

20 July 2018

Byron Shire Council
c/o: Mark Arnold
PO Box 219
MULLUMBIMBY NSW 2482

Attention: Councillors

Subject: Approval to Operate application for The Terrace Holiday Park, Brunswick Heads

Dear Councillors,

Further to the Trusts' submission with regards to the above matter on both 4 & 7 June 2018 and subsequent correspondence received by both parties from Dimitri Young of the Office of Environment & Heritage (OEH) on 7 June 2018; the Trust provides the following submissions for your information and consideration:

- Planning advice from ADW Johnson;
- Email from OEH regarding planning pathway requirements;
- Completed Biodiversity Assessment (BDA);
- Completed and approved Review of Environmental Factors (REF);
- Reference with regards to installation of Load Cells, in and around, Coastal Callitris Pines in the Byron Shire region from:
 - o Certificate 3 Arborist; and
 - o Independent Ecologist
- Photographic examples of installations in the Byron Shire evidencing the success of the Load Cell system from:
 - o Cypress, Luxury Byron Holiday House Estate, Broken Head, NSW
 - o Byron Shire Council (Norfolk Pines), Bay Street Byron Bay, NSW

Planning advice received from ADW Johnson has confirmed that Part 5 of the *Environmental Planning & Assessment Act* (EP&A Act) is the appropriate planning pathway for the proposed works at Terrace as there is an adopted Plan of Management in place.

Correspondence received from OEH, clarified the requirements applicable to Part 5 of the *EP&A Act*. We note that this advice was also provided to Council Staff.

The Trust note there are to be two issues for consideration:

- Renewal of the Trust's license to **operate** the Terrace Holiday Park; and
- The **proposed works** to the Southern Precinct of the Terrace Reserve.

Based on the requests received from Council it is noted that there are concerns, surrounding the application of the *Biodiversity Conservation Act* 2016.

For clarity, following professional review and consultation, we confirm, that with respect to our **Operations**:

- The Trust have a responsibility to comply with the *Biodiversity Conservation Act* 2016
- Pursuant to Section 2.8 of the *Biodiversity Conservation Act*; the Trust are entitled to rely upon on the activity being authorised by Planning Approval
- The Operational activities at the Terrace Reserve:
 - o Are carried out in accordance with the Byron Shire Council's LEP zoning of RE1 (Public Recreation); for which Camping grounds & Caravan parks are Permitted with Consent

- Are carried out in accordance with, and are not inconsistent with, an approved Plan of Management pursuant to Section 5 of the *Environmental Planning and Assessment Act 1979*
- Are carried out in accordance with the Vegetation Management Plan which forms part of the approved Plan of Management

For clarity, following professional review and consultation, we confirm, that with respect to our **Proposed Works:**

- The Trust have made several proposals in consultation to improve the status of the ecological community at the Terrace Reserve, including but not limited to:
 - Continued arboricultural inspections;
 - Improved site designation and reduced site use;
 - Implementation of a regeneration program;
 - Installation of Ground Protection;
 - Installation of Mulching;
 - Improved educational programs; and
 - Continued review of control measures
 As identified in the BDA and REF the proposed works will improve EEC.
- The proposed works to improve the status of the ecological community also comply with the approved Plan of Management and existing Vegetation Management Plan;
- The Trust now provide an approved REF and may rely on Part 5 of *Environmental Planning and Assessment Act 1979* for Planning Approval of the works;
- The REF considers all matters relevant to the preservation and conservation of the EEC in accordance with the *Biodiversity Conservation Act*.

We trust this closes out any concerns and provides clarification required to allow you to progress the matter. We respectfully request that the Council now process the Trusts' Application for, and issue a License to Operate a Caravan Park at the existing Terrace Reserve Holiday Park site, Fingal Street, Brunswick Heads 2483 NSW

Should you wish to discuss please do not hesitate to contact me directly.

Yours sincerely



Steve Edmonds
CEO

Attachments:

1. **ADW Johnson:** Letter (07 June 2018)
2. **OEH, Dimitri Young:** Email (07 June 2018)
3. **Review of Environmental Factors – Tree Management and Vegetation Works; Terrace Holiday Park: Southern Precinct** (June 2018) (Ecological Consultants Australia);
4. **Biodiversity Assessment of proposed Vegetation Management; Terrace Holiday Park: Southern Precinct** (June 2018) (Ecological Consultants Australia);
5. **Peter Parker Environmental Consultants:** Reference Letter, 18 July 2018
6. **Inspiration Trees, Nick Batson, Certificate 3 Arborist,** Reference email 29 June 2018
7. **Photo 1;** Cypress, Luxury Byron Holiday House Estate, Broken Head, NSW
8. **Photo 2;** Byron Shire Council (Norfolk Pines), Bay Street Byron Bay, NSW