

# ECOLOGICAL REFERRAL DEVELOPMENT APPLICATION ASSESSMENT

Document no.# A2021/21487

## APPLICATION DETAILS

<b>DA number</b>	<b>10.2017.201.2</b>
<b>Proposal</b>	S4.55 to Modify Staging, Timeframes and Consequential Amendments
<b>Property title</b>	LOT: 2 DP: 542178, LOT: 1 DP: 542178, LOT: 227 DP: 755695, LOT: 7020 DP: 1113431, LOT: 9 DP: 111821, LOT: 229 DP: 755695, LOT: 1 DP: 1166535, LOT: 5 DP: 1222674, LOT: 6 DP: 1222674, LOT: 3 DP: 551947
<b>Property Description</b>	394 Ewingsdale Road BYRON BAY, 342 Ewingsdale Road BYRON BAY, Ewingsdale Road EWINGSDALE, 22B Melaleuca Drive BYRON BAY, 22A Melaleuca Drive BYRON BAY, 310 Ewingsdale Road BYRON BAY
<b>Parcel Number(s)</b>	151400, 270451, 114330, 270450, 114320, 241870, 238016, 114350, 270452, 241616, 268571, 268572, 21670
<b>Applicant</b>	Villa World Byron Pty Ltd
<b>Owner</b>	Telicove Pty Ltd
<b>Zoning</b>	Zone No. DM Deferred Matter
<b>Planning Officer</b>	Mr I C Holland
<b>Ecologist</b>	Gene Mason

Gene Mason



5/10/2021

Referral Officer Name

Signature

Date

**PLEASE RETURN TO: Planning Team**

## ECOLOGICAL ASSESSMENT

### 1. Description of the site

The site is legally described as LOT: 2 DP: 542178, LOT: 1 DP: 542178, LOT: 227 DP: 755695, LOT: 7020 DP: 1113431, LOT: 9 DP: 111821, LOT: 229 DP: 755695, LOT: 1 DP: 1166535, LOT: 5 DP: 1222674, LOT: 6 DP: 1222674, LOT: 3 DP: 551947, 394 Ewingsdale Road BYRON BAY, 342 Ewingsdale Road BYRON BAY, Ewingsdale Road EWINGSDALE, 22B Melaleuca Drive BYRON BAY, 22A Melaleuca Drive BYRON BAY, 310 Ewingsdale Road BYRON BAY

### 2. Description of the proposed development

#### Approved staging plan and proposed modification

The approved staging plan for the development involves carrying out the development over 7 stages. At the conclusion of each stage, construction must pause for 12 months, during which time monitoring of various environmental parameters is carried out. The future amended Management Plans will include thresholds, limits and triggers for contingency actions. It is understood that staging and pausing the development in this way was intended to be a precautionary approach, allowing for the detection of any adverse environmental impacts and to respond accordingly. Focus was given to biodiversity in the locality that is sensitive to changes in hydrology and water chemistry. Two threatened acid frog species are known from the locality, *Litoria olongburensis* and *Crinia tinnula*. Both are sensitive to changes in pH, hydrology and hydroperiod and are dependent on vegetation communities associated with groundwater dependent ecosystems.

### 3. Proposed Development Impact

#### Ecological advice provided with application

The application included a letter containing ecological advice. In summary, the advice stated:

- There will be no changes to:
  - AFSMP- Acid Frog Management Plan
  - BCMP - Biodiversity Conservation Management Plan
  - KPOM - Koala Plan of Management
  - VMP - Vegetation Management Plan
  - TSMP - Threatened Species Management Plan
- The reduction of time between stages will not affect the ability of the above MPs to detect non-compliance with performance thresholds and respond accordingly.
- The Stage 1 construction period + 3 months will be a sufficient initial period to compare to baseline data and performance thresholds.
- Additional Song Meter (x 2) monitoring during the baseline survey is proposed as an additional precautionary measure.

#### Assessment of proposed modification of consent

It is considered that there is insufficient reasoning to modify the approved staging plan and monitoring timeframes. It is assumed that the decision regarding the staging plan and monitoring program was made in the interest of precaution – to enable the detection of adverse impacts and to respond to these impacts accordingly. The proposed addition of two passive acoustic recorders to the Acid Frog Management Plan baseline survey is an improvement to the existing approval. However, this improvement is greatly outweighed by the substantially reduced timeline of the monitoring program itself. Furthermore, it is understood that Condition 13 of the existing consent requires the Construction Environmental Management Plan to be updated to include additional parameters and impact thresholds associated with acid frogs and additional biodiversity within the site. Therefore, installation of passive acoustic recorders is already likely to become a component of the updated monitoring program.

Essentially, in an ecological context the main justification to reduce the timeframes is that it might not cause any additional biodiversity impacts. There is no argument that the proposed modification will improve the ecological outcomes of the development. There is a risk that the larger, higher impact individual development stages may cause additional biodiversity impacts. It is certain that the reduced

monitoring periods would offer less opportunity to respond to and rectify these impacts should they occur.

Therefore, it is considered that there is insufficient ecological basis to reduce the timeframes and consolidate the development into 3 much larger stages.

#### 4. Conclusion

It is considered that the development cannot be supported for the following reasons:

1. There is insufficient ecological basis to consolidate the development into three (3) larger stages or to reduce the monitoring timeframes. The proposed modification of consent may result in additional biodiversity impacts and would diminish the ability of the monitoring program to respond to and rectify such impacts.

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#### **RECOMMENDATION:**

Additional Information Required                       Supported                       Not Supported

The development as proposed cannot be supported for the reasons stated above.