



Planning

Contact: Joanna Bakopanos
Phone: 9288 6327
Fax: 9228 6540
Email: joanna.bakopanos@planning.nsw.gov.au

Our ref: 05_0091
Your ref:

CODLEA Pty Ltd
C/- Ms Paola Rickard
Project Manager
LandPartners Limited
PO Box 1134
LISMORE NSW 2480

Dear Ms Rickard,

MP 05_0091 – 208 lot residential subdivision – Lot 73 DP 851902 Bayside Way, Brunswick Heads – Byron LGA

I refer to the Director-General's Environmental Assessment Requirements (DGRs) issued on 12 January 2007 and amended on 28 July 2008 for the proposed residential subdivision at Bayside Way, Brunswick Heads. Due to the time that has lapsed since the DGRs were issued and amended, the Department has further reviewed and updated the DGRs to reflect current policies and guidelines pursuant to section 75F(3) of the *Environmental Planning and Assessment Act 1979* (the Act). Amendments include additional key issues and assessment requirements related to climate change and socio-economic matters.

The updated DGRs for the Environmental Assessment (EA) of the project are attached to this correspondence at **Attachment 1**. **Attachment 2** lists the relevant plans and documents which should also be included in your EA.

It should be noted that the DGRs have been prepared based on the information provided to date. Under section 75F(3) of the Act, the Director-General may alter or supplement these requirements if necessary and in light of any additional information that may be provided prior to the proponent seeking approval for the project.

If the EA is not exhibited within 2 years of the date of issue of these requirements, you should consult further with the Director-General in relation to the preparation of the EA.

Please contact the Department at least two weeks before you propose to submit the EA for the project to determine:

- the fees applicable to the application. Note that you will need to provide a signed statement from a Quantity Surveyor to verify the capital investment value of the project;
- consultation and public exhibition arrangements that will apply. Electronic documents provided for publication on the Department's website must be no more than around 5MB in size. Larger documents are to be broken down into separate files and named appropriately; and
- number and format (hard-copy or CD-ROM) of the EA that will be required.

A list of some relevant technical and policy guidelines which may assist in the preparation of the EA are attached at **Attachment 3**.

Prior to exhibiting the EA, the Department will review the document to determine if it adequately addresses the DGRs. The Department may consult with other relevant government agencies in making this decision. If the Director-General considers that the EA does not adequately

address the DGRs, the Director-General may require the proponent to revise the EA to address the matters notified to the proponent.

Following this review period, the EA will be made publicly available for a minimum period of 30 days.

If your proposal includes any actions that could have a significant impact on matters of National Environmental Significance (NES), it will require an additional approval under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This approval is in addition to any approvals required under NSW legislation. It is your responsibility to contact the Commonwealth Department of Sustainability, Environment, Water, Population and Communities in Canberra (6274 1111 or <http://www.environment.gov.au>) to determine if the proposal is likely to have a significant impact on matters of NES and would require an approval under the EPBC Act. The Commonwealth Government has accredited the NSW environmental assessment process for assessing any impacts on matters of NES. As a result, if it is determined that an approval is required under the EPBC Act, please contact the Department immediately as supplementary DGRs will need to be issued.

Please note that under section 75U of the Act, Part 3A applications do not require certain permits/approvals required under other legislation. These matters are considered as part of the Part 3A assessment process. For example, Section 87 permits and Section 90 consents under the *National Parks and Wildlife Act 1974* are not required for Part 3A applications. Section 75U applies from the date of issue of the DGRs.

Notwithstanding, the Department still requires an equivalent level of information within the EA as would ordinarily be required for the issue of any such permit/approval to enable an assessment of the relevant works. Please notify the Department should any sub-surface testing be required during the preparation of your EA.

Copies of responses from government agencies to the Department's request for key issues and assessment requirements have previously been provided to you. These responses were provided to you for information only and do not form part of the DGRs for the EA.

If you have any queries regarding these requirements, please contact Joanna Bakopanos on the above listed details.

Yours sincerely,



Alan Bright

Acting Director

Regional Projects

as delegate for the Director-General

14/10/10

Attachment 1

Director-General's Environmental Assessment Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number
05_0091
Project
A Concept Plan for the following: <ul style="list-style-type: none"> • residential subdivision of approximately 178 lots comprising a mix of single dwelling, dual occupancy and medium density lots; and • the provision of local parks and the dedication of an approximately 8.2 hectare parcel of land adjacent to Simpson's Creek for the purpose of an environmental park.
Location
Lot 73 DP 851902 Bayside Way, Brunswick Heads in the Byron Local Government Area
Proponent
CODLEA Pty Ltd
Date issued
12 January 2007
Dates amended
28 July 2008 and 14 October 2010
General requirements
<p>The Environmental Assessment (EA) for the Concept Plan Application must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A detailed description of the proposal including: <ul style="list-style-type: none"> • any development options; • justification for the project taking into consideration any environmental impacts of the project, the suitability of the site and whether the project is in the public interest; • outline of the staged implementation of the project if applicable; 3. A thorough site analysis including constraints mapping and description of the existing environment; 4. Consideration of any relevant statutory and non-statutory provisions and identification of any non-compliances with such provisions, in particular relevant provisions arising from environmental planning instruments, Regional Strategies (including draft Regional Strategies) and Development Control Plans; 5. Consideration of the consistency of the project with the objects of the <i>Environmental Planning and Assessment Act 1979</i>; 6. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999</i>; 7. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 8. The plans and documents outlined in Attachment 2, as relevant; 9. A signed statement from the author of the EA certifying that the information contained in the report is neither false nor misleading; and 10. An assessment of the key issues specified below and a table outlining how these key issues have been addressed.

Key Issues	
The EA must address the following key issues:	
1. Strategic Planning	
1.1	Justify the proposal with reference to relevant local, regional and State planning strategies. Provide justification for any inconsistencies with these planning strategies.
2. Subdivision Design, Layout and Desired Future Character	
2.1	Demonstrate the consistency of the proposal with the character of existing development in terms of the locality, street frontage, scale, building envelopes and future built form controls, aesthetics, energy and water efficiency and safety.
2.2	Demonstrate the consistency of the proposed subdivision design and layout with the <i>Coastal Design Guidelines for NSW, NSW Coastal Policy 1997</i> and <i>State Environmental Planning Policy (SEPP) 71 – Coastal Protection</i> .
2.3	Assess and demonstrate the suitability of the site in terms of integration and compatibility of the proposed land uses and community facilities (schools, aged care, residential properties, hospitals, parks) and potential impacts such as access arrangements for each use, traffic, buffers, density controls, noise impacts and suitability of the proposed development with the surrounding area.
2.4	Identify the type of subdivision proposed across the site, that is, community, Torrens, strata.
2.5	Provide details of potential building envelope, built form and design quality controls and the means for implementing them.
2.6	Provide details of any staging that demonstrates the lots will be released in an orderly and coordinated manner.
2.7	Outline the long-term management and maintenance of any areas of open space or conservation including ownership and control, management and maintenance funding, public access, revegetation and rehabilitation works and bushfire management.
3. Flora and Fauna	
3.1	Assess the potential impacts of the development on flora and fauna taking into consideration impacts on any threatened species, populations, ecological communities and/or critical habitat and any relevant recovery plan in accordance with DECC's <i>Guidelines for Threatened Species Assessment</i> (2005), having particular regard for the wallum vegetation and Wallum Froglet identified on the site. Provide measures for the conservation of flora and fauna, where relevant.
3.2	Address any impacts on migratory species, RAMSAR wetlands and species listed under Section 18 and 18A of the EPBC Act.
3.3	Address impacts of clearing of native vegetation, and outline measures for the conservation of existing wildlife corridor values and/or connective importance of any vegetation on the subject land. Particular consideration should be given to minimising impacts on the creek line running north/south on the western side of the lot, in consultation with Council.
3.4	Address direct and indirect impacts on the riparian zone, and identify conservation (riparian) buffer zones between the development areas and adjoining vegetation, having regard to a recommended minimum 50m buffer width and findings, conclusions and recommendations of the Brunswick Estuary Management Study and Management Plan.
3.5	Address ownership of proposed conservation areas, riparian zones and buffer zones, and management regimes to be undertaken in these areas and zones.
3.6	Address the preliminary design for the footbridge over Simpson's Creek and its potential impacts on aquatic habitat, including any requirements of NSW Industry and Investment (Fisheries) regarding this habitat.
3.7	Address potential impacts of the proposed beach access through Tyagarah Nature Reserve and any requirements of the Department of Environment, Climate Change and Water (DECCW).
4. Water Cycle Management	
4.1	Address potential impacts on the nearby SEPP 14 wetlands; on local surface water and groundwater hydrology; and the potential of the proposal to contaminate groundwater quality or impact on groundwater dependent ecosystems.
4.2	Address and outline measures for Integrated Water Cycle Management (including stormwater) based on Water Sensitive Urban Design principles and which addresses impacts on the

4.3	surrounding environment, drainage and water quality controls for the catchment, particularly overland flows from the site to the local waterways (including the creek line referred to at Section 3.3) and potential impacts of stormwater run off to adjoining land and watercourses.
4.4	A concept erosion and sedimentation control plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site is to be provided.
4.5	Prepare conceptual design layout plan for preferred stormwater treatment train showing location, size and key functional elements of each part of the system. The plan should also include details of any major overland flow paths through the site and any discharge points to the street drainage system.
4.6	In consultation with Council address appropriateness of the wetland and detention ponds adjoining the proposed park, particularly having regard to potential mosquito habitat. The on-site detention is to be integrated with the proposed landscape design. Site discharge calculations should be provided.
5. Hazard Management and Mitigation	
<i>Coastal Processes</i>	
5.1	Address coastal hazards and the provisions of the Coastline Management Manual. In particular, consider impacts associated with wave and wind action, coastal erosion, sea level rise and more frequent and intense storms
<i>Contamination</i>	
5.2	Identify any contamination on site and appropriate mitigation measures in accordance with the provisions of <i>State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land</i> .
<i>Acid Sulfate Soils</i>	
5.3	Identify the presence and extent of acid sulfate soils on the site and, where relevant, appropriate mitigation measures. Identify the need for an Acid Sulfate Management Plan (prepared in accordance with ASSMAC Guidelines) and provide an outline, where relevant.
<i>Bushfire</i>	
5.4	Address the requirements of <i>Planning for Bush Fire Protection 2006</i> (RFS).
<i>Geotechnical</i>	
5.5	Provide an assessment of any geotechnical limitations that may occur on the site and if necessary, appropriate design considerations that address these limitations.
<i>Flooding</i>	
5.6	Provide an assessment of any flood risk on site (for the full range of floods including events greater than the design flood, up to probable maximum flood; and from coastal inundation, catchment based flooding or a combination of the two) and having consideration of any relevant provisions of the <i>NSW Floodplain Development Manual 2005</i> . The assessment should determine: the flood hazard in the area; address the impact of flooding on the proposal, address the impact of the proposal (including filling) on flood behaviour of the site and adjacent lands; and address adequate egress and safety in a flood event.
5.7	Assess the potential impacts of sea level rise and an increase in rainfall intensity on the flood regime of the site and adjacent lands with consideration of <i>NSW Coastal Planning Guideline – Adapting to Sea Level Rise</i> (NSW Government 2010) and <i>Practical Consideration of Climate Change – Floodplain Risk Management Guideline</i> (DECC, October 2007).
6. Traffic and Access	
6.1	Prepare a traffic impact study in accordance with Table 2.1 of the RTA's <i>Guide to Traffic Generating Development</i> having regard to the principles of the <i>NSW Planning Guidelines for Walking and Cycling</i> .
6.2	Road design should be in accordance with the <i>Brunswick Heads Settlement Strategy 2004</i> and street layout designed to discourage speeding, with particular consideration to the proposed child care centre.
6.3	Identify available public transport, additional demands for such transport, and means of meeting those demands.
6.4	Illustrate pedestrian and cyclist linkages in the vicinity of the site and provide additional

walkway/cycleway facilities, where appropriate.	
7. Visual Impact	
7.1	Address the visual impact of the proposal in the context of surrounding development and relevant mitigation measures.
7.2	Provide a view analysis including artist's impression, photomontages, etc of the proposal in the context of the surrounding development.
7.3	Provide a landscape concept plan or drawing that shows the basic detail of planting design and plant species to be used, listing botanical and common names, mature height and spread, number of plants to be utilised, tree removal/ retention, built elements and surface treatments (i.e. pavers, lawn etc).
8. Heritage and Archaeology	
8.1	Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. Aboriginal community consultation should be undertaken in accordance with the draft <i>Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation</i> (DEC 2005).
8.2	Identify any items of non-indigenous heritage significance and, where relevant, provide measures for the conservation of such items.
9. Socio-economic Impacts	
9.1	Provide a social impact assessment for the proposal. Address the social and economic context of the proposal in terms of infrastructure requirements, public transport, community services and facilities (including schools and medical services) and provision of any affordable housing.
10. Infrastructure Provision	
10.1	Address existing capacity and requirements of the proposal for sewer, water, electricity, waste disposal, telecommunications and gas in consultation with relevant agencies. Identify and describe staging, if any, of infrastructure works.
10.2	Address and provide the likely scope of any planning agreements and/or development contributions with Council/ Government agencies (including relevant community/state infrastructure contributions).
Consultation	
You should undertake an appropriate and justified level of consultation with the following agencies during the preparation of the environmental assessment, including:	
(a) <i>Agencies or other authorities:</i>	
<ul style="list-style-type: none"> • Commonwealth Department of Sustainability, Environment, Water, Population and Communities • Byron Shire Council; • Department of Environment, Climate Change and Water; • NSW Industry and Investment (Fisheries); • NSW Office of Water; • Land and Property Management Authority; • NSW Rural Fire Service; • Roads and Traffic Authority; • Cape Byron Marine Park Authority; • State Emergency Service; • Northern Rivers Catchment Management Authority; • Local Aboriginal Land Council/s and other Aboriginal community groups; and • Relevant utility and infrastructure providers. 	
(b) <i>Public:</i>	
Document all community consultation undertaken to date and/or discuss the proposed strategy for undertaking community consultation. This should include any contingencies for addressing any issues arising from the community consultation and an effective communications strategy.	
The consultation process and the issues raised should be described in the Environmental Assessment.	
Deemed Refusal Period	
60 days	

Attachment 2

Plans to accompany the Application

Plans of the proposal	<p>The following plans, architectural drawings and diagrams of your proposal will be required to be submitted as part of your environmental assessment (where relevant):</p> <ol style="list-style-type: none"> 1. The existing site survey plan is to be drawn to 1:500 scale (or other appropriate scale) and show: <ul style="list-style-type: none"> • the location of the land, the measurements of the boundaries of the land, the size of the land and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • location and height of adjacent buildings and private open space. 2. An aerial photograph of the subject site with the site boundary superimposed. 3. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, property dimensions, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, natural features such as watercourses, rock outcrops, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways etc.). 4. A locality/context plan drawn to 1:500 scale (or other appropriate scale) should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space, water courses and heritage items; • the location and uses of existing buildings, shopping and employment areas; • traffic and road patterns, pedestrian routes and public transport nodes; and <p>The existing site plan and locality plan should be supported by a written explanation of the local and site constraints and opportunities revealed through the above documentation.</p> 5. Subdivision concept plans (where relevant) are to show the following:- <ul style="list-style-type: none"> • The location, boundary dimensions, site area and north point of the land, and names of roads fronting the land; • Title showing the description of the land with lot and DP numbers etc; • Existing and proposed subdivision pattern including all measurements and sites areas of existing and proposed allotments; • Location and details of all proposed roads and footpaths; • Location of all structures proposed and retained on site; • Cross sections of roads, including gradients, widths, road names, footpaths etc. • Existing and proposed finished levels in relation to roads, footpaths and structures; • Location and details of access points to the subdivision; • Existing vegetation on the land and vegetation to be retained; • Location of services and infrastructure, and proposed methods of draining the land; • Any easements, covenants or other restrictions either existing or proposed on the site; • Type of subdivision proposed (Torrens, strata and/or community title).
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Attachment 3

State Government technical and policy guidelines

The following list provides relevant technical and Policy Guidelines which may assist in the preparation of the Environmental Assessment. It should be noted, however, that this list is not exhaustive as other documents and policies may need to be reviewed. It is also important to note that not all of these guidelines may be relevant to your proposal.

The majority of these documents can be found on the relevant Departmental Websites, on the NSW Government's on-line bookshop at <http://www.bookshop.nsw.gov.au> or on the Commonwealth Government's publications website at <http://www.publications.gov.au>.

Aspect	Policy /Methodology
Biodiversity	
	Draft Guidelines for Threatened Species Assessment (DEC & DPI, 2005)
	Draft Threatened Biodiversity Survey and Assessment Guidelines (DEC, 2004)
	Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings (NSW Fisheries, 2003)
	Policy and Guidelines: Aquatic Habitat Management and Fish Conservation (NSW Fisheries, 1999)
	Threatened Species Management Manual (NPWS, 1998)
Coastal Planning	
	NSW Coastal Policy 1997 - A sustainable Future for the New South Wales Coast, NSW Government, 1997
	Coastal Design Guidelines for NSW, PlanningNSW, February 2003
	NSW Wetlands Management Policy (DLWC, March 1996)
	Coastline Management Manual (NSW Government 1990)
	NSW Coastal Planning Guideline – Adapting to Sea Level Rise (NSW Government 2010)
Community Consultation	
	Guidelines For Major Project Community Consultation, (NSW Department of Planning, 2007) http://www.planning.nsw.gov.au/assessingdev/pdf/Dr3%20DOP%20GuideMajProjComConsult%20BRO.pdf
Bushfire	
	Planning for Bushfire Protection 2006 (NSW Rural Fire Service)
Contamination and Soils	
	Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (DUAP & EPA, 1998)
	Best Practice in Contaminated Sites (Commonwealth DEH, 1999, ISBN 0 642 546460)
	Contaminated Sites: Sampling Design Guidelines (EPA, 1999)
	NSW Acid Sulfate Soil Management Advisory Committee - Acid Sulfate Soil Manual (ASSMAC, 1998).
Environmental Management Systems	
	NSW Government Interim Water Quality and River Flow Environmental Objectives (DEC)

Aspect	Policy /Methodology
	Guidelines for the preparation of Environmental Management Plans (DIPNR, 2004)
Heritage	
Aboriginal	Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, 2005)
	Interim Community Consultation Requirements for Applicants (DEC, 2004)
Non-Indigenous	Assessing Heritage Significance Update for Heritage Manual, NSW Heritage Office, 2000
	Statements of Heritage Impact, NSW Heritage Office 2002
	NSW Heritage Manual, NSW Heritage Office 1996
Noise	
	Environmental Criteria for Road Traffic Noise (EPA, 1999)
	Acoustics - Road traffic noise intrusion - Building siting and construction (Standards Australia, 1989, AS 3671-1989)
Safety and Hazards	
	Electrical Safety Guidelines (Integral Energy)
Traffic & Transport	
	Guide to Traffic Engineering and Guide to Geometric Design of Rural Roads (Austroads, 2003, AP-G1/03)
	Guide to Traffic Generating Developments (RTA, 2002)
Urban Design: Cycleway/Pathway Design	
	Guidelines for the Design and Construction of Paths and Cycleways along Watercourses and Riparian Areas (Version 2) (DIPNR/DNR)
Water	
Water Quality	Water quality guidelines for the protection of aquatic ecosystems for upland rivers. (ANZECC, 2000)
	Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
Effluent Reuse	Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
Floodplain	NSW Government Floodplain Development Manual - the Management of Flood Liable Land (DIPNR, 2005)
	Practical Consideration of Climate Change – Floodplain Risk Management Guideline (DECC, October 2007)
Groundwater	NSW State Groundwater Quality Protection Policy (DLWC, 1998, 0 7313 0379 2)
	NSW State Groundwater Quality Protection Policy (DLWC 1998)
	NSW Groundwater Dependent Ecosystem Policy (DLWC 2000)
Stormwater	Managing Urban Stormwater: Soils & Construction (NSW Landcom, March 2004) - "The Blue Book"
Waterways	Waterways Crossing Design & Construction (Version 4 – DIPNR/DNR Draft Guidelines)
Wetlands	NSW Wetlands Management Policy (DLWC 2000)

Attachment 4
Agency Responses to Request for Key Issues
- For Information Only

re hmw
13/11/06
To Michael Woodliff
All communications to be addressed to:

Development Control Services
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Telephone: (02)8741 5555

Development Control Services
NSW Rural Fire Service
15 Carter Street
Homebush Bay NSW 2127

Facsimile: (02)8741 5433



Urban Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

**URBAN ASSESSMENTS
RECEIVED**

10 NOV 2006

Your Ref: MP 05-0091

Our Ref: S06/0050

G06/2698

DA06090133398 JD

Date: 06-Nov-2006

Attention: Verity Humble-Crofts

Dear Verity,

**RE: Request for provision of Key Issues and Assessment Requirements –
73/851902, BAYSIDE WAY, BRUNSWICK HEADS NSW**

I refer to your letter dated 30-Aug-2006 seeking our key issues and assessment requirements under Section 75F (4) for the above Project Application pursuant to Part 3A of the Environmental Planning and Assessment Act 1979.

The RFS advises that the following key issues and assessment requirements in relation to bushfire matters be included in the Director-Generals Environmental Assessment Requirements:

1. The NSW Rural Fire Service (RFS) notes that the subject site has significant bush fire issues and is identified as bush fire prone. Future residential or Special Fire Protection Purpose developments are likely to be subject to the requirements of Section 100B of the Rural Fires Act 1997 and Section 79BA of the Environmental Planning and Assessment Act 1979.
2. Controlling the type of developments permissible in bushfire prone areas
3. Minimising the impact of radiant heat and direct flame contact by separating the development from the bushfire hazard by identifying the extent to which future development can provide for asset protection zones in accordance with Planning for Bushfire Protection 2001. Setbacks will depend on proximity to vegetation, vegetation type and slope.
4. Minimising the vulnerability of buildings to ignition from radiation and ember attack by addressing the construction of assets in accordance with Australian Standard 3959 Building in Bush Fire Prone Areas.
5. The future management regimes for any areas of hazard remaining within the subject area. This should focus on the level of hazard posed to future development by the land or adjacent land and how the hazard may change as a result of development.
6. Substantial revegetation of the property may increase bush fire risk to the

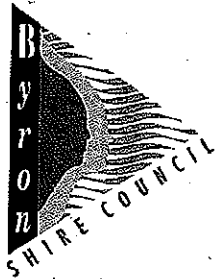
proposed development. Any proposed revegetation should be undertaken in such a way that limits the spread and occurrence of fire.

7. A Plan of Management will need to include fuel management within the development and maintenance of asset protection zones in accordance with Planning for Bushfire Protection 2001.

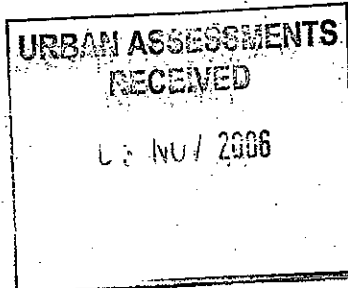
For any enquiries regarding this correspondence please contact John Delany.

Yours faithfully,


Peter A. Lew Short
Manager, Development Control



BSC File No: RED/NFSx216910x25.2006.3.1/#633769
Your ref: GR2549-GRF11524
Contact: Randall Evans



ke w
3/11/06

TO Michael
hoodlad

1 November 2006

Department of Planning
Urban and Coastal Assessments
GPO Box 39
Sydney NSW 2001

Attention Verity Humble-Croft

Email: Michael.woodland@planning.nsw.gov.au
Verity.humble-crofts@planning.nsw.gov.au

Dear Sir,

Proposed Part 3A Major Project Development Application incorporating a 208 allotment residential subdivision at Lot 73 DP 851905 Bayside Way Brunswick Heads Bayside Brunswick

From our site inspection held on Wednesday 25 October on the site Council would like to advise the following issues of concern that we have with the proposed above development;

Key Issues

1. Sewer will not be available until Brunswick STP is upgraded. This is at least 2008 or 2009 depending upon funding. The development cannot proceed until sewer is upgraded
2. Wallum vegetation and threatened species
The design needs to be sensitive. Development should not occur so as to impact on the creek line running north/south on the western side of the lot, as shown on flooding plan.
3. Acid sulphate and bushfire are constraints to be examined
4. Road design is in accordance with the Brunswick Heads Settlement Strategy 2004; i.e. road adjacent to significant vegetation and fire hazard
5. Wetland and detention ponds to be designed to Councils standards.
6. Proposed footbridge to beach and path to beach requires the consent of National Parks.
7. Council will not accept the park as shown adjoining the drainage pond and wetlands. The wetlands adjacent to proposed lots is likely to be a mosquito harbour. There may be more appropriate methods of dealing with water quality.
8. Section 94 Developer Contributions and Water and Sewer Contributions under Section 306 of Water Management Act would be levied prior to Linen Release.

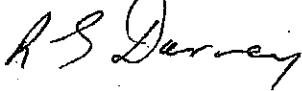
ALL COMMUNICATIONS TO BE ADDRESSED TO THE GENERAL MANAGER

PO Box 219 Mullumbimby New South Wales 2482
Tel: (02) 6626 7000 DX 20007 Mullumbimby
Fax: (02) 6684 3018 Email: council@byron.nsw.gov.au
Web: www.byron.nsw.gov.au ABN:14 472 131 473

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9. Care should be taken in shaping the land for subdivision (drainage) so as not to impact on the creek line mentioned at item 2. It is important that important trees with hollow etc be retained if possible.
10. The street layout needs to ensure that vehicles are not encouraged to excess speeds.
11. A landscape plan and street trees should be a requirement.
12. From a traffic management point of view the 15m wide road adjacent to the Childcare Centre would be unnecessary and probably cause inappropriate traffic movements.

Yours sincerely



Ray Darney
Director of Planning, Development & Environment Services

**Verity Humble-Crofts - Letter Department of Planning - Verity Humble-Crofts Re 25.2006.3.1
Lot 73 DP 851902 Bayside Way Brunswick Heads for proposed 208 allotment residential
subdivision**

From: "Scott, Noreen" <noreen.scott@byron.nsw.gov.au>
To: <michael.woodland@planning.nsw.gov.au>
Date: 1/11/2006 10:09 am
Subject: Letter Department of Planning - Verity Humble-Crofts Re 25.2006.3.1 Lot 73 DP 851902
Bayside Way Brunswick Heads for proposed 208 allotment residential subdivision
CC: <verity.humble-crofts@planning.nsw.gov.au>

Please find attached Council's response with regard to the 208 residential subdivision at
Bayside Way Brunswick Heads. Note the original will be in the mail today

Regards

Noreen Scott
Executive Assistant to
Ray Darney
Director of
Planning Development and Environment Services

PO Box 219
Mullumbimby NSW 2482
email: noreen.scott@byron.nsw.gov.au
Phone: 02 66 26 7062



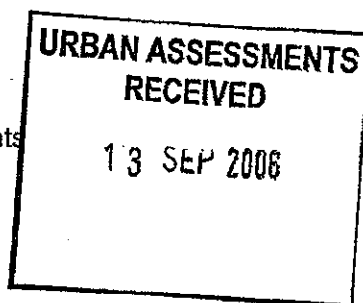
NSW Government

DEPARTMENT OF NATURAL RESOURCES

Verity.

Contact: David Han
Phone: (02) 6641 6530
Fax: (02) 6641 6601
Email: David.Han@dnr.nsw.gov.au
Our ref: GR43102023 4.2/111
Your ref: MP05_0091

Heather Warton
Director, Urban Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001



8 September 2006

Dear Ms Warton

Re: MP 05_0091 – Residential subdivision Bayside Way Brunswick Heads - Director-General Assessment requirements

The Department has reviewed the information provided about the proposal and considers that the following matters should be addressed in the Environmental Assessment:

Flooding

A strategic Floodplain Risk Management Plan for the catchment area should be developed in accordance with the process outlined in the NSW Government's *Floodplain Development Manual* (April 2005). Assessment and mitigating actions need to be prepared in regard to:

- flooding impacts on the proposed development; and
- impacts of the proposed development on flood behaviour in the area and elsewhere in the catchment.

Acid Sulfate Soils

Any impacts of the development on acid sulfate soils are to be assessed and managed according to procedures of the *Acid Sulfate Soil Manual* (Acid Sulfate Soil Management and Advisory Committee [ASSMAC], 1998)

Groundwater

Developers are required to establish that their activity will not contaminate groundwater quality (NSW *Groundwater Quality Protection Policy*, DLWC 1998) or impact on groundwater dependent ecosystems (The NSW *Groundwater Dependent Ecosystem Policy*, DLWC 2000). The proponent should address the likelihood for groundwater contamination and outline any protective measures adopted to minimise the threat.

Riparian, Wetland and Estuary Management

The proposal must be consistent with the State's Rivers and Estuarine Policy to sustainably manage the State's rivers, estuaries and wetlands and where possible slow, halt or reverse geomorphic, biologic and chemical degradation. In particular, the Environmental Assessment will need to implement any requirements of Byron Council's Management Study and Management Plan for the Brunswick estuary and provide a 50m wide undeveloped conservation

(riparian) zone for the protection of the riparian corridor, the nearby SEPP 14 wetland and adjacent habitats.

Water Management

Any potential impacts on surface water quality are to be assessed and managed. In particular:

- an Integrated Water Cycle Management Plan should be provided that addresses proposed water recycling measures and options such as rainwater tanks.
- stormwater management arrangements from the site to the Council drainage system should be provided with a site survey and details of:
 - the type and location of any on-site detention,
 - major overland flows, and
 - discharge calculations.

Native Vegetation

Any potential impacts on the condition and function of native vegetation on the site and in the adjacent area are to be identified, assessed and managed, including those resulting from changes in:

- the quality, direction and rate of surface and groundwater flow;
- nutrient discharges from the site;
- establishment and dispersal of environmental weeds;
- location of fire ignition points;
- fire management regime required for surrounding vegetation;
- patterns of damage from pedestrian and vehicle access.

A 50m undeveloped buffer should be maintained between development areas and adjoining native vegetation. Asset Protection Zones should not extend beyond these buffers into native vegetation adjoining the development site.

Policies to be considered

- Acid Sulfate Soil Manual (Acid Sulfate Soil Management and Advisory Committee [ASSMAC], 1998)
- ANZECC Guidelines for Fresh and Marine Water Quality
- Coastal Design Guidelines for NSW (Coastal Council, March 2003)
- Managing Urban Stormwater: Soils & construction (NSW Landcom, March 2004)
- NSW Coastal Policy 1997 – a sustainable future for the New South Wales Coast
- NSW Government's Floodplain Development Manual (April 2005)
- NSW Groundwater Quality Protection Policy (DLWC 1998)
- The NSW Groundwater Dependent Ecosystem Policy (DLWC 2000)

For further information please contact me on (02) 6641 6530

Yours sincerely



David Hart
Senior Natural Resource Officer

Your reference : MP 05_0091
Our reference : GR2549 GRF11591
Contact : Peter Ekert, 02 66402506

URBAN ASSESSMENTS
RECEIVED

12 SEP 2006

Ms Heather Warton
Office of Sustainable Development Assessments and Approvals
NSW Department of Planning
GPO Box 39
SYDNEY, NSW 2001

8 SEP 2006

Dear Ms Warton

RE: REQUEST FOR PROVISION OF DETAILS OF KEY ISSUES AND ASSESSMENT REQUIREMENTS -MP 05_0091 - RESIDENTIAL SUBDIVISION, LOT 73 in DP851902, BAYSIDE WAY, BRUNSWICK HEADS

I refer to your request for the Department of Environment and Conservation's (DEC)¹ requirements for the environmental assessment (EA) in regard to the above proposal dated 30 August 2006. The DEC is aware that the site has been the subject of a previous development proposal. A number of flora and fauna assessments reports produced for the property, as well as the Atlas of NSW Wildlife, indicate the significance of the site and locality for threatened species and their habitats.

DEC has considered the details of the project as provided by the Applicant and has identified the information it requires to assess the project in Attachment A. The proponent should ensure that the EA is sufficiently comprehensive and detailed to determine the extent of the impact of the proposal.

In summary, DEC'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 Ekert on (02) 66402509.

Yours sincerely


JON KEATS
Head Industry and Waste Unit North Coast
Environment Protection and Regulation Division

Att: Attachment A DEC EA Requirements
Attachment B Guidance Material

¹ Staff of DEC perform the functions of the National Parks and Wildlife Service and the Environment Protection Authority
PO Box 498, Grafton NSW 2460
NSW Government Offices,
49 Victoria Street, Grafton NSW
Tel: (02) 6640 2500 Fax: (02) 6642 7743
ABN 30 841 387 271
www.environment.nsw.gov.au

Attachment A – Department of Environment and Conservation's Environmental Assessment Requirements

Environmental impacts of the project

1. The following environmental impacts of the project need to be assessed, quantified and reported on:
 - Water quality
 - Contaminated Land
 - Noise
 - Threatened Species
 - Aboriginal cultural heritage
2. These should be assessed in accordance with the relevant guidelines listed in Attachment B.
3. Describe mitigation and management options that will be used to prevent, control, abate or mitigate identified environmental impacts associated with the project and to reduce risks to human health and prevent the degradation of the environment. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
4. Based on the information provided to the Department of Environment and Conservation (DEC), the applicant will not require an Environment Protection Licence because the activity is not scheduled under the *Protection of the Environment Operations Act 1997*.

Water quality

The environmental outcome for the project in relation to water should be:

- There is no pollution of waters during the construction and operational phases of the development.

The Environmental Assessment (EA) should document the measures that will achieve the above outcome.

The Banora Point sewage treatment system must have sufficient capacity to convey, treat and manage the sewage generated by this development. Advice must be sought from Tweed Shire Council to demonstrate the system's capability to support the development.

Contaminated Land

The EA must document the assessment and management of any land contamination to ensure that the land is not allowed to be put to a use that is inappropriate because of the presence of contamination. Under the *Contaminated Land Management Act 1997* there is a responsibility to notify the DEC of sites that pose a significant risk of harm to human health or the environment.

Noise

The environmental outcomes should include the following:

- The proposal must be designed, constructed, operated and maintained so that there are no adverse impacts from noise (including traffic noise).

Impacts of the project on threatened species and their habitat

The property is located within 100 metres of Simpsons Creek and Tyagarah Nature Reserve and is therefore a 'sensitive coastal location'. The Wallum vegetation in the Lot provides for habitat for a range of threatened species (listed under the *Threatened Species Conservation Act 1995*). Previous surveys throughout the area in 1995 and 1998 recorded the Wallum Froglet *Crinia tinnula*, Little Bentwing-bat, Yellow-bellied Sheath-tail-bat, Fishing Bat and Grey-headed Flying-fox. It was predicted that the site could provide habitat for a number of other threatened species including the Square-tailed Kite, Masked Owl, Grass Owl, Common Planigale, Koala, Eastern Blossom-bat, Long-nosed Potoroo, Black Flying-fox, Eastern Long-eared Bat, and Greater Broad-nosed Bat.

The vegetation on the property, comprised of Wallum heathland and woodland are highly restricted vegetation communities in the Byron Shire. In particular, the eastern section of the Lot provides a significant component of a wildlife corridor extending along the western side of Simpsons Creek.

The EA will need to include a comprehensive assessment of the above issues and also address the following:

1. A preliminary assessment of the threatened species that occur or are likely to occur on or within at least a 10km radius of the subject site should be undertaken. Data can be obtained by contacting the DEC or from the BioNet website: (<http://www.bionet.nsw.gov.au>).
2. A field survey of the site should be conducted and documented in accordance with the Draft "Guidelines for Threatened Species Assessment" (July 2005). For threatened species that occur on the subject site or are known to occur within 10km of the subject site, relevant Recovery Plans for the species should be obtained and the 'Species Profiles and Environmental Impact Assessment Guidelines' in those Plans should be reviewed and implemented. Information on threatened species and Recovery Plans can be obtained from the DEC threatened species website: (<http://www.environment.nsw.gov.au/threatspec/index.htm>).
3. Likely impacts on threatened species and their habitat need to be assessed, evaluated and reported on. The assessment should specifically report on the considerations listed in Step 3 of the draft guideline.
4. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on threatened species and their habitat. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
5. The EA needs to clearly state whether it meets each of the key thresholds set out in Step 5 of the draft guideline.

Impacts of the project on Aboriginal cultural heritage values

1. The EA should address and document the information requirements set out in the draft "Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation" involving surveys and consultation with the Aboriginal community.
2. Identify the nature and extent of impacts on Aboriginal cultural heritage values across the project area.
3. The extent and significance of this site will need to be assessed and preferably any development in this area would avoid disturbance of the site.

4. Describe the actions that will be taken to avoid or mitigate impacts or compensate to prevent unavoidable impacts of the project on Aboriginal cultural heritage values. This should include an assessment of the effectiveness and reliability of the measures and any residual impacts after these measures are implemented.
5. The EA needs to clearly demonstrate that effective community consultation with Aboriginal communities has been undertaken in determining and assessing impacts, developing options and making final recommendations.

Note: If the EA is relying on past surveys that they should check that the work is consistent with the requirements within the above 3A guidelines.

Attachment B - Guidance Material

1. Assessing Environmental Impacts

Water quality

- National Water Quality Management Strategy: Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC 2000)
 - NWQMS Australian Guidelines for Water Quality Monitoring and Reporting (ANZECC 2000)
 - Healthy Rivers Commission Report into Coastal Lakes and Statement of Joint Intent
 - The relevant targets within the State Water Management Outcomes Plan
-

Wastewater

- National Water Quality Management Strategy: Guidelines for Sewerage Systems - Effluent Management (ARMCANZ/ANZECC 1997)
- National Water Quality Management Strategy: Guidelines for Sewerage Systems - Use of Reclaimed Water (ARMCANZ/ANZECC 2000)
- Environmental Guidelines for the Utilisation of Treated Effluent by Irrigation (NSW DEC 2004)
- Environment and Health Protection Guidelines: 'Onsite Sewage Management for Single Households', February 1998 (Silver Book).

Stormwater

(Note: some of these documents will be revised in 2006)

- Managing Urban Stormwater: Soils and Construction (NSW Landcom, 2004)
- Managing Urban Stormwater: Source Control (EPA 1998)
- Managing Urban Stormwater: Treatment Techniques (EPA 1998).

Contaminated Land

- Managing Land Contamination: Planning Guidelines - SEPP55 - Remediation of Land, Department of Urban Affairs and Planning and NSW EPA, 1998:
- Contaminated Sites - Guidelines for Consultants Reporting on Contaminated Sites (Environment Protection Authority (EPA) 1997);
- Contaminated Sites - Guidelines on Significant Risk of Harm and Duty to Report (EPA, 1999).

Noise and vibration

- NSW Industrial Noise Policy (EPA, 1999)
- NSW Environmental Criteria for Road Traffic Noise (EPA, 1999)
- Chapter 171 Noise Control Guideline, *Construction Site Noise, Environmental Noise Control Manual*, 1994.

2. Assessing Threatened Species Impacts

Draft Guidelines For Threatened Species Assessment - Available from Department of Planning.

DEC Threatened Species Website (<http://www.environment.nsw.gov.au/threatspec/index.htm>)

3. Assessing Aboriginal Cultural Heritage Impacts

Draft Guidelines For Aboriginal Cultural Heritage Impact Assessment and Community Consultation - Available from Dept of Planning

Interim Community Consultation Requirements for Applicants

[http://www3.environment.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+objects+and+place
s](http://www3.environment.nsw.gov.au/npws.nsf/Content/Protecting+Aboriginal+objects+and+places)

Aboriginal Cultural Heritage Standards and Guidelines Kit - Available shortly on-line through DEC's webpage.

All communications to be addressed to:

Development Control Services
NSW Rural Fire Service
Locked Mail Bag 17
Granville NSW 2142

Telephone: (02)8741 5555

Development Control Services
NSW Rural Fire Service
15 Carter Street
Homebush Bay NSW 2127

Facsimile: (02)8741 5433



Urban Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Your Ref: MP 05-0091

Our Ref: S06/0050
G06/2698
DA06090133398 DM

Attention: Verity Humble-Crofts

Date: 04-Sep-2006

Dear Verity,

I acknowledge receipt of your recent letter regarding a Development Application for:

73/851902, BAYSIDE WAY, BRUNSWICK HEADS NSW

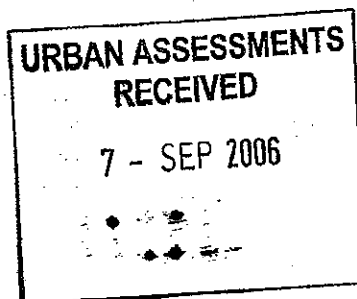
The matters raised are receiving appropriate attention and a response will be forwarded to you as soon as possible.

For further information concerning this matter please contact Danielle Meggos.

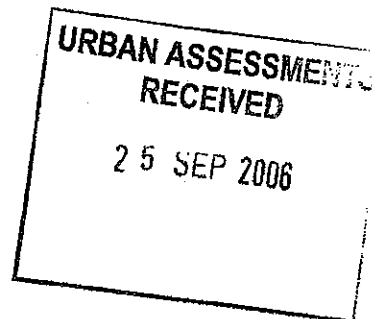
Yours faithfully,

Lisa Williams
Administrative Assistant

John Delany



File No. I10.5351 06/1574 N00789
Reference. 05-0091



The Acting Director Urban Assessments
Department of Planning
GPO Box 39
SYDNEY NSW 2001

Byron Shire Council. Proposed 208 Lot Residential Subdivision, Bayside Way, Brunswick Heads.

Dear Sir

I refer to your letter dated 30 August 2006 concerning the above.

In accordance with SEPP11 the proposed 208 Lot Subdivision is classed as a Schedule 2 development and will required referral to the Council Development Committee, at which the Roads and Traffic Authority has a representative.

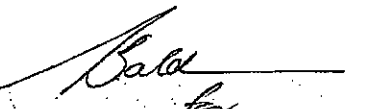
In order to maintain the safety and efficiency of the road network it is desirable to identify the necessary road infrastructure requirements as early as possible for the planning of the development.

A traffic study should be undertaken that takes into account the key issues relevant to the scale of this proposal as set out in Table 2.1 of the Roads and Traffic Authority's current 'Guide to Traffic Generating Developments' (copy attached). This should include information relating to:

- Total impact of existing and proposed development on the overall local road network
- Intersection sight distances
- Existing and proposed access conditions
- Detail of servicing and parking arrangements
- Improvements for road junctions
- Connectivity to existing developments
- Impact on Transport (Public and School Bus Routes)
- Provisions for pedestrians, alternative transport modes such as bicycles
- Road Traffic Noise

If Council has any further enquiries please contact Mrs Leisa Sedger on 6640 1362 or email land_use_northern@rta.nsw.gov.au.

Yours faithfully


Peter Collins

Regional Manager, Northern Region

21 SEP 2006

Roads and Traffic Authority



31 Victoria Street
Grafton NSW 2460

PO Box 576
Grafton NSW 2460

T 02 6640 1300

www.rta.nsw.gov.au



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Ms Heather Warton
Director, Urban Assessments
GPO Box 39
SYDNEY NSW 2001

7 September 2006

Attention: Ms Verity Humble Crofts

Dear Ms Humble Crofts

URBAN ASSESSMENTS
RECEIVED

18 SEP 2006

**Re: Key Issues and Assessment Requirements MP05-0091
Proposed 208 Lot residential subdivision
at Lot 73 DP851902 Bayside Way Brunswick Heads**

Thank you for your letter of 30 August 2006 requesting the Department of Primary Industries (DPI) outline assessment requirements for the above mentioned proposal.

There are no agricultural, mining or forestry issues. The Aquatic Habitat Protection Unit within DPI has an interest in contributing to the assessment of the proposal.

The Fisheries Management Division within NSW Department of Primary Industries has responsibility for 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.

From the information provided to this department it is anticipated that the bridge over Simpsons Creek would normally trigger sections within the *Fisheries Management Act 1994*. This aspect of the proposal is of particular interest to DPI Fisheries Division. Design of the bridge including placement of the abutments and the potential increased traffic could significantly impact on the aquatic habitats in the area considering the fragile nature of the habitat at the location specified in the plans.

To minimise the impacts of development such as the proposed housing estate on aquatic habitats the Department's policy on buffer zones requires:

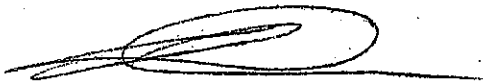
"Terrestrial areas adjoining freshwater, estuarine and coastal habitats should be carefully managed in order to minimise land-use impacts on these aquatic habitats. As a precautionary approach, foreshore buffer zones at least 50 m wide should be established and maintained, with their natural features and vegetation preserved. Such buffer zones may need to be fenced or marked by signs. The width of these buffer zones may need to be increased to 100 m or more where they are adjacent to ecologically sensitive areas."

Where proposals abut marine parks, in this instance Simpsons Creek a Sanctuary Zone within the Cape Byron Marine Park, the Aquatic Habitat Protection Unit have sought 100 metre buffers to estuarine aquatic vegetation such as mangroves and saltmarsh. It appears that the proposed buffer widths satisfy the policy. Key to the success of the buffer in managing impacts on the aquatic habitats is the management regime undertaken in the buffer which is not yet discussed.

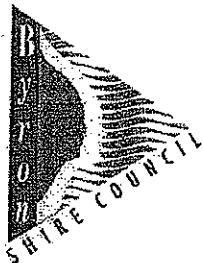
Finally, it is understood that the proponent did not refer the matter to the Marine Park Authority. Considering that the proposal abuts a Sanctuary Zone (the highest level of protection) within the Cape Byron Marine Park and cognisant of the intent of section 20 of the *Marine Park Act 1997* a referral to that Authority is considered appropriate by DPI.

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

Yours sincerely



Patrick Dwyer
Fisheries Conservation Manager (North)



Mickara Woodward
For Consideration
Cm 11.10.06

BSC File No: RED/NFS x218910x25.2006.3.1/#629245
Your ref: GR2549 GRF11524
Contact: Ray Darney

11 October 2006

Mr Chris Wilson
Department of Planning
Office of Sustainable Development Assessments & Approvals
GPO Box 39
Sydney NSW 2000

Dear Chris

Proposed Part 3A - Major Project Development Application incorporating a 208 allotment residential subdivision for Lot 73 DP 851902 Bayside Way, Brunswick Heads

I refer to Council's previous correspondence regarding this proposal and to our telephone discussion of 10 October 2006.

I understand that the applicant requests that "concept plan approval" is being requested for the site from your Department.

It is quite clear that the development cannot proceed until the Brunswick Sewerage Treatment Plant is upgraded, and this work is scheduled for completion late in 2008.

If some form of "concept plan" is to be granted I believe the current site is constrained by Wallum vegetation which provided important habitat for a range of Threatened Species.

The Consultant's report by JGA dated August 2006 indicates in Appendix B Site Constraints (Figure No 11.0) that Wallum Froglet records are a constraint on the site.

I have enclosed a map of the area that Council has major concerns, shown in yellow and hatched.

With respect to this site Council's Ecologist provides as follows;

Threatened Species

*The Wallum vegetation in the Lot provides important habitat for a range of Threatened Species (listed under the Threatened Species Conservation (TSC) Act 1995). Previous surveys throughout the area in 1995 recorded the Vulnerable Wallum Froglet *Crinia tinnula* in sedgeland and wet heathland habitats at a number of locations (AGC Woodward-Clyde 1996). These surveys also recorded the Vulnerable Little Bentwing-bat *Miniopterus australis* and Grey-headed Flying-fox *Pteropus poliocephalus* at several locations.*

*The report of these surveys (AGC Woodward-Clyde 1996) predicted the occurrence of a number of other Threatened Species including the Vulnerable Square-tailed Kite *Lophoictinia isura*, Masked Owl *Tyto novaehollandiae*, Grass Owl *Tyto capensis*, Common Planigale *Planigale maculata*, Koala *Phascolarctos cinereus*, Eastern Blossom-bat *Syconycteris australis*, Black Flying-fox *Pteropus alecto*, Eastern Long-eared Bat *Nyctophilus bifax* and Greater Broad-nosed Bat *Scoteanax rueppellii*.*

ALL COMMUNICATIONS TO BE ADDRESSED TO THE GENERAL MANAGER

PO Box 219 Mullumbimby New South Wales 2482
Tel: (02) 6626 7000 DX 20007 Mullumbimby
Fax: (02) 6684 3018 Email: council@byron.nsw.gov.au
Web: www.byron.nsw.gov.au ABN: 14 472 131 473

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Subsequent bat surveys conducted in the site in April-May 1998 recorded three Vulnerable species, comprising the Yellow-bellied Sheath-tail-bat *Saccolaimus flaviventris*, Little Bentwing-bat and the Fishing Bat *Myotis adversus* (H. Parnaby in Landmark et al. 1995).

In addition, it is considered that the Vulnerable Long-nosed Potoroo *Potorous tridactylus* is likely to use the area for foraging once dense heath ground cover has regenerated.

Vegetation Significance

Wallum heathland and woodland are highly restricted vegetation communities in Byron Shire as they have been extensively cleared for settlement. The value of heathland vegetation is recognised by its inclusion under the Shire's Tree Preservation Order (TPO).

The eastern section of the 2(a) Residential-zoned land in Lot 1 provides a significant component of a wildlife corridor extending along the western side of Simpsons Creek (Map). This forms part of a regionally-significant wildlife corridor recognised by the National Parks and Wildlife Service (now Department of Environment and Conservation).

As discussed by telephone I believe that this land can be conserved, whilst the development, when it proceeds can still realise a realistic lot yield. This may involve variation to lot size and road design and widths as a trade-off.

I would request that the developer, your planner and a Council planner arrange a site visit with a view to providing direction for a more appropriate "concept plan".

Yours sincerely



Ray Darney
Director of Planning, Development & Environment Services

