

# WEST BYRON SUBMISSION POINTS

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Two Development Applications are currently on display for the bulk of the West Byron Urban Release Area. The [Local Landholder's Development Application](#) (DA) for the bulk of the site is on exhibition until 7 February, and the [Villaworld DA](#) has been re-exhibited until 21 February (these are hidden on Council's website under the guise of 'various properties').

Submissions are to Byron Council ([submissions@byron.nsw.gov.au](mailto:submissions@byron.nsw.gov.au)) and must refer to Development Applications: 10.2017.661.1 - Various Properties (herein termed Local Landholders) and 10.2017.201.1 - Various Properties (herein termed Villaworld).

LEP: Part 4 of 1988 Byron Local Environment Plan,  
DCP: Chapter E8 of 2014 Byron Development Control Plan

**Both Development Applications (DAs) are strongly objected to on the grounds that:**

## **PLANNING**

The proposals allow for over 1,000 houses which have the potential to increase the size of Byron Bay-Suffolk Park by over 25%, which will place an immense strain on Byron's already inadequate infrastructure (roads, parking, schools). Both DAs propose medium density development and undersized lots in low density residential zones in contravention of the LEP.

- The currently exhibited Villaworld DA documents don't include a Statement of Environmental Effects, are incomplete and thus inadequate to assess the proposal. It should not be acceptable to rely upon the documents previously exhibited when there have been significant changes and they are no longer available.
- It is unacceptable that both DAs propose medium density development and undersized lots in low density residential zones.
- There is a need to rectify the gross incompatibilities between the 2 DAs for road works, drainage works, services, fill plans, Koala management, Wallum Sedge Frog management, and numerous other attributes.
- The DAs need to be withdrawn and made compatible, with the required holistic Management Plans for the whole site (including the industrial area) prepared: including for traffic, Koalas, biodiversity, Acid Sulfate Soils, stormwater, and the Belongil estuary

The proposal to construct a 4m acoustic barrier, on top of fill up to over 2.1m deep. along the boundary of the Ewingsdale Road Reserve will create a visual intrusion that will detract from the "feel" of Byron Bay and is likely to affect the town's tourism appeal. The intent is to plant earth mounds extending 6m (or more) into the public road reserve for visual screening of the walls.

- The proposal to construct an acoustic barrier up to 6m high on the edge of the road reserve, and plant earth mounds extending 6m (or more) into the public road reserve for visual screening, is objected to as this vital transport corridor should be retained for Byron's future needs, and an expanded vegetation buffer should be provided on the proponent's properties.

## **FILL**

The proposal is to fill most of the site to 0.5m above the assessed flood level, which requires fill up to 3m deep. It is intended to import some 500,000 m<sup>3</sup> of fill, which can be expected to weigh around a million tonnes. Extra volumes will be required when the industrial area is developed.

- The State Significant Site approval was obtained based on half the amount of fill.

- There is a need to identify the source of the fill and the impacts of the thousands of truck movements on Ewingsdale Road.
- The volume of fill needs to be significantly reduced.

## **TRAFFIC**

The proposals will result in more than 16,000 additional car movements a day on Ewingsdale Road, almost doubling the current weekday traffic. The increased traffic and two additional roundabouts will significantly increase congestion on Ewingsdale Road and in the town centre during busy periods, which will have adverse impacts on residents and the tourism industry. The proposed Butler Street Bypass will result in diversion of as little as 7%, and no more than 20% of traffic from the town centre, though as the takeoff point is the Butler Street roundabout then it will simply increase congestion there.

- The State Significant Site approval was obtained based on only 6,000 extra cars.
- In the absence of a workable traffic solution the development needs to be scaled back to a level where the safety, efficiency and ongoing operation of Ewingsdale Road will not be adversely affected by the development.

## **ENVIRONMENT**

There are 35ha of remnant native vegetation on the West Byron Urban Release Area of which 10.6 ha is proposed for clearing.

- Local landholders are proposing to clear 1.8ha of Environmental Zones, and have made no attempt to minimise intrusions or assess the areas affected. There are a number of unnecessary and unjustified intrusions into environment zones that must be removed, and environmental assessments of the others need to be undertaken so that Koala feed trees and other important areas are avoided.
- Neither DA has given due consideration to the draft State Environment Planning Policy (Coastal Management) 2016, with 2.1 ha of mapped SEPP Coastal Wetlands proposed to be filled and extensive works undertaken within their 100m proximity areas and a Coastal Environment Area. The DA's must consider their impacts on currently mapped Coastal Wetlands (and the requirement for an EIS) and the Coastal Environment Area.
- It is essential that all the requirements of the draft Coastal SEPP are complied with. The exclusion of Coastal Wetlands from development and the provision of adequate buffers should be mandatory.

## **FAUNA**

Thirteen Threatened fauna species have been recorded on West Byron, with 4 of these listed under the Commonwealth EPBC Act 1999. The assessments considered these species under the repealed Section 5A of the Environmental Planning and Assessment Act, rather than in accordance with the new Biodiversity Conservation Act 2016. Impacts are downplayed or ignored.

- Species Impact Statements must be prepared for the Wallum Sedge Frog and Koala and these should be referred to the Commonwealth for consideration under the EPBC Act 1999.

## **KOALA**

Byron's Koala population comprises some 240 individuals relying on scattered patches of suitable habitat south from the Brunswick River to Broken Head. West Byron has 5.5ha of scattered patches of core Koala habitat, of which 2ha (37%) is intended to be cleared, with the remnants fragmented by houses, roads and fences. West Byron is an essential stepping stone for maintaining Koala

dispersal between the north and the south, without it the fragmented Byron Koala population will decline into extinction (as is underway north of the Brunswick).

- The proposal needs to protect all core Koala habitat with 50m buffers, protect large feed trees, and exclude dogs in accordance with the draft Byron Coast Comprehensive Koala Plan of Management (2015).
- The proposed Koala underpass under Ewingsdale Road near Sunrise Boulevard is strongly supported.

### **WALLUM SEDGE FROG**

There are two local populations of the nationally vulnerable Wallum Sedge Frog (Olongburra Frog) on West Byron, a western population in a 0.65ha wetland that is known to have been present for the past 8 years and an eastern population known from one individual found in 2010.

- The habitat of the western population of the Wallum Sedge Frog is intended to be eliminated by covering its wetland with 3m of fill, houses and roads. This population needs to be protected with 50m buffers with a dedicated corridor linking its habitat through to the SEPP 14 wetland to the south, under Ewingsdale Road and through to the habitat near the sportsfield to the north, in accordance with the 'National recovery plan for the wallum sedgefrog and other wallum-dependent frog species'.
- The Eastern population needs to be resurveyed and appropriate mitigation measures identified, as under the current proposal its habitat will be so changed by fill and stormwater that it cannot survive.
- The State Significant Site approval was based on the premise that both these populations will be protected.

### **WATERS**

West Byron is located in a highly sensitive coastal environment adjacent to the Cape Byron Marine Park and extensive SEPP 14 wetlands, within Coastal Wetlands, Coastal Wetland Proximity Areas and a Coastal Environment Area identified under the draft Coastal SEPP. It has highly acidic soils, Acid Sulfate Soils and a high water table with significant pollutants. Runoff from 19% of the urban area will be discharged directly into the Belongil Special Purpose Zone of the Cape Byron Marine Park, and 37% will be discharged into SEPP 14 wetlands, with 44% discharged into the central drain and thence into Belongil Creek.

The evidence is clear that the Belongil estuary is already significantly degraded and in need of rehabilitation, not further degradation. Yet, despite the direct and indirect runoff of polluted waters from the development into the estuary, there has been no consideration of its current health.

- The required baseline studies to assess the current health of the Belongil estuary need to be undertaken and a Belongil Creek Plan of Management prepared in accordance with DCP, before the pollution from the development can be considered in context.

The site has highly acidic topsoils and partial investigations have so far identified Potential Acid Sulfate Soils (PASS) 1-2.5m below the ground surface at a number of sites. When PASS are disturbed or drained they are oxidised, generating sulphuric acid and mobilising toxic quantities of iron, aluminium and heavy metals which will end up in groundwater or streams. While careful management may enable the extraction and liming of directly affected soils, there is no remediation identified or proposed for mitigating the effects of drainage on PASS.

- There needs to be further sampling undertaken to clearly identify the extent of PASS in areas where they are likely to be disturbed or drained. All areas affected by the drainage of

PASS and reduced groundwater, along with mitigation measures, need to be clearly identified.

The flood modelling underestimates the future increases in storm intensities and sea-levels likely to result from global warming and thus significantly underestimates the potential heights of floodwaters and the risk of inundation of the development later this century (or earlier). Similarly the stormwater modelling makes no attempt to account for increasing rainfall intensities.

- Likely climatic changes on flooding and stormwater need to be fully accounted for. Sensitivity analyses need to be undertaken that account for realistic worst case scenarios, rather than just optimistic ones.

The property has shallow groundwater, with depths generally ranging from 0-1m below the ground surface, with depth varying with rainfall, tides and the opening of the estuary mouth. The groundwater is already polluted with aluminium and iron from acid sulfate soils, though also unsafe levels of Zinc, Lead, Copper and petroleum hydrocarbons. The high groundwater levels help protect the underlying PASS from oxidising, though also limit infiltration of stormwater into the soils.

- There needs to be accurate and comprehensive mapping of groundwater and associated pollutants across the site. The likely impacts of the development on groundwater needs to be detailed.
- The high groundwater needs to be accounted for in the stormwater assessment, particularly in discharge areas.

The urban area will generate a suite of pollutants, while reducing infiltration and concentrating runoff. The principal measures relied upon to mitigate runoff impacts are rainwater tanks and swales (infiltration drains) around the periphery of the development, on their own these have limited ability to reduce runoff and pollution, particularly during periods of high flows and frequent low flows due to saturation, which means that at times untreated stormwater will be discharged into the Belongil estuary. Swales can be effective in reducing some pollutants, though not others.

- There needs to be a single Stormwater Plan prepared that addresses the cumulative impacts of runoff and associated pollutants in discharge areas that takes into account the current health of the receiving waters.
- There is a necessity to incorporate the full suite of Water Sensitive Urban Design measures to reduce runoff volumes and pollutants to safer levels (such as roadside swales and porous surfaces in urban areas, check dams on swales, and bioretention basins below them).
- It is apparent that in accordance with Byron LEP 1988 (1b ix) that the type, bulk, scale and size of development as currently proposed is totally inappropriate for the location.