



Tweed Shire Council

Planning  
Service

TWEED SHIRE COUNCIL

Section 94 Plan No 27

# Tweed Heads Master Plan – Local Open Space/Streetscaping

Version 1

2005

TWEED SHIRE COUNCIL

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**The Planning Service is on the web at:**

[www.tweed.nsw.gov.au/planningservice](http://www.tweed.nsw.gov.au/planningservice)



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TWEED SHIRE COUNCIL

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

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GENERAL MANAGER

DATE: 19/12/2005

SECTION 94 PLAN No 27

Tweed Heads Master Plan – Local Open Space/Streetscaping

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## 1.0 INTRODUCTION

As a result of increasing social, economic and environmental pressures in the Tweed Heads Town Centre, the NSW Government resolved to undertake a series of strategic actions to regenerate the area resulting in the Tweed Heads Master Plan. The Master Plan is a physical framework that will guide the future development of the town centre precinct. The Master Plan's objectives include:

- Develop an urban design and planning framework to guide the revitalisation of the Tweed Heads Town Centre;
- Establish the location, distribution and mix of land uses, open space network and public domain;
- Develop a Master Plan for Jack Evans Boat Harbour.

This Masterplan has been adopted by Council.

Council's landscape architect has also divided the total capital works of the Tweed Heads Master Plan into a regional (\$13,251,925) and local component (\$2,003,460), which has been used as a basis for the Section 94 funding.

In terms of s94 funding for the local streetscaping facility be managed under a new local S94 Plan No 27 - Tweed Heads Master Plan – Streetscaping and Local Open Space for the Tweed Heads area.

Most of the works around the Jack Evans boat harbour will satisfy the demands of both the local and shire wide residents and is seen as a shire wide resource (and is to be partly funded through the existing Contribution Plan No 26 – Shire Wide Regional Open Space), while acknowledging that some of the works, particularly the streetscaping and local open space, will benefit the local Tweed Heads population almost exclusively.

It is proposed that a new plan be drafted for Tweed Heads to accommodate the streetscaping and local open space under the Tweed Heads Master Plan based on an estimated population growth rate of 4,000 people in the Tweed Heads Master Plan area over the next 20 years. The proposed funding split is as follows:

- 2/3 from Section 94
- 1/3 from Council (through rates etc).

## 2.0 WHERE DOES THIS PLAN APPLY?

This Plan applies to development in the Tweed Heads Master Plan area as outlined at Map 1. The Tweed Heads Master Plan can be viewed on Council's website at [www.tweed.nsw.gov.au](http://www.tweed.nsw.gov.au).

## 3.0 WHAT IS THE PURPOSE OF THIS PLAN?

The purposes of this plan are to:

1. enable the levying of contributions which will be required to fund the cost of providing the streetscaping/landscaping as a consequence of increased demand generated by development in the Tweed Heads Master Plan area;

2. establish the "nexus" between development and the streetscaping/landscaping required;
3. make clear Council's intentions regarding the location and timing of the works;
4. demonstrate that the contributions received will be used for the purposes for which they were levied and within a reasonable time;
5. advise the development industry of the amount of contributions that will be required for the provision of the streetscaping/landscaping.

#### **4.0 WHAT ARE THE OBJECTIVES OF THE PLAN?**

Section 94 development contributions could be considered as a means for providing some of the funding for capital works associated with the Tweed Heads Master Plan. However there needs to be a clear nexus between the proposed development and the need for the increased/improved amenities that are proposed under the Master Plan.

In summary S94 is relevant where:

- There is expected growth which creates a quantifiable increase in demand for public facilities;
- Existing public facilities can be shown to be inadequate to cater for this increase in demand;
- Council has a strategy for further growth and development;
- There are no alternative funding sources; and
- Council can commit the resources necessary to administer and maintain the facilities.

A contribution plan is based on projections of the type of development, anticipated population trends and estimates of costs and timing for the provisions of the facilities.

In a certain light the Master Plan in general could be seen as a means of rejuvenating an existing area or providing for a backlog of works that has no links to future development – a shopping list of desirable items. In this case S94 cannot be used as a means for funding the proposed works unless it can be shown that existing facilities are being altered to supplement existing functions which cater for increased demand and to reduce operational expenses (by managing existing facilities in a more efficient manner in order to satisfy existing and future demand).

The central Tweed Heads precinct has seen a significant increase in the numbers of high-rise units being constructed, catering for both the residential and tourist population. This coupled with its proximity to the Queensland border (and competition for the tourist dollar) and its economic importance means that the current standard of provision of streetscaping and local open space requires improvement.

In deciding whether works or proposed facilities are of a regional or local importance and who pays, a general principle is if the proposed works satisfies not only the demand of new development, but also some regional demand, or makes up for some deficiency, then only the portion created by development can be charged.

On balance it is concluded that the proposed streetscaping/local open space works should be apportioned between the existing and future population on the basis of the

costs being split one third from Council and two thirds from Section 94 under this plan, for the following reasons:

- The provision of the works will satisfy the demands beyond those in the immediate area and those of the future development;
- The works will satisfy some pre-existing shortfall in facility provision;
- It would appear to be reasonable and equitable to levy development beyond the immediate area;
- It is impractical to isolate the new population as the exclusive user of the proposed facilities and therefore it is more equitable to share the cost between the existing and new population.

## **5.0 HOW DOES THIS CONTRIBUTION PLAN RELATE TO OTHER PLANS AND WHAT IS ITS STATUS?**

This contribution plan should be read in conjunction with Tweed Local Environmental Plan 2000, and other Shire wide Section 94 Plans. These shire wide plans (cemeteries, cycleways etc) also apply to the Tweed Heads Master Plan area. In particular Section 94 Plan No 26 – Shire Wide/Regional Open Space contains the major regional open space work to be undertaken around the Jack Evans Boat Harbour as part of the Tweed Heads Master Plan. This Contributions Plan No 27 has been prepared pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Part 4 of the Environmental Planning and Assessment Regulations.

## **6.0 WHEN DID THE PLAN COME INTO FORCE?**

This plan came into effect on 21 December 2005.

## **7.0 TIMING OF CONTRIBUTIONS**

Contributions will be required as a condition of development consent for residential subdivision.

Contributions are required to be paid 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.

## **8.0 CONTRIBUTION RATES FOR DIFFERENT DENSITIES OF DEVELOPMENT**

It has been assumed that most if not all the development that will occur within the Tweed Heads Master Plan area over the next twenty years will be the result of infill and



consist primarily of medium and high density development. The contribution rate therefore focuses on this type of development.

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 from the latest Census. The amount of contribution paid at subdivision stage will be subtracted from this amount. As most of the development in the Tweed Heads Master Plan area will be medium density development (redevelopment of existing sites). The population occupancy rate for medium density dwellings, based on ABS census information, is 1.7 persons per dwelling.

## **9.0 RELATIONSHIPS BETWEEN DEVELOPMENT AND DEMAND**

There is a fundamental requirement for a link between development and the specific need for the facility generated by the development in the Shire. 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.

### Nexus

The proposed streetscaping and local open space in the Tweed Heads Master Plan area will benefit both the existing residents and the future population. The work will be undertaken using a combination of funding from grants and other funding sources such as sale of land and Tweed Council funds and section 94 funds. A total of \$2,003,460 is proposed to be spent on the streetscaping of which section 94 (and the subject of this plan) will contribute two thirds of the cost. In addition to this amount an interest component has been added to allow for the borrowing of funds in order for some of the work to be undertaken almost immediately.

New residential development and population growth will create additional demands for higher quality streetscaping and improvements to the local open space in the Tweed Heads area. Population growth forecasts indicate an estimated 4,000 person growth between the years 2006 and 2026 in the Tweed Heads Master Plan area. Most of this increase will be through the redevelopment of the area. As the proposed streetscaping and local open space will also benefit the existing population it is therefore reasonable to apportion some of the costs to the existing population (Council funding). The calculations for the developer contributions are at Appendix A and the Work Program at Appendix B.

## **10.0 MATERIAL PUBLIC BENEFIT**

A decision as to whether to accept 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.

## 10.0 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 CPI (all groups, Sydney).
- project costs, being valuation and annual revaluation of lands.
- a 10% levy applies to all Section 94 charges to cover the costs associated with administration, development and review of Section 94 Plans. This levy has applied to Section 94 charges since 9/12/95.

## 11.0 CONTRIBUTIONS REGISTER AND ACCOUNTING

Council has established an identifiable account for the management of S94 contributions.

Contributions must be spent for the purpose for which they were levied in the time specified in 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. The register will record:

- the origin of each contribution by reference to the development consent to which it relates;
- the type of contribution received, eg. money, land, works "in kind";
- the amount of the contribution and the purposes(s) for which it was levied;
- the name of the contributions plan the contribution is being levied under;
- the date of receipt of the contribution;
- how, when and where the contribution has been used.

The register will be available for public inspection, free of charge, at any time during normal office hours.

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.

Council is not permitted to transfer funds between the S94 account and other funds of Council, for example the General Fund.

## **12.0 ANNUAL STATEMENT**

In accordance with Clause 35 of the Regulation Council will produce an annual statement of contributions received which summarises, by purpose and area, details relating to contributions. This information will be available for public inspection, free of charge, at any time during normal office hours.

## **13.0 REVIEW OF PLAN**

### **General**

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

- monitor population trends and community needs;
- ensure that contribution levels reflect current costs;
- enable the alteration of work schedules if development and population levels differ from original expectations.

Any material change in the plan, with the exception of the annual adjustment of contribution amounts, will require that the plan be amended in accordance with S94AB of the Environmental Planning and Assessment Act, 1979. This will require full public exhibition of the amended plan and consideration of submissions received.

From the date of the first review of this Plan CPI increases (all groups, Sydney) will be added to construction costs.

## Appendix A

### **COSTS OF PROPOSED DEVELOPMENT**

In terms of Section 94 funding, it is proposed that funding of the Tweed Heads Master Plan be applied on a shire-wide basis for the regional facilities and be funded under the existing Contribution Plan No 26 – Shire Wide/Regional Open Space (CP 26), while funding for the local streetscaping facility be managed under this new Plan No 27.

Total Cost for the Tweed Heads Master Plan: \$15,255,385

- Regional open space: \$13,251,925) based upon estimate provided by Council's
- Local open space: \$2,003,460) landscape architect and includes \$596,024,000 for the detailed design

Local open space: \$2,003,460: 1/3 to be funded through Council (\$667,820)

2/3 funded through CP27 (\$1,335,640)

- **Local Open Space: Proposed new Section 94 Contribution Plan No.27 – Tweed Heads Master Plan; Local Open Space and Streetscaping**

The total estimated cost for streetscaping/local open space is \$2,003,460. It is proposed that Section 94 will be funding two thirds of the total cost which is \$1,335,460. Added to this amount is an interest component (\$903,745) as funds will required to be borrowed to allow work to commence almost immediately. This is important as there is re-development occurring in the Tweed Heads Master Plan area and the streetscaping should be undertaken at the same time as this redevelopment. Borrowing the funds up front will allow greater flexibility as it usually takes some time before funds start to accumulate in a new plan. In addition it is proposed that the major Tweed Heads Master Plan work around Jack Evans Boat Harbour will also commence shortly. The local open space work program is an integral part of this larger work program.

This interest is only calculated on work required up to year 2009/2010 and the interest is calculated over a twenty year period. The estimated cost for the S94 component of the streetscaping/local open space is \$1,335,460 (capital works) and interest of \$903,745.

It is proposed that a new local casual open space plan be drafted for Tweed Heads to accommodate the streetscaping under the Tweed Heads Master Plan. Based on an estimated population growth rate of 4,000 people in the Tweed Heads Master Plan area over the next 20 years the levy rate for this new plan is as follows (assuming that the majority of the new development will be medium/high density dwellings):

\$1,335,460 + \$903,745 + 10% admin. Levy

4,000

= \$2,239,205

4,000

= \$559.80 + + 10% admin. levy per person

= \$616

= \$616 x 1.7 persons per unit

= **\$1,047 per medium density unit**

## Appendix B

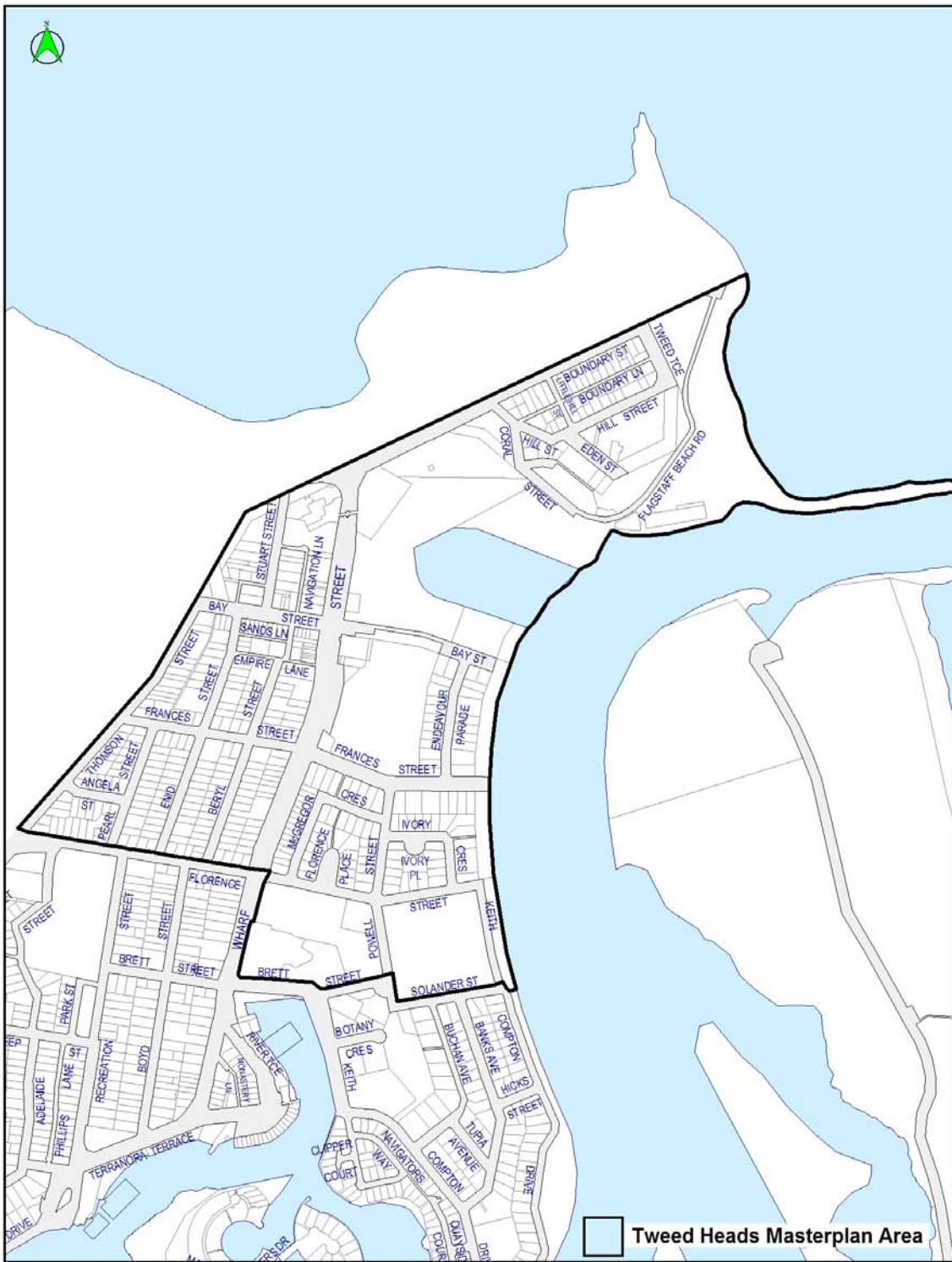
### WORK PROGRAM FOR THE TWEED HEADS MASTER PLAN LOCAL OPEN SPACE/STREETSCAPING

		2005/ 2006	2006/ 2007	2007/ 2008	2008/ 2009	2009/ 2010	2010/ 2015	2015/ 2025	TOTAL
Riverside High Density	Wharf Street- scape			\$244,000					\$244,000
	River frontage		\$413,020						\$413,020
	Frances Street trees		\$19,500						\$19,500
Ridgeline High density resident.	Street trees						\$36,400		\$36,400
Town Centre Core	Bay and Stuart St street- scape		\$100,000	\$212,200					\$312,200
	School site							\$303,940	\$303,940
Campus/ Civic	Sth boat harbour park					\$355,570			\$355,570
	Street- scape						\$90,350		\$90,350
	River frontage		\$228,480						\$228,480
<b>Subtotal</b>			<b>\$761,000</b>	<b>\$456,200</b>		<b>\$355,570</b>	<b>\$126,750</b>	<b>\$303,940</b>	<b>\$2,003,460</b>

Note: As per Appendix A, this contribution plan will only fund \$1,335,460 of the above total of \$2,003,460

SECTION 94 PLAN NO 27 – TWEED HEADS MASTER PLAN- STREETSCAPING AND LOCAL OPEN SPACE

Map 1



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*Tweed Shire Council*

**SITE PLAN**  
**Tweed Heads Masterplan**

File: N:\Map 7...TH Masterplan Wor      Author: J.Batchelor      Date: 22/Sept/2005



STRATEGIC PLANNING UNIT  
**Site Plan**  
 Sheet: 1 of 1