

From: Colleen Forbes
Sent: Tuesday, 8 August 2017 9:12 AM
To: 'Selina McNally'
Cc: Dale Scotcher
Subject: Cobaki - Blasting S96(2) - DA15/1026.01 - Reasoning Behind Imposition of Condition 45.1

Hi Selina,

Please be advised that a fair amount of consideration was put into the imposition of this condition.

Whilst it is recognised that the blasting activities must be undertaken in accordance with Australian Standards, it is not considered acceptable to only rely on monitoring of the blasting in terms of impacts. It is considered appropriate to determine the existing condition of nearby properties before any blasting takes place. It is also noted that the Blasting Management Plan supporting the application makes reference to any “*required*” condition reports. Whilst it is acknowledged that the Management Plan considers that there would be “*limited requirement*” for such report, it does appear to allow for the fact that the consent authority may require such.

Council officers involved with the assessment of this application are not aware of any previous development applications proposing blasting activities on greenfield sites in a rural setting. As such, the application has been assessed on merit and appropriate conditions applied.

The previous blasting undertaken by Donnelly Blasting was approved under a separate consent (with the Department of Planning being the consent authority). Council officers did not concur with the Department’s approach with regard to the previous blasting within Precinct 11 and would have applied a similar PCW condition had Council been the consent authority for that application.

The main reason behind the requirement for dilapidation reports is due to Council receiving informal complaints (as a result of the abovementioned previous blasting) from some nearby residents, whom were not prepared to make formal statements to that effect at the time. The imposition is considered to be a fair and reasonable way of protecting both the resident and Leda. If the proposed blasting does result in any impact to surrounding residents, there will be a record of the condition of the structure prior to the blasting to allow applicable repairs to be undertaken. The dilapidation reports will also stop the possibility of any unsubstantiated claims from nearby residents.

An 850m radius in an urban setting would be considered excessive, however it is not considered to be too onerous in such a rural setting. This distance is considered to be appropriate in order to cover the properties that may experience impact from the proposed blasts within Precinct 9 of the Cobaki site. The 850m radius covers a total of eight (8) properties, as highlighted in the image below. Such an imposition on Leda is not considered to be too onerous.



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From: Selina McNally
Sent: Friday, 4 August 2017 9:51 AM
To: Colleen Forbes
Cc: Dale Scotcher
Subject: RE: Cobaki - Blasting S96(2) - DA15/1026.01 - Upcoming JRPP Panel Meeting

Hi Colleen

Thank you for the opportunity to review the draft conditions, however, we do have some concerns regarding one particular condition, condition 45.1 (below) and request council's justification firstly for requiring a Dilapidation Report and secondly how the 850m radius has been determined to be a fair and reasonable distance.

Proposed new PCW Condition

45.1 A Dilapidation Report detailing the current general condition of all improvements on neighbouring allotments within a 850m of the proposed blast location is to be prepared and certified by a suitably qualified and experienced structural engineer.

The proposed use of explosives for the blasting activities are controlled by Australian Standards (in particular, 'Australian Standard AS2187.2 2006. Explosives – Storage and use. Part2: Use of Explosive) which require the explosives supervisor to monitor vibrations at the nearest residence/property boundary. These Australian Standards limit vibrations to a velocity well below the vibration velocity which would have the potential to cause any surrounding property damage.

On this basis, we ask that council provide other examples of a similar condition that has been included for Development Consent for blasting activities on a greenfield site in a rural location. Although we are aware of Dilapidation reports being required for blasting activities, these have only ever been in a dense urban environment with a building located adjacent and within meters from the blasting site. Donnelly Blasting Services advise they have recently undertook the same blasting activities within 195m of a dwelling with no requirement for a Dilapidation Report for this property. It is for these reasons we believe the condition generally is onerous and the 850m radius has no technical basis.

Our concerns with regards to condition 45.1 include the time required to produce a Dilapidation Report, it's value with regards to monitoring beyond what the Australian Standards are set to achieve and the invasive nature of compiling such a report on those residents effected. All of these are fundamental concerns without fully understanding why the Report is required as the blasting process is controlled through Australian Standards.

Please let me know if you would like to discuss and please also provide this response to the draft conditions with your report to the JRPP panel. When will the report be available for us to review?

Thanks and kind regards,
Selina

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-----Original Message-----

From: Colleen Forbes
Sent: Thursday, 3 August 2017 3:27 PM
To: Selina McNally
Subject: Re: Cobaki - Blasting S96(2) - DA15/1026.01

Hi Selina,

Have you had any response from Leda re the draft conditions. Please be advised that I have to submit my assessment report by no later than 10am tomorrow. It would be good to have a response by then, to advise the Panel.

Regards,

Colleen

From: Colleen Forbes
Sent: Monday, 31 July 2017 2:06 PM
To: Selina McNally
Subject: RE: Cobaki - Blasting S96(2) - DA15/1026.01

Hi Selina,

Here is one final condition that we will be recommending to the Panel:

Proposed new PCC Condition

36.2 Prior to the issue of a Construction Certificate, the Construction Environmental Management Plan (CEMP) is to be amended to the satisfaction of Council to incorporate the approved blasting management plans and monitoring program for Precinct 9.

I will confirm with the Panel as to when they will be meeting to determine this application and will let you know the outcome.

Regards,
Colleen

From: Colleen Forbes

Sent: Thursday, 27 July 2017 4:32 PM

To: Selina McNally

Subject: Cobaki - Blasting S96(2) - DA15/1026.01

Dear Selina,

I am finalising my JRPP report as we speak. In the meantime, please find below the proposed additional conditions that Council are recommending to the JRPP to be inserted into the consent.

Proposed new GEN Condition

1.1 Blasting may be undertaken in Precinct 9 to a maximum of 10 blasts over 12 months from the date of the first blast, extracting a maximum of 40,000m³ of blasted material from Precinct 9 (unless agreed otherwise by Council).

Proposed new PCC Condition

36.1 Prior to the Construction Certificate being issued, a detailed Blasting Monitoring Program prepared by a suitably qualified person in accordance with AS2187.2 - Explosives - Storage and use - Appendix A Blasting Management Plan and Records shall be submitted to the satisfaction of Council's General Manager or delegate. The program must include how vibration and air overpressure levels will be measured at sensitive receivers throughout the blasting activity period and include contingencies in the event that performance limits are not met.

Proposed new PCW Condition

45.1 A Dilapidation Report detailing the current general condition of all improvements on neighbouring allotments within a 850m of the proposed blast location is to be prepared and certified by a suitably qualified and experienced structural engineer.

The Report (supported by recent photos) is to be submitted to and accepted by the Principle Certifying Authority prior to commencement of the first blast occurring under this consent.

Proposed new DUR Conditions

73.1 Blasting operations shall be carried out in accordance with the following documents:

- Blast Management Plan & Control for Cobaki Lakes - Precinct 9 prepared by Heilig & Partners Pty Ltd dated April 2017 (Project Number HP1703-02);

- Blast Management Plan for Leda Developments, Piggabeen Rd, Piggabeen prepared by Donnelly Blasting Services – Total Safety Management Services dated March 2017 (Version 3);
- Safety Work Method Statement prepared by Donnelly Blasting dated March 2017 (Version 3); and
- approved Blasting Monitoring Program, except where varied by Council's General Manager or delegate or conditions of consent.

73.2 Blasting operations shall comply with the Australian and New Zealand Environment Council (ANZEC) guideline Technical basis for guidelines to minimise annoyance due to blasting overpressure and ground vibration (September 1990), AS2187.2 - Explosives - Storage and use, and the requirements of SafeWork NSW and NSW Environmental Protection Authority.

73.3 The use of explosives shall be in strict accordance with the requirements of SafeWork NSW and the blasting explosives user must hold a valid NSW Blasting Explosives User Licence.

73.4 Blasting measurement reports shall be provided to Council's General Manager or delegate upon request.

73.5 Hours of operation for blasting activities are limited to the following unless otherwise permitted by Council's General Manager or delegate:

- 9.00am to 5.00pm Monday to Saturday
- No blasting shall take place on Sunday or public holidays.
- Blasting is limited to no more than one blast per day, with a maximum of 10 blasts within a 12 month period.

73.6 Upon completion of all blasting approved under this consent, a second Dilapidation Report is to be prepared by a suitably qualified engineer to ascertain if any structural damage has occurred to property, the subject of the original Dilapidation Report.

The Report is to be compared against the original Dilapidation Report (supported by photos cross referenced to the original Dilapidation Report) and recommend a course of action to carry out repairs, if required. The Report is to be submitted to the Principle Certifying Authority, within 3 months of the last blast occurring for the extraction of 40,000m³ of blasted material from Precinct 9.

If you have any concerns with the above, please let me know what the specific concern is, so that we can review prior to finalising the report mid next week.

Regards,
Colleen

Colleen Forbes
Team Leader Development Assessment
Planning and Regulation