

From: [Dimitri Young](#)
To: [Sinclair, Fiona](#); "clyde.treadwell@environment.nsw.gov.au"
Cc: [Van Iersel, Rob](#)
Subject: RE: Byron Shire Council Planning Proposal - Tyagrah Airstrip
Date: Friday, 17 June 2016 4:10:20 PM

Hi Fiona

Your summary is generally correct. However, we are not requesting this information prior to our submission being finalised. Rather, our submission will suggest that council requires further information before finalising the planning proposal and we were wondering about the council's likely attitude to addressing the issues we intend to raise.

As the planning proposal has been exhibited and the council has delegation from DPE to make the plan, our issues are subject to the council's attitude unless we object to the planning proposal. If the council proposes to address our issues and give us another opportunity to review the planning proposal before it is finalised, then I could sign out our response as it is.

If such an undertaking from the council is not possible, then we will need to consider whether or not to object to the planning proposal to ensure that our issues are resolved before it is finalised. If we object then the delegation is 'switched off' until the agency issues are resolved.

An excerpt from our draft submission follows for your information.

In summary, although we support the addition of the term *heliport* to the Schedule of Additional Permitted Uses in the LEP, we have identified a number of matters in the planning proposal requiring further consideration and assessment. Therefore, the OEH recommends that prior to finalising the planning proposal the council should:

1. Prepare an Aboriginal cultural heritage assessment in support of the planning proposal.
2. Prepare an appropriate flood assessment in support of the planning proposal.
3. Confirm the location and extent of proposed "new lots" and associated infrastructure to be enabled by the planning proposal to allow the OEH to accurately assess the potential extent of direct and indirect impacts on biodiversity arising from the proposed Minimum Lot Size Map and whether these lots and associated infrastructure extend into deferred areas. The Minimum Lot Size Map should align with the boundaries of the proposed subdivision area and avoid deferred areas and areas of high environmental value.

Confirm whether Endangered Ecological Communities are present in the planning area and their full extent by demonstrating due consideration of the edaphic features of the site in addition to the floristic characteristics present, including in areas identified as regrowth native vegetation.

Assess the indirect impacts on biodiversity values of future land uses to be

enabled by the planning proposal.

Confirm the full extent of requirements for Asset Protection Zones and consider these in assessing the planning proposal.

7. Confirm the planning proposal is consistent with the NSW Coastal Policy and apply appropriate zonings recognising the land's inherent conservation values.
8. Confirm the planning proposal is consistent with the Far North Coast Regional Conservation Plan

The OEHL would appreciate another opportunity to review the planning proposal before it is finalised by the council.

I will hold off on signing it out pending further advice from you.

Happy to discuss.

Cheers

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From: Sinclair, Fiona [mailto:Fiona.Sinclair@byron.nsw.gov.au]
Sent: Friday, 17 June 2016 3:41 PM
To: Dimitri Young; 'clyde.treadwell@environment.nsw.gov.au'
Cc: Van Iersel, Rob
Subject: Byron Shire Council Planning Proposal - Tyagrah Airstrip

Hi Dimitri and Clyde

26.2015.1.1 Tyagrah Airstrip Planning Proposal

Thanks for your phone call today and advice in regards the above Planning Proposal.

I have referred your comments to consultant Planner, Rob Van Iersel, who prepared the Planning Proposal.

Rob is not in today but he will contact Clyde early next week to advise how Council wishes to proceed from here.

Given the issues raised by OEHL, re-exhibition of the Planning Proposal may be required.

I have prepared the following summary of our phone conversation and would appreciate if you could please confirm by return email that this is an accurate account of the further information that is being requested.

OEH have requested that further information be submitted in regards the following matters, prior to preparation of their written referral/ concurrence advice back to Council :

- An '**Aboriginal Cultural Heritage** Due Diligence Assessment' is required as AHIMs registered site(s) are located directly adjacent to the subject land and others within 1km. Consultation with a Sites Officer from the relevant LALC would be appropriate.
- The documents/ data used to inform the **Flood Study/ Stormwater Management Plan/ Coastal Erosion** assessments are outdated. The submitted report(s) need to be revised in light of the most current flood study data available. It is also unclear whether Coastal Erosion Zone provisions apply or not.
- **Biodiversity** – Need to demonstrate consistency with the FNCRS and FNCR Conservation Plan. An assessment of soil types as well as vegetation is required to determine whether existing veg on the site meets the definition of an EEC. (Regrowth may be classified as an EEC, depending on soil type). Some of the proposed new lots extend into DM zoned land (where mapped HCV veg is located Needs to be some discussion in the report regarding future building envelopes or other measures to minimise potential impacts on native vegetation (fill, effluent disposal, SW drainage impacts etc).
- The proposed **Minimum Lot Size Map** does not align with proposed new subdivision lot boundaries – needs clarification.

Regards

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