

# Department of Planning and Environment



Contact: Department of Planning and Environment-Water

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Our ref: IDAS-2024-10594

Your ref: DA24/0352

30 September 2024

The General Manager  
TWEED SHIRE COUNCIL  
10-14 TUMBULGUM ROAD MURWILLUMBAH 2484

Attention: Asmara Tesfa

Uploaded to the ePlanning Portal

Dear Sir/Madam

**Re:** IDAS-2024-10594 - Request for additional information  
**Dev Ref:** DA24/0352  
**Description:** Demolition of existing buildings and bridge, construction and use of a road and caravan park.  
**Location:** Lot 250, DP755701, 1183 CUDGERA CREEK ROAD CUDGERA CREEK 2484

The Department of Planning and Environment-Water has reviewed documents for the above development application. An initial review of the material provided indicates that additional information relevant to issuing General Terms of Approval is needed in order for the Department of Planning and Environment-Water to complete the assessment.

Department of Planning and Environment-Water requests that Council stop the clock as of the date of this letter.

The following additional information is required:

- The proposed development is seeking to include a 30m Vegetated Riparian Zone (VRZ) for Cudgera Creek along the southern boundary of the site. The DCCEEW —Water guidelines for riparian corridors [Controlled activities – Guidelines for riparian corridors on waterfront land \(nsw.gov.au\)](https://www.nsw.gov.au/controlled-activities-guidelines-for-riparian-corridors-on-waterfront-land) include a 40m VRZ for 4th order and greater watercourses and Cudgera Creek is a 5<sup>th</sup> order watercourse. Please provide updated designs that include a 40m VRC for Cudgera Creek.
- The DCCEEW —Water guidelines for riparian corridors allows for some non-riparian uses within the outer 50% of the VRZ as long as offsets are provided in accordance with the averaging rule. The proposed designs show an access road being constructed from Tom Merchant Dr along the riparian corridor and within the outer 50% of the VRZ for some distance. Please consider updated designs that remove the road from within the 40m VRZ or alternatively indicate with an updated landscape plan where the proposed offsets are proposed.
- Also to note - a Vegetation Management Plan in accordance with the DCCEEW —Water guidelines [Controlled activities – Guidelines for vegetation management plans on waterfront land \(nsw.gov.au\)](https://www.nsw.gov.au/controlled-activities-guidelines-for-vegetation-management-plans-on-waterfront-land) will be required for the 40m VRZ and any offsets to Cudgera Creek and the VRZs along the northern and eastern boundaries of the site, as wetlands are also waterfront land under the *Water Management Act (2000)*. The Act defines a lake as follows:

*lake includes—*

*(a) a wetland, a lagoon, a saltmarsh and any collection of still water, whether perennial or intermittent and whether natural or artificial, and*

*(b) any water declared by the regulations to be a lake,*

*whether or not it also forms part of a river or estuary, but does not include any water declared by the regulations not to be a lake.*

This VMP will be conditioned in any General Terms of Approval issued by the department and required to be provided with any Controlled Activity Approval application.

Clause 67 of the Regulation allows the department to specify a reasonable period within which the information requested must be provided. In this case, the department considers 30 days from the date of this letter as a reasonable period of time within which the requested information must be provided.

The applicant should notify the department, in writing, of their intent to provide the requested information or to arrange for a suitable period to supply this information.

Please direct any questions or correspondence to Charity Nichols at [charity.nichols@dpie.nsw.gov.au](mailto:charity.nichols@dpie.nsw.gov.au) , and cc [waterlicensing.servicedesk@dpie.nsw.gov.au](mailto:waterlicensing.servicedesk@dpie.nsw.gov.au).

Yours Sincerely



**For**  
**Patrick Pahlow**  
**Team Leader**  
**Licensing and Approvals**  
**Department of Planning and Environment-Water**