

7 May 2018

Our Ref: KFOR 18/36

Mr Aaron Gadiel
Mills Oakley
Level 12, 400 George Street
Sydney NSW 2000

By email: agadiel@millsoakley.com.au

Dear Aaron

Kings Forest – Concept Plan No. 06_0318 Mod 8 & Project Approval No. 08_0194 Mod 7

You have asked us to provide a following response, drawing on our town planning expertise, to the submissions received from Tweed Shire Council and Essential Energy.

1.0 TWEED SHIRE COUNCIL SUBMISSION DATED 2 MAY 2018

1.1 Extending the Lapsing Date

We note that Tweed Shire Council has no objection to that part of the Modification Applications that seek to extend the lapsing date of the approvals.

1.2 Proposed New Condition A18

Tweed Shire Council Dot Point 1

The need for a Construction Certificate (now referred to as a Subdivision Works Certificate) is addressed in Section 5 of the Mills Oakley letter dated 20 February 2018 which accompanies the Modification Applications.

Tweed Shire Council Dot Point 2

The range of preliminary investigative and monitoring work contemplated is summarised in Section 5.9 of Mills Oakley's letter of 20 February 2018.

Given the scale and nature of the preliminary investigative and monitoring work, potential impacts on the environment will be negligible. Therefore, finalisation of the Management Plans as a prerequisite to carrying out any physical work whatsoever is unreasonable and unnecessary.

Clearly, the objective of the requirement to have the Management Plans approved prior to work commencing is to ensure that substantive subdivision work (eg. clearing, earthworks, roadworks, etc.) are not commenced until the Management Plans are approved.

The Certifier issuing the Subdivision Works Certificate for the preliminary works will have the opportunity to ensure that the proposed work is of a low impact, small scale nature.

In addition, routine inspections by the Certifier can be undertaken to ensure compliance with the terms of the Project Approval (as modified) and the Subdivision Works Certificate.

In summary, proposed Condition A18 will remove uncertainty in relation to whether or not preliminary works can commence prior to the approval of the various Management Plans.

2.0 ESSENTIAL ENERGY SUBMISSION DATED 30 APRIL 2018

The Essential Energy submission raises matters which are not relevant to the proposed modifications as they only seek to extend the lapse dates and include a new condition regarding preliminary works. However, for completeness, a brief response is provided to each issue below.

2.1 Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Response:

No changes to the approved project layout, staging, etc. is proposed and therefore no additional 'potential safety risks' will arise.

2.2 As part of the subdivision and development, easements are created for any existing electrical infrastructure. The easement are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Easements will also be required for any new electrical infrastructure where this will may pass through private or crown land.

Response:

The requirements of MP08_0194 Conditions 2 and 143 regarding easements will be complied with.

2.3 If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

Response:

There are no changes proposed to the approved project layout, staging, etc. as part of the current modifications.

2.4 Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

Response:

Noted. This is a matter for real estate law and not a proper matter for a planning approval.

2.5 The Department should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. The customer will need to engaged the services of Accredited Service Providers to assist with this;

Response:

Project 28 Pty Ltd has been negotiating with Essential Energy regarding the zone substation required by Condition 32 of MP08_0194, and certification from Essential Energy will be requested in accordance with Conditions 144 and 157(2) and (3) at the relevant stage.

- 2.6 Any relocation/augmentation of Essential Energy's network assets will need to be administered via Contestable Design and Certification. All relocations/augmentation will be customer funded works (i.e. at the applicant's expense). The customer will need to engaged the services of Accredited Service Providers to assist with this;**

Response:

Project 28 Pty Ltd will comply with these requirements at the relevant stage. Preliminary concept design work has been commenced.

- 2.7 The existing 33,000 volt overhead electricity infrastructure traversing the northern area of the development is part of a critical radial network, supplying significant customer base. Overhead relocation of this asset is preferred, underground relocation will not be considered without appropriate redundancy. Dependant on the relocation proposal, some of the works will not be contestable. If the asset is to remain in its present location, it must be easily accessible and unobstructed for emergencies, regular inspections, and maintenance purposes.**

Response:

Negotiations with Essential Energy are in progress in relation to the 33,000 volt overhead line and whether or not it should be relocated or undergrounded.

- 2.8 In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure;**

Response:

Existing infrastructure will be managed in accordance with Condition 65 of MP08_0194.

- 2.9 Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part SE (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW);**

Response:

See comments above.

- 2.10 Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice -Work near Overhead Power Lines and Code of Practice- Work near Underground Assets.**

Response:

Project 28 Pty Ltd will comply with relevant Safe Work Requirements at the construction stage.

3.0 SUMMARY & CONCLUSION

In summary, no issues raised by Tweed Shire Council or Essential Energy give rise to any grounds to refuse the proposed modification requesting an extension of the lapse date of the approvals.

In relation to the inclusion of new condition A18, Essential Energy do not raise any specific issues and the issues raised by Council do not justify refusal of the modification to include Condition A18 for the reasons discussed in Item 1.2 above. Accordingly, the Department is requested to modify the Project Approval and Concept Plan Approval as requested in the applications.

Please do not hesitate to contact Darryl Anderson should you require any further information in relation to this matter.

Yours faithfully
DAC Planning Pty Ltd

A handwritten signature in black ink, appearing to read 'D Anderson', with a long horizontal flourish extending to the right.

Darryl Anderson
Director