

6 October 2022

TfNSW reference: STH22/00292/01
Your reference: 2022.279 (CNR-45649)

Bega Valley Shire Council
By Email: mfowler@begavalley.nsw.gov.au

Attention: Mark Fowler

2022.279 (CNR-45649) – Sports Complex – LOTS 8, 13 & 15 SECTION 33 DP758076 AND LOT 1 DP94051 – 249 Carp Street BEGA

Dear Mark

Transport for NSW (TfNSW) is responding to the DA 2022.279 (CNR-45649) referred on 15 September 2022.

TfNSW has reviewed the information and has no objections to the proposed development. Comments on the development are set out in Attachment 1.

TfNSW notes that in determining the application under Part 4 of the *Environmental Planning & Assessment Act 1979* it is the consent authority's responsibility to consider the environmental impacts of any road works that are ancillary to the development (such as removal of trees, relocation of utilities, stormwater management, etc). Depending on the nature of the works, the Council may require the developer to submit a further environmental assessment for any ancillary road works.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW. If you have any questions, please contact Steven Yuan, Development Services Case Officer, on 02 9983 2596 or email development.south@transport.nsw.gov.au.

Yours faithfully



Steven Yuan
Development Case Officer, Development Services

OFFICIAL
OFFICIAL

2022.279 (CNR-45649) – Sports Complex – LOTS 8, 13 & 15 SECTION 33 DP758076 AND LOT 1 DP94051 – 249 Carp Street BEGA

Context

TfNSW notes for this DA:

- The key state road is Princes Highway;
- Council is seeking advice from TfNSW to assist in its assessment under Section 2.122 – Traffic-generating development of the State Environmental Planning Policy (Transport and Infrastructure) 2021; and
- Given that the redevelopment is proposed to modernise the facilities at Bega Sports Complex, rather than significantly altering the scale or type of activities on the site, it is expected that traffic demands are not expected to significantly change.

Additional comments

TfNSW has identified the following areas that should be considered to achieve better outcomes for the road network.

- TfNSW entrusts Council to determine appropriate parking solutions on the local road network to accommodate events with high parking demand;
- TfNSW entrusts Council to assess and manage the traffic implications of this development application. TfNSW believes it is more appropriate for Council to consider and determine if proposed arrangements for the development are acceptable from a network perspective; and
- Upgrades to the existing pedestrian crossing facilities on Carp Street could be considered by Council, as the proposal may generate additional crossing movements.

ConveyancingTeam

From: ConveyancingTeam
Sent: Thursday, 6 October 2022 4:18 PM
To: Fowler, Mark
Subject: Re: CNR-45649 / 2022.279 - 249 Carp Street / 116 Bega Street, Bega (8, 13 & 15/33/758076; 701/94051) Proposed Bega Valley Sporting complex incl demolish existing & construct new sporting/community use building, ancillary infrastructure

Dear Sir/Madam,

We refer to the above matter and to your correspondence via the NSW ePlanning Portal seeking comment from Essential Energy in relation to the proposed development.

Strictly based on the documents submitted, Essential Energy makes the following comments as to potential safety risks arising from the proposed development:

1. Essential Energy's records indicate existing low voltage overhead powerlines located within Lot 8 and Lot 13. Prior to any demolition works commencing, all overhead powerlines located on these properties must be disconnected and removed.
2. Essential Energy's records also indicate existing overhead powerlines across the Carp Street frontage of the properties:
 - a. Minimum safety clearance requirements are to be maintained at all times for the proposed driveway/s access and/or exit (concrete crossovers), as such driveway/s access will pass under Essential Energy's existing overhead powerlines located at the front of the property. The driveway/s must comply with clearances for trafficable land, ground clearances must be maintained. Refer Essential Energy's policy *CEOM7106.25 Minimum Clearance Requirements for NSW* and the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
 - b. Any proposed driveway/s access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
 - c. Any excavation works in this area or works on the proposed driveway/s must comply with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
 - d. Any landscaping, tree planting in this area must comply with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*.
3. Essential Energy's records also indicate that the existing overhead service connection to the adjoining property, Lot 92 DP602567, crosses partly through Lot 701 DP94051 on its Carp Street frontage. This existing service will need to comply with the *NSW Service and Installation Rules*, in relation to clearances to the proposal. This may mean that this existing service will need to be re-located, at the Applicant's expense. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.
4. Satisfactory arrangements must be made with Essential Energy for the provision of power with respect to the proposed development. It is the Applicant's responsibility to make the appropriate

application with Essential Energy for the supply of electricity to the development, which may include the payment of fees, contributions and if required, new designated electrical infrastructure. If it is deemed that designated electrical infrastructure is required, then all fees for such infrastructure (which may be substantial) will be borne by the Applicant. Refer Essential Energy's Contestable Works Team for requirements via email contestableworks@essentialenergy.com.au.

5. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the development in accordance with *NSW Service and Installation Rules*. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.

Essential Energy also makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
3. In addition, Essential Energy's records indicate there is overhead electricity infrastructure located within the properties and within close proximity of the properties. Any activities within these locations 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 properties encroach on the electricity infrastructure.
4. Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW).
5. 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/Underground Assets*.

Should you require any clarification, please do not hesitate to contact us.

Regards

Fiona Duncan
Conveyancing Officer
Legal & Conveyancing
Governance & Corporate Services



T: 02 6589 8773 (Ext 88773) | conveyancingteam@essentialenergy.com.au

PO Box 5730 Port Macquarie NSW 2444 | essentialenergy.com.au

General enquiries: 13 23 91 | Supply interruptions (24hr): 13 20 80

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Department of Planning and Environment

CM9 Ref: 22/00032#42

General Manager
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

Email: council@begavalley.nsw.gov.au

Attn: Mark Fowler

Dear Mark

Proposed Development: DA2022.279 Construction of a sporting and community use building
Applicant: Bega Valley Shire Council
Location: Lot 8 Sec 33 DP 758076 Lot 13 Sec 33 DP 758076 Lot 15 Sec 33 DP 758076 Lot 701 DP 9405

I refer to Council's email dated 15 May 2023 regarding the above development application and confirm that Landowners consent has been granted.

This follows on from the Department of Planning and Environment – Crown Lands (the department) objection to the development proposal dated 11 October 2022 (CM9 Ref: DOC22/210063).

Therefore, the department as adjoining landowner now has no objection to the proposed development.

Should you require any further information, please do not hesitate to contact me at the Bega Crown Lands Office by phone on 4824 3761 or email sue.shallis@crowland.nsw.gov.au

Yours sincerely



Sue Shallis
Senior Property Management Officer
Department of Planning and Environment – Crown Lands

Date: 16 May 2023



Letter to Applicant

Our reference: NA80R164#01
LOC No: 637927

Taylor Burch
Phone: 02 4824 3713
taylor.burch@crowmland.nsw.gov.au

4/5/2023

Rickee Marshall
Bega Valley Shire Council
PO Box 492
BEGA NSW 2550

Dear Sir/Madam

Consent for Development Comprising:	Demolition of the existing sports building and replacement with a new one.
Crown Land	Part of Lots 15/33/758076, 701/94051, 8/33/758076
Crown reserve	Reserve 580074 For Athletic Sports and Public Recreation notified 25 August 1909 Reserve 32165 for Public Pound notified 16 February 1901
Parish	Bega
County	Auckland
Applicant	Bega Valley Shire Council

Consent is granted by the Minister for Lands and Property to the lodgement of applications for approval under the *Environmental Planning and Assessment Act 1979*, and other associated applications required under other legislation, for the development proposal described above.

The Land Owner Consent is granted conditional to the following:

1. Land Owner Consent will expire after a period of 12 months from the date of this letter if not acted on within that time. Extensions of this consent may be sought
2. You are required to forward a copy of the DA approval to the NSW Department of Planning & Environment – Crown Lands (“the Department”) after approval and prior to commencing works.
3. You are required to ensure that the approval provided is consistent with this Land Owner Consent.
4. The Land Owner Consent is provided for the works detailed on the plans provided by you and retained by the Department as DOC22/245868.

Land Owner Consent is granted in accordance with the following:

- Land Owner Consent is given without prejudice so that consideration of the proposed development may proceed under the *Environmental Planning and Assessment Act 1979* and any other relevant legislation;
- The grant of this Land Owner Consent does not guarantee that any subsequent authority to occupy will be granted;

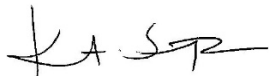
- Land Owner Consent does not imply the concurrence of the Minister for Lands and Property for the proposed development and does not provide authorisation under the Crown Land Management Act 2016 for this proposal;
- The issue of Land Owner Consent does not prevent the Department from making any submission commenting on, supporting or opposing an application;
- The Minister reserves the right to issue Land Owner Consent for the lodgement of applications for any other development proposals on the subject land concurrent with this Land Owner Consent;
- Any changes made to the proposal, including those imposed by the consent authority, must be consistent with the Land Owner Consent and therefore if modifications are made to the proposed development details must be provided to the Department for approval;
- Land Owner Consent also allows application to any other approval authority necessary for this development proposal.

This letter should be submitted to the relevant consent or approval authority in conjunction with the development application and/or any other application. You are responsible for identifying and obtaining all other consents, approvals and permits required under NSW and Commonwealth laws from other agencies for the proposed development.

It is important that you understand your obligations relating to Condition 3. If any alterations are made to the application (whether in the course of assessment, by conditions of consent, or otherwise), it is your responsibility to ensure the amended or modified development remains consistent with this Land Owner Consent. If there is any inconsistency or uncertainty you are required to contact the Department before undertaking the development to ensure that the Department consents to the changes. A subsequent LOC application may incur additional application fees.

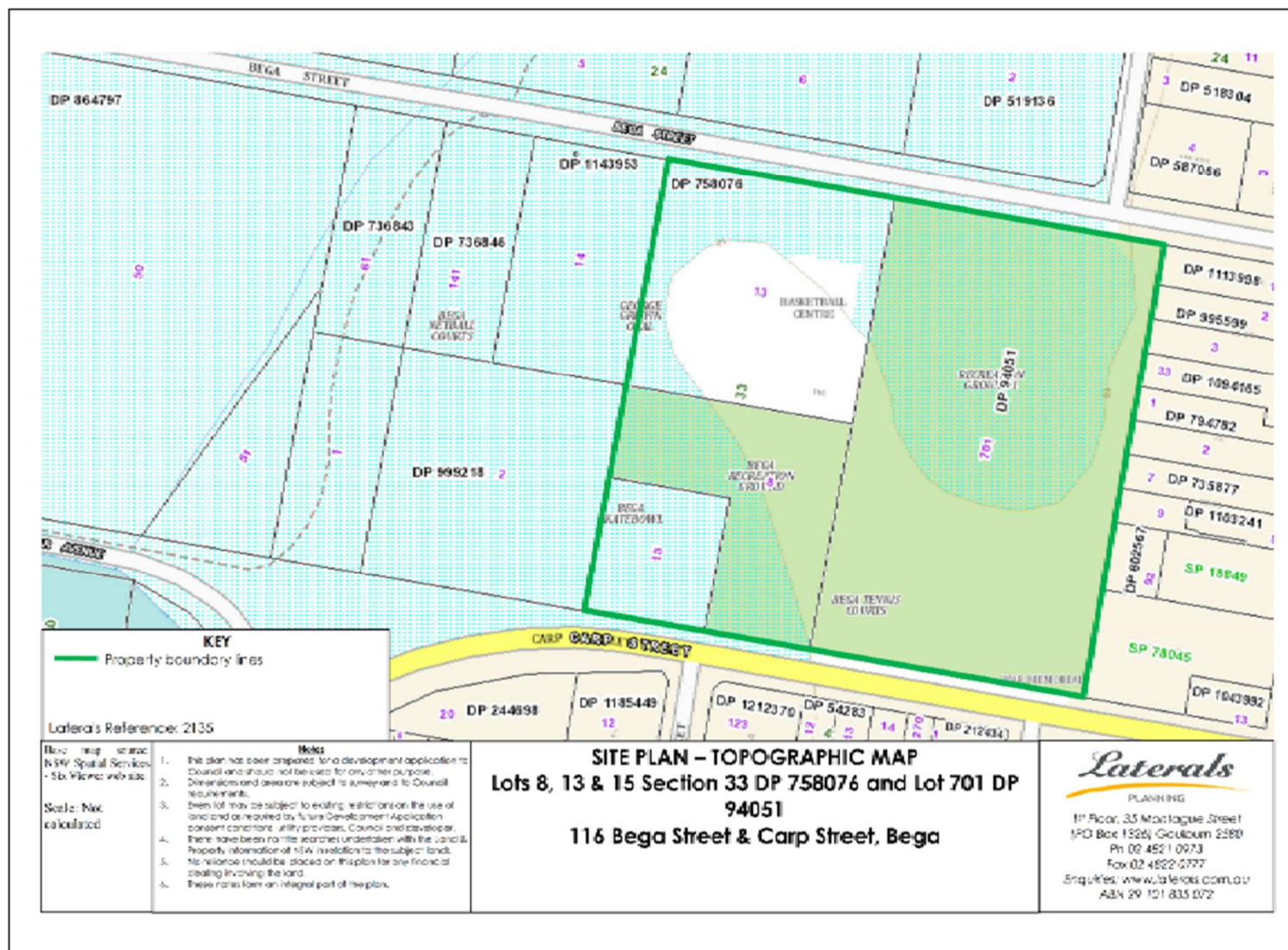
For further information, please contact Taylor Burch via the details given in the letter head.

Yours sincerely



Kirsti Sampson
Area Manager South East
Department of Planning & Environment - Crown Lands
3/5/2023

Attachment A – Location Map





CM9 Ref:22/00032#42

Bega Valley Shire Council
PO Box 492
Bega NSW 2550
Email: council@begavalley.nsw.gov.au

Dear Sir/Madam

Proposed Development: DA2022.279 Construction of a sporting and community use building
Applicant: Bega Valley Shire Council
Location: Lot 8 Sec 33 DP 758076 Lot 13 Sec 33 DP 758076 Lot 15 Sec 33 DP 758076 Lot 701 DP 9405-249 Carp Street Bega, 116 Bega Street Bega

I refer to Council's letter dated 23 September 2022 requesting comments for the above development proposal.

The Department of Planning and Environment–Crown Lands has reviewed the development application in accordance with the principles of Crown land management (s.1.4 *Crown Land Management Act 2016* – the Act), and objects to the proposed development as it impacts Crown Land as described below. Crown land must not be occupied or used unless it is authorised by the Act (s. 1.15).

Impacted Crown land: *The Environmental Planning and Assessment Act 1979* requires any person seeking to carry out specified development to obtain the consent of the landowner prior to lodging a development application. This includes where Crown land is managed by a Crown Land Manager (CLM). Section 2.23 of the Crown Land Management Act 2016 (deemed consent) has been found not to apply in relation to this development.

Identified Impacts: Landowners consent is required for lodgement of DA2022.279

Therefore, the Department objects to the proposed development as submitted for the reasons stated above. The development application should be modified to remove any impact from Crown land, whereupon the objection will be formally withdrawn and no further action or consultation is required.

Should you require any further information, please do not hesitate to contact Amy Cooper. at the Bega Crown Lands Office by phone on 1300 886 235 or email bega.crownland.nsw.gov.au

Yours sincerely

Amy Cooper
Property Services Officer
Department of Planning and Environment – Crown Lands

Date: 11 October 2022