

**From:** Stephen O'Connor <[soconnor@slrconsulting.com](mailto:soconnor@slrconsulting.com)>

**Sent:** Friday, 22 September 2023 3:45 PM

**To:** Caras, Alex <[acaras@byron.nsw.gov.au](mailto:acaras@byron.nsw.gov.au)>; 'Bill Sarkis' <[bsarkis@winten.com.au](mailto:bsarkis@winten.com.au)>

**Subject:** RE: Broken Head Road Planning Proposal - pre-lodgement consultation - BCD response progress

Hi Alex,

Further to Bill's email below advising that he had engaged a consultant ecologist to assist in responding to the correspondence Council received from BCD in relation to the Broken Head Quarry Planning Proposal, I wanted to provide you with an update on the status of these investigation and the corresponding likely timeframes.

As you are aware the North Coast Regional Plan (NCRP) has necessarily been prepared at a regional scale and without the benefit of site-specific ecological data. Therefore, the decision was made to commission detailed ecological investigations of the Broken Head Quarry site so that a deeper understanding could be achieved regarding any of the biodiversity values that the site may contain.

This will include a detailed assessment of vegetation integrity (condition) which will be achieved using the approach adopted in the NSW Biodiversity Assessment Method (BAM). The BAM determines the integrity of native vegetation (a score out of 100). A Biodiversity Development Assessment Report (BDAR) will be prepared by an accredited assessor that identifies the measures proposed to be utilised to avoid, minimise and offset the residual impacts of the proposed development.

This work is being undertaken by Adam McArthur who is a Director at JWA Pty Ltd as Adam is an accredited assessor to apply the Biodiversity Assessment Methodology (BAM) in accordance with the requirements of the NSW Biodiversity Conservation Regulation 2017 (Certification No.: BAAS18069).

Section 6.12 of the Biodiversity Conservation Act 2016 (BC Act) requires that a BDAR:

- "assesses in accordance with the biodiversity assessment method the biodiversity values of the land"; and
- "sets out the measures that the proponent of the proposed development ... proposes to take to avoid or minimise the impact of the proposed development".

The Act clearly provides for a 'mitigation hierarchy', commencing with avoidance. Similarly, the BAM (2020) expresses the expectation that avoidance must be demonstrated before minimisation or mitigation of impacts. Examples of avoidance and minimising impacts are provided in Section 7.1.2 of the BAM and include locating the development:

- in areas that have no biodiversity values; and/or
- in areas where the native vegetation or threatened species habitat is in the poorest condition (i.e. areas with the lowest vegetation integrity scores).

Targeted threatened species surveys will be undertaken on site during October to December as the vast majority of threatened species that are known to exist in the region will be able to be recorded during these warmer months.

We are aiming to have a final report to provide to Council early in the New Year. The timing will be finalised once we know the results of the field surveys as there may be a need to undertake further survey work depending on outcomes of the survey work.

Thanks for your acknowledgement that you are comfortable to await the response that has been commissioned to the BCD correspondence in your email below.

Should you have any questions please do not hesitate to contact Bill or myself.

Regards

## Stephen O'Connor

Technical Director - Planning

**D** [+61 2 4037 3253](tel:+61240373253)    **O** [+61 2 4037 3200](tel:+61240373200)  
**M** [+61 407 450 724](tel:+61407450724)    **E** [soconnor@slrconsulting.com](mailto:soconnor@slrconsulting.com)

SLR Consulting Australia Pty Ltd  
10 Kings Road, New Lambton NSW Australia 2305



Follow us  
on LinkedIn

---

*SLR acknowledges the traditional custodians of Country and recognises their continuing stewardship and connection to land, water and community. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past and present.*

---

This e-mail is intended only for the addressee. Its use is limited to that intended by the author at the time and it is not to be distributed without the author's permission. Unless otherwise stated, SLR accepts no liability for the contents of this e-mail except where subsequently confirmed in writing. The opinions expressed are those of the author and do not necessarily represent the views of SLR. This e-mail may be subject to a claim of legal privilege.

If you have received this e-mail in error, please notify the author and delete this message immediately.

**From:** Caras, Alex <[acaras@byron.nsw.gov.au](mailto:acaras@byron.nsw.gov.au)>  
**Sent:** Tuesday, September 12, 2023 5:04 PM  
**To:** 'Bill Sarkis' <[bsarkis@winten.com.au](mailto:bsarkis@winten.com.au)>  
**Cc:** Stephen O'Connor <[soconnor@slrconsulting.com](mailto:soconnor@slrconsulting.com)>  
**Subject:** RE: RE: Broken Head Road Planning Proposal - pre-lodgement consultation - BCD response progress

Hi Bill, thanks for confirming your intention to continue with the planning process. I'll await your response to the BCD submission in due course.

Regards,  
Alex

**Alex Caras | Land Use Planning Coordinator | BYRON SHIRE COUNCIL**

P: [+61 2 6626 7097](tel:+61266267097) | E: [acaras@byron.nsw.gov.au](mailto:acaras@byron.nsw.gov.au)

Bundjalung Country, PO Box 219, Mullumbimby NSW 2482 | [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)

Find us on Facebook [www.facebook.com/byronshire.council](https://www.facebook.com/byronshire.council)

Byron Shire Council acknowledges the Traditional Owners of this land, the Arakwal people, the Minjungbal people and the Widjabul people of the Bundjalung Nation, and pays our respects to Elders past and present.

Emails from Byron Shire Council may contain confidential and/or privileged information. Please consider the context in which this email has been sent to you, the email's content, and whether it can be disclosed to a third party.

**From:** Bill Sarkis <[bsarkis@winten.com.au](mailto:bsarkis@winten.com.au)>

**Sent:** Tuesday, 12 September 2023 4:23 PM

**To:** Caras, Alex <[acaras@byron.nsw.gov.au](mailto:acaras@byron.nsw.gov.au)>; Stephen O'Connor <[soconnor@slrconsulting.com](mailto:soconnor@slrconsulting.com)>

**Subject:** RE: Broken Head Road Planning Proposal - pre-lodgement consultation - BCD response progress

Hi Alex,

Thanks for bringing this to our attention and I apologise for not responding sooner.

This is to confirm that that we still intend to continue with the planning process, and we have engaged an Ecologist to review and provide us with a response to the BCD submission.

Upon completion we will then respond accordingly.

Thanks for following this up.

Regards

**Bill Sarkis | Winten Property Group**



T: 02 9929 5000 | [www.winten.com.au](http://www.winten.com.au)

Level 20, 100 Arthur Street | North Sydney NSW 2060

PO Box 55 | Cammeray NSW 2062

**Disclaimer**

This email and any attachment is intended solely for the use of the person(s) named above and may contain information that is confidential, legally privileged or subject to copyright. If you are not the intended recipient, or responsible for delivering this message to the intended recipient, any review, dissemination, distribution or duplication is prohibited. If you are not the intended recipient, please contact the sender immediately by email and destroy all copies of the message. Views expressed are those of the individual sender unless the sender specifically states them to be the views of Winten Property Group.

**From:** Caras, Alex <[acaras@byron.nsw.gov.au](mailto:acaras@byron.nsw.gov.au)>

**Sent:** Tuesday, September 12, 2023 4:11 PM

**To:** Stephen O'Connor <[soconnor@slrconsulting.com](mailto:soconnor@slrconsulting.com)>; Bill Sarkis <[bsarkis@winten.com.au](mailto:bsarkis@winten.com.au)>

**Subject:** RE: Broken Head Road Planning Proposal - pre-lodgement consultation - BCD response progress

Hi Stephen / Bill,

Just following up on my previous email below and whether you've had a chance to consider issues raised in the attached BCD response. Your early advice about whether or not you intend to proceed to the next stage of the planning proposal process is appreciated.

Thanks,  
Alex

**Alex Caras | Land Use Planning Coordinator | BYRON SHIRE COUNCIL**

P: [+61 2 6626 7097](tel:+61266267097) | E: [acaras@byron.nsw.gov.au](mailto:acaras@byron.nsw.gov.au)

Bundjalung Country, PO Box 219, Mullumbimby NSW 2482 | [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)

Find us on Facebook [www.facebook.com/byronshire.council](https://www.facebook.com/byronshire.council)

Byron Shire Council acknowledges the Traditional Owners of this land, the Arakwal people, the Minjungbal people and the Widjabul people of the Bundjalung Nation, and pays our respects to Elders past and present.

Emails from Byron Shire Council may contain confidential and/or privileged information. Please consider the context in which this email has been sent to you, the email's content, and whether it can be disclosed to a third party.

**From:** Caras, Alex <[acaras@byron.nsw.gov.au](mailto:acaras@byron.nsw.gov.au)>

**Sent:** Tuesday, 15 August 2023 3:36 PM

**To:** Stephen O'Connor <[soconnor@slrconsulting.com](mailto:soconnor@slrconsulting.com)>; [bsarkis@winten.com.au](mailto:bsarkis@winten.com.au)

**Subject:** CM: RE: Broken Head Road Planning Proposal - pre-lodgement consultation - BCD response progress

Hi Stephen / Bill,

Please see attached response from BCD.

Once you have had chance to consider the issues raised, maybe we can have a phone hook-up to discuss next steps going forward.

Kind regards,  
Alex

**Alex Caras | Land Use Planning Coordinator | BYRON SHIRE COUNCIL**

P: [+61 2 6626 7097](tel:+61266267097) | E: [acaras@byron.nsw.gov.au](mailto:acaras@byron.nsw.gov.au)

Bundjalung Country, PO Box 219, Mullumbimby NSW 2482 | [www.byron.nsw.gov.au](http://www.byron.nsw.gov.au)

Find us on Facebook [www.facebook.com/byronshire.council](https://www.facebook.com/byronshire.council)

Byron Shire Council acknowledges the Traditional Owners of this land, the Arakwal people, the Minjungbal people and the Widjabul people of the Bundjalung Nation, and pays our respects to Elders past and present.

Emails from Byron Shire Council may contain confidential and/or privileged information. Please consider the context in which this email has been sent to you, the email's content, and whether it can be disclosed to a third party.

**From:** Don Owner <[Don.Owner@environment.nsw.gov.au](mailto:Don.Owner@environment.nsw.gov.au)>

**Sent:** Monday, 14 August 2023 1:30 PM

**To:** Stephen O'Connor <[soconnor@slrconsulting.com](mailto:soconnor@slrconsulting.com)>; Caras, Alex <[acaras@byron.nsw.gov.au](mailto:acaras@byron.nsw.gov.au)>

**Cc:** Dimitri Young <[Dimitri.Young@environment.nsw.gov.au](mailto:Dimitri.Young@environment.nsw.gov.au)>

**Subject:** Broken Head Road Planning Proposal - pre-lodgement consultation - BCD response progress

Hi Stephen and Alex,

This is a quick update on BCD's response for the Broken Head Road Planning Proposal. Our draft response has been completed and has been submitted for final review by our team leader. Unfortunately, our team leader has called in sick today. However, the review process is usually fairly quick. So, the response should be finalised and submitted to council as soon as our team leader is back from sick leave. I apologise for the delay.

Regards,

**Don Owner**

Senior Conservation Planning Officer, North East Branch  
Biodiversity and Conservation Division  
**Department of Planning and Environment**

T (02) 6659 8239 E [don.owner@environment.nsw.gov.au](mailto:don.owner@environment.nsw.gov.au)

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Locked Bag 914  
(Level 8, 24 Moonee St)  
Coffs Harbour NSW 2450

**Working days** Monday to Friday



---

Department of Planning and Environment



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

-----  
-----  
This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL