

Planning Proposal

Byron Regional Sport and Cultural Complex

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Summary of Ecological Assessment

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Introduction

This Planning Proposal has been prepared in relation to land known as Lot 3 DP 706286, located at 249 Ewingsdale Road, Byron Bay, on the Far North Coast of NSW. As detailed further below, part of the land has been assessed under Part 5 of the *Environmental Planning and Assessment Act 1979* for use as the Byron Regional Sport and Cultural Complex (BRSCC).

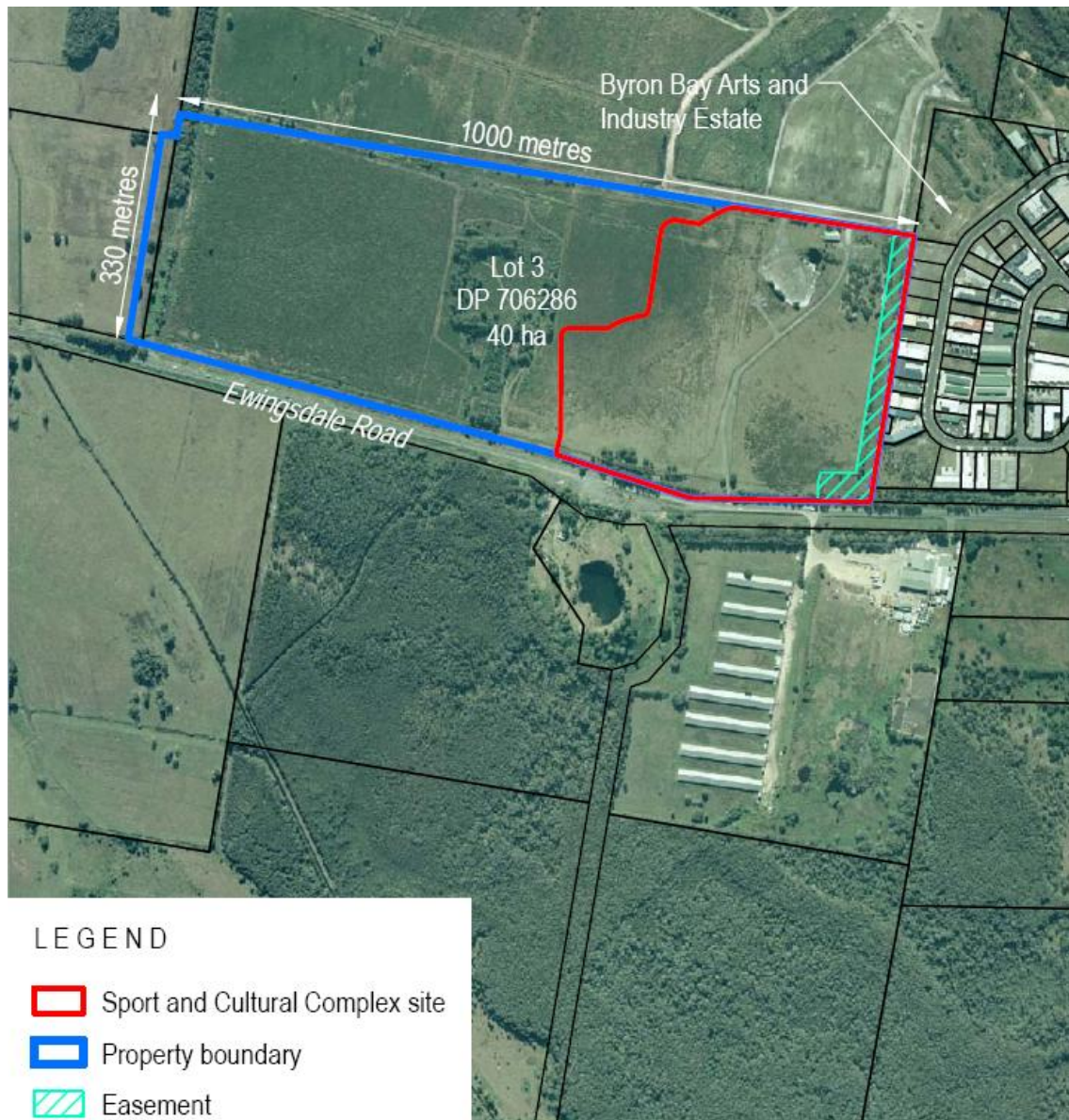


Illustration 1 The Site

Rezoning of the site has been considered as part of Byron Shire Council's Shire-wide Local Environmental Plan. The associated Local Environmental Study (PB, 2008) provides for the Sport and Cultural Complex site to be zoned RE1 Public Recreation. While work toward the preparation of that Plan continues, Council has more recently resolved to proceed with the rezoning of this site by way of a separate Gateway process, to avoid further delays associated with the Shire-wide LEP.

Part 1 Proposal Objective

To provide for use of the land as the Byron Regional Sport and Cultural Complex, including use of sporting fields for recreational activities and the use of site facilities for festivals and community events, where attendees are less than 1,500-2,000 patrons.

Part 2 Explanation of Provisions

- Amend the Byron Local Environmental Plan 1988 Zoning Map in accordance with the proposed zoning map shown in **Illustration 2**.
Land within Lot 3 DP 706286 that will be used as the Byron Regional Sport and Cultural Complex to be zoned 6(a) Open Space Zone (RE1 Public Recreation). The remainder of Lot 3 to be zoned 7(k) Habitat (E2 Environmental Conservation); and
- Amend the Byron Local Environmental Plan written instrument by inserting the following item in the list within Schedule 8:
Lot 3 DP 706286, for the purpose of public assembly, constituting community events / festivals utilising facilities of the Byron Regional Sport and Community Complex, but only where the number of attendees / patrons will be less than 2,000.

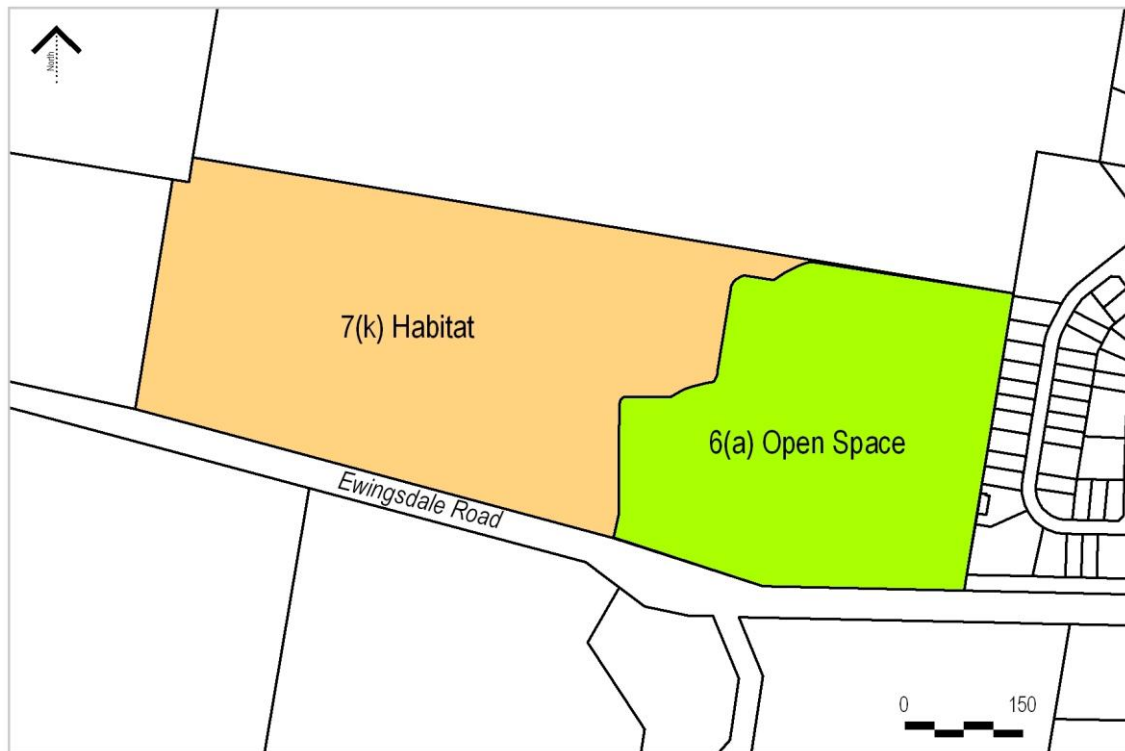


Illustration 2 Proposed Zones

The Council-controlled Sport and Cultural Complex is proposed to have a dual use as sporting fields / recreational area and as a site for small-scale community festivals / events. For the purposes of the LEP, the sports use is defined as 'recreation area', while the festival / events use is defined as 'place of assembly'.

Within the development table for the 6(a) zone, 'recreation area' is permissible with consent, but 'place of assembly' is a prohibited use.

Cl. 29 of the LEP allows certain additional development, being that described in Schedule 8, to become permissible with the consent of Council, hence the need to add the proposed use of the land to that Schedule.

Within Council's proposed Standard Template LEP, this mechanism will not be required. A festival / community event would be defined under that proposed LEP as either 'community facility', 'entertainment facility' or 'function centre', depending on the nature of the particular event. All of these defined uses would be permissible with consent in the RE1 Public Recreation zone.

Part 3 Justification

Section A - Need for Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not a direct result of any strategic study or report. Rather, it is the result of a Plan of Management (PoM) adopted by Council for the use of this land for recreational / community uses.

The subject property was originally purchased by Byron Shire Council in May 2003 and the land was dedicated as a mixture of Community Land and Operational Land. In accordance with the *Local Government Act 1993*, a PoM was prepared for the Community Land.

An objective of the PoM was to provide recreational and community infrastructure within the most durable areas. The associated management action was to develop multi-use community sports fields, including the following items:

- 3 x cricket pitches (including 2 senior (1 x turf); 1 for social cricket)
- 1 x senior soccer (association) field, 2 x senior and junior soccer fields and 2 x junior soccer fields
- 1 x rugby union field (not full-size) and touch football field and 1 x shared touch football field (soccer and softball)
- 1 x multi-use athletics field / track, including 400 metre running track, straight for sprint events, areas for discus, shot put and javelin, long-jump and triple-jump events, softball nets and playing field for hockey and frisbee
- special community use field / open grassed area for social cricket / junior soccer (see above), special events and temporary overflow event parking / park and ride options
- 4 x netball courts
- 4 x cricket nets
- floodlighting of all playing fields
- criterium closed bike circuit (one kilometre circuit)
- 2 x separate amenities buildings
- 3 x children's play areas
- bike and skate park facility
- workshop / maintenance building

- fencing to play areas / security fencing
- treated effluent re-use pond for grounds maintenance

Another management objective was to provide a range of multi-use indoor organised sports facilities, community / leisure activities, amenities and storage areas. The associated management action was to provide an indoor recreation building, to include multi-use facilities for indoor basketball, netball, soccer, cricket and volleyball. Other facilities to include club meeting room, canteen / kiosk, space for community / leisure activities (e.g. music and arts), and equipment storage.

The site is currently zoned 1(d) Investigation Zone. 'Recreation area' is permissible with consent in this zone, but 'place of assembly' is a prohibited use. The 6(a) Open Space better reflects the proposed sports / recreational use of the land. 'Place of assembly', however, would remain prohibited. The inclusion of such land use in Schedule 8 of the LEP would allow the use. The zoning of 7(k) Habitat reflects the conservation value of the remainder of the site.

Byron Shire Council's Local Environmental Study (PB, 2008) recommends the area of Lot 3 DP 706286 to be used for the Sport and Cultural Complex be rezoned RE1 Public Recreation and the remaining area to be rezoned E2 Environmental Conservation.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending the Byron Local Environmental Plan 1988 Zoning Map so that land within Lot 3 DP 706286 is zoned 6(a) Open Space best reflects the proposed recreational use of the site. As highlighted above, the proposed use of the site for festivals / community events would not be permissible in this zone (nor is it permissible in the current zone). The use of Schedule 8 is the current mechanism within the LEP that allows nominated additional development to be considered for specific sites, and would allow consideration of an application for a festival / event.

The mechanism is required in the interim, prior to the finalisation and gazettal of the proposed Byron Shire-Wide Standard Template LEP. Within the proposed RE1 Public Recreation zone, festivals / events would become permissible with consent.

3. Is there a community benefit?

The community benefit of developing this site as a recreational / community event site was identified through the preparation of the Plan of Management adopted by Council for Lot 3 DP 706286.

Through rezoning Lot 3 DP 706286, community interest will be served through simplifying the approval process for community use of the Sport and Cultural Complex. The community interest will also be served by applying a more suitable and protective zoning to the western portion of the site, which has significant ecological value.

Section B - Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The applicable regional strategy is the Far North Coast Regional Strategy. This strategy consolidates and builds on previous planning work, including the Northern Rivers Regional Strategy and local council settlement strategies.

The strategy does not include Lot 3 DP 706286 as a proposed future urban release area or employment lands. It is mapped as Environmental Assets and Rural Land, and National Parks (map P14 FNCRS), and is within the Coastal Area.

However, the rezoning is not inconsistent with the Strategy, which does not specify appropriate areas for large community facilities, such as the BRSCC. The proposed rezoning is consistent with the vision for the Far North Coast in that it works to achieve a healthy and prosperous community.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The applicable local strategic plan is the Byron Bay and Suffolk Park Settlement Strategy 2002. This Strategy lists Lot 3 DP 706286 as 1(d) Investigation Zone, Site 11. Section 3 of the Strategy discusses the site and states:

Investigation Site 11

43.9 hectares to the north of Ewingsdale Road adjacent and to and west of the existing industrial area. The western portion (about two thirds of the Site) is constrained by a high water table, poor drainage and flooding potential, and the presence of peat and potential acid sulfate soils. It is entirely within the 400m buffer to the West Byron sewerage treatment works and was previously used as a Council rubbish tip site.

The land is not suited for residential development. Part of the land may be suited to industrial development but this would be subject to investigation and assessment of constraints by the landowner. As the timeframe for such investigations is unknown the land should be rezoned to a general rural zone immediately.

As stated above, the land has retained its 1(d) Investigation zoning. Byron Shire Council have undertaken further assessment of the eastern portion of the land and determined that a sports field use would be appropriate. A Review of Environmental Factors undertaken for the portion of the site proposed to be rezoned 6(a) Open Space (RE1 Public Recreation) has confirmed that the site can be developed for this use without a significant environmental impact, provided the mitigation measures specified in the REF are adhered to.

As discussed above, the proposal is consistent with the *Byron Shire Local Environmental Study*, completed in July 2008.

6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Several State Environmental Planning Policies (SEPPs) apply to the land. These are identified and discussed below.

SEPP 14 Coastal Wetlands

The site does not contain land that is a designated SEPP 14 Coastal Wetland. However, the adjoining parcel of land to the north, which is the location of the West Byron Sewage Treatment Plant, currently contains a small area that is a SEPP 14 coastal wetland. At the closest point of the site, SEPP 14 No. 75 is 400 m away to the north-west. Additionally, SEPP 14 No. 79 is 250 m to the south of the site, on the opposite side of Ewingsdale Road.

A risk associated with development of the site is the impact associated with polluted stormwater runoff. Therefore, stormwater from the impervious areas will be collected in various stormwater treatment devices, thereby ensuring that there will be no detrimental impact on either of the nearby SEPP 14 coastal wetlands.

SEPP 44 Koala Habitat Protection

The site is located in the Byron Local Government Area, which is listed in Schedule 1 of the SEPP and is larger than one hectare. However the site does not contain any of the trees listed in Schedule 2 of the SEPP and therefore does not contain potential or core Koala habitat.

SEPP 55 Remediation of land

A preliminary contamination assessment was carried out as part of the Review of Environmental Factors for the BRSCC. This assessment did not reveal any potential areas and chemicals of concern within the site and it was concluded that the risk of contamination is very remote.

SEPP Major Development

This SEPP consolidates criteria and identifies development, which are 'State Significant'. In relation to recreation facilities, Schedule 1 of the SEPP lists recreational facilities with a '*capital investment value of more than \$30 million*' as a project to which Part 3A will apply. In the subject case, while a detailed cost estimate has not been undertaken, preliminary costings indicate that the BRSCC will have a capital investment value in the order of \$20-30 million. As such, this would not constitute 'major development' for the purposes of this SEPP.

The SEPP also sets out a framework for regional development to be assessed and determined by Regional Planning Panels. The proposed indoor sports facility may be considered 'regional development' under clause 13B(2) if it has a capital investment value greater than \$5million.

SEPP Rural Lands

This SEPP provides for the protection of agricultural land that is of State or regional significance. The site proposed to be rezoned is not mapped as regional or state significant farmland.

7. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Directions made under section 117 of the *Environmental Planning and Assessment Act 1979*, issued on 1 July 2009, which are relevant to the site, are identified and addressed in **Table 1**, below.

Table 1 Section 117 Directions

Direction No.	Objective	Consideration
2.2 – Coastal Protection	To implement the principles in the NSW Coastal Policy.	The site is not within the coastal zone, as described by the NSW Coastal Policy.
3.4 – Integrating Land Use and Transport	To ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: ▪ improving access to housing, jobs and services by walking, cycling and public transport ▪ increasing the choice of available transport and reducing dependence on cars ▪ reducing travel demand including the number of trips generated by development and the distances travelled, especially by car ▪ supporting the efficient and viable operation of public transport services ▪ providing for the efficient movement of freight.	The subject site is located on the fringe of Byron Bay, adjoining the Byron Arts and Industry Estate. There is a regularly serviced bus stop 400 m east of the site, at the corner of Ewingsdale Road and Bayshore Drive. Additionally, a cycleway connects the site to the Byron Bay town centre. Once the BRSCC is operational, there is the possibility that bus services will be extended to better service the site.

Direction No.	Objective	Consideration
4.1 – Acid Sulfate Soils	▪ To avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. ▪ To consider the Acid Sulfate Soils Planning Guidelines. ▪ Not to intensify use of land identified as containing acid sulfate soils unless the authority has been provided with a study assessing the appropriateness of the land for the proposed use. ▪ A planning proposal may be inconsistent if the relevant planning authority can satisfy the Director-General of the Department of Planning that the proposal is justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or of minor significance.	An Acid Sulfate Soil Investigation was carried out as part of the REF for the BRSCC. This investigation revealed that there are no Actual Acid Sulfate Soils (AASS) across the BRSCC site, but there are Potential Acid Sulfate Soils (PASS), most noticeably in the north-eastern part of this area. It is likely that PASS soils will be disturbed as a result of development on the site. Therefore, development will need to be guided by an Acid Sulfate Soils Management Plan, prepared in accordance with ASSMAC requirements (Acid Sulfate Soils Manual 1998, Acid Sulfate Soil Management Advisory Committee).
4.3 – Flood Prone Land	▪ To ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual, 2005. ▪ To ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	A large proportion of the site is flood prone. The development of the site for the BRSCC involves filling. A flood impact assessment has been undertaken and concludes that there will be a negligible change (ie, +/- 0.02 m) in peak flood levels on the majority of other land in the vicinity as a result of creating the BRSCC. However, there will be a minor increase (up to 0.06 m) in the level of flooding on small sections of some of the properties bordering the eastern edge of the western boundary drain.
4.4 – Planning for Bushfire Protection	▪ To protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas. ▪ To encourage sound management of bush fire prone areas.	The site of the future indoor recreation building (as nominated in the adopted PoM for the allotment) is not located on bushfire-prone land.
5.1 – Implementation of Regional Strategies	▪ Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The site is not included in the Far North Coast Regional Strategy as a proposed future urban release area or employment lands. However, rezoning the land for a community purpose is not considered inconsistent, as the strategy does not specify areas where community facilities, such as sports fields, should be located.

Direction No.	Objective	Consideration
5.3 – Farmland of State and Regional Significance on the NSW Far North Coast	▪ To ensure that the best agricultural land will be available for current and future generations to grow food and fibre. ▪ To provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning. ▪ To reduce land use conflict arising between agricultural use and non-agricultural use of farmland as caused by urban encroachment into farming areas.	The site is not identified as being regional or State significant farmland.
6.1 – Approval and Referral Requirements	▪ To ensure that LEP provisions encourage the efficient and appropriate assessment of development. ▪ To minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and ▪ Not to contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and ▪ not identify development as designated development unless the relevant planning authority: (i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and (ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	Through rezoning that part of Lot 3 DP 706286 proposed to be used for the BRSCC to a 6(a) Open Space (RE1 Public Recreation) zone, the planning pathway for further development of the Complex will be simplified. Specifically, the proposed indoor sports facility will be permissible with consent. It is not proposed to incorporate any LEP provisions that will trigger consultation or referral with any additional government agencies. It is not proposed to make development of the BRSCC designated development.

Section C - Environmental, social and economic impact

8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

An ecological assessment of the site was conducted as part of the REF for the BRSCC. A summary of the findings of this ecological assessment can be found at **Appendix A** of this Planning Proposal.

No threatened flora or potential habitat for threatened flora has been recorded or identified within the site. No Endangered Ecological Communities (EEC) were recorded from the site during the surveys undertaken for that REF. Five threatened fauna species were recorded. These species are the Wallum Froglet (*Crinia tinnula*), Little Bent-winged Bat (*Miniopterus australis*), Eastern Bent-winged Bat (*Miniopterus schreibersii oceanensis*), Large-footed Myotis (*Myotis macropus*) and the Greater Broad-nosed Bat (*Scoteanax rueppellii*). Suitable foraging habitat is available within the site for the four microbats, however the site does not contain suitable roosting habitat.

The western part of the site is mapped as High Conservation Value Land within Council's Biodiversity Strategy. The proposed rezoning, particularly the delineation between 6(a) Open Space (RE1 Public Recreation) and 7(k) Habitat (E2 Environmental Conservation) has been arranged with this ecological value as the primary constraint. Accordingly, the edge of the high conservation value mapping has formed the western boundary of the BRSCC and proposed 6(a) Open Space (RE1 Public Recreation) zone, such that there is no disturbance proposed within the area mapped as having high ecological value.

An impact assessment and seven-part tests of significance have been undertaken for threatened fauna species known or likely to occur on the land. This assessment concludes that potential impacts resulting from the proposed sport and cultural complex can be adequately managed and are not expected to result in significant impacts.

To mitigate any impacts, and to provide a level of compensation, the PoM prepared for Lot 3 DP 706286 recommends the development of a detailed *Weed Management, Regeneration and Restoration Strategy* (PoM, p.53). The REF for the BRSCC supports and endorses that recommendation and suggests it be developed and adopted prior to the commencement of construction and that implementation be scheduled to accompany construction of the complex.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The REF for the BRSCC assessed all possible environmental effects that may result from developing the eastern portion of Lot 3 DP 706286. The following is a summary of the key issues.

Acid Sulfate Soils

There are no Actual Acid Sulfate Soils (AASS) across the BRSCC site, but there are Potential Acid Sulfate Soils (PASS), most noticeably in the north-eastern part of this area.

It is likely that PASS soils will be disturbed as a result of development on the site. Therefore, development will need to be guided by an Acid Sulfate Soils Management Plan, prepared in accordance with ASSMAC requirements (Acid Sulfate Soils Manual 1998, Acid Sulfate Soil Management Advisory Committee).

Soil Contamination

A preliminary land contamination assessment did not reveal any potential areas and chemicals of concern. As such, it was not necessary to conduct site sampling as the risk of contamination of the site is very remote.

Flooding

As discussed in Table 1 above, a large proportion of the site is flood prone. A flood impact assessment concludes that there will be a negligible change (ie, +/-0.02 m) in peak flood levels on the majority of other land in the vicinity as a result of creating the BRSCC. However, there will be a minor increase (up to 0.06 m) in the level of flooding on small sections of some of the properties bordering the eastern edge of the western boundary drain.

Traffic

Ewingsdale Road is the main access to Byron Bay from the Pacific Highway and is known to be chronically congested during peak holiday periods throughout the year.

A significant portion of the traffic that would be generated by development of the BRSCC, for normal day-to-day sporting activities, is already using Ewingsdale road, because the proposed activities are already taking place within Byron Bay.

The following volumes would be added to two-way weekday peak hour flows in Ewingsdale Road:

- west of the site - 10 vehicles per hour (vph) in am peak hour and 100 vph in pm peak hour.
- east of the site - 10 vph in am peak hour and 200 vph in pm peak hour.

Through assessment of access options, it was determined that the best outcome would be to create direct access off Ewingsdale Road, via a new roundabout. Traffic modelling shows that this roundabout will function satisfactorily up until the year 2026 and beyond for the normal sporting activities proposed to occur at the complex. This includes night time concerts or smaller-scale community events with fewer than 1,500 people in attendance.

Noise

Rezoning Lot 3 DP 706286 to 6(a) Open Space (RE1 Public Recreation) will enable development of an indoor sports facility on the site, which may have an acoustic impact on nearby properties. A full assessment of the impact will be conducted as part of the Statement of Environmental Effects for the facility. The building will be designed to ensure that the acoustic impact is minimised.

Heritage

The site is not listed on any register of European or Indigenous heritage. Consultation with representatives of the local Aboriginal community have occurred, resulting in an endorsement of the use of the site for the BRSCC.

10. How has the planning proposal adequately addressed any social and economic effects?

The construction of an indoor sports facility at the BRSCC will contribute positively to the lives of people of all socio-economic backgrounds living in Byron Shire and the wider community. With regard to equal opportunity access, while the facility is expected to be heavily utilised by various clubs for training and competing, there will be times when the facility is available to be used by the general public. There will also be facilities available within the BRSCC that are not connected to any particular club or group, including picnic areas and playgrounds. Additionally, various spaces within the development will be available for use by either Council or other groups to hold events, some of which will be free. It is expected that this facility will be an asset to all people, regardless of their socio-economic situation.

It is expected that through this rezoning and subsequent development there will be economic benefits to the wider community. Particularly when a regional or State event is held, the Byron Regional Sport and Cultural Complex will attract more visitors to the area who are likely to then need accommodation in Byron Bay and surrounding town centres. Obvious other flow-through effects will also occur such as increased restaurant patronage and increased shopping. Additionally, sporting clubs that use the fields can probably expect to have increased membership.

Section D - State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

Council have advised that sufficient capacity exists in the local water and sewer reticulation to service Lot 3 DP 706286 and the ultimate Sport and Cultural Complex development. Council are in the process of

constructing a new sewer rising main along the eastern boundary of the land, to service the nearby Sunnybrand Chickens site and have advised that it will be possible to connect to this main. Reticulated water is also located in the area, servicing the adjoining Arts and Industry Estate.

Detailed design of these services, including appropriate connections and internal reticulation, as well as any required system upgrades, will be undertaken as part of the detailed design of development on the site.

Country Energy has advised that electricity can be provided to the site, with sufficient capacity to service all required needs. A transformer will need to be provided onsite, and should be located centrally. Again, detailed design of connections and internal reticulation has not yet been undertaken.

Communication services are available and connection and internal reticulation will be designed at a later date.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section of the planning proposal will be completed following consultation with the State and Commonwealth Public Authorities identified in the gateway determination. This section will summarise any issues raised by public authorities not already dealt with in the planning proposal, and will address issues as required.

Part 4 Community Consultation

Community consultation was undertaken as part of development the Plan of Management for Lot 3 DP 706286. In accordance with *A Guide to Preparing Local Environmental Plans* (Department of Planning, 2009) the gateway determination will specify the community consultation that must be undertaken on the planning proposal.

Conclusion and Recommendations

This proposal to rezone Lot 3 DP 706286 is a direct result of a Plan of Management prepared for the site, which recommends it be used for a regional sport and cultural complex. A Review of Environmental Factors (REF) for the majority of components of the BRSCC has been prepared and assessed by Council. It has been determined that the project can proceed without significant environmental impacts.

The proposed zoning of 6(a) Open Space better reflects the proposed use of the land. Under the current LEP, however, festival / events use would remain prohibited in the 6(a) zone, requiring the use of the Schedule 8 mechanism to allow 'place of assembly' as a permissible use on this particular site. The proposed zoning of 7k habitat for the remainder of the allotment is consistent with the ecological values in this portion of the site.

Rezoning of the site has been considered as part of Byron Shire Council's Shire-wide Local Environmental Plan. The associated Local Environmental Study (PB, 2008) provides for the Sport and Cultural Complex site to be zoned RE1 Public Recreation. This zoning will allow both recreational and festival use, subject to consent. The LES provides for the remainder of the site to be zoned E2 Environmental Conservation.

A thorough analysis of all potential impacts was conducted as part of the REF for the Byron Regional Sport and Cultural Complex. The REF recommends detailed and extensive mitigation measures, which will prevent any adverse impacts from occurring as a result of developing the land.

It is recommended that the Byron Local Environmental Plan 1988 Zoning Map be amended in accordance with the proposed zoning map included in this report. It is further recommended that Schedule 8 of the Byron LEP be amended to include 'place of assembly' as a permissible use for this land.

A handwritten signature in black ink, appearing to read 'Rob van Iersel', with a stylized, cursive script.

Rob van Iersel

Principal / Senior Planner

Summary of Ecological Assessment

Based the surveys undertaken for the BRSCC ecological assessment and previous ecological surveys, a total of three vegetation communities have been recorded. These are:

- exotic grassland (~8 ha),
- sedgeland/ fernland/ grassland (~8.4 ha); and
- *Melaleuca quinquenervia* open forest / woodland (~0.01 ha).

No threatened flora or potential habitat for threatened flora has been recorded or identified within the site. Targeted surveys were conducted for *Eleocharis tetraquetra* (Square-stemmed Spike Rush). No specimens of this species were observed. The site exhibits sub-optimal habitat (at best) for the Swamp Orchids *Phaius australis* and *P. tankervilleae*. These species were not observed during surveys and are considered unlikely to occur on the site.

No Endangered Ecological Communities (EEC) were recorded from the site during the current surveys.

Five threatened fauna species were recorded during the surveys for the BRSCC. These species are the Wallum Froglet (*Crinia tinnula*), Little Bent-winged Bat (*Miniopterus australis*), Eastern Bent-winged Bat (*Miniopterus schreibersii oceanensis*), Large-footed Myotis (*Myotis macropus*) and the Greater Broad-nosed Bat (*Scoteanax rueppellii*). Suitable foraging habitat is available within the site for the four microbats, however the site does not contain suitable roosting habitat.

Threatened species not recorded during the BRSCC surveys but recorded within the land during previous surveys include:

- Common Planigale (*Planigale maculata*), within the western portion of the land only;
- Wallum Sedge Frog (*Litoria oblongburensis*), near the border of the adjacent 24 ha effluent reuse site and within the eastern areas of the nearby STP site; and
- the Grey-headed Flying-fox (*Pteropus poliocephalus*), recorded at two locations along the northern boundary of the land.

Another three threatened species were recorded in close proximity to but outside the land, including:

- one Square-tailed Kite, which was also observed by Fitzgerald (23/9/2004) flying low over the Paperbark canopy of the western drain;
- a Koala, which was heard calling north of the land, near the western boundary of 24 ha site; and
- the Grass Owl (*Tyto capensis*), observed within the adjacent 24 ha area and STP lands.

A western to eastern decline in habitat quality for fauna is evident across the land, with limited habitat and correspondingly fewer threatened species records in the far eastern portion. It is recommended that the western portion of the land be given reservation status and management appropriate to its clear ecological importance. This western portion is classified as High Conservation Value vegetation and forms part of a wildlife corridor.

This finding also reflects previous studies, particularly the findings and mapping within the Byron Biodiversity Conservation Strategy 2004, which maps the western part of the land as having 'very high ecological value'.

The siting and design of the BRSCC within the site has been arranged with this ecological value as the primary constraint. Accordingly, the edge of the ecological mapping has formed the western boundary of the complex, such that there is no disturbance proposed within the area mapped as having high ecological value.

An impact assessment and seven-part tests of significance were undertaken for threatened fauna species known or likely to occur on the land. This assessment concluded that potential impacts resulting from the proposed BRSCC can be adequately managed and are not expected to result in a significant impact.

Mitigation / Compensation

The PoM previously developed for the wider site acknowledged the ecological / biodiversity values of the land. Like the ecological assessment, the PoM acknowledged that development of the BRSCC will result in some ecological impact. To mitigate these impacts, and to provide a level of compensation, the PoM recommends the development of a detailed *Weed Management, Regeneration and Restoration Strategy* (PoM, p.53). This BRSCC REF supports and endorses that recommendation.

The Strategy should concentrate primarily on the area outside of the BRSCC development footprint, to the west of the site. It should also, however, provide detailed provisions for the protection and management of existing vegetation in the south-east corner of the land and along the Ewingsdale Road frontage.

In effect, this Strategy will develop and document ecological compensation works that will add to the existing biodiversity values and offset the minor impacts associated with the construction of the sport and cultural complex.

The BRSCC REF recommends that the Strategy be developed and adopted prior to the commencement of construction and that implementation be scheduled to accompany construction of the complex.

The PoM also recommended appropriate buffers around BRSCC, to be categorised as 'Natural Area / Bushland'. These buffers have also been adopted for the concept design, though there will be minor encroachments into this buffer, from a small part of the cycle track. This encroachment is necessary as it not possible to accommodate all required facilities in any other way. The encroachment is clearly minor and will not affect the overall function of this buffer.

The buffer area should be planted with appropriate sedgeland / heathland species. Details planting design will be undertaken as part of the overall detailed design of the project. It is recommended that planting be established at the initial construction stage, and that it be appropriately protected / fenced during construction of the adjoining facilities.