

## Jane Flanagan

---

**From:** Denise Galle <DGalle@tweed.nsw.gov.au>  
**Sent:** Wednesday, 15 November 2017 7:12 AM  
**To:** Jane Flanagan  
**Cc:** Vince Connell; Lindsay McGavin; Ann Mesic; Danny Rose; Angie Cousens; John Turnbull; Mark Kingston; Ray Clark  
**Subject:** URGENT CHANGE - Kings Forest MOD 6 Project Application - DA11/0565.06

Admin – DAU (Ann) – Please ECM This updated e-mail

---

Jane,

I am so sorry but I just noticed an error in Darryl Anderson's calculations for S94 Plan Number 4 – Tweed Road Contribution Rates.

He has used a higher rate than that showed in the document. So the rates will drop lower than requested.

There was an error showed in our document but this was corrected in December last year.

So hopefully I have notified you soon enough for MOD 6 and Condition 154 (c) can actually read as follows:

154.

(c) In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay, in proportion to the additional lots created by each stage of the subdivision, the following monetary contributions:

Stage 1 – Precinct 1

|                              | <b>Trips/ET</b> | <b>Rate per trip (less 40% employment generating discount contained in Council's Business Investment Policy, Ver 2.0, commenced 1 December 2016)/ET</b> | <b>Total Contribution</b> |
|------------------------------|-----------------|---|---------------------------|
| <b>S94 Plan No. 4 (7)***</b> | 680.2213 trips  | <b>\$1231 per trip - 40% = \$738.60</b>   | <b>\$502,411.45</b>       |
| <b>S94 Plan No. 18</b>       | N/A             | N/A   | N/A                       |

\* ET = Equivalent Tenements

\*\* Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

\*\*\* Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule.

Regards,

**Denise Galle** (Tue - Fri)  
Team Leader Development Assessment  
Planning and Regulation



Stay informed with **Council's DA Tracker**

Your actions matter: print less to save more

---

**From:** Denise Galle  
**Sent:** Friday, 10 November 2017 2:02 PM  
**To:** Jane Flanagan  
**Cc:** Vince Connell; Lindsay McGavin; Admin DAU; Danny Rose; Angie Cousens; John Turnbull; Mark Kingston  
**Subject:** Kings Forest MOD 6 Project Application - DA11/0565.06

TSC Admin: Please ECM, update CI and update fee sheets for Stage 1 S94 TRCP

---

Hi Jane,

I refer to your e-mail dated 19 October 2017 in which you ask for comments on the proposed modifications to the Kings Forest Project Application MP08/0194 Council Reference DA11/0565.06.

There are only three proposed changes:

Condition 26 – Intersections

The current condition requires construction of a two-lane roundabout at Kings Forest Parkway / Tweed Coast Road prior to "development of Precinct 1". The applicant requests modification to require the roundabout construction "prior to the issue of an Occupation Certificate for Precinct 1". This would allow development of Precinct 1 for approved uses (construction of service station, retail, access, car parking etc.) prior to the roundabout's completion, but still provides a hold point to require the roundabout for safe and efficient operation of the facility.

**No objection to the proposed modification.**

Condition 116 – Bushfire Management

The condition currently reads:

**"Bushfire Management**

116. Prior to the commencement of works and in perpetuity the entire area north-west of the Koola exclusion fence shown on the diagram titled 'Proposed Site Plan' prepared by Bush (ref: Job No. 738.12, Drawing 1000, Issue P3, dated December 2016) excluding the 10 metres wide vegetated buffer along the northern boundary, must be managed as an inner protection area (IPA) as outlined in Section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones."

Council has no issues with the change in wording to Condition 116 as proposed in the amendment to the previously approved wording (MOD 3), in relation to the bushfire Inner Protection Area description. The wording is however still cumbersome.

It is presumed that the Department of Planning has overridden the requirements of the NSW RFS to have the entire development envelope managed as an IPA by excluding the proposed buffer zone.

Regardless it is highly recommended that any planting in the development envelope should be in line with the RFS requirements for IPA vegetation structure as detailed under A2.2 (vi) of Planning for Bushfire Protection 2006.

The new wording as follows is noted

#### **Bushfire Management**

116. Prior to the commencement of works and in perpetuity the entire area north-west of the Koola exclusion fence on the eastern side of the site shown on the diagram titled 'Proposed Site Plan' prepared by Push (ref: Job No. 738.12, Drawing 1000, Issue P3, dated December 2016) excluding the 10 metres wide vegetated buffer along the northern boundary, must be managed as an inner protection area (IPA) as outlined in Section 4.1.3 and Appendix 5 of Planning for Bush Fire Protection 2006 and the NSW Rural Fire Service's document Standards for asset protection zones.

#### **Condition 154(c) – Tweed Road Contribution Plan s94 Contributions**

The existing condition provides contributions required by the development for the various stages, including Precinct 1. Correspondence between the applicant's planning consultant and Council's town planner confirms that a 40% "employment generating incentive" was not applied in the previous calculations. A retail development of the kind approved on Precinct 1 is generally eligible for this discount under CP4 TRCP and Council's Business Investment Policy. The application requests modification of the contribution calculations and the consent condition to apply this discount.

**No objection to 40% employment generation being given.**

154.

(c) In accordance with Division 6 of Part 4 of the Act, the Proponent shall pay, in proportion to the additional lots created by each stage of the subdivision, the following monetary contributions:

#### **Stage 1 – Precinct 1**

|                              | <b>Trips/ET</b> | <b>Rate per trip (less 40% employment generating discount contained in Council's Business Investment Policy, Ver 2.0, commenced 1 December 2016)/ET</b> | <b>Total Contribution</b> |
|------------------------------|-----------------|---|---------------------------|
| <b>S94 Plan No. 4 (7)***</b> | 680,2213 trips  | \$1395 per trip – 40%<br>= \$837  | <b>\$569,345.23</b>       |
| <b>S94 Plan No. 18</b>       | N/A             | N/A   | N/A                       |

\* ET = Equivalent Tenements

\*\* Any works in kind for cycleways will be considered and offset against CP 22 when construction and costings are available.

\*\*\* Where the development includes construction of works identified in the Tweed Road Contribution Plan Works Schedule, "in-kind" credits may be applied as offsets to CP4 up to the value contained in the Works Schedule.

Please also note the attached consolidated consent could you please update this and return to Council when the Mod is determined.

Kind Regards,

**Denise Galle** (Tue - Fri)  
Team Leader Development Assessment  
Planning and Regulation  
Murwillumbah Office



p (02) 6670 2459  
e [dgalle@tweed.nsw.gov.au](mailto:dgalle@tweed.nsw.gov.au)

[contact us](#) | [website](#) | [your say tweed](#) | [our values](#)



Stay informed with **Council's DA Tracker**

Your actions matter: print less to save more

---

All official correspondence requiring a formal written response should be addressed to the General Manager, PO Box 816, Murwillumbah, 2484; or emailed to [tsc@tweed.nsw.gov.au](mailto:tsc@tweed.nsw.gov.au); or faxed to 02 6670 2429.

This email (including any attachments) is confidential and must only be used by the intended recipient(s) for the purpose(s) for which it has been sent. It may also be legally privileged and/or subject to copyright.

If you are not an intended recipient, any disclosure, distribution, copying or use of or reliance on this email (or any attachment) is strictly prohibited. If you have received this email in error, please promptly notify the sender by return email and then delete all copies of this email (and any attachments).

If you forward or otherwise distribute this email (or any attachment) you may be personally liable for a breach of confidentiality, an infringement of copyright, defamation or other legal liability.

Any opinions, views or conclusions expressed in this email (or any attachment) are those of the individual sender and may not necessarily reflect the official position of the Council.

This e-mail may contain an e-Letter attachment. A digital message is deemed to have been delivered, opened, viewed, presented and provisioned to a customer when the digital message is accessible by the customer to whom it was sent. If an original hard copy of the message is required, please reply to this message requesting a hard copy.

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

---

This email has been scanned by the MessageLabs Email Security System

---