

Your reference : JAC 08/19 Pt 1  
Our reference : FIL 06/1333-03 DOC08/56853  
Contact : Peter A. Ekert, 66402514

8 DEC 2008

Darryl Anderson Consulting Pty Ltd  
Suite 7  
Corporate House  
8 Corporation Circuit  
Tweed Heads South NSW 2486

5 DEC 2008

Dear Mr Anderson

**Re: Major Project Application No. MP 08 0034 – Proposed 62 Lot Subdivision, Commercial Building and Manager's Residence at Lots 2 and 3 DP 244652 Uriup Road, Bilambil**

I refer to your letter received by the Department of Environment and Climate Change (DECC) on 1 December 2008 and your request for DECC to provide advice as part of the Environmental Assessment (EA) in regard to the above proposal.

With respect to minimum requirements for riparian buffers for the above proposal, DECC provides the following general advice:

| <i>Minimum requirement guide</i>                     |                                |
|--|--------------------------------|
| <b>Catchment Area</b>                                | <b>Buffer Distance</b>         |
| <i>Streams / Drainage Lines</i>                      | <i>(either side high bank)</i> |
| < 100 hectares                                       | 20 metres                      |
| > 100 ha and < 500 ha                                | 30m                            |
| >500 ha  | 50m                            |
| <b><i>Environmentally Sensitive</i></b> <sup>#</sup> | 50m                            |

*# - Environmentally sensitive can be considered as areas that contain native vegetation, landscapes, fauna habitats and/or refuges (terrestrial, freshwater, estuarine and marine) which are significant in a local, regional or state context and are most susceptible to unacceptable levels of modification from direct or indirect impacts by neighbouring land uses.*

These areas would be expected to include:

- National Parks, Nature Reserves and Crown Coastal Reserves;
- State Forests;
- SEPP 14 Wetlands;
- SEPP 26 Littoral Rainforest areas (require a buffer of 100 metres);
- marine environments, including estuaries, lakes and associated intertidal habitats;

The Department of Environment and Conservation NSW is now known as  
the Department of Environment and Climate Change NSW

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Department of **Environment and Conservation** NSW



- rivers and creeks, including associated riparian lands, corridors and freshwater wetlands;
- significant habitat areas containing threatened flora and fauna species as listed under the Threatened Species Conservation Act 1995 (TSC Act).

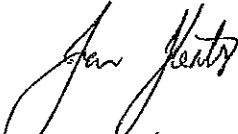
DECC has previously considered the details of the project as provided by the Applicant and on 29 April 2008, DECC provided key issues and assessment requirements to the NSW Department of Planning (see Attachment A and B). We advise that you should ensure that the EA is sufficiently comprehensive and detailed to determine the extent of the impact of the proposal.

In summary, DECC's recommended key information requirements for the project are:

1. the impacts on local surface water quality;
2. the impacts of the project on threatened species and their habitat;
3. the impacts of the project on Aboriginal cultural heritage values;
4. an assessment of any land contamination and;
5. the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts identified in 1-4 above.

Should you require any further information please contact Peter A. Ekert 66402514.

Yours sincerely



**JON KEATS**  
Head, Industry and Waste Unit North Coast  
**Environment Protection and Regulation Group**  
Att: Attachment A DECC EA Requirements  
Attachment B Guidance Material



Our Ref: 08/2488-3

Mr Darryl Anderson  
Darryl Anderson Consulting Pty Ltd  
Suite 7 Corporation House  
8 Corporation Circuit  
TWEED HEADS SOUTH NSW 2486

19 DEC 2008

17 December 2008

Dear Mr Anderson

**Re: MP08-0034 Proposed 62 Lot subdivision, commercial building and manager's residence at Lots 2 and 3 DP244652, Uriup Rd Bilambil**

Thank you for your letter of 28 November 2008 requesting the NSW Department of Primary Industries (DPI) provide comment on the above mentioned development application.

The NSW Department of Primary Industries (NSW DPI) has been formed by the merger of NSW Fisheries, Department of Mineral Resources, State Forests and NSW Agriculture.

NSW DPI has both statutory and advisory responsibilities in relation to development and land use planning matters. The Department is an advocate of sustainable development and profitable and sustainable primary industries through appropriate access to and wise management of natural resources. NSW DPI through Forests NSW also has a commercial and operational interest in land use planning matters. The abovementioned matter is of interest to Agriculture and Fisheries Divisions within DPI.

**Agricultural issues**

The land is already zoned village so there are no direct agricultural issues. There is regionally significant farmland (cross hatched) located immediately west of the subject land. This land has been identified in the draft EA on page 46. The Far North Coast Regional Strategy, the North Coast REF and the Northern Rivers Catchment Action Plan seek to ensure that new development in rural areas does not create land use conflict. The Draft EA at page 46 (point 4.17) and further at page 68 (point 9.1.1) suggests that the road and creek provides adequate buffer

(50 metres) to the adjoining farmland which is used for grazing. This conclusion should be supported by due reference to relevant setback and landuse conflict avoidance policies of Tweed Shire Council and Chapter 6 of the North Coast Living and Working in Rural Areas Handbook ([www.dpi.nsw.gov.au/north-coast-land-use](http://www.dpi.nsw.gov.au/north-coast-land-use)) as appropriate.

Please contact Rik Whitehead on (02) 6626 1349 or [rik.whitehead@dpi.nsw.gov.au](mailto:rik.whitehead@dpi.nsw.gov.au) should you require further information or advice on agricultural issue.

### **Fisheries issues**

DPI's responsibility also covers managing fish (including aquatic invertebrates), and fish habitat throughout NSW. In addition, the department works to provide quality commercial and recreational fishing, and aquaculture opportunities.

It is noted that while the development is located at the approximate tidal limit of Bilambil Creek it occurs within 10 km of Priority Oyster Aquaculture Areas located in Terranora Broadwater. POAAs are areas where commercial oyster aquaculture is a priority intended outcome. POAAs are identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (OISAS). This strategy also details the agreed water quality needs of the oyster industry. OISAS is given effect through the State Environmental Planning Policy 62 – Sustainable Aquaculture (SEPP 62) which requires that the effects of proposed development on oyster aquaculture be considered and mitigated. OISAS and the associated estuary maps can be accessed at the following web address:

<http://www.dpi.nsw.gov.au/fisheries/aquaculture/publications/oysters/industry/nsw-oyster-industry-sustainable-aquaculture-strategy>

Provision of adequate buffers to aquatic habitats such as Bilambil Creek is a key way in which to ensure that impacts on POAA are minimised. Aquatic habitat buffers also achieve a suite of other important outcomes, ie reducing bank erosion, reducing diffuse pollutants and gross pollutants entering the waterway and providing a corridor of vegetation important for the functioning of the waterway.

DPI Fisheries note the buffer between housing lots and the waterway is 20 metres, less than the longstanding 50 metres outlined in DPI Fisheries policy and guidelines. Furthermore the design of the subdivision results in at least seven properties bordering the riparian buffer. Preferred design as outlined in the Department of Planning's Coastal Design Guidelines would incorporate a separation by either a road between the buffer and the residential lots. Furthermore the management of the buffer is not explicitly stated. Management regimes such as underscrubbing and reducing of contiguous canopy are required to achieve mosquito and bushfire buffers but are incompatible with aquatic habitat buffers, hence reducing further the amount of aquatic habitat buffer between the development and the waterway.

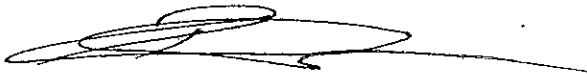
I am happy to elaborate further on these matters to assist you in refining the draft EA to ensure that fisheries issues, and SEPP62 issues are adequately addressed in the EA when it is submitted to Planning. I may be reached on (02) 6626 1397.

**Minerals issues**

It should be noted that Mr Jeff Brownlow, Geologist within DPI has advised that the quarry on the site is long abandoned and the site now far too urban to contemplate further extraction, consequently there are no minerals issues beyond the standard materials requirements which include details about the source of the fill to be used. Please contact Mr Jeff Brownlow on (02) 6738 8513 if further information is required.

If you have any further enquiries please contact me on (02) 6626 1397.

Yours sincerely



Patrick Dwyer  
**Fisheries Conservation Manager (North)**



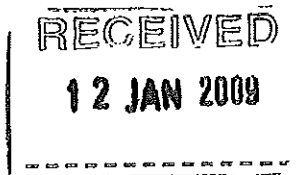
# Department of Lands

*Land Administration & Management  
Property & Spatial Information*



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Our Reference: 07/3897  
Your Reference: MP08\_0034

Date: 23 Dec 2008

Dear Mr Anderson

**Re: Proposed development of Lots 2 and 3 DP244652 Uriup Road Bilambil, MP08\_0003.**

I refer to your letter received 3 December 2008 requesting agreement from the Department of Lands with the layout, buffer arrangements and stormwater discharge for the proposed development of Lots 2 and 3 DP 244652 Bilambil. The subject site adjoins Bilambil Creek, a Crown non-tidal waterway.

The Department appreciates your consultation on these matters and has reviewed your revised proposal and provides the following comments.

- Review of the new lot layout shows that the proposed development still only provides a 20m buffer between the lots and Bilambil Creek; however it is noted that one lot that previously adjoined the creek has been relocated to provide a continuous public reserve along the foreshore area. As previously stated, the Department recommends a 50m buffer to the creek to provide adequate space for rehabilitation and public access.
- Review of the proposed 20m creek side reserve arrangement supported by Council identifies a number of issues including the following.
  - The diagrams provided show the location of the public walkway within the 20m buffer zone to Bilambil Creek despite Council stipulating that recreational and engineering structures should be wholly outside this zone. Council has also advised on 15/12/2008, that a number of other agreed actions have not been included within revised plans.
  - The creek side rainforest revegetation treatment identifies the area immediately adjoining the proposed lots to be rehabilitated with "low closed plantings of shrubs, forbs and ferns". Whilst a species list was not provided, it is unlikely that such vegetation structure would constitute a rainforest and it is unknown whether a rainforest community will indeed become established in this area. As such additional asset protection may be required in the future if an alternative vegetation type becomes established, however, this has not been catered for in the proposed development.
  - The location of a densely rehabilitated creek buffer immediately adjoining lots will likely result in future requirements for the removal of trees within the rehabilitation area as they may be deemed a safety risk.

- Consideration of the above matters suggests that it may be more appropriate to relocate the road identified as Road 2 to provide a buffer between the rehabilitation and open space area and any proposed lots.
- The small area of open space provided along Hogans road would provide limited opportunities for public use and enjoyment and may be better positioned along the creek to enhance this area of open space. The stormwater retention basin could be located within this area to ensure consistency with Councils requirements that the retention basin be located greater than 20m from Bilambil Creek.
- A pedestrian connection between the creek and Uriup Road may enhance public access to the creek side public reserve.
- Any works associated with stormwater discharge which are proposed to be located within Bilambil Creek require the consent of the Department of Lands and application for such works will need to be made.
- Due to the lack of existing riparian vegetation to act as a buffer, sediment and erosion control measures during construction need to ensure that potential impacts on Bilambil Creek are adequately mitigated. A single line sediment fence may not be sufficient to prevent the deposition of large volumes of finer sediment into the creek system given the proximity of the sediment fence to the creek and the level of soil disturbance to be undertaken. Tweed Shire Council may be able to provide more advice on this matter.
- The stormwater management plan indicates that runoff from the northern and eastern sections of the proposed development will not be treated on site. All stormwater from the development should be treated on site prior to discharge into Bilambil Creek.
- It is noted that the original proposal was for a 56 lot subdivision and this has now been increased to a proposed 62 lots.

It is hoped that the information provided above and matters raised will be of assistance in refining the proposed development. If you have any queries regarding the above matters please call me on 02 66919616.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Tuckey', with a long horizontal flourish extending to the right.

Kersten Tuckey  
Senior Environmental Officer  
Far North Coast