

26 November 2020

Independent Pricing and Regulatory Tribunal  
PO Box K35  
HAYMARKET POST SHOP NSW 1240

lodgement: via Council Portal

Dear Sir/Madam

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Murwillumbah NSW 2484

Please address all communications  
to the General Manager

ABN: 90 178 732 496

## 2021-22 Special Rate Variation application

Tweed Shire Council (Council) intends to make application for a special rate variation for the 2021-22 financial year.

### **Background**

On 11 August 2013, the Planning and Assessment Commission, as delegate for the Minister for Planning, issued Project Approval No. 08\_0194 for Kings Forest Stage 1 comprising the following key project elements:

- Subdivision of the site into ten development lots in 4 stages;
- Bulk earthworks across the site;
- Roadworks comprising:
  - Construction of the entrance road and associated intersection works with Tweed Coast Road;
  - Construction of the Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western site precincts; and
  - Construction of two roads providing access to the southern site precincts;
- Plan of Development for Precinct 5;
- Development of 988sqm of floorspace for a rural supplies building and access arrangements to Precinct 1;
- Construction of subdivision and infrastructure works along Kings Forest Parkway and within Precincts 1 and 5;
- Subdivision of Precinct 5 into 376 residential lots comprising:
  - One (1) townhouse lot (7,860sqm)
  - 37 terrace house lots (minimum lot size 150sqm)
  - 25 duplexes (minimum lot size 450sqm)
  - 192 zero lot dwellings (minimum lot size 240sqm)
  - 121 traditional detached dwellings (minimum lot size 400sqm)

Following a number of modifications to the Project Approval, on 16 July 2020, the proponents lodged a Section 4.55(1A) application seeking to modify Conditions 5 (earthworks), 35 (landscape plan), 40 (Vegetation Management Plan), 41 (Buffer Management Plan), 42 (Weed Management Plan), 43 (Threatened Species Management Plan), 44 (Feral Animal Management Plan), 47 (Flora and Fauna Monitoring Report) and 48 (summary of management plans). This application was approved on 7 October 2020.

The applicable conditions of consent relating to land management include:

MP06\_0318 (as modified) – Concept Approval

**B7 Implementation of Environmental Management Plans**

*The proponent is responsible for the management of all Potential Council Land and the Future OEH Land for conservation purposes and the implementation of ongoing management and maintenance activities specified in all Environmental Management Plans from the date of the commencement of the project or at another time directed by the Secretary, until such time that an agreement is reached with OEH and /or Tweed Shire Council regarding the dedication of that land.*

*Note: For the purpose of this condition, commencement is taken to mean “any preparatory works required to be undertaken including clearing vegetation, the use of heavy duty equipment for the purpose of breaking ground for bulk earthworks, or infrastructure for the proposed project.*

Condition C2 Management Plans requires the preparation and approval of a Koala Plan of Management, Vegetation Management Plan, Feral Animal Management Plan, Weed Management Plan, Buffer Management Plan and Threatened Species Management Plan.

MP08\_0194 (as modified) – Project Approval

**Management and Maintenance of Environmental Lands**

*A13. The proponent is responsible for the management of all Potential Council Land and Future OEH Land for conservation purposes and the implementation of all establishment period and maintenance period works specified in all Environmental Management Plans from the date of the commencement of the project, or at another time directed by the Secretary, until such time that an agreement is reached with OEH and /or Tweed Shire Council regarding the dedication of that land.*

*Note: For the purpose of this condition, commencement is taken to mean any physical works including clearing vegetation, the use of heavy duty equipment for the purpose of breaking ground for bulk earthworks, or infrastructure for the proposed project.*

**Funding Arrangement**

Consistent with Conditions A13 of MP08\_0194 (as modified) and B7 of MP06\_0318 (as modified), the determination reports of the Department of Planning & Infrastructure (DPI) and the Planning Assessment Commission (PAC) explicitly state that the environmental lands are to be managed in perpetuity and that should Council accept the dedication of these areas, suitable arrangements will need to be made for the works required in the management plans to be funded on an ongoing basis.

One option available for Council is to levy a special rate upon dedication to Council of the environmental protection lands. All funds generated from the special rate levy, will be dedicated to Council’s management of the environmental protection land within this development.

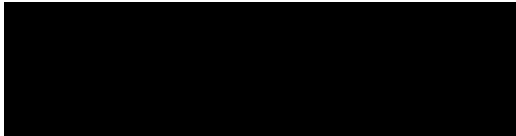
Council would take over management of the environmental protection land once completion of the establishment phase criteria has occurred, in accordance with the approved management plans. Prior to this the developer would be responsible for management of the land.

It is therefore proposed to apply for a permanent (S508(2)) special rate variation to generate sufficient rate income to fund the maintenance of the dedicated environmental protection land. The special rate would be levied solely on the properties associated with the Kings Forest development and be used only for the purposes for which it was raised, consistent with S495 and S409 of the NSW Local Government Act 1993 .

The amount required to be generated from the special rate on the Kings Forest development is \$1,540,000 in the first year (based on a 4,503 lot subdivision) – indexed with the rate peg in subsequent years. This equates to a 2.35% above the current 2020/21 total permissible income, giving an overall increase of 4.35% inclusive of the rate peg of 2.0%.

Council intends to re-issue the 2020-21 Delivery Program, produce an additional Long Term Financial Plan that includes the special rate being successful and undertake community consultation during January 2021, prior to the formal application in February 2021.

Yours faithfully



**Troy Green PSM**  
**GENERAL MANAGER**