

Council Reference: 3A10/1003 (D22/186812)

Your Reference:

06/05/2022

By email only: mattphilpott@allenprice.com.au

Dear Mr Philpott,

**West Culburra Concept Proposal – State Approved Development (SSD 3846)
Part Lots 5 & 6 DP 1065111, Culburra Rd, Culburra Beach
Conditions of Development Consent – C16(a), C17(a) and C18(a)**

Reference is made to your letter requesting Council's endorsement of the independent expert in response to conditions of development consent.

Condition C16(a) states:

Receiving Water Quality

C16. Prior to construction of any stage of the Concept Proposal, the Applicant must prepare a water quality monitoring program for baseline monitoring, construction monitoring and post-construction monitoring of surface waters in the Crookhaven River estuary and in the catchment of Lake Wollumboola and sections of lake fringe at appropriate locations. The program must:

(a) be designed by a suitably qualified and experienced independent expert, whose appointment has been endorsed by the Council;.....

Condition C17(a) states:

Aquatic Ecology

C17. Prior to construction of any stage of the Concept Proposal, the Applicant must prepare an aquatic ecology monitoring program for baseline monitoring, construction monitoring and post-construction monitoring of aquatic ecology in the Crookhaven River estuary and in the catchment of Lake Wollumboola and sections of lake fringe at appropriate locations. The program must:

(a) be designed by a suitably qualified and experienced independent expert, whose appointment has been endorsed by the Council;

Condition C18(a) states:

Oyster Aquaculture

C18. Prior to construction of any stage of the Concept Proposal, the Applicant must prepare an oyster monitoring program for baseline monitoring, construction monitoring and post-construction monitoring of environmental indicators and oyster condition around selected oyster leases in the Crookhaven River estuary. The program must:

(a) be designed by a suitably qualified and experienced independent expert, whose appointment has been endorsed by the Council;

The conditions require the preparation of certain programs and monitoring prior to any stage of construction. As it stands, the Development Applications for the various stages have not been lodged. These are yet to be lodged, assessed and determined. Thereafter the Subdivision Works Certificates can be issued, assuming all is in order.

We understand that it may take some time to develop the programs required by the concept approval and the consent requires monitoring no less than 18 months (oysters) prior to the commencement of construction.

It should be noted that whilst the condition contains specific requirements for the programs and monitoring, it is possible that the subsequent consents *may* raise other issues impacting on these programs and monitoring regimes.

With respect to your nominated independent experts (having regard to the definition of expert contained in the Development Consent), being Paul Anink from Marine Pollution Research Pty Limited and Dr Daniel Martens from Martens and Associates Pty Limited, Council does not object and endorses the appointment of the experts Mr Paul Anink and Dr Daniel Martins.

Thank you for writing to us. If you have any further enquiries, please contact Cathy Bern on 4429 3111 citing, 3A10/1003.

Yours faithfully



Cathy Bern
Development Services Manager