

**From:**  
**To:**  
**Cc:**  
**Subject:** Environmental Zoning Submission - 218 Skinners Shoot Rd Byron Bay  
**Date:** Tuesday, 12 March 2019 2:18:47 PM  
**Attachments:** [Zoning Submission 218 Skinners Shoot Rd .pdf](#)

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To whom it may concern,

**Re: ENVIRONMENTAL ZONING SUBMISSION - 218 SKINNERS SHOOT RD  
BYRON BAY**

Thanks for the opportunity to further review the proposed land use zoning as it applies to our property.

We have prepared a submission which suggests a small refinement of the proposed zoning, with the aim of creating a simpler, clearer boundary between the RU2 and E2 zones, taking into account a water easement and access track that dissects the land.

Please see Submission attached.

Thanks very much for your assistance.

Best wishes,

218 Skinners Shoot Rd  
BYRON BAY NSW 2481

12 March 2019

Submissions  
Byron Shire Council  
PO Box 219  
MULLUMBIMBY NSW 2482  
Email: [submissions@byron.nsw.gov.au](mailto:submissions@byron.nsw.gov.au)

To whom it may concern,

**Re: SUBMISSIONS**  
**Applying Environmental Zonings – Suggested Refinement**  
**218 Skinners Shoot Rd, BYRON BAY NSW 2481**

Thank you for supplying the revised land use zoning map for our property. We are in general agreement with the proposed new zoning boundaries and thank ecologist Jo Green for her time in making a site visit to assist with the review process.

**However, we wanted to draw your attention to the following items and suggest a further small refinement of land use boundaries:**

- A **water easement track** currently runs through the centre of the proposed E2 zone. This is an area that is cleared of all vegetation to enable access by the relevant water authority.
- The easement track is also used daily by **people, vehicles and horses/ livestock for access** between paddocks.
- The **vegetation** within the proposed E2 zone adjacent to this easement track does feature some beautiful large gum trees, which we are committed to maintaining, alongside numerous camphor laurels and other general scrub and weeds.

**We suggest refinement of the zoning as per Figure 1 & 2 below.**

**This will create a simpler, clearer zoning boundary which takes account of the cleared water easement and access track that dissects the vegetation.**

Yours sincerely,

cc:



Figure 1: Water Easement & Access Track location used by people, vehicles & horses/ livestock.

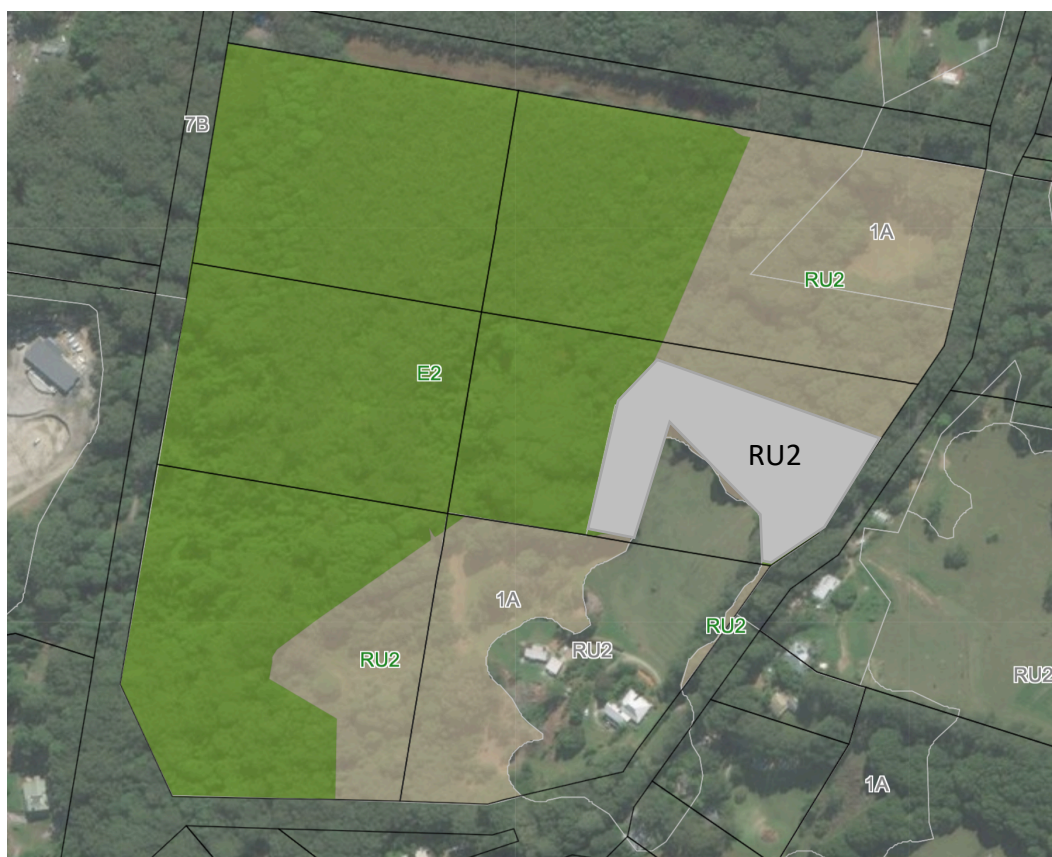


Figure 2: Suggested Zone refinement to create a simpler, clearer boundary.

**Subject:** FW: Application of an Environmental Zone to 36 Lomandra Lane, Mullumbimby.  
**Date:** Tuesday, 19 March 2019 12:29:32 PM  
**Attachments:** [image003.jpg](#)  
[E Zone Submission\\_15 March 2019.jpeg](#)

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**From:**  
**Sent:** Friday, 15 March 2019 11:05 AM  
**To:** submissions;  
**Subject:** Re: Application of an Environmental Zone to 36 Lomandra Lane, Mullumbimby.

## **Submission – 15 March 2019**

### **Re: Application of an Environmental Zone to 36 Lomandra Lane, Mullumbimby.**

To whom it may concern,

I do not agree with the zoning proposed for 36 Lomandra Lane, Mullumbimby, that was put out to public exhibition on 27 February 2019, for the following reason:

- During previous correspondence/interactions (prior to 2019) with Byron Shire Council on the matter, I did not fully understand the process and was not in possession of all the facts to enable due diligence on what was being proposed. I have since sought external advice and guidance in understanding the process and rights as a land owner. I misunderstood Council's definition of a riparian zone and it was only after other properties' new zoning proposals becoming public that I realized the riparian zone, by Council definition, is far smaller than I was initially lead to believe.

Now that I better understand the process for determining the nature of the zoning, namely, vegetation and usage, I can assure council that the area that they had put forward for an E Zone in their 27 February 2019 mapping, does not warrant the zoning they proposed on the basis of vegetation and usage:

Vegetation – predominantly camphor, grass and bamboo.

Usage – bamboo shoot propagation and intermittent grazing of horses

My preference is to have the whole property zoned RU2. However, if this is not feasible I would reluctantly agree to the attached zoning as discussed with Jo Green on 14 March 2019. I assume there will be consistency in the way that the Byron Shire Council rolls out the E zone policy across the Shire.

Kind regards,





## 36 Lomandra Ave Mullumbimby



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128

Meters

Notes



1 : 1,875

14-Mar-2019

**From:**  
**To:** [submissions](#)  
**Subject:** E-Zone submission for BHCF Pty Limited PN 238081  
**Date:** Tuesday, 26 March 2019 12:27:57 PM  
**Attachments:** [image.png](#)  
[LZN\\_003D\\_Linneaus\\_1-5500.pdf](#)  
[1350\\_COM\\_APU\\_003D\\_040\\_20170308.pdf](#)  
[Agreed Mapping for PN 238081 BHCF Pty Ltd 951 Broken Head Road\\_2 copy.pdf](#)  
[PN 238081 BHCF Pty Limited - E-Zone Mar 2019 Plan A.pdf](#)  
[PastedGraphic-1.pdf](#)  
[LINNAEUS Fishy\\_mail sig.jpg](#)

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Dear Sir/Madam

We write in relation to proposed E-Zone changes to BLEP 2014 at BHCF Pty Limited property at 951 Broken Head Road, Broken Head. However, before providing specific comment, I would like to say that it has been a very positive experience to work with Council, in particular the planners and ecologists, who have been very professional in all our dealings on this vitally important project.

Our request for change are outlined below:

**1. Additional and incorrect zoning (Sheet LZN-003 D)**

On BSC website E-Zone exhibition link the map (of BHCF Property in Appendix 5) with an area shown as SP3 (circled in red), this is probably a typo that needs correcting as it is in conflict with the gateway submission map which does not have this SP3 zoning, and it is not described on Page 16 of The web version of the BSC E-Zone Planning Proposal.



**2. Additional permitted uses map (Sheet APU\_003D)**

This map does not reflect the revised/proposed SP1 area (as shown on Sheet LZN-003 D). The SP1 area on Sheet APU\_003D should be revised to reflect the correct new zone boundary

**3. E-Zone boundary anomalies due to inaccurate aerial photography overlay on exhibition mapping.**

The exhibition mapping is overlaid on aerial photography which is misleading in as much as the zones lines conflict with existing roads and buildings. We have reviewed the Interactive mapping on Byron Council Website and there are a few minor anomalies, which we believe come from projection issues with aerial photography and the positioning of the zone boundaries close to these existing buildings and roads.

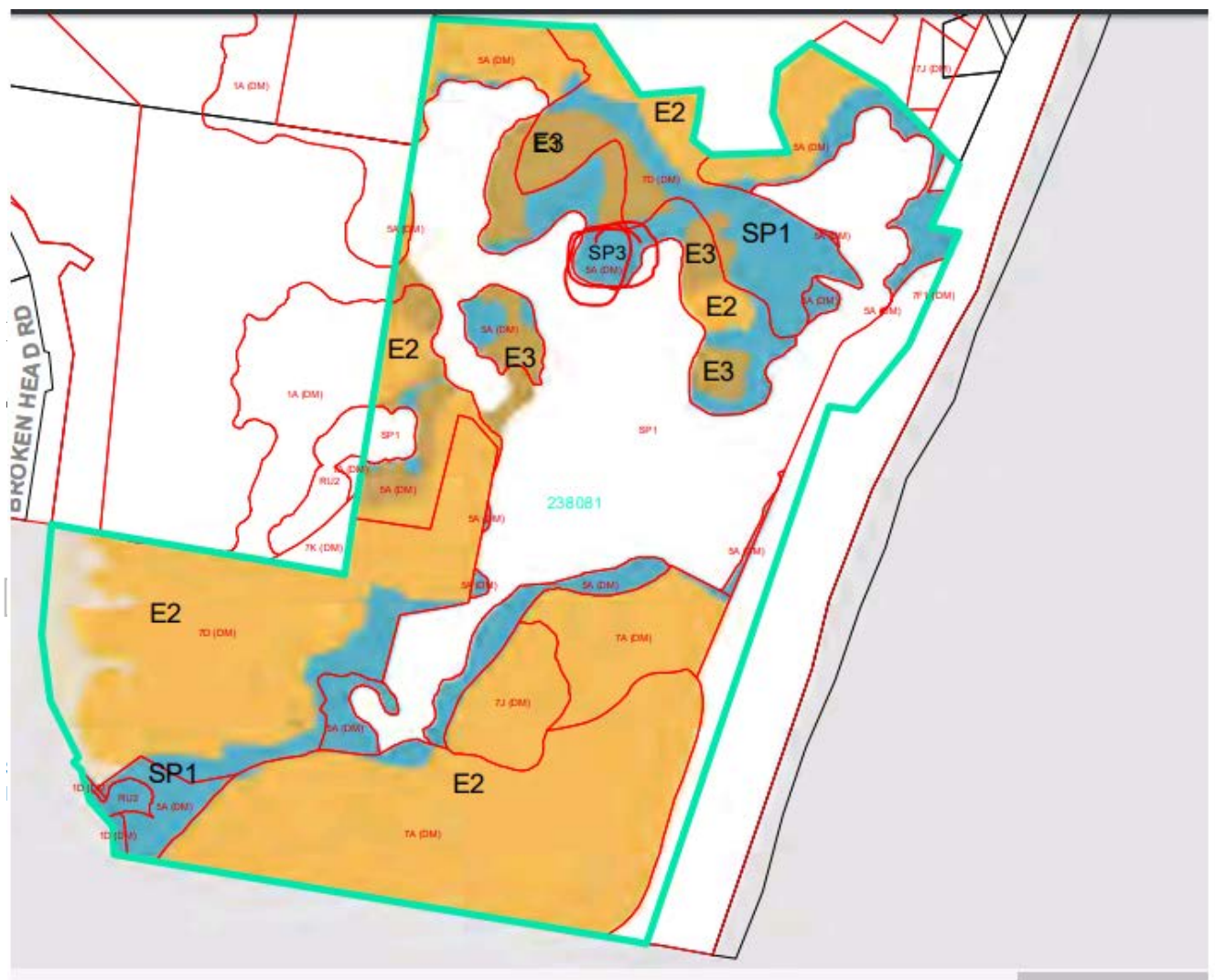
The first plan (Draft Mapping for PN 238081) is our agreed outcome, and the area (which is now incorrect) is shown with a white circle (boundaries are clearly delineated by the roads and are well clear of buildings).

The second plan A shows the road clearly outside the proposed E-zones (in the area in the white circle)

The third plan B show the proposed correction to the Interactive mapping zone lines to re-



align the E2 & E3 zones with the road



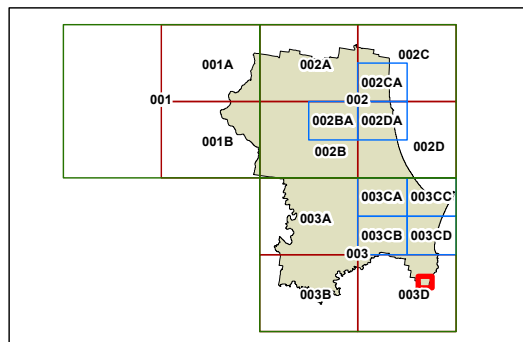


# Byron Local Environmental Plan 2014 (Gateway)

## Proposed Zoning Map - Sheet LZN\_003D

- Affected Land
- Existing zone boundary
- Land Parcels

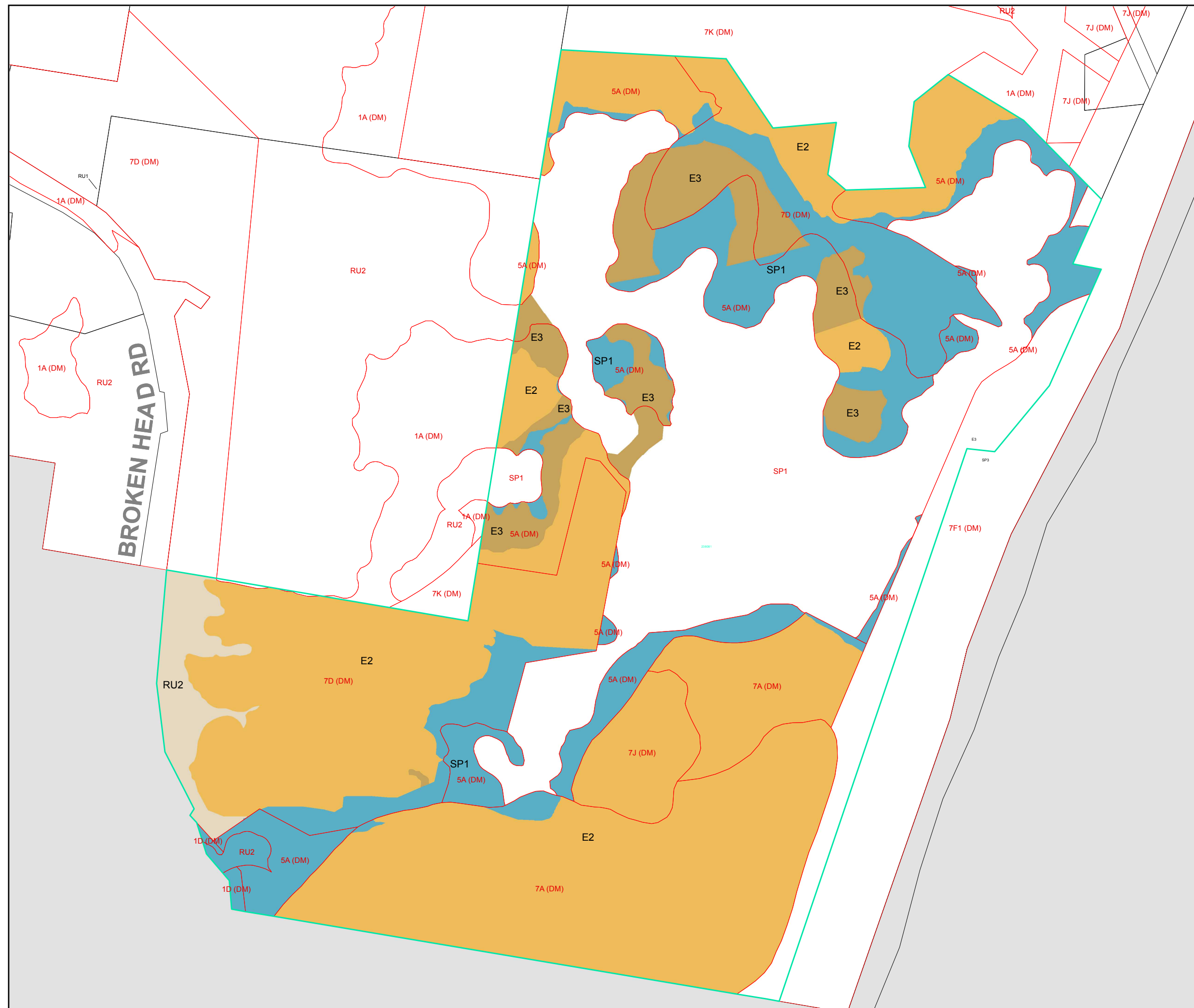
- Zone**
- E2 Environmental Conservation
  - E3 Environmental Management
  - R2 Low Density Residential
  - R5 Large Lot Residential
  - RU1 Primary Production
  - RU2 Rural Landscape
  - SP1 Mixed Use Development
  - SP3 Tourist



Projection: GDA 1994  
Zone 56

Scale: 1:5,500 @ A3

Date: 21/03/2019





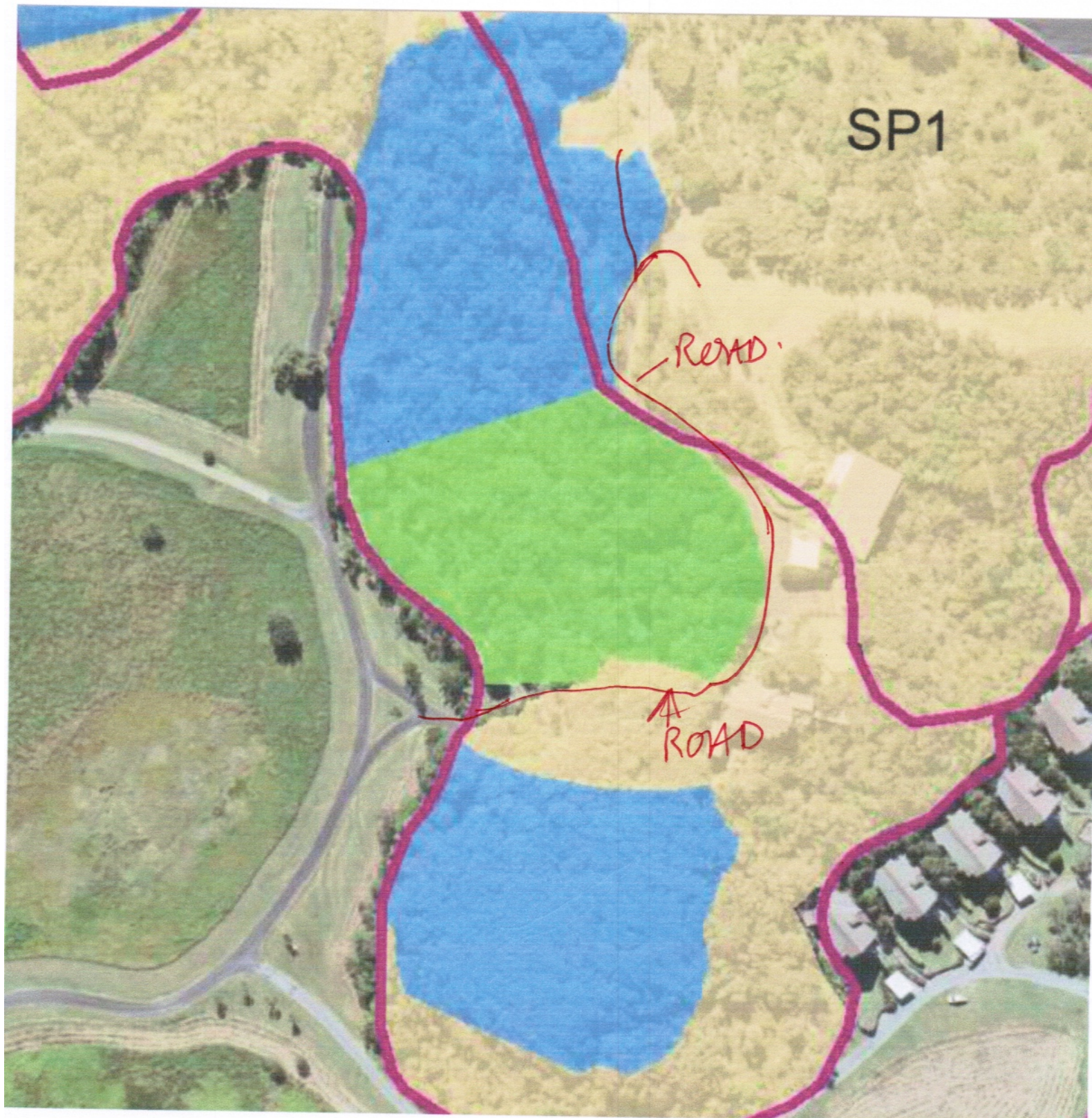
CORRECT

A

SP1

ROAD

ROAD









# Byron Local Environmental Plan 2014

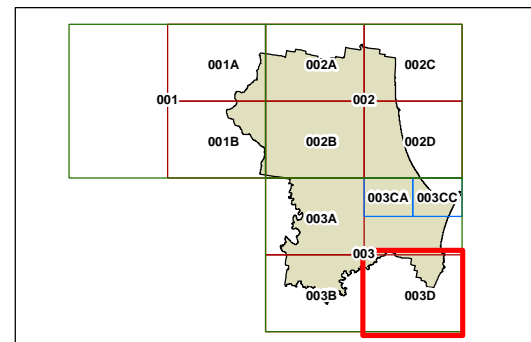
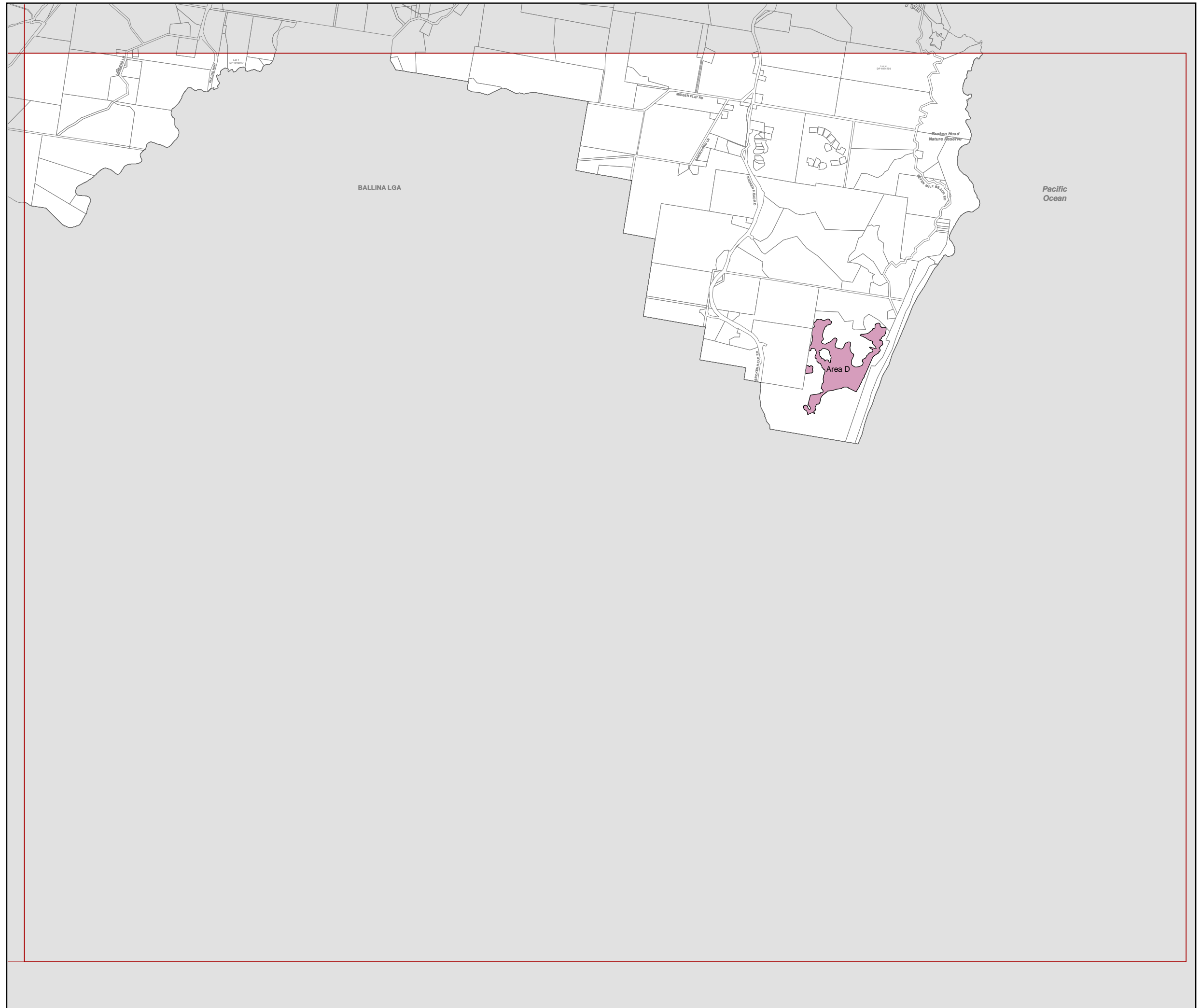
## Additional Permitted Uses Map - Sheet APU\_003D

### Additional Permitted Uses

 Refer to Schedule 1

### Cadastre

 Base data 01/07/1991 © Land and Property Information (LPI)  
Addendum data 08/03/2017 © Byron Shire Council



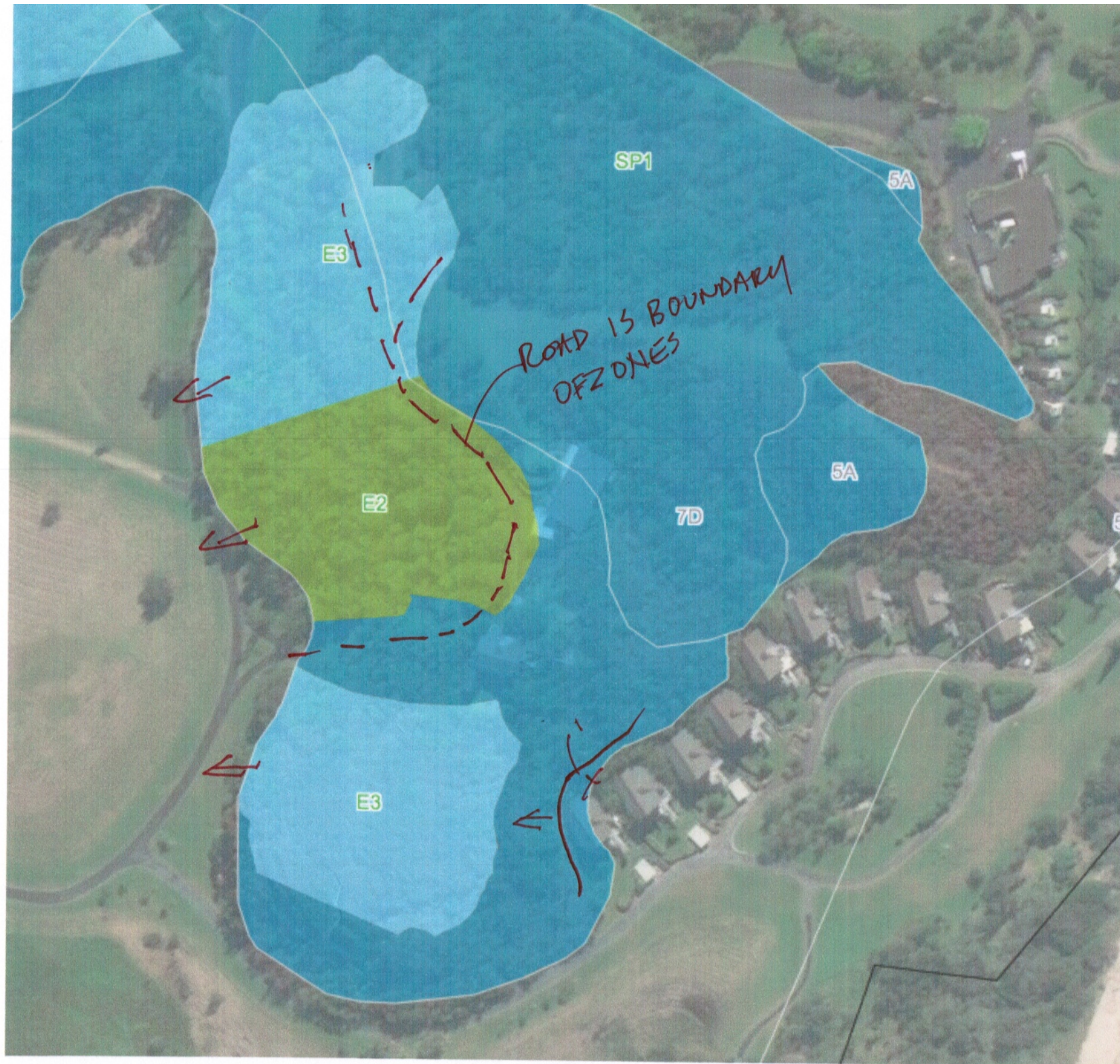
Projection: GDA 1994  
Zone 56

0 400 800 1,200 Metres

Scale: 1:40,000 @ A3

Map identification number: 1350\_COM\_APU\_003D\_040\_20170308





(B)

INLOWET



Draft Mapping for PN 238081 BHCF Pty Ltd 951 Broken Head Road, Broken Head



Legend

Linnaeus Site - draft mapping of agreed zones

Zone\_label

- E2 Environmental Conservation
- E3 Environmental Management
- RU2 Rural Landscape
- SP1 Mixed Use Development



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250 500 Metres

1:5,500 @ A3 size



Date: 1/06/2018



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**From:**  
**Sent:** Wednesday, 20 March 2019 10:05 AM  
**To:** Green, Joanne  
**Cc:**  
**Subject:** Re: Ezone public exhibition

Hi Jo,

Yes everyone is ok with it. I double checked with Rob and Kaz. All straight forward enough.

Cheers,

On Wednesday, 6 March 2019, 11:24:56 am AEDT, Green, Joanne <JGreen@byron.nsw.gov.au> wrote:

Hi

Just wondering if all was ok with the mapping and the zoning on exhibition with everyone at 95 blackbutt.

Thanks

**Jo Green** | Natural Habitat Officer ( **Mo-We**) Project Officer Koalas (**Th**) |  
**BYRON SHIRE COUNCIL**

**P: 02 6626 7068** | F: 02 6684 3018 | E: [joanne.green@byron.nsw.gov.au]

PO Box 219, Mullumbimby NSW 2482 | [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)



# PN33010 526 Huonbrook Rd Huonbrook Draft Map - Submission to PP1.



*[Handwritten signature]*

*1.2*

*29/3/19.*



**From:**  
**To:**  
**Cc:**  
**Subject:** Re: Applying Environmental Zones to your property  
**Date:** Monday, 25 March 2019 12:24:50 PM  
**Attachments:** [image003.jpg](#)

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Hi Alex, Jo and Michelle, it's here from Bunjum, I just wanted to send through an emailing confirming that all Bunjum Owners have reviewed the documents and we agree with and approve of the amendments for our property in the "Planning Proposal and all the maps relating to our land".

We look forward to progressing with the next steps, do you have any indication of when it will all be passed/approved through council?

Regards

**From:** [Caras, Alex](#)  
**To:**  
**Subject:** RE: submission to E zones Planning proposal  
**Date:** Monday, 8 April 2019 3:11:44 PM  
**Attachments:** [4408\\_001.pdf](#)  
[Application under Byron LEP Section 6.1.pdf](#)

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Hi ,

I haven't seen the specific site investigations for your property, but if they have confirmed that no ASSs exist on the land then the map could be changed via a planning proposal to remove the ASS designation from the site.

It is too late to include such an amendment in the E zone planning proposal as DPE would need to issue an Alteration of Gateway Determination requiring further agency consultation (with the State agency originally responsible for the ASS maps) and likely re-exhibition.

Therefore a housekeeping planning proposal would be the appropriate mechanism to change the ASS Map, with the next one scheduled in early 2020.

I trust this is of assistance.

Regards,

[Alex Caras](#) | Land Use Planning Coordinator | BYRON SHIRE COUNCIL

P: 02 6626 7097 | F: 02 6684 3018 | E: [alex.caras@byron.nsw.gov.au](mailto:alex.caras@byron.nsw.gov.au)

PO Box 219, Mullumbimby NSW 2482 | [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)

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-----Original Message-----

From:

Sent: Friday, 5 April 2019 10:46 PM

To: Caras, Alex <[acaras@byron.nsw.gov.au](mailto:acaras@byron.nsw.gov.au)>; submissions <[submissions@byron.nsw.gov.au](mailto:submissions@byron.nsw.gov.au)>

Subject: submission to E zones Planning proposal

Sorry for this submission which is a week late but I did not look full through the PP until this week. It was then that I understood that there was also amendments to other LEP maps.

In 2018 I supplied Byron Council with an Acid Sulfate Soils Assessment for our property Lot 4 DP 810118. It showed that while a small portion of our property is mapped as level 3 ASS there is no ASS present on the property.

I understood the Council would wait for an opportunity for a housekeeping amendment to the LEP when our property would be removed from the LEP ASS map.

This PP would seem to be a prefect opportunity for this to occur but when I went through eth proposed new ASS map our property was not included.

I understand that this is a special PP to address E zones and the small change I am proposing may not be able to be accommodated. If that is the case I was wondering when the next housekeeping PP would be undertaken.

A letter from the Council acknowledging that there is no ASS on our property is attached.

your sincerely



6 March 2018

Dear Sir

**Acid Sulfate Soils Investigation under Clause 6.1 (4) of the Byron LEP 2014 for Drainage Works  
Property: LOT: 4 DP: 810118, 219 The Saddle Road BRUNSWICK HEADS**

Council has reviewed the Preliminary Acid Sulfate Soils Investigation for the proposed drainage works at the abovementioned property. Council concurs with the finding by Greg Alderson and Associates for the proposed works in terms of impacts on Acid Sulfate Soils.

Council notes that you intend to carry out the work as exempt development to facilitate the planting of a forestry plantation under Byron LEP 2014, and that you are reliant upon the definition of horticulture. Horticulture means:

*the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.*

Council is not of the opinion that your forestry plantation satisfies the definition of horticulture. Council is aware you have an approval for a Timber Plantation from the Department of Primary Industries. As such if the proposed works are ancillary to the Timber Plantation they will fall within the broader definition of forestry under the Byron LEP 2014. Council notes your approval from DPI placed various restrictions in terms of earthworks.

Council has also reviewed SEPP (Exempt and Complying Code) 2008 for earthworks. We are also of the opinion that the works can not be undertaken under the exempt Codes due to the presence of a natural waterbody on your property, whilst the depth of the works exceed the 600 mm threshold under the SEPP as described in your email and the report from Greg Alderson and Associates. I have attached an extract from Councils mapping for your information of this waterbody which is mapped as a wetland.

It is Councils opinion that the proposed drains require development consent, unless they can be authorised by way of approval from Department of Primary Industries for your Timber Plantation.

Should you have any further queries please do not hesitate to contact Council on 02 66267000.

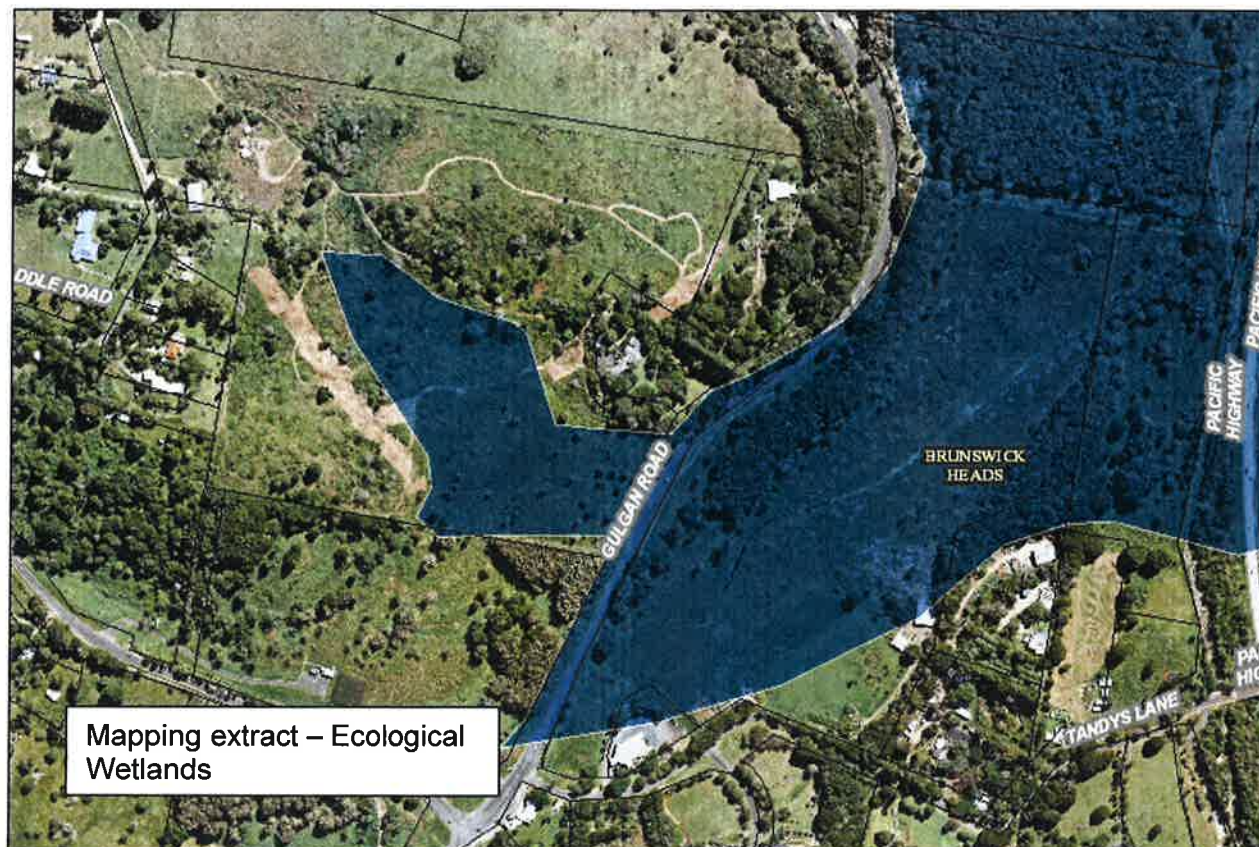
Yours Sincerely

**Chris Larkin**  
Manager Sustainable Development



TRADITIONAL HOME OF  
THE BUNDJALUNG PEOPLE

ALL COMMUNICATIONS TO BE  
ADDRESSED TO THE GENERAL MANAGER  
PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)  
E: [council@byron.nsw.gov.au](mailto:council@byron.nsw.gov.au)  
P: 02 6626 7000 F: 02 6684 3018  
[www.byron.nsw.gov.au](http://www.byron.nsw.gov.au) ABN: 14 472 131 473





**Subject:** Application under Section 6.1 sub-section (4 ) of the Byron LEP 2014

**From:**

**Date:** 1/11/2017, 10:44 am

**To:** council@byron.nsw.gov.au

Hello,

As the owners of 219 the Saddle Road, Brunswick Heads (Lot 4 DP 810118) we formally lodge the following application under Section 6.1 Acid sulfate soils, of the Byron Local Environmental Plan 2014.

Please find attached a Preliminary Acid Sulfate Soils Assessment prepared by Aldersons and Associates in accordance with the Acid Sulfate Soils Manuel.

Sub-section (4) of Section 6.1 states:

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:

(a) **a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils**

**Manual indicates that an acid sulfate soils management plan is not required for the works, and**

(b) **the preliminary assessment has been provided to the consent authority** and the consent authority has

confirmed the assessment by notice in writing to the person proposing to carry out the works.

We propose to undertake drainage works to facilitate exempt Horticulture and exempt authorised plantation forestry on our property.

None of our works will be within 40m of a waterway and all works will be no deeper than 1m (sediment and erosion control basins/dams) but the majority of works will be a maximum of 600mm deep.

We request that now that we have provided Byron Shire Council (the consent authority) a preliminary assessment of the proposed works that you confirm the assessment in writing.

Yours sincerely

#### **6.1 Acid sulfate soils**

(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils

and cause environmental damage.

(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the [Acid Sulfate Soils Map](#) as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface.  Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface.  Works by which the watertable is likely to be lowered more than 1  metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface.  Works by which the watertable is likely to be lowered more than 2  metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is  below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:

(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):

(a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,

(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of

the public authority (other than work that involves the disturbance of more than 1 tonne of soil),

(c) minor work, being work that costs less than \$20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:

(a) the works involve the disturbance of less than 1 tonne of soil, and

(b) the works are not likely to lower the watertable.

(7) Despite subclause (2), development consent is not required under this clause for the carrying out of works for the purpose of agriculture if:

(a) a production area entitlement is in force in respect of the land when the works are carried out, and

(b) the works are carried out in accordance with a drainage management plan, and

(c) the works are not carried out in respect of a major drain identified on the [Acid Sulfate Soils Map](#), and

(d) the works are not carried out on land to which [State Environmental Planning Policy No 14—Coastal Wetlands](#) applies.

(8) In this clause:

**drainage management plan** means an irrigation and drainage management plan that:

(a) is prepared in accordance with the *NSW Sugar Industry Best Practice Guidelines for Acid Sulfate Soils (2005)*, and

(b) is endorsed by the Sugar Milling Co-operative as being appropriate for the land.

**NSW Sugar Industry Best Practice Guidelines for Acid Sulfate Soils (2005)** means the guidelines approved by the Director-General of the Department of Infrastructure, Planning and Natural Resources on 25 May 2005.

**production area entitlement** means a contractual arrangement between the Sugar Milling Co-operative and a grower member of that co-operative for the production of sugar cane for milling.

**Sugar Milling Co-operative** means the New South Wales Sugar Milling Co-operative Limited or its successor.

**Note.** The NSW Sugar Industry Best Practice Guidelines for Acid Sulfate Soils (2005) is available on the Department of Planning and Infrastructure's website.

— Attachments: —

17224\_ASS Rev A FINAL.pdf

2.3 MB

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letter.pdf

253 KB