



Your ref: PP-2021-741
Our ref: DOC24/103940-3

General Manager
Byron Shire Council
PO Box 219
MULLUMBIMBY NSW 2482

Attention: Mr Steve Daniels

Dear Mr Arnold

RE: Planning Proposal - Gulgan Road Employment Land – Pre-gateway Consultation

Thank you for your email dated 5 December 2023 about the Planning Proposal for Employment Lands at Gulgan Road seeking pre-gateway comments from the Biodiversity, Conservation and Science Group (BCS) of the Department of Climate Change, Energy, the Environment and Water. I appreciate the opportunity to provide input and apologise for the significant delay in responding.

BCS has responsibilities relating to biodiversity (including threatened species and ecological communities, or their habitats), flooding, and coastal processes and associated hazards, and provides comment on issues affecting National Parks and Wildlife Service estate.

We have reviewed the Planning Proposal, Ecological Assessment and Council Report attached to your email, as well as the updated zoning map in your email, and we provide the following comments.

Based on the updated zoning map in your email, the Planning Proposal appears to have responded well to the constraints of the planning area. It seeks to locate the proposed employment land above relevant flood levels and in areas that generally avoid high environmental value (HEV) land.

The Planning Proposal also retains the existing conservation zones in the planning area, as per the zoning map in your email, and applies new conservation zones to confirmed HEV land. These new conservation zones increase the part of the planning area zoned for conservation and improve the integrity of the HEV land by increasing its perimeter to area ratio and connectivity.

The ecological assessment involved only two days of survey in early October suggesting targeted threatened species surveys were not undertaken systematically and did not accord with relevant survey guidelines. Hence, it is possible that additional threatened species may be located by more detailed surveys in the areas proposed for employment lands. In particular, the Ecological Report states the planning area contains suitable habitat for Hairy Jointgrass (*Arthraxon hispidus*), but surveys for this species involving random meander were undertaken outside the recommended survey period for its detection. The species is only reliably detectable from November to April and random meander is not an appropriate survey method for identifying the extent of habitat occupied by the species.

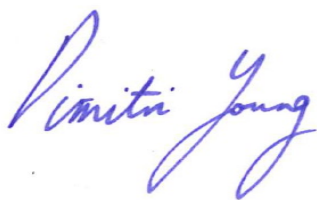
The future management of HEV land in the planning area is not set out in the Planning Proposal. BCS would expect HEV land zoned for conservation to be subject to a vegetation management plan for preparation at the development application stage. This would be secured by a planning agreement exhibited with the Planning Proposal.

BCS recommends that:

1. Further targeted surveys be undertaken in the planning area before the Planning Proposal is submitted for gateway determination, to rule out the presence of any threatened Hairy Jointgrass populations in areas proposed for employment lands, noting that any identified populations would likely comprise HEV land suitable for a conservation zone.
2. A planning agreement be prepared for exhibition with the Planning Proposal, committing the landholder to the preparation and implementation of a vegetation management plan to manage the conservation zoned land in the planning area, with the plan to be lodged with the first development application for employment land uses in the planning area.

If you have any further questions about this issue, please contact Mr Don Owner, Senior Conservation Planning Officer North East, Biodiversity, Conservation and Science Group, on 6659 8239 or at don.owner@environment.nsw.gov.au.

Yours sincerely



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

9 February 2024