

5 April 2013

NSW Department of Planning & Infrastructure  
Metropolitan & Regional Projects North  
GPO Box 39  
**SYDNEY NSW 2000**

**Attn: Sally Munk**

Dear Sally

**Combined comments on the proposed modification of the Cobaki Residential Development Concept Plan (MP06\_0316 Mod 1), the Central Open Space Project Approval (MP08\_0200 Mod 1) and proposed amendments to the modification to the Project Approval**

**Concept Approval 06\_0316 MOD1**

**Condition A3 – Project in Accordance With Documents**

No objection to the proposed referencing of amended ecological assessment and management plans (November 2012), as well as reference to the Modification Report November 2012, with exception the comments below:

- **Deletion of the Revised Freshwater Wetland Rehabilitation Plan**

The deletion of the Revised Freshwater Wetland Rehabilitation Plan (JWA October 2010) is proposed due to changes in the intended use of the Central Open Space area. The October 2010 Freshwater Wetland Rehabilitation Plan specified the provision of 24.27ha of offset area for Freshwater Wetland across the site. The proposed modification seeks to provide the majority of this offset offsite, with the exception of a 2.25ha area located to the east of Cobaki Parkway.

Council considers this modification appropriate and necessary in order to address the resulting inconsistency between plans, **provided that** there remains a commitment to manage the 2.25ha compensatory habitat area in accord with the new Freshwater Wetland Compensatory Habitat Management Plan (FWCHMP) and Wallum Froglet Compensatory Habitat Management Plan (WFCHMP) currently being prepared by the proponent (SMEC 2012) as discussed below.

- **Revised Ecological Assessment (JWA 2012)**

The Revised Ecological Assessment commits to the provision of offsets for the removal of areas of Endangered Ecological Community (EEC) associated with the proposed development. Whilst some of these offsets are achievable onsite, some of the required offsets will not be achievable in conjunction with the proposed development layout.

This revision proposes locating the balance of committed Freshwater Wetland and Swamp Sclerophyll Forest EEC offsets offsite rather than onsite.

Council has provided extensive comment and feedback regarding this issue in relation to the preparation of the Site Regeneration and Revegetation Plan (SRRP) for the Central Open Space and Precincts 1, 2 & 6 (SMEC 2012), with EEC offsetting information changing between revisions and now differing considerably from that approved in the Concept Plan although these plans now appear to be consistent with regard to the location and area of proposed onsite offsets.

Given that the likely requirement for offsite offsets was identified during review of plans submitted with the Preferred Project Report in 2009, Council remains concerned that neither the required areas nor suitable locations of proposed offsite offsets have yet been specified nor is there evidence of the proposed Planning Agreement with the Office of Environment & Heritage (OEH) that demonstrates the proponent's commitment to offsite offsetting. Council considers that this issue must be resolved prior to approval.

The Revised Ecological Assessment proposes the offsetting of Coastal Saltmarsh and Swamp Oak Floodplain Forest EECs over the same area, in the southern portion of the subject site (Saltmarsh Rehabilitation area). **Council does not consider that this overlap of offsets is appropriate.**

Coastal Saltmarsh is a treeless community consisting of reed and grass species, whereas the Scientific Community Determination of Swamp Oak Floodplain Forest states that the community "*...has a dense to sparse tree layer in which Casuarina glauca is the dominant species...*" Whilst these two EECs typically occur adjacent to one another in the landscape and form small-scale mosaics within the intertidal zone, they are distinguished by their floristic composition and structure, fauna, hydrology, soil, position in the landscape and a range of other abiotic factors, the location of each being restricted by topography and incidence of inundation.

Council considers that the offsetting requirements for these two EECs should be treated separately and suitable offset locations identified and managed accordingly for each.

- Revised Saltmarsh Rehabilitation Plan (JWA 2012)

Similar to that noted above, the Revised Saltmarsh Rehabilitation Plan proposes the offsetting of Coastal Saltmarsh and Swamp Oak Floodplain Forest EECs over the same area, in the southern portion of the subject site (Saltmarsh area). **Council does not consider that this overlap of offsets is appropriate.**

Council considers that the offsetting requirements for these two EECs should be treated separately and suitable offset locations identified and managed accordingly for each.

## **Condition C1 – Plan of Development**

- Deletion of C1(1) and C1(2) – Bushfire Requirements

The proponent wishes to delete Asset Protection Zone (APZ) setbacks and Bushfire Attack Level (BAL) requirements from the Plan of Development for development applications, stating that such requirements are redundant due to the adoption of AS3959-2009 and the ability for a BPAD Accredited Certifier to determine APZ and BAL at the Complying Development Certificate stage.

APZ setbacks and BAL ratings will vary according to location, proximity to bushland, slope etc and a "one size fits all" approach is not acceptable across an entire development site without allocation of sufficient setback for APZs.

APZ's also need to be established for long-term practical management. Determination of setbacks is required at the DA stage to ensure compliance with *Planning for Bushfire Protection 2006*.

The proposed modified Condition C1A (1) and (2) are **not supported**.

- Deletion of C1(4) – Flooding Requirements

Condition C1(4) currently reads as:

- (4) **Fill and** finished floor level requirements on flood prone lots in accordance with the requirements of Tweed Shire Council's Development Control Plan – Section A3 – Flood Liable Land (or any replacement document).

To remove any requirement to provide fill levels at the Plan of Development assessment stage, the applicant wishes to delete the words "Fill and" from the beginning of the condition. The proposed amendment is not opposed.

### **Condition C4 – Management & Restoration Plans**

The proponent seeks to modify Concept Plan Condition C4 such that Management Plans for future stages are delayed until Construction Certificate (CC) stage rather than the earlier Development Application stage.

The proponent thus seeks to delay preparation of management plans until "*approval is secured*." Given that flora and fauna management and restoration requirements could influence detailed subdivision design and that preparation of adequate management plans is integral to the assessment process, this is **not considered appropriate**.

For reasons of transparency, accountability, the ability of future management plans to be formally assessed on their merits for adequacy of management intentions and to allow for the imposition of any required conditions, Council considers that the retention of Condition C4 in its current form is appropriate.

Development matters such as Site Regeneration and Revegetation, Freshwater Wetland Rehabilitation, Fauna Management, Vegetation Management, Scribbly Gum Management, Stormwater Management, Cultural Heritage, Construction Environmental Management Plans, Buffer Management, Restoration Plans and Acid Sulfate Soils Management are complex matters associated with the approval of a development and should not be deferred to the CC stage.

For these reasons this amendment is **not supported**.

However, as an alternative, draft Management Plans and Restoration Plans could be required with the DA. This would allow some certainty at the DA stage in terms of the subdivision design. More detailed / final Plans could then be submitted at CC stage.

### **Condition C7 – Geotechnical Assessments**

The Applicant is requesting that Geotechnical Assessment be deferred from the Development Application stage to the CC approval.

As an alternative solution it is suggested that a Preliminary Geotechnical Assessment be provided at the Development Application stage for each future application. This Preliminary Geotechnical Assessment must contain adequate technical information that clearly identifies any geotechnical constraints to the creation of residential allotments and if required recommendations for the rehabilitation of these constraints.

A Detailed Geotechnical Assessment could then be provided at the CC stage.

It is recommended that condition C7 be modified to require a **Preliminary Geotechnical Assessment at the Development Application Stage and a Detailed Geotechnical Assessment at the Construction Certificate stage.**

### **Condition C8 - Bushfire Assessment**

Condition C8 requires a detailed bushfire assessment and management plan to be prepared and submitted with each DA for a subdivision. The plans must clearly delineate APZ's on the Plan of Development. Condition C8 also requires all affected lots to be encumbered with an 88B instrument to this effect.

The applicant is requesting to remove to APZ restriction from each affected lot, stating that it is unnecessary...*'since Certification that the dwelling is not located within the flame zone in accordance with AS3959-2009 is required in association with any Complying Development Certificate.'*

Identification of APZ's should be clearly identified on the Plan of Development and eventually linked to a maintenance regime. Failure to indicate this land usage is a misrepresentation of the situation that exists adjoining Lots that are for sale. For the same reason, failure to encumber Lots as required with a S88B Instrument misleads prospective purchasers regarding building constraints that will be enforced at the DA stage. It is also noted that the decision to encumber Lots with a S88B restrictions / constraints is Council's to make.

The proposed modified Condition C8A is **not supported**.

### **Schedule 3 - Statement of Commitments**

- Statement of Commitment 4.1 – Saltmarsh Rehabilitation Plan

No objection to the proposed reference to the revised Saltmarsh Rehabilitation Plan November 2012, with the exception of the offsetting of Coastal Saltmarsh and Swamp Oak Floodplain Forest EECs over the same area, as noted above.

- Statement of Commitment 4.3 – Revised Site Regeneration and Revegetation

No objection to the proposed reference to the amended Revised Site Regeneration and Revegetation Plan November 2012.

- Statement of Commitment 4.7 – Freshwater Wetlands

The proposed modification to Statement of Commitment 4.7 refers to the preparation of a Freshwater Wetland Compensatory Habitat Management Plan (FWCHMP) and for this plan to be approved by Council. This is considered appropriate and this process is currently nearing finalisation.

This commitment now refers only to a 2.25ha area of land east of the Cobaki Parkway for the purpose of providing the on-site portion of the required Freshwater Wetland and Wallum Froglet Habitat offsets.

Section 4.3 of the Revised Freshwater Wetland Rehabilitation Plan (JWA October 2010) requires the preparation of a detailed Wallum Froglet Compensatory Habitat Management Plan (WFCHMP). The proponent has prepared a WFCHMP in conjunction with the FWCHMP (both of which are currently being assessed by Council). The proposed Statement of Commitment would no longer make reference to the JWA management plan, which raises the concern that the WFCHMP would no longer be triggered as a requirement.

In order to ensure that the WFCHMP continues to be a requirement, Council considers that it would also be appropriate to **either** include the WFCHMP in the proposed modification of Statement of Commitment 4.7, **or** to insert an additional commitment to the preparation of a WFCHMP. Both of these plans pertain to the management of the 2.25ha area.

The modifications have resulted in a minor inconsistency between the Concept Plan modification and the abovementioned management plans in that the modification application refers to this area being 2ha however management plans refer to this area being 2.25ha.

It is also noted that the existing wording under the heading 'Timing for Completion' for Commitment 4.7 still makes reference to the Revised Freshwater Wetland Rehabilitation Plan (JWA October 2010), which is being proposed to be replaced with the FWCHMP.

- Statement of Commitment 4.8 – Offsets for Freshwater Wetlands and associated Wallum Froglet Habitat

No objection to the proposed reference to OEH and the inclusion of offsets that are "either on-site or offsite".

- Statement of Commitment 8.1.1 – Management of Soils and Geotechnical Conditions

Reference is made to Council's comments for Condition C7, whereby Council proposes an alternative solution. That is, a Preliminary Geotechnical Assessment be provided at the Development Application stage for each future application and a Detailed Geotechnical Assessment be provided at the CC stage.

It is recommended that Statement of Commitment 8.1.1 reflect such an alternative solution.

## **Amended Cobaki Estate Development Code**

- Section 1.0 - Introduction

No objection is raised to the proposed correction of the typographical error.

- Part A, Section 2.2 – Complying Development

No objection is raised to the requirement to provide a rainwater tank in Control 5.

- Table 5.4.1

The applicant has attempted to define the term 'frontage' with the term 'effective lot width'. No objection is raised to the applicant's proposal.

- Section 5.4, Control 8

No objection to the proposed amendment to Control 8 regarding the term 'frontage'.

- Section 5.4, Control 10

No objection to the proposed amendment to Control 10 regarding the addition of the words 'or public footway'.

- Section 5.6, Control 1(a)

The applicant is requesting deletion of the requirement to include the location and width of Asset Protection Zones. As noted under Condition C1(1) and (2), the proposed deletion is **not supported**.

- Section 5.6, Control 1(d)

As noted under Condition C1(4), the proposed deletion of the word 'fill' is not opposed.

- Section 5.6, Control 1(e)

The identification of easements and the submission of Section 88B Instruments typically occurs at the Subdivision Certificate stage. The preparation of these documents prior to the lodgement of the Subdivision Certificate would be advantageous however it is not necessary for it to be included in the Plan of Development. Council raises no objection to the proposed amendment.

- Section 5.6, Control 1(j)

The applicant proposes to change the wording from '*dwelling per lot*' to '*bedrooms per dwelling*'. Without further explanation / justification from the proponent, the proposed modification is **not supported**.

Alternatively, the Plans of Development could provide both the maximum number of dwellings **and** the maximum number of bedrooms per dwelling.

## **Project Approval 08 0200 MOD1 (Central Open Space)**

### **Schedule 1 – Part A – Table**

No objection to the proposed amendment to Table A to delete reference to Lots 801 and 803.

### **Condition 1 – Project Description**

No objection to the proposed amendment to Table A to delete reference to Lots 801 and 803.

### **Condition 2 – Project in Accordance with Plans**

This revision proposes removal of the Revised Freshwater Wetland Rehabilitation Plan (JWA October 2010). This is considered appropriate given that it referred to the provision of Freshwater Wetland within the Central Open Space area, which is no longer achievable.

It should be noted that the revised condition lists the Fauna Management Plan (JWA October 2009) as one of these plans, however this plan has not been updated to be consistent with the other revised plans submitted with the modification application.

### **Condition 4 – Project in Accordance with Documents**

No objection to the proposed reference to the Revised Assessment of Significance November 2012 or the reference to the Modification Report November 2012.

### **Condition 8 (b) - Certification**

The applicant is requesting an amendment to Condition 8(b) to allow for an Accredited Certifier to issue a Subdivision Certificate for the proposed subdivision. This request is not opposed.

### **Condition 38 - Biodiversity Offsets**

The proposed amendment to Condition 38 seeks to remove the requirement to prepare a Wallum Froglet Compensatory Habitat Management Plan (WFCHMP). That is, the proponent proposes to replace the trigger for a WFCHMP with the requirement for a Freshwater Wetland Compensatory Habitat Management Plan (FWCHMP).

Council has been reviewing the FWCHMP and WFCHMP prepared by SMEC (2012) both of which pertain to management of the 2.25ha compensatory habitat area on the eastern side of Cobaki Parkway.

As noted above under the Concept Approval comments, Council is concerned that the deletion of existing Condition 38 (2), whilst specifically requiring preparation of the FWCHMP, will result in the lack of a trigger for the preparation or implementation of the WFCHMP for the 2.25ha onsite Compensatory Habitat Area.

It is considered appropriate that **either** the proponent be required to include the preparation of the WFCHMP in the new condition 38A (2) **or** to retain the current Condition 32A (2), with the removal of (ii) which is no longer relevant, in conjunction with the new proposed condition 38A (2). The removal of any trigger for the WFCHMP is **not supported**.

It is also noted that the proponent has not provided any explanation for the deletion of Condition 38(2). This component of the condition deals with the requirements for the WFCHMP, including the need for a...*'mechanism for ongoing funding of the Wallum Froglet Habitat area to ensure the long term viability of the population'* (Condition 38 (2)(v)).

In order to facilitate the finalisation of the WFCHMP, the proponent was requested on 31 October 2012 to provide written confirmation that the condition of consent would be adequately addressed and complied with. In addition, the proponent was requested to provide details of the proposed mechanism for the on-going funding for Council's consideration.

The proponent provided the following response on 31 October:

*“The condition to which you refer is amongst the matters for which we will shortly be making a Modification Application to DoP. The condition was set in light of the then proposed substantial area of wetland/wallum froglet habitat to be provided on site. The bulk of this is now to be provided off site, such that only about 2ha remains on site – the area east of Cobaki Parkway.*

*The funding source for the long term maintenance of this small area will be Council rates.”*

The approval of the Concept Plan and the Project Approval was granted subject to appropriate mechanisms being put in place by the proponent for the funding for the long term maintenance of the environmental areas. Although it is acknowledged that the on-site Freshwater Wetland and Wallum Froglet Compensatory Habitat area have been significantly reduced, it is **not considered acceptable** that the cost of maintenance of these areas should now be taken up by the rate payers of the Shire.

The removal of the requirement for a mechanism for funding of the Wallum Froglet Habitat area is **not supported**. The use of Council rates for the ongoing funding of the area is **not supported**.

### **Condition 65 – Saltmarsh Rehabilitation Works**

No objection is raised to the proposed references to the revised Saltmarsh Rehabilitation Plan November 2012.

### **Condition 68 – Site Regeneration and Revegetation**

No objection is raised to the proposed reference to the revised Site Regeneration and Revegetation Plan November 2012.

### **Schedule 3 – Statement of Commitments**

- Statement of Commitment 3 – Native Vegetation

No objection is raised to the proposed reference to the revised Site Regeneration and Revegetation Plan November 2012.

- Statement of Commitment 4 – Freshwater Wetlands

No objection is raised to the proposed wording of the commitment, referencing the terms of agreement between the proponent and OEH and the requirement of the Statement of Commitment 4.7 of the Concept Approval, subject to the comments provided under the Concept Approval’s Statement of Commitments 4.7 Freshwater Wetlands heading being applied.

- Statement of Commitment 5 – Saltmarsh

No objection is raised to the proposed reference to the revised Saltmarsh Rehabilitation Plan November 2012, subject to the comments made under the Concept Approval comments in relation to the offsetting of Coastal Saltmarsh and Swamp Oak Floodplain Forest EECs over the same area.

- Statement of Commitment 7 – Fauna Management

No objection is raised to the proposed reference to the Revised Assessment of Significance November 2012.

### **Further Amendments to Project Approval 08 0200 MOD1**

**1. Survey drawings of existing surface levels across Precincts 1 and 2 (minimum A1 size).**

The Michel Group confirmed (via email on 6 March 2013) that the documented natural surface is the current natural surface, as of their March 2010 survey. No earthworks have occurred over the area in question since this survey was undertaken.

Council considers the submitted Survey Plans to be a true representation of the existing surface on site.

**2. Contour Plans showing proposed surface levels across Precincts 1 and 2 (minimum A1 size).**

Council accepts that the submitted plans reflect Leda's proposed design (as requested) by the Departments letter, however:

- These plans have not been assessed by Council to determine compliance against the consent (DA10/0800); and
- Council does not support Leda's proposed Fire Trail profiles, as documented in previous correspondence sent to Council (by the Applicant's Consultants) and as represented in Yeats' contour plans and associated cross sections (Sheets 1 - 4 of Drawing No's YC0229-1E1-ES04 D, -ES05 A, -ES06 A, -ES07 A) submitted with the modification.

**3. Cut and Fill Plans including cross-sections of landformed areas showing predevelopment finished ground levels at intervals of approximately 200m around Precinct 1 and 2. Sections shall extend at least 50m beyond stage or site boundaries to demonstrate continuity.**

Council assumes that when the DP&I reference "predevelopment finished ground levels", they are referring to "existing surface levels".

The submitted sections show both proposed design and existing surface levels.

- Dwg YC0229-1E1-EC02, Rev D - Council accepts that this drawing shows the existing surface levels / contours.
- The referenced Section K on Dwg EC02 D does not reflect the section shown on Dwg -ES05 A. Either the referenced Section K on Dwg -EC02 D needs to be reversed or the Section K on Dwg ES05 A needs to be reversed.
- Dwg YC0229-1E1-ES04, Rev D - Council does not support Leda's proposed Fire Trail profiles, as documented in previous correspondence sent to Council (by the Applicant's Consultants).
- Dwg No. YC0229-1E1- ES05 Rev A:

- Council does not support Leda's proposed Fire Trail profiles, as documented in previous correspondence sent to Council (by the Applicant's Consultants).
- As per above (-EC02 D), either referenced Section K on -EC02 D needs to be reversed or the associated section on -ES05 A needs to be reversed.
- Council requires clarification as to what the large vertical drop near Proposed Future Lot Area is on Section K and confirmation of compliance with the Development Code.
- Dwg YC0229-1E1- ES06 Rev A:
  - Council does not support Leda's proposed Fire Trail profiles, as documented in previous correspondence sent to Council (by the Applicant's Consultants).
  - Council requires clarification that the proposed internal 1.75m retaining wall / batter complies with the development's Development Code.
- Dwg YC0229-1E1- ES07 Rev A:
  - Council does not support Leda's proposed Fire Trail profiles, as documented in previous correspondence sent to Council (by the Applicant's Consultants).

#### 4. An Erosion and Sediment Control Plan

Council supports the submitted Dwg -E02 Rev D, provided it is accompanied by Yeats Drawing No. YC0229-1E1-E03 Rev B, YC0229-1E1-E04 Rev B and Yeats' Erosion and Sedimentation Control Plan document, dated April 2012, Rev 02, which was supported by Council on 06 June 2012.

#### 5. Methods of excavation, transportation and spreading of fill.

- Yeats letterhead (dated 21 January 2013) noted the following:

*"Earthworks shall involve all operations necessary to remove and stockpile any topsoil, excavate, stockpile (if required), manage moisture, place and compact fill to the Central Open Space and associated works as detailed on the design drawings and construction specifications of Tweed Shire Council.....Where rock is encountered in the borrow areas and the rock material cannot be excavated at a specified rate, alternative methods may be adopted such as blasting. If the blasting method is to be adopted, all the relevant licences and certifications will be obtained prior to these works commencing on site."*

Council accepts Yeats response.

- Yeats letterhead (dated 21 January 2013) noted the following:
 

*"Transportation of the excavated material will be carried out by truck along existing haul roads where possible and transported to the fill area locations of the Central Open Space."*

Council accepts this response. All material is to remain on site.

- Yeats letterhead (dated 21 January 2013) noted the following:

*“Excavated material from the Precinct 1 & 2 borrow areas will be spread and placed uniformly in layers. The maximum thickness of uncompacted layers will not exceed 300mm and the minimum thickness of uncompacted layers will be 750mm.”*

Fill spreading and compaction must be the subject of Level 1 supervision and certification by a registered Geotechnical Engineer in accordance with the Consent.

**6. Commentary and Plans (in plan and cross-section) to clearly demonstrate the relationship of existing and proposed levels to those levels and landforming approved by the Northern Joint Regional Planning Panel under DA10/0800 for Precinct 1 and 2.**

Michel Group has confirmed (via email on 6 March 2013) that the natural surface / contours shown in the Yeats plans is the current natural surface, as of their March 2010 survey. No earthworks have occurred over the area in question since.

Council accepts that the submitted documentation reflects the existing natural surface and that the proposed works are progressing towards the landform intended and endorsed for Precinct 1 & 2 under DA10/0800.

The submitted design reflects the bulk earthworks cut and fill plans (YC0229-2M5-EW02 B to -EW06 B) approved under DA10/0800.

Council does not support Leda's proposed Fire Trail profiles, as documented in previous correspondence sent to Council (by the Applicant's Consultants).

**7. Commentary on the relationship of the proposed works to alleged unauthorised works in Precincts 1 and 2.**

It should be noted that at the time of assessment of DA10/0800, the existence or extent of any alleged unlawful earthworks over portions of Precinct 1 & 2 were not advised by the Applicant and as such, assessment of the applicant was made without such consideration.

In reference to the commentary above, it is acknowledged that the DP&I are under no legal obligation to take the unauthorised works at the Northern Hillside (under development sent K99/1124) into consideration.

However, Council staff are of the opinion that the DP&I have an opportunity to address the unlawful works as part of the proposed modifications and that it is considered good planning practise to use the planning process to rectify compliance issues, including the reconciliation of old consents such as K99/1124.

**8. Confirmation that earthworks in Precincts 1 and 2, which are subject to investigation for unauthorised works by Tweed Shire Council, do not affect the existing or proposed levels for the proposed modification.**

Council confirms that the area of which unlawful earthworks have occurred overlaps with the area proposed for obtaining source material, being the subject of this modification.

Without a thorough investigation of the unauthorised works, the affect on existing or proposed levels for the proposed modification cannot be determined.

**9. Site Analysis, including a description of the existing environment.**

The site analysis is very limited, although it is acknowledged that there is very little to comment on, with the area being devoid of vegetation (largely as a result of the unlawful works taking place).

**10. An assessment of the potential environmental impacts of the proposal and a description of the proposed environmental management, mitigation and monitoring measures to minimise potential impacts of the proposal.**

Council has NRM Unit has briefly reviewed the Environmental Assessment Report for Bulk Earthworks, Cobaki Estate Development Precincts 1 & 2 (EAR) (SMEC February 2013) with particular focus on the mitigation measures for vegetation and fauna and their consistency with the approved Vegetation Management Plan and Fauna Management Plan for the Central Open Space and Precincts 1, 2 & 6, noting the following:

- Tables 4 and 5 in the EAR contain a summary of the relevant mitigation measures for fauna and vegetation and are essentially a subset of those provided in the above approved Plans. The EAR however, does not provide the background or detail to support each measure.  
For example, one of the measures in Table 5 (p17) is "*Primary weed control within rehabilitation and management areas at commencement of earthworks in adjacent Development Precincts.*" This measure refers to works that are detailed in the Vegetation Management Plan and the Site Regeneration and Revegetation Management Plan. It is therefore suggested that explicit reference be made to the relevant management plans within the EAR under the various sections for ease of reference.
- Otherwise, in general the mitigation measures in the EAR are consistent with the relevant measures outlined in the approved plans and are considered sufficient.

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

Yours faithfully

**Lindsay McGavin**  
Manager Development Assessment