



9 December 2021

Planit Consulting

Email: josh@planitconsulting.com.au

Dear

REQUEST FOR FURTHER INFORMATION

DA No.	10.2021.698.1
Proposal:	Reflections Clarkes Beach Holiday Park Coastal Protection Works
Owner:	NSW Crown Holidays Parks Land Manager, trading as Reflections Holiday Parks
Property Address	1 Lighthouse Road, Byron Bay

I refer to the above application which was registered on 4 November 2021.

An 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 21 days of the date of this letter:

1. Please clarify why the application states that it is for a five year period but removal of the geobag structure at the end of five years is not proposed. Is this an application for the geobag structure to remain permanently in place or for an unspecified period?
2. SEPP (Coastal Management) 2018 in its General Provisions specifies that any development is not to increase the risk of coastal hazards as follows:

“15 Development in coastal zone generally—development not to increase risk of coastal hazards

Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.”

Given that there is a likelihood that the geobags will be exposed to wave action in the next five years and the engineering reports indicate that this will create an “end effect” and cause sand to be lost from the beach. Please explain how the application is consistent with clause 15 of the SEPP.
3. Please clarify how it was concluded that no BAM or BDAR is triggered with this application given that works are proposed on land mapped on the NSW Biodiversity Values Map.
4. It is noted that the application is designated development because the geobag structure is partly within a littoral rainforest mapped under SEPP Coastal Management. That part of the structure not in the mapped littoral rainforest is in proximity to it. Please supply a detailed assessment of the impacts of the development with specific reference to clause 10 (4)

“A consent authority must not grant consent for development referred to in subclause (1) unless the consent authority is satisfied that sufficient measures have been, or will be, taken



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to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the coastal wetland or littoral rainforest.”

And clause 11(1)

“Development consent must not be granted to development on land identified as “proximity area for coastal wetlands” or “proximity area for littoral rainforest” on the Coastal Wetlands and Littoral Rainforests Area Map unless the consent authority is satisfied that the proposed development will not significantly impact on—

(a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or

(b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.”

5. Given this application is to maintain the geobag structure (etc) and there are multiple middens on the subject land in close proximity, can you confirm if you are seeking an AHIP from Heritage NSW and if you intend to salvage any midden material that is exposed. It is noted that the ACHAR supplied with the DA recommended an AHIP be obtained.

In accordance with the provisions of Clause 54 & 109 of the Environmental Planning and Assessment Act Regulation 2000, the time 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 Clause 113 of the Regulation or Division 8.2 of the Environmental Planning and Assessment Act 1979.

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 discovered 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).

Yours sincerely



Chris Larkin
Manager Sustainable Environment and Economy
Sustainable Environment and Economy