shire population is expanding. It is expected to grow from an estimated resident population of 97,767 in 2021 to 120,070 in 2036. The CFP identified current needs in terms of facilities and projected them as a program of facilities to be provided according to thresholds of need and population growth in the three major Districts of the Shire. See Table 1 below prepared for Tweed Shire by “.id informed decisions”.

Table 1 Population

Population Summary

Tweed Shire Council

Forecast year

Area	2016	2021	2026	2031	2036	2041
Tweed Shire	93,742	97,767	102,185	108,930	120,070	132,221
Coastal District						
Cabarita area	3,365	3,403	3,395	3,394	3,401	3,414
North Coast - Kingscliff	9,900	10,551	10,825	11,004	11,172	11,196
Mid Coast - Casuarina	3,940	4,545	5,325	7,445	10,560	13,622
South Coast - Pottsville	8,325	8,552	8,568	8,704	9,550	10,927
Murwillumbah and Hinterland District						
Murwillumbah & District	10,450	11,262	11,576	11,726	11,901	11,936
North East Hinterland - Tumbulgum	2,936	3,048	3,098	3,120	3,140	3,166
South East Hinterland - Burringbar	3,228	3,180	3,170	3,214	3,265	3,285
South West Tweed - Uki	2,221	2,186	2,191	2,236	2,288	2,309
North West Tweed - Tyalgum	2,860	2,917	2,987	3,152	3,278	3,395
Tweed Urban District						
Tweed Heads	8,389	9,234	10,752	11,568	12,094	12,641
Tweed Heads South - Banora Point	24,288	25,003	25,429	25,684	25,660	25,591
Tweed Heads West	6,355	6,501	6,668	6,703	6,730	6,719
Terranora	3,019	3,025	3,566	5,158	6,761	8,389
Cobaki - Piggabeen area	588	516	530	1,000	4,315	8,574
Bilambil - Bilambil Heights	3,878	3,844	4,103	4,824	5,955	7,057

[Source: Population and household forecasts, 2016 to 2041, prepared by .id \(informed decisions\), March 2020.](#)

For the CFP 2019 the areas have been combined into 3 districts

Murwillumbah and Hinterland District	22,593			23,872	
Tweed Urban District	48,123			61,515	
Coastal District	27,051			34,683	

3.3 Relationship between development and Demand (Nexus)

The delivery of new community facilities to support growth across Tweed Shire Council will include the acquisition of land/capital works and monetary contributions. This plan identifies community facilities required for expected growth across Tweed Shire to 2036. Council identifies that expenditure to meet the costs of required future community facilities will not be fully met by developer contributions and nor are they expected to, and accordingly have apportioned this calculation in the attached works program.

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 3.5 This is the fairest method of ensuring that the contribution is reasonable, and where applicable that existing residents are not subsidised or burdened by the provision of the facilities.

Community facilities provide significant health and wellbeing, social, cultural and economic benefits to the community. Innovation in the delivery of community and cultural infrastructure provides multiple benefits to the providers and users of infrastructure. The focus for future planning for community and cultural infrastructure will be on developing shared or multipurpose community and cultural facilities that are universally designed, located in suitable areas, are activated and provide flexible spaces that can respond to changing future community needs. Creating sustainable and healthy built environments is important to the ongoing wellbeing of regional communities.

A causal nexus is established by the Shire becoming one of the fastest growing regional areas of Australia, Indications are that growth will continue at a similar rate. Apart from the two large, excluded release areas, several smaller areas are growing, zoned for urban development, along the Coast and as far west as Murwillumbah. In addition, infill or brownfield redevelopment is occurring in some of the major urban areas, particularly as part of the Tweed Heads CBD proposals. As each growth area develops, it gives rise to a need for new community facilities as identified in the CFP.

Physical nexus is established by ensuring that new and upgraded facilities are appropriately distributed through the Shire in the Works Program to cater for the new development.

Temporal nexus is satisfied by also including in the Works Program funding to enable a facility construction program that keeps in step with the progression of subdivision and housing construction in each growth area. Timing of expenditure during the plan period will be triggered by accrual of sufficient funds and the commencement of residential developments.

3.4 Shire wide Approach to Community Facilities

The proposed works are identified in the CFP and are generally similar to works outlined in earlier versions of this plan yet, align with more contemporary use of public facilities whilst differentiating between the construction of Council owned community and cultural facilities; as opposed to State and Federal operated and/or funded social infrastructure; and non-Council owned/managed community and cultural facilities. These community facilities contribute to a hierarchy of community facilities across the network as outlined and defined in the CFP and the adopted Standards of Service used to determine the number of facilities required, including the gross floor space area (GFA) and site areas, and are shown in the following table (from the CFP).

Table 2: Tweed Shire Council Community Facility Plan standards of service

Facility or service	Catchment level	Facilities within network	Identified population standards ¹	TSC standards of service for each sub network	Indicative gross floor area/site:
Community centres	Local	Community halls/general use community meeting space	1:6–10,000	1:6,000** (indicative)	500m ² 1,500m ²
	District	Multi-purpose community/civic centre	1:20–30,000	District community centre 1:15,000** (indicative)	Min. 1,500m ² Min. 10,000m ²
		Neighbourhood/Community services centre	1:20–30,000		
Cultural	Regional	Museum	1:30–150,000	Investigate need and opportunities for exhibition space at local and district level [^]	1,000–5,000m ² 15,000m ²
		Gallery	1:30–120,000		
Performance	Regional	Auditoria/performing arts/convention centre	1:50–200,000	Investigate local, district and regional needs and options	
Library	District	Branch Library	*As per State Library of NSW standards and guidelines (see Section 7.5.3). District library (35–39 m ² per 1000 people + 20% circulation space)		

Additional facility needs for growth identified in the CFP are determined in the following Table (from the CFP in part) but updated to include 2021 population data only available since the CFP was adopted in 2019. (See CFP Table 4)

Table 3: Required provision of Community and Cultural Services facilities to 2036.

Facilities	District	Coastal	Murwillumbah and Hinterland	Tweed Urban
(Standards of service reviewed against 2021 population statistics) GAP is between 2021 and 2036 (new development from 2021)	Population 2021	27,051	22,593	48,
	Population 2036	34,683	23,872	61,
*Local Community Halls (1:6,000)				
	2021 Need	4.5	3.8	8
	2036 need	5.8	3.9	1
	Gap	1.3	No gap +0.1	2
District Community Centre (1:15,000)				
	2021 need	1.8	1.5	3
	2036 need	2.3	1.6	4
	Gap	0.5	0.1	0

Between 2021 and 2036, based on the CFP, 2.2 facilities in the Tweed Urban District and 2 in the Coastal District are required due to development driven population growth.

The CFP Local Network Action Plans has determined the following new facilities are required as a result of new development and associated population growth.

Table 4 *New Community and Cultural Facilities required*

District	Facility Type	Location	Facility GFA (m2)	Facility Land Area Required(m2)
Tweed Urban	General use community facility	Terranora Area E	500	1,500
Tweed Urban	General use community facility	Bilambil / Bilambil Heights	500	1,500
Coastal	General use community facility	Kingscliff West	500	1,500
Coastal	General use community facility	Dunloe Park	500	1,500
Tweed Urban	District Community Centre	Tweed Urban Area	1,500	~10,000 #

Site could be an extension of existing facilities or co-located on other Council land

The CFP also identifies the need for facilities at Cobaki Lakes and Casuarina Beach /Kings Forest which are not included in this plan as they are included in the two site specific contribution plans for those localities.

The CFP also identifies the need for the:

- Expansion of facilities for Tweed Heads CBD redevelopment served by the existing Civic Centre, but expanded for the more intensive development envisaged in the Tweed Heads CBD LEP 2009, and
- Expansion of facilities for envisaged redevelopment in Tweed Heads South by
- Expansion of facilities for Murwillumbah and Hinterland District

Growth is ongoing in Murwillumbah and hinterland areas. These would not generate sufficient growth for a facility in terms of the CFP (i.e., a minimum of 6,000 population), but does contribute to the need for expansion of existing community facilities.

The population estimate in Section 3.2 indicates relatively low growth of 1,279 persons.

This plan excludes Cobaki Lakes S7.11 Plan No.10 facilities and Casuarina Beach/Kings Forest S7.11 Plan No.19 facilities.

3.4.1 Discounting & Apportionment Factors

Full cost recovery (no apportionment) can only be used where the facility is provided to meet the level of demand anticipated by new development only. If the proposed community facilities satisfy not only the demand of new development, but also some regional demand of existing population, or make up for some existing deficiency, only the proportion of the demand created by the new development can be charged.

The circumstances of this plan, being a Shire wide plan, are different from plans that are restricted to a particular release area.

For this plan (after excluding Cobaki Lakes and Kings Forest/Casuarina) based on the CFP and adjusted population projections, five new local facilities are required for the additional population generated by new development, and do not include any pre-existing shortfall identified in the CFP which will need to be funded from other sources. The five new facilities attributable to new development are listed in Table 5.

For these reasons, full cost recovery is considered appropriate.

3.4.2 Aged Persons

In view of the expected high usage of community facilities by the older population, it is not proposed to make any exclusions from contributions for community facilities by seniors' housing developments, or for housing designed for or marketed to older people.

3.5 Required Facilities Cost Estimate and Apportionment

Construction cost:

The construction costs used in this plan are in Appendix 2, as sourced from current construction estimates. The works program identifies proposed works; land areas and construction costs; contribution apportionment calculations and total project costs. The cost estimates for the required community facilities are in Appendix 2.

Land will be provided by dedication to Council (at no cost), within major new residential greenfield developments, based on the CFP land area requirements. Land for community facilities is to be nominated and dedicated at the time of subdivision unless the proposed development is for redevelopment of an existing lot. (See Appendix 3 Residential Greenfield Development Sites).

When accepting dedication of land, Council will apply the requirements of the TSC Development Control Plan Section A5.

Contribution Plan No. 15

Community Facilities

Table 5 Works Schedule

Proposed facility	Staging*	Land site area (m ²)	Land site cost (m ²)	Building gross floor area (m ²)	Building costs** (\$)	Total project cost	Cost apportioned to CP %	Gap in project cost
1. General use community facility Terranora Area E	M	1,500	Dedication free of charge by developer	500	2,620,729	2,620,729	100	0
2. General use community facility Bilambil/Bilambil Heights	L	1,500	Dedication free of charge by developer	500	2,641,389	2,641,389	100	0
3. General use community facility Kingscliff West	M	1,500	Dedication free of charge by developer	500	2,717,720	2,717,720	100	0
4. General use community facility Dunloe Park	L	1,500	Dedication free of charge by developer	500	2,721,340	2,721,340	100	0
5. District Community Centre	L	~10,000	Dedication free of charge by developer or co-locate on Council land with existing facilities	1,500	7,736,387	7,736,387	100	0

S (Short Term) 0 – 5 years (From CFP)

M (Medium Term) 5 – 10 years

L (Long Term) 10 – 20 years

The total cost of all the works is approximately \$18,437,567. The effective works cost apportionment rate applicable to new development is 100%.

- **Land cost:** Local facilities provided within major new residential greenfield developments are usually provided on the release area as part of local estate planning, by agreement with the developer.
- Shire wide or regional facilities such as the Performing Arts Centre, on the other hand, may not be integral to a residential development, and may need to be located more centrally on more expensive land. The land component of the project may be more significant, and land may have to be purchased on the market. Land cost should be included in S7.11 Plans for these Regional facilities to avoid the risk they may not proceed otherwise.
- For local facilities in residential greenfield release areas agreement should be reached with the developer to provide sites at no cost for facilities, which enhance the appeal of the particular development to purchasers of lots.

3.6 Estimated Population Growth

The expected population growth from Table 1 shows that an additional 22,304 persons are forecast up to 2036 from the three districts in the CFP.

3.7 Contribution Formula and Calculation

The formula for determining the development contribution toward provision of community facilities is as follows:

Cost per person (Community Facilities) = $(C + B + K) * L / P$

Where

C = current value of required land to be acquired in serviced state is Nil as dedication in development sites required at no cost

B = Cost of Facilities - Buildings and associated infrastructure etc. and cost of embellishments such as landscaping and associated works (see Appendix 2) (\$18,437,567)

P = population predicted to be served = 22,304

K = valuation costs, (including re-valuation costs) - not required

L = 1.05 which is the Administration Levy of 5%

Therefore

$$\text{Cost per person} = \frac{(C + B + K) * L}{P}$$

$$= \frac{\$18,437,567 * 1.05}{22,304}$$

$$\text{Cost per person} = \$ 868.00$$

COMMUNITY FACILITIES CONTRIBUTION RATES

	Persons	Community Facilities Contribution Rates at May 2022*	Indexed 1 July 2024
Per person	1	\$868	\$954.35
Detached dwelling/Lot (1 ET)	2.4	\$2,083	\$2,290.45
1 bedroom unit	1.3	\$1,128	\$1,240.66
2-bedroom unit	1.7	\$1,476	\$1,622.40
3-bedroom unit	2.1	\$ 1,823	\$2,004.14
4+ bedroom unit	2.4	\$2,083	\$2,290.45

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

Appendix 1 – Works Program

Community Facilities

Proposed facility	Timing *	Land Area to be acquired/dedicated (m ²)	Land cost (\$)	Building gross floor area (m ²)	Building costs** (\$)	Total Project Cost (\$)	Cost apportioned to CP (%)	Status
1. General use community facility Terranora Area E	M	1,500	Dedication free of charge by developer	500	2,620,729	2,620,729	100	
2. General use community facility Bilambil/Bilambil Heights	L	1,500	Dedication free of charge by developer	500	2,641,389	2,641,389	100	
3. General use community facility Kingscliff West	M	1,500	Dedication free of charge by developer	500	2,717,720	2,717,720	100	
4. General use community facility Dunloe Park	L	1,500	Dedication free of charge by developer	500	2,721,340	2,721,340	100	
5. District Community Centre Tweed Urban	L	~10,000	Dedication free of charge by developer or co-locate on Council land with existing facilities		7,736,387	7,736,387	100	

Appendix 2 – Facilities Estimates

1. TERRANORA HALL/COMMUNITY SPACE COST ESTIMATE 1 10 2021

Description	Quantity	Rate	Estimate	Note
Building construction to good standard of finish (m2)	500	\$ 3,176.00	\$1,588,000	1+5
Car Parking (number of spaces)	15	\$ 4,512.00	\$67,680	2 + 5
Fit out (shelves, equipment, desks etc.)	500	\$500.00	\$250,000	4
Landscaping	3%	item	\$ 57,170	
Project Management	5%	item	\$ 98,143	
Design, Planning, Survey	5%	item	\$ 98,143	
Contingency	20%	item	\$392,570	
Development Contributions		item	\$69,023	6
TOTAL ESTIMATE			\$2,620,729	3
Project Cost /m2 of Building		\$ 5,241.46		3

NOTES:

- (1) Building area required is 1500 m2
- (2) TSC DCP does not specify a parking supply rate rather states based on merit. ACT rate is 3/100m2 GFA (see copy attached).
- (3) Does not include land and assured utilities available in adjoining street/s
- (4) Fit out rates range from \$500 to \$2000/m2 dependant on standard, assume \$500/m2 for MPC fit out
- (5) Unit rate is from Building Economist Sept./Nov.2021
- (6) Estimates only based S64 charges, CP4 and CP18 (CP4 rate is \$2423/trip 1/7/21)

2. BILAMBIL / BILAMBIL HEIGHTS HALL/COMMUNITY SPACE COST ESTIMATE 1 10 2021

Description	Quantity	Rate	Estimate	Note
Building construction to good standard of finish (m2)	500	\$3,176.00	\$1,588,000	1+5
Car Parking (number of spaces)	15	\$4,512.00	\$67,680	2 + 5
Fit out (shelves, equipment, desks etc.)	500	\$500.00	\$250,000	4
Landscaping	3%	item	\$57,170	
Project Management	5%	item	\$98,143	
Design, Planning, Survey	5%	item	\$98,143	
Contingency	20%	item	\$392,570	
Development Contributions		item	\$89,683	6
TOTAL ESTIMATE			\$2,641,389	3
Project Cost /m2 of Building		\$5,282.78		3

NOTES:

- (1) Building area required is 1500 m2
- (3) Does not include land and assured utilities available in adjoining street/s
- (4) Fit out rates range from \$500 to \$2000/m2 dependant on standard, assume \$500/m2 for MPC fit out
- (5) Unit rate is from Building Economist Sept./Nov. 2021

3. KINGSCLIFF HALL/COMMUNITY SPACE COST ESTIMATE 30 09 2021

Description	Quantity	Rate	Estimate	Note
Building construction to a good standard of finish (m2)	500	\$3,176.00	\$1,588,000	1 and 5
Car Parking (number of spaces)	15	\$4,512.00	\$67,680	2 and 5
Fit out (shelves, equipment, desks etc.)	500	\$500.00	\$250,000	4
Landscaping	3%	item	\$57,170	
Project Management	8%	item	\$157,028	
Design, Planning, Survey	8%	item	\$157,028	
Contingency	20%	item	\$392,570	
Development Contributions		item	\$48,243	6
TOTAL ESTIMATE			\$2,717,720	3
Project Cost /m2 of Building		\$ 5,435.44		3

NOTES:

- (1) Building area required is 500 m2
- (2) TSC DCP does not specify a parking supply rate rather states based on merit. ACT rate is 3/100m2 GFA.
- (3) Does not include land and assumed utilities available in adjoining street/s
- (4) Fit out rates range from \$500 to \$2000/m2 dependant on standard, assume \$500/m2 for MPC fit out
- (5) Unit rate is from Building Economist Sept./Nov. 2021
- (6) Estimates only based S64 charges, CP4 and CP18 (CP4 rate is \$1384/trip @1/7/21)
S7.11 calculations 500m2

4. DUNLOE PARK HALL/COMMUNITY SPACE COST ESTIMATE 30 09 2021

Description	Quantity	Rate (\$)	Estimate	Note
Building construction to a good standard of finish (m2)	500	3,176.00	\$1,588,000	1 and 5
Car Parking (number of spaces)	15	4,512.00	\$67,680	2 and 5
Fit out (shelves, equipment, desks etc)	500	500.00	\$250,000	4
Landscaping	3%	item	\$57,170	
Project Management	8%	item	\$157,028	
Design, Planning, Survey	8%	item	\$157,028	
Contingency	20%	item	\$392,570	
Development Contributions		item	\$51,863	6
TOTAL ESTIMATE			\$,721,340	3
Project Cost /m2 of Building		\$5,442.68		3

NOTES:

- (1) Building area required is 500 m2
- (2) TSC DCP does not specify a parking supply rate rather states based on merit. ACT rate is 3/100m2 GFA.
- (3) Does not include land and assumed utilities available in adjoining street/s

Contribution Plan No. 15

Community Facilities



- (4) Fit out rates range from \$500 to \$2000/m2 dependant on standard, assume \$500/m2 for MPC fit out
- (5) Unit rate is from Building Economist Sept./Nov. 2021
- (6) Estimates only based S64 charges, CP4 and CP18 (CP4 rate is \$1565/trip @1/7/21)

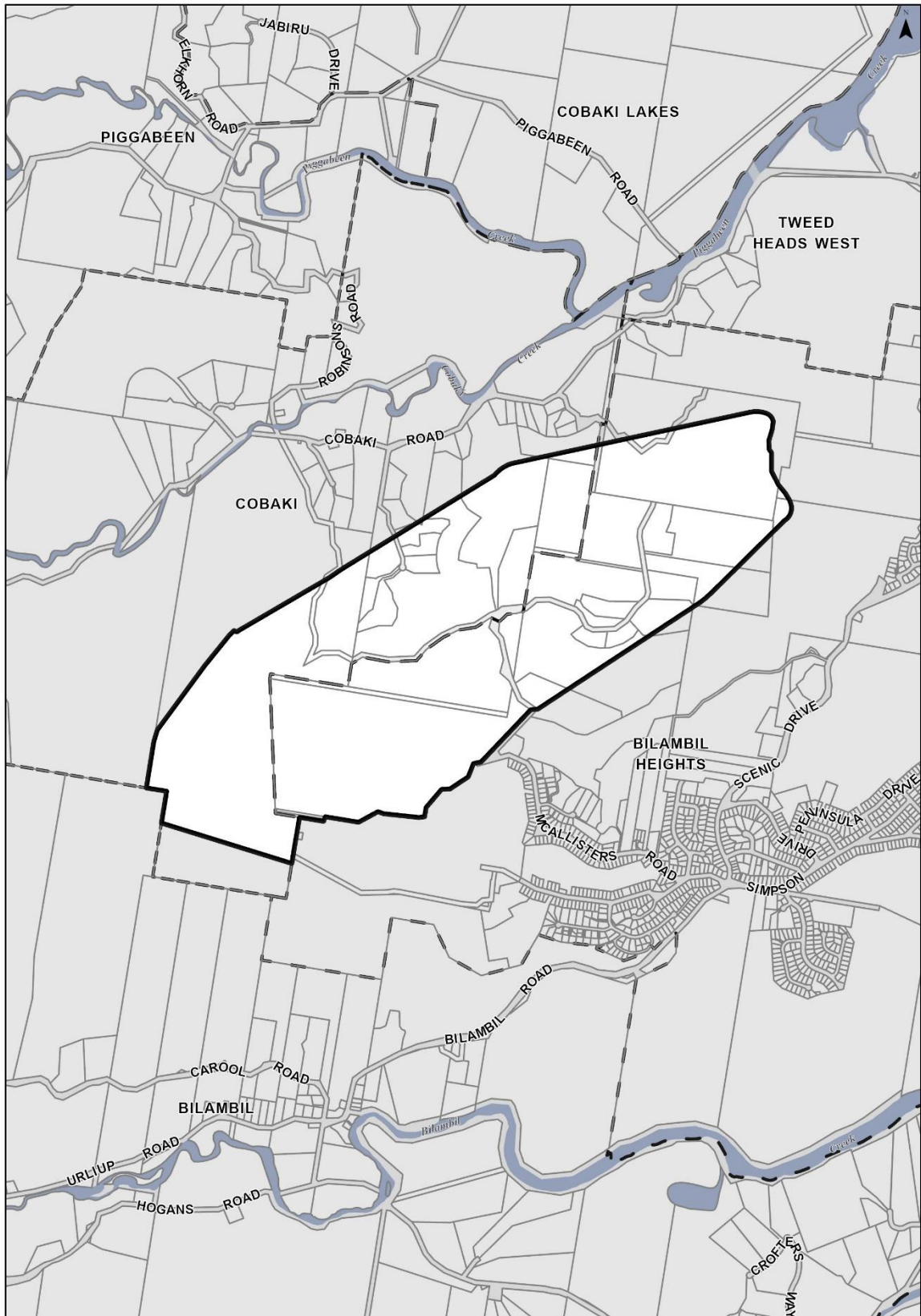
5. TWEED HEADS COMMUNITY SPACE/MULTIPURPOSE SPACE COST ESTIMATE 1 10 2021

Description	Quantity	Rate	Estimate	Note
Building construction to a good standard of finish (m2)	1500	\$ 3,176.00	\$4,764,000	1 and 5
Car Parking (number of spaces)	45	\$ 4,512.00	\$203,040	2 and 5
Fit out (equipment, desks etc.) (m2)	1500	\$500.00	\$750,000	4
Landscaping	3%	item	\$171,511	
Project Management	5%	item	\$294,428	
Design, Planning, Survey	5%	item	\$294,428	
Contingency	20%	item	\$1,177,710	
Development Contributions		item	\$81,270	6
TOTAL ESTIMATE			\$7,736,387	3
Project Cost /m2 of Building		\$5,157.59		3

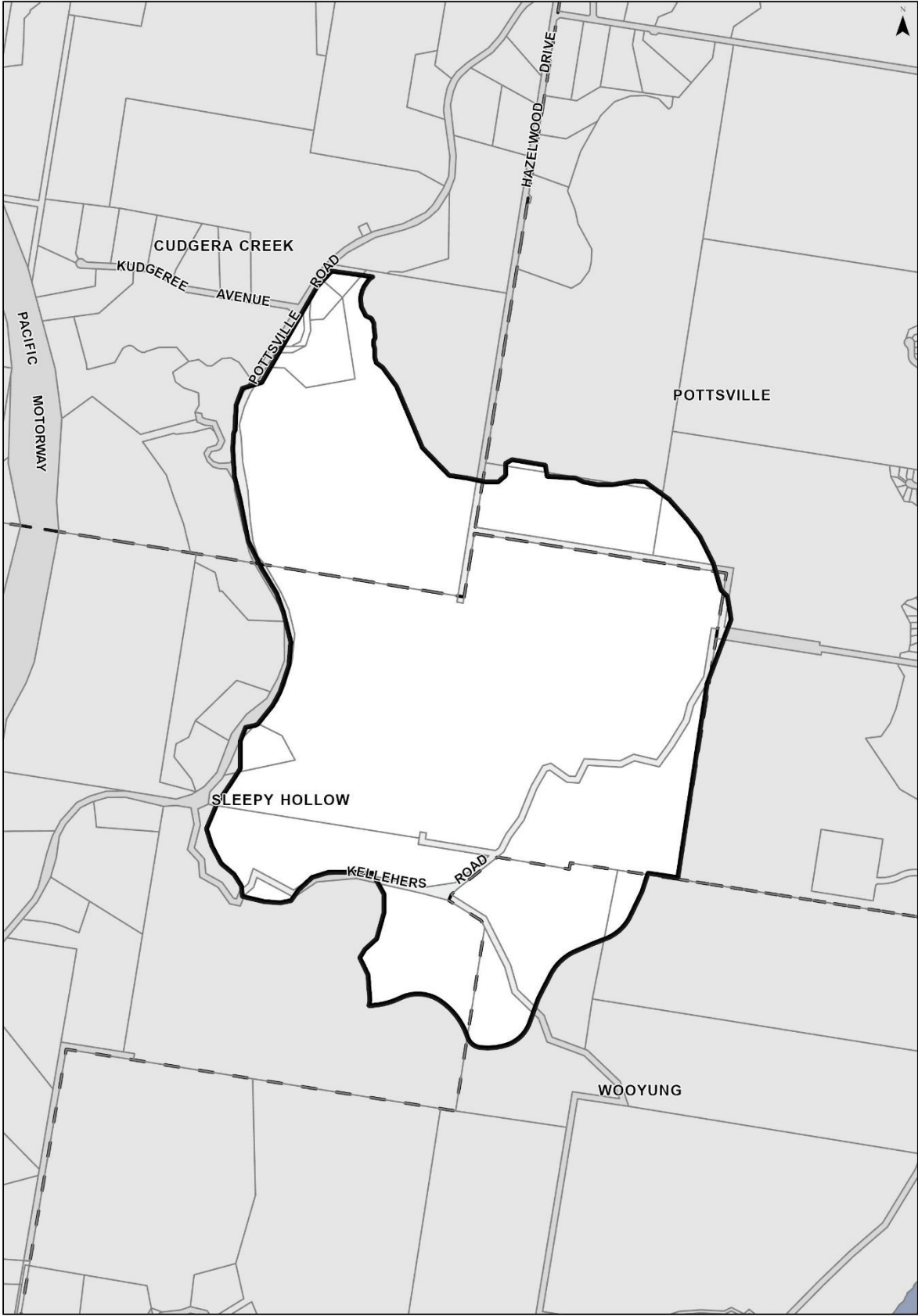
NOTES:

- (1) Building area required is 1500 m2
- (2) TSC DCP does not specify a parking supply rate rather states based on merit. ACT rate is 3/100m2 GFA
- (3) Does not include land and assumed utilities available in adjoining street/s
- (4) Fit out rates range from \$500 to \$2000/m2 dependant on standard, assume \$500/m2 for MPC fitout
- (5) Unit rate is from Building Economist Sept./Nov. 2021
- (6) Estimates only based S64 charges, CP4 and CP18 (CP4 rate is \$993/trip 1/7/21)

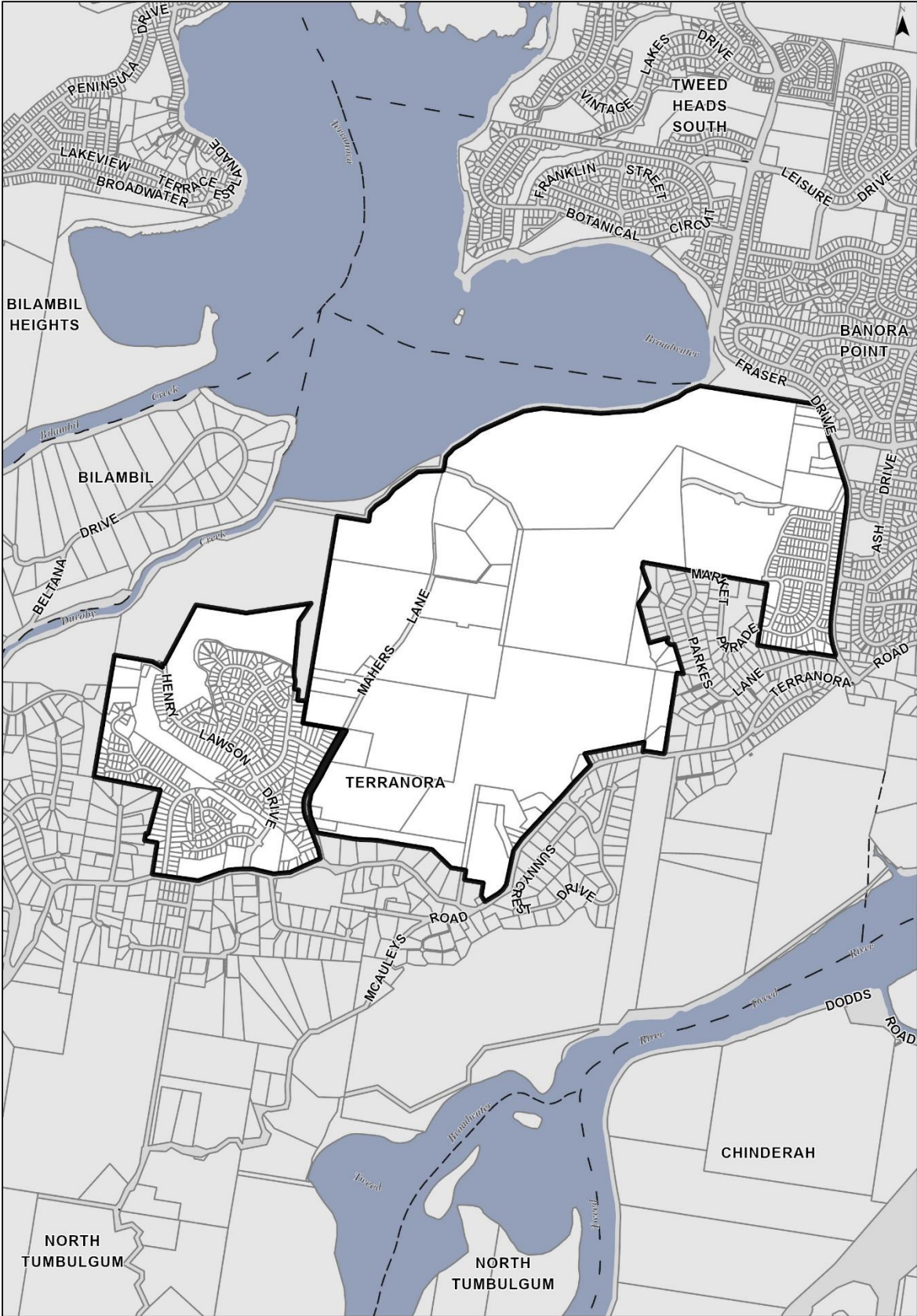
Appendix 3 –Residential Greenfield Development Sites subject to dedication of Community facility land free of charge



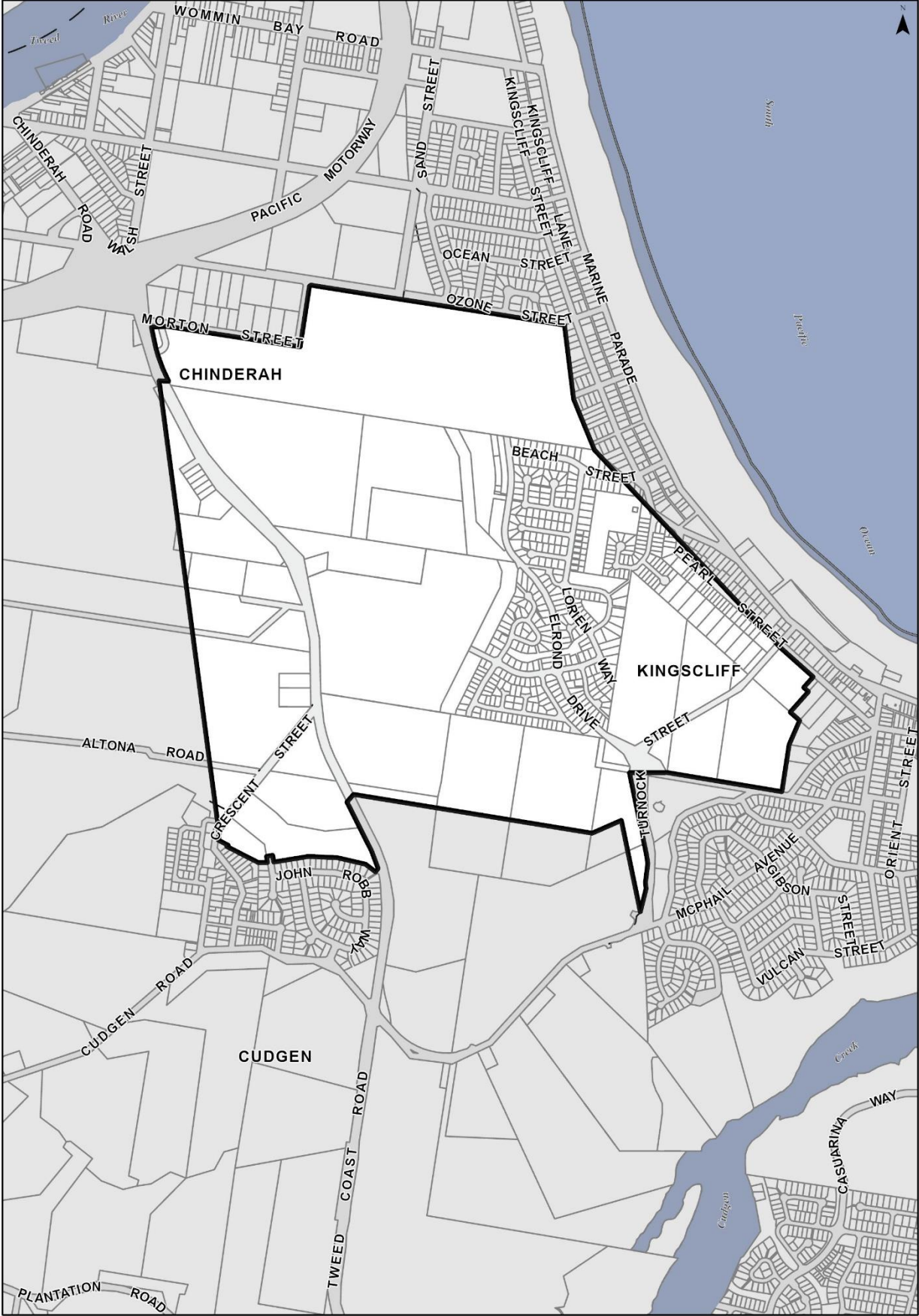
Bilambil / Bilambil Heights



Dunloe Park Pottsville



Area E Terranora



Kingscliff West

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:

Rate x Unit or Lot = Total Charge

Total Charge – Credit = Contribution

For dwellings:

(Dwelling type persons x rate per person x number of dwellings of that type)
= Total Charge

Total Charge – Credit = 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*.

Lots, Units and Persons – Are specified in *Section 1.1 - Summary schedule – contribution rates*.

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.

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.

Contribution Plan No. 15

Community Facilities



The contribution fee sheet should use a format showing all of the details in the table below:

S7.11 Plan	Sector	Persons	Credit (Persons)	ETs (minus credits)	Total \$
S7.11 Plan No 15	CP 15	Xxx	Xxx	Xxx	\$xxx

Condition Template

The condition must be imposed in the following format:

#	<p><u>Section 7.11 Contributions</u></p> <p>Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Section 7.11 Plan.</p> <p>The complying development shall NOT commence unless all Section 7.11 Contributions have been paid.</p> <p>A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS COMPLYING DEVELOPMENT CERTIFICATE <u>MUST</u> BE PROVIDED AT THE TIME OF PAYMENT.</p> <p>These charges include indexation provided for in the S7.11 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 relevant Section 7.11 Plan current at the time of the payment.</p> <p>A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.</p> <p>« <i>Contribution type:</i></p> <p>XXX Persons @ \$xxxx per person \$xxxx</p> <p>S7.11 Plan No. XX</p> <p><i>Sector xxxx</i></p>
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Appendix 5 – Indexation Calculations

The rates have been revised in Version 7. Indexation to be applied in following years.

Appendix 6 – Plan History

Version 7.0.2 (this version)

Applies indexation in accordance with Section 2.12 of this plan and the Environmental Planning and Assessment Regulation 2021, resulting in a revised contribution rate of **\$954.35** per person.

Version 7.0.1 Applies indexation on November 2022 contribution rates in accordance with Section 2.12 of this plan and the Environmental Planning and Assessment Regulation 2021, resulting in a revised contribution rate of **\$900.62** per person.

Version 7

- Incorporates the Community Facilities Plan 2009 -2036 which supersedes the SGS Facilities Plan 2007
- Updates Facility Estimates' as shown in the CP.
- Updated Works Schedule
- Updated population projections
- Updates of terminology (e.g., replace S94 with S7.11) to reflect legislation and regulation changes

Version 6:

- Incorporates SGS Facilities Plan 2007 report findings;
- Extends area covered to whole of Shire (excluding Cobaki Lakes, Kings Forest and Casuarina).
- Updates the construction cost per square metre to **\$3,453** per square metre.
- Revises works program resulting in a contribution rate of **\$544** per person.

Version 6.0.1:

- Applies indexation on 1/7/2011 to contribution rates in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution rate of \$552.00 per person.

Version 6.0.2:

- Applies indexation on 1/7/2012 to contribution rates in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution rate of \$563.42 per person.

Version 6.0.3:

- Applies indexation on 1/7/2013 to contribution rates in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution rate of \$578.66 per person.

Version 6.0.4:

- Applies indexation on 1/7/2014 to contribution rates in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and

Assessment Regulations 2000, resulting in a revised contribution rate of \$585.03 per person.

Version 6.0.5:

- Applies indexation on 1/7/2015 to contribution rates in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution rate of \$587.78 per person.

Version 6.0.6:

- Applies indexation on 1/7/2016 to contribution rates in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution rate of \$593.58 per person.

Version 6.0.7:

- Applies indexation on 1/7/2017 to contribution rates in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution rate of \$607.02 per person.

Version 6.0.8:

- Applies indexation on 1/7/2018 to contribution rates in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution rate of \$641.20 per person.

Version 6.0.9:

- Applies indexation on 1/7/2019 to contribution rates in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution rate of \$676.68 per person.

Version 6.0.10

- Applies indexation on 1/7/2020 to contribution rates in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution rate of \$691.89 per person.



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