

General Manager  
Richmond Valley Council  
Locked Bag 10  
CASINO NSW 2470

Attention: Mr Tony McAteer

Dear Mr McDonald

**RE: Rileys Hill Planning Proposal, Lot 100 DP1201719**

Thank you for your e-mail dated 6 June 2022 about the proposed Rileys Hill Planning Proposal at Lot 100 DP1201719 seeking comments from the Biodiversity and Conservation Division (BCD) of the Biodiversity, Conservation and Science Directorate in the Environment and Heritage Group of the Department of Planning and Environment. I appreciate the opportunity to provide input.

The BCD has reviewed the additional information provided, including the Supplementary Ecological Assessment and the Advice on Koala Impacts prepared by Blackwood Ecological Services, and the letter from Ardill Payne and Partners.

We note that, as we requested, a targeted survey for Hairy Joint Grass (*Arthraxon hispidus*) has been conducted over the site generally in accordance with the Department's *Surveying threatened plants and their habitats* (2020). Hairy Joint Grass was not detected on site.

A targeted survey for Scrub Turpentine (*Rhodamnia rubescens*) has also been conducted on the site, as we requested, generally in accordance with the Department's *Surveying threatened plants and their habitats* (2020). Scrub Turpentine was not detected on site despite it being recorded by the same consultant in the Ecological Assessment dated October 2020. Blackwood Ecological Services has advised this was an error as the species had been observed on the adjoining property in 2020 and inadvertently entered into the species list for the planning area.

In addition, a Wallum froglet habitat survey has been conducted over the site as we requested. Wallum Froglet was recorded on site and a habitat map has been provided in Figure 2 of the *Supplementary Ecological Assessment* (Blackwood Ecological Services, May 2022). It is unclear if the species polygon has been created in accordance with the Department's *NSW Survey Guideline for Threatened Frogs* (2020), which requires the species polygon boundary to align with aquatic habitats linked directly to the species records and a buffer, incorporating the Plant Community Types (PCTs) with which the species is associated, of 50 metres radius from the top of bank.

The areas of mapped Wallum Froglet habitat would comprise confirmed areas of High Environmental Value (HEV) Land. To accord with the North Coast Regional Plan, planning proposals should be designed to avoid land use intensification in areas of HEV and to apply appropriate planning mechanisms such as Conservation Zones to protect HEV land.

The BCD would support the extent of the proposed C2 zone if it were extended to capture any additional area of mapped Wallum Froglet habitat.

The BCD re-iterates the importance of an appropriate zone between the land proposed to be zoned C2 and RU5. We consider the retention of RU1 zoned land as a buffer between the C2 and RU5 land is inappropriate.

Ardill Payne and Partners have applied the E zone Recommendation Report criteria to argue the C3 zone is not warranted, however this is incorrect and irrelevant as the E zone report and its enabling Ministerial Direction do not apply to the Richmond Valley local government area.

The BCD continues to support applying the C3- Environmental Management, RE1-Public Recreation or RE2- Private Recreation (depending on proposed ownership) to the proposed RU1 land as this would result in more appropriate use of this land whilst allowing for better protection of the the C2 zoned land.

We also re-iterate that the C2 and retained RU1 (or C3/RE1/RE2) land should form a single residue lot attached to either Lot 1 or Lot 2, with no dwelling entitlement on the residue RU1 land, as this could result in further vegetation clearing for bushfire asset protection zones and create land-use conflict with HEV land. Two hollow-bearing trees that could provide habitat for threatened hollow-dependent fauna species lie outside the proposed C2 zone and could be impacted by the establishment of a dwelling on this part of the land.

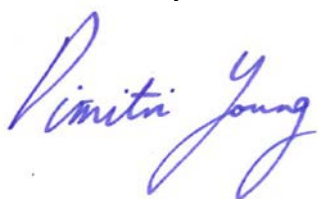
The BCD notes our recommendation to develop a Biodiversity Management Plan (BMP) is accepted and we request this includes retention of all Koala feed trees, and a suitable edge treatment to protect Wallum Froglet habitat including fencing and buffer planting with native species. The council should secure a commitment as part of the Planning Proposal for preparing and implementing the BMP.

In summary, the BCD recommends that prior to finalising the Planning Proposal:

1. The proposed C2 zone should be extended to capture any additional areas of mapped Wallum Froglet habitat.
2. The C3- Environmental Management or RE1-Public Recreation or RE2- Private Recreation zones (depending on proposed ownership) should be applied to the proposed RU1 land.
3. The C2 and retained RU1 (or C3/RE1/RE2) land should have a minimum lot size that precludes subdivision and precludes a dwelling entitlement, so that the land would form a single residue lot attached to either proposed Lot 1, Lot 2 or Lot 35 at the subdivision stage.
4. If recommendation 3 above is not adopted, then the proposed C2 zone should be extended to include the two hollow-bearing trees identified in the south east on Figure 2 of the Ecological Assessment prepared by Blackwood Ecological Services and dated October 2020.
5. The council should implement a mechanism to secure the commitment for preparing and implementing the BMP for the C2 zoned land and other areas of biodiversity value outside the C2 zone, as part of the Planning Proposal.

If you have any questions about this advice, please do not hesitate to contact Ms Vanessa Owen, Senior Project Officer, at [vanessa.owen@environment.nsw.gov.au](mailto:vanessa.owen@environment.nsw.gov.au) or 4927 3116.

Yours sincerely



29 June 2022

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