

19 June 2007

Ms Paulina Hon  
Acting Senior Environmental Planning Officer  
Coastal Assessments  
Major Project Assessments  
Department of Planning  
GPO Box 39  
SYDNEY NSW 2001

Dear Madam

Re: 13 Lot Rural Residential Subdivision at Lot 2 DP250984 Grandfather's Gully Road  
Lilli Pilli – Your reference: PFM/06\_0125

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A meeting was held with Peter Teggart, Ransce Salan, Allen Grimwood, Carmel Krogh David Brewer, Lachlan Bain and me at Council on Thursday 14 June 2007. The purpose of the meeting was to discuss and clarify a number of issues raised in Council's letter to the Department of Planning (DoP) dated 14 August 2006.

To verify the fact that Council now agrees that its Interim Policy for Minimum Lot Sizes for Rural Residential Land applies to the Grandfather's Gully site the correspondence has been counter signed by Ransce Salan.

1. Minimum Lot Sizes

Advice to the DoP was that the minimum lot size of 5,000 square metres permitted under the Interim Policy for Minimum Lot Sizes for Rural Residential Land did not apply to the subject land at Grandfather's Gully. This approach contradicted previous advice given to both Messrs Brewer and May that the policy did apply to Mr Brewer's land at both Grandfather's Gully and Lilli Pilli. Council planning staff had previously indicated that both sites were considered to be adjacent to existing urban areas and so the Interim Policy applied. In fact the sites were specifically examined as part of the process of developing the Interim Policy.

At the meeting of 14 June the consensus was reached that the Interim Policy should be applied to the subject land at Grandfather's Gully (and also Mr Brewer's land at Lilli Pilli).

## 2. Access

Allan Burrows of Conway Burrows has designed the access point onto Grandfather's Gully Road in accordance with Council's adopted standards. This fact was pointed out to the meeting.

## 3. Development Over Constrained Areas and Bushfire Prone Land

A number of points were discussed in respect of constraints:

- Due to the previous use of a deer farm a significant amount of the site has been cleared and even though much of the cleared land has slopes exceeding 25% there have been no stability problems.
- Development sites are located on land having slopes not exceeding 25%.
- Asset protection zones (APZs) occur on slopes exceeding 25% in the case of proposed lots 1, 2, 5, 6, 7 and 10-13. In many instances the land is already cleared.
- A detailed bushfire assessment has been undertaken that concludes that subject to 11 recommendations the proposal complies with the Planning for Bushfire Guidelines (both 2001 and 2006).
- Council's constraint map indicated soil wetness areas on the site. The most northern soil wetness area is the least important and is not viewed as a significant constraint. This is especially so as the on-site wastewater systems recommended by Storm Consulting are either Biolytix or AWTS with either sub-surface irrigation or ETA/ETS trench systems. These systems are suitable for the site's soil conditions. The system on proposed lot 1 slightly encroaches into the normally recommended 40 metre buffer to drainage lines but the slope drainage path exceeds 40 metres.
- The second more significant soil wetness area follows a drainage line running from the southern boundary heading north-west to the western boundary. This drainage line has been mapped as Category 2 by the then Department of Natural Resources (DNR) thus generally requiring a 20 metre riparian setback from each side of the drainage line. A concern here was the need to encroach into the prescribed 20 metre setback to clear for APZs. In this regard advice has been received from DNR as follows:

"It is to be noted that the drainage line within Lot 2 DP 250984 has been mapped as Category 2, management/maintenance of terrestrial and aquatic habitat. It is therefore recommended that the development of this land should aim to meet the objectives of maintaining channel stability, protecting water quality and providing sustainable habitat.

In achieving these objectives at this particular site it was agreed that there is potential flexibility in the prescribed 20 metre riparian setback from each side of the drainage line, provided the objectives of maintaining/enhancing water quality, stability and habitat are still achieved. To this end, a 10 metre encroachment of the outer APZ into one side of the riparian area could be offset with habitat enhancements on the other side of the creek. Establishment of the outer APZ could be achieved with minimal environmental impacts by selective removal of vegetation and replacement with a more suitable vegetative cover (preferably natives) meeting bushfire protection requirements and if possible supporting habitat values of the site. Any loss in habitat should be compensated with additional plantings on the other side of the drainage line. It should be noted that; the central 10 metres of the drainage line should not be cleared at all and the overall width of the habitat zone should be no less than 50 metres.

In assessing the suitability of any compromise of the standard drainage line setbacks the proposed compensatory measures should demonstrate an overall enhancement in achieving the objectives of providing water quality protection, channel stability and sustainable terrestrial and aquatic habitat at the site."

In any event APZ sizes have been reduced under the 2006 Guidelines so that encroachment into the riparian buffer is minimal and only occurs on part of proposed Lot 6. It appears that the maximum encroachment would be approximately four metres of outer protection zone and this can easily be compensated for on the opposite side of the drainage line.

The constraints have been addressed and this information will be included in the Environmental Assessment to be lodged with the DoP.

#### 4. Heritage

NSW Archaeology completed an assessment in July 2005 and concluded that there are no archaeological constraints to the proposed subdivision. This finding was endorsed by the Mogo Local Aboriginal Land Council.

#### 5. Visual Impact and Scenic Amenity

This issue will be comprehensively addressed in the Environmental Assessment to be lodged with the DoP.

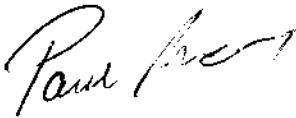
#### 6. Flora and Fauna

A comprehensive study of flora and fauna has been undertaken. Initially PMA Environmental completed an assessment in August 2005. A further updated biodiversity assessment was finalised by NGH Environmental in May 2007. The NGH assessment concluded that the proposed activity was unlikely to have a significant impact on threatened species subject to a number of recommended amelioration measures.

This correspondence is a record of the discussions held at the meeting of 14 June 2007. It confirms in particular that the Interim Policy for Minimum Lot Sizes for Rural Residential Land does apply to the subject land at Grandfather's Gully. This confirmation is needed in view of Council's letter to the DoP dated 14 August 2006.

The points made under headings 2 to 6 above were presented to the meeting. Council staff made the point that those matters are ones to be considered by the assessing body which in this case is the Department of Planning.

Yours faithfully



Paul May



Ransce Salan



NSW Government

DEPARTMENT OF NATURAL RESOURCES

Contact: Bob Britten  
Phone: (02) 6291 8200  
Mobile: 0427 600 187  
Fax: (02) 6492 3019  
Email: [bob.britten@dnr.nsw.gov.au](mailto:bob.britten@dnr.nsw.gov.au)

Paul May  
Planning Initiatives  
PO Box 750  
CAMDEN NSW 2570

File: Grandfathers Gully Rd  
Development\_RFI Advice.doc

16 April, 2007

Dear Paul,

**Subject: Lot 2 DP 250984 Grandfathers Gully Rd, Lilli Pilli - RFI/Riparian Requirements**

In response to your email (10<sup>th</sup> April 2007) to the Department of Natural Resources (DNR), concerning Rivers and Foreshores Improvement Act (RFI Act) requirements and guidelines for the development of the drainage lines within Lot 2 DP 250984 Grandfathers Gully Rd, Lilli Pilli. A minor drainage line is shown in the south western section of the Lot.

With regard to the **RFI Act** requirements, the drainage line is **not** considered a river as defined by this Act. Consequently, works in association with this drainage line would not require a 3A Permit under the RFI Act.

With regard to general Departmental advice concerning the protection of drainage corridors reference is made to the Landcom publication *Managing Urban Stormwater: Soils and Construction – Volume 1, 4<sup>th</sup> Edition* (2004), specifically, *Chapter 5. Erosion Control: Management of Water (Copy attached)*. Similar guidelines are also provided in the draft DNR document “*Riparian Corridor Objective Setting for Selected Streams Between Batemans Bay and Moruya*”. DNR advice for the development of the site would be consistent with these guidelines

It is to be noted that the drainage line within Lots 2 DP 250984 has been mapped as Category 2, management/maintenance of terrestrial and aquatic habitat. It is therefore recommended that the development of this land should aim to meet the objectives of maintaining channel stability, protecting water quality and providing sustainable habitat.

In achieving these objectives at this particular site it was agreed that there is potential flexibility in the prescribed 20 metre riparian setback from each side of the drainage line, provided the objectives of maintaining/enhancing water quality, stability and habitat are still achieved. To this end, a 10 metre encroachment of the outer APZ into one side of the riparian area could be offset with habitat enhancements on the other side of the creek. Establishment of the outer APZ could be achieved with minimal environmental impacts by selective removal of vegetation and replacement with a more suitable vegetative cover (preferably natives) meeting bushfire protection requirements and if possible supporting habitat values of the site. Any loss in habitat should be compensated with additional plantings on the other side of the drainage line. It should

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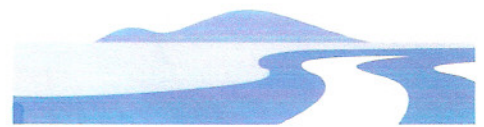
In assessing the suitability of any compromise of the standard drainage line setbacks the proposed compensatory measures should demonstrate an overall enhancement in achieving the objectives of providing water quality protection, channel stability and sustainable terrestrial and aquatic habitat at the site.

Should you have any queries or wish to discuss this further please contact me on 64918209.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Britten', written in a cursive style.

Bob Britten - Resource Project Officer



**EUROBODALLA SHIRE COUNCIL**

*Good Government, better living*

In Reply Please  
Quote Reference: 80.2310.B

26 October 2006

David Brewer  
648 The Ridge Road  
MALUA BAY NSW 2536

PO Box 99 Moruya NSW 2537  
email: [council@eurocoast.nsw.gov.au](mailto:council@eurocoast.nsw.gov.au)  
website: [www.esc.nsw.gov.au](http://www.esc.nsw.gov.au)  
DX 4873

Dear David

**PROPOSED SUBDIVISION LOT 2 DP 250984 GRANDFATHERS GULLY LILLI PILLI**

Reference is made to your letter of 20 October 2006 requesting advice with regard to the status of the above land in relation to the Contaminated Land Register.

Council advises that land identified as Lot 2 DP 250984 is not listed on the Contaminated Land Register.

If you require further information please contact me on (02) 4474-1359.

Yours faithfully

Anna Jones  
Development Support Officer



David Brewer  
648 The Ridge  
Malua Bay NSW 2536

**Downer Engineering**  
PO Box 266 Ashmore  
QLD 4214

Phone: 0244711630  
Email/Facsimile: 0244713556

Phone: 1800 600 182  
Facsimile: (07) 5556 9410  
E-mail: [Completions.smc@downerengineering.com.au](mailto:Completions.smc@downerengineering.com.au)

**Attention: David Brewer**

Our ref: 6042/ml  
Your ref:

17 November 2006

Dear Sir/Madam

**TELECOMMUNICATIONS PROPOSED NETWORK INFRASTRUCTURE NOTIFICATION**

Telstra Corporation Limited confirms that notification has been received from regarding Telstra's **intent to pre-provide** telecommunications network infrastructure to the following proposed development:

LOTS NUMBERED	PLAN NUMBER
Lots 1 - 13	

LOCATION
Lot 2 DP250984 Grandfathers Gully Rd Lilli Pilli NSW 2536

This notification of **intent to pre-provide** telecommunications infrastructure is issued for this proposed development only and is issued and given solely on the basis of the information provided by the customer to Telstra Corporation Limited as at the date of this notification.

**Once telecommunications network infrastructure is provisioned to the proposed development, a Telecommunications Infrastructure Provisioning Confirmation letter will be issued if requested.**

**Additional works may still be required in order for telecommunications services to be provided to customers in the development and these works will be carried out at Telstra's sole discretion.**

Telstra Corporation Limited is not responsible to, a recipient of this notification or anyone else for any loss suffered in connection with this notification or any of the content and excludes, to the maximum extent permitted by law, any liability which may arise as a result of the issue of this notification or its content.

If you have any enquiries or require any further information please contact me on the above address.

Sincerely,

Daniel Wakeford  
Downer Engineering,  
on behalf of Telstra Corporation Limited



15 February 2007

Mr Allan Burrows  
Conway Burrows & Hancock  
Consulting Surveyors  
126 Beach Road  
BATEMANS BAY, NSW 2536

Dear Allan

**LOT 2 DP 250984 GRANDFATHERS GULLY ROAD LILLI PILLI**

I refer to your email of 31 January 2007 regarding the availability of electricity supply to the above property. I can advise that there is an 11kV high voltage line located in Grandfathers Gully Road adjacent to the proposed subdivision. The developer will be responsible for providing electricity supply from the existing power line to the individual allotments.

Yours sincerely

A handwritten signature in black ink, appearing to read "Phillip Benny".

Phillip Benny  
Planning Officer South Eastern

Parkcan P/L  
640 The Ridge Road  
Surfbeach  
N.S.W 2536

ABN 44 057 311 001

Ph: (02) 4471 3005

18/01/2006

To whom it may concern.

Regarding private road on proposed subdivision  
at Lot 2 Grandfathers Gully Road Surfbeach Bateman's Bay N.S.W 2536.  
Being the property of Mr David Brewer of 648 The Ridge Road Surfbeach  
Bateman's Bay N.S.W 2536.

Parkcan P/L Waste Contractors would be more than  
happy to provide a general waste collection to this area.

Yours Sincerely  
Eric Beadon

