

CP07

Section 7.11 Plan
(formerly Section 94)

No. 7 – West Kingscliff

Version 7.0
March 2023

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


GENERAL MANAGER

20 MARCH 2023.

DATE:

SECTION 7.11 PLAN No 7

WEST KINGSCLIFF

VERSION 7

In Force: 27/3/2023

Version	Adopted	Description	Effective
1			7/10/1994
1.1 (Amendment 1)		Applies 10% admin levy	9/12/1995
1.2 (Amendment 2)		Deletion of community facilities, cycleways and collector road, revised drainage plan and occupancy rates	23/3/1998
1.3 (Amendment 3)		Revaluation of structured open space land and embellishment costs, population reduction, contribution rate increase	30/5/2001
1.4 (Amendment 4)		Land revaluation, required open space reduced, works program updated	6/12/2006
6 (Amendment 5)	15/12/2009	Admin levy reduced to 5%, population projections and levy updated, indexation applied	23/12/2009
6.0.1		Indexation of open space and drainage rates in accordance with Section 2.10 of this Plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000.	1/7/2011
6.1	24/1/2012	Addition of Blue Jay Circuit Scheme to drainage works program. Adjust contribution rate for drainage, no change to open space contribution rates.	1/2/2012
6.1.7		Indexation of rates in accordance with Section 2.10 of this Plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000 and reference to S7.11.	1/7/2018
6.1.1, 6.1.2, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.8, 6.1.9		Indexation of open space rates in accordance with Section 2.10 of this Plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000.	July 2012-July 2020
7.0	16/3/2023	Major update including works program estimates active open space, population estimates updated and contributions for passive open space for sites subject to redevelopment also drainage land costs updates and project cost indexed from 2011 to 2022.	27/3/2023

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1.0 PART A – SUMMARY SCHEDULES

1.1 Summary Schedule – Contribution Rates

Active and Passive Open Space

	Persons	Active Open Space	Passive Open Space
Per person	1	\$5,162	\$2,051
Detached dwelling	2.4	\$12,388	\$4,932
1 bedroom unit	1.3	\$6,710	\$2,672
2 bedroom unit	1.7	\$8,775	\$3,494
3 bedroom unit	2.1	\$10,840	\$4,316
4+ bedroom unit	2.4	\$12,388	\$4,932

Drainage

	Persons	Drainage \$ per Ha
Per Hectare (Ha)	NA	40,400

**Indexed in accordance with Section 2.10 of this Plan and the Environmental Planning and Assessment Regulation 2021. See APPENDIX 4 - INDEXATION OF RATES for more information.*

1.2 Summary Works Schedule

Amenity or Facility	Staging	Land Area	Land Cost (\$)	Facility / Amenity Cost (\$)	Total Cost (\$)
Active Open Space	M	6.9Ha	Dedication	By developer	-
Active Open Space	L	1.5	1,287,000	2,982,873	4,269,783
Passive Open Space	M	4.6ha	Dedication	By developer	-
Passive Open Space	L	1.0ha	858,000	902,500	1,760,500
Drainage ⁽³⁾	L	21.4ha	21,658,320	3,179,379	24,868,299
Land dedication for internal subdivision roads	NA	NA	<u>Dedication</u>	By developer	-
Land Dedication for stormwater drainage works	NA	NA	<u>Dedication</u>	By developer	-

(1) Valuation of \$857,895 per ha dated September 2021.

(2) Remainder of works program costs are dated January 2022

(3) Drainage works program re-costed February 2022 based on indexation of 2011 costs using most current IPD index

1.3 Published Indices at Time of Adoption

Index	Rate	Index Date	Published
IPD (Engineering Construction) - Drainage	104.52*	December 2012	December 2019
IPD source rates*:			
Annual seasonally adjusted estimate of increase in Engineering Construction Work Done (IPD base)	-0.3%	Dec 2020	February 2021
Annual seasonally adjusted estimate of increase in Engineering Construction Work Done (IPD base)	4.2%	Dec 2021	February 2022
Producer Price Index (PPI) (Non-residential construction NSW)	121.5	2019-Q4	ABS Oct 2022
TSC Land Index	307.32	March 2021	2021 Tweed Shire Council Revenue Policy

- * The Australian Bureau of Statistics suspended publication of the IPD (Implicit Price Deflator for Construction Work Done) in June 2020 due to volatility in industry caused by the Covid 19 epidemic. An annual percentage increase in value of construction work done is however currently being published at ABS product 8755.0 and this has been used to update the rates in Version 7.0. In future, the PPI will be used to index contribution rates. The CPI (All Groups Sydney) will be used to increase rates if the IPD or annual percentage value increase is unavailable.

2.0 PART B - ADMINISTRATION

2.1 Name of this development contributions Plan

The name of this Plan is *Tweed Shire Council Section 7.11 Contributions Plan No. 7 – West Kingscliff (Version 7)*.

2.2 Land to which this Plan applies

The open space and land dedication component of this Plan applies to the land area shown in Figure 1 below.

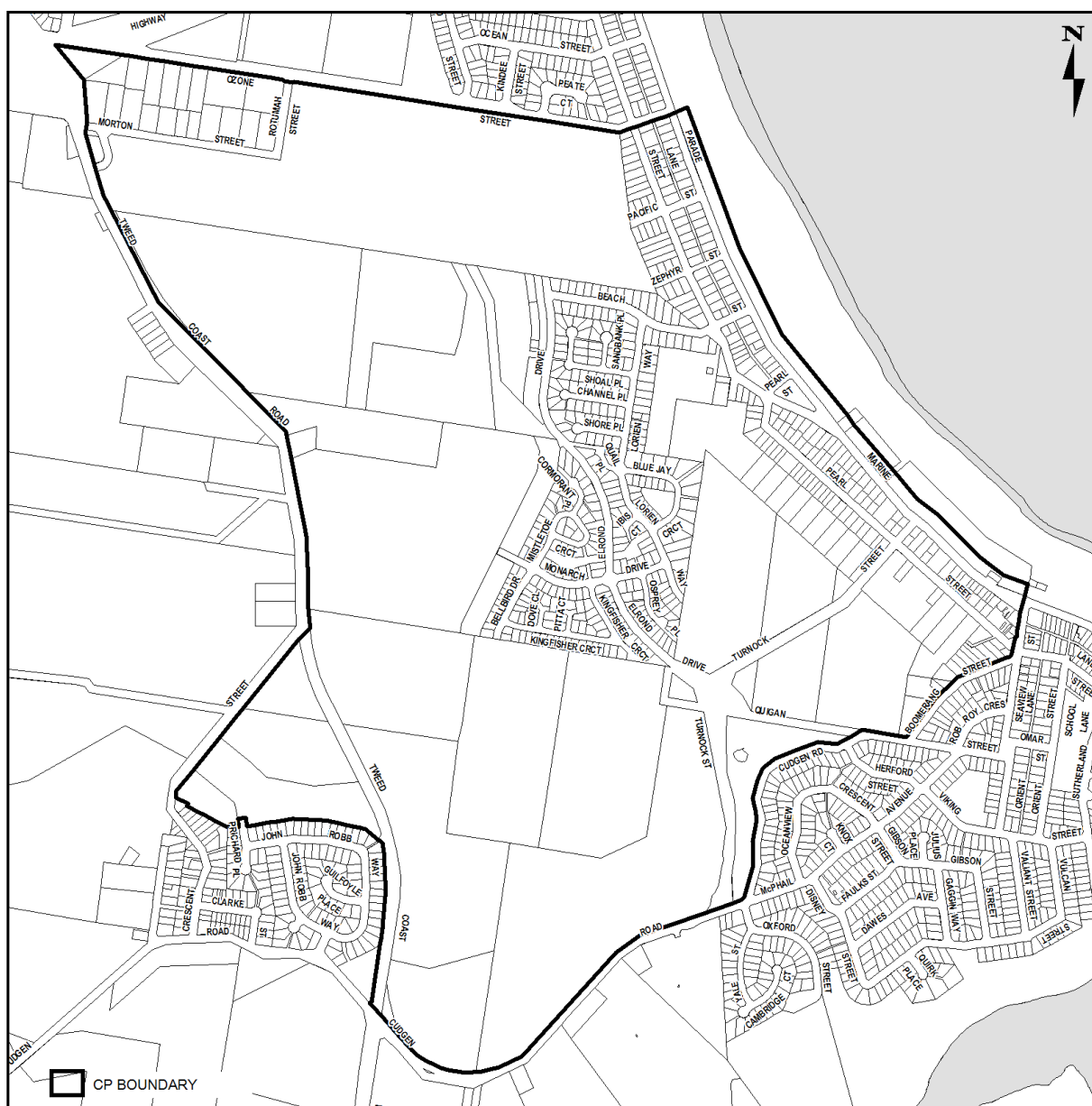
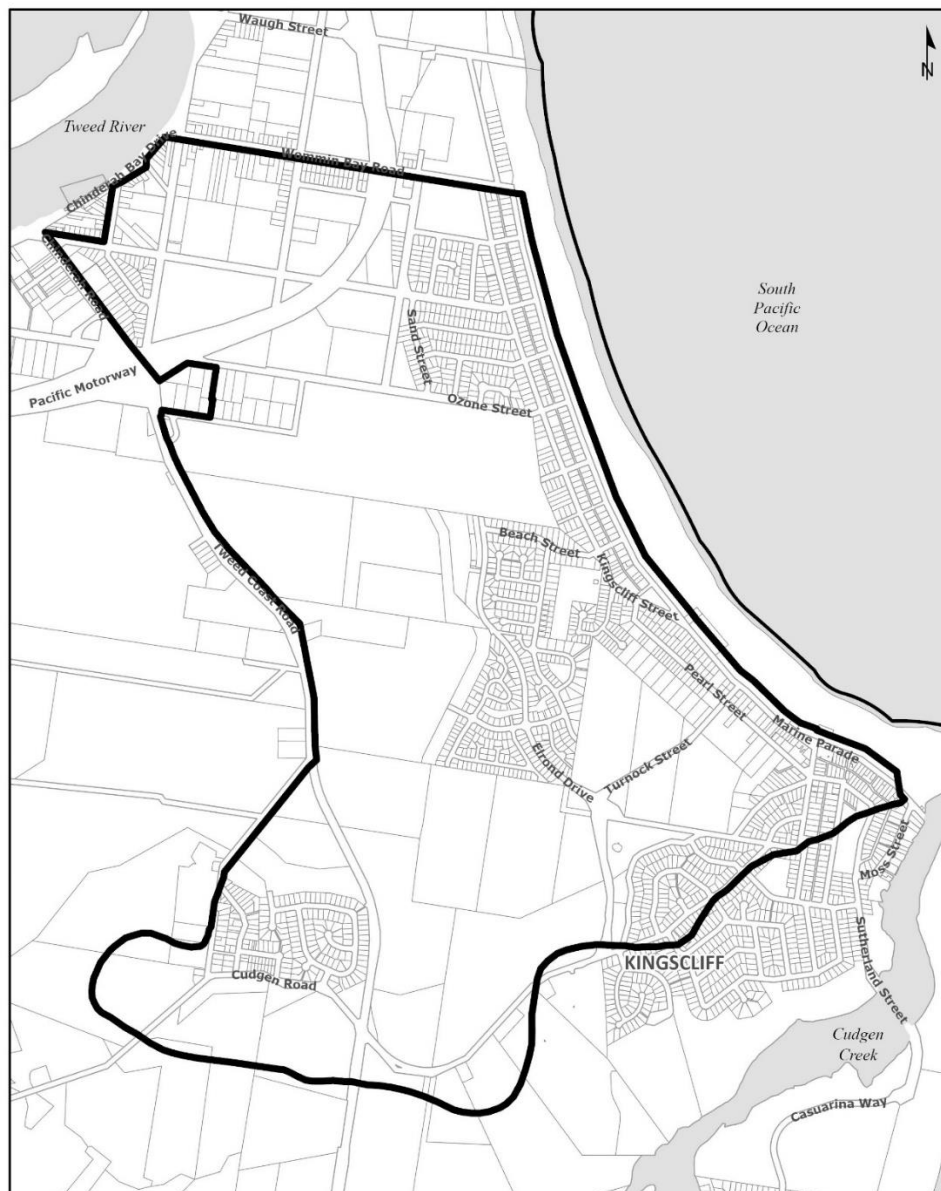


Figure 1

Drainage

This part of the Plan applies to land the subject of this S7.11 Contributions Plan that is within the West Kingscliff drainage catchment. It also applies to land outside the Contribution Plan area which is within the West Kingscliff drainage catchment. The West Kingscliff drainage catchment is defined in figure 2.1 of “Kingscliff Catchment & Drainage Management Plan, Revision 3, 23/3/00” prepared by WBM Oceanics Australia. (Figure 2 below)

Including this area in the S7.11 Plan will enable Council to levy contributions from development of new areas and redevelopment within the West Kingscliff drainage catchment that will benefit from the works proposed.



DCP Drainage Boundary

<p><small>Disclaimer: While every care is taken to ensure the accuracy of this data, Tweed Shire Council makes no representations or warranties expressed or implied, statutory or otherwise, about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which may be incurred as a result of data being inaccurate in any way and for any reason. This information is supplied for the general guidance and is to be considered indicative and diagrammatic only. It should not be used for survey or construction purposes and prior to any excavations a "Dial before You Dig" enquiry must be made by calling 1100. The information contained on this document remains valid for 30 days only from the date of supply.</small></p>	<p>GDA Coordinate System - MGA Zone 56 Datum - GDA 94 Author: J Tunsted</p>	<p>© NSW LPI & Tweed Shire Council Date Printed: 12 November, 2021 1:24,000 0 96 192 m DO NOT SCALE COPY ONLY - NOT CERTIFIED</p>	<p>Civic and Cultural Centre 3 Tamburlung Road Murrumbidgee NSW 2484 PO Box 616 Murrumbidgee NSW 2484 T: (02) 6670 2400 / 1300 292 872 F: (02) 6670 2483 W: www.tweed.nsw.gov.au E: planning@tweed.nsw.gov.au</p>	 <p>TWEED SHIRE COUNCIL</p>
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Figure 2

2.3 The purpose of the Plan

The purposes of this Plan are to authorise:

- the consent authority, when granting consent to an application to carry out development to which this Plan applies; or
- the Council or an accredited certifier, when issuing a CDC for development to which this Plan applies,

to require a contribution (under section 7.11 of the EP&A Act) to be made towards the provision of Local Infrastructure required as a consequence of development within the Plan area, to dedicate land and fund the cost of providing community facilities, open space and stormwater drainage as defined in this Plan.

This Plan also authorises the dedication of land on which roads or stormwater drainage works are proposed in connection with a development.

Other purposes of this Plan are as follows:

- To provide a comprehensive strategy for the administration of this Plan including the assessment, collection, expenditure accounting and review of development contributions on an equitable basis.
- To ensure that the existing community is not burdened by the provision of Local Infrastructure required as a result of future development.
- To establish the relationship between the expected development and proposed Local Infrastructure (Nexus) to demonstrate that the contributions required under this Plan are reasonable.
- To allow the opportunity for Local Infrastructure (including dedication of land) to be provided by land developers as works in kind in lieu of paying a monetary contribution when it accords with Council objectives or outcomes.
- To require the dedication of land by landowners at no cost to Council when proposed within Council strategies, plans, objectives or outcomes.
- To require payment of monetary contributions from developers toward the provision of Local Infrastructure that the development requires or benefits from when Local Infrastructure is planned by Council for outside the development site.

2.4 Commencement of the Plan

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

2.5 Relationship to other Council Plans and Strategies

This contribution Plan should be read in conjunction with the Tweed Local Environmental Plan 2014 (and the TLEP2000 for land shown as “deferred matters”) and Shire-wide sections of Council’s Development Control Plan and other applicable Shire wide S7.11 Contribution Plans.

Specific documents that apply to this Plan are:

- TSC Open Space Strategy 2019–2029
- TSC Community Facilities Plan 2019–2036
- TSC Development Control Plan Section A5 and Section B26 – Kingscliff
- Kingscliff Drainage Strategy

2.6 Definitions and standards

Definitions	
Accredited Certifier	For the purposes of the certification of Construction Certificates (CC) and Complying Development Certificates (CDC) as referenced in this Plan, the Accredited Certifier is the principal certifying authority.
EP&A Act	Environmental Planning and Assessment Act 1979, as amended
EP&A Regulation	Environmental Planning and Assessment Act Regulation 2021, as amended.
IPD (Implicit Price Deflator)	Index used for adjustment of construction component to 2020 – refers to the value of work done (implicit price deflator); Chain Volume Measures; Engineering Construction; ABS Reference A405071T, ABS Product Number 8782.0.65.001
PPI (Producer Price Index)	Index used for adjustment of construction component from 2022: ABS Reference 3020 Non-residential construction NSW
TSC Land Index	Index used for adjustment of land acquisition costs – Tweed Shire Council Land Index, as published in Council’s Management Plan and Quarterly Report.

Definitions	
Active (Structured) Public Open Space	<p>Land set aside for sports fields or sporting activities for the purpose of active recreation which includes cricket, football, hockey, netball etc. These areas do not include environmental lands, encumbered lands, open trunk drains and lakes.</p> <p>Cycleways, exercise equipment, walking or bike trails will not, by themselves, be included as active open space, however, may be provided ancillary to the provision of sports fields.</p>
Passive (Casual) Public Open Space	<p>Land set aside for passive recreation activities including unstructured physical activity, socialising, and play, and which supports the casual enjoyment of the community. These areas do not include environmental lands, encumbered lands, open trunk drains and lakes.</p> <p>Cycleways, walking or bike trails will not, by themselves, be included as passive open space, however, may be provided ancillary to the provision of parks.</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). Causal nexus requires that the need for the service or facility being levied must be a result of the development being levied. Physical nexus requires that the service or facility be near enough in physical terms to provide benefit to that development. Temporal nexus requires that the service or facility must be provided within a reasonable time.</p>

Standards used in this contributions Plan	
Dwelling house/lot	Equivalent to 2.4 persons (one Equivalent Tenement) Source: ABS Census 2006 and Tweed Shire Urban 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
Open space standard	2.83 hectares per 1000 persons Source: as adopted by Land and Environment Court for developing areas (Department of Planning 1992)
Local active open space standard	1.7ha per 1,000 population Source: Tweed Shire Open Space Strategy 2019 - 2029
Local passive open space standard	1.13ha per 1,000 population Source: Tweed Shire Open Space Strategy 2019 - 2029

2.7 Timing of Contributions

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

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

Contributions are required to be paid as follows:

- for development applications including subdivision, prior to release of plan of subdivision or subdivision certificate
- for applications including building work, prior to issuing the construction certificate.

- for development applications where no building approval is required, within 30 days of issue of the development consent.

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

2.8 Deferred payments

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

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

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

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

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

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

2.9 Obligation of accredited certifiers

Construction Certificates:

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

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 the

EP&A Regulation 2021. 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 7.21 of the EP&A Act a certifying authority must impose a condition on a complying development certificate requiring the payment of a monetary contribution in accordance with this Plan. The condition must require payment prior to commencement of works or prior to commencement of use whichever occurs first. The condition must be set out and be calculated in accordance with Appendix 5 of this Plan.

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

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

Recalculation of contributions:

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

2.10 Dedication of land and material public benefits

A decision as to whether to accept the dedication of land or the provision of a material public benefit/works "in kind" in lieu of a monetary contribution, will be at the discretion of Council. Factors Council will take into consideration include:

- the extent to which the land/material public benefit/works satisfies a community need.
- the extent to which the land/material public benefit/works satisfies the purpose for which the contribution was sought.
- the valuation of the material public benefit or works in kind.
- a consideration of locational and other factors which may affect useability.
- an assessment of recurrent maintenance costs to Council.
- consistency with the provisions of Tweed Development Control Plan Section A5 – Subdivision Manual (TDCP A5) and Section B26 – Kingscliff (TDCP B26) or Tweed Shire Open Space Strategy 2019-2029.

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

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

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

2.11 Adjustment of contribution rates

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

The contribution rates will be adjusted by reference to the following specific indices:

- construction costs by **the Producer Price Index (PPI) 3020 Non-residential building construction New South Wales** as published by the **Australian Bureau of Statistics (ABS)***.
- Land acquisition costs by reference to average land valuation figures (**Tweed Land Index**) published by the Council in the Council's Revenue Policy*.
- specific valuations for parcels of land that are identified in the S7.11 Plan.
- the costs of studies and activities required to support the strategies in the Plan by reference to the actual costs incurred by the Council in obtaining these studies.

In accordance with 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 **PPI** index, the contribution rates within the Plan will be adjusted on a quarterly basis in accordance with the following formula:

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

Where

\$C_A	is the contribution at the time of adoption of the Plan expressed in dollars.
Current Index PPI	is the PPI as published by the ABS available at the time of adjustment of the contribution rate.
Base Index PPI	is the PPI as published by the ABS at the date of adoption of this Plan.

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

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

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

Where

\$C_{LV}	is the land values within the Plan at the time of adoption of the Plan expressed in dollars.
Current LV Index <u>TSC Land Index</u>	is the land value index as published by the council available at the time of adjustment of the contribution rate.
Base LV Index <u>TSC Land Index</u>	is the land value index as published by the council 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

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 2.12.

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

2.12 Adjustments at the time of payment

The contributions stated in a condition of consent imposed in accordance with this Plan will reflect the contribution rates in the Plan version applicable as at the date the condition is imposed (which may have been indexed or varied from the original contribution rates in this Plan in accordance with Clause 2.11).

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

The current contributions are published by Council and are available from Council offices.

2.13 Pooling of contributions

This Plan expressly authorises monetary S7.11 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.

2.14 Savings and transitional arrangements

A development application which has been made but not determined prior to the adoption of this Plan shall be determined in accordance with the provisions of the contributions plan which applied at the date of making of the application.

2.15 Contributions register and accounting

Council has established an identifiable account for the management of S7.11 contributions, showing separate categories of contribution.

Contributions must be spent for the purpose for which they were levied in accordance with the Works Program. Interest will be calculated on funds held for each category and credited as appropriate.

Council will maintain a register of all contributions received in accordance with Clause 217 of the *Environmental Planning and Assessment Regulation 2021*.

Council may permit the short-term transfer of funds on a priority basis. This will only be done on the basis that:

- full details of the transfer and subsequent reimbursement of funds are recorded.
- the transferred funds are returned to the relevant categories by future contributions.
- there is a reasonable expectation that future contributions will be obtained to enable reimbursement of the category from which monies have been transferred.
- the purpose for which the contributions are transferred is a purpose identified in the Works Program.

2.16 Annual statement

In accordance with Clauses 217-220 of the Regulation, Council will produce an annual statement of contributions received which summarises, by purpose and area, details relating to contributions.

2.17 Review of Plan

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

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

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

3.0 PART C – STRATEGY PLAN And NEXUS

3.1 Introduction

There are 5 key considerations for 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 because of new development, and the works program designed to provide it.

3.2 Expected population

The expected population within the Contribution Plan area has been derived in The Kingscliff Locality Plan 2020 (KLP) and the associated Tweed Development Control Plan Part B26 - Kingscliff. (DCP). It should be noted that the KLP and DCP cover a broader area than that covered by this Contribution Plan.

Undeveloped land- Greenfield Sites

The land within the CP7 area, consist of mostly “greenfield sites” as shown in the following Figure being Figure 3.1 from the KLP.

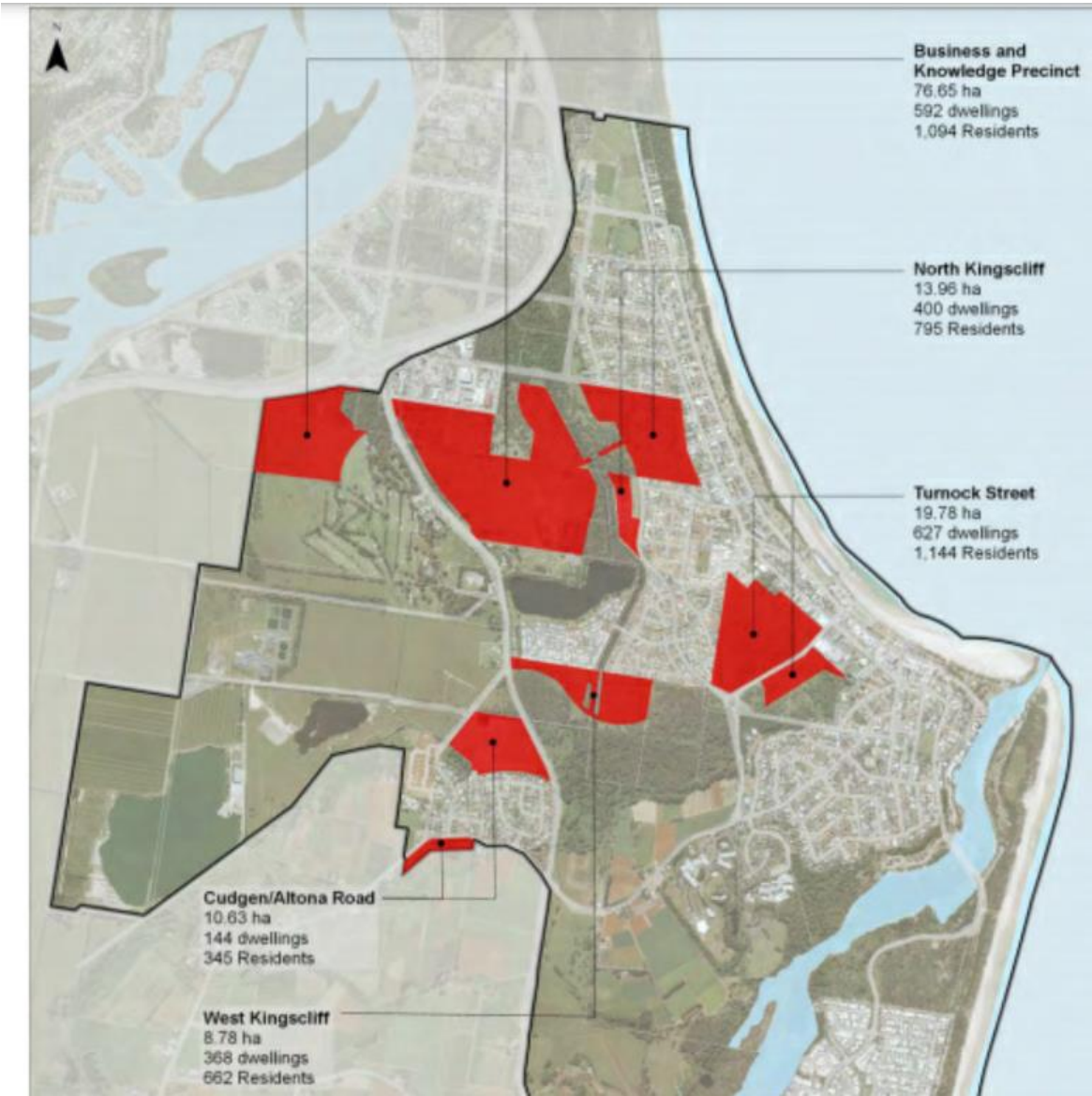


Figure 3.1 in the KLP illustrates the key release areas within the KLP boundary. Population growth forecasts within the locality are based on an average annual growth rate of 0.74% to approximately 10,998 persons by 2036 (source: profile id North Coast-Kingscliff Census District). In the context of Kingscliff locality where there are substantial amounts of greenfield development areas, this population growth rate has the potential to significantly spike relating to approval and staged release of additional residential areas. The table below provides a population estimate within each of the existing release areas that are within the Contribution Plan area (based on Table 2 in the KLP) and uses indicative population density projections/land areas. These projections are indicative only and subject to variation in relation to the ultimate developable area, dwelling type composition and density.

Kingscliff greenfield area population projections				
Release area	Developable area(ha)	Density (dwellings per ha)	New dwellings	Population projection
Turnock Street	19.78	16 - 80	627	1144
West Kingscliff	8.78	16 - 80	368	662
North Kingscliff	13.96	16 - 30	400	795
Business and Innovation ¹	76.65 of which 15.68 (IN1)	16 - 80	592	1094
Altona Road	8.2	16	131	283
Total	165.67ha	16 - 80	2580	3980

1. Business and Innovation combines a mix of industrial, business park, education campus, retail, open space, and residential uses which may significantly vary depending on the final masterplan outcome. 65% of the site can be filled in accordance with the TFMP. Whilst some of this Release area (Business and Innovation) is shown outside the CP boundary west of the Tweed Coast Rd, the residential component is within the boundary east of The Tweed Coast Rd (see The KLP figure 8.3 p 253). Also, the Altona Rd Precinct includes 1.8 Ha of land on Cudgen Road so the projections have been adjusted accordingly from 10Ha to 8.2 Ha.

2. Allotments counted off TSC cadastre 2017.

3 Based on DA13/0024

Based on the KLP and DCP, the population projection from the “Greenfield Site” is 3980 persons.

Based on the current type of development occurring in the locality, it reasonable to assume an average of 6 units/site consisting of an equal mix of 2 and 3 bedroom unit's results in 474 units.

Using an average of the occupancy rates in Section 2.6 of 1.9 persons/unit, an estimated population yield of 900 persons is projected.

Total Contribution Plan Area Population Projection

The Projected Population growth within the CP area is 4,880 persons (900 from redevelopment sites).

Population Estimates will be revised during reviews of this Plan.

3.3 Relationship between development and demand (nexus)

Residential development in the West Kingscliff area will increase the population of Kingscliff. Facilities such as passive open space in Kingscliff are already fully utilised by the existing population and cannot absorb planned increases of the population. In these circumstances, additional facilities for open space (active and passive), will be required for the West Kingscliff development

This Plan apportions the total cost of all identified public open space for this locality to the total expected population in the locality as it is based on the land area requirements for the new population (See Table 4 below), which is the fairest method of ensuring that the contribution is reasonable, and where applicable that existing residents are not burdened by the provision of the public open space.

The relationship between demand from population increases and facilities required is established in Open Space Strategy 2019–2029.

(<https://www.tweed.nsw.gov.au/files/assets/public/documents/council/strategies-and-plans/open-space-strategy-2019-2029.pdf>).

The land is low lying and must be drained as part of any urban development occurring. Residential and industrial land must be filled, and this filling will necessitate adequate drainage so that displaced floodwaters do not affect neighbour's land. Development which increases site impervious area will result in increased runoff and flow rates and necessitates additional drainage capacity. The commercial area will also benefit from improved stormwater drainage that results from drain design and construction.

In respect of dedication of land on which internal subdivision roads and stormwater drainage works are located, the need for the works is a direct consequence of the development, and Council considers there is a nexus between developments which require such works and the dedication of that land to Council given the safety and maintenance issues which are best addressed by Council owning the land and infrastructure.

3.4 Contribution rates for different densities of development

Contributions will be levied on the assumption that a dwelling house will be erected on each lot created by subdivision. When subsequent development

occurs which increases housing density, contributions will be based on the occupancy rates specified in this Plan.

Such development includes tourist accommodation, dual occupancy, residential flat buildings, duplexes, cluster housing, villas, terrace housing and integrated housing. Manufactured housing estates and tourist related developments are also included.

The amount of contribution paid at subdivision stage will be subtracted from this amount.

3.5 Formulae for contributions

The formulae for calculating the amount of contribution will vary according to the type of facility/infrastructure. Each formula is based on consideration of:

- the demand for the facility 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 infrastructure.
- increases in land acquisition and building costs, based on the PPI and Tweed Shire Land Index, or if these indices are not available, the CPI (all groups, Sydney).
- Valuation costs, being valuation and revaluation of lands.
- a 5% levy applies to cover the costs associated with administration, development, and review of this S7.11 Plan.

3.6 Specific Contributions

3.6.1 Public Open Space

This contribution applies to all forms of residential and tourist development. As the population of Kingscliff is to increase, additional open space will be needed for the new population.

Requirements

For the purposes of this Plan Council has classified public open space into two (2) categories:

Active Open Space – Land set aside for sports fields or sporting activities for the purpose of active recreation which includes cricket, football, hockey, netball etc. These areas do not include environmental lands, encumbered lands, open trunk drains and lakes.

Cycleways, exercise equipment, walking or bike trails will not, by themselves, be included as active open space contribution, however, may be provided as ancillary to the provision of sports fields.

Passive Open Space - Land set aside for passive recreation activities including unstructured physical activity, socialising and play, and which

supports the casual enjoyment by the community. These areas do not include environmental lands, encumbered lands, open trunk drains and lakes.

Cycleways, walking or bike trails will not, by themselves, be included as passive open space contribution, however, may be provided as ancillary to the provision of parks.

Determining Area of Open Space required

In the *Tweed Shire Open Space Strategy 2019–2029*, Tweed Shire Council adopts the following quantity standards which apply to the provision of passive and active open space provided at a local, neighbourhood and district level.

Open space	Provision standard
Passive open space	1.13 hectares per 1,000 population
Active open space	1.7 hectares per 1,000 population
Total	2.83 per hectares per 1,000 population

Table 4: Quantity standards for passive and active open space

Therefore, based on the estimated population increase of 4,880 persons, the following open space is required-

- Active Open Space - 8.4 Ha (6.9Ha to be dedicated as part of new subdivisions and 1.5Ha to be acquired for increase in population from redevelopment of existing allotments)
- Passive Open Space - 5.6 Ha (4.6Ha to be dedicated as part of new subdivisions and 1.0Ha to be acquired for increase in population from redevelopment of existing allotments).

Contributions will be levied per person, using the occupancy rates specified in this Plan.

Active Open Space

Land will be provided by dedication to Council (at no cost), based on 17m² per person, plus embellishment. Active open space is to be nominated and dedicated at the time of subdivision unless the proposed development is for redevelopment of an existing lot (e.g., Marine Parade/Pearl Street sites) in which case a monetary contribution is required.

When accepting dedication of active open space, Council will apply the requirements of the TSC Development Control Plan Section A5 and Section B26 – Kingscliff as they apply to active open space.

The Kingscliff Locality Plan/ Section B26 TDCP requires a master planning process to be undertaken which requires the nomination the specific open space

locations following a site analysis. However, following preliminary assessments the plan does provide an indicative location for active open space which is planned for within the Business and Innovation Precinct.

If an alternative site with reasonable proximity is proposed by a landowner it will be considered on merit, and if deemed acceptable by Council, may generate an update of the contribution rates in this plan based on land valuation and project estimate.

The proposed site below in Figure 3.6.1 labelled “1” (Figure 2.12 DCP-26) is indicated as a potential active open space location which in the plan is co-located in with passive open space (i.e. sports fields plus district park).

Figure 3.6.1

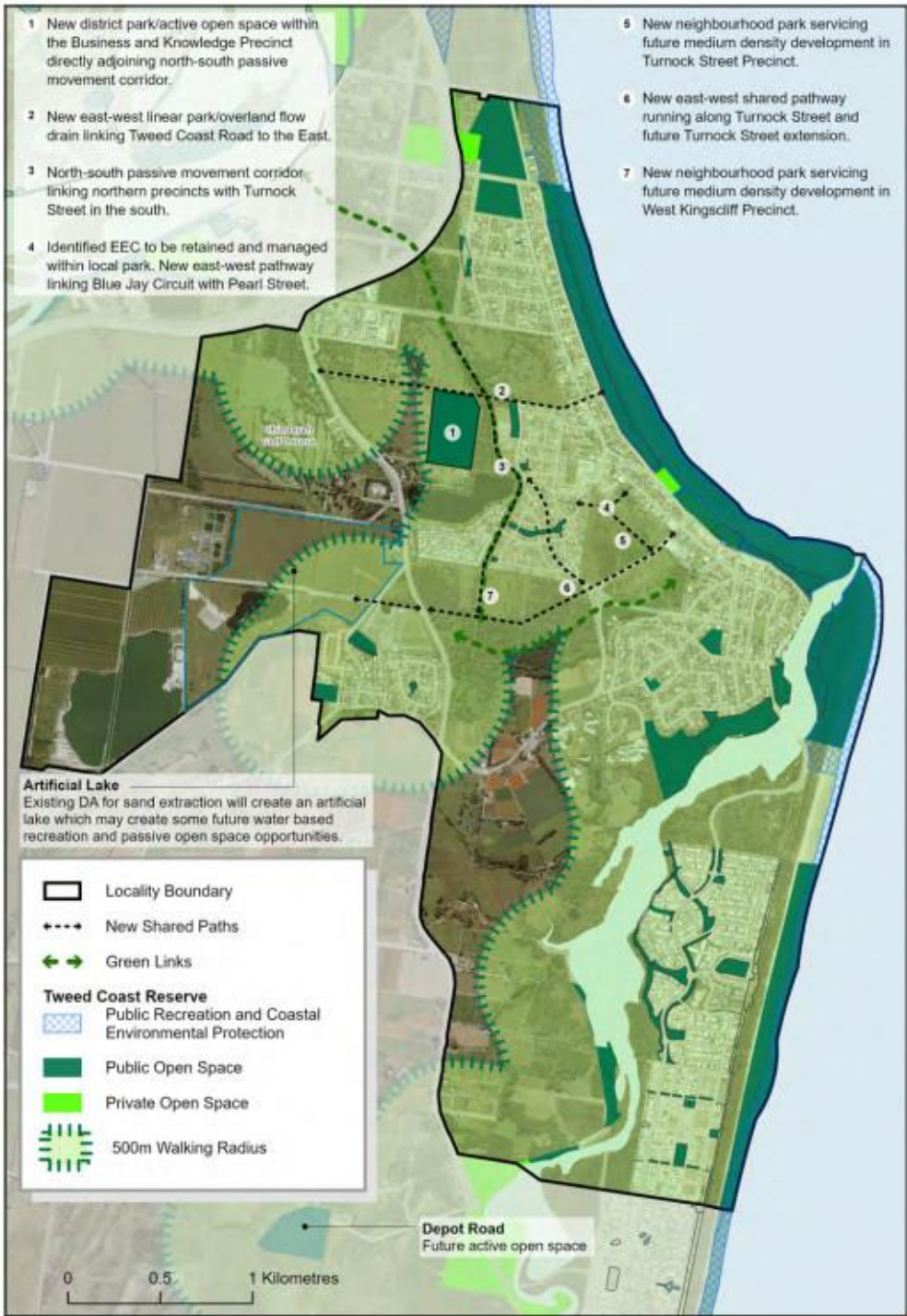


Figure 2.12 Potential new greenfield open space area

The land required for active open space provision of the redevelopment sites will be acquired by Council with contributions made under this Plan for that purpose. These contributions will be levied according to the formula set out below.

Contribution formula

$$\text{Cost per person} = (C + B + E + K) * 1.05 / P$$

Where

- C = current value of required land to be acquired in serviced state (filled, with road access and water supplied)
- B = Cost of Amenities - Buildings and associated infrastructure etc.
- E = cost of embellishments such as landscaping and facilities as required by Council's DCP –A5, adjusted annually using indices described in Clause 3.5
- P = population predicted to be generated by the new redevelopments
- K = valuation costs, (including re-valuation costs)
- L= 1.05 which is the Administration Levy of 5%

See Appendix 1 Section A1.1 for contribution rate calculations for Active Open Space.

Passive open space

Land will be provided by dedication to Council (at no cost), based on 11.3m² per person, plus embellishment costs. Passive open space will comprise areas of at least 2500m², preferably greater, but this area can be made up by dedication from adjoining subdivision amalgamated to form a larger area. Passive open space is to be dedicated at the time of subdivision unless the proposed development is for redevelopment of an existing lot (e.g., Marine Parade/Pearl Street sites) in which case a monetary contribution is required.

When accepting dedication of passive open space, Council will apply the requirements of the TSC Development Control Plan Section A5 and Section B26 – Kingscliff as they apply to passive open space.

Land containing significant vegetation may be accepted as a dedication but not at the expense of useable open space. If such land is proposed for dedication, it will be inspected by Council officers to determine the significance of its vegetation to the locality and the Shire, and potential maintenance costs to Council. Land with highly significant vegetation, low maintenance costs and which is contiguous with dedicated passive open space and compliant with TDCP, may be considered.

The location of passive open will be determined within each development application. Without prior knowledge of location, it is not possible to specify the exact embellishments required.

Embellishments of casual open space must meet the requirements of Council's TDCP-A5. Depending on location of casual open space this embellishment may include filling, topsoiling, grading, seeding, planting or installation of seating or playground equipment. Developers are required to consult with Council's Parks and Active Communities Unit regarding appropriate embellishment requirements for casual open space prior to dedication and/or embellishment.

Subdivision developments are required to dedicate compliant sites. Where the proposed development is redevelopment and intensification of an existing site then, a monetary contribution is required. It is expected that 1.0 ha will need to be acquired for this type of redevelopment. This contribution is to be calculated using the following formula:

Contribution formula

$$\text{Cost per person} = (C + B + E + K) * 1.05 / P$$

Where

- C = current value of required land to be acquired in serviced state (filled, with road access and water supplied)
- B = Cost of Amenities - Buildings and associated infrastructure etc.
- E = cost of embellishments such as landscaping and facilities as required by Council's DCP-A5 adjusted annually by the use of indices described in Clause 3.5
- P = population predicted to be generated by the new redevelopments
- K = valuation costs, (including re-valuation costs)
- L= 1.05 which is the Administration Levy of 5%

See Appendix 1 Section A1.2 for contribution rate calculations for Passive Open Space.

3.6.2 Drainage

This contribution applies to all development in the West Kingscliff drainage catchment as defined in figure 2.1 of "Kingscliff Catchment & Drainage Management Plan, Revision 3, 23/3/00" (*Drainage Management Plan*) prepared by WBM Oceanics Australia.

Much of the land in the catchment is within the flood plain of the Tweed River and may be developed only by filling and appropriate drainage.

Not only will the necessary filling alter natural drainage patterns, but urban development of any type changes and increases natural run off by increasing the area of impervious surfaces. Existing natural drainage systems cannot accommodate such changes and it is necessary to construct trunk drainage systems because of new urban development.

The effect of raising developable areas above flood level is to reduce the storage available for stormwater runoff. Therefore, a corridor needs to be established to convey floodwaters so that no inundation of other land occurs greater than occurred before development of the land.

To complete the design for the drainage system an additional engineering study has been required. As the study is to indicate the most efficient drainage to benefit

all developers, it is reasonable that all developers bear the cost of the study through contributions.

Catchment area

Contribution rates have been based on the development potential of the catchment within Figure 2.1(p4) this comprises land zoned for different types of development as per the LEP 2014. The catchment therefore comprises of a total Developable area of 379 ha.

Requirements

Drainage of the area is to be achieved by the drainage system specified in Figure 7.3 and “Proposed Cross Sections” in the *Kingscliff Catchment and Drainage Management Plan*. The 50-metre-wide drainage reserve required for the drains shall be dedicated to Council free of cost, the value of the land so dedicated being credited toward the required \$7.11 contributions for drainage. The drain shall be constructed by Council, where construction or reconstruction is necessary.

However, Council may accept the construction of works by the applicant to offset the monetary contribution payable. The works provided must be in accordance with the requirements of the adopted drainage study. The applicant will need to initiate this option by giving Council full details of the work proposed to be undertaken. Council will then consider the request and advise the applicant accordingly.

If the works-in-kind are not completed prior to the release of the linen plan, then the applicant will need to provide Council with suitable financial guarantees (normally by way of a Bank Guarantee) for the amount of the works not completed. Upon completion of the works the financial guarantee will be discharged by Council.

Works

The works required are referred to in Figure 7.3 and “Proposed Cross Sections” of the *Kingscliff Catchment and Drainage Management Plan*.

The works shall consist of:

- (i) Acquire land for main drain, chainage 1000m - 5000m 50m x 4000 = 19.3ha
- (ii) Acquire land for side branch, chainage 1000m - 1440m 50m x 440 = 2.1ha
- (iii) Construct main drain 1000m - 5200m and side branch 1000m - 1440m, to include earthworks (mainly filling), revetment, turf & landscaping, maintenance access track. The construction works include all those works necessary to construct the drain and adjacent berms and batters within the 50m drainage reserve and longitudinal all weather maintenance access tracks on both sides in accordance with the “Proposed Cross Sections” included at the end of the Drainage Management Plan. The works include basic landscaping of the drainage reserve, being turfing and tree planting, but do not include pedestrian/cycle paths, park amenities or facilities.

- (iv) Construct major piped drainage system (capacity 100-year ARI) along Blue Jay Circuit and Quail Place to provide a lateral east-west connection through filled urban land to the main drain (the “Blue Jay Circuit Scheme”). This project has been completed.

The works under this plan do not include any works for removal of pollutants or treatment to improve stormwater quality. All new development and redevelopment within the catchment is required to conform with the “*Tweed Urban Stormwater Quality Management Plan*,” and in particular sections: -

“5.5 Stormwater Objectives for New Urban Development”

“5.5.2 Stormwater Objectives During the Construction Phase of New Development”

“5.5.3 Stormwater Objectives During the Post Construction or Occupational Phase of Development” which includes “Table 5.4 Stormwater Treatment Objectives for Post Construction (Occupational Phase of New Development)”

All new development and redevelopment within the catchment must treat stormwater runoff from each site to the above standards prior to discharge into the public drainage system.

The land required for the proposed drainage infrastructure is as follows

DRAINAGE RESERVE LOCATION	AREA (Ha)	LEP 2014 ZONING
WBM Fig 3.3 Ch.1000 to Ch. 2000 MAIN DRAIN	5.0	R1
Lot 26c DP 10715	0.5	R1
Lot 4 DP 727424	1.0	RU2
Lot 190 DP268235	2.6	RU2
Lot 128 DP 1039348	2.3	DM
Lot 2/3 DP 1111554	0.6	DM
Lot 128 to Motorway –Various lots	4.3	DM
Motorway to Waugh St – various lots	3.0	DM
SIDE BRANCH DRAIN		
Lot 4 DP 727425	1.5	DM
Lot 21 DP 1082482	0.6	RU2

The total land areas required for each Zoning are as follows:

Land Area (Ha)	Zoning
5.5	R1
4.2	RU2
11.7	DM

See Appendix 1 Section A1.3 for contribution rate calculations for Drainage

3.6.3 Dedication of Land for Roads and Drainage Works

Roads internal to a subdivision will be required to be constructed by the developer under the relevant development consent. Where that road should be a public road (e.g. for safety and/or maintenance reasons), Council considers there is a nexus between the relevant development and the need for the land on which the road is constructed to be dedicated to Council so it can operate as a public road. Council considers it is reasonable that such roads are dedicated free of cost for that purpose. This Plan authorises the imposition of a s7.11 condition requiring the dedication of land on which internal subdivision roads to be constructed are located, to Council free of cost.

In circumstances where a development consent requires stormwater drainage works to be constructed to address an impact of the development, and if Council considers that infrastructure should be owned and operated by Council, (such as for safety and/or maintenance reasons), Council considers there is a nexus between the relevant development and the need for the land on which the works are constructed to be dedicated to Council. Council considers it is reasonable that the land on which such works are located are dedicated free of cost for that purpose. This Plan authorises the imposition of a s7.11 condition requiring the dedication of land on which stormwater drainage works to be constructed are located, to Council free of cost.

In respect of the above land dedications, there will be no offset against other monetary contributions payable under this Plan as the need for the land is a direct consequence of and benefits only the development.

The location of the internal roads and land on which stormwater drainage works are located cannot be identified in this Plan and depends on specific development proposals.

APPENDIX 1 - CONTRIBUTION RATES**A1.1 Active Open Space**

A monetary contribution is required in the case of development applications proposing redevelopment and intensification of an existing site within the CP boundary, where land cannot be dedicated as agreed by Council. It is estimated in section 3.2 that this type of development will equate to 900 persons requiring the acquisition of 1.5 ha (900 * 17m²) plus embellishment. Greenfield areas are required to be master planned with embellished active open space dedicated.

Calculation of contribution rate**Value of land (C)**

The Cost of acquiring the 8.4Ha required for Active Open Space has been valued by registered valuer (6/09/2021) at \$858,000/Ha = \$7,290,000.

Cost of embellishments (E) and

Site Costs for 8.4Ha, as based on information from Council's Parks and Active Communities Unit, compliance with the DCP requirements and adjusted annually using indices adopted in Clause *Adjustment of contribution rates*.

Amenities- buildings and Infrastructure (B)

Council will also require provision of an amenities block located at the sports field area with appropriate vehicular parking and pedestrian access. The size of the amenities block is as follows

500m² (6 change rooms with showers and toilets, storeroom, and separate toilets for the public)

See Appendix 1.1.1 for detailed estimate for (E) and (B)

Revaluation cost (K):

Initial valuation and annual revaluation = \$1,000

Cost per person = (C + B + E + K) * 1.05 / P

Cost per person = (\$7,290,000 + \$16,703,589 + \$1,000) x 1.05 / 4880
= \$5,162

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West Kingscliff

Contribution Rates (Active Open Space)

Development Type	Persons	Active Open Space Rate
Per person	1	\$5,162
Detached dwelling	2.4	\$12,388
1 bedroom unit	1.3	\$6,710
2 bedroom unit	1.7	\$8,775
3 bedroom unit	2.1	\$10,840
4+ bedroom unit	2.4	\$12,388

A1.1.1 Cost Estimate for Active Open Space (E) and (B)

West Kingscliff CP7 Estimated Active Open Space Costs 15/11/2021

Notes

**Costs are based on four, rectangular sized sports field (Rugby League/Soccer) at approx. 10,000m2. AFL and Cricket Fields are typically 20,000m2.*

***Sports fields to be provided as multi-field complexes with a minimum of 2-3 fields*

****Change room/Amenities Buildings are to cater for a minimum 2, up to 4 sports fields, depending on size and facilities provided within the building.*

*****AFL Fields typically require 6-8 light poles for sports field lighting*

DESCRIPTION	UNIT	RATE (\$)	AMOUNT
1: Sports Fields			
PRELIMINARIES			
Site Setup, Temporary Fencing, Service location (DBYD). Set out, Insurances	Item		\$55,000
SITE PREPARATION AND EARTHWORKS			
Clean-up site, remove existing debris, spray for weeds, Demolition	Item		\$20,000
SUB SURFACE DRAINAGE / EARTHWORKS / SHAPING*			
Bulk Earthworks (Playing Surface) (m3)	1,700	30	\$51,000
Silt Control	Item		\$10,000
Scarify and Shape(m2)	10,000	2	\$20,000
Turf (m2)	10,000	6	\$60,000
Sub Surface Drainage (Ag Pipe) (m)	166	25	\$4,150
Goal Posts	2	2,000	\$4,000
Irrigation		30,000	\$30,000
Water costs during field construction	Item		\$10,000
Sub Total			\$189,150
2. Car Parking and Entry Ways (Min # of car parks per sports field)			
Profiling, levelling, kerb and gutter, asphalt, (Seal), 30 car parks per sports field			\$80,000

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DESCRIPTION	UNIT	RATE (\$)	AMOUNT
3. CLUBHOUSE / AMENITIES BUILDING***			
New clubhouse building to relevant sporting code facility standards - Local - Regional Level facility. Minimum to include: 2 change rooms (including unisex shower and toilet facilities - 3 each per room), public toilets (3 male, 3 female and 2 PWD); first aid room, referees' room (including toilet, shower and change facilities, storage, multi-use space, canteen/kitchen, office space, veranda/spectator viewing). (m2)			\$900,000
4. PAVEMENTS AND EDGING			
Pavement Types including main connecting pathways (min 1.5m wide) and perimeter pathways, feature paving including coloured concretes and unit paver paving. Also includes concrete garden edging to all garden beds	item		\$50,000
5. SPORTS FIELD LIGHTING****			
Designs and Approvals			\$30,000
Power Connections/Transformer	item		100,000
4 Light Poles (23-30m) and LED Fittings to 100 Lux (min) with dimming capability, including all conduit, pits and connections/ playing field	4		\$200,000
Sub Total			\$330,000
6. ANCILLARY / OTHER			
External and Field Fencing 4 fields(m)	250	100	\$25,000
Signage	item		\$3,000
7. PLANTINGS			
Supply and installation of plants at various sizes from 140mm, 200mm, 45lt and mature trees and organic mulch to all garden beds and tree bases.	item		\$25,000
8. MAINTENANCE AND ESTABLISHMENT			
General maintenance and establishment for a minimum 12-month period of all hard and soft landscape areas. (ha)	1	52,000	\$52,000
Contingency 15%			\$259,372
Estimated (GST inclusive) Total per hectare			\$1,988,522

A1.2 Passive open space

Only applies to redevelopment and intensification of an existing site within the CP boundary, where suitable land can't be dedicated, then, a monetary contribution is required. It is estimated in section 3.2 that this type of development will equate to 900 persons requiring the acquisition of 1.0 ha (900 * 11.3m²) plus embellishment, with the remaining 4.6ha to be dedicated and embellished as part of the Greenfield sites development.

Calculation of contribution rate**Value of land (C)**

The Cost of acquiring the 1.0 Ha required for Passive Open Space has been valued by registered valuer (6/09/2021) at \$858,000/Ha = \$858,000

Cost of embellishments (E)

- **Embellishment Costs**, as based on information from Council's Parks and Active Communities Unit and adjusted annually using indices adopted in Clause *Adjustment of contribution rates*.

E = 10,000m² @ \$90.25 = \$902,500 (See Appendix 1.2.1 for Detailed Estimate)

Revaluation cost (K):

2021 valuation = \$1,000

Population (P) = 900 (see section 3.2)

$$\begin{aligned}
 \text{Cost per person} &= (C + E + K) * 1.05 / P \\
 &= (\$858,000 + \$902,500 + \$1,000) * 1.05 / 900 \\
 &= \mathbf{\$2,055}
 \end{aligned}$$

Contribution Rates (Passive Open Space)

	Persons	Passive Open Space Rate
Per person	1	\$2,055
Detached dwelling	2.4	\$4,932
1 bedroom unit	1.3	\$2,672
2 bedroom unit	1.7	\$3,494
3 bedroom unit	2.1	\$4,316
4+ bedroom unit	2.4	\$4,932

A1.2.1 Detailed Estimate for Passive Open Space
Local Park Estimates 2021/2022 - 0.25-0.4ha

DESCRIPTION	UNIT	AMOUNTS \$
1. LOCAL PARKS		
PRELIMINARIES		
Site Setup, Temporary Fencing, Service location (DBYD). Setout, Insurances	Item	15,000.00
SITE PREPERATION AND EARTHWORKS		
Clean-up site, remove existing debris, spray for weeds, Demolition, Final level earthworks	Item	35,000.00
DRAINAGE AND IN-GROUND SERVICES		
Playground and park drainage, including pits, water meter connections and water mains.	Item	9,000.00
FURNITURE, STRUCTURES AND MINOR ELECTRICAL		
Picnic settings, Seating with back and arms and other seating types, drinking fountains, bin enclosures, shelters, park signage, includes minor electrical works for shelter lighting and power to bollards, maintenance rails to restrict park access	item	35,000.00
LANDSCAPE WALLS		
Landscape walls including sandstone block, feature tiled walls and block rendered and in situ concrete feature walls	item	20,000.00
PAVEMENTS AND EDGING		
Pavement Types including main connecting pathways (min 1.5m wide), feature paving including coloured concretes and unit paver paving. Also includes concrete garden edging to all garden beds	item	25,000.00
LANDSCAPE FENCES		
Fencing to protect against hazards such as roads, water bodies, on top of retaining walls and both maintenance and pedestrian gates	item	10,000.00
PLAYGROUNDS AND SHADE STRUCTURE		
Including: Main play unit for age 8+, Smaller play unit 2+, Double swing set, flying fox, spinner or sea saw or rocker, all soft fall including rubber soft fall for access into and throughout the playground and bark soft fall and concrete playground edging	item	100,000.00
Shade Structure	item	50,000.00
PLANTINGS		
Supply and installation of plants at various sizes from 140mm, 200mm, 45lt and mature trees and organic mulch to all garden beds and tree bases.	item	25,000.00
GRASSING		

DESCRIPTION	UNIT	AMOUNTS \$
Prep, supply and lay A grade turf	item	12,000.00
MAINTENANCE AND ESTABLISHMENT		
General maintenance and establishment for a minimum 12-month period of all hard and soft landscape areas.	item	25,000.00
(GST inclusive) Total \$		361,000.00
Local Park Embellishment per m2 (Based on 0.4 Ha)		\$ 90.25

A1.3 Drainage

Version 6.1 updates the works program to include the Blue Jay Circuit Scheme. The cost estimate for the scheme is \$3.03 million, as of June 2009. The Blue Jay Circuit Scheme services established developed land, as well as urban zoned land that is undeveloped, or has potential for redevelopment. CP7 attributes 7% of the project cost (\$212,100) to new development. Additional development in the catchment exacerbates the need for these works, as impervious areas increase, generating greater volumes of runoff, decreased times of concentration, and higher peak flows.

Version 7 sets a new base rate for the drainage component of the Plan, for future indexation purposes and an updated Drainage Strategy is being undertaken which will update the project and its costs.

Contribution rate per ha:

Formula

$$\text{Rate per ha} = \frac{\{(A \times C) + W + K + S\} \times 1.05}{H}$$

Where:

A =land requirement for trunk drainage 21.4ha

C = value of land in \$/ha (\$500,000) = \$500,000 (as per professional valuation undertaken December 2021)

W = Works required, being:

-	earthworks @ \$201/m = 201 x 4,640 =	\$932,640
	x1.1379 =	\$1,061,251

-	rock revetment of batters @ 245/m = 245 x 4,640	\$1,136,800
	x 1.1379 =	\$1,293,565

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$$\begin{aligned} - \quad \text{turf and landscaping @ \$46/m} &= 46 \times 4,640 = \$213,440 \\ &\quad \times 1.1379 = \$242,873 \end{aligned}$$

$$\begin{aligned} - \quad \text{maintenance access @ \$70} &= 70 \times 4,640 = \$324,800 \\ &\quad \times 1.1379 = \$369,590 \end{aligned}$$

$$\text{Blue Jay Circuit Scheme} = 7\% \times 3,030,000 = \$212,100$$

Total cost of works required -

$$\text{Indexed Feb 2022 add 21.11\%*} \quad \$3,850,396$$

H = drainage catchment area 379ha

L = 1.05 which is the Administration Levy of 5%

K = Revaluation (\$1,000)

S = Cost of drainage study = \$30,000

$$\begin{aligned} \text{Contribution per ha} &= \frac{\{(21.4 \times 500,000) + 3,850,396 + 2,000 + 30,000\} \times 1.05}{379} \\ &= \frac{\{10,700,000 + 3,882,396\} \times 1.05}{379} \\ &= \$40,400 \text{ per ha} \end{aligned}$$

* See Index calculations and description in Appendix 4.

APPENDIX 2 - WORKS SCHEDULE

Proposed Amenity or Facility	Timing	Area to be acquired / dedicated	Land Cost (\$)	Capital Cost (\$)	Cost apportioned to CP (%) Cost	Total Cost (\$)	Status
1. Active Open Space	M	6.9ha	Dedication		100		
2. Active Open Space (Redevelopment sites)	L	1.5ha	1,287,000 ⁽¹⁾	2,982,873	100	4,269,783	
3. Passive Open Space	M	4.6ha	Dedication		100		
4. Passive Open Space (Redevelopment sites)	L	1.0ha	858,000 ⁽¹⁾	902,500	100	1,760,500	
4.Drainage (4)	L	21.4ha	10,700,000	3,850,396	NA	14,550,396	
5.Blue Jay Circuit Drainage Scheme	NA	Road reserve	NA	3,209,979	7	3,209,979	Completed
6. Land dedication for internal subdivision roads	NA	As per Council approved subdivision plan	Dedication	-	100		
7. Land Dedication for stormwater drainage works	NA	As per Council approved subdivision plan	Dedication	-	100		

- (1) Valuation of \$858,000 per ha dated September 2021.
- (2) Remainder of works program costs are dated January 2022
- (3) See Section 3.6.1 and Figure 3.6.1 for indicative location of land for Active Open Space and 1 ha of Passive Open Space.
- (4) Drainage works program re-costed February 2022 based on indexation of 2011 costs using most current IPD index.

APPENDIX 3 – HISTORY OF THE PLAN

The provisions of Section 7.11 Plan No 7 came into force on the 7th October 1993 and were subsequently amended on 9/12/95, 23/3/98, 30/5/2001, 6/12/2006, 23/12/2009, and 1/2/2012. Indexation of open space and drainage works was applied on 1/7/11.

Amendment No.	AMENDMENT SUMMARY
Amendment No 1	Upgrade contribution rates to June '95 and to apply section S94 Administration levy in force as at 9/12/95
Amendment No 2	Deletion of community facilities, cycleways and Collector Road, a revised drainage plan and the occupancy rates have been reduced
Amendment No 3	Revaluation of structured open space land and embellishment costs, population reduction, contribution rate increase
Amendment No 4	Revaluation of structured open space land. Reduction in structured open space required. Increase in drainage costs. Amendment to the contribution rate. Inclusion of car parking at the ovals. Increases in the cost of the amenities block.
Amendment No 5	Amend and rearrange document in line with current department template for a S94 Plan Revise population in light of density rates from the ABS Census 2006 and Tweed Shire Urban Release Strategy 2009, recalculate rate accordingly. Includes Schedule for applying S94 contribution to Complying Development Certificates. Indexation of recalculated rates in accordance with the TSC Land Index and IPD Change admin levy from 10% to 5% Calculations in this amendment result in a base rate contribution per person of \$770 which after the application of relevant indexation equates to \$994 per person. See Section 1.1 for more detail.
Version 6.0.1	Indexes the rates on 1 July 2011 in accordance with Section 2.10 of this Plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000 resulting in the following revised rates: - Structured Open Space levy has increased to \$1,204 per person. - Drainage rate has increased to \$58,148 per Ha. See Section 1.1 for more detail.
Amendment No 6	Addition of Blue Jay Circuit Scheme to drainage works program. Adjust contribution rate for drainage, no change to open space contribution rates. Drainage rate revised to \$56,604 per Ha.
Version 6.1.1	Indexes the rates on 1 July 2012 in accordance with Section 2.10 of this Plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000 resulting in the following revised rates:

	<ul style="list-style-type: none"> - Structured Open Space levy has increased to \$1,211 per person. - Drainage rate has remained at \$56,604 per Ha. <p>See Section 1.1 for more detail.</p>
Version 7 (this version)	Major update including works program estimates active open space, population estimates updated and contributions for passive open space for sites subject to redevelopment also drainage land costs updates and project cost indexed from 2011 to 2020.

History of contribution rates

Active and Passive Open Space (Base Rate)

	Persons	Active Open Space	Passive Open Space
Per person	1	\$5,162	\$2,051
Detached dwelling	2.4	\$12,388	\$4,932
1 bedroom unit	1.3	\$6,710	\$2,672
2 bedroom unit	1.7	\$8,775	\$3,494
3 bedroom unit	2.1	\$10,840	\$4,316
4+ bedroom unit	2.4	\$12,388	\$4,932

Drainage

Per Ha	
Version	Contribution
<i>Amendment 4 (V5)</i>	\$32,708
<i>Version 6 Calculations (Base Rate)</i>	\$29,801
<i>Version 6.0.1 Indexed</i>	\$58,148
<i>Version 6.1 Calculations (Revised Base Rate)</i>	\$56,641
<i>Version 6.1.3</i>	\$56,717
<i>Version 6.1.4</i>	\$56,755
<i>Version 6.1.5</i>	\$62,673
<i>Version 6.1.6</i>	\$68,087
<i>Version 6.1.7</i>	\$73,559
<i>Version 6.1.8</i>	\$81,789
<i>Version 6.1.9</i>	\$92,158
Version 7 Base Rate	\$40,400

**Indexed in accordance with Section 2.10 of this Plan and the Environmental Planning and Assessment Regulation 2021. See SCHEDULE 4 - INDEXATION OF RATES for more information.*

APPENDIX 4 – INDEXATION OF RATES

Contribution rates were revised in Version 7, and indexation will be applied in future years, however a revised valuation for drainage land will be provided at a later date, therefore indexation was applied to this contribution for the known valuation from 2012.

IPD Index calculations:

Structured Open Space		ABS IPD		
version	Index date	Feb	Dec previous year	% Increase
7 (base rate)	28/2/2022		106.53	

Drainage		ABS IPD		
version	Index date	Dec-12	Dec previous year	% Increase
6.1.1 (base rate)	30/12/2012		104.52	0%
6.1.2	31/12/2012	104.52	102.31	0%
6.1.3	31/12/2013	102.31	103.37	1.04%
6.1.4 (2015)	31/12/2014	100.2	101.77	1.57%
6.1.5 (2016)	31/12/2015	98.92	101.53	2.64%
6.1.6 (2017)	30/12/2016	98.83	102.68	3.90%
6.1.7 (2018)	30/12/2017	94.23	103.24	9.56%
6.1.8 (2019)	30/12/2019	93.54	108.17	15.64%
6.1.9 (2020)	30/12/2019	90.1	106.53	18.24%
7 (2022)	28/2/2022	Add*	2.87%	21.11%

increase 2016

increase 2017

increase 2018

* Added the annual increase in value of Engineering Construction Work Done for 2 years as calculated by the ABS in February 2022 (catalog 8755.0), because IPD has been suspended due to Covid 19.

TSC Land Index Calculations **

Structured Open Space

Version	Index date	Index	% increase
7 (base rate)	2021/2022	NA	

Drainage

version	index date	index	% increase	
6.1.1 (base rate)	2011/2012	185.37	0%	
6.1.2	2011/2013	176.59	-4.74%	* less than 6.1.1 so no change
6.1.3	2013/2014	180.49	-2.63%	* less than 6.1.1 so no change
6.1.4	2014/2015	184.88	-0.26%	* less than 6.1.1 so no change
6.1.5	2015/2016	207.32	11.84%	* increase 2016
6.1.6	2016/2017	227.32	22.63%	* increase 2017
6.1.7	2017/2018	246.34	32.89%	* increase 2018
6.1.8	2018/2019	275.61	48.68%	
6.1.9	2019/2020	313.87	69.32%	
7	2020/2021	307.32	69.32%	Less than 6.1.9 so no change

* In accordance with Clause 2.10 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

Contribution Plan No. 7

West Kingscliff

less than the previous LV Index." Therefore there is no change to the non-land component of the Structured Open Space contribution in Version 6.1.5.

** As published in the Tweed Shire Council Revenue Policy and Statement 2020/2021

For more information regarding these indices, please see [*Section 2.6 - Definitions and standards*](#) on page 6.

Active Open Space

		Amendment 4 (V5) Costings recalculated			Version 6.1 Indexed	
	Proportion of existing levy	Levy per person ex admin	Index	Rate	Indexed levy ex admin	Levy per person inc 5% admin
Land component	57%	\$409.62	TSC Land Index	213.87%	\$1,285.66	\$1,349.94
Other	43%	\$309.02	IPD (Construction)	48.14%	\$457.78	\$480.67
Total		\$719			\$1,743	\$1,831

Drainage

	Land cost	Capital cost	Establishment cost	Totals
Drainage base (v 6.1.1)	\$21,658,320	\$3,179,379	\$30,600	
Indexation %	69.32%	18.24%	0%	
Indexation amount	\$15,013,725	\$579,769	\$-	
New total	\$36,672,045	\$3,759,148	\$30,600	\$40,461,793
5% admin				\$2,023,090
Grand total				\$42,484,882

New contribution per ha (divide grand total by 461 ha)

\$92,158

APPENDIX 5 – 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 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.

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:

S7.11 Plan	Sector	Persons	Credit (Persons)	ETs (minus credits)	Total \$
Plan No 7	CP 7	Xxx	Xxx	Xxx	\$xxx

Condition Template

The condition must be imposed in the following format:

Section 7.11 Contributions

Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Section 7.11 Plan.

The complying development shall NOT commence unless all Section 7.11 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 Section 7.11 Contribution Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the relevant Section 7.11 Contribution Plan current at the time of the payment.

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

« *Contribution type:*

XXX Persons @ \$xxxx per person \$xxxx

Contribution Plan No. XX

Sector xxxx



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