

# CP11

## Section 94 Plan

### No. 11 – Tweed Shire Library Facilities

Version 3.0.5  
December 2009  
Indexed July 2016

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

  
 GENERAL MANAGER

DATE: 15 December 2009

SECTION 94 PLAN No 11  
 TWEED SHIRE LIBRARY FACILITIES

Version 3 (Amendment No. 2)

In Force: 23 December 2009

Version 3.0.5 Indexed July 2016

Version	Adopted	Description	Effective
1	7/2/1996		15/2/1996
2 (Amendment 1)	15/5/2002	Works program review for Library Strategy Plan	29/5/2002
3 (Amendment 2)	15/12/2009	Admin levy reduced to 5%, population projections and levy updated, indexation applied	23/12/2009
3.0.1		Indexation applied in accordance with Section 2.13 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000.	1/7/2012
3.0.1.1		Correction of typos in contribution table	31/7/2012
3.0.2		Indexation applied in accordance with Section 2.13 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000.	1/7/2013
3.0.3		Indexation applied in accordance with Section 2.13 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000.	1/7/2014
3.0.4		Indexation applied in accordance with Section 2.13 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000.	1/7/2015
3.0.5		Indexation applied in accordance with Section 2.13 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000.	1/7/2016

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## 1.0 PART A – SUMMARY SCHEDULES

### 1.1 Summary schedule – contribution rates

	Persons	Version 3.0 Rate	Version 3.0.5 Indexed July 2016*
Per person	1	\$329.90	\$358.12
Per Lot/ET	2.4	\$792	\$859
Detached dwelling	2.4	\$792	\$859
1 bedroom unit	1.3	\$429	\$466
2 bedroom unit	1.7	\$561	\$609
3 bedroom unit	2.1	\$693	\$752
4+ bedroom unit	2.4	\$792	\$859

\* See indexation calculations in Appendix A.

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

### 1.2 Summary schedule - works program

Additional population 2001-2021	30,603
Attributable facilities cost	\$10,095,962

### 1.3 Published indices at time of adoption

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

## **2.0 PART B – ADMINISTRATION**

### **2.1 Name of the plan**

This Contributions Plan has been prepared in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulation 1994 and may be referred to as the Tweed Shire Library Facilities Developer Contributions Plan No. 11.

### **2.2 Land to which the plan applies**

The regional facilities included in this plan apply to the whole of the Tweed Local Government Area.

### **2.3 Purpose of the plan**

The purpose of the Development Contributions Plan is to

- (a) enable the levying of developer contributions for the provision of regional library facilities. These facilities are required to meet the expected increase in demand for library services generated by future population growth on the Tweed.
- (b) The planned facilities are intended to enable the social policies adopted in the Tweed Shire 2000+ Strategic Plan to be realised, and will be designed to meet accepted standards of provision in locations convenient for the Shire population. This Plan is also based on the findings of the Library Strategy Plan and the Final Report on the Kingscliff Centres Study.
- (c) enable the collection of direct contributions for key community infrastructure, being the provision of local cultural facilities (libraries) in accordance with Section 116H of the *Environmental Planning and Assessment Act*
- (d) ensure that adequate key community infrastructure is provided for as part of any new development
- (e) authorise the council to impose conditions under section 94 (s94) of the *Environmental Planning and Assessment Act 1979* when granting consent to development on land to which this plan applies
- (f) provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis
- (g) ensure that the existing community is not burdened by the provision of key community infrastructure required as a result of future development
- (h) enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

### 2.4 What are the aims of the Plan

The aims of the plan are:-

- (a) to integrate planning for regional library facilities with general residential development and infrastructure planning;
- (b) to ensure that contributions levied on the residential development in the Plan area,
  - relate to a planning purpose;
  - relate to the development concerned;
  - are reasonable;
- (c) to identify the extent and nature of facilities required by the community which Council intends to provide;
- (d) to provide the development industry with early advice as to the amount of contributions which will be required for a particular development;
- (e) to encourage public participation in the formulation of the plan; and
- (f) to facilitate proper financial management and accountability for expenditure and contributions received.

### 2.5 Commencement of the plan

This Contributions Plan supersedes Section 94 Contributions Plan No. 11 – Library Facilities adopted by Tweed Shire Council on 7 February 1996 and which came into effect on 15 February 1996.

This amended version (Version 3) has been prepared pursuant to the provisions of s94 of the *Environmental Planning & Assessment Act* and Part 4 of the *Environmental Planning & Assessment Regulation* and takes effect from the date on which public notice was published, being 23 December 2009, pursuant to clause 31(4) of the *Environmental Planning & Assessment Regulation*.

### 2.6 Relationship with other plans and policies

This Contributions Plan provides a means for implementing the planning and community development strategies outlined in the Tweed Library Strategy adopted by Council.

This Plan should be referred to in conjunction with all new release area contribution plans adopted by Council and applying within the Tweed Local Government Area.

This development contributions plan supplements the provisions of Tweed Local Environmental Plan 2000 and any amendment or local environmental plan which it may supersede.

This development contributions plan supplements the provisions of the adopted Tweed Development Control Plan and any amendment which it may supersede.

**2.7 Definitions and standards**

<b>Definitions</b>	
Accredited Certifier	For the purposes of the certification of Construction Certificates and Complying Development Certificates as referenced in this plan, the Accredited Certifier is the principal certifying authority.
EP&A Act	Environmental Planning and Assessment Act, as amended
EP&A Regulation	Environmental Planning and Assessment Act Regulation, as amended.
IPD (Implicit Price Deflator)	Index used for adjustment of construction component – refers to the value of work done (implicit price deflator); Chain Volume Measures; Engineering Construction; ABS Reference A405071T, ABS Product Number 8782.0.65.001
TSC Land Index	Index used for adjustment of land acquisition costs – Tweed Shire Council Land Index, as published in Council’s Management Plan and Quarterly Report.
Nexus	The relationship between the expected types of development in the area and the demand created by those developments for additional public facilities. The link between the proposed development and the increased demand for public facilities may be demonstrated through causal nexus (what), spatial nexus (where) and temporal nexus (when). <b>Causal nexus</b> requires that the need for the service or facility being levied must be a result of the development being levied. <b>Physical nexus</b> requires that the service or facility be near enough in physical terms to provide benefit to that development. <b>Temporal nexus</b> requires that the service or facility must be provided within a reasonable time.



<b>Standards used in this contributions plan</b>	
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

## **2.8 Timing of payment**

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

Council’s policy regarding the timing of payment of S94 contributions is as follows:

- DAs involving subdivision - prior to the release of the subdivision linen plan;
- DAs involving building work - prior to the release of approved building plans; and
- DAs where no building work involved - prior to occupation.

## **2.9 Obligation of accredited certifiers**

### **Construction Certificates:**

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

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

accordance with clause 142(2) of the EP&A Regulation. Failure to follow this procedure may render such a certificate invalid.

The only exceptions to the requirement are where a works in kind, material public benefit, dedication of land or deferred payment arrangement has been agreed by the council. In such cases, council will issue a letter confirming that an alternative payment method has been agreed with the applicant.

### **Complying Development Certificates:**

In accordance with section 94EC of the EP&A Act a certifying authority must impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with this plan. The condition must require payment prior to commencement of works or prior to commencement of use whichever occurs first. The condition must be set out and be calculated in accordance with Appendix 3 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 Deferred/periodic payments**

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

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

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

- the bank guarantee be by a bank for the amount of the total contribution, or the amount of the outstanding contribution, plus an amount equal to thirteen (13) months interest plus any charges associated with establishing or operating the bank security

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

### **2.11 “In-kind” settlement or material public benefit**

The council may accept an offer by the applicant to provide an “in-kind” contribution (ie the applicant completes part or all of work/s identified in the plan) or through provision of another material public benefit in lieu of the applicant satisfying its obligations under this plan.

Council may accept such alternatives in the following circumstances:

- (a) the value of the works to be undertaken is at least equal to the value of the contribution that would otherwise be required under this plan; and
- (b) the standard of the works is to council's full satisfaction; and
- (c) the provision of the material public benefit will not prejudice the timing or the manner of the provision of public facilities included in the works program.

The value of the works to be substituted must be provided by the applicant at the time of the request and must be independently certified by a Quantity Surveyor who is registered with the Australian Institute of Quantity Surveyors or a person who can demonstrate equivalent qualifications.

Council will require the applicant to enter into a written agreement for the provision of the works.

Acceptance of any such alternative is at the sole discretion of the council. Council may review the valuation of works or land to be dedicated, and may seek the services of an independent person to verify their value. In these cases, all costs and expenses borne by the council in determining the value of the works or land will be paid for by the applicant.

### **2.12 Discounting and apportionment factors**

Section 94 best practice dictates that the current deficiency in library services, cannot be charged to the “new” population. It assumed that funding of library services will be maintained at current levels over the planning period apart from areas where demand has been increased by population growth. Table 3.8 summarises growth related expenditure proposed under the Plan and indicates

the relative costs of upgrading services at Tweed Heads and Murwillumbah libraries to SLNSW standards.

**2.13 Adjustment of contribution rates**

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

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

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

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

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

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

Where

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

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

For changes to land values, the council will publish at least on an annual basis the revised land index values that are to be used to change the base land values

contained in the plan which will be determined in accordance with the following formula:

$$\begin{aligned}
 & \$C_{LV} \quad + \quad \frac{\$C_{LV} \times ([\text{Current LV} - \text{Base LV Index}])}{[\text{Base Index}]}
 \end{aligned}$$

Where

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

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

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

## 2.14 Adjustments at the time of payment

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

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

## 2.15 Allowances for existing development

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

## **Section 94 Plan No. 11**

Tweed Shire Library Facilities

### **2.16 Pooling of contributions**

This plan expressly authorises monetary s94 contributions paid for different purposes to be pooled and applied (progressively or otherwise) for those purposes. The priorities for the expenditure of the levies are shown in the works schedule.

### **2.17 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.

### **2.18 Register**

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

The register will be made available for public inspection at any time during normal office hours. An annual statement of contributions will be produced documenting amounts received and relevant details. Such statements will also be made available for public inspection upon request.

## **3.0 PART C- STRATEGY PLAN AND NEXUS**

### **3.1 Introduction**

Part 116D of the Environmental Planning and Assessment Act requires that Council take account of 5 key considerations for development contributions, being:

- (a) *Can the public infrastructure that is proposed to be funded by a development contribution be provided within a reasonable time?*
- (b) *What will be the impact of the proposed development contribution on the affordability of the proposed development?*
- (c) *Is the proposed development contribution based on a reasonable apportionment between existing demand and new demand for public infrastructure to be created by the proposed development to which the contribution relates?*
- (d) *Is the proposed development contribution based on a reasonable estimate of the cost of proposed public infrastructure?*
- (e) *Are the estimates of demand for each item of public infrastructure to which the proposed development contribution relates reasonable?*

These considerations are addressed in this section by demonstrating a clear nexus between the requirement for the library facilities identified to meet the needs of the increased population as a result of new development and the works program designed to provide it.

This Contribution Plan has been prepared with the assistance of Council's consultants GHD. It enables Tweed Shire Council to levy contributions under Section 94 of the Environmental Planning and Assessment Act 1979 where the anticipated development will, or is likely to, increase the demand for public library facilities.

Based on population growth rates to date in the Shire a further residential expansion over the next 20 years from 2001 is estimated to yield a population of 105,183 by the year 2021. This represents a growth rate of 2.02% per annum.

As a consequence of this anticipated development and having regard to the level of facilities currently available and the expected profile of the new population, it will be necessary to provide additional library facilities within the Shire.

### **3.2 Contributions**

- (a) Costings of land acquisition and of constructing library buildings, facilities and equipment has been undertaken to enable the determination of a contribution to be levied on residential development.

- (b) For the purposes of this Plan definitions adopted by the Environmental Planning and Assessment Act 1979 (as amended) are adopted
- (c) Contributions will be collected on a pro-rata basis at the time of:-
  - subdivision certificate release (for residential subdivisions);
  - development application approval; or
  - prior to the issue of a construction certificate (building plans).
- (d) Contributions will be required as a condition of development consent for residential subdivision and medium density development.
- (e) If the initial stage of development is subdivision, contributions will be levied assuming that a single dwelling is to be created on each allotment created at the prevailing occupancy rate derived from the most recent Australian Bureau of Statistics Census data as provided in *Section 1.1 Summary schedule – contribution rates*. This does not apply to subdivisions created in conjunction with medium density development.
- (f) In the case of medium density development, including tourist development, Council will levy contributions based on the number of dwellings created and the prevailing occupancy rate as provided in *Section 1.1 Summary schedule – contribution rates*.

### 3.3 How the Levy is Calculated

- (a) The levy is calculated annually, based on the following items:-
  - cost of land at current market value;
  - cost of constructing the library facilities plus 10% contingency;
  - Council expenditure;
  - administration costs, such as valuations;
  - 5% administration levy;
  - interest earned on contributions (if any) and interest accrued on overdraft (if any); and
  - the remainder of the Shire population for whom contributions have not been levied.
- (b) The contribution levy will be based on a contribution per person as a proportion of the overall annually revised cost of land acquisition and building costs. Land is to be valued at current market values because Council will have to pay the full market price to acquire the land.
- (c) The current year's levy will be based on the following formula (Council reserves the right to review the levy biannually if considered necessary).



$$\text{Levy (\$/person)} = \frac{R + \text{Nett Fund}}{P}$$

Where:-

- R = estimated cost of remaining land acquisition and cost of building construction and equipment at beginning of time period (annually);
- P = the remaining area yet to be levied in persons at the beginning of the time period (annual). This can be determined by subtracting levied developments in persons from the estimated ultimate population.

The net fund balance is determined from monthly debit/credit ledger kept by Council. It incorporates Council's expenditure, developers contributions, overdraft/interest rate and administration charge. The Fund can be either in debit or credit. If in debit the amount is added to "R". If in credit the amount is subtracted from "R".

### 3.4 Establishing the Nexus

The Tweed Library Strategy provides the basis for establishing the relationship (nexus) between the expected types of development in the area and the demand for additional public library facilities to meet that development.

- Casual Nexus** The anticipated increase in population in the Tweed LGA will place greater demands on existing public library facilities and require the provision of new facilities which are not currently available in Tweed.
- Physical Nexus** The location of facilities has been determined having regard to the area of increased demand, accessibility to the identified facilities and the manner in which such need may be satisfied.
- Temporal Nexus** The library facilities will be provided in a timely manner to benefit those who contributed towards them.

This Plan provides for the needs of growth in all areas of the Shire. The Shire population is expanding rapidly. It is expected to grow from an estimated resident population of 74,580 in 2001 to 105,183 in 2021, an annual average growth rate of 202% (Tweed Shire Community Profile 2008).

Section 94 best practice requires an authority levying contributions to demonstrate the facilities being levied for are:-

- a direct result of the needs of new development;
- physically near enough to the development to provide benefit to it; and
- provided within a reasonable timeframe.

Tweed Shire has three (3) branch libraries:- Tweed Heads, Kingscliff and Murwillumbah. These facilities service three (3) distinct catchments:-

- (a) Tweed Heads Division - the Shire's major population centre of 34,950 (1999) which is expected to rise to an estimated 67,570 by 2022.
- (b) Tweed Coast Division – the coastal fringe of the Shire extending south of the Tweed River and approximately 10kms inland, with a 1999 population of 16,680 rising to an estimated 34,807 by 2022.
- (c) Murwillumbah and the rural remainder of the Shire – with a 1999 population of 18,500 rising to an estimated 25,354 by 2022.

**Population sources: ABS and DUAP**

The Plan has adopted a planning horizon of 20 years, on the basis that:-

- it is aligned with the dates of population Census's and the Tweed Library Strategy;
- it is the limit of reasonably reliable population projections;
- it is long enough to allow a program of major works to be implemented augmenting all three (3) divisions, a shorter period would enable only the higher priority works, leaving some areas deficient;
- technological change in information services is rapid, and its effects over a longer period are unpredictable.

If necessary, adjustments to the Plan can be made during its currency. In any event, the Plan should be reviewed annually as a matter of course to ensure the outcomes are appropriate and affordable to the community.

The Plan also takes into consideration the particular demographic characteristics of the Tweed Shire population, including:-

- highest growth in the eastern divisions, Tweed Heads and Tweed Coast;
- increasing numbers in such disadvantaged groups as people with disabilities, older people with low mobility, people without access to personal transport and physically isolated people;
- a high proportion of retired or unemployed people with low incomes;
- significant numbers of families, youth and children living in dispersed rural areas needing outreach services.

### 3.5 Standards

The provision and management of public library services in New South Wales (NSW) is the responsibility of Local Government Authorities (LGA's) under the *Library Act 1992*. Local government typically provides 85% of funding for public libraries, with the balance being met by the State Government in the form of grants and per capita subsidies. In metropolitan areas, the proportion of local government funding is often higher (MPLA, 1998).

*The Planning and Design of Public Library Buildings (1995)* was developed by Public Libraries Branch of the State Library of NSW (SLNSW), and is a key

advisory document for the planning and design of public libraries. The guidelines are also used to assess State Government funding contributions for new works.

To meet new trends and challenges, the SLNSW embarked on a comprehensive review of the guidelines in 1999.

The guidelines state that our future public libraries must be buildings that:-

- provide a central hub and focal point for the community;
- are functional and multi-purpose accommodating a range of activities and uses;
- enable access to the latest in technology and in a user-friendly manner;
- attract a wide range of users providing areas of relaxation, research, leisure and learning;
- are effective and efficient in delivery of services; and
- develop from a co-operative approach between all stakeholders to ensure that the changing needs of the community are met.

It is noted that the SLNSW document is intended to *guide* library stakeholders, rather than provide *absolute standards*. This is relevant in Tweed Shire's case, given that some of the guidelines' elements may not reflect library models and service performance levels developed within non-metropolitan communities.

### 3.6 Existing Services

The Tweed Shire's total building gross floor space of the three libraries is 1,340m<sup>2</sup> as shown in Table 3.6A. The premises occupied by the libraries range in age from new to 25 years old. The buildings are owned by Council.

The facilities have been designed or renovated to meet the particular needs of library's and are fitted out to a commercial/office standard, making provision for a high level of public use. The libraries represent a capital replacement cost of \$1,950,000 for buildings only. The Murwillumbah Library is part of the Council's Administration Centre, the Tweed Heads Library is part of a community centre and the Kingscliff Library was a new facility which was on a Greenfield site (opened June 2000).

The new Kingscliff Library has replaced a smaller scale "shopfront" facility based in the Kingscliff Shopping Centre on Pearl Street.

A mobile library service also visits several communities in the Shire, including Bilambil Heights, Bogangar/Cabarita Beach, Burringbar, Fingal Head, Pottsville and Tyalgum.

The principal asset of the libraries is the book stock. Previous assessments of the Richmond Tweed Regional Library Service (RTRLS) indicate that the Shire has a total collection of approximately 61,688 books, equating to 0.87 books per capita, compared with a State average of 2.48 per capita for country libraries. It is noted that the Shire's residents have access to the region's entire stock of some 280,000 items through the region-wide computer based catalogue system.

Other resources and services provided by the libraries include CD's, videos, magazines, newspapers, free internet access (at each branch), word processing

facilities, reference and information service, region wide community information database, and an extensive genealogical resource centre at library HQ (Lismore).

Application of the SLNSW benchmark to the current population of each Library Division yields a total shortfall of 1,878m<sup>2</sup>. Therefore, library buildings currently provide under 50% of the recommended floor space standard.

**Table 3.6A – Existing Library Building Size and Service Shortfalls (SLNSW Guidelines)**

Library Location	Library Division Pop'n (1996)*	BAF/1000 persons (m <sup>2</sup> gross)	Existing GFA (m <sup>2</sup> )	Desirable GFA (m <sup>2</sup> ) – SLNSW Guidelines	Existing Shortfall/ Surplus (m <sup>2</sup> )	% Shortfall/ Surplus
Tweed Heads	33,483	39	540	1,567	-1,027	34%
Kingscliff	15,059	42	450	759	-309	59%
Murwillumbah	18,323	-	350	892	-542	39%
<b>Total</b>	<b>66,865</b>	<b>-</b>	<b>1,340</b>	<b>3,218</b>	<b>-1,878</b>	<b>42%</b>

- Notes:**
1. Floor space calculations are based on *branch* library services.
  2. As the Shire's non-resident workforce is relatively small and not considered to have a significant impact on library services, this factor was not included in floor space calculations.

\* Source: ABS, 1996

**Demand Forecast**

Based on the SLNSW guidelines, total projected shortfalls for the year 2022 is 2,614m<sup>2</sup> (see Table 3.6B). Results for individual libraries include:

- The Tweed Heads branch will register the highest shortfalls in 2011; and
- Slower rates of population growth anticipated in the Murwillumbah and Rural Division will yield low levels of library under-servicing relative to other branches.

**Table 3.6B – Projected Library Building Size and Service Shortfalls (SLNSW Guidelines)**

Library	Projected Total Pop'n	BAF/1000 persons (m <sup>2</sup> gross)	Existing GFA (m <sup>2</sup> )	Desirable GFA (m <sup>2</sup> ) – SLNSW Guidelines	Existing Shortfall/ Surplus (m <sup>2</sup> )	Area Developed
<b>Year 2022</b>						
Tweed Heads	67,570	31	540	2,095	-1,555	26%
Kingscliff	34,807	39	450	1,357	-736	33%
Murwillumbah	25,354	39	350	989	-965	35%
<b>Total</b>	<b>127,731</b>	<b>-</b>	<b>1,340</b>	<b>4,441</b>	<b>-3,101</b>	<b>30%</b>

Although Council has indicated a general satisfaction with the level of service provided by current library facilities, it has indicated a desire to provide new facilities in accordance with SLNSW guidelines where possible.

### **3.7 Services and Facilities Proposed**

#### **Existing Libraries**

In the planning period up to 2022, and applying current SLA guidelines, it is not proposed to increase the floor space of existing libraries to reflect regional growth. However, provision should be made in budgets to reflect growth sensitive components of operating costs such as staffing, the provision of book stock and computer services. Although mobile library services were planned to increase to a fulltime service for Tweed Shire under existing Section 94 plans, this service is unlikely to proceed in the medium term.

The current staff level of 1:7953 is significantly below the NSW average of 1:3219 and those of partner Councils: Ballina 1:5663, Byron 1:5562, Lismore 1:6858. The RTRLS propose to progressively bring staff levels up to a ratio of 1:5600 over a ten year period, this will equate to an increase from nine (9) fulltime equivalent (fte) staff to sixteen (16) fte staff. With the current population being 70,130, ratio of 1:5600 equates to 12.5 fte staff. The average cost of each staff member is \$35,000.

To assist in accommodating extra demand generated by growth in the Tweed Heads region, the RTRLS plan to extend opening hours for the Tweed Heads Library one evening per week and on Sunday afternoons at an estimated cost of \$22,500 per annum.

Book stocks are currently provided at a level of approximately 0.87 books per capita while the NSW state average for country libraries is approximately 2.48. The RTRLS have proposed a strategy to progressively build book stocks up to a level of 2 books per capita. However, in the planning period it is proposed to bring book stocks up to 1 book per capita for the current (1999) population and 2 books per capita for the growth component up to 2022. A total book stock of 185,332 books is therefore planned by 2022. Table 3.7A illustrates the proposed increase in book stock to 2022.

**Table 3.7A – Book Stock Projections**

	<b>1999</b>	<b>2012</b>	<b>2022</b>
<b>Population</b>	<b>70,130</b>	<b>98,477</b>	<b>127,731</b>
Current Book Stock @ 0.87 books/capita	61,688	61,688	
Book Stock @ 1.0 books/capita – exist. pop		70,130	70,130
Book Stock @ 2.0 books/capita - growth		56,694 <sup>1</sup>	115,202
<b>Total Book Stock</b>	<b>61,688</b>	<b>126,824</b>	<b>185,332</b>

NB: An amount for library bookstock is **not** included in the works program for this S94 contributions plan in accordance with the S94E Direction from the Minister for Planning dated 10 July 2009:

*4.2 Monetary Contributions towards library book stock ... are not to be required by any Development Consent under any Contributions Plan applying to land within the Council's area.*

**New Facilities**

The proposed strategy provides for the continued operation of the three existing libraries up to 2022. Following the Final Report of the Kingscliff Centres Study it has been decided that the location of the future coastal branch library be located at the new Kingscliff District Centre, rather than at Kings Forest.

Book stock and other resources would be transferred to the new library. Provided growth adjustments to the RTRLS contribution have been made, further funds would not be required to resource the new facility to the appropriate scale. Depending on the scale of the new facility additional staff members may be required. The capital cost of the new facility will be dependent on the floor area standard ultimately adopted for the forecast catchment population of 34,807. Table 3.7B provides indicative costs using SLNSW guidelines which have been adopted for the purposes of this plan.

**Table 3.7B Estimate of Building and Land Cost Options- Kingscliff**

	<b>TSC Standard</b>	<b>SLNSW Standard</b>
	<b>20m2/1000</b>	<b>39m2/1000</b>
<b>GFA (m2)</b>	696	1,357
<b>Building Cost</b>	\$1,113,600	\$2,171,200
<b>Land Area (m2)</b>	1,160	2,262
<b>Land Cost</b>	\$154,280	\$300,846
<b>Parking Cost</b>	\$5,250	\$8,250
<b>Total Cost</b>	<b>\$1,273,130</b>	<b>\$2,480,296</b>

Previous plans had made provision for a new library service at Cobaki. Earlier analysis has indicated that a library in this location would provide a level of over servicing due to proximity to Tweed Heads, Coolangatta and Elanora Libraries. The potential catchment for this library could extend to 18,000 when considering Bilambil Heights and cross border users. If this library were to proceed there would be a reduction in the floor area liability for Tweed Heads Library. However as the libraries strategy provides for the continued operation of the three existing libraries rather than a fourth one at Cobaki, the preferred option is to further extend the recently extended library in Tweed Heads to accommodate the additional estimated population increase of 14,000 from Cobaki. Table 3.7C provides indicative costs using SLNSW guidelines which have been adopted for the purposes of this plan.

It should be noted that the future release areas of Bilambil Heights and Area E have not been included in the Tweed Heads catchment area estimated population

to the period 2021/22 due to the uncertainty of their release dates. The estimated population for these two areas is 13,000. If these areas do proceed at an earlier time then the size of the Tweed Heads extension may require amendment.

**Table 3.7C Estimate of Building and Land Cost Options – Tweed Heads Extension**

	TCS Standard	SLNSW Standard
	20m <sup>2</sup> /1000	35m <sup>2</sup> /1000
<b>GFA (m<sup>2</sup>)</b>	280	490
<b>Building Cost</b>	\$448,000	\$784,000
<b>Land Area (m<sup>2</sup>)</b>	466	816
<b>Land Cost</b>	\$61,978	\$108,528
<b>Parking Cost</b>	\$4,000	\$6,000
<b>Total Cost</b>	<b>\$513,978</b>	<b>\$898,528</b>

### 3.8 Apportionment of Costs

Section 94 best practice dictates that the current deficiency in library services, cannot be charged to the “new” population. It assumed that funding of library services will be maintained at current levels over the planning period apart from areas where demand has been increased by population growth. Table 3.8 summarises growth related expenditure proposed under the Plan and indicates the relative costs of upgrading services at Tweed Heads and Murwillumbah libraries to SLNSW standards.

**Table 3.8 - Apportionment of Cost for Period 2002/03 - 2021/22**

Facility/Item	Cost	% Attributable to New Development	Amount Levied S94	Council Fraction
<b>Operating Costs</b>				
Salaries less grant	\$6,488,296			\$6,488,296
Bookstock	\$12,369,959	0%*	\$0	\$12,369,959
Computers	\$1,323,661	20.36%	\$280,140	\$1,043,521
Other	\$1,636,000		\$200,000	\$1,436,000
Balance of RTRLS Contribution	\$8,152,485	3.69%	\$312,610	\$7,839,875
	<b>\$29,970,401</b>		<b>\$792,750</b>	<b>\$29,177,651</b>
<b>Capital Works</b>				
Tweed Coast library (sale \$870,000 10yrs)	\$2,900,000	100.00%	\$2,900,000	\$0
Extend Tweed Heads 1	\$2,480,000	25.00%	\$620,000	\$1,860,000
Extend Tweed Heads 2	\$1,618,000	100.00%	\$1,618,000	\$0
Extend Murwillumbah	\$952,000	10.00%	\$95,200	\$856,800
Existing Kingscliff Library	\$1,860,000	40.00%	\$744,000	\$1,116,000
	<b>\$9,810,000</b>		<b>\$5,977,200</b>	<b>\$3,832,800</b>
Total	<b>\$39,780,401</b>		<b>\$6,769,950</b>	<b>\$33,010,451</b>
IPD Indexation amount (Mar 2002-Mar 2009) (42%)			\$2,845,252	\$13,873,521
<b>New total including indexation</b>			<b>\$9,615,202</b>	<b>\$46,883,972</b>
Administration Charge 5%			\$480,760	
<b>TOTAL</b>			<b>\$10,095,962</b>	

Note: Capital Works includes principal and interest charges

\* As per Minister for Planning's Direction 4.2 under S94E dated 10 July 2009.

## Section 94 Plan No. 11

### Tweed Shire Library Facilities

- Notes:**
1. The written down value of the existing Kingscliff library in 2011 is \$870,000 and has been deducted from the cost of the Kingscliff District Centre facility prior to applying the 100% attributable to new development. If Kingscliff is sold proceeds will be applied to offset Council component.
  2. Based on \$1,600/m<sup>2</sup> construction cost.
  3. Council currently makes an annual contribution of \$1,826,254 to RTRLS for salaries, book stock and computers respectively. Allowance has been made to bring book stock up to a holding level of one book per capita for the current population and two books per capita for future growth. Provision has been made to progressively increase staffing levels to a ratio of 1:5600.
  4. The balance of the RTRLS contribution consists of approximately 75% salaries and 25% other costs. The latter has a growth attributable component.
  5. Includes provision for interest cost of capital over life of building/term of loan.

### Per Capita Costs

Per capita contribution is calculated from:-

$$\frac{\text{Attributable Facilities Cost} + \text{Attributable Land/Service Cost}}{\text{Population Increase}}$$

### Per Lot Costs

Per lot contribution as calculated from Tweed Shire Occupancy rates applied to per capita contributions.

Occupancy rates based on 2006 Census Data as provided in the Tweed Shire Urban Land Release Strategy 2009 adopted by this Plan are:-

	Persons
Per person	1
Per Lot/ET	2.4
Detached dwelling	2.4
1 bedroom unit	1.3
2 bedroom unit	1.7
3 bedroom unit	2.1
4+ bedroom unit	2.4

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

### Allocation of Development Fraction of Costs

Existing/future population ratio is = 30,603 people  
74,580/105,183



## Section 94 Plan No. 11

Tweed Shire Library Facilities

Attributable Facilities Cost	=	\$10,095,962
Per Capita Contribution	=	<u>\$10,095,962</u>
	=	30,603
		<b>\$329.90 per person</b>
Per lot contribution	=	\$329.90 x 2.4 (separate house)
	=	<b>\$792 per allotment</b>

	Persons	Version 3.0 Rate	Version 3.0.5 Indexed July 2016*
Per person	1	\$329.90	\$358.12
Per Lot/ET	2.4	\$792	\$859
Detached dwelling	2.4	\$792	\$859
1 bedroom unit	1.3	\$429	\$466
2 bedroom unit	1.7	\$561	\$609
3 bedroom unit	2.1	\$693	\$752
4+ bedroom unit	2.4	\$792	\$859

\* See indexation calculations in Appendix A.

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

**Appendix A - History of the Plan**

**Amendment 1**

FEE SUMMARY:

Subdivision

- Urban land subdivision \$688/lot
- Rural land subdivision \$688/lot

Building Development

- Type A (separate house) \$688/house
- Type B (semi-detached, terrace, townhouse, flat) \$450/unit
- Type C (caravan, other) \$450/caravan

**Version 3 (Amendment 2)**

- Removes library bookstock from the plan’s works program in accordance with the Section 94AE Direction from the Minister for Planning dated 10 July 2009;
- Reduces the administration levy from 10% to 5% to be consistent with the Minister’s Direction;
- Revises the base population projection for 2021 for the purposes of calculating the levy in accordance with the latest census data and the Department of Planning’s latest projections for Tweed Shire: “Preferred Series” 2005;
- Indexes the cost of the works program by 42% in line with the IPD (Engineering Construction)

ABS IPD Engineering Construction		Difference	% Increase
Mar-02	76.64		
Mar-09	108.85	32.21	42%

- Revises occupancy rates in accordance with the adopted Tweed Shire Urban Land Release Strategy 2009;
- Applies the Department of Planning’s latest template for a S94 Plan;
- Incorporates the necessary clauses to enable future indexation of rates in this plan;
- Results in a contribution rate per person of \$329.90 (see **Section 1.1 Summary schedule – contribution rates** on page 1 for more detail).

## Section 94 Plan No. 11

Tweed Shire Library Facilities

### Version 3.0.1 (Indexation July 2012)

Indexation applied in accordance with Section 2.10 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000.

ABS IPD Engineering Construction Published April 2012		Difference	% Increase
Jul-09	100.22		
Dec-11	103.29	3.07	3.06%

$\$329.90 + 3.06\% = \$340$  per person

	Persons	Version 3.0 Rate	Version 3.0.1 Indexed July 2012*
Per person	1	\$329.90	\$340
Per Lot/ET	2.4	\$792	\$816
Detached dwelling	2.4	\$792	\$442
1 bedroom unit	1.3	\$429	\$578
2 bedroom unit	1.7	\$561	\$578
3 bedroom unit	2.1	\$693	\$714
4+ bedroom unit	2.4	\$792	\$816

### Version 3.0.1.1 (Correction of typos - 31 July 2012)

Corrects typos in above table as follows:

	Persons	Version 3.0 Rate	Version 3.0.1 Indexed July 2012*
Per person	1	\$329.90	\$340
Per Lot/ET	2.4	\$792	\$816
Detached dwelling	2.4	\$792	<del>\$442</del> \$816
1 bedroom unit	1.3	\$429	<del>\$578</del> \$442
2 bedroom unit	1.7	\$561	\$578
3 bedroom unit	2.1	\$693	\$714
4+ bedroom unit	2.4	\$792	\$816

### Version 3.0.2 (Indexation July 2013)

Indexation applied in accordance with Section 2.10 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000.

## Section 94 Plan No. 11

### Tweed Shire Library Facilities

ABS IPD Engineering Construction Published April 2013		Difference	% Increase
Jul-09	98.75		
Dec-12	104.52	5.77	5.84%

$\$329.90 + 5.84\% = \$349.18$  per person

	Persons	Version 3.0 Rate	Version 3.0.2 Indexed July 2013
Per person	1	\$329.90	\$349.18
Per Lot/ET	2.4	\$792	\$838
Detached dwelling	2.4	\$792	\$838
1 bedroom unit	1.3	\$429	\$454
2 bedroom unit	1.7	\$561	\$594
3 bedroom unit	2.1	\$693	\$733
4+ bedroom unit	2.4	\$792	\$838

### **Version 3.0.3 (Indexation July 2014)**

Indexation applied in accordance with Section 2.10 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000.

ABS IPD Engineering Construction Published April 2014		Difference	% Increase
Jul-09	96.6		
Dec-13	103.37	6.77	7.01%

$\$329.90 + 7.01\% = \$353.02$  per person

## Section 94 Plan No. 11

### Tweed Shire Library Facilities

	Persons	Version 3.0 Rate	Version 3.0.3 Indexed July 2014*
Per person	1	\$329.90	\$353.02
Per Lot/ET	2.4	\$792	\$847
Detached dwelling	2.4	\$792	\$847
1 bedroom unit	1.3	\$429	\$459
2 bedroom unit	1.7	\$561	\$600
3 bedroom unit	2.1	\$693	\$741
4+ bedroom unit	2.4	\$792	\$847

### **Version 3.0.4 (Indexation July 2015)**

Indexation applied in accordance with Section 2.10 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000.

ABS IPD Engineering Construction Published April 2015		Difference	% Increase
Jul-09	94.68		
Dec-14	101.77	7.09	7.49%

$\$329.90 + 7.49\% = \$354.60$  per person

	Persons	Version 3.0 Rate	Version 3.0.4 Indexed July 2015*
Per person	1	\$329.90	\$354.60
Per Lot/ET	2.4	\$792	\$851
Detached dwelling	2.4	\$792	\$851
1 bedroom unit	1.3	\$429	\$461
2 bedroom unit	1.7	\$561	\$603
3 bedroom unit	2.1	\$693	\$745
4+ bedroom unit	2.4	\$792	\$851

## Section 94 Plan No. 11

Tweed Shire Library Facilities

### Version 3.0.5 (Indexation July 2016)

Indexation applied in accordance with Section 2.10 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000.

ABS IPD Engineering Construction Published April 2016		Difference	% Increase
Jul-09	93.53		
Dec-15	101.53	8	8.55%

$\$329.90 + 8.55\% = \$358.12$  per person

	Persons	Version 3.0 Rate	Version 3.0.5 Indexed July 2016*
Per person	1	\$329.90	\$358.12
Per Lot/ET	2.4	\$792	\$859
Detached dwelling	2.4	\$792	\$859
1 bedroom unit	1.3	\$429	\$466
2 bedroom unit	1.7	\$561	\$609
3 bedroom unit	2.1	\$693	\$752
4+ bedroom unit	2.4	\$792	\$859

**Appendix B – Complying Development Certificates**

Contributions will be levied according to the estimated increase in demand. In assessing the contribution of proposed development, the following calculation shall be used:

**For commercial and industrial development:**
$$\text{Rate} \times \text{Unit or Lot} = \text{Total Charge}$$
$$\text{Total Charge} - \text{Credit} = \text{Contribution}$$
**For dwellings:**
$$(\text{Dwelling type persons} \times \text{rate per person} \times \text{number of dwellings of that type}) = \text{Total Charge}$$
$$\text{Total Charge} - \text{Credit} = \text{Contribution}$$
**Notes:****Credit**

A credit amount equivalent to the contribution attributable to any continuing (or approved) development on the site of a proposed new development will be allowed for in the calculation of contributions. The credit is equal to the rate (number of lots or units x rate) already paid for as evidenced in a previous development consent. For dwellings and tourist development, the credit is 1 ET which is equivalent to **2.4** persons or any approved existing persons/bedrooms onsite. Where a development consent does not exist for a continuing development, or the total rate charged for cannot be determined, they shall be determined by calculating the current chargeable rate based on existing floor area or existing households / lot.

**Rate** - Is specified in *Section 1.1- Summary schedule – contribution rates*.

**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.

## Section 94 Plan No. 11

Tweed Shire Library Facilities

### Contribution Fee Sheet

The certifying authority shall attach to the complying development certificate, a fee sheet which details calculations (including persons, credits and total ETs) undertaken to determine the applicable contributions.

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

S94 Plan	Sector	Persons	Credit (Persons)	ETs (minus credits)	Total \$
S94 Plan No 11	CP 11	Xxx	Xxx	Xxx	\$xxx

### Condition Template

The condition must be imposed in the following format:

# **Section 94 Contributions**

Payment of the following contributions pursuant to Section 94 of the Act and the relevant Section 94 Plan.

The complying development shall NOT commence unless all Section 94 Contributions have been paid.

**A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS COMPLYING DEVELOPMENT CERTIFICATE MUST BE PROVIDED AT THE TIME OF PAYMENT.**

These charges include indexation provided for in the S94 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 94 Plan current at the time of the payment.

A copy of the Section 94 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.

« *Contribution type:*

XXX Persons @ \$xxxx per person

\$xxxx

S94 Plan No. XX

*Sector xxxx*





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