



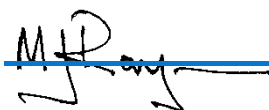
## **Section 7.11 Plan**

(formerly Section 94)

# **Draft No. 22 — Cycleways and Footpaths**

Version ~~3.0.11~~4.0  
Adopted ~~December 2009~~xxx

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



GENERAL MANAGER

DATE: ~~15-December-2009~~XXX

SECTION 7.11 PLAN No 22

~~CYCLEWAYS~~CYCLEWAYS AND FOOTPATHS

Version ~~34~~

In Force: ~~23-December-2009~~XXXX

~~Indexed July 2023~~

Version	Adopted	Description	Effective
1			15/9/1999
2	20/7/2005	Works program, population projection and levy updated	10/8/2005
3	15/12/2009	Works program updated, admin levy reduced to 5%; population projection and occupancy rates updated	23/12/2009
3.0.8		Indexed in accordance Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulation 2000 and reference to s7.11	1/7/2018
3.0.1; 3.0.2; 3.0.3; 3.0.4; 3.0.5; 3.0.6; 3.0.7; 3.0.9, 3.0.10, 3.0.11		Indexed in accordance Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulation 2000	July 2011-July 2023
<u>4</u>	<u>Xxx</u>	<u>Retitled plan to include footpath. Works program and population projections updated.- Revised nexus incorporating Tweed Pedestrian and Bike Plan 2023. Standard clauses updated as per Council's other recently updated contribution plans.</u>	<u>xxx</u>

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## 1.0 PART A – SUMMARY SCHEDULES

### 1.1 Summary schedule – contribution rates

Table 1

	Persons	Rate Version 4
Per person	1	\$493.10
Per Lot/Equivalent Tenement, 4+bed dwelling, detached dwelling	2.4	\$1,183.43
1 bedroom <del>unit</del>	1.3	\$641.02
2 bedroom <del>unit</del>	1.7	\$838.26
3 bedroom <del>unit</del>	2.1	\$1,035.50

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

*Indexed in accordance Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000. See Appendix C - Indexation Calculations for more information.*

### 1.2 Summary schedule - works program

Table 2 Works Program

Item	Amount
Tweed Pedestrian Bike Plan works	\$37,983,825
To be funded by Council and external sources	\$23,523,798
<b>Funded by this plan</b>	<b>\$14,460,027</b>

### 1.3 Published indices at time of adoption

Table 3

Index	Rate	Index Date	Published
PPI (Producer Price Index) Road and bridge construction NSW (3101)	148.7	2025-Q1	June 2025
TSC Land Index	480.49	March 2025	2025/2026 Tweed Shire Council Revenue Policy

## 2.0 PART B - ADMINISTRATION

### 2.1 Name of plan

The name of this Plan is Tweed Shire Council Section 94-7.11 Contributions Plan No 22 – Cycleways and Footpaths~~Cycleways~~.

### 2.2 Land to which this plan applies

This Section 94-7.11 Contribution Plan applies to the whole of the Tweed Shire, except the following zones in ~~clause 4.6 (6)~~ Part 2.1 of the Tweed Local Environmental Plan 2014 ~~being the rural, environmental protection, and rural village areas and conservation zones which are exempt from the Cycleways and Footpaths levy which are exempt from the cycleways~~Cycleways and Footpaths ~~levy:~~

- RU1 Primary Production
- RU2 Rural Landscape
- RU5 Village
- C1 National Parks and Nature Reserves

~~Zones 1(a), 1(b1), 1(b2), 1(c), 1(d), 1(f)~~  
~~2(d)~~

### 2.3 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 the cost of providing cultural and sporting facilities (~~cycleways~~Cycleways and Footpaths) as defined in this Plan.

Other purposes of this Plan are as follows:

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

## 2.4 Commencement of the plan

The provisions of Section ~~94~~<sup>7.11</sup> Plan No 22 came into force on 15 September 1999. ~~Refer to Appendix B for version history, and Version No 2 came into force on 10 August 2005, and and Version 3 came into force on 23 December 2009.~~

This amended version (Version ~~34~~) has been prepared pursuant to the provisions of ~~Ss~~<sup>7.11</sup>~~94~~ of the *Environmental Planning & Assessment Act 1979 (EP&A Act)* and Part ~~47~~ of the *Environmental Planning & Assessment Regulation 2021 (EP&A Regulations)* and takes effect from the date on which public notice was published, ~~being 23 December 2009~~, pursuant to clause ~~31~~<sup>(42)</sup>~~14(4)~~ of the *Environmental Planning & Assessment EP & A Regulation 2021*.

## 2.5 Relationship with other plans and policies

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 the Tweed Pedestrian and Bike Plan 2023.

## 2.6 Definitions and standards

Table 4 - Definitions

Definitions	
EP&A Act	Environmental Planning and Assessment Act, as amended
EP&A Regulation	Environmental Planning and Assessment Act Regulation, as amended.
<del>IPD (Implicit Price Deflator)</del>	<del>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</del>
<u>PPI (Producer Price Index)</u>	<u>Index used for adjustment of construction component – Australian Bureau of Statistics (ABS) Reference 3021 Road Construction NSW</u>
TSC Land Index	Index used for adjustment of land acquisition costs – Tweed Shire Council Land Index, as published in Council’s <u>Management Plan and Quarterly Report Revenue Policy</u> .
Nexus	The relationship between the expected types of development in the area and the demand created by those developments for additional public facilities. -The link between the proposed development and the increased demand for public facilities may be demonstrated through causal nexus (what), spatial

## Definitions

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.

Table 6

Standards used in this contribution 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 and Seniors Housing	Equivalent to the above residential standards with reference to the number of bedrooms

## 2.7 Timing of payment

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

Council's policy regarding the timing of payment of ~~S94~~ S7.11 contributions is as follows:

- applications involving subdivision - prior to the release of the plan of subdivision ~~linen plan~~ or subdivision certificate;
- applications involving building work - prior to ~~the release of approved building plans~~ issuing the construction certificate; and
- ~~For development applications where no building approval is required, within 30 days of issue of the development consent. DAs where no building work involved - prior to occupation.~~

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



## **2.8 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 D of this Plan.

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

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

### **Recalculation of contributions:**

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

## **2.9 Deferred/periodic 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.

## 2.10 “In-kind” settlement or material public benefit

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

Council may accept such alternatives in the following circumstances:

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

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

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

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

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.

## 2.11 Discounting and apportionment factors

Contributions will be levied on the assumption that a dwelling house will be erected on each lot created by subdivision, the occupancy rate to be based on Table 6. When subsequent development occurs, which increases housing density, contributions will be based on per bedroom rates specified in this Plan.

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

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

The nexus will be 80% apportionment of residential and tourist population demand upgrades to footpaths and cycleway infrastructure.

As the major part of the rural community will not be in close proximity to the proposed cycleways and footpaths and therefore less likely to use it for the purpose of equity, all new rural development and development in the rural villages is excluded from the ~~Section 94~~Section 7.11 levy for the ~~eyeleways~~Cycleways and Footpaths. Specifically this exemption applies to Rural Zones, Zone 2(d) Residential Rural Village Zone, and Environmental Protection Zones zones listed in Clause 2.2 of this plan.

## 2.12 Adjustment of contribution rates

To ensure that the value of contributions ~~are~~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 in accordance with the consent condition by reference to the following specific indices:

- construction costs by the IPD Chain Volume Measures: Engineering Construction as published by the Australian Bureau of Statistics (ABS); construction costs by the Producer Price Index (PPI) 3101 Road and

bridge 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 particular parcels of land that are identified in the S947.11 plan as published by the council in Council's Management Plan.
- ~~changes in the capital costs associated with provision of administration and salary costs for staff involved in implementing council's s94 plan by reference to increases in salary rates under the Local Government State Award Plan as published by the council in Council's Management Plan;~~
- 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.
- ~~changes in the capital costs of various studies and activities required to support the strategies in the plan by reference to the actual costs incurred by council in obtaining these studies plan as published by the council in Council's Management Plan.~~

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

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

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

Where

$\text{\$C}_A$	is the contribution at the time of adoption of the plan expressed in dollars;
Current Index <u>IPDPPI</u>	is the <u>IPDPPI</u> as published by the ABS available at the time of adjustment of the contribution rate;
Base Index <u>IPDPPI</u>	is the <u>IPD-PPI</u> as published by the <b>ABS</b> for the date of adoption of this Plan.

Note: In the event that the Current IPD-PPI is less than the previous IPDPPI, the Current IPD-PPI shall be taken as not less than the previous IPD. Also note that the ABS adjusts the base year annually and therefore the actual IPD-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:

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

Where

$\text{\$C}_{LV}$	is the land values within the plan at the time of adoption of the plan expressed in dollars;
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Current LV Index \_  
TSC Land Index

is the land value index as published by the council available at the time of adjustment of the contribution rate;

Base LV Index \_  
TSC Land Index

is the land value index as published by the council for the date of adoption of this Plan.

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

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

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

## 2.13 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.

## 2.14 Pooling of contributions

This plan expressly authorises monetary ~~s~~947.11 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.

## 2.15 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. ~~A development application which has been submitted prior to the adoption of this plan but not determined shall be determined in accordance with the provisions of the plan which applied at the date of determination of the application.—~~

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 in accordance with Clause 217 of the *Environmental Planning and Assessment Regulation 2021*EP&A Regulation 34.

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

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

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

These considerations are addressed in this section by demonstrating a clear nexus between the requirement for the required additions to the Shire's Tweed cycleway and footpath active transport network to meet the needs of the increased population as a result of new development and the works program to extend the network which serves this growth.

#### 3.2 Background

The Tweed Shire has become increasingly popular as a destination for residents and tourists. - Active transport is recognised by residents and visitors as being an environmentally sustainable and healthy mode of transport. Transport planning now recognises alternative modes of transport to the ~~motorcar vehicles~~ such as walking, cycling and micro-mobility in terms of both functional and recreational use and cycleways and footpaths are becoming an integral part of urban development around the world. - This is particularly the case where bicycle traffic is likely to be high, such as along routes connecting shopping centres, parks and other open space areas. —

In this respect Tweed Council wishes to promote walking and cycling as a safe and environmentally friendly mode of active transport throughout the Shire.

In recognition of the benefits of establishing a comprehensive network of bicycle facilities within the Shire, Council commissioned the Tweed Pedestrian Bike Plan (TPBP) 2023. The plan was developed with strong emphasis on community engagement and community feedback, which is reflected in the action plan, recommended policy updates and potential actions. The plan features a 10-year action plan dedicated to delivering essential pedestrian and cycling infrastructure. - Out of this plan a prioritised program of works totals \$37,983,825.

While the TPBP identified the active transport treatments required within the Tweed Shire, it did not consider new urban growth release areas such as Cobaki, West Bilambil, and Terranora Area E. These population generating developments have not been included in the TPBP works schedule. Footpaths and cycleways associated with new or upgraded connector roads and/or subdivisions will be delivered in accordance with the Tweed Road Contribution Plan (TRCP, CP4) and the Subdivision Manual (DCP Section A5).

### The Development Area

This [cycleways and footpaths](#) plan proposes links throughout the Shire as well as local footpath and cycleway links within the urban areas. Contribution levies will therefore apply to all new development within the Tweed Shire, except development in those zones identified in Section 2.11.

### Proposed Facilities

The population growth demands upgrades such as improved signage, missing footpaths/cycleways, widening of narrow and shared paths. These works will be prioritised using the Pedestrian Bike Plan benefit score criteria and footpath hierarchy. The anticipated cost to 2041 of the proposed active network from this plan is \$14,560,027 (Appendix E – Works Schedule).

## 3.3 Expected development and population

The total predicted population for the Shire by the year 2041 is forecast to be 126,084. This is a net population change of 25,556. The rural growth areas are expected to increase by 923 which are not contributing to this plan. The population figure used in the contribution calculation is 24,633 which is less rural growth area.

The rural population areas include:

South West Tweed (Uki)  
North West Tweed (Tyalgum)  
South East Hinterland (Burringbar)  
North East Hinterland (Tumbulgum)

Table 5 Population Forecast (Forecast.ID May 2025)

Population 2025	100,528
Forecast Population 2041	126,084
Population Growth	25,556
Forecast Rural Area Growth (Tyalgum, Uki, SE and NE hinterland)	923
Population Growth less Rural Area Growth	<b>24,633</b>

## 3.4 The nexus between development and amenities/ services required

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



Council has examined the feasibility of providing a cycleway and footpath network for the entire Tweed Shire. In this respect Council commissioned a study to prepare the Tweed Pedestrian and Bike Shire Bicycle Plan (2023), with this contribution plan providing for the funding of the network as it relates to the proportion created by the new development. Significant infrastructure improvements will be necessitated by:

- Heavy volumes of cycleway and pedestrian traffic;
- Need to improve pedestrian usage and safety; and
- Need to enhance the appearance and vitality of the public areas in the Tweed Shire.

### Nexus

The cycleways s and footpaths proposed for the Shire under this Plan will benefit both the existing residents and the future population. -New residential development and population growth will create additional demands for the cycleways s and footpaths. Population growth forecasts indicate an estimated additional ~~105,183~~25,556 (Table 5) persons will reside in Tweed Shire in 20421. The apportionment nexus of 80% is applied for new development triggering upgrades.

-It should be noted that contributions from external sources such as the RTA-Transport for NSW have not been included in the calculations for this Plan. -The calculations for the developer contributions are in Table 7.

It is also assumed that the tourist population will take advantage of the cycleways s and footpaths and therefore a contribution is to be obtained from all tourist accommodation developments in the Shire.

Seniors Housing will generate a demand for adequate footpaths and cycleways to encourage healthy aging, and mobility devices on the shared pathway network.

As ~~thea~~ major part of the rural community will not be in close proximity to the currently proposed cycleway and footpaths and therefore less likely to use it, for the purpose of equity, all new rural development and development in the rural villages is excluded from the Section 947.11 levy for the eyelewaysCycleways and Footpaths. Specifically, this exemption applies to the LEP Rural Zones, Zone 2(d)-Residential—Rural Village Zone, and Environmental Protection Zoneszones listed in Clause 2.2 of this plan.

## **3.5 Calculation**

### **Occupancy rates**

The occupancy rates used will be those as derived from the Tweed Urban Land Release Strategy 2009. The occupancy rates are as follows:

Table 6

	Persons
Per person	1
Per Lot / <u>E<del>quivalent</del> Tenement</u> or 4+ bedroom unit or detached dwelling	2.4

1 bedroom unit	1.3
2 bedroom unit	1.7
3 bedroom unit	2.1

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

### Formula

The formula for calculating contributions are:

$$\text{nexus apportionment 80\%} \times \left[ \frac{\$14,460,027 \text{ Works Schedule 18,640,242}}{24,633 \text{ population growth}} \right]$$

Plus %5 administrative

### Table 7 - Calculation

Items	Amount
Proposed work schedule included in contribution plan to 2041 as per Tweed Pedestrian & Bikeway Plan 2023*	\$14,460,027
Total population growth less rural areas over 21 years estimated to 2046 (Ref: Forecast ID 30 April 25)	24,633
Resident and tourist nexus apportionment 80% * $\frac{\$14,460,027}{24,633}$	\$469.61
Resident and tourist apportionment rate plus 5 % administration	<b>\$493.10</b>

\*High, medium and low (excluding narrow path) priority upgrade treatments from Tweed Pedestrian and Bike Plan 2023.

This results in the following contributions:

	Persons	Rate Version 4
Per person	1	\$493.10
Per Lot / <u>Equivalent Tenement</u> or 4+ bedroom unit or detached dwelling <del>ET</del>	2.4	\$1,183.43
1 bedroom unit	1.3	\$641.02
2 bedroom unit	1.7	\$838.26
3 bedroom unit	2.1	\$1,035.50

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

Indexed in accordance Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000. See Appendix C - Indexation Calculations for more information.

**Appendix A –~~Cycleways~~Cycleways and Footpaths Contribution Costs**

Plan duration:	2025-2041
Target Population:	126,084
Existing Population:	100,528
Population growth:	24,633 (less rural areas 923)
Works Schedule:	\$14,460,027

*Source: Forecast.id 30 May 2025*

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## Appendix B – History of the Plan

### Version 4.0.0 (this version)

Contributions have been calculated per person using: the works schedule total of \$14,460,027, the forecast population over the next 21 years less the rural areas 24,633 and that the 80% of the future population demonstrate nexus that triggers the demand for upgrades to footpath and cycleway infrastructure, resulting in a revised base rate of \$493.10 per person (Refer to Table 7).

With the adoption of the Tweed Pedestrian and Bike Plan 2023 footpaths have been including into the plan, refer to Background.

Seniors Living has been included, refer to Nexus, Table 1 and 6.

### Version 3.0.11 (this version)

Contributions have been indexed at 1 July 2023 in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution of **\$270.73** per person. See Section 1.1 for details of contribution rates.

### **July 2021-2022**

Annual indexation paused due to unavailability of IPD as a result of the Covid pandemic.

### **Version 3.0.10**

Contributions have been indexed at 1 July 2019 in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution of **\$236.61** per person. See Section 1.1 for details of contribution rates.

### **Version 3.0.9**

Contributions have been indexed at 1 July 2019 in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution of **\$231.41** per person. See Section 1.1 for details of contribution rates.

### **Version 3.0.8**

Contributions have been indexed at 1 July 2018 in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution of **\$219.25** per person. See Section 1.1 for details of contribution rates.

### **Version 3.0.7**

Contributions have been indexed at 1 July 2017 in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution of **\$204.35** per person. See Section 1.1 for details of contribution rates.

### **Version 3.0.6**

Contributions have been indexed at 1 July 2016 in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution of **\$202.00** per person. See Section 1.1 for details of contribution rates.

### **Version 3.0.5**

Contributions have been indexed at 1 July 2015 in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution of **\$200.01** per person. See Section 1.1 for details of contribution rates.

### **Version 3.0.4**

Contributions have been indexed at 1 July 2014 in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution of **\$199.12** per person. See Section 1.1 for details of contribution rates.

### **Version 3.0.3**

Contributions have been indexed at 1 July 2013 in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution of **\$196.95** per person. See Section 1.1 for details of contribution rates.

### **Version 3.0.2**

Contributions have been indexed at 1 July 2012 in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution of **\$191.78** per person. See Section 1.1 for details of contribution rates.

### **Version 3.0.1**

Contributions have been indexed at 1 July 2011 in accordance with Section 2.12 of this plan and Regulation 32 of the Environmental Planning and Assessment Regulations 2000, resulting in a revised contribution of **\$188.01** per person. See Section 1.1 for details of contribution rates.

### **Amendment No 2 - Version 3**

This version

- Revises the works program, taking account of outstanding works and expenditure to date.
- Apportions the full cost of the cycleway network to 2021 to the total expected population for 2021, retaining the exemption for residential development in rural zones.
- Makes reference to forthcoming changes to the EP&A Act with reference to S94 and addresses part 116D regarding the 5 key considerations for a S94 Plan.
- Adjusts the occupancy rates per bedroom to those adopted by Council in the Tweed Shire Urban Release Strategy 2009.
- Includes clauses to enable future indexation of rates in the plan.
- Applies the current Department of Planning Template for a S94 plan.
- Standardises the contribution for tourist development to apply per bedroom rather than per bed.
- Revises the admin component for the remaining works from 10% to 5%.
- Calculations in this amendment result in a contribution of **\$186.08** per person. See Section 1.1 to view the rates in detail.

### Amendment No. 1 – Version 2

This amendment takes account of an increase in the cost of constructing cycleways. The costs per metre has increased from an average of \$28 to \$47. In updating these costs the duration of this amended plan will remain at 2020. However, the estimated population growth for this remaining period (2005-2020) has been revised in the light of population projections undertaken recently for the Shire. The estimated population growth rate is 2,000 people per year, and therefore the remaining populations for the period 2005 – 2020 is estimated at 30,000.

Appendix A sets out these new costs and population figures, and takes into account work undertaken on the cycleway to date. It should be noted that part of the cycleway work over the past two to three years has been undertaken at the Casuarina and SALT developments where the developers have constructed the cycleway. That is one reason the value of the existing cycleway as outlined in Appendix A has risen so much since this plan commenced.

The new contribution rate is as follows:

**single residential lot: 2.6 persons x \$135.58= \$352**  
**medium density: 1.7 persons x \$135.58= \$230**  
**tourist accommodation: \$136/bed**

### Exclusion from Plan

**The following zones in the rural, environmental protection and rural village areas are exempt from the cycleways levy:**

**Zones 1(a), 1(b1), 1(b2), 1(c), 1(d), 1(f) 2(d) 7(a), 7(d), 7(f), 7(l)**



## Appendix C – Indexation Calculations

[Annual indexation of rates in this plan to commence in the year following adoption.](#)



## Appendix D – Complying Development Certificates

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

### For commercial and industrial development:

Rate x Unit or Lot = Total Charge

Total Charge – Credit = Contribution

### For dwellings:

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

Total Charge – Credit = Contribution

## Notes:

### Credit

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

Rate - Is specified in Section 1.1- [Summary schedule – contribution rates](#)~~Summary schedule – contribution rates~~ on page 1.

Lots, Units and Persons – Are specified in Section 1.1- [Summary schedule – contribution rates](#)~~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:

<u>S947.11</u> Plan	Sector	Persons	Credit (Persons)	ETs (minus credits)	Total \$
<u>S947.11</u> Plan No 22	CP 22	Xxx	Xxx	Xxx	\$xxx

### Condition Template

The condition must be imposed in the following format:

#	<p><b><u>Section 94Section 7.11 Contributions</u></b></p> <p>Payment of the following contributions pursuant to <del>Section 94</del><u>Section 7.11</u> of the Act and the relevant <del>Section 94</del><u>Section 7.11</u> Plan.</p> <p>The complying development shall NOT commence unless all <del>Section 94</del><u>Section 7.11</u> Contributions have been paid.</p> <p><b>A CURRENT COPY OF THE CONTRIBUTION FEE SHEET ATTACHED TO THIS COMPLYING DEVELOPMENT CERTIFICATE <u>MUST</u> BE PROVIDED AT THE TIME OF PAYMENT.</b></p> <p>These charges include indexation provided for in the <u>S947.11</u> 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 <del>Section 94</del><u>Section 7.11</u> Plan current at the time of the payment.</p> <p>A copy of the <del>Section 94</del><u>Section 7.11</u> 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><u>S947.11</u> Plan No. XX</p> <p>Sector xxxx</p>
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## **Appendix E – Footpaths and Cycleways CP 22 Work Schedules**

Link to separate attached document.



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