

# CP19

**Section 94 Plan**

## **No. 19 – Casuarina Beach/Kings Forest**

**Version 5.0.5**  
**Adopted January 2011**  
**Indexed July 2016**

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

GENERAL MANAGER

DATE: 15 March 2011

SECTION 94 PLAN No 19  
 CASUARINA BEACH/KINGS FOREST  
 Version 5  
 In Force 23/3/2011  
 Indexed July 2016

Version	Adopted	Description	Effective
1			16/12/1998
2 (Amendment 1)		Additional 15 ha Richtech land, amendment to population and levy	3/10/2000
3 (Amendment 2)	19/10/2005	Revised population, works program and land valuation, deletion of cycleways	9/11/2005
4 (Amendment 3)	15/12/2009	Inclusion of Depot Road land, land valuation update, indexation applied to works program, admin levy reduced to 5%; occupancy rates updated	23/12/2009
5 (Amendment 4)	15/3/2011	Revises Works Program for Community Facilities	23/3/2011
5.0.1		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
5.0.2		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
5.0.3		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
5.0.4		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
5.0.5		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	Community Facilities Base Rate 2010	Community Facilities Indexed 1/7/2016*	Structured Open Space Base Rate 2005	Structured Open Space Indexed 1/7/2016*
Per person	1	\$897	\$967	\$298.56	\$544.98
Detached dwelling/Lot (1 ET)	2.4	\$2,153	\$2,321	\$717	\$1,308
1 bedroom unit	1.3	\$1,166	\$1,257	\$388	\$708
2 bedroom unit	1.7	\$1,525	\$1,644	\$508	\$926
3 bedroom unit	2.1	\$1,884	\$2,031	\$627	\$1,144
4+ bedroom unit	2.4	\$2,153	\$2,321	\$717	\$1,308

For structured open space only, the rate for tourist development that provides accommodation to be applied per bedroom as above.

\* See Attachment C – Index Calculations on page 34 for more detail.

### 1.2 Summary works program

Proposed Amenity	Total Cost
Community Facilities	\$12,872,890
Cycleways	\$0
Open Space	\$2,748,999

### 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
IPD (Engineering Construction) – for Community Facilities Base Rate	99.10	September 2010	Released 20/1/2011 ABS
TSC Land Index	142.50	June 2009	2009/2010 Tweed Shire Council Revenue Policy

## **2.0 PART B – ADMINISTRATION**

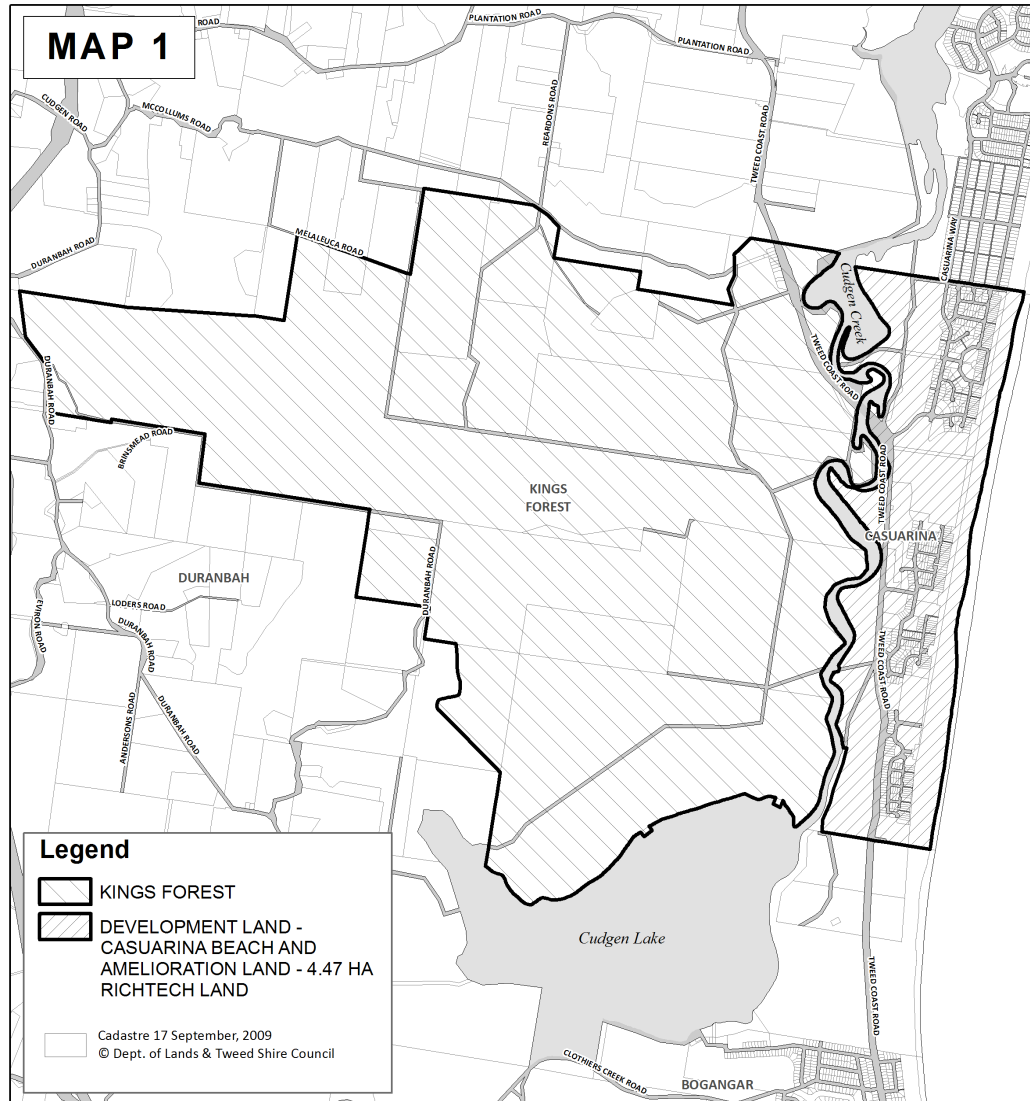
### **2.1 Name of this development contributions plan**

The name of this Plan is *Tweed Shire Council Section 94 Contributions Plan No. 19 – Casuarina Beach/Kings Forest (Version 4)*.

The provisions of Section 94 Plan No. 19 came into force on 16/12/98 and were subsequently amended on 16 November 2005 and 23 December 2009. This version was adopted on 15 March 2011, effective 23 March 2011.

## 2.2 Land to which this plan applies

This Section 94 Contributions Plan applies to the development land area of Kings Beach and Kings Forest as illustrated on Map 1.



## 2.3 The purpose of the s94 contribution plan

The purposes of this plan are to:

1. enable the levying of direct contributions for key community infrastructure, being services specified which will be required to fund the cost of providing community facilities, open space, cycleways, environmental open space and the Amelioration Land as a consequence of increased demand generated by development in the development land and to Kings Forest for certain facilities in accordance with Section 116H of the *Environmental Planning and Assessment Act*;

2. ensure that adequate key community infrastructure is provided for as part of any new development;
3. 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
4. provide a comprehensive strategy for the assessment, collection, expenditure accounting and review of development contributions on an equitable basis
5. ensure that the existing community is not burdened by the provision of key community infrastructure required as a result of future development
6. enable the council to be both publicly and financially accountable in its assessment and administration of the development contributions plan.

**2.4 Commencement of the plan**

This development contributions plan 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, pursuant to clause 31(4) of the *Environmental Planning & Assessment Regulation*.

**2.5 Relationship to other council plans**

This contribution plan should be read in conjunction with Tweed Local Environmental Plan 2000, Shire-wide sections of Council’s Development Control Plan, Development Control Plan Section B5 – Casuarina and other Shire wide Section 94 Plans that apply to Kings Beach.

**2.6 Definitions and standards**

<b>Definitions</b>	
Accredited Certifier	For the purposes of the certification of Construction Certificates and Complying Development Certificates as referenced in this plan, the Accredited Certifier is the principal certifying authority.
EP&A Act	Environmental Planning and Assessment Act, as amended
EP&A Regulation	Environmental Planning and Assessment Act Regulation, as amended.
IPD (Implicit Price Deflator)	Index used for adjustment of construction component – refers to the value of work done (implicit price deflator); Chain Volume Measures; Engineering Construction; ABS Reference A405071T,



<b>Definitions</b>	
	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.
Structured (Active) Public Open Space	<p>Sportsfields used for organised sporting activities such as cricket, rugby league, rugby union, hockey, netball, etc. These areas do not include open trunk drains and lakes.</p> <p>Cycleways will not, by themselves, be included as structured open space. They may be provided in conjunction with the provision of sportsfields.</p>
Casual (Passive) Public Open Space	<p>Public open space utilised for a variety of generally “non-organised” activities. These areas include neighbourhood parks, natural bushland parks, formal garden parks and pedestrian links. These areas do not include open trunk drains and lakes.</p> <p>Cycleways will not, by themselves, be included as casual open space. They may be provided in conjunction with the provision of neighbourhood parks, etc.</p>
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). <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.</p>

<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

## **2.7 Timing of contributions**

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

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:

- for development applications involving subdivision prior to release of linen plan of subdivision or subdivision certificate;
- for applications including building work, prior to issuing building approval or construction certificate;
- for development applications not involving building work or subdivision prior to issuing development consent.

## **2.8 Obligation of accredited certifiers**

### **Construction Certificates:**

In accordance with Clause 146 of the EP&A Regulation, a certifying authority must not issue a construction certificate for building work or subdivision work

under a development consent unless it has verified that each condition requiring the payment of monetary contributions has been satisfied.

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 Attachment D 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.

## **2.9 Credits**

As the 5.5 hectares of active open space has been dedicated prior to any development applications for the subdivision/development of individual management lots (and as taken account of in the calculations for contributions) Council has to ensure that the resultant 'credits' are equitably allocated through the anticipated development as set out in the Development Control Plan. The estimated population for each management lot is set out in Table 1 below together with the allocation of the structured open space 'credit'. Any development which exceeds the estimated population levels will require review of the Plan.

**TABLE 1**

<b>Lots</b>	<b>Population</b>	<b>Active Open Space (0.98ha/1,000 persons)</b>
1	219	0.214 ha
2	618	0.61
3	985	0.965
4	704	0.69
5	1357	1.33
6	485	0.475
7	484	0.475
Lot 1 DP811425	777	0.75
<b>Total</b>	<b>5629</b>	<b>5.5ha</b>

## **2.10 Dedication of land and material public benefits**

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.

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.

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.

### **2.11 Contribution rates for different densities of development**

Contributions will be levied on the assumption that a dwelling house will be erected on each lot, the occupancy rate to be based on information from the 1996 Census. When subsequent development occurs, including subdivisions, which creates a housing density at or below 1 dwelling per 450m<sup>2</sup>, contributions will be based on the adopted medium density occupancy rates from the Tweed Urban Land Release Strategy 2009.

Such development is classed as multi dwelling housing comprising two or more dwellings and includes dual occupancy, residential flat buildings, duplexes, cluster housing, villas, terrace housing and integrated housing. Manufactured housing estates are also included.

When medium density development is proposed contributions will be derived from the number of dwelling units proposed multiplied by the occupancy rate for the number of bedrooms from the latest Census and Tweed Urban Land Release Strategy 2009. The amount of contribution paid at subdivision stage will be subtracted from this amount.

### **2.12 Adjustment of contribution rates**

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

The contribution rates will be adjusted 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:

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

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

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

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

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

Where

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

**Note:** This clause does not cover the adjustment of a contribution between the time of consent and the time payment is made. This is covered by clause 2.13.

### **2.13 Adjustments at the time of payment**

The contributions stated in a consent are calculated on the basis of the s94 contribution rates determined in accordance with this plan. If the contributions are not paid within the quarter in which consent is granted, 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 contributions are published by council and are available from council offices. Should the council not validly publish the applicable contribution rates, the rate applicable will be calculated in accordance with the rate prevailing in the previous quarter.

### **2.14 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.

### **2.15 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.

### **2.16 Contributions register and accounting**

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 amenities specified in this plan required to meet the needs of the increased population as a result of new development, and the works program designed to provide it.

### **3.2 The development area**

Kingscliff South has been identified by Tweed Shire Council as the location for the development of a self-contained community, comprising two distinct areas:

- Casuarina Beach: the coastal strip east of Cudgen Creek and within which tourist, commercial and residential areas will predominate
- Kings Forest: west of Cudgen Creek which will provide residential, service industries, commercial/retail focus, recreational and some limited tourist uses.

The development area of South Kingscliff comprises six main parcels of land:

- Crown Reserve No.1002202 for Tourist Facilities and Services at the northern end, formerly the NSW Tourism Commission land



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- Land owned by Lenen Pty Ltd comprising portions 194, 301, 312 immediately south of the NSW Tourism Commission land, and identified as the Lenen North Land
- The coastal site of 15 hectares owned by Richtech Pty Ltd, being Lot 1, DP 811425
- A number of smaller land holdings south of the Lenen North land known collectively as Seaside City and for the most part owned by Richtech Pty Ltd
- Crown and Crown reservations areas, including Lot 500, the Coastal Reserve, and
- The land the subject of the Kings Beach Stage 1 Development Application presently being Lot 2, DP 811425, owned by Lenen Pty Ltd and identified as the Lenen South Land

However for the purposes of this Plan it is proposed to provide public facilities for the proposed development on the Lenen South Land ('Casuarina Beach'), described as Lot 2 DP 811425, and the coastal site of 15 hectares owned by Richtech Pty Ltd being Lot 1, DP 811425, which is the subject of Amendment No. 1. Stage 1 of the proposed development is for the Lenen site and the Amelioration Land.

The reason for the provision of facilities in the development land is to implement the 'Out of Court' Settlement for the relevant Development Application.

The total population for South Kingscliff is expected to be 8,000 - 9,000 persons, with permanent residents and tourists to be accommodated. Kings Forest is estimated to have a population of 12,000 residents.

The expected population for Casuarina Beach is 5,629, with 3,029 permanent and 2,600 tourists to be accommodated.

The staging of the development site and Kings Forest will be undertaken independently, with the development land commencing before Kings Forest. However contributions for some of the major infrastructure will require joint funding or funding on a Shire wide basis as there will be some overlapping of facilities. For example limited community facilities will be located within the development land with the remainder to be located in the adjoining development of Kings Forest with the cost of these facilities to be shared between the two developments.

The Development Control Plan for Casuarina Beach assumes progressive and/or sequential development within the development land, however market requirements will also influence the development process. Therefore the Contribution Plan will require flexibility to allow for any changes with regular reviews of the Plan undertaken. There is no definite time-frame for the completion of the development land as well as for the remainder of the Kings Beach site.

With respect to the tourist population proposed in the Kings Beach area, it is difficult to predict the timing and number of units involved in the proposed tourist

area. However allowance has been made for contributions from the tourist accommodation development towards the cost of open space facilities, the cycleway and the environmental open space. As it is assumed that most of the tourists will not be staying in the area for any great length of time, this Plan does not provide for contributions from this sector for community facilities.

### **3.3 Car Parking**

A Council study has identified that in new beach side development areas public car parking is required at the rate of 300 car parking spaces per kilometre of coast to cater for visitors to the associated coastal facilities and attractions. In accordance with that requirement a total of 720 spaces are required as a result of the development on the development land as compatible with good quality design of the development. Substantial on-street parking is located within 100 metres from the eastern boundary of the coastal foreshore roads as shown in the Development Plan.

As the planning for Casuarina Beach becomes more certain, contributions for any additional beach side car parking will be incorporated into a Shire Wide Car Parking Contribution Plan.

### **3.4 Dune Management Plan and Environmental Plan of Management**

A Dune Management Plan and the Environmental Plan of Management are required. An amendment to this Section 94 Plan will be required to implement these Plans.

### **3.5 Expected population**

The total population for Casuarina Beach is expected to be 5,629 persons, with 3,029 permanent residents and 2,600 tourists.

Kings Forest is expected to have a population of approximately 12,000.

Population Estimates will be revised during reviews of this Plan.

The occupancy rates used will be those for Kingscliff as stated in the ABS Census 2006 and Tweed Shire Urban Land Release Strategy 2009. The occupancy rates are summarised in Section 2.6 - Definitions and standards.

### **3.6 The nexus between development and amenities/ services required**

There is a fundamental requirement for a link between development and the specific need for the facility generated by the development. Where these facilities fall outside the responsibility of other levels of government, Local Government is called upon to provide them and is entitled to recover that proportion of the costs arising from demand induced by development.

Casuarina Beach proposes a population of approximately 5,629 residents and tourists. This development will generate the need for community facilities, open space, cycleways and environmental open space and it is reasonable that the cost of these facilities be apportioned amongst those developments which will benefit from these facilities. The proposed Kings Forest development of approximately 12,000 will also generate the need for community facilities, some of which, it is assumed, will be used by the development land's residents.

### 3.7 Formulae for contributions

The formulae for calculating the amount of contribution will vary according to the type of facility or service in question. Each formula is based on consideration of:

- the demand for the facility or service generated by the development, based on the additional population expected.
- the current cost of acquiring the necessary land.
- the current capital cost of providing the facility or service.
- increases in land acquisition and building costs, based on the IPD and Tweed Shire Land Index.
- project costs, being valuation and annual revaluation of lands.
- a 5% levy applies to all Section 94 charges to cover the costs associated with administration, development and review of Section 94 Plans.

### 3.8 Specific plans

#### 3.8.1 Open space

##### 1. Principles for the Open Space Network

Key principles of the open space network include the following:

- The conservation and enhancement, where appropriate, of environmentally sensitive areas including some of the lands zoned 7(a) Wetlands and all of the 7(l) Habitat zoned land.
- The creation of a linear open space network, containing a variety of movement systems, which meander throughout the site providing links north, south, east and west. It is envisaged that pedestrian and cycle ways, and both passive and active recreational activities will be developed.
- Provision of major open space corridors to allow controlled access through the dunes to the beach areas and to Cudgen Creek.
- provide a series of indigenous theme environmental areas which will create micro-environments for various developments and an interesting diversity of vegetation.

- provide suitable crossings (such as underpasses, pedestrian lights, etc) of the coast road and key east-west open space/pedestrian links in strategic locations.
- control public and private access in environmentally sensitive areas.
- provide diversity and interest in the proposed networks such that enjoyment is enhanced by a combination of environments ranging from about Cudgen Creek riverside parks to tree lined suburban street and laneway accesses to littoral rainforest to the beachfront cycleway.
- provide a range of open space facilities such as picnic areas;

### **2. Appropriate active and passive open space**

- (i) Structured (Active) Public Open Space - sportsfields used for organised sporting activities such as cricket, rugby league, rugby union, hockey and netball. These areas do not include open trunk drains and lakes, which are designated primarily for drainage purposes, golf courses or the pedestrian and cycle path system.
- (ii) Unstructured (Passive) Public Open Space - open space utilised for a variety of generally “non-organised” activities including picnic and childrens’ play areas. These areas include neighbourhood parks, natural bushland parks and formal gardens. These areas do not include open trunk drains and lakes; or the trunk pedestrian and the north /south cycle path system.

### **3. Relevant Standards to Be Used for Different Categories of Public Amenities**

For the purposes of deriving the area of land to be set aside for active and passive public open space, Council has generally adopted the commonly used standard of 2.83 hectares per 1,000 persons, in the following proportions in order to meet community needs for open space:

- (i) 1.7 hectares (60%) “structured” open space (sportsfields) per 1,000 persons;
- 1.13 hectares (40%) “passive” open space (neighbourhood parks, natural bushland, local cycle paths etc) per 1,000 persons

This standard has generally been adopted by the Land and Environment Court for developing areas (Department of Planning, 1992).

On this basis, with a projected population of 5,629, 15.8 hectares (9.50 ha structured/6.3 ha passive) is required. However a proportion of the population in Casuarina Beach will be tourists who would not require as much structured open space on a formal basis.

It is considered reasonable to allocate 7 hectares of structured open space (note: 5.5 ha will be located in Casuarina Beach and a net additional 1.5 ha will be located at the former Waste Depot site in Depot Road, Lot 1 DP 397082) based on the assumed permanent population. It is proposed that a

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total at least 8.8 hectares of passive open space will be dedicated, details of which are on page 14 onwards and identified on Kings Beach Development Plan (No MG 9808/2 - Map 5) dated 6 October 1998 (the Plan).

#### 4. Open Space Requirements

##### **(a) Environmentally Sensitive Areas (Lot 8)**

Lot 8 of Casuarina Beach is to be dedicated at no cost to Council in conjunction with the negotiation of the linen plan for Stage 1 of the development, as embodied in the Deed of Agreement and Settlement. Lot 8 is identified on the Plan.

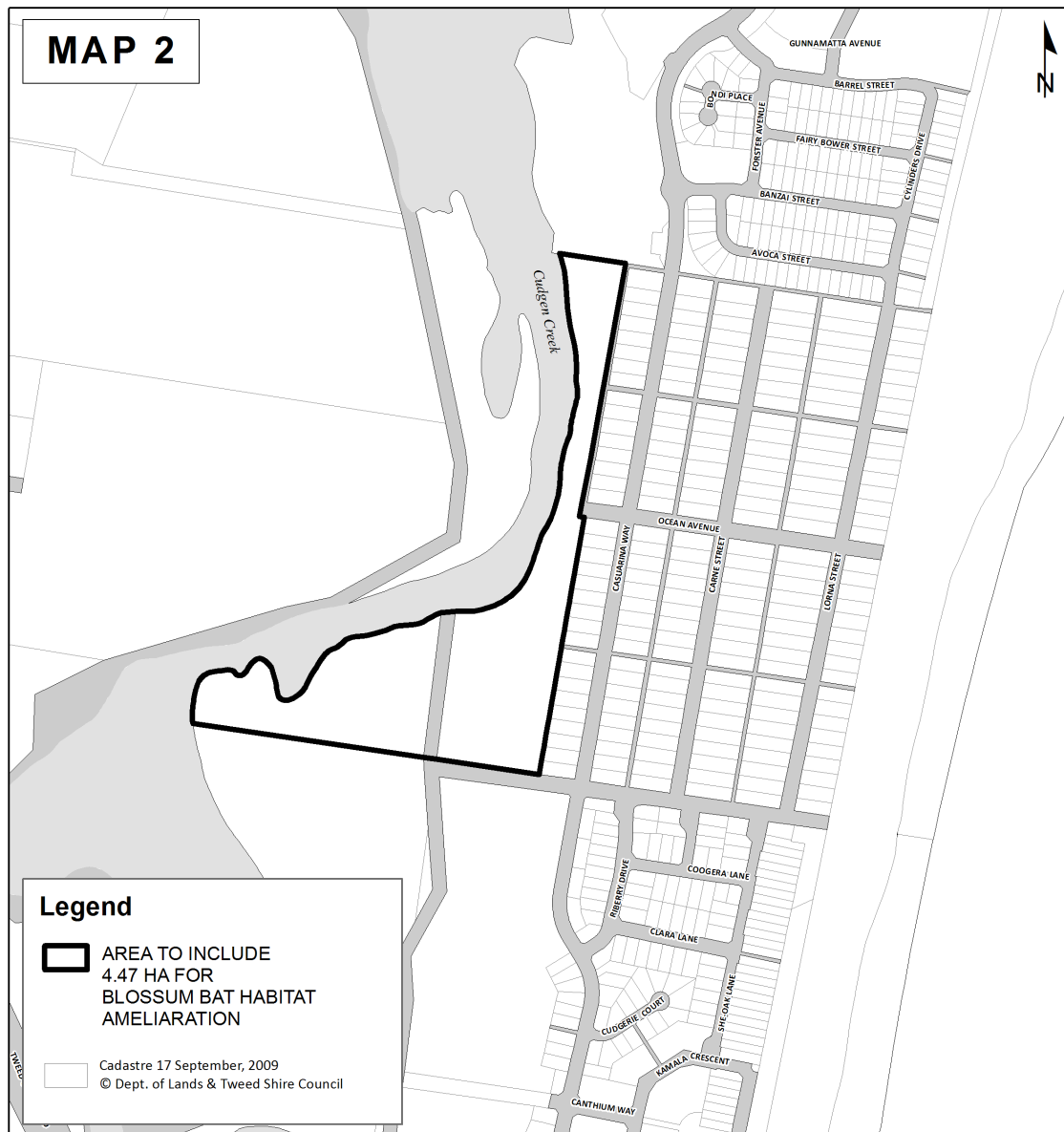
##### **(b) Amelioration Land**

The proposed development is covered by substantial stands of Coast Banksia which provides habitat for the Queensland Blossom Bat. To ameliorate the loss of this habitat, an additional 4.47 hectares of land to the north of the development land, owned by Richtech Pty Ltd is to be revegetated and the land dedicated at no cost to Council prior to the release of the linen plan for Stage 1 of the development, as embodied in the Deed of Agreement and Settlement. This area is identified on Map 2A.

##### **(c) Structured Open Space**

In the locations nominated on the Plan, the developer has dedicated a total of 5.5 ha of structured open space at no cost to Council in conjunction with the Stage 1 of Casuarina Beach.

The structured open space nominated on the Plan, contributions shall be levied for acquisition and embellishment of 1.5 hectare site at the former waste depot site, being Lot 1 DP 397082 Depot Road, Cudgen.



Where contributions are required, contributions are charged on the basis of a single dwelling per lot at the subdivision stage, and in the case of medium density development remaining contributions will be levied upon consent for the additional dwelling units. Tourist developments are levied at the rate per bedroom as specified in *Section 1.1- Summary schedule – contribution rates* on page 1.

A cash contribution will be required based on the contribution formula below. If the applicant nominates to undertake works-in-kind in lieu of contributions and these works-in-kind are not completed prior to the release of the linen plan, then the applicant will have to provide Council with suitable financial guarantees (normally by way of Bank Guarantee) for the amount of works not completed. Upon completion of the works the financial guarantee will be discharged by Council.

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For structured open space this Plan

### Contribution Formulae:

Cost per person  $\frac{C + (E + K + B)}{P}$  +5% administration levy

### Where

C =	Value of 1.5ha of land @ \$1,124,290 per hectare (valuation of Depot Road site April 2008) -from the Depot Road site.	\$1,686,434
	<i>NB: There was no movement in the TSC Land Index from 2008-2009</i>	
E =	Cost of embellishments, as based on information from Council's Recreation Services Unit:	\$639,683
	Topsoil - (\$35/m <sup>3</sup> for 7 ha, @150mm deep)	\$367,000
	Seeding - 120kg/ha at \$6/kg	\$5,040
	Irrigation \$20,000 per hectare	\$140,000
	<u>Total embellishment costs</u>	<u>\$512,040</u>
	<u>Adjusted for IPD (+23%)</u>	<u>\$639,683</u>
K =	Revaluation cost: initial valuation and annual revaluation \$1000 + 23% of \$1000	\$1,249
B =	Amenities blocks	\$421,633
	Council will also require provision of an amenities block and carparking area at the 1.5ha playing field.	
1.	At the 1.5 ha playing field: 150m <sup>2</sup> (2 change rooms with showers and toilets, store room and separate toilets for the public)	
	150m <sup>2</sup> x \$1,350/m <sup>2</sup>	\$202,500
	Parking costs: assume 30 car spaces at Lot 9 30 x 30m <sup>2</sup> /car space=2,900m <sup>2</sup> x \$150/m <sup>2</sup>	\$135,000
	Total	\$337,500
	Adjusted for IPD	\$421,633
P =	Population – Permanent residential (3,029) + tourist population (2600) = 5629	



**Cost per person**

$$\frac{\$1,686,434 + \$639,683 + \$1,249 + \$421,633}{5,629} + 5\% \text{ admin cost}$$

$$= \frac{\$2,748,999}{5,629} + 5\%$$

$$= \$488.36 \text{ per person} + 5\% \text{ admin levy} = \$513$$

**PER LOT CONTRIBUTION**

	Persons	Structured Open Space Base Rate 2005	Structured Open Space Indexed 2009	Structured Open Space Indexed 1/7/2016*
Per person	1	\$298.56	\$513	\$544.98
Detached dwelling/lot (1 ET)	2.4	\$717	\$1,231	\$1,308
1 bedroom unit	1.3	\$388	\$667	\$708
2 bedroom unit	1.7	\$508	\$872	\$926
3 bedroom unit	2.1	\$627	\$1,077	\$1,144
4+ bedroom unit	2.4	\$717	\$1,231	\$1,308

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

\* See Attachment C - Index Calculations for details of how these contributions were calculated.

**(d) Passive Open Space**

The developer of Casuarina Beach shall dedicate at no cost to Council the following passive open space areas:

1. Passive open space as shown on the Plan as public open space at no cost in conjunction with registration of the linen plan of subdivision for Stage 1.

The developer shall prepare and submit a plan for the approval of the Director of Development Services prior to the release of the linen plan for Stage 1 for embellishment works and such plans shall provide for:

1. removal of bitou bush and other noxious weeds
2. rehabilitation of the area consistent with the Dune Management Plan
3. provision of adequate and appropriate security lighting for users.
4. Provision of suitable related day visitor facilities, generally consistent with the drawings contained in Appendix E of the Statement of Environmental Effects submitted by the developer to Council.



5. Passive open space later dedicated as public open space as depicted on the Plan including areas related to the drainage reserves and the community common.
6. The future dedication of local parks to be provided in accordance with the provisions of AMCORD 1995 - that is each park to have an area of not less than 2000 m<sup>2</sup>; be generally not more than 250 meters from any residential dwelling and each park's perimeter shall have at least 50% frontage to a public road.

Depending on the location of passive open space this embellishment may also include filling, topsoiling, grading, seeding, planting or installation of seating and playground equipment and shade cover. Developers are required to consult with Council's Recreation Services Unit regarding appropriate embellishment requirements for casual open space prior to embellishment.

Council will be responsible for the future maintenance requirements for passive open space. Where more than the required amount of suitable passive open space is provided, Council may consider its dedication as parkland.

If however a monetary contribution is considered more appropriate than dedication of land, or where the amount of land does not fully satisfy the standard of passive open space to be provided, the following formula shall apply:

$$\text{Contribution per person} = \frac{C + E + A}{P} + 5\% \text{ Administration levy}$$

Where:

C = cost of acquiring land serving the locality

E = improvement, embellishment costs

A = project costs

P = anticipated population in locality to be served by the unstructured open space

### **3.8.2 Cycleways**

#### **Background**

Council has examined the feasibility of providing a cycleway network for the entire Tweed Shire and has proposed a local area bicycle plan for Tweed Heads and adjacent areas. It is proposed that a Shire wide Section 94 cycleway plan be introduced following the finalisation of these cycleway routes, with the proposed cycleway along the beach front at Casuarina Beach and its link to Kings Forest forming part of the cycleway network for the Shire.

#### **Nexus**

Cycleway and pedestrian networks are increasingly becoming important requirements for urban areas, as a means for recreation/exercise and as an alternative mode of transport to the private vehicle. This is particularly the case where bicycle traffic is likely to be high, such as along routes connecting shopping

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centres, parks and other open space areas, which is planned for Casuarina Beach. In addition the proposed north/south cycleway in Casuarina Beach provides a means for the permanent and tourist population to enjoy the coastal strip area, as well as providing a connection between Kingscliff in the north, Bogangar in the south, and the proposed development of Kings Forest to the west.

### Description of the cycleway

It is proposed that a 2.5 metre wide north-south pedestrian/cycleway, within a 10 metre reserve, shall be provided in the 7(f) zone along the frontage of the development land. A cycleway shall also be provided from the beach front across Casuarina Beach to the proposed Kings Forest development, establishing a link between the two proposed release areas. The majority of the cycleway network for the remainder of Casuarina Beach will be provided as part of the local residential street, and must link to the underpass and cycleway alongside the coast road.

Cycleway/footpaths in local residential streets will be provided as part of the works associated with the subdivision and the remainder of the land is to be dedicated to Council. Section 94 Contributions are therefore only required for the construction cost of:

- the proposed cycleway/footpath along the beach front of Casuarina Beach;
- the cycleway in the 7(a) zone providing the link to Kings Forest;
- the cycleway link through the proposed Community Common to the structured open space area, and the link between the structured open space areas, passive open space areas and the beach in Lots 4 and 5.

The cycleway shall be integrated with any adjacent proposed car parking areas, beach access points and the day visitor facilities to be provided for the casual open space areas, and shall extend to the full frontage of the land including, where necessary, within the Crown Foreshore Reserve subject to the written approval of the Reserves Trust.

It is assumed that the tourist population will take advantage of the cycleway/footpath because of its close proximity to the beach, and therefore a contribution is to be obtained from all tourist accommodation developments in this area.

As there was no Section 94 plan for cycleways in the Shire when this plan was first adopted, this Casuarina Beach Plan included the cycleway facility operative only in the development site area. It was intended that this be integrated into a Shire wide cycleways plan when that plan was drafted. Section 94 Contributions Plan No 22 - Cycleways has since been adopted by Council and applies to any additional development in the area covered by this plan.

No contribution is required as the developer of Casuarina is constructing the cycleway as part of the development.

### **3.8.3 Community facilities**

#### **A. POLICIES**

The objective of the community facilities program is to provide an adequate standard of community facilities to satisfy social and cultural needs of the future residents of Casuarina Beach and Kings Forest. The capital works identified will provide benefits to the new residents who will move into these two new release areas over the next 10 to 20 years.

This contribution applies to all forms of residential development in the South Kingscliff area which encompasses the six main parcels of the Casuarina Beach area and Kings Forest.

The range of facilities to be provided under this Plan has been based on a review of accepted standards for community facilities and services, as applied to other release areas within the Shire. The proposed facilities are considered primarily local ones for the Casuarina Beach and Kings Forest residents to meet their basic community needs.

In 2007 Council commissioned a Whole of Shire Cultural & Community Facilities Plan (SGS Economics & Planning), which focused on community facility needs at that time, and for the period 2008-2024. The Plan specifically considered the needs of major developments (4,000+ population), and therefore made recommendations for Kings Forest, but not for Casuarina Beach.

Its proposals for Kings Forest had two components:

- A Multi Purpose Community/Civic Centre, including a neighbourhood centre, branch library and youth facility, within the floorspace range 1,800-6,400m<sup>2</sup>;
- A Health Centre including aged care & respite services (recognising TSC would need a partner agency), within the floorspace range 2,500-5,000m<sup>2</sup>.

These proposals are generally similar to proposals in earlier Versions of CP19, except for their scale of provision and the decentralised location of neighbourhood centres in CP19. The Library issue is also one that needs to be settled through review of policies in CP11, Libraries.

Since 2007, the North Coast Area Health Service has planned and secured funding for a significant health facility, known as Health One, to be located at Pottsville. This facility is expected to be constructed in 2011, and will incorporate facilities for local GPs and a wide range of allied health services unavailable on the Tweed Coast at present.

An appropriate resolution of the Kings Forest facilities issues, therefore, is to provide for a more modest Community/Civic Centre and Youth Centre, with decentralised local neighbourhood centres, but reducing the Health Centre to an unstaffed health outreach facility, and deferring the Library proposal pending review of CP11.

This is reflected in the attached Work Program, which includes a Community/Civic and Youth Centre at Kings Forest Town Centre growing in stages to 930m<sup>2</sup> floorspace, and three local community facilities at Casuarina, West Kings Forest and South Kings Forest with a combined floorspace of 1,200m<sup>2</sup>.

The Works Program indicates the expected priority order for providing the facilities, which may be reviewed as part of regular reviews of this Plan.

The key elements of the Community Facilities requirements include:

- the provision of centrally located, socially just, equitable and accessible community services and facilities to meet the needs of Casuarina Beach and Kings Forest's community, including a community centre, youth activity centre, and a health centre;
- timely provision of facilities as population grows, with initial priority to encouraging community activities, particularly youth activities;
- clustering of facilities in the town centre, where appropriate, for economy, convenience, easy identification and more viable provision of public transport;
- design of facilities, furnishings and equipment in consultation with service providers and user groups in order to ensure successful operation;
- integration of facilities with open space where possible
- consideration of 'soft infrastructure' including establishment and management of community activities.

### **B. FACILITY DESCRIPTION**

The general purposes of the facilities proposed and their specific components are:

#### **1. Multi Purpose Community/Civic Centre, incorporating an integrated youth centre and a community health facility.**

The centre shall incorporate the following features:

1. Office space for TSC administrative staff, community centre management staff, community centre volunteers, and community organisations leasing space in the centre;,
2. Shared meeting rooms that can service both small groups and larger groups;
3. A kitchen area with capacity to cater for small functions as required;
4. A multi-purpose activity area, or art/craft area as required;
5. Storage space;
6. A room for the use of nursing mothers, or playroom for small children;

7. Accessible toilets and change rooms for staff and visitors.

## **2. Youth Facilities**

The co-located youth facilities shall incorporate the following features:

- Flexible spaces suitable for amplified music and dancing, or a social club venue, with a kitchen;
- A band room with a high level of acoustic insulation;
- Spaces suitable for information dissemination, internet access, computer games or for training purposes;
- An external sports area suitable for basketball volleyball or similar sports, with shade sails, seating and drinking water ;
- A wet space for creative arts workshops;
- Office facilities and a counselling room for staff, located to enable observation of activities at the premises;
- Accessible toilets and change rooms;

## **3. Community Health Outreach Facility** (in association with partner agencies to provide health care services)

The health care facility shall incorporate the following features:

- Clinical consulting rooms suitable for visiting services;
- A baby change room and feeding area, with a sink;
- Accessible toilets;.

## **C. PROGRAM OF FACILITIES**

Having regard to the overall objectives, anticipated population and distribution of this population, provision has been made for the following:

### **1. Kings Forest Town Centre**

At the time of preparing this Contribution Plan, only a draft Master/Concept Plan had been prepared for the estate. In order to be able to include the community facilities for Kings Forest in this Plan for levying purposes, the baseline standards used in the rest of the Shire have been used, with a predicted population of 12,000.. In the light of this, the following baseline facilities are proposed:

<b>Multi Purpose Community/Civic Centre:</b>	<b>Floorspace(m2)</b>	<b>Expected Priority</b>
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Initial Meeting/Activity/Office Space	250m2	Priority 2
Youth Centre	400m2	“
Land Area	3,900m2	“
Access Facilities	1,950m2	“
Meeting/Activity/Office Extensions	150m2	Priority 5
Youth Centre Extensions	100m2	Priority 6
Community Health Centre	30m2	Priority 7
Land Area	1,000m2	Priority 5
Access Facilities	500m2	Priority 5

SUB TOTAL-KINGS FOREST TOWN CENTRE 930m2 (Bldgs)

(If calculated at 150m2/1,000 for 6,000 pop, floorspace would be 900m2)

## 2. Local Shopping Centre Community Facilities

### 1. Casuarina Beach

It is proposed that the development land will have a permanent population of approx. 3,069 people with the remaining (2,600) made up of tourists. Based on this population projection, it would be appropriate to locate one multi purpose hall/meeting facility.

The tourist accommodation will not be levied for the community facilities as it is assumed that the tourist use of these facilities will be minimal.

It is proposed to locate the community facility in the Casuarina Village Centre, as identified on the Plan, for economy, convenience, easy identification and more viable provision of public transport, either on a free-standing site or as part of a larger building complex.

**Local Centre (Casuarina Village Centre):** Floorspace(m2) Expected Priority

Meeting space, Activity space, Offices, Kitchen, ancillary Child Care	500m2	Priority 1
Land Area	1,500m2	“
Access Facilities	750m2	“

**Local Centre (Kings Forest South):**

Meeting Hall	250m2	Priority 4
Land Area	1,500m2	“
Access Facilities	750m2	“
Hall Extensions	100m2	Priority 9
Land Area	800m2	“
Access Facilities	400m2	

**Local Centre (Kings Forest West):**

Meeting Hall	250m2	Priority 3
Land Area	1,500m2	“
Access Facilities	750m2	“
Hall Extensions	100m2	Priority 8
Land Area	800m2	“

SUB TOTAL - THREE LOCAL CENTRES      1,200m2 (bldgs)

(If calculated at 150m2/1,000 for 5,600 pop.(Cas.), and 3,000 each (KF South and West), floorspace would be 1,740m2)

**CONTRIBUTION LEVY FOR KINGS FOREST/CASUARINA BEACH DEVELOPMENT LAND**

1. Formula to be used if land is not dedicated;

$$C = \frac{F + K}{N} + 5\% \text{ admin levy}$$

where

C = amount of contribution per person

F = total cost of the facilities

N = number of expected permanent residents

K = valuation costs: initial valuation and annual revaluation

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$$C = \frac{\$12,872,890}{15,069} + 5\%$$

$$= \frac{\$12,872,890}{15,069} + 5\%$$

$$= \$854.26 + 5\%$$

$$= \$897$$

**COMMUNITY FACILITIES PER LOT CONTRIBUTION**

	Persons	Community Facilities Base Rate 2005	Community Facilities Indexed 2009	Community Facilities Base Rate 2010	Community Facilities Indexed 1/7/2016*
Per person	1	\$546.29	\$671	\$897	\$967
Detached dwelling/Lot (1 ET)	2.4	\$1,311	\$1,611	\$2,153	\$2,321
1 bedroom unit	1.3	\$873	\$873	\$1,166	\$1,257
2 bedroom unit	1.7	\$1,309	\$1,141	\$1,525	\$1,644
3 bedroom unit	2.1	\$1,147	\$1,410	\$1,884	\$2,031
4+ bedroom unit	2.4	\$1,311	\$1,611	\$2,153	\$2,321



**Attachment A – Works Program**

Proposed Facility	Expected Priority	Land Area	Land Cost	Building Area	Building Cost	Access Cost *	Establishment Cost **	Project Cost
<b>Community Facilities</b>								
<b>1. Kings Forest Town Centre Multi Purpose Community/Civic Centre</b>								
Initial Meeting/Activity/Office Space	2	3,900m2	\$1,224,600	250m2	\$863,250	\$217,800	\$35,000	\$2,340,650
Initial Youth Centre Meeting/Activity/Office Extension	2	1,000m2	\$314,000	400m2	\$1,381,200	\$347,400	\$35,000	\$1,763,600
Youth Centre Extension	5			150m2	\$517,950	\$131,400	0	\$963,350
Community Health Centre	6			100m2	\$345,300	\$88,200	0	\$433,500
	7			30m2	\$103,590	\$21,600	\$35,000	\$160,190
<b>Sub Total</b>		4,900m2	\$1,538,600	930m2	\$3,211,290	\$806,400	\$105,000	\$5,661,290
<b>2. Local Centre Community Facilities</b>								
(a) Casuarina Village Centre	1	1,500m2	\$471,000	500m2	\$1,726,500	\$435,600	\$35,000	\$2,668,100
(b) Kings Forest South Centre	4	1,500m2	\$471,000	250m2	\$863,250	\$217,800	\$35,000	\$1,587,050
Centre Extension	9	800m2	\$251,200	100m2	\$345,300	\$88,200	0	\$684,700
(c) Kings Forest West Centre	3	1,500m2	\$471,000	250m2	\$863,250	\$217,800	\$35,000	\$1,587,050
Centre Extension	8	800m2	\$251,200	100m2	\$345,300	\$88,200	0	\$684,700
<b>Sub Total</b>		6,100m2	\$1,915,400	1,200m2	\$4,143,600	\$1,047,600	\$105,000	\$7,211,600

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Proposed Facility	Expected Priority	Land Area	Land Cost	Building Area	Building Cost	Access Cost *	Establishment Cost **	Project Cost
TOTAL		11,000m2	\$3,454,000	2,130m2	\$7,354,890	\$1,854,000	\$210,000	\$12,872,890

\*\*Establishment Costs based on Job Grade 5 gross salary for 27 weeks, with on-costs of 31% = \$35,000

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(subject to final determination of facilities required)

Proposed Amenity	Timing	Area to be acquired/dedicated	Land Cost	Capital Cost	Project Cost	Rate	Indexed Total	Total Cost
<b>Cycleways</b>		Works-in-kind						
To be located adjacent to the beach reserve leading to Kingscliff and also across to Kings Forest	Stage 1 of development	5,700m			\$444,600	24.9%	\$555,305	<b>\$555,305</b>
<b>Open Space</b>								
<u>Structured open space</u>								
7 hectares of sports playing fields, including two amenities blocks	Stage 1 of site development and development of Kings Forest	7 hectares	\$1,686,434	\$415,186	\$629,901 \$1,230		<b>\$2,732,751</b>	<b>\$2,732,751</b>
<u>Unstructured open space</u>								
Unstructured open space	Stage 1 of the development site	At least 8.8 hectares to be dedicated, and embellished where required						

## **Attachment B - History of the Plan**

### Amendments

Amendment No 1: Addition of the 15 hectare Richtech land along the coast

Minor amendment to the population level and contribution rate

Note: While the projected population of the Richtech land is 777, the revised population projection to be covered by this plan means that there is a net increase of 29 persons from 5600 to 5629.

- Amendment No 2:
1. Increased costs for:
    - Construction of the community buildings, and amenities buildings for the open space areas.
    - Parking areas.
    - Revaluation costs.
  2. Revised land valuations for open space and community facilities.
  3. Deletion of the contribution levy for cycleways as works in kind are being undertaken.
  4. Revised population projections for Kings Forest.

### **Amendment No 3 (Version 4):**

1. It was resolved at a Council meeting held on 30/10/2008 that 1.5ha of land to be acquired for structured open space in Casuarina would now be provided from the former Waste Depot site at Lot 1 DP 397082 Depot Road, Cudgen. This land, which is 8.094ha in total, has been rehabilitated, is currently in the ownership of Tweed Shire Council and various options had been investigated for its use or sale. A valuation completed by Valuers Australia in April 2008 valued the whole site at \$9.1 million.
2. Contribution rates have been recalculated using the following adjustments:
  - \* Indexation of costs in line with IPD
  - \* Indexation of land costs for land required for community services facilities in line with the Tweed Shire Land Index
  - \* Valuation of 1.5 ha of land required for structured open space derived from the valuation of the Depot Road site (ie \$1,124,290 x 1.5) or \$1,686,434.

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- \* Apportionment of full cost to total expected population in the locality.
- 3. Occupancy rates revised in accordance with the ABS Census 2006 and Tweed Shire Urban Land Release Strategy 2009
- 4. Plan has been reformatted to co-incide with latest DoP template for a S94 Plan.
- 5. This amendment adds the Attachment 4 for Complying Development Certificates.

### **Amendment No 5:**

Revises the works program for Community Facilities.

### **Version 5.1.1:**

Indexation applied in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised cost per person of \$918 for the community facilities contribution and \$513 for the structured open space contribution.

### **Version 5.1.2:**

Indexation applied in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised cost per person of \$943 for the community facilities contribution and \$524.06 for the structured open space contribution.

### **Version 5.1.3 :**

Indexation applied in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised cost per person of \$953.15 for the community facilities contribution and \$526.38 for the structured open space contribution. See Section 1.1 Summary Schedule - Contribution Rates for more detail.

### **Version 5.1.4:**

Indexation applied in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised cost per person of \$957.60 for the community facilities contribution and \$527.33 for the structured open space contribution. See Section 1.1 Summary Schedule - Contribution Rates for more detail.

### **Version 5.1.4 (this version):**

Indexation applied in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised cost per person of \$967 for the community facilities contribution and \$544.98 for the structured open space contribution. See Section 1.1 Summary Schedule - Contribution Rates for more detail.

## **Attachment C – Index Calculations**

### **Version 4**

In effect 23/12/2009:

Index Date	IPD	% Increase
30/06/2005	87.13	
31/03/2009	108.85	24.9%

Index Date	TSC Land Index*	% Increase
30/06/2005	120.54	
30/06/2009	142.5	18.22%

\* Published in Tweed Shire Council Revenue Policy

### **Version 5**

In effect 23 March 2011:

Index Date	IPD	% Increase
30/06/2005	82.33	
31/03/2010	95.49	15.98%

Since the non-land component of contributions was previously adjusted by a higher IPD figure, the adjusted contributions are to remain at the higher level of **24.9%** - refer to Section 2.12 - Adjustment of contribution rates on page 9.

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**Version 5.0.2**

In effect 1 July 2013

**Community Facilities:**

Index Date	IPD published April 2013	% Increase
01/09/2010	99.44	
1/2/2012	104.52	5.11%

Revised cost per person = \$897 base rate + 2.33% = **\$942.82**

**Structured Open Space:**

Index Date	IPD published April 2013	% Increase
Jun 2005	79.16	
Dec 2012	104.52	32.04%

Index Date	TSC Land Index*	% Increase
2007/2008	197.56	
1/3/2013	176.59	-10.61%

\* Published in the Draft Tweed Shire Council Revenue Policy 2013/14

Works Program Adjusted For 1/7/2013 indexation		Index amount	
1.5 ha land at April 2008 estimate	\$1,686,434	0%*	\$1,686,484
Embellishment	\$512,040	32.04%	\$676,098
Amenities	\$337,500	32.04%	\$445,635
Revaluation	\$1000	32.04%	\$1,320
			\$2,809,487
5% admin			\$140,474.35
Total			\$2,949,961

\* In accordance with Clause 2.12 of this contribution plan which states "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." Therefore there is no change to the land component of this contribution in Version 5.0.1.

Revised cost per person = \$2,949,961/5,629 persons = **\$524.06**

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**Version 5.0.3**

In effect 1 July 2014

**Community Facilities:**

Index Date	IPD published April 2015	% Increase
01/09/2010	97.28	
Dec 2013	103.37	6.26%

Revised cost per person = \$897 base rate + 6.26% = **\$953.15**

**Structured Open Space:**

Index Date	IPD published April 2014	% Increase
Jun 2005	77.43	
Dec 2013	103.37	33.50%

Index Date	TSC Land Index*	% Increase
2007/2008	197.56	
1/3/2014	180.49	-8.64%

\* Published in the Draft Tweed Shire Council Revenue Policy 2014/15

Works Program Adjusted For 1/7/2014 indexation		Index amount	
1.5 ha land at April 2008 estimate	\$1,686,434	0%*	\$1,686,484
Embellishment	\$512,040	33.5%	\$683,573
Amenities	\$337,500	33.5%	\$450,563
Revaluation	\$1000	33.5%	\$1,335
			\$2,821,905
5% admin			\$141,095.25
Total			\$2,963,000

\* In accordance with Clause 2.12 of this contribution plan which states "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." Therefore there is no change to the land component of this contribution in Version 5.0.3.

Revised cost per person = \$2,963,000/5,629 persons = **\$526.38**



**Section 94 Plan No. 19**  
Casuarina Beach/Kings Forest



**Version 5.0.4**

In effect 1 July 2015

**Community Facilities:**

Index Date	IPD published April 2015	% Increase
01/09/2010	95.33	
Dec 2014	101.77	6.76%

Revised cost per person = \$897 base rate + 6.76% = **\$957.60**

**Structured Open Space:**

Index Date	IPD published April 2015	% Increase
Jun 2005	75.89	
Dec 2014	101.77	34.10%

Index Date	TSC Land Index*	% Increase
2007/2008	197.56	
1/3/2015	184.88	-6.42%

\* Published in the Draft Tweed Shire Council Revenue Policy 2015/16

Works Program Adjusted For 1/7/2014 indexation		Index amount	
1.5 ha land at April 2008 estimate	\$1,686,434	0%*	\$1,686,484
Embellishment	\$512,040	34.1%	\$686,646
Amenities	\$337,500	34.1%	\$452,588
Revaluation	\$1000	34.1%	\$1,341
			\$2,827,008
5% admin			\$141,350.41
Total			\$2,968,359

\* In accordance with Clause 2.12 of this contribution plan which states "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." Therefore there is no change to the land component of this contribution in Version 5.0.4.

Revised cost per person = \$2,968,359/5,629 persons = **\$527.33**

**Section 94 Plan No. 19**  
Casuarina Beach/Kings Forest

**Version 5.0.5**

In effect 1 July 2016

**Community Facilities:**

Index Date	IPD published April 2016	% Increase
01/09/2010	94.18	
Dec 2015	101.53	7.80%

Revised cost per person = \$897 base rate + 7.80% = **\$967**

**Structured Open Space:**

Index Date	IPD published April 2015	% Increase
Jun 2005	74.97	
Dec 2015	101.53	35.43%

Index Date	TSC Land Index*	% Increase
2007/2008	197.56	
1/3/2016	207.317	4.94%

\* Published in the Draft Tweed Shire Council Revenue Policy 2015/16

Works Program Adjusted For 1/7/2014 indexation		Index amount	
1.5 ha land at April 2008 estimate	\$1,686,434	4.94%	\$1,769,723
Embellishment	\$512,040	35.43%	\$693,443
Amenities	\$337,500	35.43%	\$457,068
Revaluation	\$1000	35.43%	\$1,354
			\$2,921,588
5% admin			\$146,079
Total			\$3,067,667

Revised cost per person = \$3,067,667/5,629 persons = **\$544.98**

### **Attachment D – 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* on page 1.

Lots, Units and Persons – Are specified in *Section 1.1- Summary schedule – contribution rates* on page 1.

##### Concessions

Concessions may be applied in accordance with this plan if applicable.

##### Council Assistance

Should a certifying authority choose not to calculate contributions, Council officers are able to undertake calculations at the cost of Council's Enquiry Fee.

**Section 94 Plan No. 19**  
Casuarina Beach/Kings Forest



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 19	CP 19	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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