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To: <Plan_comment@planning.nsw.gov.au>
Date: 24/10/2011 4:12 pm
Subject: Bayside Brunswick Concept Plan 05_0091
Attachments: Part.001

Conservation of North Ocean Shores Inc.
PO Box 828 Billinudgel NSW 2483 Tel: (02) 6680 1276

24 October 2011

Department of Planning & Infrastructure
Attention: Merrick Holland, Project Officer

Re: Exhibition of Environmental Assessment for Bayside Brunswick
Concept Plan 05_0091

The Coldlea development at Bayside Brunswick Heads first commenced in the late 80's and continued through to the mid 90's.

This development has always been controversial because of the impacts on the environment and notably Simpsons Creek, a tributary of the Brunswick River. Over the past 20 years the planning laws and environmental restrictions on developments such as this one have changed significantly. Considering climate change and other factors i.e. extreme weather patterns resulting in more frequent flooding and fires, this development in its current form, would not be given approval today.

Considering the above, Conservation of North Ocean Shores (CONOS) would recommend that the current Concept Plan be drastically reduced to prevent further impacts on the surrounding environment, particularly the Tyagarah Nature Reserve and the Cape Byron Marine Park. Simpsons Creek which forms the eastern boundary of the development is an integral part of this marine park.

We object to the proposal for the following reasons.

1. The proposal to remove 141 trees, a large proportion of which are critical habitat for endangered fauna species identified on site would be a environmental disaster. Tree hollows which take at least 80 years to develop in eucalypts provide nesting and roosting sites for a number of species including Endangered and Threatened microbats. Therefore it is imperative that any trees with hollows be protected. Other eucalypts such as Scribbly Gum are important Koala food trees and should be retained.

The Flora & Fauna report identified 7 vegetation communities on the site. Three, the Swamp Oak, Coastal Saltmarsh and Swamp Sclerophyll found on Coastal floodplains are listed as endangered ecological communities. These vegetation communities form part of an important link with a number of coastal Nature Reserves and are critical to the survival and dispersal of fauna species.

The fauna survey recorded 61 different species. This is a gross underestimate of what actually occurs on site. Glaring examples of Endangered Species alone that have been omitted (pers.com. Oehlman) include Black Bittern, Little Bittern and Bush Hen. It is also an important area for JAMBA and CAMBA migratory bird species. The current proposal has the potential to impact on a far greater number of species than those identified in the fauna survey. Koala are frequently

observed on the development site which is an important feeding area for local koala. In winter they are known to move to lower elevations to take advantage of food trees growing on nutrient rich soils.

CONOS has concerns surrounding the amount of cut and fill earthworks proposed. The potential risk of disturbing acid sulphate soils would have a devastating affect on Simpsons Creek and Brunswick River estuaries. Both form an important component of the Cape Byron Marine Park. The existing drainage system in place at Bayside has been a disaster since its inception. Siltation plumes are now a permanent part of the landscape with Simpsons Creek noticeably shallower than pre-development. If approved in its current form, there is every reason to believe that this problem will worsen.

The low lying nature of the land combined with additional retention ponds and drains will add to the breeding conditions of mosquitoes which are already a major problem on the north coast. The North Coast Area Health Service have recently released the latest figures for the Ross River and Barmah Forest Viruses which are both at record levels.

Given the current lack of infrastructure, transport and educational facilities in Byron Shire, the proponent has failed to fully consider or address the negative impacts this large development will have on the environment and community at large.

Recommendations

1. CONOS agrees and supports Byron Council in its preliminary submission that recommends the removal of 42 housing sites from the development. Quote: BSC "This would result in reconfiguring of the perimeter road to improve buffer zone & bushfire safety and reduce negative impacts on high conservation areas."
2. The 13 ha public reserve be dedicated to the NPWS, this would ensure its protection into the future.
3. Considering the high number of fauna species on and adjacent to the development site we recommend that the DoP introduces a covenant clearly defining that it be a cat and dog free area. The Lillypilly Estate (dog and cat free) in Byron Bay is a prime example of a development demonstrating environmental responsibility and good management.

Would you kindly acknowledge receipt of this email. Thank you.

Val Scanlon
Secretary for CONOS