

CP10

Section 7.11 Plan
(formerly Section 94)

No. 10 – Cobaki Lakes

Public Open Space and Community Facilities

Version 5.0.1
June 2023
Indexed July 2024

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

GENERAL MANAGER

DATE: signed date

SECTION 7.11 PLAN No 10

COBAKI LAKES PUBLIC OPEN SPACE AND COMMUNITY FACILITIES

Version 5.0.1

| Version | Date Effective | Comments | Approved by Council |
|---|---------------------|---|---------------------|
| 3 | 23/9/2009 | Implements Council decision re SGS Report, updates occupancy rates and works program | 15/9/2009 |
| 4 | 28/11/2012 | Applies latest template for a S94 plan, updates community facilities construction cost per square metre, revises the expected population, updates timing of works | 15/11/2012 |
| 4.0.6 | 1/7/2018 | Indexation applied in accordance with Section 2.11 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000 and add title reference to Section 7.11 Plan | |
| 4.0.1, 4.0.2, 4.0.3, 4.0.4, 4.0.5, 4.0.7, 4.0.8 | July 2013-July 2019 | Indexation applied in accordance with Section 2.11 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000. | |
| 5.0 | 29/6/2023 | Update all references to current EPA Act and Regulation 2021 and current planning documents, updates of works schedule projects and cost estimates., requirement for dedication of road reserves and drainage reserves to Council | 22/6/2023 |
| 5.0.1 | 1/7/2024 | Indexation applied in accordance with Section 2.11 of this plan and the Environmental Planning and Assessment Regulation 2021 | |

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1.0 PART A – SUMMARY SCHEDULES

1.1 Summary Schedule – Contribution Rates

Community Facilities

| | Persons | Base Rate | Version 5.0.1-July 2024 |
|------------------------------|---------|------------|-------------------------|
| Per person | 1 | \$646.82 | \$685.41 |
| Detached dwelling/Lot (1 ET) | 2.4 | \$1,552.37 | \$1,644.98 |
| 1 bedroom unit | 1.3 | \$840.87 | \$891.03 |
| 2 bedroom unit | 1.7 | \$1,099.59 | \$1,165.20 |
| 3 bedroom unit | 2.1 | \$1,358.32 | \$1,439.36 |
| 4+ bedroom unit | 2.4 | \$1,552.37 | \$1,644.98 |

1.2 Summary schedule - works program

| | Amenity or Facility | Staging* | Land area (m ²) | Land cost (\$) | Facility gross floor area (m ²) | Facility/Amenity costs** (\$) | Total Cost (\$) |
|---|--|----------|--|--|---|-------------------------------|-----------------|
| 1 | District Community Centre Town Centre | L | 10,000 | Dedication free of charge by developer | 1,500 | 8,131,465 | 8,131,465 |
| 2 | Active Open Space | M | 22,440 (1) | Dedication free of charge by developer | | Embellished by developer | NA |
| 3 | Passive Open Space | M | 14,920 (1) | Dedication free of charge by developer | | Embellished by developer | NA |
| 4 | Land dedication for internal subdivision roads | NA | As per Council approved subdivision plan | Dedication free of charge by developer | | By developer | NA |
| 5 | Land Dedication for stormwater drainage works | NA | As per Council approved subdivision plan | Dedication free of charge by developer | | By developer | NA |

S (Short Term) 0 – 5 years (From CFP)

M (Medium Term) 5 – 10 years

L (Long Term) 10 – 20 years

(1) Based on the approved yield of 5,500 lots for 13,200 persons

1.3 Published indices at time of adoption

| Index | Rate | Index Date | Published |
|--|-------------|-------------------|---|
| PPI (Producer Price Index) (Non-residential construction NSW) | 140.8 | 2022-Q4 | ABS March 2023 |
| TSC Land Index | 307.32 | March 2021 | 2021 Tweed Shire Council Revenue Policy |

Note: The PPI will be used to index contribution rates. The CPI (All Groups Sydney) will be used to increase rates if the PPI or annual percentage value increase is unavailable.

2.0 PART B - ADMINISTRATION

2.1 Name of this development contribution plan

The name of this plan is Tweed Shire Council Section 7.11 Contributions Plan is CP10 Cobaki Lakes Public Open Space and Community Facilities (Version 5)

2.2 Land to which this plan applies

This Section 7:11 Contributions Plan (CP) applies to the land area as shown in Figure 1 below:

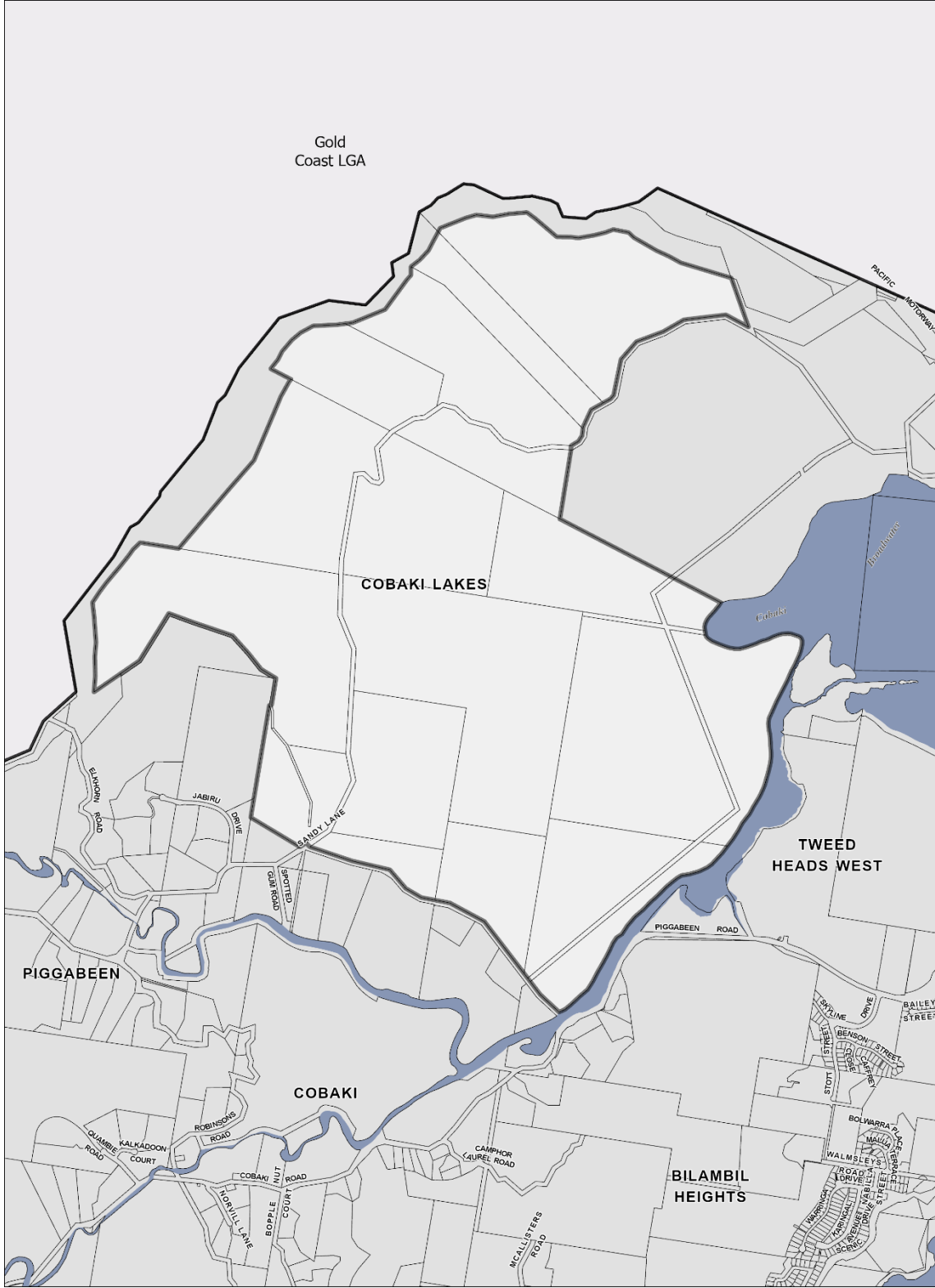


FIGURE 1

2.3 The purpose of the plan

The purposes of this Plan are to authorise:

- The consent authority, when granting consent to an application to carry out development to which this plan applies; or
- The Council or an accredited certifier, when issuing a Complying Development Certificate (CDC) for development to which this Plan applies,

to require a contribution (under Section 7.11 of the Environmental Planning and Assessment Act (EP&A)) 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 and open space 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 EP&A Act 1979 and Part 7 of the Environmental Planning & Assessment Regulation 2021 (EP&A Regulations) and takes effect from the date on which public notice of the approved plan was published, pursuant to clause 214(4) of the EP&A Regulation 2021.

Version 1 of this S7.11 Contribution Plan for Public Open Space and Community Facilities came into force on 16 August 1997 and was amended on 27 August 2002, 13 July 2005, and 23 September 2009.

2.5 Relationship with other Council Plans and Strategies

This contribution plan should be read in conjunction with the Tweed Local Environmental Plan (TLEP) 2014 (and the TLEP 2000 for land shown as “deferred matters”), Tweed City Centre LEP 2012 and Shire-wide sections of Council’s Development Control Plan and other applicable Shire wide S7.11 Contribution Plans.

Specific documents that apply to this plan are:

- Tweed Shire Community Facilities Plan 2019-2036
- Tweed Development Control Plan 2008
- Tweed Shire Open Space Strategy 2019–2029

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 Regulations | Environmental Planning and Assessment Act Regulation 2021 (EP&A) as amended. |
| IPD (Implicit Price Deflator) | Index used for adjustment of construction component – refers to the value of work done (implicit price deflator); Chain Volume Measures; Engineering Construction; ABS Reference A405071T, ABS Product Number 8782.0.65.001 |
| PPI (Producer Price Index) | Index used for adjustment of construction component to 2020: ABS Reference 3020 Non-residential construction NSW |
| TSC Land Index | Index used for adjustment of land acquisition costs – Tweed Shire Council Land Index, as published online annually in Council’s Revenue Policy. |

| Definitions | |
|--|---|
| <p>Active (Structured) Public Open Space</p> | <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> |
| <p>Passive (Casual) Public Open Space</p> | <p>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.</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> |
| <p>Community Infrastructure</p> | <p>Refers to community infrastructure, services and networks which help individuals, families, groups and communities meet their social needs, maximise their potential for development and enhance community wellbeing. Council owned and/or managed community infrastructure consists of:</p> <ul style="list-style-type: none"> • Libraries • Community Centres • Community Halls/General community use meeting spaces • Art Gallery • Museum • Auditoria/Performing Arts • Tenanted facilities |
| <p>Nexus</p> | <p>The relationship between the expected types of development in the area and the demand created by those developments for additional public facilities. The link between the proposed development and the increased demand for public facilities may be demonstrated through causal nexus (what), spatial nexus (where) and temporal nexus (when). Causal nexus requires that the need for the service or facility being levied must be a result of the development being levied. Physical nexus requires that the service or facility be near enough in physical terms to provide benefit to that development. Temporal nexus requires that the service or facility must be provided within a reasonable time.</p> |

| Standards used in this contributions plan | |
|---|--|
| Dwelling house/lot | Equivalent to 2.4 persons (one Equivalent Tenement) Source: Tweed Shire Urban Land Release Strategy 2009 |
| 1 bedroom unit | Equivalent to 1.3 persons Source: Tweed Shire Urban Land Release Strategy 2009 |
| 2 bedroom unit | Equivalent to 1.7 persons Source: Tweed Shire Urban Land Release Strategy 2009 |
| 3 bedroom unit | Equivalent to 2.1 persons Source: Tweed Shire Urban Land Release Strategy 2009 |
| 4+ bedroom unit | Equivalent to 2.4 persons Source: Tweed Shire Urban Land Release Strategy 2009 |
| Tourist related development that provides accommodation | Equivalent to the above residential standards with reference to the number of bedrooms |
| 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 development, including dual occupancy and tourist developments.

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

Contributions are required to be paid as follows:

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

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

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

2.8 Deferred Payments

Council will accept deferred payments only in 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 the 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

2.9.1 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.

2.9.2 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.

2.9.3 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 Tweed Shire Open Space Strategy 2019-2029 and the
- Tweed Shire Community Facilities Plan 2019-2036(CFP)

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.

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

2.10.1 Scope

There is considerable scope for Council to accept material public benefits (in the form of the provision of the facilities set out in Appendix 1 and open space in satisfaction of monetary contributions specified in this Plan.

2.10.2 Alternatives

The developer may submit to Council an alternative scheme to that required by this plan as material public benefit. The Council in considering such a proposal shall have regard to the alternative facility proposed, the shortfall in the facility required by this plan if any which would result from the alternative scheme, and the overall provision to community facilities. The Council reserves the right not to accept a particular scheme and instead to impose a levy.

2.10.3 Works in Kind

Where a facility is to be provided as "works in kind" to comprise a material public benefit, whether built by the developer or a sub-developer, the Council shall agree on detailed specifications and building plans for the buildings and works prior to the commencement of development of the facility.

2.10.4 Specifications and Plans

The specifications and plans are to provide a facility which meets commonly accepted standards for facilities of that type and are to be in accordance with any

requirements of relevant State or Commonwealth Government Agencies in respect of those facilities.

2.10.5 Transfer

The facility and an appropriate site area must be transferred to Council ownership free of cost on completion; development of facilities may include landscaping, footpaths, cycle, and car parking as necessary

2.11 Adjustment of contribution rates

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

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

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

In accordance with *the EP&A Regulation*, the following sets out the means that the council will make changes to the rates set out in this plan.

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

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

Where:

| | |
|-----------------------------|---|
| $\$C_A$ | is the contribution at the time of adoption of the plan expressed in dollars; |
| Current <u>Index</u> PPI | is the PPI as published by the ABS available at the time of adjustment of the contribution rate; |
| Base Index <u>PPI</u> | is the PPI as published by the ABS for the date of adoption of this plan. |

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

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

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

Where:

| | |
|--|---|
| $\$C_{LV}$ | is the land values within the plan at the time of adoption of the plan expressed in dollars; |
| <u>Current LV Index</u> <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; |
| <u>Base LV Index</u> <u>TSC</u> <u>Land Index</u> | is the land value index as published by the council for the date of adoption of this plan. |

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

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

2.12 Adjustments at the time of payment

The contributions stated in a condition of consent imposed in accordance with this Plan will reflect the contribution rates in 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 contribution rates are available on Council's web site at <https://www.tweed.nsw.gov.au/home>.

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) to any item in the works schedule. The priorities for the expenditure of the levies are shown in the works schedule.

2.14 Savings and transitional arrangements

A development application which has been 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 the funds 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 changes in the Plan, except for the annual adjustment of contribution amounts, will require that the Plan be amended in accordance with Clause 215 of the *Environmental Planning and Assessment Regulation 2021*. This will require 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 facilities specified in this plan to meet the needs of the increased population as a result of new development and the works program designed to provide it.

3.2 How does this plan work?

The development of Cobaki Lakes is proposed to be managed by the principal developer group or its agent or successors in title (“**developer**”) as an integrated project in accordance with the approved Concept Plan. The developer will retain control of broad-based infrastructure development (in particular, active open space and community facilities). Other facilities required in each residential precinct (in particular, passive open space) shall be the responsibility of the “sub-developer”.

3.3 Expected population

The State Government's Concept Plan approval for Cobaki Lakes (MP06_0316 MOD4) dated 31 August 2017 revised the expected yield for the development from 4300 lots to 5500 lots. The expected population for the area has therefore been revised in accordance with the density per lot as specified in Clause 2.6 of this CP:

Population = 5500 lots x 2.4 persons per lot
= 13,200 persons

3.4 Relationships between Development and Demand (nexus)

The type of development anticipated in the Cobaki Lakes area is described in the Concept Approval (modified) for Cobaki Lakes (MP06_0316 MOD 4) dated 31 August 2017 (See Appendix 4) and identifies a development of 5,500 dwellings, falling within 17 precincts.

The residential development will generate the need for, amongst other things, classes of public open space and community facilities.

This plan apportions the total cost of all identified public open space and community facilities for this locality to the total expected population in the locality as it is based on the land area requirements for the new population, 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 the Tweed Shire Open Space Strategy 2019–2029 and the Tweed Shire Community Facilities Plan 2019-2036.

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.

3.5 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.

3.6 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.

3.7 Specific Contributions

3.7.1 Public Open Space

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

Key principles of the open space network can be found in the Council's Open Space Strategy 2019-2029 and the Tweed Development Control Plan 2008.

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 13,200 persons, the following open space is required to be dedicated at no cost to Council:

- Active Open Space – 22.44 Ha
- Passive Open Space -14.92 Ha

(Note: The approved Concept Plan (dated 31 August 2017) (see Appendix 4) forming part of this Contributions Plan which may be amended from time to time by agreement between the principal developer and the Council having regard to the principal objectives of the Plan, nominates indicatively the location of structured and casual open space areas. All amendments are to ensure that public open space dedicated adequately provides for the proposed increase in population).

3.7.2 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.

When accepting dedication of active open space, Council will apply the requirements of the Tweed Development Control Plan 2008 - Section A5 as applies to active or structured open space.

Embellishments and ancillary facilities like car parks or amenities are to be included in the provision as the population demands and consistent with *Tweed Shire Open Space Strategy 2019–2029* and as agreed and approved by Council.

Active Open Space Requirements

- (a) Full details of the required works for the first active open space to provide for the development in accordance with section 3.7.1 shall be submitted with the first development application for subdivision of residential development of Cobaki Lakes and approved prior to the commencement of any works. That open space shall subsequently be prepared as required and dedicated to Council.
- (b) Full details for active open spaces for the residential phases shall be approved prior to the linen release for lots 2,000 3,000 4,000, 5,000 and 5,500 respectively or as agreed by Council.

Subdivision developments are expected to dedicate compliant active open space sites. Subdivisions are to consider anticipated yield and population from the

overall future developments and not only the lot numbers of the subdivision development application under assessment.

However, in exceptional circumstances, should the developer or parties other than the developer or its successors in title seek development approval from Council for development without the provision of embellished open space, then, Council may choose to apply a monetary contribution determined by the formula below, in lieu of open space as a condition of consent. This is solely at Council's discretion. Alternatively, a Voluntary Planning Agreement would be considered by Council.

Contribution formula

Cost per person (active open space) = $(C + B + E + K) * 1.05 / P$

Where

- C = current value of required land to be acquired in serviced state
- B = Cost of Amenities - Buildings and associated infrastructure etc.
- E = cost of embellishments such as landscaping and facilities as specified in Council's Open Space Strategy 2019 - 2029
- P = population predicted to be served by the active open space
- K = valuation costs, (including re-valuation costs)
- L= 1.05 which is the Administration Levy of 5%

3.7.3 Passive Open Space

Embellished land will be provided by dedication to Council (at no cost), based on 11.3m² per person. Passive open space will comprise areas of at least 2500m², preferably greater in accordance with an open space hierarchy. Passive open space is to be dedicated at the time of subdivision.

When accepting dedication of passive open space, Council will apply the requirements of the Tweed Development Control Plan 2008 (TDCP) - Section A5 as applies 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 passive/casual open space must meet the requirements of Council's TDCP-A5. Depending on location of passive 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.

In exceptional circumstances, should the developer or parties other than the developer or its successors in title seek development approval from Council for development without the provision of embellished open space, then, Council may choose to apply a monetary contribution determined by the formula below, as a condition of consent. This is solely at Council's discretion. Alternatively, a Voluntary Planning Agreement would be considered by Council.

Contribution formula

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 above
- 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%

3.7.4 Community Facilities

This contribution determined by this Plan applies to all forms of residential development within the land described in Clause 2.2.

In 2019, The Council adopted the Tweed Shire Council Community Facilities Plan 2019 – 2036 (CFP) which focused on the community infrastructure needs up to 2036. The CFP outlined the findings of a needs assessment which considered standards of service, demographics and social trends, audit and demand of existing infrastructure, and extensive consultation. This evidence informed the recommended network action planning activities by whole-of shire, and network action plans by district and local levels including the community infrastructure requirements for the Kings Forest area. The CFP has resulted in changes to the works Schedule included in the previous version of the Plan but still provides approximately the same floor space area. The CFP details associated inventories of Council owned/managed community and cultural facilities; and non-Council owned/managed community facilities or social infrastructure as per adopted definitions. Note: this may differ to State or Federal definitions of community and

social infrastructure when conducting comparison work. Consultation with relevant State Government bodies regarding social infrastructure may be required.

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

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

Good neighbourhood design which provides community infrastructure that meets these principles, attracts new residents, and supports community connection and social cohesiveness.

The CFP District and Local Action Plan identifies the following facilities:

District and local network action plan

Table 5: Tweed Urban District and local network action plan.

| Facilities type | Possible opportunity sites | Potential delivery partners | Funding opportunities | Tweed Shire Council role | Timeframes for delivery* |
|--|---|--|---|--------------------------|--------------------------|
| Tweed Heads Centre Cultural Plaza and Social Enterprise Café, including renewal work at Auditorium | Tweed Heads Civic & Cultural Centre | User groups | Building Better Regions Fund – Commonwealth Government Council budget allocation | Lead | 2019 |
| General use community facility | Terranora – Area E – planned general use community facility. Consider shared use agreement with existing social infrastructure – schools extending their learning environment. | Developer NSW Government – Department of Education Community | State Government grants Commonwealth Government grants s7.11 Contributions Plans 15 | Collaborate | Short term |
| General use community facility | Bilambil – Bilambil Heights General use community facility – Feasibility study for best site option for community, consider Council and Non Council owned existing infrastructure. | NSW Government – Department of Education Non Council owned/ managed facilities Community/User groups | State Government grants Commonwealth Government grants s7.11 Contributions Plans 15 | Collaborate | Medium – Long term |
| Master Planning – Tweed Heads South | Master-Planning of broader Education/Community/ Recreation precinct – Tweed Heads South to improve community facilities and spaces: 1. Consider shared use community facilities over precinct, consider extended learning environments. 2. Consider existing Arkininstall Park master plan. 3. Partake in NSW Government School Assets Strategic Plan development. | NSW Government – Department of Education Sport Clubs/Associations Community/User groups | State Government grants Commonwealth Government grants | Collaborate | Short – Medium term |

Continued

| Facilities type | Possible opportunity sites | Potential delivery partners | Funding opportunities | Tweed Shire Council role | Timeframe for delivery |
|---|--|---|--|--------------------------|------------------------|
| Tweed Heads facilities | Consider as part of North Coast Regional Plan – Tweed City Action Plan. Explore feasibility of possible future Community Centre location to meet standards of service demand. | NSW Government – Department of Planning and Environment & NSW Health Tenanted facilities – Recreation Reserve. Community/User groups | State Government grants Commonwealth Government grants | Collaborate | Medium |
| Cobaki Lakes – Multi-purpose community centre | Existing master plan for Cobaki Lakes – community facilities included. Consider library space and community health centre to meet standards of service demand. Recommended minimum land size: 10,000m ² Recommended minimum gross floor area: 1,500m ² Further exploration of co-location of State Government social infrastructure required. | Developer NSW Government – Department of Planning and Environment State Library NSW Richmond Tweed Regional Library Gold Coast City Council | State Government grants Commonwealth Government grants s7.11 Contributions Plans 10, 11 and 15 | Collaborate | Medium term |

*Short term

0–5 years

Medium term

5–10 years

Long term

10–20 years

Facility Description

The proposed multi-purpose facility is generally similar to works outlined in earlier versions of this Plan yet align with more contemporary use of public facilities whilst differentiating between the construction of Council owned community and cultural facilities – as opposed to State and Federal operated and/or funded social infrastructure – and non-Council owned/managed community and cultural facilities. These community facilities contribute to a hierarchy of community facilities across the network as outlined and defined in the *Community Facilities Plan*. The Council plans to meet future population needs and demand for floor space by acquiring land by dedication at no cost to Council, carrying out works and recouping costs in terms of the following:

- Multipurpose Community Centre – Cobaki Lakes Town Centre: A flexible multi-purpose focal point for community activity and places for people to meet and connect. Community Centres are an important asset to the community and often provide meeting space for social interaction as well as a range of services and information pertaining to the local community.
- Land size: 10,000m², Facility GFA: 1,500m².

Required Facilities Cost Estimate and Apportionment

The works program identifies proposed works; land and building costs; contribution apportioned calculations and total project costs. The cost estimates for the required community facilities are in Appendix 2.

| Proposed facility | Staging* | Land site area (m ²) | Land site cost (m ²) | Facility gross floor area (m ²) | Facility/Amenity costs** (\$) | Total project cost | Cost apportioned to CP % | Status |
|--------------------------------|----------|--|---------------------------------------|---|-------------------------------|--------------------|--------------------------|--------|
| Multi-purpose community centre | S | 10,000 Located within the Town Centre | Dedicated free of charge by developer | 1,500 | 8,131,465 | \$8,131,465 | 100 | 0 |

The total cost of all the works is approximately \$8,131,465 The effective works cost apportionment rate applicable to new development is 100%.

Contribution formula

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

Where

B = Cost of Facilities - Buildings and associated infrastructure etc. and cost of embellishments such as landscaping and associated works (see Appendix 1)

P = population predicted to be served = 13,200

K = valuation costs, (including re-valuation costs)

L = 1.05 which is the Administration Levy of 5%

Therefore

$$\begin{aligned} \text{Cost per person} &= \frac{(C + B + K) * L}{P} \\ &= \frac{\$8,131,465 * 1.05}{13,200} \end{aligned}$$

Cost per person = \$646.82

COMMUNITY FACILITIES CONTRIBUTION RATES

| | Persons | Base Rate* |
|------------------------------|---------|------------|
| Per person | 1 | \$646.82 |
| Detached dwelling/Lot (1 ET) | 2.4 | \$1,552.37 |
| 1 bedroom unit | 1.3 | \$840.87 |
| 2 bedroom unit | 1.7 | \$1,099.59 |
| 3 bedroom unit | 2.1 | \$1,358.32 |
| 4+ bedroom unit | 2.4 | \$1,552.37 |

* See Section 1.1 for current indexed rates.

The estimated cost of facilities is set out in Appendix 1.

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.

This Plan has not included a cost component for land for the community facilities. It has always been required that the land will be dedicated to Council free of cost. This Amendment reaffirms that the development will provide appropriate sites for the community facilities to Council free of charge.

3.7.5 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

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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 – COST ESTIMATE COMMUNITY FACILITIES

COBAKI MULTIPURPOSE CENTRE COST ESTIMATE

1/12/2022

| Description | Quantity | Rate | Estimate | Note |
|---|-----------------|--------------------|---------------------|-------------|
| Building construction to good standard of finish (m2) | 1500 | \$ 3,340.00 | \$ 5,010,000 | 1, 5 |
| Car Parking (number of spaces) | 45 | \$ 4,920.00 | \$ 221,400 | 2, 5 |
| Fit out (shelves, equipment, desks etc) | 1500 | \$ 500.00 | \$ 750,000 | 4 |
| Landscaping | 3% | item | \$ 179,442 | |
| Project Management | 5% | item | \$ 308,042 | |
| Design, Planning, Survey | 5% | item | \$ 308,042 | |
| Contingency | 20% | item | \$ 1,232,168 | |
| Development Contributions | | item | \$ 122,370 | 6 |
| TOTAL ESTIMATE | | | \$ 8,131,465 | 3 |
| Project Cost /m2 of Building | | \$ 5,420.98 | | 3 |

NOTES:

- (1) Building area required is 1500 m2
- (2) TSC DCP does not Specify a parking supply rate rather states based on merit. ACT rate is 3/100m2 GFA
- (3) Does not include land and assumed utilities available in adjoining street/s
- (4) Fit out rates range from \$500 to \$2000/m2 dependant on standard, assume \$500/m2 for MPC fit out
- (5) Unit rate is from Building Economist September 2022 (Average of Class 22 and 23)
- (6) Estimates only based S64 charges, CP4 and CP18 (CP4 rate is \$1678/trip 1/7/22)

*Consider community centre/branch library/neighbourhood centre/hall/youth centre; other community health centre based on community consultation and need.

APPENDIX 2 – WORKS SCHEDULE

Community Facilities

| Proposed facility | Staging* | Land site area (m ²) | Land site cost (m ²) | Facility gross floor area (m ²) | Facility/Amenity costs** (\$) | Total project cost | Cost apportioned to CP % | Status |
|--|----------|--|--|---|-------------------------------|--------------------|--------------------------|--------|
| 1. District Community Centre (in Town Centre) | L | ~10,000 | Dedication free of charge by developer | 1,500 | 8,131,465 | 8,131,465 | 100 | - |
| 2.Active Open Space | M | 22,440 (1) | Dedication free of charge by developer | | Embellished by developer | NA | 100 | - |
| 3.Passive Open Space | M | 14,920 (1) | Dedication free of charge by developer | | Embellished by developer | NA | 100 | - |
| 4.Land dedication for internal subdivision roads | NA | As per Council approved subdivision plan | Dedication free of charge by developer | | By developer | NA | 100 | - |
| 5.Land Dedication for stormwater drainage works | NA | As per Council approved subdivision plan | Dedication free of charge by developer | | By developer | NA | 100 | - |

S (Short Term) 0 – 5 years (From CFP)

M (Medium Term) 5 – 10 years

L (Long Term) 10 – 20 years

(1) Based on the approved yield of 5,500 lots for 13,200 persons

APPENDIX 3 – COMPLYING DEVELOPMENT CERTIFICATES

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

For commercial and industrial development:

Rate x Unit or Lot = Total Charge

Total Charge – Credit = Contribution

For dwellings:

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

Total Charge – Credit = Contribution

Notes:

Credit

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

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

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

Concessions

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

Council Assistance

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

Contribution Fee Sheet

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

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

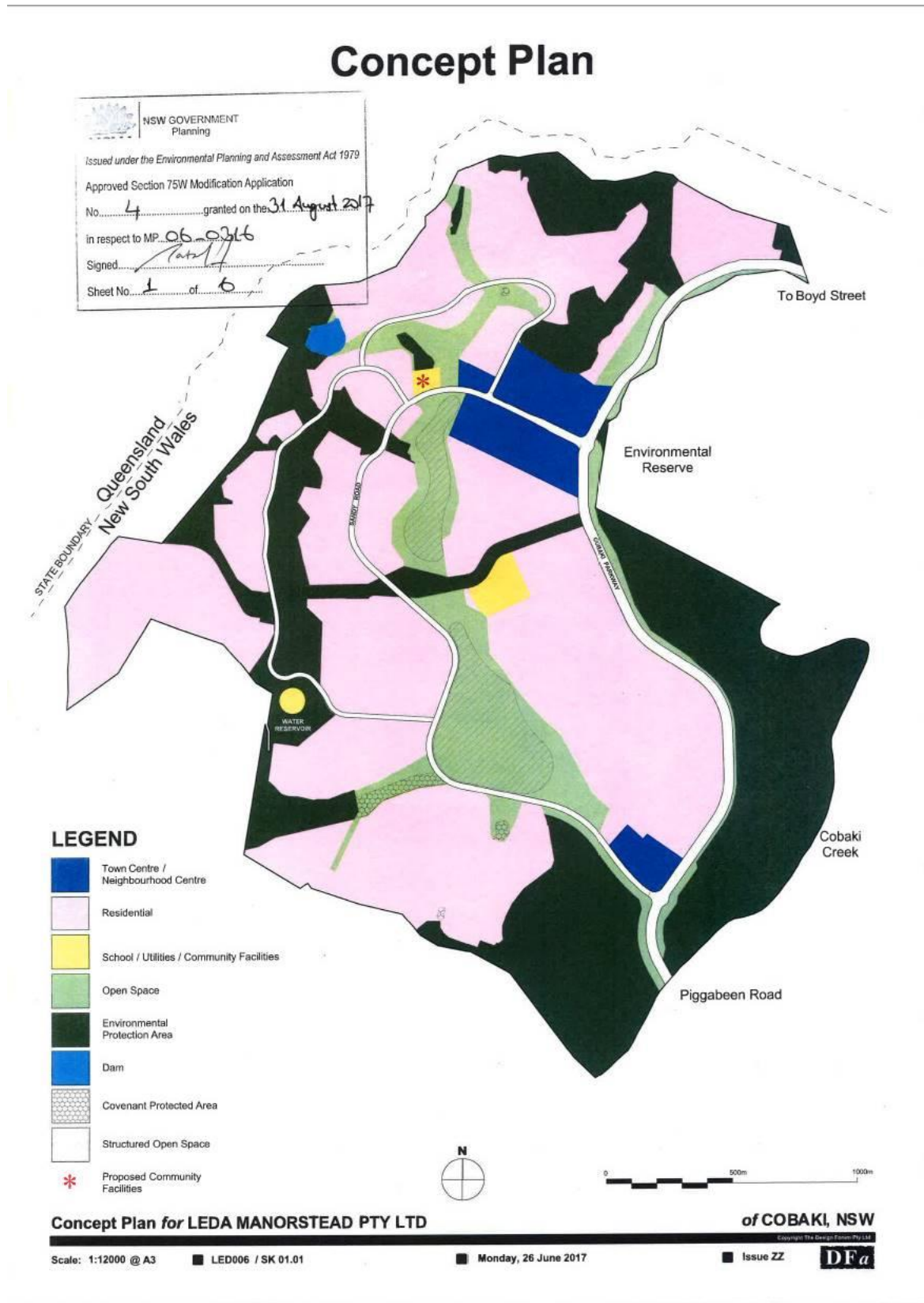
| S7.11 Plan | Sector | Persons | Credit (Persons) | ETs (minus credits) | Total \$ |
|------------------|--------|---------|------------------|---------------------|----------|
| S7.11 Plan No 10 | CP 10 | Xxx | Xxx | Xxx | \$xxx |

Condition Template

The condition must be imposed in the following format:

| | |
|---|--|
| # | <p><u>Section 7.11 Contributions</u></p> <p>Payment of the following contributions pursuant to Section 7.11 of the Act and the relevant Section 7.11 Plan.</p> <p>The complying development shall NOT commence unless all Section 7.11 Contributions have been paid.</p> <p>A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS COMPLYING DEVELOPMENT CERTIFICATE <u>MUST</u> BE PROVIDED AT THE TIME OF PAYMENT.</p> <p>These charges include indexation provided for in the S7.11 Plan and will remain fixed for a period of 12 months from the date of this consent and thereafter in accordance with the rates applicable in the current version/edition of the relevant Section 7.11 Plan current at the time of the payment.</p> <p>A copy of the Section 7.11 contribution plans may be inspected at the Civic and Cultural Centres, Tumbulgum Road, Murwillumbah and Brett Street, Tweed Heads.</p> <p>« <i>Contribution type:</i></p> <p>XXX Persons @ \$xxxx per person \$xxxx</p> <p>S7.11 Plan No. XX</p> <p><i>Sector xxxx</i></p> |
|---|--|

APPENDIX 4 – CONCEPT PLAN AND APPROVAL



APPENDIX 5 – INDEXATION CALCULATIONS

The rates have been revised in Version 5. Indexation to be applied in following years.

Version 5.0.1 (this Version)

Producer Price Index (PPI) Non Residential Construction NSW from 2022-Q4 to 2023-Q4 rose 5.97% which results in a revised cost per person of **\$685.41**.

| Amenity or Facility | Facility/Amenity costs** (\$) | Cost Per Person Version 5.0.1 |
|---|-------------------------------|-------------------------------|
| 1. District Community Centre Town Centre 10000 m2 | 8,131,465 | |
| Indexed by PPI 5.97% | 485,116 | |
| Total + 5% Admin | 9,047,410 | |
| Divide by population 13200 | | \$685.41 |

NB. All Land to be dedicated by developer. Items 2-5 to be embellished by developer.

APPENDIX 6 – HISTORY OF THE PLAN

Version 5 (this version)

Version 4

- Applies the latest template for a S94 Plan.
- updates the works program construction cost per square metre to \$3,572 based on actual adjusted cost of construction of the Murwillumbah Community Centre in December 2009, indexed to December 2011 rates as detailed in Appendix 3 of this plan.
- Increases the yield from 4300 to 5500 dwellings as outlined in the Cobaki Concept Plan Approval from the NSW Director-General dated November 2010, resulting in a revised expected population of 13,200 persons.
- Revises the timing of commencement of works by adding 3 years to existing figures.
- Updates the works program resulting in a revised contribution rate per person of \$488.71. See Section 1.1 Summary Schedule - Contribution Rates.

Version 3:

Version 3 contains the following changes to the plan:

- amends the plan in accordance with the Council resolution of the meeting held 3 June 2008 with reference to the SGS Report;
- calculates the per lot and per medium density unit rates in accordance with currently accepted occupancy estimates per bedroom as specified in the Tweed Shire Urban Release Strategy 2009;
- includes definitions and detail to allow for future indexation in line with the IPD and Tweed Shire Land Index (see section 1.7.1);
- reorganises the plan in terms of the current template for a S94 Plan and adds a summary schedule for ease of reference; and
- Reduces administration levy from 10% to 5% to be consistent with Minister's S94E direction of 10 July 2009;
- Results in a rate per person of \$204.93.

Amendment No 2: The changes in this Plan are as follows:

1. Delete the second stage extension to the youth facilities as it is considered that the proposed first stage area of 400m² is a sufficient size.
2. The lot threshold stages of 1,000, 3,000 and 4,000 lots has been reduced to the 1,000 and 4,000 lot threshold for the staging of the Community Centre.
3. The estimated costs to construct the buildings has been increased to reflect current building costs.
4. A separate allocation of \$40,000 towards furnishings and equipment for the community buildings.

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As a result of the above the new Contribution rates are:

Single Residential: \$391

Medium Density Residential: \$256



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