



**Development Application  
Statement of Environmental Effects**

**Eco Tourism Mixed Use  
951 Broken Head Road,  
Broken Head**



## COMPLIANCE AND USAGE STATEMENT

This Statement of Environmental Effects has been prepared and submitted under Part 4 of the *Environmental Planning and Assessment Act 1979* by:

### Preparation

Name: Steve Connelly  
Company: PLANNERS NORTH  
Address: 6 Porter Street, Byron Bay, NSW, 2478  
Postal Address: P.O. Box 538, Lennox Head NSW 2478

### Application

Proponent: Linnaeus Property Trust (ACN 20 781 056 919)  
Address: C/ - PLANNERS NORTH  
P.O. Box 538, Lennox Head NSW 2478  
Land to be developed: Part Lot 1 DP 1031848, Broken Head  
Proposed development: Mixed use – eco tourism and continued private education use  
Environmental Assessment: Statement of Environmental Effects

### Certificate

I certify that I have prepared the content of this Statement of Environmental Effects and to the best of my knowledge:

- this Statement contains all available information that is relevant to the environmental assessment of the development to which the statement relates, and
- the information contained in the Statement is neither false nor misleading.

### Notice

We begin this report by acknowledging and paying our respects to the Bundjalung people, the Traditional Custodians of the land on which we are planning. We pay our respects to their Elders, past, present and emerging.

The plans to this document were prepared for the exclusive use of the proponent and are not to be used for any other purpose or by any other person or corporation. PLANNERS NORTH accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this document for purposes other than the proposed development.

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PLANNERS NORTH declares that it does not have, nor expects to have, a beneficial interest in the subject project. Nor does it have any reportable political donations within the meaning of Section 10.4 of the Act to declare.

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### Stephen Connelly RPIA (Fellow)

PARTNERSHIP PRINCIPAL



ABN 56 291 496 553  
6 Porter Street,  
Byron Bay NSW 2481  
T: 1300 66 00 87



Ref: 1548.3214

Date: February 2021

LINNAEUS PROPERTY • ECO TOURISM MIXED USE  
STATEMENT OF ENVIRONMENTAL EFFECTS  
EXECUTIVE SUMMARY

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*"Without great solitude no serious work is possible."* - Pablo Picasso

Consent is sought to for a Mixed Use Development of the Linnaeus property permitting construction of facilities for Eco Tourism purposes, continuing the use of existing premises for Private Education and allowing some existing facilities to also be used for eco-tourism.

The private education residences and the private education accommodation located within the 7(f1) zone and unbuilt accommodation unit #18 will continue with a private educational use. Approved, but not built private education accommodation will not be constructed at this time. Approval is sought to also utilise the remaining existing built private education accommodation units and the existing built centre accommodation units for Eco Tourism purposes. Further, 1 new rainforest retreat (Type C building); 4 new tree house cabins (Type B buildings); and 22 new beach cabins (Type A buildings) are proposed to be constructed and used for Eco Tourism accommodation.

In support of the Eco Tourism accommodation, consent is sought to erect 2 fire refuge buildings and in the south of the site construct a depot / parking precinct. Ancillary to the Mixed Use generally, buildings proposed include poolside facilities, a shed in the vegetable growing area and minor alterations to the existing centre.

The application provides for no new development whatsoever within the erosion zone or Coastal Management SEPP mapped areas.

The proposal by Linnaeus Property Trust to undertake low scale, low intensity ecotourism use at the subject site is a product of many factors. Those factors include:

- the land use flexibility provided by the SP1 zoning at the site;
- policies of all levels of government to promote the orderly development and use of land which can be demonstrated to be suitable for tourism uses including:
  - North Coast 2036 Regional Plan;
  - Council's Biodiversity Conservation Strategy;
  - Council's Cultural Policy;
  - Council's Community Strategic Plan; and
- the recently published Byron Shire Rural Land Use Strategy;
- the strong demand for tourism product that is special and unique to Byron Shire – a product which displays the very best tourism offering integrating with the environment, ecology, health and wellness; and
- the scenic, ecological and cultural site planning opportunities presented by the Linnaeus Estate for ecotourism.



*Hand rendering sketch of the north eastern "Precinct A" area.*

The proposed development application is permissible under the BLEP14 and is consistent with relevant State Environmental Planning Policies and Council's Control Plan policies.

In our opinion, the development can be seen to satisfy a legitimate need and the project is capable of construction and use in a manner which mitigates potential adverse impacts consistent with the zone objectives detailed in Council's LEP. We submit its approval would be in the public interest.

# LINNAEUS PROPERTY • ECO TOURISM MIXED USE

## STATEMENT OF ENVIRONMENTAL EFFECTS

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# LINNAEUS PROPERTY • ECO TOURISM MIXED USE

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### **TECHNICAL REPORTS BUNDLE**

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- A Architect Statement
- B Bushfire Assessment
- C BCA Assessment
- D Acoustic Assessment
- E Mobility Assessment
- F Sustainability Management Plan
- G Civil Engineering Report
- H Traffic Assessment
- I Archaeological Assessment
- J Contamination Assessment
- K Ecological Assessment
- L BASIX Certification
- M Quantity Surveyor's Estimation
- N Operational Waste Management Plan
- O Construction Waste Management Plan
- P Consultation Report
- Q Water and Waste Water Assessment
- R Treatment Plant Augmentation Assessment

### **PLAN SET**

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- 1 Architectural drawings
- 2 Civil engineering drawings
- 3 Landscape Architectural drawings

## 1. INTRODUCTION

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*This section of the report identifies the nature of client instructions, relevant background information and the structure of the report.*

### 1.1 BACKGROUND

PLANNERS NORTH has been engaged by The Linnaeus Property Trust (Linnaeus Property) to provide Town Planning advice with respect to the preparation of a Statement of Environmental Effects (SEE)<sup>1</sup> to accompany the lodgement of a Development Application with Byron Shire Council in regard to land on the eastern side of Broken Head Road, known as "Linnaeus Estate"<sup>2</sup> and described as part Lot 1 DP 1031848. The land is owned by BHCF Pty Ltd.

**Plan 1.1** illustrates a site locality plan identifying the subject land.

### 1.2 THE VISION

The vision for the proposed eco-tourism project is to *"inspire a lasting connection to nature, community, and the self while protecting this land"*.

### 1.3 STRUCTURE OF THIS SEE AND ITS SCOPE

Section 2 of this SEE describes the physical characteristics of the subject land and its planning context. Section 3 describes in detail the development proposal. Having regard to the provisions of Section 4.15 of the EPAA, Section 4 sets out an examination of the statutory and policy planning status relating to the land, with particular regard to the development proposal described in Section 3. Section 5 looks at the environmental interactions of the proposal, particularly as

specified by Section 4.15(1)(b) and (c) of the EPAA. The final section of the SEE looks at possible general review of the project and summation as to the appropriateness of the project considering the planning controls applying to the land, as well as the matters set out for consideration in Section 4.15(1)(e).



*Drone photographic view from the ocean looking westward at the northern part of the Linnaeus site.*

This SEE should be read in conjunction with the **Plan Set** and **Bundle of Technical Reports** prepared for the purposes of this application.

The landowner authority authorising lodgement of the subject application is contained in **Appendix A** to this SEE.

A concise summary of responses from Government Departments in relation to application preparation enquiries is published at **Appendix B**.

Pending land use applications and recent approvals in the locality of the subject site are listed in **Appendix C**.

<sup>1</sup> The Scheme exposed for public comment in pre-lodgement consultation included eco-tourism cabins located in a mapped coastal erosion area and which is also mapped pursuant to State Environmental Planning Policy (Coastal Management) (CM SEPP). The erection of cabins within the CM SEPP mapped area triggered the "Designated Development provisions" of the Environmental Planning and Assessment Act 1979. As a consequence of Community Consultation, the proponent decided to remove the cabins proposed within the coastal erosion and mapped CM SEPP area and accordingly the proposal is now no longer a Designated Development.

<sup>2</sup> Carolus Linnaeus (1707-1778) was a Swedish scientist who laid the foundations for the modern scheme of taxonomy. His *Systema Naturae* replaced the unwieldy planted descriptions previously used with a concise and now familiar genus-species name approach.

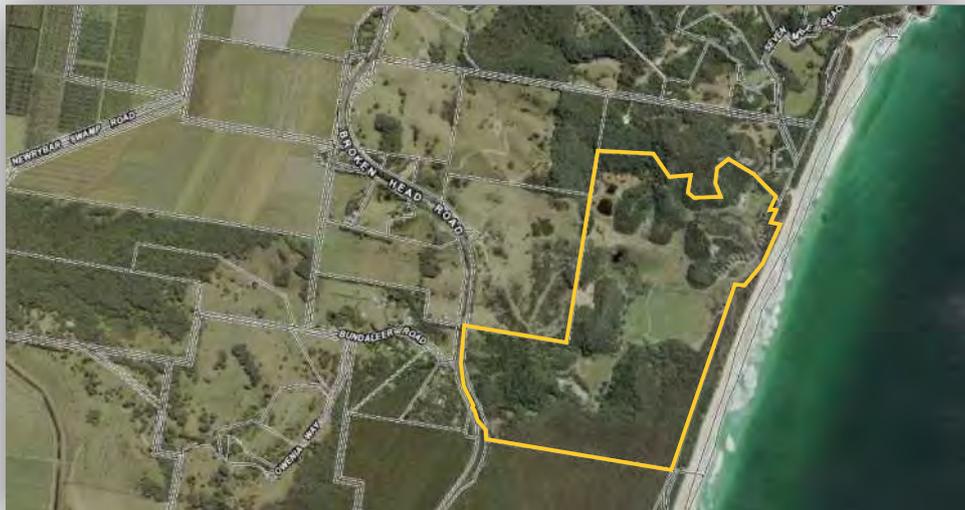
LINNAEUS ECO TOURISM  
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0 3km  
1 : 125 000 @ A4

North Coast Map

 Subject site



SIX Aerial View

 Subject site

Source: North Coast Map

North  
0 1km  
1 : 40 000 @ A4

**Plan 1.1**  
**SITE**  
**LOCALITY**  
**PLAN**

#### 1.4 CONSULTATION

For the purposes of this proposal, the following people and organisations have been consulted:

- Byron Shire Council;
- JALI Local Aboriginal Land Council;
- Fisheries;
- DPI Cape Byron Marine Reserve;
- National Resource Access Regulator;
- DPIE (Biodiversity and Conservation);
- Roads and Maritime Services;
- NSW Water;
- Ballina Shire Council;
- neighbours in the Broken Head locality; and
- the Byron Shire community generally.



Photograph of wetlands at the subject site.

The consultation techniques utilised for this project included:

- Letters to Government Departments;
- Liaison with neighbours in the vicinity;
- The exhibition of a Pre-DA lodgement consultation notice on the site and a public notice in the local newspapers;
- Publication of a Pre-DA lodgement consultation website; and
- The conducting of Pre-DA lodgement consultation seminars and public meeting.

**Volume P** of the **Technical Reports Bundle** contains a copy of the Consultation Report, which describes in more detail the pre – Development Application lodgement

community consultation completed for this project.

#### 1.5 SPECIALIST TECHNICAL ADVICE

Specialist advice was obtained from:

- **HGA Architects** (*in relation to eco-tourism architectural design*);
- **Bushfire Certifiers** (*concerning bushfire management*);
- **East Coast Certification Group** (*in relation to the Building Code of Australia considerations*);
- **Greg Alderson & Associates** (*in relation to eco-tourism acoustic assessment*);
- **Kennedy's Surveyors** (*in relation to site survey work*);
- **DDA Consult** (*concerning considerations relevant to disabled persons*);
- **Hip v Hype** (*in relation to ESD considerations*);
- **Australian Wetlands Consulting** (*with respect to augmentation of the existing Wastewater Treatment Plant*);
- **GeoLINK** (*with respect to Civil Engineering, Water Supply and Wastewater, Traffic, and Ecology*);
- **Plummer & Smith** (*for Landscape Architecture and advice*);
- **Hotel Management Partners** (*in relation to Hotel Infrastructure and management*);
- **Everick** (*concerning Aboriginal Archaeology*);
- **ENV Solutions** (*in relation to Contamination Assessment*);
- **Mitchell Brandtman Quantity Surveyor** (*for the calculation of the estimated cost of the development*);
- **Senica Consultancy Group** (*in relation to the provision of BASIX Certificates and NatHERS*);
- **Caroline Desmond** (*with regard to community consultation work completed for pre-DA lodgement*); and

- **PLANNERS NORTH** (in relation to the preparation of a Construction Waste Management Plan).

Such advice is embodied in this SEE and certain of the technical reports which accompany the application.



*View of Seven Mile Beach.*

#### **1.6 CONSENT AUTHORITY FOR THIS APPLICATION**

As a consequence of the provisions of Clause 20 and Schedule 7 Item 6 of State Environmental Planning Policy (State and Regional Development) eco-tourism projects with an estimated cost exceeding \$5 million are referred to, the Northern Regional Planning Panel (NRPP) as the consent authority for the application. The estimated cost of the development is \$9.036m. (See **Volume M** in the **Technical Reports Bundle**). Byron Shire Council will process the application and prepare an assessment for consideration by the NRPP.

#### **1.7 FURTHER INFORMATION**

Should Council or NRPP require any additional information, or wish to clarify any matter raised by this proposal or submissions made to same, Council is requested to consult with **Steve Connelly** prior to the determination of this application.

## 2. THE SITE AND ITS CONTEXT

*This section of the report identifies the subject site and describes its environmental planning context.*

### 2.1 CADASTRAL DESCRIPTION

The subject site, as illustrated in **Plan 2.1**, relates to that part of the land on the eastern side of Broken Head Road in the Shire of Byron and is described in Real Property terms as part Lot 1 DP1031848. The property is referred to as 951 Broken Head Road Broken Head.

The total site has an area of 111.2ha and the land is irregular in shape. The eastern component of the land, for which development consent is sought, has an area of 110.7 ha. The site enjoys access to a Right of Way created under DP 259337.

### 2.2 RECENT PLANNING HISTORY

Set out below is a brief description of Byron Shire town planning milestones in relation to the recent development history of the subject site:

- Zoned under Byron Local Environmental Plan 1988 (BLEP88) 1(a), 7(a), 7(j), 7(f1), 7(k) and 1(d), April 1988
- BLEP 88 – Amendment 6 – zoned part of the land 5(a) – private education (Gazettal 51 of 20/4/90).
- Subject land purchased by BHCF Pty Ltd, 1996.
- DA 98/0146 – approved private education facility with a maximum site occupancy of 72 persons. December, 1998.
- DA 98/0146 – various modifications approved for designed changes to accommodation, changes to permit a maximum occupancy of 112 persons, changes to daily waste allowance to 16,800 L/day and for additional waste disposal areas.
- DA 10.2005.290.1 – approved swimming pool and associated works, 26<sup>th</sup> May, 2005.
- DA 10.2008.532.1 – approved Managers re-configured Residence, 30 October 2008.
- DA 10.2013.600.1 – approval of the reconfiguration of private education

accommodation by deletion of private camping and replacement with 6 accommodation units, June 2014.

- Zoned under Byron Local Environmental Plan 2014 (BLEP14) SP1 – Educational Establishment with a small area of RU2 and largely Deferred Matter (still regulated by BLEP88 zonings), June 2014.
- Gateway approval was given for an amendment to BLEP14 & BLEP88 to facilitate a 33 lot Community Title subdivision.
- Zoning Amendment 17 to BLEP14 – SP1 Mixed Use Development with Schedule 1(8) added permitting tourist and visitor accommodation, September 2017.



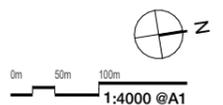
*Photograph of a waterbody at the subject site.*

- Zoning Amendment 13 to BLEP14 – The Deferred Matter parts of the site were largely zoned under this amendment for various environmental zones; RU2 and extending the SP1 – Mixed Use Development zoning, 28 February 2020.

Note. It is only the coastal area that remains zoned 7(f1) under BLEP88.

Linnaeus Property commenced research and design/development for an eco-tourism use at the site in June 2017.

**Appendix C** lists pending and recent development application approvals in the locality of the subject site.



LEGEND	
	Existing buildings
	Proposed buildings
	Contours 2m Intervals
	Onsite Water Catchment
	E2 Environmental Conservation
	E3 Environmental Management
	7F1 Coastal Land Zone

**HARLEY GRAHAM ARCHITECTS**  
 LEVEL 1/144 JONSON STREET BYRON BAY | PO BOX 1285 NSW 2481  
 F: 02 66809820 | T: 02 66809690 | E: office@harleygraham.com  
 ABN: 85158246003 NSW 7892

• All building works to be carried out in accordance with the Building Code of Australia (BCA) and to the satisfaction of the principle certifying authority.  
 • Builders/Contractors are to verify all dimensions prior to commencement of site work or off-site fabrication.  
 • Figured dimensions take precedence - do not scale.  
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REV	ISSUE NAME	DATE

CLIENT	<b>Linnaeus Property Trust</b>
JOB NAME	<b>HGA 206 - ECO TOURISM</b>
DRAWING	<b>Plan 2.1 THE SITE</b>

ADDRESS	<b>951 BROKEN HEAD RD</b>
LOT + DP	<b>LOT 1 DP 1031848</b>

REVISION	<b>DA</b>	SCALE	
PAPER	<b>A3</b>	SHEET N#	<b>2.1</b>
DRAWN: <b>H.P</b>	CHECKED: <b>H.G</b>	DATE	<b>27.01.21</b>

### 2.3 SITE CONTEXT

The subject site is located approximately 7.5km (7 minutes) north of Lennox Head and 12.9km (15 minutes) south of the Beach Hotel in Byron Bay.

**Plan 2.2** illustrates the subject site in the context of the locality generally by reference key physiographic and community features.

### 2.4 STRATEGIC PLANNING CONTEXT

From a strategic planning perspective, five plans are of particular relevance to the subject proposal. They are:

- North Coast 2036 Regional Plan 2017 (NCRP, 2017);
- Biodiversity Conservation Strategy 2004 (BCS, 2004);
- Byron Shire Cultural Policy (BCP, 2008);
- Byron Community Strategic Plan (BCSP, 2012); and
- Byron Shire Rural Land Use Strategy, 2017 (BSRLUS, 2017).

#### 2.4.1 NORTH COAST 2036 REGIONAL PLAN (NCRP)

The regional strategic planning context is described in the NCRP as an initiative of the NSW Government to guide sustainable growth across the North Coast Region. This proposal is consistent with the goals, directions and principles defined, particularly with respect to:

- Principle 2 – Managing the sensitive coastal strip to ensure the preservation of ecological diversity and safeguard sensitive coastal environments;
- Direction 2.1 – focusing on land of low biodiversity sensitivity and implementing the “avoid, minimise and offset” hierarchy;
- Action 3.3 – incorporating the latest knowledge with relation to regional climatic projections;
- Direction 4 – promoting renewable energy opportunities;

- Direction 8.2 – facilitating tourism and supporting land use in the coastal locations consistent with local growth management strategies;
- Direction 13 – sustainably manage natural resources.

#### 2.4.2 BIODIVERSITY CONSERVATION STRATEGY 2004 (BCS)

It’s been 16 years since the BCS was launched and in large part the Strategy’s actions have been implemented. The Linnaeus Eco Tourism proposal is consistent with the “main messages” of the strategy:

- Biodiversity conservation is fundamental to Ecologically Sustainable Development;
- Biodiversity is best conserved in situ, through restoring degraded areas, controlling;
- threatening processes and by not introducing new pressures;

and the project is consistent with key objectives including:

- To improve the condition of ecosystems and increase the extent of native vegetation cover in the Shire through targeted ecological restoration works and development of appropriate planning controls;
- Identify High Conservation Value vegetation and habitats and Wildlife Corridors (including the ecosystems, habitats, species and genotypes they contain) that require protection, ecological restoration and/or threat abatement;
- Encourage and promote the importance of native biodiversity protection and restoration across the Shire, strengthening existing initiatives and developing new ones in consultation with the community, industry and relevant government agencies; and

Identify and implement appropriate management for High Conservation Value vegetation and habitats, biodiversity hotspots, areas under threat and areas with specific biodiversity issues and values within Byron Shire.



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LEVEL 1/144 JONSON STREET BYRON BAY | PO BOX 1285 NSW 2481  
 F: 02 66809820 | T: 02 66809690 | E: office@harleygraham.com  
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  - Figured dimensions take precedence - do not scale.
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REV	ISSUE NAME	DATE	CLIENT	ADDRESS	REVISION	SCALE
01	REVISED DA	24/7/20	Linnaeus Property Trust	951 BROKEN HEAD RD	DA	
			JOB NAME HGA 206 - ECO TOURISM	LOT + DP LOT 1 DP 1031848	PAPER A3	SHEET N# DA
			DRAWING	<b>PLAN 2.2 SITE CONTEXT</b>		DATE 24/7/20
					DRAWN: H.P. CHECKED: H.G.	

# LINNAEUS PROPERTY • ECO TOURISM MIXED USE

## STATEMENT OF ENVIRONMENTAL EFFECTS

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### 2.4.3 BYRON SHIRE CULTURAL POLICY (BSCP)

The Linnaeus Eco Tourism proposal is consistent with the BSCP, particularly with respect to the principles:

- Identity and sense of place -Cultural identity is a mixture of unique natural environment and social diversity. Places have cultural meaning that are created and enhanced by the Shire's distinctiveness and liveability;
- Creativity and innovation- Creativity, innovation and education are the foundation of the Shire's social, economic, natural and cultural capital;
- Acceptance and diversity -Cultural diversity includes Aboriginal, racial, religious, spiritual, traditional and alternative interests and pursuits;
- Conservation and sustainability - A sustainable future requires balance between ecological preservation and the need to develop according to current economic and social trends. Today's decisions should not impact adversely on future generations; and
- Recreation, Health and Wellbeing -The climate and natural environment is conducive to community wellbeing through a healthy and active lifestyle.

### 2.4.4 BYRON SHIRE COMMUNITY STRATEGIC PLAN (BSCSP)

Council published its BSCSP in June 2012. It covers the period up to 2022. The Linnaeus Eco Tourism proposal is consistent with the provisions of that plan, particularly in relation to:

- Community Outcome EC1.1 - building on a diverse economic base and supporting local businesses.
- Community Outcome EC2 – supporting a sustainable tourism industry that respects and promotes the natural environment and community values.
- Community Outcome SC3 – respecting and understanding Aboriginal heritage and wider cultural diversity.

- Community Outcome EN1 – protecting and enhancing the natural environment.
- Community Outcome EN3 – implementing initiatives to ensure a low carbon community.



*Illustration showing eco-tourism buildings blending into the landscape.*

### 2.4.5 BYRON SHIRE RURAL LAND USE STRATEGY (BRLUS)

The BRLUS was adopted by Council in April 2017 and a final version endorsed by the Department of Planning and Environment in July 2018.

The Linnaeus Eco Tourism proposal is consistent with the strategy, particularly in terms of:

#### Rural Environment

- Identifying areas having high biodiversity and environmental values and protecting those areas.
- Providing tourism development that will protect and enhance key environmental features and preserve land of high scenic quality.

#### Rural Economy

- Avoiding rural land of identified State or Regionally significant farmland.
- Providing tourist development built on land which complements the rural character.
- Taking into consideration increased road traffic.
- Providing tourism development to avoid adverse visual and noise impacts.
- Provide tourism that is committed to ecologically sustainable management practices.

**Rural community**

- Provide rural lifestyle living opportunities only considered consistent with the policy directions relating to rural environment and rural economy.

Further to the overarching strategies specified in the BRLUS for those parts of the Shire outside the towns, Section 3.5.5 of the BRLUS identifies community title conversion of the Linnaeus Estate at Broken Head on the basis of *“providing individual title to existing approved accommodation units at the site, with no capacity for additional development”*.

The Eco Tourism project is consistent with the “no capacity for additional development” criteria with the proposed mixed use of private education and ecotourism development having a population maximum consistent with a 33 lot Community Title development.

**2.5 SITE ANALYSIS**

**Plan 2.3** shows a composite map of the site illustrating important site planning considerations and the two Planning Precincts (A & B) particularly relevant to this proposal.

**2.5.1 SOILS**

There are three soil landscapes present over the property. They are:

- Billinudgel Erosional: northern and western boundary: shallow to moderately deep moderately drained well drained yellow podzolic soils and soloth intergrades. Soil is hard setting, low fertility, shallow, stony and erodible
- Disputed plain variant A Transferable: basalt derived valley in-fills and alluvial fans forming gently inclined slopes. Closed sod grassland and open-sedgeland.
- Black Rock Aeolian: south eastern corner: extremely low to gently undulating beach ridge plains on Pleistocene beaches and dune sand. Soils are deep, well drained on dunes and imperfectly drained humus podzols and peaty podzols in depressions. Highly acidic soils of low fertility with high wind erosion hazard.

Acid sulphate soil (ASS) probability mapping indicates no known occurrence of ASS along the eastern portion of the site, with the southernmost portion of the site having areas of low ASS probability.

**2.5.2 VEGETATION**

BioNet search results identified records of 33 threatened flora species and potential habitat for 10 Threatened Ecological Communities (TECs), within five kilometres of the site. The Federal Government Protected Matters Search Tool identified habitat for 26 threatened flora species and 5 threatened ecological communities within five kilometres of the site.

The site lies within a mosaic of extensive areas of native vegetation which typically comprises a mixture of swamp sclerophyll forest dominated by Broad-leaved Paperbark (*Melaleuca quinquenervia*), littoral rainforest (both Brush Box and Banksia/Tuckeroo dominated), regrowth (Banksia, wattle), heath and wetland communities. The Broken Head Nature Reserve is located 800m north of the site and encompasses native vegetation including rainforest, dry sclerophyll forest, woodland, grassland and dunal vegetation. The southern boundary of the site abuts the eastern portion of Newrybar Swamp, an extensive area of heath and swamp forest which extends over approximately 4 km south to Lake Ainsworth at Lennox Head.

Parts of the site have been significantly cleared and modified from past agricultural practices, but large areas of contiguous good quality native vegetation remain. The central portion of the site contains a large area of pasture (*Setaria*) which is regularly slashed and baled as livestock feed. Other areas of grassland are maintained by regular mowing and slashing.

Vegetation generally comprises swamp sclerophyll forest in lower lying portion of the site and littoral rainforest throughout higher elevation areas and along hind dune areas. In the north of the site where the Proposal (Precinct A) located vegetation occurs as a fragmented grassy area which is regularly mown and which contains occasional scattered trees (Coast Banksia) and small pockets of littoral rainforest.

STATEMENT OF ENVIRONMENTAL EFFECTS

Site vegetation mapping broadly corresponds with several Plant Community Types (PCTs) in the BioNet Vegetation Classification system as tabulated below.

**TABLE 2.1 SITE PLANT COMMUNITIES**

<b>Moist sclerophyll forest</b>
Open forest dominated by Brush Box ( <i>Lophostemon confertus</i> ) with rainforest elements. [PCT 751]
Open forest dominated by Grey Ironbark ( <i>Eucalyptus siderophloia</i> ).
<b>Swamp sclerophyll forest</b>
Open forest dominated by Broad-leaved Paperbark ( <i>Melaleuca quinquenervia</i> ); infrequent Swamp Oak ( <i>Casuarina glauca</i> ). Includes small patches of planted Broad-leaved Paperbark in the central portion of the site. [PCT 1064]
Swamp Oak scrub on perched coastal slopes and around disturbed areas. [PCT 1235]
<b>Rainforest</b>
Hoop Pine ( <i>Araucaria cunninghamii</i> ) dominated rainforest. [PCT 887]
Littoral rainforest dominated by Coast Banksia ( <i>Banksia integrifolia</i> subsp. <i>integrifolia</i> ), Tuckeroo ( <i>Cupaniopsis anacardioides</i> ) and Beach Acronychia ( <i>Acronychia imperforata</i> ). PCT 1275]
<b>Regrowth</b>
Typically dominated by Coast Banksia or Brown Kurrajong ( <i>Commersonia bartramia</i> ). [PCT 751]
<b>Sedgelands</b>
Grey Rush ( <i>Lepironia articulata</i> ) fringing dams and water bodies.[PCT 1741]
<b>Grasslands</b>
Mown grasslands dominated by pasture grasses ( <i>Setaria sphacelata</i> *, <i>Cenchrus clandestinus</i> *)

**Threatened Flora**

Seven threatened flora species (two of which are planted at the site) were recorded within the proposal areas, with all but one occurrence within Precinct A.

The species include:

- Coolamon (*Syzygium moorei*): four planted trees occur amongst landscape plantings, two of which occur within Precinct A.
- Native Guava (*Rhodomyrtus psidioides*): several small trees occur, along with numerous suckers.
- Scrub Turpentine (*Rhodamnia rubescens*): several immature trees occur within the development area.
- Small-leaved Tamarind (*Diploglottis campbellii*): single tree planted along mound at entry to the quarry (Precinct B).
- Stinking Cryptocarya (*Cryptocarya foetida*): several immature trees and seedlings occur, mostly in the north-east of the site.
- White Lace Flower (*Archidendron hendersonii*): two mature trees occur within the north-east of the site; several other trees occur east of Precinct A.
- Queensland Xylosma (*Xylosma terrae-reginea*): three mature trees occur, along with several saplings and seedlings within a small area in the north of the site, outside the Proposal area.

**Threatened Ecological Communities (TECs)**

All areas of native vegetation dominated by Coast Banksia/Tuckeroo/Beach Acronychia (etc) are characteristic of the Threatened Ecological Community (TEC) *Littoral Rainforest in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions*, including regrowth areas around the quarry. While some areas dominated by Coast Banksia have been highly modified these communities retain characteristic species associated with Littoral Rainforest.

Vegetation floristically characteristic of three other TECs (Swamp sclerophyll forest, Swamp oak floodplain forest, Freshwater wetlands) occurs elsewhere at the site. However, these communities do not occur on an alluvial landscape (a requirement in determining these communities) and so no TECs apply to the Proposal.

STATEMENT OF ENVIRONMENTAL EFFECTS

The Hoop Pine forest in the south of the site is characteristic of the TEC *Lowland Rainforest in the NSW North Coast and Sydney Basin Bioregions*.

A small area of Kangaroo Grass dominated vegetation is known to occur south east of Precinct A.



Existing vegetation systems within Precinct A are identified in the above graphic as green.

**2.5.3 FAUNA**

BioNet search results identified records of 48 threatened fauna species listed in the *Biodiversity Conservation Act* (BS Act) (including nine species also listed in the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) within 5 km of the site. The Federal Government Protected Matters Search Tool identified habitat for 59 threatened fauna species and 55 migratory fauna species listed in the EPBC Act within 5 km of the site.

The mountain brush tail possum (*Trichosurus caninus*) and the swamp wallaby (*Wallabia bicolor*), are considered likely to occur based on scats recorded and local records. Diggings attributed to the northern brown bandicoot (*Isodon macrourus*), were also noted and the long-nosed bandicoot (*Perameles nasuta*), is common in the locality. The short-beaked echidna (*Tachyglossus aculeatus*) is also relatively common. Small mammals expected include the bush rat (*Rattus fuscipes*), and the dusky antechinus (*Antechinus stuartii*).

The forested habitat in the Broken Head area is frequented by a number of microbats. These include eastern forest bat (*Vespadelus pumilus*)

the eastern broad-nosed bat (*Scotorepens orion*) the greater broad-nosed bat (*Scoteanax rueppellii*) Gould's long-eared bat (*Nyctophilus gouldi*) and the little bent-wing bat (*Miniopterus australis*). The grey-headed flying-fox (*Pteropus poliocephalus*) and black flying-fox (*Pteropus Alecto*) are also regular visitors.



View of part of the centre building looking south towards Lennox Head.

No koala food trees were recorded either at or in the vicinity of the site and there is no evidence of koalas occurring at the site.

The bird assemblage vary throughout the year as particular bird species respond to the flowering or fruiting periods of the trees and shrubs in the locality. Species such as the rainbow lorikeet (*Trichoglossus haematodus*) and the scaly-breasted lorikeet (*Trichoglossus chlorolepiotus*) are opportunistic blossom feeders that are abundant on the site. Other species such as laughing kookaburra (*Dacelo*

*novaeguineae*) are likely to nest in hollows in the mature blackbutts. Scrubwrens and ground birds such as whitebrowed scrubwren (*Sericornis frontalis*) and eastern whip bird (*Psophodes olivaceus*) forage and nest in the shrub layers.

The Fisheries NSW Spatial Data Portal indicates no marine vegetation (estuarine macrophytes) and no potential habitat for any threatened freshwater fish species at the site.

The land is located within the Broken Head Regional Corridor under the *Byron Biodiversity Conservation Strategy* (BCS 2004).

The *Byron Coast Comprehensive Koala Plan of Management* (BCKPoM 2016) applies to the land and was adopted by Byron Shire Council in August 2016 but has not yet been endorsed by the Department of Planning, Industry and Environment.

The site occurs within the 'South Byron Coast Koala management Area' but does not form part of the 'Suffolk Park - Broken Head Koala Management Precinct'. SAT plots did not return any signs of Koala use, as expected in vegetation communities where preferred feed trees are absent. A total of six of the primary feed tree Swamp Mahogany (*Eucalyptus robusta*) occur within the site (five naturally occurring trees and a single isolated planted tree).

A further eight Swamp Mahogany occur within the adjacent road reserve adjacent to the site entry. These trees provide the best Koala resources at the site. However, are very scant, would be insufficient to sustain even a single Koala and will not be affected by the Proposal.

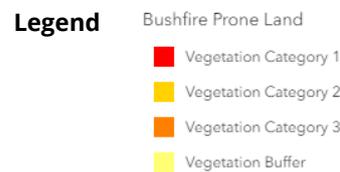
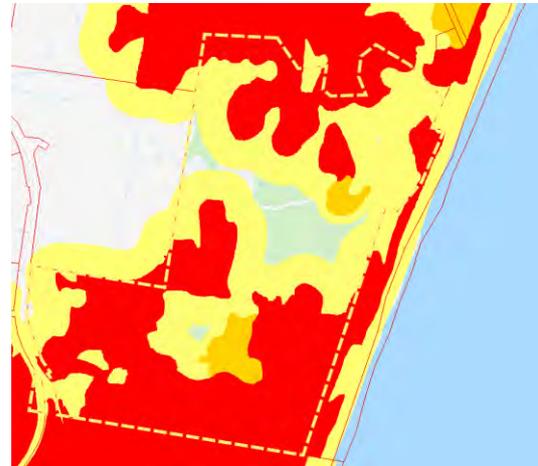
Examination of Koala records in Bionet shows very few Koala records in the locality and none at the site.

**Volume K** in the **Technical Reports Bundle** describes in detail the ecological research and site surveys completed for the purposes of this application.

**2.5.4 BUSHFIRE**

As illustrated in the below graphic, the site is mapped as bushfire prone. Precincts A and B are located with the "vegetation buffer" mapping category. The proposed eco-tourism development is classified as a 'Special Fire

Protection Purpose'. Site planning must address the requirements of *Planning for Bushfire Protection 2019* and obtain a Bush Fire Safety Authority.



**2.5.5 FLOODING**

The subject site is not mapped by either Byron Shire Council or Ballina Shire Council as flood prone land.

**2.5.6 CULTURAL VALUES**

The Broken Head Coastal Foundation consummated a Site Management Strategy with Jali LALC in 1990. Further to that agreement, an Aboriginal Cultural Heritage Assessment and associated Aboriginal stakeholder consultation for the proposed new mixed use was conducted by Everick Heritage (refer to **Volume I** in the **Bundle of Technical Reports**). The methods used for the assessment were in accordance with the *Code of Practice* (DECCW, 2010). That assessment concluded that works proposed will not have an adverse impact.

**2.5.7 EXISTING SERVICES**

**Wastewater**

Wastewater is collected from the accommodation units and community buildings with gravity mains that deliver the wastewater to the site sewage pump station. There is also a separate single pressure sewer unit servicing

building CB.8 (the Crab community building). This pressure sewer also delivers wastewater to the site sewage pump station.

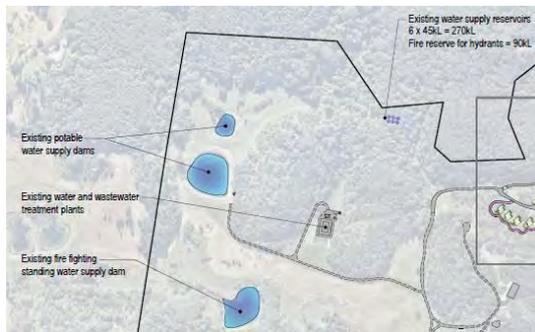
The wastewater is pumped to the wastewater treatment plant where it is treated through an Intermittent Aeration Tank. The property currently has an approval to treat 16.8 kL/d.

The system is designed for sludge to be pumped onto the drying beds and the decanted treated water to be stored in a 1.5 ML pond for irrigation. Prior to being pumped to the irrigation site, the water is chlorinated.

The approved treatment rate of 16.8 kL/d equates to 150 L/p/d for the maximum limit of 112 people currently approved to be accommodated on the site. The actual capacity of the treatment plant has been assessed as 18.1 kL/d.

**Water Supply**

Raw water is currently taken from a raw water dam on the property with a capacity of 10 ML. The water is pumped from the dam to a storage tank at the water treatment plant. The water treatment plant has a design capacity of 41 kL/d. From the treatment plant, the potable water is pumped to 6 x 45 kL water supply storage tanks. The storage tanks have a combined storage volume of 270 kL and a top water level (TWL) of RL 50.97 m AHD. From these storage tanks, the water gravitates to the reticulation network. This network has a current minimum design flow capacity of 11 L/s to suit the fire demand considerations.



Graphic illustrating the location of water and waste water facilities at the site.

**2.5.8 ACCESS**

The site is accessed directly from classified road MR545, which consists of Broken Head Road to

the immediate north of the site access location and Byron Bay Road to the immediate south. MR545 is classified as a regional road and has a speed zone of 80 km/h at the site frontage. MR545 is a two-lane, two-way road with wide traffic lanes and sealed shoulders north and south of the site.

Intersection turn treatments have been constructed at the site access location providing approximately 120 m of inbound right turn lane and approximately 100 m of inbound left turn lane in a 'seagull' type arrangement.

The requirement for Safe Intersection Sight Distance (SISD) is 181 m in both directions. Sight distance available is approximately 204m for the northbound lane and 224 m for the southbound lane.

Existing traffic data for MR545 is summarised in **Table 2.2** below.

**TABLE 2.2 MR545 TRAFFIC FLOWS**

Count Location	AADT	% Heavy Vehicles
400m north of site access	5,655	-
3.65km north of the site access (BSC ST 068)	5,931	9.3
3.65km north of the site access (BSC ST 068)	6,102	6.5
3.65km north of the site access (BSC ST 068)	5,987	5.8

Estimated existing traffic usage by Linnaeus Estate is set out in **Table 2.3**.

**TABLE 2.3 LINNAEUS EXISTING USE TRAFFIC ESTIMATE**

Existing use	Number	Total Peak Hour Trips
Dwelling	1	7.4
Education accommodation	19	57
<b>Total</b>		<b>65</b>

**Parking**

Existing parking is provided on site in a number of locations. Generally, a single covered car

parking space provided adjacent to each accommodation building. There are also some larger central formal parking areas along with informal parking provided in a variety of locations.

The central formal car parking areas provide a minimum of 49 parking spaces including at least three spaces for people with disabilities. The existing dwelling has 2 associated parking spaces and there are hardstand parking areas associated with the maintenance.

#### **2.5.9 SITE USAGE**

Pursuant to Development Consents 98/146, 2002/393, 2008/532 and 2013/600 the site has been partly developed. **Plan 2.3** illustrates those structures that have been erected to date as well as the approved but unbuilt facilities. The site has a currently approved population capacity of 112 persons.

The environmental characteristics of the property are managed pursuant to a Council approved *Biodiversity Conservation Management Plan* (AWC, 2017) and (Plummer and Smith, 2017). **Plan 2.4** illustrates the mapping pursuant to the Biodiversity Conservation Management Plan indicating the current areas targeted for regeneration action.

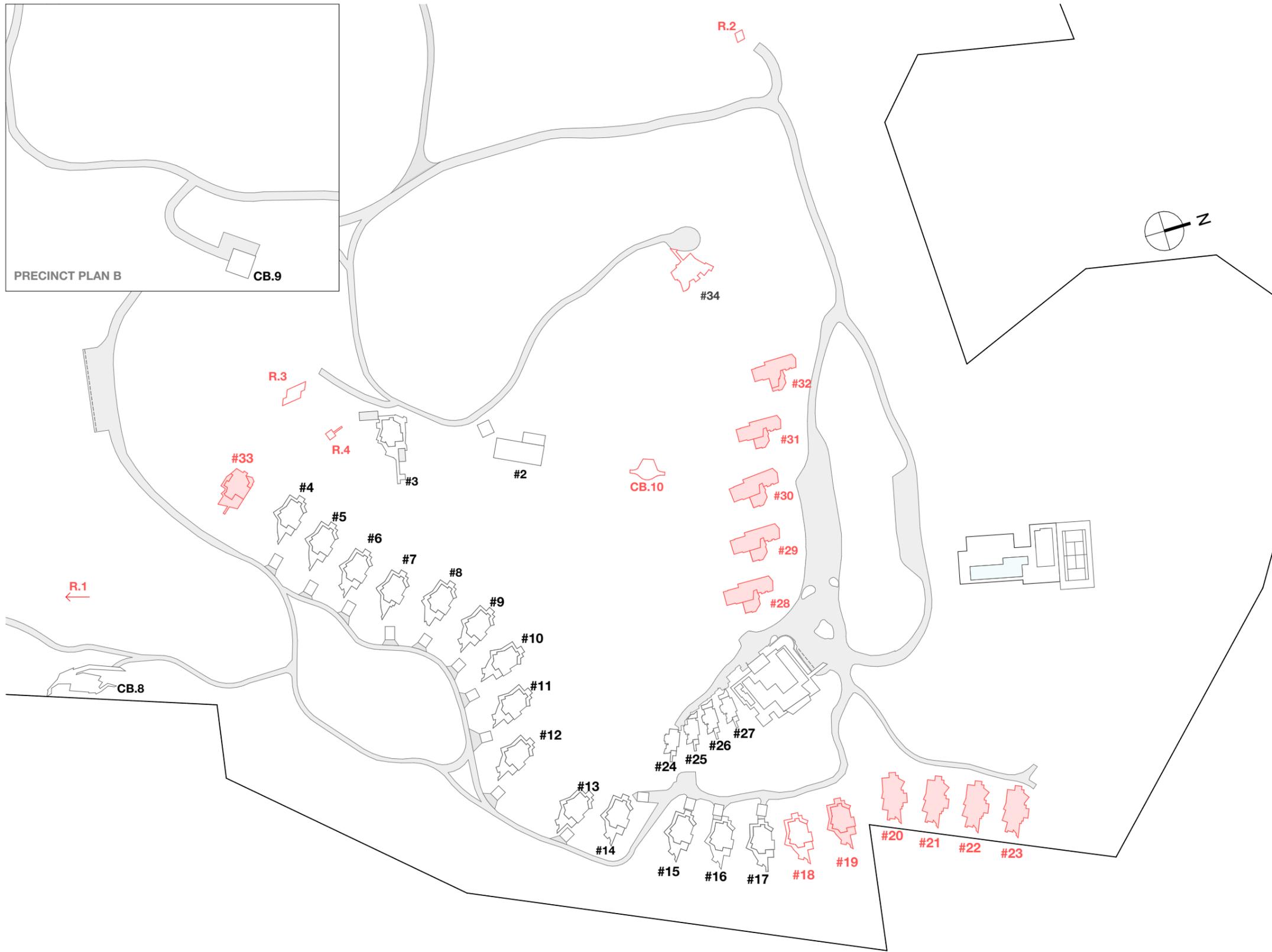
# BUILDING CLASSIFICATION LIST

DA Buildings - Existing					
N#	Name	Area	Occupancy	Category	I.D
2	Hill House	220	4	Residence	Existing
3	Accommodation (Hill)	184	3	Accommodation Type A	Existing
4	Accommodation	184	3	Accommodation Type A	Existing
5	Accommodation	184	3	Accommodation Type A	Existing
6	Accommodation	184	3	Accommodation Type A	Existing
7	Accommodation	184	3	Accommodation Type A	Existing
8	Accommodation	184	3	Accommodation Type A	Existing
9	Accommodation	184	3	Accommodation Type A	Existing
10	Accommodation	184	3	Accommodation Type A	Existing
11	Accommodation	184	3	Accommodation Type A	Existing
12	Accommodation	184	3	Accommodation Type A	Existing
13	Accommodation	184	3	Accommodation Type A	Existing
14	Accommodation	184	3	Accommodation Type A	Existing
15	Accommodation	184	3	Accommodation Type A	Existing
16	Accommodation	184	3	Accommodation Type A	Existing
17	Accommodation	184	3	Accommodation Type A	Existing
24	Centre Accom	55	2	Accommodation Type B	Existing
25	Centre Accom	55	2	Accommodation Type B	Existing
26	Centre Accom	55	2	Accommodation Type B	Existing
27	Centre Accom	55	2	Accommodation Type B	Existing
CB.1	Centre	368	-	Community Building	Existing
CB.4	Pool	65	-	Community Building	Existing
CB.8	Crab	60	-	Community Building	Existing
CB.9	Interpretive Centre	150	-	Community Building	Existing
<b>TOTAL</b>		<b>3,843 m<sup>2</sup></b>	<b>57</b>		

DA Buildings - Approved/Unbuilt					
N#	Name	Area	Occupancy	Category	I.D
1.1	Refuse Building	36	-	Community Building	Approved/Unbuilt
18	Accommodation	184	3	Accommodation Type A	Approved/Unbuilt
34	Hill House	205	4	Residence	Approved/Unbuilt
CB.10	Underground Chapel	41	-	Community Building	Approved/Unbuilt
R.1	Retreat A	39	-	Retreats	Approved/Unbuilt
R.2	Retreat B	32	-	Retreats	Approved/Unbuilt
R.3	Retreat C	68	-	Retreats	Approved/Unbuilt
R.4	Retreat D	9	-	Retreats	Approved/Unbuilt
<b>TOTAL</b>		<b>614 m<sup>2</sup></b>	<b>7</b>		

Buildings - Approved (Not Utilised)					
N#	Zone Name	Area	Occupancy	Category	ID
19	Accommodation	184	3.5	Accommodation Type A	Unbuilt (Not Utilised)
20	Accommodation	184	3.5	Accommodation Type A	Unbuilt (Not Utilised)
21	Accommodation	184	3.5	Accommodation Type A	Unbuilt (Not Utilised)
22	Accommodation	184	3.5	Accommodation Type A	Unbuilt (Not Utilised)
23	Accommodation	184	3.5	Accommodation Type A	Unbuilt (Not Utilised)
28	Ridge House	206	3.5	Accommodation Type D	Unbuilt (Not Utilised)
29	Ridge House	206	3.5	Accommodation Type D	Unbuilt (Not Utilised)
30	Ridge House	206	3.5	Accommodation Type D	Unbuilt (Not Utilised)
31	Ridge House	206	3.5	Accommodation Type D	Unbuilt (Not Utilised)
32	Ridge House	206	3.5	Accommodation Type D	Unbuilt (Not Utilised)
33	Accommodation	213	3.5	Accommodation Type C	Unbuilt (Not Utilised)
<b>TOTAL</b>		<b>2,163 m<sup>2</sup></b>	<b>38.5</b>		
<b>Unallocated</b>			<b>9.5</b>		

**APPROVED OCCUPANCY 112**



**LEGEND**

- Existing Buildings
- Approved + Unbuilt buildings.
- Approved + Not Utilised

**HARLEY GRAHAM ARCHITECTS**  
 LEVEL 1/144 JONSON STREET BYRON BAY | PO BOX 1285 NSW 2481  
 F: 02 66809820 | T: 02 66809690 | E: office@harleygraham.com  
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- Builders/Contractors are to verify all dimensions prior to commencement of site work or off-site fabrication.
- Figured dimensions take precedence - do not scale.

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REV	ISSUE NAME	DATE

CLIENT	ADDRESS
Linnaeus Property Trust	951 BROKEN HEAD RD
JOB NAME	LOT + DP
HGA 206 - ECO TOURISM	LOT 1 DP 1031848
DRAWING	
<b>Plan 2.3 APPROVED DEVELOPMENT IMPLEMENTED TODATE</b>	

REVISION	SCALE
<b>DA</b>	<b>1:2000</b>
PAPER	SHEET N#
<b>A3</b>	<b>2.4</b>
DRAWN	DATE
H.P	27.01.21
CHECKED	
H.G	

**Project: Linnaeus Estate,  
Broken head**

**Legend**

- Management Zones
-  Assisted Regeneration (MZ6)
  -  Development/Landscaping (MZ5)
  -  Dry Sclerophyll/Heathland Planting (MZ3)
  -  Littoral Rainforest (MZ1)
  -  Littoral Rainforest Planting (MZ2)
  -  Swamp Sclerophyll Planting (MZ4)

**Plan 2.4  
Biodiversity  
Conservation  
Management Plan**



Date - 24/03/2020

A3 Scale - 1:5000

SOURCE:  
Aerial - NearMap Pty Ltd 2016  
Study Site - AWC  
MZ - AWC 2017/2020

Care was taken in the creation of this map. AWC should be consulted as to the suitability of the information shown herein prior to the commencement of any works based on the information provided. AWC cannot accept any responsibility for errors, omissions or positional accuracy. There are no warranties, expressed or implied as to the suitability of this map for a particular purpose. However, notification of any errors will be appreciated.



### 3. THE DEVELOPMENT PROPOSAL

*This section of the report defines the site planning objectives utilised in schematic design. Further, this section describes the project by way of text, mapping and statistical information.*

#### 3.1 STATEMENT OF OBJECTIVES

The primary objective of this application is to allow for utilisation of part of the Linnaeus Estate site for eco-tourism co-existing with the existing approved private education use.

For the purposes of project design criteria the following site planning objectives have been adopted:

- Ensure that site development fits comfortably with the biodiversity and coastal values of the site and Broken Head locality generally.
- To identify and protect site flora and fauna of local environmental planning significance and enhance the biological diversity of the land through compensation and landscape plantings.



*Children on Seven Mile Beach*

- Ensure that construction works are appropriately managed to minimise noise and air quality changes.
- Ensure that waste created during construction and during the operational phase exhibits best practice management.
- Ensure that development is carried out in a “carbon zero” fashion.
- Ensure that noise and vibration which occur on site have no adverse impact on the amenity of adjoining properties.
- Maintain the visual integrity of the Broken Head locality.

- To provide for appropriate utilities to service the need of the mixed use development.
- To ensure that the carriageways, parking and intersection capacity allow for vehicles and pedestrians to safely utilise the site.
- Ensure that the quality and quantity of stormwater exiting the site is not adversely affected by the proposal and that existing drainage patterns are not materially altered.
- Review potential site planning hazards to ensure the development is not likely to present an unreasonable hazard.
- Maximise the social and economic impacts associated with the mixed use of the property and the eco-tourism operation.
- Ensure that development does not impact on items of early European or Aboriginal significance.
- To carry out development in a manner which, protects the residential amenity of the surrounding land.
- Ensure that consideration is given to any potential for cumulative impacts arising as a consequence of the mixed use and eco-tourism project.
- Ensure the Linnaeus Eco Tourism proposals are able to integrate with any potential future Community Title subdivision of the site.

#### 3.2 GENERAL DESCRIPTION OF PROPOSAL

Consent is sought to for a Mixed Use Development of the Linnaeus property permitting certain of the existing facilities to continue to be used for Private Education; allowing the remaining existing facilities to also

# LINNAEUS PROPERTY • ECO TOURISM MIXED USE

## STATEMENT OF ENVIRONMENTAL EFFECTS

19

be used for eco-tourism and providing further new facilities for Eco Tourism purposes.

The private education residences (#2 and 34)<sup>3</sup> and the private education accommodation (#12-16) located within the 7(f1) zone and unbuilt #18 will continue with a private education use. Approved, but not built private education accommodation (#19-23 and #28-33) will not be constructed at this time. Approval is sought to also utilise the remaining existing built private education accommodation units (#3-11 and 17) and the existing built centre accommodation units (#24-27) for Eco Tourism purposes. Further, 1 new rainforest retreat (C buildings); 4 new tree house cabins (B buildings); and 22 new beach cabins (A buildings) are proposed to be constructed and used for Eco Tourism accommodation.



Example of some of the existing site architecture.

**Plan 3.1** illustrates the general Master Plan illustration for the development. Full details in relation to the architecture of the proposed development is provided in the **Plan Set**.

In support of the Eco Tourism accommodation, consent is sought to erect a fire refuge building and construct a depot and parking precinct. Ancillary to the Mixed Use generally, buildings proposed include poolside facilities, a shed in the vegetable growing area and minor alterations to the existing centre.

The Mixed Use population estimates for the Linnaeus Estate are set out in **Table 3.1** below. In this table, the Eco Tourism components of the proposal are shown in green shading.

**TABLE 3.1 MIXED USE POPULATION ESTIMATES**

Building Type	No. of units	PpU	Population
Private education residences	2	4.5	9
Existing Private Education Centre Accommodation units used for Eco Tourism	4	2	8
Existing Private Education Accommodation units used for Eco Tourism	10	3.5	35
Private Education accommodation units not built	11	0	0
Private Education accommodation unit not built, but may be constructed shortly	1	3.5	3.5
Private Education accommodation units in 7(f1) zone	5	3.5	17.5
Eco Tourism Cabins	27	2	54
Unallocated capacity			21.5
<b>TOTAL</b>			<b>148.5<sup>4</sup></b>

PpU = persons per Unit

The application provides for no new development whatsoever within the erosion zone or CM SEPP mapped areas.

<sup>3</sup> The site numbering nomenclature used for existing and approved buildings is shown in the DA Plan Set Drawing DA01.

<sup>4</sup> The total population specified in this table reflects the policy position of Council set out in its Rural Land Use Strategy Section 3.3.5 (33 lots × 4.5 persons per lot).



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LEVEL 1/144 JONSON STREET BYRON BAY | PO BOX 1285 NSW 2481  
 F: 02 66809820 | T: 02 66809690 | E: office@harleygraham.com  
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  - Figured dimensions take precedence - do not scale.
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REV	ISSUE NAME	DATE

CLIENT	<b>Linnaeus Property Trust</b>
JOB NAME	<b>HGA 206 - ECO TOURISM</b>
DRAWING	<b>Plan 3.1 ECOTOURISM PROPOSAL MASTERPLAN</b>

ADDRESS	<b>951 BROKEN HEAD RD</b>
LOT + DP	<b>LOT 1 DP 1031848</b>

REVISION	<b>DA</b>	SCALE	
PAPER	<b>A3</b>	SHEET N#	<b>3.1</b>
DRAWN: <b>H.P</b>	CHECKED: <b>H.G</b>	DATE	<b>27.01.21</b>

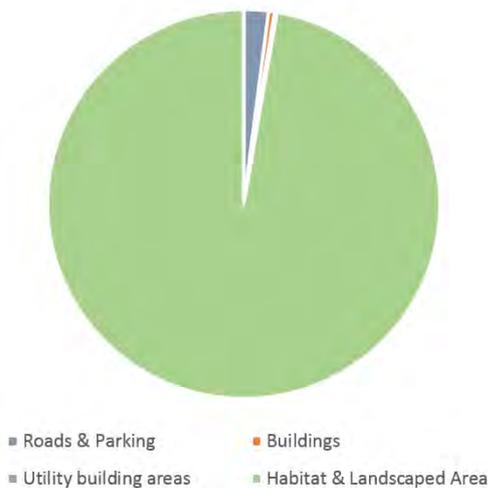
**3.3 STATISTICAL DESCRIPTION OF PROPOSAL**

Key site planning data applicable to Council's assessment of the development application is tabulated below in **Tables 3.2**. This information is, of course, subject to final survey, detailed engineering design and the conditions of consent.

**TABLE 3.2 LAND USE BUDGET**

Land Use	Area (ha)	Percentage (%)
Site Area	110.7	100%
Roads & Parking	2.1	1.9%
Buildings	0.6	0.5%
Utility building areas	0.2	0.2%
Habitat & Landscaped Area	107.8	97.4%

Land Use Budget



**3.4 THE DESIGN PRINCIPLES**

The five design principles which have guided the design team are:

1. COMMUNITY – Creating spaces to enable and engage meaningful connections and a sense of belonging.
2. SENSE OF PLACE – implementing primal simplicity, through the use of natural raw materials and layers of texture and colour, to enhance a connection to the land and its history.

3. WELLBEING - creating a connection to time, to nature, the beach and food.
4. INTIMACY – providing comfort and warmth in a safe atmosphere, which heightens awareness.
5. SERVICE – making a place that enables the team to display their skills, enjoy their work and share their knowledge.

**3.5 THE ECO-TOURISM USE**

For the ecotourism use, three guiding principles have been adopted for the project. They are:

- Principle 1: Ecotourism Facilities at Linnaeus are located, designed and managed sensitively to ensure compatibility with the natural and cultural values of the site.
- Principle 2: Ecotourism Facilities at Linnaeus will offer a unique and diverse experiences and settings to visitors; and
- Principle 3: the operations at Linnaeus will be characterised by a commitment to environmental best practice.

The Ecotourism objectives for Linnaeus seek to ensure that:

- Linnaeus offers 111ha of oceanfront hidden within a private nature reserve, where the mind, body and soul will delight and be fulfilled by mother nature, and nurtured and rejuvenated by uncompromising comfort and service;
- the natural values, endangered species and habitats of the Linnaeus site are protected;
- the cultural values including heritage, artefacts and non-physical values of the Linnaeus site are protected;
- strategies are implemented to protect sensitive habitat areas and/or avoid activity in vulnerable or highly valued areas;
- the venue offers exclusive, thoughtful, genuinely transformative and memorable experiences;
- Ecotourism operations will only utilise previously disturbed areas and only be

# LINNAEUS PROPERTY • ECO TOURISM MIXED USE

## STATEMENT OF ENVIRONMENTAL EFFECTS

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- located on lower value habitat as opposed to high conservation areas;
- consideration is given to the microclimate of the site and how factors such as aspect, exposure, elevation and wind can be utilised to maximise visitor comfort without depending overly on mechanical systems;
- design-led and thoughtful luxury is provided to visitors with appropriate access to the natural landscape;
- elevated, yet unfussy service, infused with the laid-back Australian-Byron Bay culture will be provided to Linnaeus visitors;
- the landscape features predominate and the Ecotourism Facility blends into the surrounding environment;
- landscape features of the site are reflected in design through scale, form, colour and texture of the Ecotourism Facility;
- landscaping utilises local species which require minimal maintenance and are self-sustaining;
- disturbance and clearing of habitat during construction be minimised through best practice technologies for environmentally and culturally sensitive areas;
- modular, pre-fabricated and easy to assemble construction technologies to reduce construction-related impacts are implemented;
- locally sourced and lightweight yet durable materials and construction practices will be utilised;
- renewable, durable, non-toxic and environmentally sustainable materials be used throughout the Ecotourism Facility;
- waste streams be managed during construction through re-use of on-site materials that are within the development zone;
- handmade wherever possible, hearty soul - food, warm and rustic luxury;
- the project brings together a like-minded, thoughtful community, by activating communal spaces around shared interests;

- an energy efficiency strategy be developed for the construction and operation of the Ecotourism Facility—minimising energy requirements, using energy efficient appliances and generating on-site renewable energy;
- passive energy technologies for natural heating and cooling through the design of the Ecotourism Facility e.g. natural ventilation, shading and solar heating;



*View of Jews Point looking north east from the subject site.*

- use of renewable energy technologies that are best suited to the Linnaeus site and have whole of lifecycle benefits be considered (e.g. no major adverse impacts from installation or high maintenance costs)
- water required by the site be minimised for the needs of visitors and Ecotourism Facility operation;
- a 'towards zero waste strategy' be implemented for the Ecotourism operation with the ultimate objective that nothing is brought into the Ecotourism Facility that is not durable, biodegradable or recyclable;
- on-site waste management facilities for processing reusable and recyclable resources;

- well-researched information on the site is shared with visitors through appropriately qualified guides;



Photograph of the Linnaeus Estate Nature Guide

- the special or unique environmental and cultural features of the site are identified and built into the visitor experience through responsible tourism practices e.g. wildlife viewing that doesn't interfere with foraging or breeding patterns;
- development of educational opportunities and programs relating to aesthetic, scientific and cultural values of the site using interpretative techniques;
- visitors are informed of local Indigenous and non-Indigenous customs and expectations regarding the use of the site particularly in relation to cultural resources; and
- visitors to the site will be able to traverse, in a generally unguided way, the existing eco-biodiversity trail established for the site (see **Plan 3.2**), utilising the literature already published about the property (*Linnaeus Estate Trail Guide*, 2010 and *Nature Guide*, 2012). Expert guides will be available for persons interested in venturing beyond the Linnaeus Estate trail to explore more in depth topics, including ecology, botany, coastal geomorphology and cultural aspects.

### 3.6 THE APPROACH TO MANAGEMENT

The operations will be characterised by a commitment to environmental best practice which emphasises:

- thoughtful and considered service in every aspect, from the environment in which the visitor is situated through a sharp eye for detail and anticipatory service, provides a solution for every mood, weather and preference;
- management self-monitoring for continuous improvement in minimising the impact of operations using an Environmental Management System that complies with ISO14001;
- economic benefits for surrounding communities are identified e.g. local procurement of food and materials, construction, repairs and maintenance; and
- a commitment to partnering with the local community.

### 3.7 THE APPROACH TO PROTECTING SITE BIODIVERSITY

The design of the ecotourism facility has been led by an objective to avoid any areas of important vegetation and carry out work only in areas that have previously been disturbed. This design-led outcome focuses on the landscape of the site and protecting the key characteristics of the land.

BHCF Pty Ltd has adopted a program to revegetate specific areas. That program is described in its *Biodiversity Conservation Management Plan* (AWC,2017).

The eco-tourism proponent, Linnaeus Property, seeks to:

- expand the Biodiversity Conservation Management Plan re-vegetation program to include other more extensive areas of the site;
- foster the implementation of further vegetation corridors in the Broken Head locality generally to enhance the biodiversity characteristics and not just the Linnaeus site but the whole of the Broken Head area generally;

Plan 3.2 Linnaeus Estate Trail Guide



LINNAEUS  
ESTATE TRAIL GUIDE

LEGEND

- Trail
- - - Side Trail
- 👁 Stop & look

Loop length 6 kilometres / 3 hours

- Places of interest – interpretation stops
- Trail marker

- |  |  |
|--|--|
| 1 Hilltop Dry Brushbox Forest with Ironbark                | 11 Littoral Rainforest                                     |
| 2 Lookout  | 12 Swamp Rainforest  |
| 3 Water Supply and Hidden Dam                              | 13 Swamp Oak Forest  |
| 4 Freshwater Wetlands                                      | 14 Regenerated Wetland                                     |
| 5 Shining Burrawang Cycad Grove                            | 15 Dune Swale Wetland                                      |
| 6 Historical Stump   | 16 Site of an Old Dairy                                    |
| 7 Scented Aspen Grove <i>Acronychia littoralis</i> on sand | 17 Fore-dune Vegetation in a Sand Mined Area               |
| 8 Threatened Fauna   | 18 Beach Access Ramp: Beach and Marine Park                |
| 9 Paperbark Swamp Forest                                   | 19 Fore-dune Littoral Rainforest in an Area Not Sand Mined |
| 10 Site of an Old Dairy                                    |  |



- implement a Conservation Agreement for the key habitat parts of land pursuant to the Part 5, Division 3 of the *Biodiversity Conservation Act*; and
- address the rezoning of the whole of the site for environmental protection purposes.

By implementation of the above, the ecotourism proponent wishes to act as a catalyst to ensure that, in perpetuity, the biodiversity of the Linnaeus property and its surrounding areas is protected.

### 3.8 THE APPROACH TO SUSTAINABILITY

**Volume F** of the **Bundle of Technical Reports** sets out proposals in relation to environmentally sustainable design initiatives for building construction, energy and water efficiency, waste management, sustainable transport and associated matters.

The Sustainability Management Plan (SMP) has been prepared for Linnaeus Estate in order to communicate the approach taken to embed sustainability into the design, construction and operation of the site as an Eco-Tourism facility.

The project seeks a new benchmark in genuinely sustainable tourism development in the region. Linnaeus is committing to zero carbon energy and will target zero carbon for transport and waste.

A key component of this approach is an electricity system which is 100% renewable with the majority of energy needs being met with on-site solar generation.

Beyond carbon, every aspect of the guest experience is seen as an opportunity to reduce environmental impact.

The design responses detailed in the SMP effectively integrated sustainability in this context and will deliver reductions in carbon emissions associated with electricity and transportation, improve resource efficiency, while minimising impact or enhancing natural systems consistent with climate resilient principles.

### 3.9 TRAFFIC AND PARKING

**Volume H** of the **Bundle of Technical Reports** sets out detailed in relation to traffic and parking considerations.

Traffic generation rates for the eco-tourist aspect of the development has been calculated in accordance with the RMS and Byron Shire Council guidelines are shown in **Table 3.3**.

**TABLE 3.3 ESTIMATED TRAFFIC GENERATION OF PROPOSED DEVELOPMENT**

Proposed Use	Number	Total Daily Trips	Total Peak Hour Trips
Eco-tourism Accommodation	27	81	10.8

Traffic on MR545 is expected to increase across the 10-year design horizon. Average annual growth of traffic volumes on MR545 was calculated to be approximately 0.5% per year. This rate has been applied as shown in **Table 3.4** below.

**TABLE 3.4 ESTIMATED TRAFFIC GROWTH ON MR545**

	2019 North-bound	2019 South-bound	2029 North-bound	2029 South-bound
AADT (veh/day)	2957	2974	3109	3127
AM Peak Hour (veh/h)	253	208	266	219
PM Peak Hour (veh/h)	242	270	255	284

#### Car Parking

Existing car parking areas have been checked to confirm compliance with AS2890 for dimensions and manoeuvring to suit user classes 1A and 2.

Applicable parking provision has been calculated in accordance with BDCP14 Chapter

B4 Table 4.1 and Council advice of 15<sup>th</sup> August 2019 as follows:

- 1 space per unit
- 1 space per 2 employees on site
- 1 space for on-site manager

Council have also advised that no additional parking would be required for the proposed restaurant as it is ancillary to the accommodation. A summary of the proposed facilities, required parking rates and proposed parking provision for occupants is provided in **Table 3.5**.

In addition to parking for occupants, parking is also provided for employees. The expected maximum number of staff servicing the facility concurrently will be 75. This equates to approximately one staff member for every two patrons on site with an 85% occupancy rate.

Using the parking rate of one space per two employees on site, gives a required parking provision of 39 spaces.

It is also proposed to provide an additional 10 parking spaces for visitors, which may include day visitors to the educational facilities or visitors of guests in the eco-tourist accommodation.

**TABLE 3.5 REQUIRED AND PROPOSED PARKING PROVISIONS FOR DEVELOPMENT**

Building Type	Proposed Use	Required Parking / Unit	Total Parking
Dwelling	Residential	2	4
A	Education	1	5
A	Tourism	1	10
B	Tourism	1	4
Cabin A	Tourism	1	8
Cabin B	Tourism	1	14
Cabin C	Tourism	1	4
Cabin D	Tourism	1	1
-	Staff	75	38
-	On-site Manager	1	1
-	Visitors	-	10
<b>Total</b>			<b>99</b>

### Intersection Level of Service

The site access intersection has been modelled using SIDRA. The intersection traffic flows were modelled for both the short-term horizon (existing traffic plus development generated traffic) and the 10-year horizon. The Level of Service A was achieved for all modelling scenarios.

### 3.10 ACCESS FOR PEOPLE WITH A DISABILITY

**Volume E** of the **Bundle of Technical Reports** reviews the DA design documentation, provides a summary of the compliance strategy of the proposed works, highlighting key principles of accessibility as well as the technical requirements for buildings to ensure residents and visitors will have equitable and dignified use.

The proponent appreciates that detailed work will be required at Construction Certificate stage to refine access for people with a disability. However, at the Development Application level of design development the expert advice from the accessibility consultant indicates that the project is capable of compliance with all the relevant State, Federal and Byron Shire accessibility requirements.

### 3.11 BUILDING CODE OF AUSTRALIA CONSIDERATIONS

**Volume C** of the **Bundle of Technical Reports** that report confirms that the development, illustrated in the DA **Plan Set**, is capable of completion in compliance with the provisions of the Building Code of Australia.

### 3.12 ENGINEERING CONSIDERATIONS

**Volume Q** of the **Bundle of Technical Reports** sets out considerations with respect to the water and wastewater. **Volume G** outlines the situation in relation to civil engineering matters generally.

#### Wastewater

The total average daily wastewater generation rate has been estimated as 22.6 kL/d. This

## STATEMENT OF ENVIRONMENTAL EFFECTS

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exceeds both the approved treatment limit of 16.8 kL/d and the previously assessed capacity of the wastewater treatment plant of 18.1 kL/d. As such, the wastewater treatment plant will require an upgrade to increase capacity and the approved treatment limit would need to be increased.

A revision to the existing approved wastewater treatment plant design has been prepared by Aerofloat and is described in Technical Report **Volume R**. The Aerofloat design would increase the treatment capacity to 30 kL/d and would be accommodated within a similar footprint to the approved plant.

As noted above, the treated effluent irrigation system has a current capacity of approximately 50 kL/d, which is sufficient to accommodate the increased flow.

The sewage pump station has a current theoretical pumping capacity of 3.0 L/s. The calculated Peak Wet Weather Flow rate for the proposed development is 2.7 L/s. Given the emergency storage volume available (10.8 kL) and the expected storm duration of any single event, it is expected that the existing pump station will have capacity to accommodate the increased wastewater flows associated with the proposed development.

The existing gravity reticulation has a capacity in excess of 5 L/s in the 100 mm nominal diameter pipework and in excess of 10 L/s in the 150 mm nominal diameter pipework. These capacities are therefore able to accommodate the expected Peak Wet Weather Flow of 2.7 L/s for the proposed development.

The proposed depot building (CB.06) is located a substantial distance from the other buildings and the wastewater treatment plant. As such, it is impractical to incorporate wastewater from the depot building into the centralised wastewater management system. It is proposed that the depot building would be serviced by a stand-alone on-site sewage management system, with a capacity of 1 kL/d. Given that there are relatively large areas of cleared land in close proximity to the proposed depot building, it is expected that a suitable land application area can be readily accommodated.

### Water Supply

The water demand of the proposed development has been estimated as 29.2 kL/d. This comprises the estimated daily wastewater generation rate of 22.6 kL/d, plus an additional 6.6 kL/d to account for water use that does not get collected in the wastewater collection system (e.g. outdoor taps / showers, garden irrigation, pool top-up, pool filter backwash, leakage).

The estimated water demand is less than the water treatment plant capacity of 41 kL/d. Accordingly, the existing plant has sufficient capacity for the proposed development. Secure yield calculations are required to confirm that the existing water supply dam (or other available water sources) has sufficient capacity have been confirmed.

It is not anticipated that there would be any negative impacts on the existing water distribution infrastructure due to increased demand requirements. The existing reticulation network will be able to meet the required peak instantaneous demand of 6.9 L/s. The increased water demand would have a positive impact on water quality in that the water age would potentially be reduced.

The proposed depot building (CB.06) is located a substantial distance from the other buildings and the water supply infrastructure. It is proposed that the depot building would be serviced by a stand-alone water supply system comprising rainwater tanks with a total capacity of approximately 50 kL.

### Roads

Existing roads are of varying widths, generally 4.0m ranging from 3.0m minimum up to 6.0m on bends and to allow passing at intervals. Passing is possible throughout the site given the flush edging and absence of table drains, swales, trees or other obstacles on at least one side of all roads.

Given the existing and anticipated traffic expected to be low volume, the above described arrangement is considered satisfactory from an engineering and traffic safety perspective. The narrow roadways encourage low traffic speed within the site and the loop road offers alternatives routes in the

## STATEMENT OF ENVIRONMENTAL EFFECTS

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event a section for roadway is temporarily impassable due to maintenance, for example. Further, the majority of staff and visitors will park at the proposed depot building, travelling to the central development area by golf buggies. Buggies have a lower speed and smaller dimensions compared to passenger vehicles, thus the narrow roadways are considered appropriate.

The road widths are also considered adequate for emergency vehicles such as fire trucks, given the abundance of opportunity for passing.

The B1 boardwalk is designed for use by pedestrians and buggies/mobility scooters only (i.e. no cars). Its 3.0 m width will allow for buggies to pass pedestrians. The paths providing access to each cabin will act as passing and turning bays for buggies.

Crossfall of the proposed roads is generally designed to be 3% and one way to suit stormwater management at the site. Sealed roads at 3% crossfall are considered to be the general standard to address safety, driveability and drainage.

Much of the site has been designed to blend with the existing topography and there are minimal sections of roadway requiring batters beyond 300mm. Where required, batters are generally as flat as possible for ease of maintenance (i.e. lawn mowing).

The exception is for the design of the treehouse boardwalk. Although this is not technically a road, it will be trafficked by buggies and mobility scooters. The first section of B1 will require relatively significant earthworks to climb the existing slope. To avoid extensive loss of vegetation and for ease of maintenance, retaining walls are proposed on either side of the boardwalk.

Beyond approximately chainage 60, the boardwalk has been designed to sit flush with the existing surface levels on the high side and be supported by posts on the low side.

The existing internal road network does not employ kerb, rather using flush edges to allow for easy drainage with an overland network and a minimal footprint.

The proposed additional roads will follow in the same way, with flush edges and no kerbs.

The horizontal alignment of the proposed roads and paths has been designed in consultation with the project team, in particular the architects and environmental scientists to best serve the proposed building locations, which in turn have been placed to minimise environmental impact and maximise amenity. The road design also required consultation with the bushfire consultant to ensure unimpeded access during a bushfire and to fit with the water supply design.

The geometry also took into consideration the optimal stormwater drainage flow paths.

A number of paths designated for non-vehicular access only will also require longitudinal geometry with steeper sections and steps as required. For example, the path linking B1 to the central area will require some steps to safely navigate the height difference. The detailed design and further collaboration with the project architect will determine the location of steps, however the design aims to minimise the need for steps, thereby maximising accessibility.

### Earthworks

Minimal earthworks are proposed in order to maintain the existing topography of the site, minimise environmental disturbance, avoid impacting existing services and allow for retention of the existing stormwater drainage flow paths.

However, minor earthworks will be required to facilitate construction of the proposed buildings and infrastructure. With regards to the proposed civil works, the majority of the proposal requires very little cut and/or fill. Where required, the design aims to match cut to fill minimising the need to cart away spoil or import fill.

The most substantial earthworks associated with the proposal will be during construction of the first 60 m of the B1 boardwalk. The boardwalk will be required to provide pedestrian and vehicular (golf buggy, motorised scooter etc.) access to the treehouse cabins, being approximately 10 m higher than the central road and car parking area. To minimise

STATEMENT OF ENVIRONMENTAL EFFECTS

the footprint of disturbance, this section will include retaining walls on either side as required to span the height.

Minimal earthworks will be required for the remainder of this boardwalk, as it has been designed to sit generally flush with the existing surface on the high side and supported by posts on the low side.

**Bridges**

The proposed road layout requires a short (15 m) bridge to span the existing stormwater flow gully at the north eastern corner of the site.

**Electricity and Communications**

An approximate 250kW solar PV system will be located on distributed rooftops throughout the development maximising the delivery of electricity to the source of the consumption. With energy efficiency measures applied, this equates to 100% of the summer consumption (when solar output is at its highest) and over 40% of winter consumption (when solar output is lower).

The surplus energy generated by the solar PV system will be stored in a proposed 700 to 1000kWh of battery storage to be distributed throughout the development consistent with the solar PV locations. The residual energy sourced over winter from the electricity grid will be 100% renewable.

Communications infrastructure will be assessed at the detailed design stage of the development to determine if there is sufficient capacity within the existing mains to service the additional demand.

**3.13 ECOLOGICAL CONSIDERATIONS**

The proposal will result in direct and permanent impacts to biodiversity from construction and operation.

Direct biodiversity impacts include:

1. Loss of native vegetation: ~ 0.38 ha of PCT 1275 (littoral rainforest in modified condition) including an estimated 163 native trees;

2. Reduction of fauna resources (fruiting/flowering trees and shrubs within PCT 1275); and

3. Disturbance (noise, human disturbance, machine operations) to fauna during development and construction.

Indirect impacts may include matters such as increased noise, dust, light spill, weeds and pathogens and edge effects.

Domestic animals are not permitted at the site under existing policies and this will not be altered. As such, there is no likelihood of roaming animals posing a threat to native fauna. Furthermore, internal roads are low speed (30 km/hr) with signage and traffic calming devices at several locations. While the proposal would increase traffic volumes, traffic would be moving at low speeds and risks to fauna from vehicle collision are unlikely to be significant. Further, patrons vehicles will be parked at Precinct B and patrons shuttled to Precinct A, from which they would move around the site on foot or by small electric buggies. On this basis, potential impacts to fauna is very low.

An area of vacant grassland has been identified for compensation planting with a total area of 0.652 ha (some 1630 trees) is to be planted as littoral rainforest dominated by Coast Banksia.

The *Biodiversity Conservation Management Plan* (BCMP) prepared for the site (AWC 2017) identifies several areas for regeneration and planting. The compensation area is located in Management Zone MZ4 of the BCMP. The compensation planting will complement targets in the BCMP and be consistent with the E3 zoning ascribed to this portion of the site.

A Vegetation Management Plan (VMP) will be developed to inform the compensation planting and set out tasks, species schedules, preparation prescriptions and monitoring and reporting requirements.

**3.14 CONTINUITY OF CONSENTS**

The proponent does not propose to surrender any of the existing Development Consents and Construction Certificates applicable to the land. In the event that the eco-tourism use does not flourish the proponent wishes to retain the

ability to revert to the Private Education landuse.

**3.15 ANCILLARY COUNCIL  
APPROVALS**

No ancillary approvals under the Local Government Act are sought from Council at this time.

**4. STATUTORY AND POLICY PLANNING**

Section 4.1 documents the range of planning controls applicable in the subject case pursuant to Section 4.15 (1)(a) of the Act and tabulates the effect of these instruments in the circumstances of the development proposal described at Section 3. Section 4.2 examines policy adopted by the Council or other authority applicable in the subject matter which, whilst relevant, are not controls within the meaning of Section 4.15(1)(a).

**4.1 STATUTORY CONSIDERATIONS**

Pursuant to the *Environmental Planning and Assessment Act* (EPAA), a number of statutes are potentially applicable to any single development proposal. This section reviews the range of instruments and notes their application in terms of the subject development application proposal.

**4.1.1 DEEMED ENVIRONMENTAL PLANNING INSTRUMENTS**

No deemed environmental planning instruments apply to the subject land.

**4.1.2 LOCAL ENVIRONMENTAL PLANS**

Three Local Environmental Plans (LEP) apply to the subject site. Those LEPs are:

- Byron Local Environmental Plan 1988 (BLEP88);
- Byron Local Environmental Plan 2014 (BLEP14); and
- Ballina Local Environmental Plan 2012 (BLEP12) with respect to a triangular parcel on the western side of Broken Head Road.

This application only relates to the land zoned pursuant to BLEP88 and BLEP14.

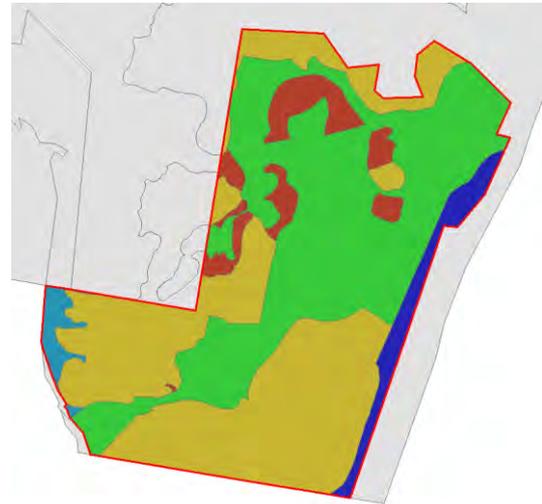
The zoning and planning control mix applicable to the application area is illustrated in the diagram below.

*Application in Subject Case:*

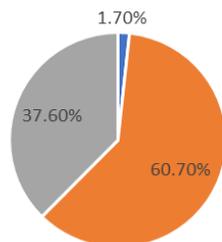
Byron Local Environmental Plan 2014 (BLEP14)

Since the recent gazettal of BLEP14 Amendment 17 the land is largely zoned; E2 Environmental Conservation (48.4ha); E3 Environmental Management (7.6ha) and SP1 Special Activities (Mixed Use Development) (47.8ha); and RU2 Rural Landscape (2ha). The development proposed for by this application is wholly located within the land zoned SP1 Special Activities (Mixed Use Development).

**Land Zoning Map**



**Zoning Mix**



- Rural Zones not mapped by the CM SEPP
- Environmental Protection Zones and CM SEPP mapped area
- Special Activity Zone not mapped by CM SEPP

**Legend**

- DM
- E2
- E3
- RU2
- SP1

**Permissibility:** "eco-tourism" is permissible with Council's consent within the SP1 Special Activities (Mixed Use Development) zone in association with the approved private education use.

**Concurrence:** No concurrence is required in relation to this Development Application.

**Advertising:** Advertising of this development is not required under BLEP14 but is required to be advertised under the Council Development Control Plan.

**Definitions:** Key BLEP14 definitions relevant to consideration subject application are:

**mixed use development** means a building or place comprising 2 or more different land uses.

**eco-tourist facility** means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

There is no convenient single landuse definition pursuant to BLEP14 which is consistent with the “private education” characteristics of BLEP88 Amendment 6 or DA Consent 98/0146. In our view, the use is an amalgam of:

**information and education facility** means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

**function centre** means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

**tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) backpackers' accommodation,
  - (b) bed and breakfast accommodation,
  - (c) farm stay accommodation,
  - (d) hotel or motel accommodation,
  - (e) serviced apartments,
- but does not include—
- (f) camping grounds, or
  - (g) caravan parks, or
  - (h) eco-tourist facilities.

The following special provisions of BLEP14 are applicable to the NRPP consideration of the subject proposal:

**2.3 Zone objectives and Land Use Table**

(1) The Land Use Table at the end of this Part specifies for each zone—

- (a) the objectives for development, and
- (b) development that may be carried out without development consent, and
- (c) development that may be carried out only with development consent, and
- (d) development that is prohibited.

(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

(3) In the Land Use Table at the end of this Part—

- (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
- (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.

(4) This clause is subject to the other provisions of this Plan.

Landuse tables relevant in the subject circumstances are set out below.

**Zone SP1 Special Activities**

**1 Objectives of zone**

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

**2 Permitted without consent**

Building identification signs; Environmental protection works

**3 Permitted with consent**

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

**Comment:**

Sheet LZN\_003D identifies the “purpose” of this particular Special Activity Zone as “Mixed use development”.

**4 Prohibited**

Any development not specified in item 2 or 3

**Comment:**

The development proposed by this application is consistent with the Mixed Use development purpose designation of the Special Activities zoned land.

**Zone E2 Environmental Conservation**

**1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

**2 Permitted without consent**

Environmental protection works

**3 Permitted with consent**

Environmental facilities; Extensive agriculture; Oyster aquaculture; Recreation areas; Roads

**4 Prohibited**

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential accommodation; Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**Comment:**

No new development of any kind is proposed within the E2 zone.

**Zone E3 Environmental Management**

**1 Objectives of zone**

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To encourage passive recreation and environmental education where there is no detrimental effect to land.



Architectural rendering of beachside cabin.

**2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

**3 Permitted with consent**

Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Community facilities; Dual occupancies; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Home businesses; Home industries; Horticulture; Jetties; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Roads; Tank-based aquaculture; Veterinary hospitals; Wharf or boating facilities

**4 Prohibited**

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

**Comment:**

No new development of any kind is proposed within the E3 zone.

**Zone RU2**

**1 Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.

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- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To enable the provision of tourist accommodation, facilities and other small-scale rural tourism uses associated with primary production and environmental conservation consistent with the rural character of the locality.
- To protect significant scenic landscapes and to minimise impacts on the scenic quality of the locality.

**2 Permitted without consent**

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations

**3 Permitted with consent**

Agricultural produce industries; Agriculture; Airstrips; Animal boarding or training establishments; Aquaculture; Business identification signs; Camping grounds; Cemeteries; Centre-based child care facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Funeral homes; Garden centres; Health consulting rooms; Helipads; Home businesses; Home industries; Hostels; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Livestock processing industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural supplies; Rural workers' dwellings; Secondary dwellings; Stock and sale yards; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Veterinary hospitals; Warehouse or distribution centres

**4 Prohibited**

Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

**Comment:**

No new development is proposed within the RU2 zone.

Special provisions of BLEP14 relevant in the subject circumstances area set out below.

**4.3 Height of buildings**

(1) The objectives of this clause are as follows:

(a) to achieve building design that does not exceed a specified maximum height from its existing ground level to finished roof or parapet,

(b) to ensure the height of buildings complements the streetscape and character of the area in which the buildings are located,

(c) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development.

(2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

**Height of Buildings Map**



**Legend** 9 - 9.9 m

**Comment:**

All of the buildings comply with the height control set out in BLEP14.

**5.13 Eco-tourist facilities**

(1) The objectives of this clause are as follows:

(a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,

(b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.

(2) This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.

(3) The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that:

(a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and

**Comment:**

As described in the site analysis component of this Statement of Environmental Effects (see Section 2.5), the land has plentiful and splendid characteristics in relation to ecological, environmental and cultural values. Its setting is unique in the Northern Rivers locality.

The proposal respects these values by adopting design principles, guiding principles and objectives to ensure a harmonious relationship between the development use and the site's special values. The proposal is one where the landscape features predominate with the ecotourism structures taking a subordinate role and blending into the surrounding landscape.

*(b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and*

**Comment:**

The ecotourism construction and operations will only utilise previously disturbed areas and are only located on lower value habitats. The proposal ensures that the disturbance and clearing of habitat during construction is minimised through best practice technologies and the utilisation of modular, pre-fabricated and easy-to-assemble construction technologies.

The management practices proposed to be implemented are set out at 3.5.

*(c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and*

**Comment:**

The Linnaeus site is bountiful in terms of its environmental and cultural values (see BHCF 2012). The development has been designed to enhance the appreciation by visitors to the facility of the natural environment. Experienced guides will be available to provide experienced advice in relation to the cultural values of the site and the locality generally.

*(d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and*

**Comment:**

The approach to the ecotourism accommodation has a design-lead and thoughtful consideration which has ensured that the protection of sensitive habitat areas and avoiding activity in vulnerable or highly valued areas.

Buildings have been carefully sited in relation to watercourses and swales. By the avoidance of the "slab on ground" technique and implementing "pole house" (tree house) design characteristics and good erosion control can be achieved and the soils on the site can be protected.

*(e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and*

**Comment:**

The approved *Biodiversity Conservation Management Plan* (AWC, 2017) has commenced implementation. That plan was a condition of DA 2013/600. Upon the completion of the currently targeted areas, it is proposed to continue regeneration onsite and to ensure the protection of natural resources and enhancement of the natural environment with the implementation of:

- a) fostering the implementation of further vegetation corridors in the Broken Head locality generally to enhance the biodiversity characteristics and not just the Linnaeus site but the whole of the Broken Head area generally;
- b) implementation of a Conservation Agreement for the key habitat parts of land pursuant to the Part 5, Division 3 of the *Biodiversity Conservation Act*; and
- c) the rezoning of the whole of the site for environmental protection purposes.

*(f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and*

**Comment:**

The approach to waste management is demarcated into two aspects: waste management post construction and waste management during construction. The former

is described in some detail in **Volume N** in the **Technical Reports Bundle** and the Construction Waste Management approach is described in **Volume O** of the Bundle.

*(g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and*

**Comment:**

The eco tourism cabins and facilities generally have been deliberately designed to be small and subordinate so that the landscape dominates the architecture. Section xvi of the Architects Design Report reviews, in some detail, the relationship between the development, particularly treehouse cabins and the ridgeline in the locality. The Architectural Design Report undertakes a sophisticated analysis of the visual catchment and analyses the likely impacts. That report (**Volume A** in the **Technical Reports Bundle**) also describes in detail the colours and materials. Landscaping for the development is specified in a series of plans accompanying the **Plan Set**.

All watercourses and swales have been identified and building have been sited to work in a simpatico way with those swales. The scale of the ecotourism facility is deliberately designed around a very small cabin structures, to ensure that any visual change is minimised. This approach is enhanced through the use of colours and materials which integrate well with the local flora.

*(h) any infrastructure services to the site will be provided without significant modification to the environment, and*

**Comment:**

The core infrastructure servicing the site is already in place with respect to water supply and wastewater treatment plant; and power connections. All of these facilities will be enhanced to meet the needs of the development (see **Volumes F, G & R** in the **Technical Reports Bundle**).

*(i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and*

**Comment:**

It is a fundamental principle of the eco-tourism use to ensure that the site is carbon zero (see the Sustainability Management Plan at **Volume F** in the **Technical Reports Bundle**). Water is conserved and re-used to optimise site vegetation growth and vitality. Buildings are passively heated and cooled renewable energy resources and water efficiency will be maximised.

*(j) the development will not adversely affect the agricultural productivity of adjoining land, and*

**Comment:**

In the main, there is no substantive agriculture carried out on the subject site (other than the growing of vegetables and fruit for onsite utilisation). Nor is there any large scale agriculture carried out in the immediate locality of the land.

*(k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment:*

**Comment:**

The Linnaeus eco-tourism use will be a highly managed operation where guests are inducted upon arrival as to the critical importance of the natural environment. Guests will be permitted to take some unguided tours of the site. However, any sensitive areas will be subject to guidance from a local expert.

*(i) measures to remove any threat of serious or irreversible environmental damage,*

**Comment:**

Given the very low scale of the use, it is not perceived that there will be any threat whatsoever of serious or irreversible environmental damage occur as a consequence of the eco-tourism land use. However, for abundant security, it is proposed to implement Environmental Management System in accordance with ISO 14001. Monitoring reports will be available for examination by Council and the community at large.

*(ii) the maintenance (or regeneration where necessary) of habitats,*

**Comment:**

The maintenance and regeneration of habitats at the site is currently managed pursuant to the *Linnaeus Biodiversity Conservation Management Plan*. It is intended that that plan will be enhanced and backed up by a Conservation Agreement pursuant to Part 5, Division 3 of the *Biodiversity Conservation Act*.

*(iii) efficient and minimal energy and water use and waste output,*

**Comment:**

Details in relation to the efficient use of energy and water are set out in **Volume F** in the **Technical Reports Bundle**.

*(iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,*

*(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.*

**Comment:**

It is proposed that environmental monitoring will occur pursuant to ISO 14001. This will entail development and implementation of a site specific:

- Environmental Management Plan;
- Environmental Policy;
- Environmental Impacts and Aspects Identification;
- Targets and objectives; and
- Operational emergency processes.

The accountability and reporting structure of the organisation with respect to its Environmental Management System (EMS) will ensure:

- An environmental constant training for staff;
- Analysis, audits and monitoring compliance; and
- Continual development of the development enhancement of the EMS.

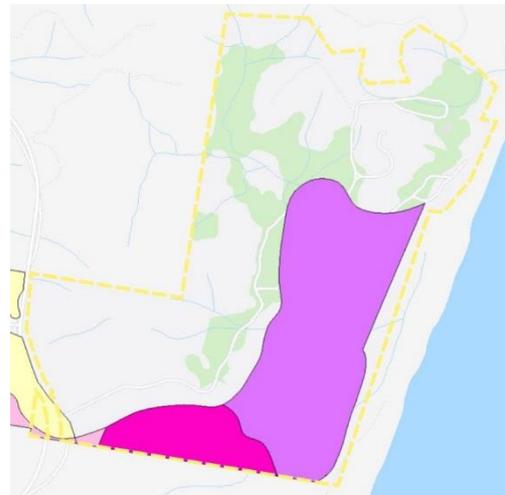
By applying an IOS 14001 EMS it is anticipated that the following benefits will accrue:

- Minimise environmental liabilities;

- Achieve a highest efficiency of resource usage;
- Decrease waste;
- Demonstrate a good corporate citizen approach;
- Create awareness of environmental issues among employees;
- Get a better understanding of the environmental effects of the business activities at the site; and
- Improve profit by applying more efficient environmental operational standards.

**6.1 Acid sulfate soils**

**Acid Sulfate Soils Map**



*(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.*

*(2) Development consent is required for the carrying out of works described in the table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.*

Class Works of land

- 1 Any works.

STATEMENT OF ENVIRONMENTAL EFFECTS

- 2 Works below the natural ground surface. Works by which the watertable is likely to be lowered.
- 3 Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
- 4 Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
- 5 Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

(3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.

(4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:

(a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan is not required for the works, and

(b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.

(5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):

(a) emergency work, being the repair or replacement of the works of the public authority, required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,

(b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),

(c) minor work, being work that costs less than \$20,000 (other than drainage work).

(6) Despite subclause (2), development consent is not required under this clause to carry out any works if:

(a) the works involve the disturbance of less than 1 tonne of soil, and

(b) the works are not likely to lower the watertable.

(7) Despite subclause (2), development consent is not required under this clause for the carrying out of works for the purpose of agriculture if:

(a) a production area entitlement is in force in respect of the land when the works are carried out, and

(b) the works are carried out in accordance with a drainage management plan, and

(c) the works are not carried out in respect of a major drain identified on the Acid Sulfate Soils Map, and

(d) the works are not carried out on land identified as "coastal wetlands" on the Coastal Wetlands and Littoral Rainforests Area Map (within the meaning of State Environmental Planning Policy (Coastal Management) 2018).

**Comment:**

The land proposed for environmental tourism development is outside acid sulfate soil mapped areas.

**6.2 Earthworks**

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless the earthworks are exempt development under this Plan or another applicable environmental planning instrument.

(3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

(b) the effect of the development on the likely future use or redevelopment of the land,

(c) the quality of the fill or the soil to be excavated, or both,

(d) the effect of the development on the existing and likely amenity of adjoining properties,

(e) the source of any fill material and the destination of any excavated material,

- (f) the likelihood of disturbing relics,
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Comment:**

Minimal earthworks are proposed in order to maintain the existing topography of the site, minimise environmental disturbance, avoid impacting existing services and allow for retention of the existing stormwater drainage flow paths.

However, minor earthworks will be required to facilitate construction of the proposed buildings and infrastructure. With regards to the proposed civil works, the majority of the proposal requires very little cut and/or fill. Where required, the design aims to match cut to fill (allowing for a bulking factor) thus minimising the need to remove spoil or import fill. It is noted that most of the new roads and paths will generate only a small quantity of cut material as it is intended to generally maintain existing surface levels

**6.6 Essential Services**

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

**Comment:**

All key essential services are available already to the site. Some enhancements will be required. Details in relation to the existing status of utility services and enhancements proposed are set out in **Volumes F & G** of the **Technical Reports Bundle**.

**2.5 Additional permitted uses for particular land**

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:

- (a) with development consent, or
  - (b) if the Schedule so provides—without development consent,
- in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

**Additional Permitted Uses Map**



**8 Use of certain land at Coast Road, Broken Head**

- (1) This clause applies to land at The Coast Road, Broken Head (known as the Linnaeus Estate) being part of Lot 1, DP 1031848, and identified as "Area D" on the Additional Permitted Uses Map.

(2) Development for the purposes of mixed use development that includes tourist or visitor accommodation is permitted with development consent.

(3) Development consent may only be granted under this clause if the consent authority is satisfied that the proposed development:

- (a) is ancillary to a lawful existing land use, and
- (b) is for the purpose of providing education or training for professional and personal development through a variety of academic, cultural and vocational programs.

**Comment:**

For completeness, the above clause from Schedule 1 has been recited. This development application does not rely upon Item 8 in Schedule 1 for its permissibility.

**4.1.3 BYRON LOCAL ENVIRONMENTAL PLAN 1988 (BLEP88)**

With respect to BLEP88 the eastern (4.4%) of the land is zoned 7(f1).

STATEMENT OF ENVIRONMENTAL EFFECTS

The following special provisions of BLEP88 are noted for NRPP consideration.

**Zone No 7 (f1) (Coastal Land Zone)**

**d Objectives of zone**

The objectives of the zone are—

(a) to identify and protect environmentally sensitive coastal land,

(b) to enable development for certain purposes where such development does not have a detrimental effect on the habitat, landscape or scenic quality of the locality,

l to prevent development which would adversely affect, or be adversely affected by, coastal processes, and

(d) to enable the careful control of noxious plants and weeds by means not likely to be significantly detrimental to the native ecosystem.

**2 Without development consent**

Nil.

**3 Only with development consent**

Agriculture (other than animal establishments); beach and coastal restoration works; building of levees, drains or clearing of land; bushfire hazard reduction; clearing of land; community buildings; drainage; environmental facilities; forestry; home industries; markets; roads; primitive camping grounds; surf lifesaving facilities; utility installations.

**4 Prohibited**

Any purpose other than a purpose specified in item 2 or 3.

**Comment:**

No new development of any kind is proposed within the 7(f1) zone.



The above graphic illustrates the historical BLEP88 zonings of the site.

**33 Development within Zone No 7 (f1) (Coastal Lands Zone)**

(1) This clause applies to all land within Zone No 7 (f1).

(2) A person shall not carry out development for any purpose on land to which this clause applies except with the consent of the council.

(3) (Repealed)

(4) The Council, in deciding whether to grant consent to development referred to in subclause (2), shall take into consideration—

(a) the likelihood of the proposed development adversely affecting, or being adversely affected by, coastal processes,

(b) the likelihood of the proposed development adversely affecting any dune or beach of the shoreline or foreshore,

l the likelihood of the proposed development adversely affecting the landscape, scenic or environmental quality of the locality of the land, and

(d) whether adequate safeguards and rehabilitation measures have been, or will be, made to protect the environment.

**Comment:**

No new development of any kind is proposed within the 7(f1) zone.

**4.1.4 DEVELOPMENT CONTROL PLANS**

Two Development Control Plans apply to the land. The land zoned under BLEP88 is regulated by Byron Shire Development Control Plan 2010 (BDCP10). Land which is zoned pursuant to BLEP14 is regulated by Byron Development Control Plan 2014 (BDCP14).

No new development of any kind is proposed on land regulated by BDCP10, i.e. the 7(f1) zoned area. Accordingly, the provisions of this DCP are not recited for the purposes of this Statement of Environmental Effects.

Relevant clauses from BDCP14 are set out below.

**BDCP 14**

**Part A Preliminary**

A13.4 Community Consultation Prior to Development Application Lodgement

**Comment:**

Comprehensive community consultation has been completed in accordance with the requirements of Council's policy. Refer to **Volume P** in the **Technical Reports Bundle** for details with respect to the community consultation undertaken prior to the lodgement of the Development Application.

**Part B Controls Applying Generally to Development Applications**

*B1 Biodiversity*

**Comment:**

The documentation contained in **Volume K** in the **Technical Reports Bundle** has been prepared in accordance with this provision.

*B2 Preservation of Trees and Other Vegetation Chapter*

*B2.2.1 Information to Accompany Development Applications.*

**Comment:**

Documentation contained at **Volume K** in the **Technical Reports Bundle** has been prepared in accordance with the requirements of this clause.

*B2.2.2 Assessment of Development Applications/ Council Assessment*

**Comment:**

The assessment report (**Volume K**) provides details in relation to vegetation removal as required by this clause and also assesses the impact, interference and environmental considerations. All vegetation proposed by way of landscaping is consistent with the requirements specified in this DCP clause.

**B3 Services Chapter**

*B3.2.1 Provision of Services*

**Comment:**

Services including water supply, electricity supply, telecommunication infrastructure, sewage management, stormwater and drainage, as well as suitable site access are currently available to the site. Some of these facilities will require enhancement. That augmentation is described in **Volume G** of the **Technical Reports Bundle** in relation to water, sewer and the like. Augmentation in relation to the site power usage is described in **Volume F**

in the **Technical Reports Bundle** and matters proposed in relation to vehicular access and the like are described in **Technical Reports Bundle, Volume H.**

*B3.2.2 On-site Sewage Management*

**Comment:**

**Volume G** of the **Technical Reports Bundle** describes augmentation proposed in relation to onsite sewage management.

*B3.2.3 Stormwater Management*

**Comment:**

**Volume G** of the **Technical Reports Bundle** describes stormwater management proposals for the land.

*B3.2.4 Sedimentation and Erosion Control Measures*

**Comment:**

**Volume G** of the **Technical Reports Bundle** describes sedimentation and erosion control measures proposed.

**B4 Traffic Planning, Vehicle Parking, Circulation and Access Chapter**

*B4.2.1 Traffic Impact*

**Comment:**

**Technical Report Volume H** describes the existing traffic situation at the site and looks at additional traffic loads generated by the proposed development.

*B4.2.2 Parking Layout Standards*

**Comment:**

All parking layouts are consistent with Council's Design Standards.

*B4.2.3 Vehicle Access and Manoeuvring Areas*

**Comment:**

All vehicle access and manoeuvring areas are consistent with Council's Design Standards.

**B4.2.5 Car Parking Requirements**

*B4.2.8 Bicycle, Motorcycles and Coach Parking*

**Comment:**

Bicycle, motorcycle and motor vehicle parking are provided in accordance with Council's standards. It is not anticipated that coach

parking will be necessary with this development.

*B4.2.9 Loading Bays*

**Comment:**

Loading areas are described in **Technical Report Volume H**.

*B4.2.10 Monetary Contributions*

**Comment:**

No monetary contributions are warranted in lieu of onsite provision concerning parking at the subject site.

*B4.2.11 Landscaping*

**Comment:**

Comprehensive details in relation to landscaping are contained in the Landscape Architect’s drawings contained at Section 3 of the **Plan Set**.

*B4.2.12 Parking Schedules*

**Comment:**

The parking schedule for the development is listed below.

Building Type	Proposed Use	Required Parking / Unit	Total Parking
Dwelling	Residential	2	4
A	Education	1	5
A	Tourism	1	10
B	Tourism	1	4
Cabin A	Tourism	1	8
Cabin B	Tourism	1	14
Cabin C	Tourism	1	4
Cabin D	Tourism	1	1
-	Staff	035	38
-	On-site Manager	1	1
-	Visitors	-	10
<b>Total</b>			<b>99</b>

**B5 Providing for Cycling Chapter**

**Comment:**

**Technical Report Volume H** describes transport and access arrangements from a technical perspective. From a sustainability point of view, **Technical Report Volume F** reviews the access to and around the site.

**B7 Mosquitoes and Biting Midges Chapter**

*B7.2.1 Mosquito and Biting Midge Risk Zones*

**Comment:**

The proposal is located outside a coastal swamp mosquito habitat risk zone.



*Extract from Chapter B7 Mosquito and Biting Midges  
B7.2.2 Strategies and Guidelines for proposed developments within risk zones*

**Comment:**

Notwithstanding that the subject site is located outside a mosquito risk zone, it is intended to provide effective insect screening to relevant windows and doors and other openings.

**B8 Waste Minimisation and Management Chapter**

*B8.2.1 Documentation required for all DAs*

*B8.2.2 Site Waste Minimisation and Management Plans*

**Comment:**

Two Waste Management Plans are provided in support of this development application. One plan covers construction waste (**Volume O**) and the other covers waste generated during the operation of the development generally (**Volume N** of the **Technical Reports Bundle**).

*B8.2.3 Waste/Recycling Generation Rates*

**Comment:**

To adopt a conservative approach, the waste generation rates referred to in Council's DCP have been utilised for management planning.

*B8.3.2 Construction of Buildings or Structures*

**Comment:**

Matters required pursuant to this clause are addressed in **Volume A** of the **Technical Reports Bundle**.

*B8.3.3 Bin Sizes and Collection Measures*

**Comment:**

**Volume N** of the **Technical Reports Bundle** describes the bin sizes and collection measures proposed to be implemented for the Linnaeus Ecotourism land use.

*B8.4.3 Tourist Accommodation and Commercial and Retail Development*

**Comment:**

The SWMMP describes the location and designated waste recycling locations within the site, as well as path of travel for collection vehicles and the like.

*B8.4.4 Mixed Use Development*

**Comment:**

The SWMMP published at **Volume N** of the **Technical Reports Bundle** addresses both the requirements for the continuing private education use as well as the additional ecotourism land use.

**B9 Landscaping Chapter**

*B9.2.2 Landscape Plans for Development Applications*

**Comment:**

Landscape Architecture Plans provided as part of the **Plan Set** include details consistent with the requirements of this clause.

*B9.2.3 Further requirements for more complex developments*

**Comment:**

The Landscape Architecture drawings include a Statement of Landscape Intent as well as a Landscape Structure Plan with associated

Landscape Master planning Principles articulated.

*B9.3.1 General Landscape Design Principles*

**Comment:**

The Landscape Architecture drawings provide landscape proposals which are consistent with the General Landscape Design Principles referred to in this clause.

*B9.6.2 Landscaping of Caravan Parks, Camping Grounds and Eco-tourist Facilities*

**Comment:**

The Landscape Architecture Plans provide for the retention of suitable existing vegetation as well as the implementation of new plantings to minimise visual impacts. By virtue of the ecotourism characteristics of the subject proposals, landscaping does not need to act to minimise bushfire hazard.

As a matter of course, the plant selection adopted by the landscape architect utilise local indigenous plantings to improve biodiversity.

*B9.9.1 Landscaping of Car Parking and Open Storage Areas*

**Comment:**

Largely, the proposal utilises landscaping already established for car parking areas. Some slight embellishment has been proposed to further enhance and soften the existing layout.

**B11 Planning for Crime Prevention Chapter**

*B11.2.1 Development that Requires a Formal Crime Risk Assessment*

**Comment:**

**Volume A** of the **Technical Reports Bundle** addresses crime risk assessment utilising guidelines published by the NSW Police Force.

*B11.2.3 CPTED Design Opportunities*

**Comment:**

Techniques utilised by the architect and landscape architect to enhance design opportunities include surveillance, lighting and the land use mix itself. Vandalism is not thought to be a likely issue at the subject site.

**B13 Access and Mobility Chapter**

*B13.1.6 Special Requirements for Development Applications.*

**Comment:**

**Volume E** of the **Technical Reports Bundle** contains a specialist report which addresses all relevant requirements in relation to access and mobility within the proposed development.

**Part C Further Controls Applying to Land with Specific Constraints and Environmental Characteristics**

**C3 Visually Prominent Sites, Visually Prominent Development and View Sharing Chapter**

*C3.2.1 Visual Impact Assessment*

**Comment:**

In 1990 with the amendment to BLEP88 permitting Private Education at the subject site, Council undertook careful studies in relation to the areas of the site which were particularly sensitive from a landscape character perspective. The Amendment 6 zoning plan specified the RL 38m AHD contour as an area to be excluded from the Private Education zoning and set that part of the land aside for environmental Protection for landscape character purposes. The new structures at the site are generally (i.e. cabin series B) set about 10m below this important landscape protection contour.

*C3.2.2 Assessment of Impacts on Views and View Sharing*

**Comment:**

Section xvi of **Volume A** of the **Technical Reports Bundle** examines in detail the landscape character of the site and the impact the proposal will have on views. No view sharing considerations arise with this project.

**4.1.5 STATE ENVIRONMENTAL PLANNING POLICIES**

A search undertaken on the NSW Planning Portal on 21 January 2021 indicated that the following SEPPs as being applicable to the land.

- SEPP (Affordable Rental Housing) 2009
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Coastal Management) 2018
- SEPP (Concurrences) 2018

- SEPP (Educational Establishments and Child Care Facilities) 2017
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Housing for Seniors or People with a Disability) 2004
- SEPP (Infrastructure) 2007
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (Primary Production and Rural Development) 2019
- SEPP (Vegetation in Non-Rural Areas) 2017
- SEPP No 21—Caravan Parks
- SEPP No 33—Hazardous and Offensive Development
- SEPP No 36—Manufactured Home Estates

In addition, to the above list, we believe SEPP (State and Regional Development) 2011 and SEPP (Koala Protection) 2020 are applicable in the subject circumstances.

Of these, the following SEPPs are of particular relevance to the subject application.

**Title:** State Environmental Planning Policy (Coastal Management) 2018 [CM SEPP]

Published: 23 March 2018



*Architectural rendering of treehouse cabins.*

**Abstract**

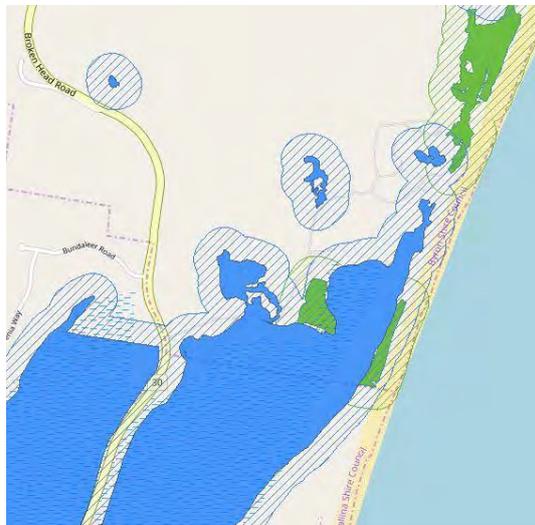
The aim of this Policy is to promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner

STATEMENT OF ENVIRONMENTAL EFFECTS

consistent with the objects of the Coastal Management Act 2016, including the management objectives for each coastal management area, by:

- (a) managing development in the coastal zone and protecting the environmental assets of the coast, and
- (b) establishing a framework for land use planning to guide decision-making in the coastal zone, and
- (c) mapping the 4 coastal management areas that comprise the NSW coastal zone for the purpose of the definitions in the Coastal Management Act 2016.

**Coastal Wetlands and Littoral Rainforest Map**



**Legend**

	Coastal Wetlands
	Proximity Area for Coastal Wetlands
	Littoral Rainforests
	Proximity Area for Littoral Rainforests

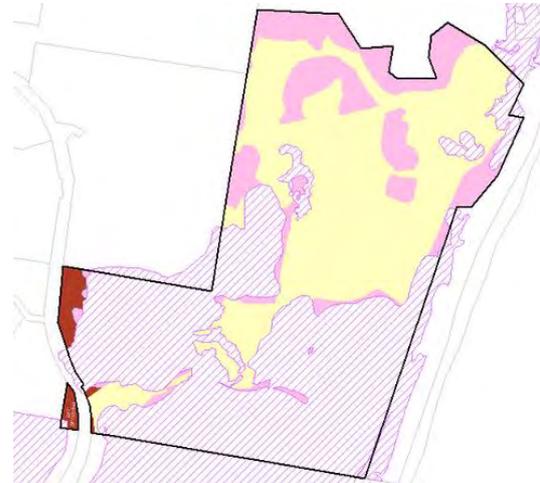
**Comment:**

No new development is proposed within any area mapped Coastal Wetlands or Littoral Rainforest.<sup>5</sup> However, new development does

occur within the proximity areas and accordingly Clause 11 is applicable.

The interaction between the CM SEPP and site zonings is illustrated in the graphic below.

**Overlay Map of CM SEPP and Site Zonings**



**Legend:**

	7(f1); DM; E2; E3
	RU2
	SP1

The hatched markings on the above graphic illustrate the extent of land mapped Coastal Wetland or Littoral Rainforest pursuant to the CM SEPP.

**11 Development on land in proximity to coastal wetlands or littoral rainforest**

(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.

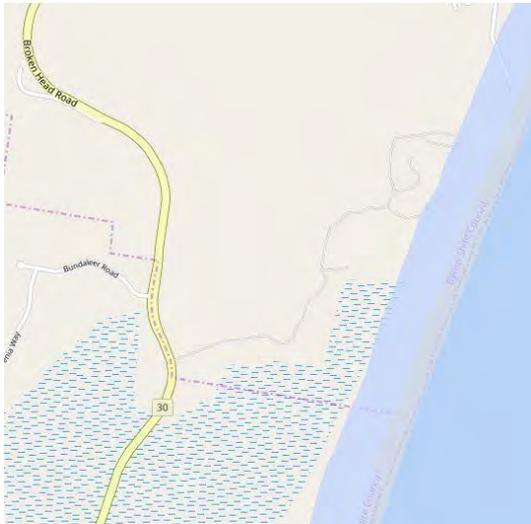
**Comment:**

As illustrated in the Site Analysis plans all new buildings have been carefully sited to ensure no biophysical impacts or changes to the ecological

<sup>5</sup> The proprietor of the land, BHCF Pty Ltd, is of the opinion that the CM SEPP mapping is erroneous at the site. They have made an expert submission to the Department of Planning requesting the remapping of the subject site (Landmark Ecological Services, 2019)

integrity of adjacent wetlands or rainforest. The civil engineering report (**Volume G** in the **Technical Reports Bundle**) has examined the quantity and quality of surface groundwater flows and concludes that no material changes will occur to the ecology.

**Coastal Environment Area Map**



**Legend** Coastal Environment Area Map

**13 Development on land within the coastal environment area**

(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,

**Comment:**

The Ecological Assessment (**Volume K** of the **Technical Reports Bundle**) opines in relation to the resilience of the biophysical and hydrology occasioned by the proximity to proposed new cabins. That report concludes that no material changes will occur in relation to biophysical resilience or hydrology.

(b) coastal environmental values and natural coastal processes,

**Comment:**

No structures or alterations are proposed in relation to land mapped for coastal erosion.

(c) the water quality of the marine estate (within the meaning of the *Marine Estate Management Act 2014*), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,

**Comment:**

Water quality exiting the site has been assessed in the **Technical Report Volume G**. It concludes no material changes to the hydrology will occur.

(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,

**Comment:**

No alterations or changes are proposed which will have any impact on marine vegetation. No development is proposed on any undeveloped headland or rock platform.

(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

**Comment:**

No changes are proposed in relation to existing public open space or the access along the foreshore.

(f) Aboriginal cultural heritage, practices and places,

**Comment:**

An assessment, in consultation with the Aboriginal Land Council and other stakeholders have been completed in relation to Aboriginal cultural heritage matters. That assessment has been published at **Volume I** in the **Technical Reports Bundle**.

(g) the use of the surf zone.

**Comment:**

No development whatsoever is proposed in the surf zone or approximate thereto.

(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or

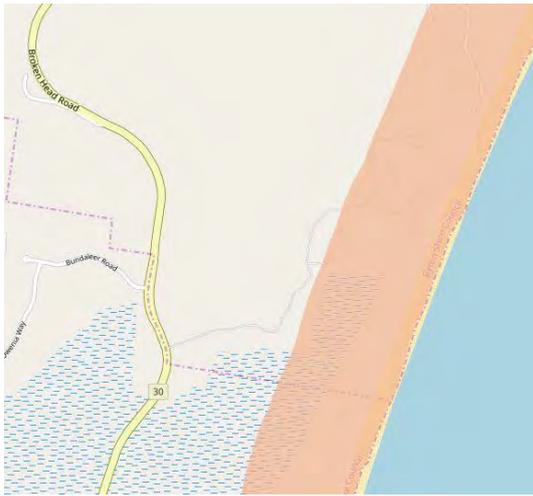
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

**Comment:**

All impacts that can be reasonably avoided have been recommended and the development is designed by virtue of its very small footprint and modular built off site characteristics to minimise site impacts during construction.

**Coastal Use Area Map**



**Legend**  Coastal Use Area Map

**14 Development on land within the coastal use area**

(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—

(a) has considered whether the proposed development is likely to cause an adverse impact on the following—

(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,

**Comment:**

The proposed development will not cause any impact in terms of safe access along the foreshore.

(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,

**Comment:**

No overshadowing or other environmental impacts or the like environmental impact is anticipated in relation to public places adjacent to the foreshore.

(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,

**Comment:**

The visual considerations have been foremost in the architectural design of the project. Pages 24 and 25 of **Volume A** in the **Technical Reports Bundle** explains in detail the visual planning characteristics of the subject site and the very low impact of the proposal in relation to long-term change in the landscape character.

(iv) Aboriginal cultural heritage, practices and places,

(v) cultural and built environment heritage, and

**Comment:**

No impact is anticipated in relation to cultural heritage considerations (refer to **Volume I** in the **Technical Reports Bundle**).

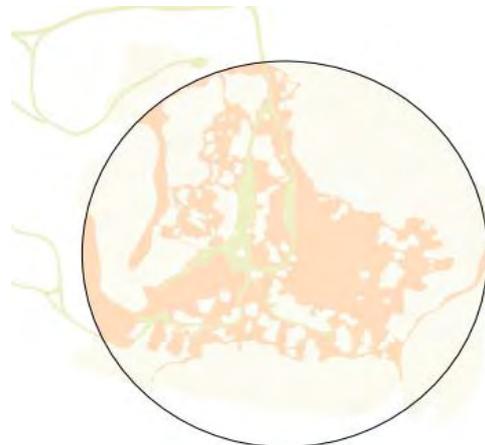
(b) is satisfied that—

(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or

**Comment:**

An examination of the site analysis, architectural design and environmental assessment (**Volumes A** and **K** in the **Technical Report Bundle**) illustrate the development has been design and sited to avoid adverse impact.

The below graphics illustrate the way in which the architects have carefully located buildings to utilise only those parts of the site which have previously been disturbed.



*Disturbed Vegetation within Precinct A*



*Proposed new structures within Precinct A*

*(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*

**Comment:**

Where impacts have been necessary i.e. the provision of access roading at the appropriate slope, all reasonable efforts have been made to design the development to minimise adverse impact.

*(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and*

**Comment:**

The impact results in the removal of 0.38 ha of site vegetation. The mitigation program specified in **Volume K** of the **Technical Reports Bundle** is to plant a further 0.652 ha.

*(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.*

**Comment:**

The project is premised specifically on taking into account the coastal and built environment and making sure the scale of the proposed new development sits well with the landscape and natural environment of the subject site.

**Title:** SEPP (Koala Habitat Protection) 2020

Gazetted: 30.11.20

**Abstract**

The Policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

**Comment:**

The subject site does not have a resident koala population and the proposal will not likely impact on koala habitat.

Section 7.3 of the environmental assessment (**Volume K** in the Technical Reports Bundle) addresses the relevant considerations pursuant to the Koala SEPP.

**Title:** SEPP (Building Sustainability Index: BASIX) 2004

Gazetted: 25.06.04

**Abstract**

This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans.

**Comment:**

The proposed ecotourism cabins are not “BASIX affected buildings” within the meaning of Clause 6 of SEPP (BASIX) because they have a form and fitout in the style of “motel” accommodation, i.e. they have no food cooking facilities. Guests can take meals in cabins but it is anticipated that most guests’ meals will be consumed in the centre building. However, the existing private education accommodation units which are currently erected and intend to be used for ecotourism purposes do fall within the definition of a BASIX affected dwelling and, accordingly, Certificates are provided at **Volume L** in the **Bundle of Technical Documents** accompanying this SEE.

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**Title:** State Environmental Planning Policy (State and Regional Development) 2011

Published: 28.9.2011

**Abstract**

The aims of this Policy are to identify development that is State significant development, to identify development that is State significant infrastructure and critical State significant infrastructure and to confer functions on joint regional planning panels to determine development applications.

**Comment:**

Pursuant to this SEPP Byron Shire Council will process the application and prepare an assessment report for consideration by the Northern Regional Planning Panel.

**Title:** SEPP (Infrastructure) 2007

Gazetted: 21.12.07; commences 1.1.08

**Abstract**

Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available here.

**Comment:**

The subject site connects to a classified road. All development listed in Column 3 of Schedule 3 of the Infrastructure SEPP require referral.

In case of car parking ancillary to a development of 50 or more parking spaces must be referred. In the subject proposal, a total of 111 car parking spaces will be available.

**4.1.6 CERTIFIED DRAFT PLANS**

Council at its meeting of the 21<sup>st</sup> May 2020 resolved to support the preparation of an amended Planning Proposal, inter alia, addresses potential issues associated with a Community Title subdivision and enhanced zonings. That amendment must be further reported to Council to consider the proposed

amendments to the Planning Proposal, the outcome of a Coastal Hazard study and submissions received during the exhibition period.

**4.1.7 SPECIFIC ENVIRONMENTAL PLANNING & ASSESSMENT ACT REQUIREMENTS**

Eco Tourism is not scheduled in Regulations to the Environmental Planning and Assessment Act or specified in Council’s LEP as a Designated Development.

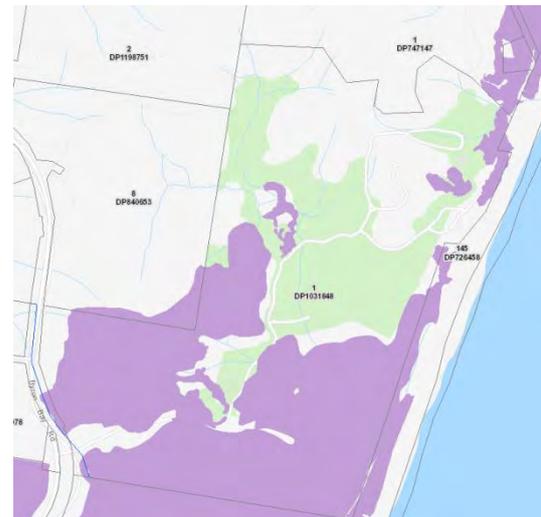
No reliance is placed on Exempt Development, Complying Development, or State Significant Development provisions in relation to the subject application.

**4.1.8 PART 7 OF BIODIVERSITY CONSERVATION ACT & PART 7A OF FISHERIES MANAGEMENT ACT**

Pursuant to Section 1.7 of the *Environmental Planning and Assessment Act*, “This Act has effect subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994* that relate to the operation of this Act in connection with the terrestrial and aquatic environment.”

Set out below is the Biodiversity Values Mapping applicable to the land.

**Biodiversity Values Map**



**Legend**

■ Biodiversity Values

Having regard to the requirements of the Biodiversity conservation Act 2016 we advise:

- no development is proposed within any Biodiversity mapped areas;

- the area vegetation removal required to implement this project is 0.38 ha. This quantum is below the threshold for the subject site of 0.652 ha; and
- a 5 part test has been completed which demonstrates no substantive impact to biodiversity.

Having regard to the above, the proposal does not trigger the requirement for the preparation of a BDAR. Refer to **Volume K** in the **Technical Reports Bundle** for an ecological assessment and considerations pursuant to the 5 part test of the *Biodiversity Conservation Act 2016* and requirements of Council's BDCP10.

**4.1.9 INTEGRATED DEVELOPMENT CONSIDERATIONS**

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more additional approvals.

The following integrated approval pursuant to Section 4.46 is required for this project.

Act	Provision	Approval
<a href="#">Rural Fires Act 1997</a>	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes

Refer to **Volume B** in the **Technical Reports Bundle** for an assessment in relation to matters for consideration relevant to the issue of a S.100B authority.

**4.2 CONTRIBUTION PLANS**

The Byron Shire Contribution Plan applies to development of this land. A contribution of 1% is required in relation to approved development for specific works.

**4.3 LOCAL POLICY CONTROLS**

Other than the provisions described in the above, it is understood that no specific policy of Council is applicable to the subject project.

**4.4 STATE GOVERNMENT POLICY**

The following State Government Policy documents are applicable in the subject case.

- North Coast 2036 Regional Plan

Refer to Section 2.4 of this SEE for observations in relation to consistency with the North Coast 2036 Regional Plan.

- The Coastal Management Manual

The manual provides guidance to Councils with repairing coastal management programs under the new coastal management framework. The manual is not overly applicable in the circumstances of the subject application given that no new work of any kind is proposed within the erosion zone area.

**4.5 ANCILLARY LEGISLATION**

The applicant is aware that in addition to the consent authority's approval of the subject application, the provisions of additional statutes may regulate development in the manner proposed.

- Access to Neighbouring Land Act 2000
- Animals Act 1977
- Building and Construction Industry Long Service Payments Act 1986
- Building and Construction Industry Security of Payment Act 1999
- Building and Development Certifiers Act 2018
- Building Professionals Act 2005
- Building Professionals Amendment Act 2008
- Coastal Management Act 2016
- Disability Inclusion Act 2014
- Fisheries Act 1935
- Fisheries Management Act 1994

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- Heritage Act 1977
- Enclosed Lands Protection Act 1901
- Local Government Act 1993
- Long Service Leave Act 1955
- Property NSW Act 2006
- Protection of the Environment Operations Act 1997
- Roads Act 1993
- Rural Fires Act 1997
- Swimming Pools Act 1992

**5. ENVIRONMENTAL INTERACTIONS**

*This section of the report expands on the contextual description of the physical environment given in Section 2, and undertakes an analysis of environmental interactions (particularly those at aspects of S.4.15 (1) (b) and (c) relevant in the subject circumstances) applicable to the proposed development with specific reference to the site planning objectives specified in Section 3.1 of the report. Further, this section reviews a range of comprehensive environmental management measures, again aimed at specifically addressing adopted site planning objectives.*

**5.1 CONTEXT AND SETTING**

Objective

*Ensure that site development fits comfortably with the biodiversity and coastal values of the site and Broken Head locality generally.*

The proposed ecotourism scheme has been designed to carefully nestle structures into the landscape. The below graphics illustrate this situation.

The first graphic shows the existing cleared, disturbed spaces that were identified by the project architect for the potential replacement of new structures.



*Existing Vegetation and Built Forms*

The second graphic illustrates how the proposed ecotourism structures have been carefully placed in the existing disturbed areas of the site to minimise biodiversity and visual changes to the locality and fit with a “soft touch” into the existing Linnaeus landscape character.

By siting the structures in this way the project architect has ensured that the relationship between the existing structures on the site and external to the site are not adversely effected. That careful site planning combined with

vegetation plantings proposed by the landscape architect will enhance the visual character, conservation character and corridor capacity at the subject site.



*Proposed Buildings*



*View from the site towards Jews Point.*

**5.2 FLORA & FAUNA**

Objective

*To identify and protect site flora and fauna of local environmental planning significance and enhance the biological diversity of the land through compensation and landscape plantings.*

The proposal will result in some direct and permanent impacts to biodiversity from the construction and operation of the development.

Measures to minimise biodiversity impacts are prescribed in **Table 5.1**. Further, vegetation compensation measures are to address requirements in the BDCP14. The location of the proposed 0.7 ha compensation area is shown to the left.



Management Zone MZ3

**TABLE 5.1 MITIGATION MEASURES**

Impact	Mitigation
<b>CONSTRUCTION</b>	
Native vegetation loss and disturbance	1. Littoral rainforest adjacent to the proposal footprints shall be defined and designated as a 'no go' area prior to clearing commencing.
	2. Vegetation removal must be completed sensitively using appropriate equipment to the minimum extent necessary.
	3. Opportunities for any vegetation retention within the APZ must be confirmed and clearly marked on site following discussion with the project bushfire consultant.
	4. Prior to any vegetation removal, an ecologist is to examine all affected areas for active nests, dreys or fauna. Clearing may only commence to the satisfaction of the project ecologist.
	5. Vegetation to be cleared shall not be pushed into adjacent vegetation but be chipped and the mulch retained for re-use onsite.
	6. No burning or other disposal of cleared vegetation shall occur.
	7. If lopping or pruning of any vegetation is required it must be completed by a certified and experienced arborist in accordance with AS 4970-2009 Protection of trees on development sites.
Soil and water	8. Appropriate soil and erosion control measures must be implemented and maintained for the duration of construction.
Biosecurity	9. Measures must be implemented during construction works so that machinery and plant do not introduce weed seed or propagules to the site (eg. by adoption and implementation of the 'Arrive Clean, Leave Clean' guidelines).
	10. Measures must be implemented during construction works to ensure hygiene protocols for minimising the introduction and spread of Myrtle Rust are developed and maintained in accordance with current best practice.

# LINNAEUS PROPERTY • ECO TOURISM MIXED USE

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Impact	Mitigation
	11. Development and implementation of a Myrtle Rust control program at Precinct A prior to construction commencing.
OPERATION/OCCUPATION	
Native vegetation loss and disturbance	12. Compensation plantings are completed to satisfy requirements of Chapter B2 of BDCP14, with 1630 native trees to be planted and maintained at the site.  Compensation plantings are proposed to adjoin and extend littoral rainforest in the northwest of the site over an area of approximately 0.652 ha (based on planting trees at 2m centres).  The compensation plantings will require the preparation of a Vegetation Management Plan (VMP) in accordance with Council guidelines to prescribe planting, monitoring and reporting requirements for the compensation planting. The species schedule for the plantings must represent littoral rainforest in the locality, with a minimum 30% of Coast Banksia to compensate for the loss of flowering resources at the site.
	13. Weed control works shall be completed within a 100 m radius of the proposal footprint, with all woody weeds controlled in accordance with best practice guidelines. Weed control works shall be informed by a baseline survey, with mapping and methodology written into a Weed Management Plan to be approved by Council.
	14. Littoral rainforest adjacent to any of the cabins must be defined by bollards or other measures in conjunction with signs to ensure occupants do not enter sensitive areas.
	15. 'Islands' of littoral rainforest within mapped Littoral rainforest (SEPP Coastal management) are to be protected by edging (timber or other) to limit entry by patrons and ensure mowing does not encroach into these areas. This will allow for regeneration and minimise potential for tree damage.
Fauna disturbance	16. Exterior lighting must be designed and installed in accordance with 'soft lighting' principles to limit spill into adjacent habitats.
Habitat degradation	17. Biodiversity information must be displayed and/or provided to all patrons providing information on the sensitive nature of the site and setting out protocols with regard to staying out of bushland areas, using formal paths etc.
Biosecurity	18. Myrtle Rust monitoring and control within Precinct A.

The *Biodiversity Conservation Management Plan* (BCMP) prepared for the site (AWC 2017) identifying several areas for regeneration and planting will continue to apply.

A Vegetation Management Plan (VMP) will be developed to inform the compensation planting and set out tasks, species schedules, preparation prescriptions and monitoring and reporting requirements as required to address criteria in Council's guidelines.

**Plan 5.1** illustrates site landscaping proposed in the Precinct A locality.

### 3 Precinct Plan



#### NOTES

- 1 Existing entry road
- 2 Cabin access- timber boardwalk
- 3 Privacy planting between cabins
- 4 Existing vegetation to be retained- managed to comply with APZ bushfire requirements
- 5 New planting- all landscape finishes in the APZ's to comply with bushfire regulations requirements
- 6 Service buildings- refer to Architects plans
- 7 Buffer planting
- 8 Cabins- refer to Architect's plans
- 9 Access path
- 10 Existing parking areas
- 11 Refuge Building- refer to Architect's plans
- 12 Entry zone- feature pavement treatments
- 13 Wellness Facility- refer to Architect's plans
- 14 Existing pool
- 15 Planting- garden paths and informal gathering spaces
- 16 Existing Centre
- 17 Existing boardwalk bridge
- 18 Shed- refer to Architect's plans
- 19 Existing trees through drainage gully
- 20 Productive zone- see following pages
- 21 Boardwalk path
- 22 Boardwalk bridge over gully
- 23 Access road
- 24 Existing tennis court
- 25 Cabins and associated landscape treatments
- 26 Existing trees

**5.3 CONSTRUCTION WORKS**

Objective

*Ensure that construction works are appropriately managed to minimise noise and air quality changes.*

Safeguards proposed in relation to construction noise are described below.

- Nearby residents and sensitive receivers will be notified and consulted of noisy construction activities, after-hours work, and other activities that may result in noise complaints. Those potentially affected by noise will be provided with information about the nature and timing of the works, including the timing of noise-intensive activities. The information provided to the community will include a telephone contact number and procedure for the lodging of noise complaints.
- Works will be staged to avoid noisy plant working at the same time close together, and adjacent to sensitive receivers.
- Noise emissions of all plant to be utilised will be reviewed as part of the establishment process. Preference would be given to equipment that emits low noise levels.
- No trucks would arrive on site or be permitted to queue prior to the 7.00 am start time, unless required by road safety considerations. All trucks regularly used for the works will be maintained in good working order. Subject to safety requirements, trucks will not use exhaust brakes on site.
- Audible construction activities would be restricted to 7.00 am to 6.00 pm Monday to Friday; 8.00 am to 1.00 pm Saturday and no work on Sundays or public holidays.
- Out of hours construction works will only be undertaken in accordance with OEH *Interim Construction Noise Guideline* (Department of Environment and Climate Change 2009). Deliveries would be carried out within standard construction hours except where alternative delivery hours are required by the Council.

- Plant and equipment would be maintained and serviced in accordance with the manufacturers' specifications to minimise noise and emissions. All plant and equipment would be regularly checked and inspected.
- Plant and equipment would not be permitted to 'warm-up' before the approved working hours.

Safeguards in relation to air quality are described below.

- Water sprays and/or water carts will be used as required for dampening stockpiles, cleared areas and other exposed surfaces to control dust generation. This form of dust suppression will be targeted to protect sensitive receivers.
- No burning or incineration of any wastes will be permitted at any time.
- Disturbed areas will be stabilised as soon as practicable after completion of construction works.
- Silt accumulated in erosion control devices (e.g. silt fences) will be inspected and maintained daily.
- The site has a low speed limit of 10 or 30 kph. Accordingly dust generation from vehicle movements will be minimum.
- Loads will be covered on both internal and public roads where there is a risk of release of material/dust/liquid.
- Plant operators will be required to switch off plant whenever the equipment is not going to be used for a period of more than 15 minutes.
- Exhaust systems of construction plant, vehicles and equipment will be maintained to minimise exhaust emissions to the atmosphere.
- All site accesses will be designed to cope with the planned construction traffic volumes and duration. At a minimum, all site accesses will be stabilised with gravel to minimise dust generation and tracking of sediments.

- During high winds (greater than 35 kilometres per hour), additional dust control measures will be implemented to prevent the movement of nuisance dust into sensitive areas.

#### 5.4 WASTE

##### Objective

*Ensure that waste created during construction and during the operational phase exhibits best practice management.*

Best practice management of waste both during construction and generally with the development are a hallmark of this application. **Technical Reports Bundle Volume N & O** set out in detail those plans.

#### 5.5 ENERGY

##### Objective

*Ensure that development is carried out in a "carbon zero" fashion.*

An approximate 250kW solar PV system will be located on distributed rooftops throughout the development maximising the delivery of electricity to the source of the consumption. With energy efficiency measures applied, this equates to 100% of the summer consumption (when solar output is at its highest) and over 40% of winter consumption (when solar output is lower).

The surplus energy generated by the solar PV system will be stored in a proposed 700 to 1000kWh of battery storage to be distributed throughout the development consistent with the solar PV locations. The residual energy sourced over winter from the electricity grid will be 100% renewable.

The energy consumption which is either avoided entirely or matched to a renewable source is over 500,000kWh per annum, meaning with the proposed combination of energy efficiency and renewable energy 477 tonnes of CO<sub>2</sub>e annually is avoided.

Electric bicycles will be available for guests to travel internally on-site/to beach externally to Byron Bay, or tours. Car movements within the

site will be restricted to deliveries and operations only creating an environment conducive to walking and cycling. Providing guests with low- carbon transport options, and encouraging cycling and pedestrian movements contributes significantly to reducing carbon associated with the operation of the facility.

#### 5.6 NOISE & VIBRATION

##### Objective

*Ensure that noise and vibration which occur on site have no adverse impact on the amenity of adjoining properties.*

A specialist report has been prepared looking at the potential noise generating sources at the site and their likely implication in terms of landholders in the immediate vicinity. That report is published as **Volume D** in the **Technical Reports Bundle**.

The Acoustic Assessment identified potential noise sensitive receivers as being the residential receivers directly to the north of the subject property:

- 492 Seven Mile Beach Road, Lot 1 DP747147 (approximately 140m from development)
- 512 Seven Mile Beach Road, Lot 1 DP394061 (approximately 230m from development)

A conservative approach has been specified by Greg Alderson & Associates to determining an appropriate background noise level. The minimum value for the day, evening and night periods are:

- Day – 40.1 dB(A)
- Evening – 40 dB(A)
- Night – 39 dB(A)

Based on the *Industrial Noise Policy* (NPI 2017) the project noise trigger level for the development is:

- Day – 45.1 dB(A) LAeq 15
- Evening – 43 dB(A) LAeq 15
- Night – 38 dB(A) LAeq 15

The noise assessment has focused on the potential noise emissions from patron noise and external air-conditioning condenser units associated with Eco-tourism cabin usage, along with noise emissions associated with patron usage of the proposed pool area and use of the barn as a dining venue.

Various scenarios were modelled using *Sound Plan 8* to determine the potential impact of development related noise upon neighbouring receivers. That analysis showed that no specific noise management measures were required to comply with the noise trigger levels at the neighbouring receivers.



Hand rendering sketch of the north eastern "Precinct A" area.

## 5.7 VISUAL ENVIRONMENT

### Objective

*Maintain the visual integrity of the Broken Head locality.*

Visual impact is a measure of the extent of visual change perceptible in the landscape having consideration to:

- the "fit" of the proposed architecture with the landscape character of the locality;
- the landscape character of the immediate context of the site and its capacity to absorb these visual changes;
- the distance from which the changes are viewed; and
- the number of people viewing the changes.

The site is situated within a broader rural landscape that borders the ocean. The rolling topography of Broken Head Nature Reserve paired with the abundant vegetation within the existing site and surrounding rural residential lots has considerable influence on the visual exposure of the proposed cabin location.

Four key locations have been identified from where part of the proposed development may be seen. These locations are to the north and include 2 residential lots, Seven Mile Beach Road, which runs through Broken Head Nature Reserve, and Seven Mile Beach.



Graphic illustrating the 4 locations where part of the ecotourism development can be perceived external to the subject site.

The proposed development will result in visual changes to the landscape but will retain the natural character of the existing landscape and site. Predominately these visual changes will be minor in nature and considered temporary (during construction) with the cabins able to be absorbed into the landscape because;

Proposed buildings are sited so that they are set well below the northern ridgeline.

Cabins have been identified as 'sacrificial', therefore removing any bushfire APZ requirements. In turn this will cause the views of buildings to "retract" into the landscape and vegetation to surround the cabins.

The proposed cabin locations have very minimal or no impact on visual amenity from Seven Mile Beach Road as the existing vegetation within the Nature Reserve borders the road preventing direct sightlines.

To avoid direct line of sight from any rooms of the proposed cabins to dwellings located in the

foreground, cabins have been orientated North-East.

As a result of careful siting of the cabins within the existing vegetation, the development can occur without significant alteration to the existing underlying character, or loss of key elements, which defines that landscape character and visual within its broader context.

## 5.8 SERVICES

### Objective

*To provide for appropriate utilities to service the need of the mixed use development.*

#### 5.8.1 WATER SUPPLY

The water demand of the proposed development has been estimated as 29.2 kL/d. This comprises the estimated daily wastewater generation rate of 22.6 kL/d, plus an additional 6.6 kL/d to account for water use that does not get collected in the wastewater collection system (e.g. outdoor taps / showers, garden irrigation, pool top-up, pool filter backwash, leakage).

The estimated water demand is less than the water treatment plant capacity of 41 kL/d, so the plant has sufficient capacity for the proposed development. Secure yield calculations are required to confirm that the existing water supply dam (or other available water sources) has sufficient capacity and, as noted above, it is understood that such an assessment has been undertaken.

It is not anticipated that there would be any negative impacts on the existing water distribution infrastructure due to increased demand requirements. The existing reticulation network will be able to meet the required peak instantaneous demand of 6.9 L/s. The increased water demand would have a positive impact on water quality in that the water age would potentially be reduced.

The proposed depot building (CB.06) is located a substantial distance from the other buildings and the water supply infrastructure. It is proposed that the depot building would be serviced by a stand-alone water supply system comprising rainwater tanks with a total capacity of approximately 50 kL.

#### 5.8.2 SEWERAGE

The total average daily wastewater generation rate has been estimated as 22.6 kL/d. This exceeds both the approved treatment limit of 16.8 kL/d and the previously assessed capacity of the wastewater treatment plant of 18.1 kL/d. As such, the wastewater treatment plant would require an upgrade to increase capacity and the approved treatment limit would need to be increased.

The proposal to replace the current installation would increase the treatment capacity to 30 kL/d and be accommodated within a similar footprint to the approved plant. (See Technical Report **Volume R**).

The treated effluent irrigation system has a current capacity of approximately 50 kL/d, which is sufficient to accommodate the increased flow.

The sewage pump station has a current theoretical pumping capacity of 3.0 L/s. The calculated Peak Wet Weather Flow (PWWF) rate for the proposed development is 2.7 L/s. Given the emergency storage volume available (10.8 kL) and the expected storm duration of any single event, it is expected that the existing pump station will have capacity to accommodate the increased wastewater flows associated with the proposed development.

The existing gravity reticulation has a capacity in excess of 5 L/s in the 100 mm nominal diameter pipework and in excess of 10 L/s in the 150 mm nominal diameter pipework. These capacities are therefore able to accommodate the expected Peak Wet Weather Flow of 2.7 L/s for the proposed development.

It is proposed that the filter backwash wastewater, which is estimated at an average of 1.1 kL/d, would be collected, treated and discharged via a separate system. This system would be designed and assessed at the detailed design stage.

The proposed depot building (CB.06) is located a substantial distance from the other buildings and the wastewater treatment plant. As such, it is impractical to incorporate wastewater from the depot building into the centralised wastewater management system. It is proposed that the depot building would be

serviced by a stand-alone on-site sewage management system, with a capacity of 1 kL/d. Given that there are relatively large areas of cleared land in close proximity to the proposed depot building, it is expected that a suitable land application area can be readily accommodated.

**5.8.3 ELECTRICITY**

An approximate 250kW solar PV system will be located on distributed rooftops throughout the development. This approach will maximise the delivery of electricity to the source of consumption. With energy efficiency measures applied, this equates to 100% of the summer consumption (when solar output is at its highest) and over 40% of winter consumption (when solar output is lower).

The surplus energy generated by the solar PV system will be stored in a proposed 700 to 1000kWh of battery storage to be distributed throughout the development. The residual energy sourced over winter from the electricity grid will be 100% renewable.

**5.9 ACCESS**

Objective

*To ensure that the carriageways, parking and intersection capacity allow for vehicles and pedestrians to safely utilise the site.*

The minimum required parking provision for the site, including existing and proposed uses, is 99 parking spaces. Existing parking areas comply with the requirements of AS2890 for dimensions, manoeuvring and spaces for people with disabilities.

The existing 'seagull' intersection arrangement on MR545 has been assessed according to the warrants for turn treatment and safe intersection sight distance according to Austroads. The existing arrangement provides for traffic safety and efficiency for both the existing development and expected development traffic generation, with ample capacity for much higher traffic volumes. The existing access connection to MR545 also has enough width and length to meet the requirements of AS2890 for access. As a result, it is expected that the existing arrangement will

continue to operate satisfactorily for traffic safety under the proposed development.

As a result, no changes to the existing site access connection with MR545 are considered necessary.

**5.10 STORMWATER DRAINAGE**

Objective

*Ensure that the quality and quantity of stormwater exiting the site is not adversely affected by the proposal and that existing drainage patterns are not materially altered.*

The current stormwater system within the development area comprises open swale drains or varying dimensions, a small pit and pipe network providing drainage of the existing main car parking area adjacent to the centre CB.01 building, and a culvert linking one open drain to another.

The majority of the stormwater flows for both the minor and major storm events are to stay aboveground. The philosophy embraced for the stormwater management at the site is to match the existing conditions as best as possible. This has been made possible by the proposed design including roads and paths matching the existing topography, cabins designed 'on stilts' allowing for flow underneath the buildings, and an overall minimal use of hardstand areas.

Rainwater harvesting will be used wherever possible, collecting roof water rather than allowing it to generate runoff. In larger or longer storm events, overflow from rainwater tanks will be directed to basic constructed gravel pits, encouraging as much flow as possible to infiltrate.

The existing network of open swale drains will be expanded to fit the proposed works and design to ensure stormwater flow has a minimal impact on the amenity, usability and integrity of the infrastructure. For example, a small table drain is proposed on the high side of the loop road R1, preventing the majority of stormwater from crossing the road surface. Some small culverts will be required, as per the design plans to direct the flows around the proposed development and into the main overflow gully central to the site.

The central gully along with the other open swale drains will be vegetated to provide water quality treatment during the flow of stormwater through the site. Given the nature of the development, in particular the use of electric buggies rather than petrol vehicles will likely result in a relatively low volume of pollutants entering the stormwater treatment train from the road network.

The stormwater discharge location remains the same, at the north eastern corner of the property.

**5.11 HAZARDS**

Objective

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*Review potential site planning hazards to ensure the development is not likely to present an unreasonable hazard.*

---

**5.11.1 LAND STABILITY**

No issues have been raised in relation to the previous development application assessment (ASACT, October 2013) or in the current environmental review in relation to land stability at the site.

**5.11.2 SITE CONTAMINATION**

No Dip Sites are located in the vicinity of the development area. **Volume J** of the **Technical Reports Bundle** describes soil testing has been conducted for the “new areas” of the site. Previous site contamination assessments (source: LFA, 2013) have been undertaken for all the other areas the subject of the development application.

The analysis suggests that there are no issues in relation to site soil contamination.

**5.11.3 FIRE HAZARD**

The proposal has involved significant liaison with the Rural Fire Service to ensure that the Service is content with the eco-tourism Bushfire Management Proposals. **Volume B** of the **Technical Reports Bundle** describes in detail the management proposals intended for the subject site.

**5.11.4 COASTAL EROSION**

All of the ecotourism development proposed pursuant to this application is located outside mapped coastal erosion zones.

**5.12 SOCIAL AND ECONOMIC CONSIDERATIONS**

Objective

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*Maximise the social and economic impacts associated with the mixed use of the property and the eco-tourism operation.*

---

At maturity, the ecotourism proposal is anticipated to have a gross turnover of \$18.5m (HMP, 2019). Utilising the usual economic multipliers, the project will have an economic benefit to the Byron Shire and environs of some \$35m. The project will have a full time equivalent staff of 121.5 persons and an anticipated payroll related expenses of \$7.1m. The staff will range from specialist hotel management professionals through to domestic personnel and grounds persons.

This level of economic activity is consistent with the aspirations set out in the *North Coast Regional Plan, Council's Byron Community Strategic Plan* and the *Byron Shire Rural Land Use Strategy*.



*Example of existing site architecture.*

**5.13 CULTURAL CONSIDERATIONS**

Objective

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*Ensure that development does not impact on items of early European or Aboriginal significance.*

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A Cultural Heritage assessment has been completed by Everick Heritage. The Aboriginal Cultural Heritage Assessment sought to:

- Identify any Aboriginal sites which are known to occur within the Linnaeus Estate site;
- Demonstrate consultation with representatives of the Aboriginal community; and
- Map and describe the nature and extent of the Aboriginal sites as they relate to the proposed works.

As a consequence of the research completed Everick have recommended that no additional community consultation and investigations are required prior to commencement of the work proposed. Nevertheless, they have provided two recommendations in relation to:

- Aboriginal object find procedure; and
- a procedure in relation to Aboriginal human remains.

The Everick assessment is published as **Volume I** in the **Technical Reports Bundle**.

#### 5.14 AMENITY OF THE AREA

Objective

*To carry out development in a manner which, protects the residential amenity of the surrounding land.*

##### Relationship to Adjoining Development

The relationship of that development to development on adjoining land or on other land in the locality has been a matter of particular consideration for the site planning. The southern cabins will be visible from 492 Seven Mile Beach Road to the north. However, the bulk and scale of those structures are petite and are considerably less bulky and less visually apparent than that approved under DA 10.2013.600.1. Other buildings have been sited in a way to be invisible to 492 Seven Mile Beach Road.

##### Neighbourhood Amenity

To ensure that site planning was appropriate to ensure neighbourhood amenity will be observed an acoustic assessment was

undertaken. That acoustic assessment is published as **Volume D** in the **Technical Reports Bundle**. That assessment identified potential noise sensitive receivers as being the residential receivers directly to the north of the subject property:

- 492 Seven Mile Beach Road
- 512 Seven Mile Beach Road

The noise assessment has focused on the potential noise emissions from patron noise and external air conditioning condenser units associated with Eco-tourism cabin usage, along with noise emissions associated with patron usage of the proposed pool area and use of the barn as a dining venue.

Various scenarios were modelled to determine the potential impact of development related noise upon neighbouring receivers. It was shown that no specific noise management measures were required to comply with the noise trigger levels at the neighbouring receivers.

#### 5.15 INTEGRATION WITH CT SUBDIVISION

*Ensure the Linnaeus Eco Tourism proposals are able to integrate with any potential future Community Title development of the site.*

The owner of the property, BHCF Pty Ltd, is supportive of amendments to Council's LEP which codify a maximum of a 33 lot subdivision being permissible at the subject site.

This application for ecotourism is not reliant upon any Community Title subdivision occurring. If the Planning Proposal is gazetted in a manner which facilitates subdivision at the subject site, then the ecotourism development will be integrated with the future Community Title subdivision.

## 6. CONCLUSION

*This section of the SEE sets out a review of the merits of the project having regard particularly to the provisions of Section 415(1)(e) of the Act relating to public interest considerations.*

The proposal by Linnaeus Property to undertake low scale, low intensity ecotourism use at the subject site is a product of many factors. Those factors include:

- the land use flexibility provided by the SP1 zoning at the site;
- policies of all levels of government to promote the orderly development and use of land which can be demonstrated to be suitable for tourism uses including:
  - North Coast 2036 Regional Plan;
  - Council's Biodiversity Conservation Strategy;
  - Council's Cultural Policy;
  - Councils Community Strategic Plan; and
- the recently published Byron Shire Rural Land use Strategy;
- the strong demand for tourism product that is special and unique to Byron Shire – a product which displays the very best of tourism offering integrating with the environment, ecology, health and wellness; and
- the scenic, ecological and cultural site planning opportunities presented by the Linnaeus Estate for ecotourism.

The proposed development application is permissible under the BLEP14 and is consistent with relevant State Environmental Planning Policies and Council's Control Plan policies.

An array of specialist assessments (see relevant **Technical Reports Volume**) for the Linnaeus ecotourism project has informed the site planning.

As a generalisation, virtually all development involves some potential environmental impact, which can either be positive or negative. Many potential adverse impacts have solutions or offset measures which can avoid or minimise risk to an acceptable level. In most instances, environmental impact assessment involves balancing positives and negatives in the context

of scientific data, attitudes, potential externalities (such as flow on costs and benefits) and issues which ultimately rest on the standard of operational management.

In broad terms, the proposal's impact can be summarised as follows:

- contributing to the economic and cultural development of the Shire and region consistent with the North Coast Regional Plan and Council's Rural Land Use strategy;
- balancing potential economic outputs with potential adverse amenity impacts; and
- permanently improving the biodiversity characteristics of the site.

The significance of potential impacts and their more detailed implications are canvassed within this SEE and the following framework:

Potential positive aspects – where there is a clear potential for benefit;

Potential negative impacts – for which management / compensatory measures are available. Where there is potential for adverse impact, but the potential can be wholly or partly eliminated by the application of safeguards;

Potential negative impact from which no apparent management / compensatory measures are available where there is no apparent measures which can be adopted to offset the proposed land use impact; and

Qualified impacts where change in the environment results but evaluation of such change is subjective.

### **Potential Positive Impacts**

#### **Provision of a world class eco-tourism facility**

The proponents aspire to create Australia's foremost luxury destination where people can come to restore and reconnect with themselves and the natural world. The proposal will have as its mission to immerse patrons in the restorative energy of Byron's unique landscape.

The Linnaeus site is expansive in nature, being the largest individual private holding frontage in the Shire to the ocean front. The site is strategically located proximate to the Ballina Airport.

**Employment opportunities**

When fully operational, the project could provide employment for 121.5 fulltime equivalent staff, with wages of \$7.1m per annum. The staffing will not be entirely on site. Many of the marketing, sales and administrative functions will be in all likelihood be undertaken elsewhere. The onsite jobs involved range from room management, food and beverage, kitchen, housekeeping, sales and marketing, finance and admin, maintenance and grounds, human resources and spa personnel.

**Conservation of sensitive land in perpetuity**

The site is protected by a range of environmental protection zones recently applied by Byron Shire Council with the support of the owner. In addition, the land is managed pursuant to a *Biodiversity Conservation Management Plan*.

**Integration with Byron Shire and Regional Planning Policies**

The proposed ecotourism facility aligns with the North Coast Regional Plan and Council’s Land Use Strategy to facilitate the implementation of strategic planning policies including:

- managing the sensitive coastal strip to ensure the preservation of ecological diversity and safeguard sensitive coastal environments;
- focusing on land of low biodiversity sensitivity and implementing the “avoid, minimise and offset” hierarchy;
- incorporating the latest knowledge with relation to regional climatic projections;
- promoting renewable energy opportunities;
- facilitating tourism and supporting land use in the coastal locations consistent with local growth management strategies;
- improving the condition of ecosystems and increase the extent of native vegetation

cover in the Shire through targeted ecological restoration works and development of appropriate planning controls;

- identifying High Conservation Value vegetation and habitats and Wildlife Corridors (including the ecosystems, habitats, species and genotypes they contain) that require protection, ecological restoration and/or threat abatement;
- encouraging and promoting the importance of native biodiversity protection and restoration across the Shire;
- strengthening existing initiatives and developing new ones in consultation with the community, industry and relevant government agencies;
- identifying and implementing appropriate management for High Conservation Value vegetation and habitats, biodiversity hotspots, areas under threat and areas with specific biodiversity issues and values within Byron Shire;
- accepting-cultural diversity, including Aboriginal, racial, religious, spiritual, traditional and alternative interests and pursuits;
- implementing initiatives to ensure a low carbon community;
- providing tourism development that will protect and enhance key environmental features and preserve land of high scenic quality;
- providing tourist development built on land which complements the rural character.
- providing tourism that is committed to ecologically sustainable management practices; and
- providing rural lifestyle living opportunities only considered consistent with the policy directions relating to rural environment and rural economy.

**Providing broad “flow on” economic effects**

At maturity, the ecotourism facility is anticipated to have a turnover of some \$18.4m. Using the usual economic multipliers, this will

involve a flow-on effect to the Byron Shire and nearby communities of some \$35m.

**The implementation of ESD Building initiatives**

The proposal provides an innovative approach to sustainability, including:

- Environmentally sustainable design initiatives;
- Building and construction management initiatives;
- Energy efficiency proposals;
- Water efficiency and management;
- Waste management;
- Sustainable transport; and
- Sustainable material selection.

These policies are articulated in the Sustainability Management Plan a **Volume F** in the **Technical Reports Bundle**.

**Potential Negative Impacts that can be Managed / Mitigated**

**Construction Impacts (noise, soil erosion and water quality)**

During construction, there will be some noise impacts. Those impacts will be managed as specified in Section 5.6 of this SEE. Each cabin building will be built “offsite” and brought to site and placed using a crane. This building technology will reduce onsite construction impacts and improve the overall sustainability of the build.

**Water cycle management**

The proposal provides for the upscaling of the existing water supply system (which is self-sufficient) to cater for further site population. In addition, rainwater tanks will collect from rooves and plumb directly into landscape irrigation and toilets around each cabin. The depot locality is proposed to utilise contemporary technology for waste management.

**Potential adverse impacts on significant flora and fauna in their habitats**

The proposal has had the benefit of some 50+ hours of onsite research in terms of location surveying of key species. With that data, it has

been possible for the architects to carefully nestle the tourist accommodation into the landscape of the site without significant impact on flora and fauna.

**Transport and traffic generation**

The traffic volume increase at the site’s Broken Head Road intersection will not be discernible. Onsite, electric vehicles will be available for guests and staff to access the facilities internally. Electric vehicles will be utilised for airport transfers and electric vehicles will be available onsite for guests for use for day trips.

**Acoustic impacts**

An Acoustic Impact Assessment has been completed for the site. That assessment was aimed particularly to identify what special management measures may be necessary to protect the residential amenity of nearby dwellings. The assessment showed that no particular management measures will need to be employed for the development will have no impact on the acoustic characteristics of the land external to the site.

**Offsite impacts**

Offsite impacts are anticipated to be limited to the additional tourist utilisation of the Byron Bay town centre and some of the beaches and cultural facilities of the region.

**Waste management**

In relation to waste management, “inbuilt waste streams” (general and recycling) and an organic waste facility will be provided for the accommodation. A zero-waste kitchen and bathroom are provided where consumables, e.g. bar fridge contents and soaps will be provided in reusable containers. The composting system will be designed as part of the food garden area to accommodation up to 25kg of food waste per day. The Operational Management Plan will commit to natural and ecologically sensitive materials and products (such as soaps and detergents, linen and other similar fabrics for table cloths etc).

**Potential impacts on items of Aboriginal significance**

The site has a long-standing agreement with the Jali Local Aboriginal Land Council. That

agreement will be implemented in relation to onsite construction works.

**Adverse Impacts which can't be managed**

**Perceived change in the locality**

In tourist use terms, the Broken Head locality is not overly utilised. Available tourism accommodation currently includes the Broken Head Caravan Park; dwellings are used for holiday letting; the purpose-designed tourism facilities include "Pavilions" adjacent to Broken Head Reserve Road and a new eco-tourism lodge on Taylors Lake Road.

Some people in the community will perceive a change to the locality in terms of a change to the perceived character by the provision of additional tourist accommodation, but this will be largely invisible to the community at large, given the isolated and integrated nature of the Linnaeus eco-tourism proposal.

**Qualified impacts**

Comprehensive consultation was carried out for the purposes of this SEE. That consultation involved liaison with various segments of the community. As a consequence of that consultation, a further range of mitigation or compensatory and contingency measures have been adopted including:

- The six demountable cabins proposed for the mapped erosion area have been removed. Instead of 33 treehouses/cabins proposed there are now 27.
- The applicant is examining an expansion in the existing site Biodiversity Conservation Management Plan revegetation program to include other areas of the site.
- The applicant is seeking to actively work with neighbours further to the north to vegetate Broken Head wildlife corridors and enhance the biodiversity

characteristics and fauna connectivity from Linnaeus all the way to Taylors Lake.

- BHCF Pty Ltd has applied for a Conservation Agreement for the key habitat parts of the land pursuant to Part 5, Division 3 of the *Biodiversity Conservation Act*.
- The applicant is liaising with Byron Shire Council concerning the rezoning of part of the site for environmental protection purposes.

In our opinion, the development can be seen to satisfy a legitimate need and the project is capable of construction and use in a manner which mitigates potential adverse impacts consistent with the zone objectives detailed in Council's LEP. We submit its approval would be in the public interest within the meaning of Section 4.15(1)(e) of the Act.



**Stephen Connelly RPIA (Fellow)**  
**Partnership Principal**  
**PLANNERS NORTH**

# LINNAEUS PROPERTY • ECO TOURISM MIXED USE

## STATEMENT OF ENVIRONMENTAL EFFECTS

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### REFERENCES

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## **PHOTO CREDITS**

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Certain of the photographs used in this Statement of Environmental Effects were downloaded from the website [linnaeus.com.au](http://linnaeus.com.au) and the architect's Design Report.

# APPENDICES

## **APPENDIX A**

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Land Owners Authority



# PLANNERS NORTH

## LAND OWNER AUTHORITY

### TO WHOM IT MAY CONCERN

This is to advise that PLANNERS NORTH abn: 56 291 496 553 has been authorised by:

Name:	BHCF Pty Ltd		
Address:	951 Broken Head Road, Broken Head		
Dated:			
In respect to land described as:			
No:	951	Street:	Broken Head Road,
Locality/Suburb:	Broken Head		
Real Property Description:	LOT/SECTION/DP Lot 1 DP 1031848		

The owner of the abovementioned land hereby authorises PLANNERS NORTH or its agents to:

1. Inspect Records
2. Carry out searches and site inspections
3. Take Site Samples
4. Lodge applications, objections or appeals

**This authority only relates to the proposal by Mr. B Saul & LINNAEUS PROPERTY TRUST**

The owner confirms that no Reportable Political Donations have been made in the last 2 years by persons or companies associated with the subject land. We will immediately notify PLANNERS NORTH if the Reportable Political Donation situation changes.

Signed:

OBJECT NAME:	STEVEN DUCHON
POSITION (if applicable):	SOLE DIRECTOR
PRINT NAME:	
POSITION (if applicable):	
PRINT NAME:	
POSITION (if applicable):	

*This form needs to be completed and signed by all persons who own the subject land. If the land is owned by a company, please ensure that at least **two Directors** of that company sign the form, unless a sole director company.*

# APPENDICES

## APPENDIX B

### Departmental Consultation

We wrote to the following organisations:

- DPI Fisheries;
- Cape Byron Marine Reserve;
- National Resource Assess Regulator;
- DPIE (Diversity and Conservation);
- Roads and Maritime Services;
- NSW Water; and
- Ballina Shire Council.

Byron Shire Council were consulted via a pre-lodgement development application panel meeting of 15 August 2019. A copy of the minutes from that consultation accompany the letter to the Government Departments. Preliminary sketch plans (at that time) and a copy of the SEARs were provided.

The Local Aboriginal Land Council were consulted by way of an expert archaeologist. The Expert Archaeological Report is contained at **Volume I** in the **Technical Reports Bundle**. It explains the consultation carried out with Jali LALC.

Tabulated below are the issues raised by the various departments.

Governmental Department	Matters Raised	SEE Response
DPI Fisheries	DPI Fisheries is responsible for ensuring that fish stocks are conserved and that there is “no net loss” of key fish habitats upon which they depend.	No development on the site involves any aspect which would result in a net loss of key fish habitats.
	The subject site (i.e. Lot 1 DP 1031848) includes Coastal Wetlands mapped in accordance with the Coastal Management State Environmental Planning Policy. Coastal Wetlands are Type 1 Highly Sensitive Key Fish Habitat in accordance with the DPI Fisheries P&G and are consequently afforded the highest level of protection.	All development proposed pursuant to this application is located away from littoral rainforest or coastal wetlands.
Cape Byron Marine Reserve	...must take into consideration the objects of the Marine Estate Management Act,...	The proposal has full regard to the terms of the <i>Marine Estate Management Act</i> .
	...the waters of the marine park are considered when identifying potential impacts...	No impact is anticipated in relation to the Marine Park.

## APPENDICES

Governmental Department	Matters Raised	SEE Response
	...management of any potential impacts, particularly stormwater runoff during and post construction...	All runoff from the site is treated in a manner consistent with Byron Shire Council best practice.
	...potential for additional light pollution to the beach and marine park resulting from this potential development.	The proposed development is an eco-tourism establishment and accordingly all lighting is minimised to have minimal impact on the local flora and fauna.
National Resource Assess Regulator	No feedback provided	
DPIE (Diversity and Conservation)	No feedback provided	
Roads and Maritime Services	...the Consent Authority is to have consideration for the safety, efficiency and ongoing operation of the classified road as the development has frontage to a classified road.	Refer to <b>Volume H</b> in the <b>Technical Reports Bundle</b> .
	...the Environmental Assessment be supported by a Traffic Impact Assessment (TIA) prepared by a suitably qualified person...	<b>Volume H</b> in the <b>Technical Reports Bundle</b> was prepared by a qualified traffic engineer.
	The total impact of existing and proposed development on the road network with consideration for a 10 year horizon.	Refer to <b>Volume H</b> in the <b>Technical Reports Bundle</b> .
	The volume and distribution of traffic generated by the proposed development.	Refer to <b>Volume H</b> in the <b>Technical Reports Bundle</b> .
	Consideration of the turning lane warrants and identification of the appropriate treatments for the identified intersection based on Austroads Guide to Traffic Management Part 6 and Austroads Guide to Road Design Part 4A.	Refer to <b>Volume H</b> in the <b>Technical Reports Bundle</b> .
	Swept path analysis for the largest design vehicle at identified intersection.	Refer to <b>Volume H</b> in the <b>Technical Reports Bundle</b> .
	Available sight distances at identified intersection.	Refer to <b>Volume H</b> in the <b>Technical Reports Bundle</b> .
	Details of proposed improvements required at the	Refer to <b>Volume H</b> in the <b>Technical Reports Bundle</b> .

## APPENDICES

Governmental Department	Matters Raised	SEE Response
	identified intersection to mitigate impacts on safety and capacity. This will require a Section 138 Application and Roads and Maritimes concurrence.	
	Provisions for off-street parking and servicing arrangements.	Refer to engineering drawings as part of the <b>Plan Set</b> .
	Impact on public transport (public and school bus routes) and consideration for alternative transport modes such as walking and cycling.	Refer to <b>Volume H</b> in the <b>Technical Reports Bundle</b> .
NSW Water	No feedback provided	
Ballina Shire Council	A Traffic Impact Assessment (TIA) must be prepared by a suitably qualified traffic engineer to assess the impact of the development into the surrounding road network in accordance with Council's DCP.	Refer to <b>Volume H</b> in the <b>Technical Reports Bundle</b> .
	Council's Civil Services Division has advised that the intersection with Byron Bay Road MR 545 ...is of a suitable standard to service the proposed development.	Noted.
	...address the provisions of <i>State Environmental Planning Policy (Coastal Management) 2018</i> .	Refer to Section 4.1.5 of this SEE.

Pending Development Applications and Recent Approvals in the Locality

### NEARBY PLANNING PERMITS



<p><b>PENDING</b> 20th November 2020</p> <p><b>218 Old Byron Bay Rd, Newrybar</b> Alterations/Additions to Dwelling - Single Residence Alterations and additions to a dwelling including a Master Bed (with en-suite and WIR), mud/sand room, laundry, office, powder room, living/dining/kitchen (with pantry), entry, Beds 1, 2 &amp; 4 (each with en-suite), Bed 3, bathroom and media room, garage/store, double garage, swimming pool and pool terraces (partially roofed) and an existing pool to be retained and converted to water storage</p>	<p><b>PENDING</b> 4th September 2020</p> <p><b>Midgen Flat Rd, Newrybar</b> New Dwelling - Single Residence Construction of a dwelling and associated earthworks and vehicular access</p>
<p><b>PENDING</b> 21st August 2020</p> <p><b>76 Phillips Rd, Newrybar</b> Dual Occupancy (previously Duplex)</p>	<p><b>PENDING</b> 22nd July 2020</p> <p><b>823 Broken Head Rd, Broken Head</b> S4.55 to Modify Cut and Fill and Modifications to Shed</p>
<p><b>PENDING</b> 21st May 2020</p> <p><b>172 Old Byron Bay Rd, Newrybar</b> Demolition existing dwelling &amp; construct new dwelling Demolition of a dwelling, tree removal and construction of a two storey dwelling and associated earthworks, a swimming pool and a tennis court including works forward of the rural building line as depicted in plans by Shaun Lockyer Architects, Project No. 0924</p>	<p><b>PENDING</b> 16th October 2018</p> <p><b>218 Old Byron Bay Rd, Newrybar</b> Alterations/Additions to Change of Use to Dual Occupancy Change of use of a farmshed to a Dual Occupancy as submitted in plans prepared by Byron Design and Construction dated February 2007</p>
<p><b>PENDING</b> 6th October 2016</p> <p><b>2 Massinger St, Byron Bay, Bay St, Byron Bay</b> S96 to Relocate Storeroom Doors and Change Wall</p>	<p><b>PENDING</b> 18th July 2016</p> <p><b>Seven Mile Beach Rd, Broken Head, 433 Seven Mile Beach Rd, Broken Head</b> Construction of shed (farm use)</p>
<p><b>PENDING</b> 17th December 2015</p> <p><b>2 Massinger St, Byron Bay, Bay St, Byron Bay, Bay St, Byron Bay</b> S96 to Alter Windows and Doors on Western Elevation</p>	<p><b>PENDING</b> 4th March 2013</p> <p><b>823 Broken Head Rd, Broken Head</b> Dwelling and Carport</p>
<p><b>PENDING</b> 3rd December 2012</p> <p><b>823 Broken Head Rd, Broken Head</b> Dwelling-house and swimming pool (including demolition of existing dwelling)</p>	<p><b>APPROVED</b> 5th January 2021</p> <p><b>865 Broken Head Rd, Broken Head</b> Cabana</p>
<p><b>APPROVED</b> 4th November 2020</p> <p><b>823 Broken Head Rd, Broken Head</b> Modified Construction Certificate STage 1</p>	<p><b>WITHDRAWN</b> 28th October 2020</p> <p><b>28 Old Byron Bay Rd, Newrybar</b> WITHDRAWN Section 4.55</p>
<p><b>APPROVED</b> 13th September 2020</p> <p><b>865 Broken Head Rd, Broken Head</b> Cabana</p>	<p><b>APPROVED</b> 14th August 2020</p> <p><b>865 Broken Head Rd, Broken Head</b> Cabana</p>

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Created On: January 26th, 2021

<p><b>APPROVED</b> 14th August 2020</p> <p>54 Old Byron Bay Rd, Newrybar</p> <p>New Outbuilding - Domestic Construction of a shed as depicted in plans by Tilmac for 54 Old Byron Bay Road NEWRYBAR dated 18 March 2020</p>	<p><b>APPROVED</b> 15th May 2020</p> <p>30 Old Byron Bay Rd, Newrybar</p> <p>Sect</p>
<p><b>APPROVED</b> 8th April 2020</p> <p>30 Old Byron Bay Rd, Newrybar</p> <p>New Swimming Pool - Inground Construction of a swimming pool and associated works as depicted in plans for 30 Old Byron Bay Road Newrybar lodged with Council on 26 February 2020</p>	<p><b>APPROVED</b> 5th March 2020</p> <p>1 Jonson St, Byron Bay, Bay St, Byron Bay</p> <p>Subdivision Two (2) into Five (5) Lots</p>
<p><b>APPROVED</b> 12th February 2020</p> <p>433 Seven Mile Beach Rd, Broken Head</p> <p>Tennis Court, Pavillion and Pergola</p>	<p><b>APPROVED</b> 8th January 2020</p> <p>28 Old Byron Bay Rd, Newrybar, 28 Old Byron Bay Rd, Newrybar</p> <p>Section 4.55</p>
<p><b>APPROVED</b> 11th December 2019</p> <p>823 Broken Head Rd, Broken Head</p> <p>Stage 1</p>	<p><b>APPROVED</b> 28th November 2019</p> <p>54 Old Byron Bay Rd, Newrybar</p> <p>S4.55(1A) - New Dwelling - Single Residence To amend development consent 2018/275 by modifying the layout of the dwelling including deletion of a bedroom and adding a second double garage as depicted in plans by Zaher Architects, Project No. 1908 ORCH</p>
<p><b>APPROVED</b> 21st November 2019</p> <p>433 Seven Mile Beach Rd, Broken Head</p> <p>Tennis Court, Pavillion, Pergola and Landscaping</p>	<p><b>APPROVED</b> 21st November 2019</p> <p>657B Broken Head Rd, Broken Head</p> <p>Stage 2</p>
<p><b>APPROVED</b> 14th November 2019</p> <p>657B Broken Head Rd, Broken Head</p> <p>Stage 1</p>	<p><b>APPROVED</b> 13th November 2019</p> <p>657B Broken Head Rd, Broken Head</p> <p>S4.55 to amend Consent 10.2018.529.1 lapse date (council error)</p>
<p><b>APPROVED</b> 30th October 2019</p> <p>657B Broken Head Rd, Broken Head</p> <p>STAGE 1</p>	<p><b>APPROVED</b> 1st October 2019</p> <p>557 Byron Bay Rd, Broken Head</p> <p>Alterations/Additions to Dual Occupancy (previously Duplex) Alterations and additions to an existing farm building and change of use to a dwelling house to create a Dual Occupancy (detached) development as depicted in plans by C Lonergan for 557 Byron Bay Road Broken Head dated 14 March 2019</p>
<p><b>APPROVED</b> 20th September 2019</p> <p>148 Old Byron Bay Rd, Newrybar</p> <p>Modification to include Bathroom &amp; Storeroom Swimming pool, deck and gazebo as depicted in plans prepared by Archimages Project No. 3521 dated June 2017</p>	<p><b>APPROVED</b> 3rd September 2019</p> <p>76 Phillips Rd, Newrybar</p> <p>Alterations and additions to create dual occupancy Alterations and additions to a dwelling to create an attached dual occupancy development as depicted in plans by Archimages, Project No. 3706 dated January 2019</p>
<p><b>APPROVED</b> 23rd August 2019</p> <p>148 Old Byron Bay Rd, Newrybar</p> <p>Section 4.55</p>	<p><b>APPROVED</b> 14th August 2019</p> <p>657B Broken Head Rd, Broken Head</p> <p>S4.55 to Modify Internal Layout and Alterations and Additions</p>
<p><b>APPROVED</b> 14th August 2019</p> <p>657B Broken Head Rd, Broken Head</p> <p>S4.55 to Amend Layout, Floor Level, Window Sizes, Plant Room and Storage Areas</p>	<p><b>APPROVED</b> 23rd July 2019</p> <p>28 Old Byron Bay Rd, Newrybar</p> <p>New Outbuilding - Rural (Farm Shed) Farm storage building and associated earthworks as depicted in plans by Phillip Wallace Project No. 18-15 dated April 2019</p>
<p><b>APPROVED</b> 23rd July 2019</p> <p>148 Old Byron Bay Rd, Newrybar</p> <p>New Swimming Pool - Inground Swimming pool, deck and gazebo as depicted in plans prepared by Archimages Project No. 3521 dated June 2017</p>	<p><b>APPROVED</b> 17th July 2019</p> <p>821 Broken Head Rd, Broken Head</p> <p>Proposed Studio &amp; Retaining Wall</p>
<p><b>APPROVED</b> 1st July 2019</p> <p>557 Byron Bay Rd, Broken Head</p> <p>Alterations/Additions to Dwelling and Swimming Pool Alterations and additions to a dwelling and a swimming pool as depicted in plans by prestige properties design &amp; construction Project No B1210</p>	<p><b>APPROVED</b> 25th June 2019</p> <p>33 Bundaleer Rd, Broken Head</p> <p>New Swimming Pool - Inground</p>

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Created On: January 26th, 2021

<p><b>APPROVED</b> 18th June 2019</p> <p>821 Broken Head Rd, Broken Head Studio</p>	<p><b>APPROVED</b> 5th June 2019</p> <p>657B Broken Head Rd, Broken Head S4.55 to Modify Alterations and Additions to Existing Dwelling House</p>
<p><b>APPROVED</b> 30th May 2019</p> <p>657B Broken Head Rd, Broken Head S4.55 to Modify Alterations and Additions to Existing Dwelling House</p>	<p><b>APPROVED</b> 22nd March 2019</p> <p>657B Broken Head Rd, Broken Head Stage 2</p>
<p><b>APPROVED</b> 6th March 2019</p> <p>657B Broken Head Rd, Broken Head S4.55 to amend Consent 10.2018.529.1 lapse date (council error)</p>	<p><b>APPROVED</b> 25th February 2019</p> <p>461 Newrybar Swamp Rd, Newrybar PCA</p>
<p><b>APPROVED</b> 22nd February 2019</p> <p>657B Broken Head Rd, Broken Head Demolition of an Existing Bed and Breakfast Establishment and construction of a new Garage and Studio Building to be Completed in Three Stages</p>	<p><b>APPROVED</b> 3rd January 2019</p> <p>28 Old Byron Bay Rd, Newrybar s4.55</p>
<p><b>APPROVED</b> 3rd October 2018</p> <p>657B Broken Head Rd, Broken Head S4.55 to Modify Bushfire Measures</p>	<p><b>APPROVED</b> 29th August 2018</p> <p>28 Old Byron Bay Rd, Newrybar, 54 Old Byron Bay Rd, Newrybar Subdivision - Boundary Adjustment Boundary adjustment subdivision of two existing lots to create one x 8.6 (Proposed Lot 11) and one x 14.9 ha allotments (Proposed Lot 12)</p>
<p><b>APPROVED</b> 16th August 2018</p> <p>30 Old Byron Bay Rd, Newrybar Section 96</p>	<p><b>APPROVED</b> 1st August 2018</p> <p>28 Old Byron Bay Rd, Newrybar Alterations/Additions to Dwelling &amp; Pool Alterations and additions to a dwelling, a swimming pool and cabana and a detached garage as depicted in plans with Reference 280BBRD dated 3 May 2018</p>
<p><b>APPROVED</b> 31st July 2018</p> <p>Lorna Pl, Newrybar New Outbuilding - Rural (Farm Shed) Farmshed as depicted in plans prepared by TNC Engineering Pty Ltd dated 2 July 2018</p>	<p><b>APPROVED</b> 21st June 2018</p> <p>54 Old Byron Bay Rd, Newrybar, 54 Old Byron Bay Rd, Newrybar New Dwelling - Single Residence Construction of a dwelling and temporary occupation of Stables as depicted in plans by Zaher Architects, Project No. 1802 GOTT.</p>
<p><b>APPROVED</b> 19th April 2018</p> <p>54 Old Byron Bay Rd, Newrybar Shed, Stables &amp; Private Riding Arena Construction of shed, stables, private riding arena and upgrade of existing site access and associated earthworks as depicted in plans provided by Roland Fenkart</p>	<p><b>APPROVED</b> 16th April 2018</p> <p>557 Byron Bay Rd, Broken Head Change of Use of Shed Change of use of existing shed to a multi-use comprising a Farmshed, Garage, Storage Shed, Farm Office and Home Gym as depicted in plans provided by C Lonergan</p>
<p><b>APPROVED</b> 26th February 2018</p> <p>557 Byron Bay Rd, Broken Head Alterations/Additions to Dwelling - Single Residence Dwelling alterations as depicted on plans dated 11/11/2017</p>	<p><b>APPROVED</b> 21st February 2018</p> <p>148 Old Byron Bay Rd, Newrybar New Swimming Pool - Inground Swimming pool, deck and gazebo as depicted in plans prepared by Archimages Project No. 3521 dated June 2017</p>
<p><b>APPROVED</b> 9th January 2018</p> <p>657B Broken Head Rd, Broken Head S96 for Amendments to Roof Design to Address Bushfire Protection Measures</p>	<p><b>APPROVED</b> 1st December 2017</p> <p>657B Broken Head Rd, Broken Head Stage 1</p>
<p><b>APPROVED</b> 9th November 2017</p> <p>657B Broken Head Rd, Broken Head S96 to Amend Design of Lower Ground Floor, Ground Floor, Upper Floor and Roof</p>	<p><b>APPROVED</b> 30th October 2017</p> <p>42 Sugar Cane Rd, Broken Head Alterations and Additions to Dwelling House including Use of Existing and Proposed New Alterations and Additions</p>
<p><b>APPROVED</b> 18th October 2017</p> <p>30 Old Byron Bay Rd, Newrybar Alterations/Additions to Dwelling - Single Residence Alterations and additions to existing dwelling as described on plans by RA Bruce, drawings 1-4, dated May 2011, prior Section 96 modification dated 20 October 2011 and to include Section 96 modification to re-align living/TV room wall, realign kitchen wall and inclusion of stair well, as depicted in Council stamped plans, dated 18/10/2017</p>	<p><b>APPROVED</b> 29th September 2017</p> <p>Midgen Flat Rd, Newrybar New Outbuilding - Rural (Farm Shed) Farm Shed, Vegetation Removal and Works in the Road Reserve</p>

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<p><b>APPROVED</b> 21st September 2017</p> <p>352 Newrybar Swamp Rd, Broken Head, 462 Newrybar Swamp Rd, Broken Head, 520 Newrybar Swamp Rd, Broken Head</p> <p>Boundary Adjustment Subdivision by way of boundary adjustment of five existing lots to create five new lots</p>	<p><b>APPROVED</b> 14th July 2017</p> <p>148 Old Byron Bay Rd, Newrybar</p> <p>New Swimming Pool - Inground Swimming pool, deck and gazebo as depicted in plans prepared by Archimages Project No. 3521 dated June 2017</p>
<p><b>APPROVED</b> 26th June 2017</p> <p>657B Broken Head Rd, Broken Head</p> <p>Stage 1</p>	<p><b>APPROVED</b> 5th May 2017</p> <p>148 Old Byron Bay Rd, Newrybar</p> <p>s.96 - Alterations/Additions to Dwelling Staged development consent to consist of</p>
<p><b>APPROVED</b> 7th March 2017</p> <p>657B Broken Head Rd, Broken Head</p> <p>Alterations and Additions to Existing Dwelling House including Demolition of Existing Structures and a Swimming Pool</p>	<p><b>APPROVED</b> 6th March 2017</p> <p>557 Byron Bay Rd, Broken Head</p> <p>Dwelling - Single Residence Change of use - existing shed (Old Cheese Factory) to a dwelling and use of unauthorised additions.</p>
<p><b>APPROVED</b> 19th January 2017</p> <p>823 Broken Head Rd, Broken Head</p> <p>Farm Workshop and Machinery Storage Shed</p>	<p><b>APPROVED</b> 9th January 2017</p> <p>148 Old Byron Bay Rd, Newrybar</p> <p>Alterations/Additions to Dwelling - Single Residence Dwelling alterations and staged additions (including yoga studio) as depicted in plans prepared by Archimages Architecture Project No. 3521 sheets DA01-DA12 dated 5 August 2016</p>
<p><b>APPROVED</b> 3rd November 2016</p> <p>Bay St, Byron Bay, Bay St, Byron Bay</p> <p>Shed</p>	<p><b>APPROVED</b> 20th October 2016</p> <p>Midgen Flat Rd, Newrybar</p> <p>Outbuilding - Rural (Farm Shed) and Site Filling Shed and site filling as depicted in plans prepared by B &amp; T Garages and sheds dated August 2016 and marked up Survey Plan</p>
<p><b>APPROVED</b> 8th September 2016</p> <p>Broken Head Rd, Newrybar</p> <p>Installation of 35m Telecommunications Monopole and Equipment</p>	<p><b>APPROVED</b> 8th September 2016</p> <p>433 Seven Mile Beach Rd, Broken Head</p> <p>Dwelling-house, studio double garage, swimming pool tennis court &amp; alternate bushfire access</p>
<p><b>APPROVED</b> 15th August 2016</p> <p>2 Massinger St, Byron Bay, Bay St, Byron Bay</p> <p>S96 to Relocate Storeroom Doors and Change Wall</p>	<p><b>APPROVED</b> 11th July 2016</p> <p>520 Newrybar Swamp Rd, Broken Head</p> <p>New Dwelling - Single Residence To legitimise the use of an unauthorised building as a dwelling as depicted in plans prepared by Greg Alderson and Associates Project No. 16106 sheets 01-04 dated March 2016</p>
<p><b>APPROVED</b> 26th May 2016</p> <p>Bay St, Byron Bay, Bay St, Byron Bay</p> <p>Shed Ancillary to Public Swimming Pool</p>	<p><b>APPROVED</b> 10th May 2016</p> <p>433 Seven Mile Beach Rd, Broken Head, Seven Mile Beach Rd, Broken Head</p> <p>Additions to dwelling house</p>
<p><b>APPROVED</b> 26th February 2016</p> <p>433 Seven Mile Beach Rd, Broken Head, Seven Mile Beach Rd, Broken Head</p> <p>Construction of shed (farm use)</p>	<p><b>APPROVED</b> 22nd January 2016</p> <p>433 Seven Mile Beach Rd, Broken Head, Seven Mile Beach Rd, Broken Head</p> <p>Storage shed (ancillary to dwelling house)</p>
<p><b>REJECTED</b> 24th December 2015</p> <p>Midgen Flat Rd, Newrybar</p> <p>New Dwelling - Single Residence Dwelling as depicted in plans prepared by dk drafting sheets 1502.0-1502.5 dated 21 May 2015</p>	<p><b>APPROVED</b> 6th November 2015</p> <p>Bay St, Byron Bay, 2 Massinger St, Byron Bay, Bay St, Byron Bay</p> <p>S96 to Alter Windows and Doors on Western Elevation</p>
<p><b>APPROVED</b> 11th September 2015</p> <p>188 Old Byron Bay Rd, Newrybar</p> <p>New Swimming Pool - Inground Pool as depicted in plans prepared by caw building design sheets CC01-CC03 dated 17 August 2015</p>	<p><b>APPROVED</b> 25th August 2015</p> <p>300 Old Byron Bay Rd, Newrybar, 76 Phillips Rd, Newrybar</p> <p>New Subdivision - Boundary Adjustment To undertake a boundary adjustment subdivision between two existing allotments to create One x 1.56 hectare and One x 39.5 hectare allotments</p>
<p><b>APPROVED</b> 19th June 2015</p> <p>188 Old Byron Bay Rd, Newrybar</p> <p>Holiday Cabin To Erect a Holiday Cabin</p>	<p><b>APPROVED</b> 27th May 2015</p> <p>Seven Mile Beach Rd, Broken Head, 433 Seven Mile Beach Rd, Broken Head</p> <p>Additions to dwelling house</p>

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<p><b>REJECTED</b> 11th May 2015</p> <p>76 Phillips Rd, Newrybar, 300 Old Byron Bay Rd, Newrybar</p> <p>REFUSED - Subdivision - Boundary Adjustment Boundary adjustment subdivision to create 1 x 1.56ha and 1 x 39.5ha allotments</p>	<p><b>APPROVED</b> 11th December 2014</p> <p>Seven Mile Beach Rd, Broken Head, 433 Seven Mile Beach Rd, Broken Head</p> <p>Additions to dwelling house</p>
<p><b>APPROVED</b> 11th December 2014</p> <p>Bay St, Byron Bay, Bay St, Byron Bay</p> <p>Alteration/Additions to Surf Club</p>	<p><b>APPROVED</b> 2nd October 2014</p> <p>433 Seven Mile Beach Rd, Broken Head</p> <p>Modification of Studio Plans (Dwelling House, Studio, Garage, Swimming Pool &amp; Tennis Court)</p>
<p><b>APPROVED</b> 16th December 2013</p> <p>76 Phillips Rd, Newrybar</p> <p>S.96 - New Holiday Cabin Deletion of composting toilet facility and inclusion of a new amenities building containing a shower, WC and washbasin as depicted in plans prepared by Richard Lutze Project No. 635/1 sheet 1/1 dated November 2013</p>	<p><b>APPROVED</b> 6th November 2013</p> <p>821 Broken Head Rd, Broken Head, 823 Broken Head Rd, Broken Head, 821 Broken Head Rd, Broken Head</p> <p>S96 to correct wording of condition No 4 (Boundary Adjustment (SEPP 1))</p>
<p><b>APPROVED</b> 30th October 2013</p> <p>Bay St, Byron Bay, Bay St, Byron Bay</p> <p>Use of Apex park to place temporary structures for the Schoolies Safety Response between 15 November to 2 December 2013</p>	<p><b>APPROVED</b> 3rd October 2013</p> <p>13 Edward Pl, Knockrow, Pacific Hwy, Knockrow, Newrybar Swamp Rd, Knockrow</p> <p>Subdivision - Boundary Adjustment Modification to development consent 2012/432 involving a minor modification to configuration of proposed 10 ha lot</p>
<p><b>APPROVED</b> 17th September 2013</p> <p>2 Massinger St, Byron Bay, Bay St, Byron Bay, Bay St, Byron Bay</p> <p>Stage 1 - Internal and External Alterations and New Retaining Wall and Stage 2 - External Works (Goods and Dry Store, Access Ramp for Deliveries and Pergola near Entry)</p>	<p><b>APPROVED</b> 15th May 2013</p> <p>823 Broken Head Rd, Broken Head</p> <p>Dwelling and carport</p>
<p><b>APPROVED</b> 30th April 2013</p> <p>823 Broken Head Rd, Broken Head</p> <p>Swimming Pool and Deck</p>	<p><b>APPROVED</b> 27th March 2013</p> <p>823 Broken Head Rd, Broken Head, 821 Broken Head Rd, Broken Head, 821 Broken Head Rd, Broken Head</p> <p>Boundary Adjustment (SEPP 1)</p>
<p><b>APPROVED</b> 26th March 2013</p> <p>Bay St, Byron Bay, 2 Massinger St, Byron Bay</p> <p>S96 to amend security/access arrangements to boardwalk/dining area (alterations and additions to existing cafe (Beach Cafe))</p>	<p><b>APPROVED</b> 26th February 2013</p> <p>13 Edward Pl, Knockrow, Newrybar Swamp Rd, Knockrow, Pacific Hwy, Knockrow</p> <p>3 x Lot Boundary Adjustment Three Lot Boundary Adjustment Subdivision to create 1 x 10ha, 1 x 60.4ha and 1 x 69.29ha allotments</p>
<p><b>APPROVED</b> 5th February 2013</p> <p>433 Seven Mile Beach Rd, Broken Head</p> <p>Dwelling House, Studio, Garage, Swimming Pool &amp; Tennis Court</p>	<p><b>APPROVED</b> 10th November 2012</p> <p>Bay St, Byron Bay</p> <p>Temporary Stage for Cringe the Binge Event 2012</p>
<p><b>APPROVED</b> 9th November 2012</p> <p>Seven Mile Beach Rd, Broken Head, 433 Seven Mile Beach Rd, Broken Head</p> <p>Upgrade of Driveway Access</p>	<p><b>APPROVED</b> 19th September 2012</p> <p>121 Bundaleer Rd, Broken Head</p> <p>New Dwelling - Single Residence Single storey dwelling as depicted in plans dated 31 August 2012, endorsed with Council stamp</p>
<p><b>REJECTED</b> 23rd August 2012</p> <p>Pacific Hwy, Knockrow, Newrybar Swamp Rd, Knockrow, 13 Edward Pl, Knockrow</p> <p>Subdivision - Boundary Adjustment Subdivision by way of boundary adjustment creating 1 x 2ha allotment and 1 x 95ha allotment</p>	<p><b>APPROVED</b> 28th June 2012</p> <p>188 Old Byron Bay Rd, Newrybar</p> <p>s.96 - Alt/Add to Dwelling - Single Residence and Demolition &amp; Pool Modify attached studio to include store and bathroom</p>
<p><b>APPROVED</b> 4th May 2012</p> <p>188 Old Byron Bay Rd, Newrybar</p> <p>Alterations/Additions to Dwelling - Single Residence Alterations and additions to existing dwelling already under construction incorporating attached studio, walkway, and demolition of original farm building to allow construction of tennis court, as detailed on drawings by Peter Lucena &amp; Associates, dwg No. N - S1 &amp; S2</p>	<p><b>APPROVED</b> 6th January 2012</p> <p>76 Phillips Rd, Newrybar</p> <p>Section 96 Application to Modify Consent To Stage the Development</p>

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<p>■ <b>APPROVED</b> 15th November 2011</p> <p><b>188 Old Byron Bay Rd, Newrybar</b></p> <p>Section 96 - Relocation of Dwelling - Relocatable To delete condition 22 of the consent requiring the installation of non-reflective or white coloured roofing</p>	<p>■ <b>APPROVED</b> 20th October 2011</p> <p><b>30 Old Byron Bay Rd, Newrybar</b></p> <p>s.96 Alterations/Additions to Dwelling - Single Residence Raise floor level by 450mm and additional roof to verandah</p>
<p>■ <b>APPROVED</b> 20th October 2011</p> <p><b>188 Old Byron Bay Rd, Newrybar</b></p> <p>s.96 Amendment - Relocation of Dwelling - Relocatable Relocation of ensuite and installation of planter boxes and underground rainwater tank</p>	<p>■ <b>APPROVED</b> 17th June 2011</p> <p><b>30 Old Byron Bay Rd, Newrybar</b></p> <p>Alterations/Additions to Dwelling - Single Residence Alterations and additions to existing dwelling as described on plans by RA Bruce, drawings 1-4, dated May 2011</p>

For confirmation and detailed advice about these planning permits, please contact the responsible council:

**BALLINA**

02 6686 4444

Permit information last updated on 25/01/2021

**BYRON**

02 6626 7000

Permit information last updated on 25/01/2021