

Jenny

From: Jenny
Sent: Tuesday, 20 January 2009 1:18 PM
To: 'kersten.tuckey@lands.nsw.gov.au'; 'patrick.dwyer@dpi.nsw.gov.au'; 'peter.ekert@environment.nsw.gov.au'; sally.munk@planning.nsw.gov.au; 'Stewart Brawley'
Cc: Robert Hanby; Lindsay McGavin; Sandy Pimm; 'Seth Philbrook'; John Sherwood
Subject: Major Project Application No. 08_0034 - Proposed Subdivision at Lots 2 and 3 DP 244652 Uriup Road Bilambil
Attachments: Layout Option 2.pdf; image002.gif; 17397D.PDF; PHOTO-1.jpg; PHOTO-2.jpg; PHOTO-3.jpg; PHOTO-4.jpg; RE: (DWS Doc No 1942807) FW: Major Project Application No. MP08_0034 - Bilambil Village

Kersten - Your Reference Letter dated 23 December 2008, 07/3897
 Patrick - Your Reference Letter dated 17 December 2008, 08/2488-3
 Peter - Your Reference Letter dated 5 December 2008, 06/1333-03

Thank you for your above referenced letters, all of which generally recommend a minimum 50m buffer width from the Bilambil Creek bank to the urban development, preferably with a public road forming the boundary between the buffer and the urban lots. Council officers previously advised that an appropriately revegetated buffer 20m in width would be adequate however in view of the positions taken by the State Agencies we have carefully considered the options and prepared the attached amended plan (Reference T15337, dated January 2009) which provides for a 50m buffer including the 15m wide road reserve, an embellished casual open space area within the buffer and reduces the number of lots from 62 to 53. The new layout also provides a hard road edge between the lots and the buffer.

The road will also act as an asset protection zone thus allowing the remaining 35m of the buffer to be appropriately revegetated to achieve water quality and riparian management objectives. We consider that this is a reasonable compromise given that a 50m buffer exclusive of the road reserve would result in the loss of up to a further 9 lots and thus render the project unviable. The reduction in 10 lots already raises questions in relation to viability and of course if the site is not redeveloped in accordance with its longstanding residential zoning it will remain highly degraded with uncontrolled stormwater discharges to the Creek.

Insofar as the embellished casual open space is concerned to meet Council's locational requirements and design criteria there are no other feasible alternatives in terms of its siting other than to further reduce lot yield. That part of the casual open space within say 15m of the Creek could be densely revegetated with appropriate rainforest species and the remainder of the area would be largely grassed with scattered landscape plantings and appropriate playground equipment.

Full details of the rainforest revegetation within the 35m wide buffer will accompany the final report however the purpose of this email is to obtain support in principle for the amended layout from the Department of Lands, Department of Primary Industries, Department of Environment and Climate Change and Council. Your Department's and Council's support in principle is therefore requested.

Bob Hanby

Available sight distance from the new intersection along Hogans Road is addressed in the Transport Impact Assessment Report which forms Annexure 21 of the Draft Environmental Assessment Report previously provided to Council. In summary, that Report concludes that satisfactory levels of sight distance at all intersections can be achieved with some vegetation clearing. In addition, the attached photographs and Plan No. 17397D prepared by B & P Surveys, dated 31 July 2008 also demonstrate that compliant sight distance can be achieved.

Bob/Stewart

Further to my email of 17 December 2008 (copy attached) could you please confirm that Council would accept dedication of the amended road layouts and the proposed public reserves subject of course to normal construction/embellishment requirements?

Your assistance in finalising this matter would be greatly appreciated.

20/01/2009

Jenny

From: Keats Jon [Jon.Keats@environment.nsw.gov.au]
 Sent: Monday, 2 February 2009 8:54 AM
 To: Jenny
 Cc: Ekert Peter
 Subject: FW: Major Project Application No. 08_0034 - Proposed Subdivision at Lots 2 and 3 DP 244652 Urikup Road Bilambil

Hi Darryl,

I refer to your email of 20/1/09 regarding the above Part 3A proposal and, in particular, the proposed buffer to Bilambil Creek.

I discussed this issue with John Sherwood by telephone on 30/1/08 and undertook to confirm our discussion by email.

As you aware from our previous correspondence, DECC recommended a buffer width of 50m for the proposed development. The background for this recommendation is as follows:

The Cooffs Harbour City Council conducted a Local Environment Plan Review (April-October 1996) undertaken by nine individuals from relevant government agencies (including DECC) to resolve common natural resource management issues in the Cooffs Harbour region in the LEP review process. This review included a preferred minimum requirement for buffer widths to avoid inconsistency between different State agencies, poor understanding of what physically constitutes an effective buffer and the current wide variation in the standard of implementation and maintenance. For ESAs this LEP review process identified a minimum buffer of 50 metres to development areas.

An ESA is defined in the LEP Review as; "areas that contains native vegetation, 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 landuses".

DECC recognises that buffer widths may be varied depending on individual circumstances. However, the type of research required to adequately assess an environmental buffer width involves long-term monitoring and wide sampling and is therefore considered not practical in the majority of cases. It is therefore considered appropriate to set a standard minimum environmental buffer width.

It is well documented in literature that development adjacent to ESAs results in an adverse impact on the ecological functioning and biological diversity of natural areas. With regard to terrestrial vegetation, Murcia (1995) identified that most edge effects were reported to have disappeared within 50 metres of the remnant edge.

As per the telephone advice provided to John Sherwood, DECC acknowledges that the revised buffer proposal is more significant than the original, but it is still less than the DECC recommended configuration (of a 50 m vegetated buffer). It is likely that the proposed sealed road within the buffer would create issues with respect to potentially contaminated stormwater runoff and edge effects on the remaining buffer. Due to the increased level of pollutant runoff from hard surfaces and the increased velocity and quantity of surface runoff, DECC believes it preferable to locate the perimeter road outside of the recommended 50 metre buffer.

If the proponent prefers to retain the currently proposed buffer configuration, we recommend that the Environmental Assessment (EA) include a justification for that, including information to address the issues raised in the above.

If you have any further inquiries, please telephone Peter Ekert on (02) 66402514.

Regards

Jon Keats
 Head Regional Operations Unit North Coast

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2/02/2009

Jenny

From: patrick.dwyer@dpi.nsw.gov.au
 Sent: Friday, 30 January 2009 2:32 PM
 To: Jenny
 Cc: John Sherwood; kersten.tuckey@lands.nsw.gov.au; Lindsay McGavin; peter.ekert@environment.nsw.gov.au; Robert Hanby; sally.munk@planning.nsw.gov.au; Stewart Brawley; Seth Philbrook; Sandy Pimm
 Subject: Re: Major Project Application No. 08_0034 - Proposed Subdivision at Lots 2 and 3 DP 244652 Urflup Road Bilambil
 Attachments: image002.gif; Layout Option 2.pdf; 17397D.PDF; PHOTO-1.jpg; PHOTO-2.jpg; PHOTO-3.jpg; PHOTO-4.jpg; 17154D-A.PDF; TSC Memo_0001.pdf

Darryl and others

DPI Fisheries correspondence and policy position recommend a 50 metre buffer is the desired outcome.

The changes that have been made to the subdivision layout in order to address matters raised, and achieve improved outcomes for fish and fish habitat are acknowledged.

Considering this compromise, in this instance DPI Fisheries raises no objection to the proposal indicated in amended plan (Reference T15337, dated January 2009) incorporating the following elements:

- a new layout that provides a hard road edge between the lots and the buffer;
- a 50m buffer including the 15m wide road reserve, an embellished area of casual open space within the buffer (20m, largely grassed with scattered landscape plantings and appropriate playground equipment); and
- a 15m buffer along the Creek densely revegetated with appropriate rainforest and riparian species.

If required I am happy to outline this agreement more formally in a letter and can be phoned on 6626 1397.

Sincerely

PAT

Patrick Dwyer
 Fisheries Conservation Manager (North)
 Aquatic Habitat Protection Branch
 1243 Bruxner Highway
 WOLLONGBAR NSW 2477
 Ph: 02 6626 1397
 M. 0407 264 391
 Fax: 02 6626 1377
 Email: patrick.dwyer@dpi.nsw.gov.au

"Jenny" <Jenny@dsconsulting.com.au>

20/01/2009 01:18 PM

To: <kersten.tuckey@lands.nsw.gov.au>, <patrick.dwyer@dpi.nsw.gov.au>, <peter.ekert@environment.nsw.gov.au>, <sally.munk@planning.nsw.gov.au>, "Stewart Brawley" <SBrawley@tweed.nsw.gov.au>
 cc: "Robert Hanby" <RHanby@tweed.nsw.gov.au>, "Lindsay McGavin" <LMcGavin@tweed.nsw.gov.au>, "Sandy Pimm" <SPimm@tweed.nsw.gov.au>, "Seth Philbrook" <SPhilbrook@tweed.nsw.gov.au>, "John Sherwood" <johnsherwood@optusnet.com.au>
 Subject: Major Project Application No. 08_0034 - Proposed Subdivision at Lots 2 and 3 DP 244652 Urflup Road Bilambil

Kersten - Your Reference Letter dated 23 December 2008, 07/3897

Patrick - Your Reference Letter dated 17 December 2008, 08/2488-3

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Bob Hanby

30/01/2009

Jenny

From: Kersten Tuckey [Kersten.Tuckey@lands.nsw.gov.au]
Sent: Monday, 2 February 2009 3:57 PM
To: Jenny
Subject: RE: Major Project Application No. 08_0034 - Proposed Subdivision at Lots 2 and 3 DP 244652 Urliup Road Bilambil

Hi Jenny

Whilst the Department of Lands continues to support a 50m vegetated creek buffer it acknowledges that the amended subdivision plan is a significant improvement on the previous submitted plan and could provide a suitable buffer to Bilambil Creek provided appropriate revegetation strategies are incorporated. It is understood that the overall buffer from the lots to the creek would include the road and the revegetation area and would be approximately 50m in total. The placement of the road between the lots and the riparian revegetation area is also strongly supported as this will significantly reduce impacts on the revegetation area. Appropriate management of pedestrian access to Bilambil Creek from the casual open space area should be considered in the design of this area to prevent informal tracks becoming established and prevent erosion.

I look forward to reviewing your detailed revegetation/open space proposal.

Regards

Kersten Tuckey
 Senior Environmental Officer
 Department of Lands

Ph: 66919616
 PO Box 291J
 COFFS HARBOUR JETTY NSW 2450

Part time Monday, Tuesday and Thursday

From: Jenny [mailto:Jenny@daconsulting.com.au]
Sent: Tuesday, 20 January 2009 1:18 PM
To: Kersten Tuckey; patrick.dwyer@dpi.nsw.gov.au; peter.ekert@environment.nsw.gov.au; sally.munk@planning.nsw.gov.au; Stewart Brawley
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30/03/2009