

5 December 2017

Our Ref: KFOR 17/102

Secretary  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Attention: Jane Flanagan

Dear Madam

**Kings Forest Stage 1, MP08-0194 MOD6 Response to Submissions**

During the notification period for Modification Application No. 6, submissions were received from the following Agencies:

Rural Fire Service (31 October 2017 and 23 November 2017)  
Office of Environment & Heritage (6 November 2017)  
Tweed Shire Council (10 November 2017 and 15 November 2017)  
Roads & Maritime Services (22 November 2017)

The key issues raised are addressed in the following response to submissions.

**1.0 RURAL FIRE SERVICE**

In correspondence dated 31 October 2017, the RFS advised that it has no objections to the Modification Application. Subsequently, Tweed Shire Council made the following comments on 10 November 2017:

*"Council has no issues with the change in wording to Condition 116 as proposed by the amendment to the previously approved wording (Mod 3) in relation to the bushfire inner protection area description. The wording is however still cumbersome."*

Council also recommended that any plantings in the development envelope should be in line with the RFS requirements for an IPA vegetation structure as detailed under A2.2(vi) of Planning for Bushfire Protection 2006.

Following Council's comments, the Department sought further comments from the RFS. On 23 November 2017 the RFS advised that their comments regarding MOD3 in their letter dated 23 January 2017 are still relevant to the proposed site layout. However, the RFS advised that if there is still confusion regarding the wording of the condition this could be resolved by a specific plan showing the area of the proposed APZ.

The proposed modified Condition 116 was prepared following advice from the DoPE. The approved Site Plan (Push, Drawing No. 1000, Issue P3, December 2016) shows the Koala exclusion fence on the eastern side of the site and the proposed condition refers to this Plan, which clearly shows the entire area northwest of the Koala exclusion fence.

It is considered that the proposed wording of Condition 116, which has been prepared following advice from the DoPE and is endorsed by the RFS, is not confusing and does not require a specific plan or further amendment.

## 2.0 OFFICE OF ENVIRONMENT AND HERITAGE

The OEH has reviewed the proposed modifications to Conditions 26, 116 and 154(c) and has advised that no further comment is considered necessary.

## 3.0 TWEED SHIRE COUNCIL

On 10 November 2017 Council advised that it has no objection to the proposed amended conditions. Subsequently, on 15 November 2017 Council advised that the revised total contribution in Condition 154(c) was based on higher rates than those applicable.

Council therefore proposed the following revised condition, which the proponent accepts.

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

	Trips/ET	Rate per trip (less 40% employment generating discount contained in Council's Business Investment Policy, Ver 2.0, commenced 1 December 2016)/ET	Total Contribution
<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.

## 4.0 ROAD AND MARITIME SERVICES

On 22 November 2017, the RMS advised that it has no objections to the proposed modification. The RMS made three comments in relation to the proposed modification. Those comments are reproduced as follows, together with responses:

- ♦ It is understood that construction traffic impacts will be appropriately managed in accordance with Conditions 52 and 55.

### Response

It is confirmed that construction traffic impacts will be managed by way of appropriate provisions in the Construction Environmental Management Plan required by Condition 52 and the Construction Traffic and Pedestrian Management Plan required by Condition 55.

- It is understood that the upgrade of the Tweed Coast Road and Kings Forest Parkway will be completed prior to commencement of residential traffic.

Response

The RMS's understanding is correct.

- It is unclear why the requested modification of condition 26 has identified different hold points for Precinct 1 and Precinct 5.

Response

Different hold points are proposed for Precincts 1 and 5 because Precinct 1 is designated under the Concept Plan as employment land (no subdivision involved) and therefore the latest practical hold point is prior to the use/occupation of the approved Precinct 1 service station/food outlets.

Precinct 5 comprises a residential subdivision creating some 376 lots and therefore the appropriate hold point, consistent with normal practice, is prior to the issue of a Subdivision Certificate for the first residential lot.

## **5.0 SUMMARY AND CONCLUSIONS**

In summary, no objections have been raised to the proposed modifications and accordingly the Department is requested to approve the Modification Application (MOD6) as lodged, subject to the amended Condition 154(c) proposed by Tweed Shire Council.

Yours faithfully  
DAC Planning Pty Ltd



Darryl Anderson  
Director