



Mr Ben Grant  
Assessment Officer  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

EF21/13864  
SEAR 1509

15 September 2021

Dear Mr Grant

**Use of secondary dwelling with associated alterations and additions  
234A Bangalow Rd, Byron Bay – DA 10.2021.524.1**

Thank you for providing the Department of Planning, Industry and Environment (the Department) with a copy of the Environmental Impact Statement (EIS) submitted in support of DA 10.2021.524.1. I can confirm that the Department has received the EIS and has no comments at this time.

Please be reminded that a copy of all submissions received during the public exhibition period (including submissions by way of objection) must be uploaded to the NSW Planning Portal, pursuant to clause 81 of the Environmental Planning and Assessment Regulation 2000.

If the Department does not respond within 21 days of the submissions being uploaded, Council may proceed to determine the development application.

If you have any questions, please contact myself on (02) 9274 6273 or via email at [patrick.copas@planning.nsw.gov.au](mailto:patrick.copas@planning.nsw.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Patrick Copas'.

Patrick Copas  
**Senior Environmental Assessment Officer**  
**Industry Assessments**



Our Ref: DOC21/823581  
Your Ref: DA 10.2021.524.1

General Manager  
Byron Shire Council  
PO Box 219  
Mullumbimby NSW 2480

Attention: Mr Ben Grant

Dear Mr Arnold

**RE: EIS Secondary Dwelling 234A Bangalow Road, Byron Bay (DA 10.2021.524.1)**

Thank you for your notification to the NSW Planning Portal on 17 September 2021 about the Environmental Impact Statement (EIS) for a secondary dwelling at Bangalow Road, Byron Bay, seeking comments from the Biodiversity and Conservation Division (BCD) of the Biodiversity, Conservation and Science Directorate in the Environment, Energy and Science Group of the Department of Planning, Industry and Environment. I appreciate the opportunity to provide input.

The BCD has reviewed the EIS and supporting documents and we are satisfied that any impacts associated with the proposal relating to biodiversity, flooding and coastal and estuary matters have been addressed.

We have no issues to raise in relation to the proposal.

If you have any questions about this advice, please do not hesitate to contact Mr Bill Larkin, Senior Conservation Planning Officer, at [bill.larkin@environment.nsw.gov.au](mailto:bill.larkin@environment.nsw.gov.au) or 6659 8216.

Yours sincerely

13 October 2021

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Branch**  
**Biodiversity and Conservation**



## NSW RURAL FIRE SERVICE

Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482

Your reference: (CNR-28090) SEAR 1509  
Our reference: DA20210917004034-Original-1

**ATTENTION:** Ben Grant

Date: Friday 29 October 2021

Dear Sir/Madam,

**Development Application**  
**Other - Other Assessment - Secondary Dwelling**  
**234A Bangalow Road BYRON BAY NSW 2481, 445//DP841913**

I refer to your correspondence regarding the above proposal which was received by the NSW Rural Fire Service on 14/09/2021.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted in accordance with section 4.10 of the Environmental Planning and Assessment Act 1979. and provides the following recommended conditions:

### APZ Conditions

***The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting fire fighting activities. To achieve this, the following conditions shall apply:***

1. From the start of building works, the property around the secondary dwelling must be managed as follows:
  - An inner protection area (IPA) for a distance of 20 metres or to the property boundary.

The IPA must comprise:

- Minimal fine fuel at ground level;
- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

#### Postal address

NSW Rural Fire Service  
Locked Bag 17  
GRANVILLE NSW 2142

#### Street address

NSW Rural Fire Service  
4 Murray Rose Ave  
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555  
F (02) 8741 5550  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

**Construction Standards Conditions**

***The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:***

2. New construction must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2018 'Construction of buildings in bushfire-prone areas' or the relevant requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Timothy Carroll  
**Manager Planning & Environment Services**  
**Built & Natural Environment**