

3 November 2023

Elements of Byron Pty Ltd
c/o - Kate Singleton, Planners North Pty Ltd
kate@plannersnorth.com.au

Dear Kate

Request for additional information

DA No.	10.2023.287.1 (PAN-355981)
Planning Portal Ref	PAN-355981
Proposal:	Coastal Protection Works
Owner:	Ganra Pty Ltd
Parcel No.	269025
Property	LOT: 1 DP: 1215893
Address:	144 Bayshore Drive BYRON BAY

I refer to the development application (DA) described above that was received by Council on 20 October 2023. An initial assessment of the application has identified the need for additional information to be provided.

You are requested to submit the following information to support your proposal within **28 days** of the date of this letter:

1. Potential impact on Bush Stone-curlew

Council's ecological consultant commented that there is an active pair of Bush Stone-curlew (*Burhinus grallarius*) and possibly others which occur near the proposed coastal protection works.

Please provide an addendum to the ecological assessment report including a Test of Significance for Bush Stone-curlew in accordance with s.7.3 of the *Biodiversity Conservation Act 2016*. The addendum should include a sufficient level of detail to determine where these birds are resting during the day and where they might be nesting (which usually occurs November to January) and to determine what impacts the works may have on the birds breeding and movements. Specific contingencies should be prescribed depending on the assessment findings and based on the proposed timing and duration of the works.

2. Vegetation removal

The footprint of the proposed geobag wall appears to encroach into an area of dune vegetation to the north of the proposed works. Potential disturbance of vegetation is also noted on page 48 of the submitted ecological assessment report.

If any vegetation removal is likely to occur, please provide a vegetation removal and retention plan clearly identifying the location and species of vegetation to be removed or retained in proximity to the proposed works. Trees to be removed should be itemised and counted, and suitable compensation should be provided in accordance with Chapter B1 of the Byron DCP 2014.



In accordance with the provisions of Section 36 of the Environmental Planning and Assessment Regulation 2021 ('the regulation'), the period to elapse prior to the submission of adequate information as outlined above shall not be taken into consideration in any of the assessment periods prescribed by Section 91 of the regulation or Section 8.11 of the Environmental Planning and Assessment Act 1979.

14 days have elapsed since this DA was submitted. The assessment period is on hold from today pending the provision of the additional information outlined above. Once submitted, the assessment period will recommence.

Additional information must be submitted using the [NSW Planning Portal](#). If it is your intention to not provide this information, please advise Council using the NSW Planning Portal.

Please note that if the information is not provided in the 28-day period, it is assumed the information will not be submitted and the DA will be assessed with the information available. If you require further time to provide the additional information, please notify me as soon as possible.

The issues and matters of concern raised in this letter may not be exhaustive. It is possible Council may require further clarification or additional information at a later time. Such issues will not be revealed until a detailed examination of the application has taken place by all Council staff involved in the assessment of the development proposal or following consideration of any public or Government department submissions received (where applicable).

If you have any questions, please contact Benjamin Grant on 02 6626 7066 or bgrant@byron.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Benjamin Grant', is positioned above the printed name.

Benjamin Grant
Planner