

6 August 2010

Panel Secretariat
JRPP Northern Region
Level 13, 301 George Street
Sydney 2000 NSW

Attention: Ms Emily Dickson

Dear Madam

Subject: RSL LifeCare – Bayside @ Byron DA 10.2009.433.1

We write in reference to the JRPP meeting held on 1st July 2010 where our Development Application was discussed at length. In those deliberations JRPP panel members discussed various aspects of the application, in particular the minor flooding impacts and the ability or otherwise of the JRPP to rule in contravention of the Byron Council LEP. The matter was deferred pending legal advice.

I understand Byron Council has obtained legal advice which has not been made available to RSL LifeCare. RSL LifeCare has obtained legal advice of its own and that advice is attached for consideration by the JRPP members. In summary it advises;

"Accordingly, it is our view that it is open to the JRPP to apply the di minimis principle to the interpretation of clause 24(3)(a)(ii) of the Byron LEP and grant development consent"

The matter of sensitivity of the flood model to the parameters used in calculating flood impact was also discussed at some length. We have engaged our flood consultant GHD to undertake various models with variations in the parameters to assess the sensitivity. The report is also attached for review. It is our contention that the variance in the parameters is of the same order of the impact of the flooding on the adjacent affected lot.

Changes in the roughness parameter of 10% in the base case (i.e. prior to development) produce flood increases or decreases of the same order as the impact of the development. The flood level changes 11 – 16mm compared to the calculated level of 15mm caused by the development.

Changes in the parameter for culvert blockage in the base case causes flood increase of 11mm. We contend that after development the potential for culvert blockage will be greatly diminished if not eliminated due to the maintenance of the village.

We conclude again with Council's position that is one of generally strong support for the development:

"the proposed development would serve an evident public interest" and further "apart from the matter of flood impacts, the proposed development is generally supported".

We respectfully request the JRPP to approve the development based on the overwhelming compliance with all aspects of Council's planning instruments and for the public good.

Yours sincerely
TSA Management



Mark Owens
Manager – Property Development and Project Management