

PCU55147

Your Reference: 08_0200 (MOD 3)

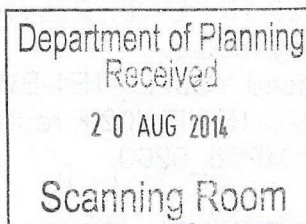


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14 August 2014

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Attention: Rebecca Sommer

Dear Sir/Madam

**Comments on the proposed modification of the Cobaki Central
Open Space Project Approval (MP08_0200 Mod 3)**

Condition 3 – Project in Accordance with Plans

- **YC0229-1E1-D02 Rev H – Index Sheet - Date 30.06.14**
 - YC0229-1E1-D02 H is proposed to be added to the Consent (for the first time) by Mod 3.
 - YC0229-1E1-D02 H references a significant number of unapproved plans and the modification needs to take this into consideration before it is considered further - refer to additional comments on plans below.
 - It should also be clarified if YC0229-1E1-D02 H replaces YC0229-1P1-D02 C which was approved under the original MP08_0200.
- **YC0229-1E1-D03 Rev G - Scope of Works & Key Sheet Plan - Date 30.06.14**
 - YC0229-1E1-D03 F was previously added by Mod 2.
 - This proposed, amended plan is supported, but it should be clarified if YC0229-1E1-D03 G replaces YC0229-1P1-D03 B which was approved under MP08_0200.
- **YC0229-1E1-EC01 Rev H - Bulk Earthworks Cut & Fill Plan Sheet 1 of 2 - Date 30.06.14**
 - YC0229-1E1-EC01 G was previously added by Mod 2.
 - This proposed, amended plan is supported, however it should be clarified if YC0229-1E1-EC01 H replaces YC0229-1P1-EC01 B which was approved under MP08_0200.
- **YC0229-1E1-E01 Rev G - Erosion & Sediment Control Plan Sheet 1 of 2 - Date 30.06.14**
 - YC0229-1E1-E01 was previously added by Mod 1 (Rev C) and amended under Mod 2 (Rev F).
 - This proposed, amended plan is supported, however it should be clarified if YC0229-1E1-E01 G replaces YC0229-1P1-E01 B which was approved under MP08_0200.

- **YC0229-1E1-EW02 Rev F - Bulk Earthworks Layout Plan Sheet 2 of 8 - Date 30.06.14**
 - YC0229-1E1-EW02 F is proposed to be added to the Consent (for the first time) by Mod 3.
 - Proposed YC0229-1E1-EW02 F is supported, however it should be clarified if YC0229-1E1-EW02 F replaces YC0229-1P1-EW02 B which was approved under MP08_0200.
- **YC0229-1E1-EW13 Rev C - Precinct 9 Borrow Area Earthworks Plan - Date 11.07.14**
 - YC0229-1E1-EW13 B was previously added by Mod 2.
 - This proposed amended plan is supported, subject to satisfaction of matters raised below.
- **YC0229-1E1-ES08 Rev D - Precinct 9 Borrow Area Earthworks Sections - Date 11.07.14**
 - YC0229-1E1-ES08 B was previously added by Mod 2.
 - This proposed, amended plan is supported, subject to satisfaction of matters raised below.

Condition 4 – Project in Accordance with Documents

- **Modification Report - Project Approval No.08_0200 prepared by Darryl Anderson Consulting Pty Ltd, July 2014**
 - The inclusion of the Modification Report is not supported until all relevant matters raised within this letter have been satisfactorily addressed.
- **Cobaki Estate Development Construction Environmental Management Plan (CEMP) Cobaki Estate - Southern Special Purpose Precinct (SSPP) Bulk Earthworks prepared by SMEC Urban, July 2014**
 - The inclusion of the CEMP is not supported until all relevant matters raised within this letter have been satisfactorily addressed.
 - It is recommended that Appendix A include Plan **YC0229-1E1-ES02 E**, subject to the satisfaction of issued raised in additional plan comments below.
- **Cobaki Estate Development Environmental Assessment Report, Southern Special Purpose Precinct (SSPP) Bulk Earthworks - Bulk Earthworks Revision 1 prepared by SMEC Urban, July 2014**
 - The inclusion of the Environmental Assessment Report is not supported until all relevant matters raised within this letter have been satisfactorily addressed.
 - It is recommended that Appendix A include Plan **YC0229-1E1-ES02 E**, subject to the satisfaction of issued raised in additional plan comments below.

- **Report on Geotechnical Investigation - Proposed Southern Special Purpose Precinct Cobaki, prepared by Douglas Partners dated May 2014**
 - No objections are raised to the inclusion of the Geotechnical Investigation Report.
 - Please note that Council were provided with a copy of a Douglas Partners letter to Leda, dated 10 April 2014 which raises concern '...that the expected fluctuating water table, within the SSPP area, has the potential to affect the integrity of the road embankment batters and may result in some destabilisation of the embankments. If this does occur, and depending on what stage of construction the adjacent roads are at, this may affect any services located on the roadway and may also affect the road pavements'. Whilst Council staff consider that this concern refers to the proposed development prior to the lodgement of Mod 3, this is a matter that needs to be considered by the PCA.
- **Cultural Heritage Letter of Advice, prepared by Everick Heritage Consultants Pty Ltd dated 16 July 2014**
 - No objections are raised to the content of the letter of advice.
 - Consideration should be given to the inclusion of this letter into the list of documents under Condition 4.

Condition 41 – Earthworks – Limits of Approval

No objection to the proposed amendment of Condition 41(b), subject to the issues raised within this letter (with regard to approved plans) being satisfied.

Saltmarsh

The placement of fill within the SSPP will result in the removal of 3.25ha of Coastal Saltmarsh (Endangered Ecological Community, NSW TSC Act; Vulnerable, Commonwealth EPBC Act). Whilst the removal of this area is foreshadowed by the Concept Approval, this approval was given on the condition that the remainder of the Saltmarsh community within the Saltmarsh Rehabilitation Area would be protected and restored.

At present, a large area of Saltmarsh has been impacted due to drainage issues resulting from works to date. Whilst preliminary remediation actions are in place, there is currently a lack of certainty around whether these actions are able to ameliorate the impact or result in the restoration and maintenance of the Saltmarsh community in the long term. It is considered appropriate to obtain further detail on the impact to the Saltmarsh, and evidence of the ability to restore the Saltmarsh community within the Saltmarsh Rehabilitation Area prior to approving any further impact to this community.

Environmental Assessment / CEMP

No information has been provided within the Environmental Assessment Report or CEMP to support the expansion of the borrow area within Precinct 9. Both documents relate only to the SSPP area. Thus it is not possible to determine the precise extent of works in this area in relation to any existing vegetation or whether any additional vegetation is to be removed as a result of the expansion.

It should be noted that Council expressed concern in relation to the previous modification (08-0200 Mod 2, Precincts 9 & 11 Borrow Areas) regarding the removal of remnant vegetation (identified as Grey-headed Flying Fox foraging habitat). At that stage it was Council's understanding that the EPBC requirement for a Biodiversity Offset Strategy (approved by the Minister) prior to removal had not yet been satisfied. Council has not been advised otherwise since the previous comments in relation to Mod 2.

Environmental management activities and controls provided in the Environmental Assessment and CEMP are broad, and many do not relate or are not directly applicable to the SSPP. For example, the CEMP states a number of times that:

"The mitigation measures detailed below relate to the entire site and may not be directly relevant to the SSPP."

This creates difficulty in tracking the effectiveness of controls specific to the SSPP, thus it is suggested that the CEMP be revised in order that it contain only relevant actions and controls.

Saltmarsh Rehabilitation Plan

Condition 65b of Project Approval (Mod 1) states:

b. Prior to works commencing in the affected areas, the proponent shall submit to the Director-General for approval a final saltmarsh rehabilitation plan that is to include, but not be limited to...

Given the length of time since works were carried out in the Saltmarsh area, and that the current Modification relates to the permanent removal of an adjacent area of Saltmarsh, it is considered appropriate that the final Saltmarsh Rehabilitation Plan be finalised and approved prior to approval of works in the SSPP.

On-Ground Survey

The EAR indicates that its figures relating to the area of EEC to be impacted by the SSPP may not be indicative of the current situation on the site, as they are based on 2009 data. The EAR states that:

"The EEC areas to be cleared will be clearly delineated once accurate on-ground survey is complete."

No indication is given as to when on-ground survey is likely to be completed. Nevertheless, this level of uncertainty in detail at this stage is considered unacceptable.

It is also noted that no detailed vegetation mapping is available for the Saltmarsh Rehabilitation Area prior to or during its current state of inundation. It is considered necessary for the purposes of compliance and future monitoring that the current extent of each community within the development area and the Saltmarsh Rehabilitation Area is accurately mapped at the earliest opportunity and prior to any impact occurring within the SSPP.

Acid Sulfate Soils and Groundwater

The need to consider ASS impacts stems from the provisions of Condition 20 of MP08-0200 and Condition C5 of Project Application MP06-0316. Annexure G (Environmental Assessment Report) Section 3.3.1 of the Modification Report advised that ASS investigation has been undertaken in 2009 and 2013 which included the location of the SSPP site. The

investigations concluded that potential ASS and Actual ASS exist on the SSPP site with the SSPP site located at around 0m AHD. The management measures that have been proposed under Section 4.5 of Annexure G seem to consider ASS if they are encountered on the site. The ASS management measures that have been incorporated in Section 6.1.8 of Annexure H (Construction Environment Management Plan) again seem to only consider ASS if they are encountered on the site. It is not clear if this is in relation to filling impacts or due to the operation of machinery on the site or as a result of minor excavation works that may be associated with the placement of fill on the site.

It is noted that the SSPP site is at around 0m AHD and that approximately 180,000m³ of fill material will be placed on this site with an 800mm allowance for settlement. It is further noted that Condition C5 of 06-0316 requires that the ASS Management Report is to be generally in accordance with the ASSMAC Guidelines (NSW).

The NSW ASSMAC guidelines do not adequately consider the impact of filling placed upon any in situ ASS. In situ ASS may be disturbed by filling operations by bringing actual ASS into contact with the groundwater potentially mobilizing and transporting existing acidity out of the actual ASS into the groundwater and thru the displacement or extrusion of saturated potential ASS above the water table and in the process aerating such soils.

QLD State Planning Policy (SPP) 2/02 however does consider the issue of placing fill material on in situ ASS and requires that consideration is given to potential impacts. SPP2/02 would apply to the placement of fill material on in situ ASS when the fill site is at around 0m AHD, if filling > or = 500 m³ is to be placed and the average fill depth is > or = 500mm.

Given that the objective is to manage any adverse ASS impacts and notwithstanding the provisions of Condition C5 of MP06-0316, consideration should be given to the impacts of placing fill material in the quantity involved onto the SSPP site in respect to the need to manage ASS impacts. It is not clear if the applicant has sufficiently addressed this issue in respect to ASS considerations under the Modification Report and additional information should be requested.

Noise and Vibration

The need to consider Noise and Vibration impacts stem from the provisions of MP08-0200 Conditions 25,29,49,50,51 and 52.

Annexure G Section 3.4 advises that a noise assessment by CRG in 2013 for Precincts 9 and 11 concluded that sensitive (noise) receptors were unlikely to experience an increase in noise levels during excavation works associated with the bulk earthworks. As the SSPP site is located further away from these receptors, earthworks associated with this site are considered unlikely to adversely impact these receptors. Noise mitigation measures are however proposed in Section 4.6 of Annexure G and Section 6.1.4 of Annexure H.

As it is not unreasonable to consider that the noise level investigation already completed for Precinct 9 would likely also cover the extension of borrow activities within Precinct 9 and given the advice that the SSPP site is located further away from sensitive receptors it is considered that the noise and vibration measures proposed in Annexure G and H are adequate.

Contamination

The need to consider contamination stems from the provisions of Condition C17 of MP06-0316 and Condition 20 of MP08-0200. Condition 20 of MP08-0200 relates to Turners Dip Site and Condition C17 of MP06-0316 relates to Precincts 10 and 17. In addition Section 3.3.2 of Annexure G advises that areas of potentially contaminating activities on the Cobaki Site have been well documented and none of the identified areas are on the SSPP site nor associated with Precinct 9.

Therefore any contamination is more likely to result from fuel spillages etc associated with the bulk earthwork operations and the mitigation measures as contained within Section 4.4 of Annexure G and Section 6.1.10 of Annexure H are considered adequate.

Air Quality and Dust Control

The need to consider Air Quality and Dust Control stem from the provisions of Conditions 25 and 47 of MP08-0200. Mitigation measures are proposed in Section 4.7 of Annexure G and Section 6.1.7 of Annexure H. These mitigation measures are considered adequate.

Additional Comments on Plans

An assessment of all the plans shown on the proposed Index sheet for Mod 3 (YC0229-1E1-D02 Rev H – Index Sheet - Date 30.06.14) has been undertaken with the following comments made:

- **YC0229-1E1-D01 D**
 - Council is not aware of YC0229-1E1-D01 D ever being approved.
 - YC0229-1P1-D01 B was approved under MP08_0200, but never YC0229-1E1-D01 D (note the ...1P1... set of plans are different to the ...1E1... set of plans). This inconsistency occurs regularly in proposed YC0229-1E1-D02 H.
 - If it is intended to include YC0229-1E1-D01 D on YC0229-1E1-D02 H, then it is recommended that Mod 3 be amended to include YC0229-1E1-D01 D (and a copy of the plan provided to Council for assessment) or any reference to YC0229-1E1-D01 D on YC0229-1E1-D02 H needs to be removed.
 - It should also be confirmed if the original plan YC0229-1P1-D01 B is still valid, if YC0229-1E1-D01 D is included in Mod 3.
- **YC0229-1E1-D04 C**
 - Council is not aware of YC0229-1E1-D04 C ever being approved.
 - As per YC0229-1E1-D01 D (above), it is recommended that YC0229-1E1-D04 C be either included in Mod 3 or removed from YC0229-1E1-D02 H.
- **YC0229-1E1-A01 D, -A02 C**
 - Council is not aware of YC0229-1E1-A01D or A02C ever being approved.
 - As per YC0229-1E1-D01 D (above), it is recommended that YC0229-1E1-A01 D & YC0229-1E1-A02 C be either included in Mod 3 or removed from YC0229-1E1-D02 H.
 - In regards to YC0229-1E1-A01 D, it also recommended that it be confirmed if YC0229-1P1-A01 B (which was approved under MP08_0200) is still valid.

- **YC0229-1E1-E02 E**

- YC0229-1E1-E02 C was previously added by Mod 1.
- If Revision E is to be now referenced, then it is recommended that Mod 3 be amended to include this plan or YC0229-1E1-D02 H amended to reference approved YC0229-1E1-E02 C accordingly.
- It should also be clarified if YC0229-1E1-E02 (Rev referenced on YC0229-1E1-D02 H) replaces YC0229-1P1-E02 B which was approved under MP08_0200.

- **YC0229-1E1-E03 C, -E04 C**

- These plans (both Rev D) were previously added by Mod 2.
- If Revision C is to be now referenced, then it is recommended that Mod 3 be amended to include these plans or YC0229-1E1-D02 H amended to reference approved Rev D accordingly.

- **YC0229-1E1-E05 A**

- YC0229-1E1-E05 A was previously added by Mod 2.
- Proposed YC0229-1E1-D02 H correctly references this plan. No changes required.

- **YC0229-1E1-EC02 F**

- Council is not aware of YC0229-1E1-EC02 F ever being approved.
- As per YC0229-1E1-D01 D (above), it is recommended that YC0229-1E1-EC02 F be either included in Mod 3 or removed from YC0229-1E1-D02 H.
- It should also be clarified if YC0229-1E1-EC02 F replaces YC0229-1P1-EC02 D which was approved under Mod 1.

- **YC0229-1E1-EW01 F**

- Council is not aware of YC0229-1E1-EW01 F ever being approved.
- As per YC0229-1E1-D01 D (above), it is recommended that YC0229-1E1-EW01 F be either included in Mod 3 or removed from YC0229-1E1-D02 H.
- It should also be clarified if YC0229-1E1-EW01 F replaces YC0229-1P1-EW01 B which was approved under MP08_0200.

- **YC0229-1E1-EW03 E, -EW04 E, -EW05 E, -EW06 E, -EW07 E, -EW08 E**

- Council is not aware of these plans ever being approved.
- As per YC0229-1E1-D01 D (above), it is recommended that these plans be either be included in Mod 3 or removed from YC0229-1E1-D02 H.
- It should also be clarified if these plans replace their respective YC0229-1P1-EW?? B which were approved under MP08_0200.

- **YC0229-1E1-EW09 C, -EW10 C, -EW11 C, -EW12 C**

- These plans (all Rev B) were previously added by Mod 1.
- If Rev C is to be now referenced for these plans, then it is recommended that Mod 3 be amended to include these plans or YC0229-1E1-D02 H needs to be amended to reference the approved Rev B plans (as per Mod 1).

- **YC0229-1E1-EW14 A**

- YC0229-1E1-EW14 A was previously added by Mod 2.
- Proposed YC0229-1E1-D02 H correctly references this plan. No changes required.

- **YC0229-1E1-ES01 D**

- Council is not aware of YC0229-1E1-ES01 D ever being approved.
- As per YC0229-1E1-D01 D (above), it is recommended that YC0229-1E1-ES01 D be either included in Mod 3 or removed from YC0229-1E1-D02 H.
- It should also be clarified if YC0229-1E1-ES01 D replaces YC0229-1P1-ES01 B which was approved under MP08_0200.

- **YC0229-1E1-ES02 E**

- Council is not aware of YC0229-1E1-ES02 E ever being approved.
- It is recommended that Mod 3 be amended to include YC0229-1E1-ES02 E.
- It is requested that a copy of this plan also be provided for Council's assessment.
- It should also be clarified if YC0229-1E1-ES02 E replaces YC0229-1P1-ES02 B which was approved under MP08_0200.

- **YC0229-1E1-ES03 D**

- Council is not aware of YC0229-1E1-ES03 D ever being approved.
- As per YC0229-1E1-D01 D (above), it is recommended that YC0229-1E1-ES03 D be either included in Mod 3 or removed from YC0229-1E1-D02 H.
- It should also be clarified if YC0229-1E1-ES03 D replaces YC0229-1P1-ES03 B which was approved under MP08_0200.

- **YC0229-1E1-ES04 D**

- YC0229-1E1-ES04 D was previously added by Mod 1.
- Proposed YC0229-1E1-D02 H correctly references this plan. No changes required.

- **YC0229-1E1-ES05 D, -ES06 D, -ES07 D**

- These plans (all Rev A) were previously added by Mod 1.
- If Rev D is to be now referenced for these plans, then it is recommended that Mod 3 be amended to include these plans or YC0229-1E1-D02 H be amended to reference the approved Rev A.

- **Additional 1E1 plans referenced on YC0229-1E1-D02 H.**

- Council is not aware of the following Plans ever being approved. Accordingly it is recommended that they either be extracted from YC0229-1E1-D02 H or Mod 3 amended to include them and appropriate assessment of these plans made.
- It also needs to be clarified if their respective -1P1- equivalent plan approved under MP08_0200 is still relevant or is being replaced.

- 1E1-DL01 D to -DL03 D
- 1E1-XS01 D to - XS10 D
- 1E1-DL04 D
- 1E1-XS11 D to - XS12 D
- 1E1-DL05 E
- 1E1-XS13 C to - XS15 C
- 1E1-DL06 D
- 1E1-XS16 D to - XS17 D
- 1E1-DL07 D
- 1E1-XS18 D to - XS20 D
- 1E1-DL08 C
- 1E1-CL01 C
- 1E1-CX01 C to - CX07 C
- 1E1-SL01 D to - SL02 D
- 1E1-SX01 D to - SX05 D
- 1E1-SX06 C to - SX07 C
- 1E1-TS01 E
- 1E1-SW01 C to - SW05 C
- 1E1-SW06 D to - SW07 D

The abovementioned comments are based on a brief assessment of the proposed Mod 3 documentation, given the restrictive timeframe provided for submissions. Should further detailed comment be requested, additional time will be required for such review.

For further information regarding this matter please contact Colleen Forbes on (02) 6670 2596.

Yours faithfully



Lindsay McGavin
Manager Development Assessment