



## Office of Environment & Heritage

Our Ref: DOC16/604108; DOC7/109099

Your Ref: #E2016/87555

General Manager  
Byron Shire Council  
PO Box 219  
Mullumbimby NSW 2482

Attention: Mr Rob van Iersel

Dear Mr Gainger

### **Re: Tyagarah Airfield Planning Proposal – Amendment to Byron LEP 2014**

Thank you for your letter dated 4 May 2016 seeking comments from the Office of Environment and Heritage (OEH) on the public exhibition of the Tyagarah Airfield planning proposal. I appreciate the opportunity to provide input.

Following an initial review of the planning proposal and associated documentation in May 2016, the OEH requested additional information from the Byron Shire Council on a range of biodiversity, Aboriginal cultural heritage and flooding matters. We have reviewed the additional information provided by the council and can advise that the OEH has no outstanding issues with the planning proposal.

We note that the final *Tyagarah Airstrip 95 Yarun Rd, Tyagarah NSW Aboriginal Cultural Heritage Assessment* (September 2016) prepared for the council by Everick Heritage Pty Ltd (ACHA) was undertaken in consultation with members of the local Aboriginal community and did not identify any significant Aboriginal cultural values for conservation within the planning area. The OEH also notes that the ACHA considered the likelihood of currently unidentified Aboriginal objects being present within the planning area to be low and that the recommendations of the ACHA are supported by the Aboriginal representatives.

The OEH acknowledges from the consultant's flood impact assessment that it conservatively assumed that the site is completely filled with the exception of the airstrip itself and the immediate apron areas around it, and that it concluded that the proposed commercial development is acceptable because the flood impact is minor. We concur that there is scope for the commercial development provided it is designed in the knowledge of the conditions it will experience and that the proposal is limited in scale and flood compatible in its design.


The council's approach to managing development on the Simpsons Creek floodplain warrants some comment. The current approach appears ad-hoc and there are likely to be some drawbacks associated with this approach.

Apart from the need for a hydraulic analysis of each development such work will become increasingly complex in providing an appropriate definition of the anticipated flooding impacts. Protracted and costly deliberations are likely in most spot re-zonings. Further, the configuration of floodplain development will be determined by the individual developments already approved. This can mean a reduction in the total area which can be developed if the naturally higher flood flow areas have been occupied by previously approved development.

To address these issues, the OEH encourages the council to prepare a strategic floodplain risk management plan for the future management of the Simpsons Creek floodplain. The plan would determine areas which can be filled having regard to all factors including flooding, environmental, commercial and social. It would also maximise the future development yield of the land with respect to flooding issues and facilitate easier flood impact assessment for future development proposals on the Simpsons Creek floodplain.

If you have any further questions about this issue, Mr Don Owner, Regional Operations Officer, Regional Operations, OEH, can be contacted on 6659 8233 or at [don.owner@environment.nsw.gov.au](mailto:don.owner@environment.nsw.gov.au).

Yours sincerely

 8 March 2017

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