

Conservation of North Ocean Shores

PO Box 343, Brunswick Heads, NSW, 2483 Phone (066) 801 276

North Ocean Shores Update

Thursday 28 Nov

Approximately 30 members of the community requested a bulldozer operator to stop removing native trees near Jones Road (Marshalls Ridge)
This was done so after discussion of all parties concerns
Approximately two dozen native flora species have been identified other than Camphor laurel

Friday 29 Nov

8:00 am - Heavy machinery (bulldozer & Hi-mac) continued activities in forested areas near Jones Road (Marshalls Ridge)
Byron Council inspected the area and told the operators to stop work
This was done so
Further native flora species have been identified

4:00 pm - Bulldozing continued in a forested area near Jones Road (Marshalls Ridge)
The community attended the site, but on arrival the operator had stopped work for the day
Byron Council attended the site

The community is alerted, being vigilant and monitoring the wildlife corridor until further notification of any 'protection' from the Minister of Urban Affairs & Planning, via an Interim Conservation Order, is forthcoming

Sat, 30 Nov 1996

Conservation of North Ocean Shores

PO Box 343, Brunswick Heads, NSW, 2483 Phone (066) 801 276

URGENT

Thu, 28 Nov 1996

PLEASE LOBBY THE MINISTER OF PLANNING URGENTLY TO SUPPORT BYRON COUNCILS REQUEST FOR AN INTERIM CONSERVATION ORDER (ICO) OVER THE WILDLIFE CORRIDOR, OF REGIONAL AND STATE SIGNIFICANCE, AT NORTH OCEAN SHORES

THE ONGOING DESTRUCTION OF THIS WILDLIFE CORRIDOR HAS CONTINUED FOR THREE MONTHS.

WE HAVE EXHAUSTED ALL AVENUES TO PROTECT THIS LAND. THE COMMUNITY MOUNTED ANOTHER DEMONSTRATION TODAY. APPROX. 25 PEOPLE ATTENDED, HOWEVER MORE PEOPLE ARE NEEDED URGENTLY. WE INTEND TO KEEP UP THE DEMONSTRATION UNTIL THE STATE GOVERNMENT STEPS IN.

THE WILDLIFE CORRIDOR LINKS UP TO THE WORLD HERITAGE RAINFORESTS OF THE MT WARNING CALDERA. THE RIDGELINE IS OF HIGH ARCHAEOLOGICAL SIGNIFICANCE AND CONTAINS ABORIGINAL SITES REGISTERED WITH NPWS.

THE ABORIGINAL CUSTODIANS OF NORTH OCEAN SHORES, THE ELDERS OF THE BUNDJALUNG NATION, HAVE BEEN NOTIFIED AND HAVE PLACED THIS ISSUE AS A MATTER OF URGENCY ON THEIR MEETING AGENDA OF 29 NOV.

THE CORRIDOR ADJOINS THE BILLINUDGEL NATURE RESERVE WHERE APPROX 38 SPECIES OF ENDANGERED FAUNA HAVE BEEN RECORDED.. THE CORRIDOR IS ALSO 'CORE KOALA HABITAT' SEPP 44

THE BYRON SHIRE COUNCIL SAYS THEY HAVE NO POWERS TO PREVENT THIS DEGRADATION AND THE DEVELOPER IS BLATANTLY ABUSING ANY PLANNING INSTRUMENTS. PLEASE FIND A COPY OF THEIR REQUEST AS A GUIDE FOR YOUR SUPPORT

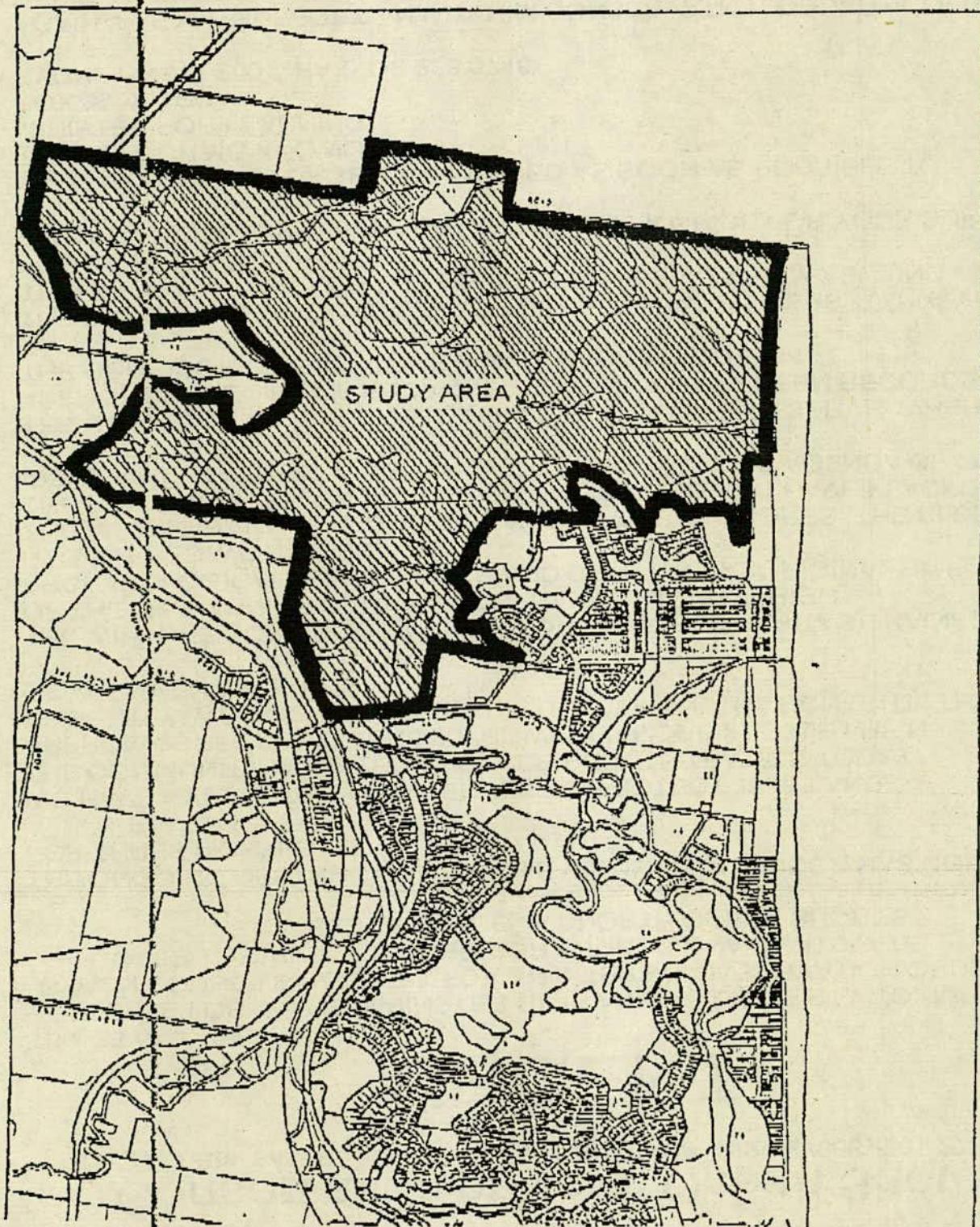
YOUR SUPPORT IS URGENTLY NEEDED AS SOON AS POSSIBLE TO :
THE HON. CRAIG KNOWLES
MINISTER FOR PLANNING
BOX 3927 GPO
SYDNEY NSW 2001 FAX: 02 228 3716

AGAIN, PLEASE SUPPORT AN INTERIM CONSERVATION ORDER (ICO) UNTIL RESIDUAL LANDS ARE APPROPRIATELY ZONED WITH THE FINALISATION OF THE DRAFT LOCAL ENVIRONMENTAL PLAN. THANK YOU AGAIN.

LOCALITY PLAN

BYRON COUNCIL
SCALE 1:25001

FIM
Tue Feb 27 1996 15:37:53



This is Page No. of the Business Paper of the Strategic Planning Committee Meeting held on 22/04/1996

.....
Chairman

Conservation of North Ocean Shores

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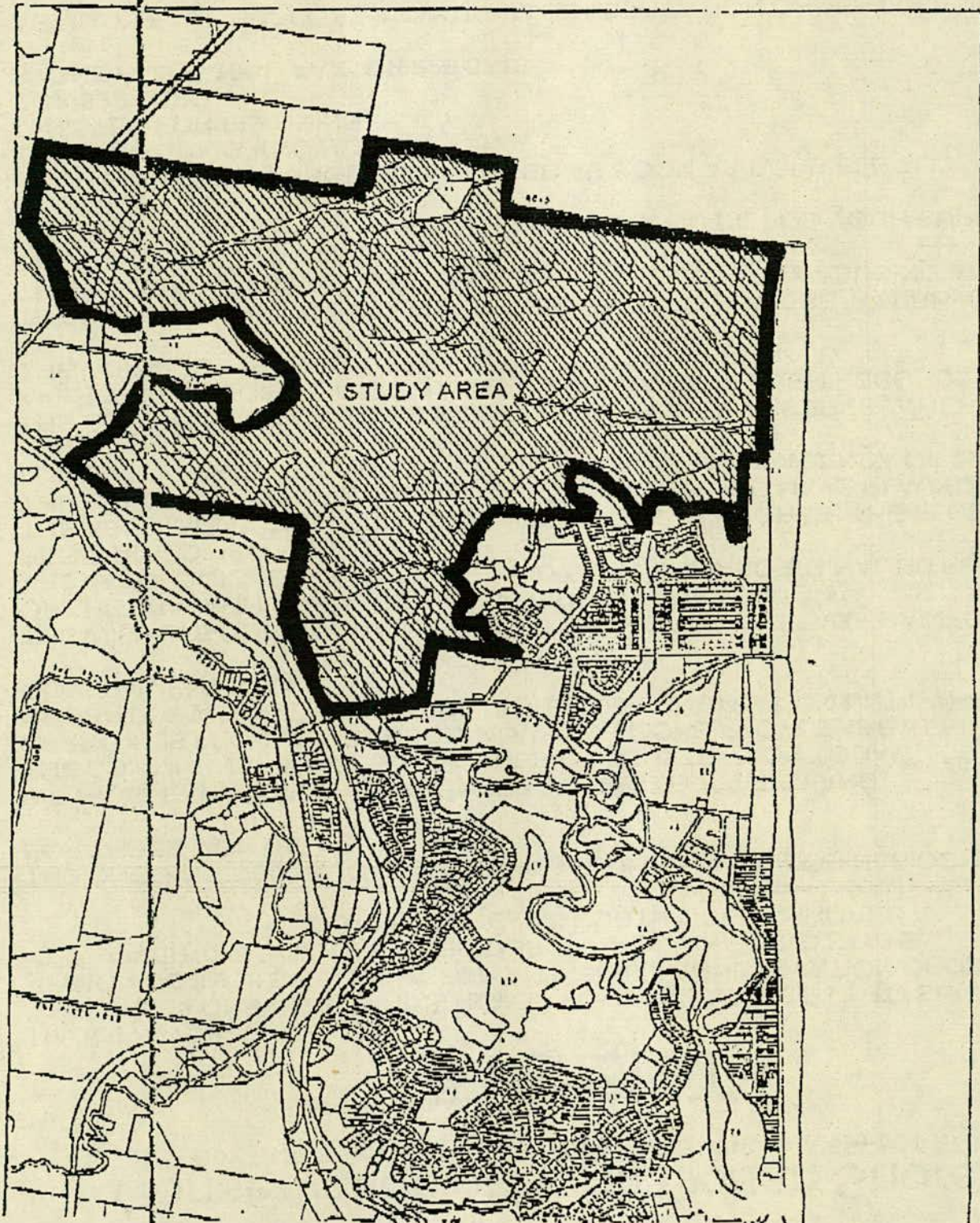
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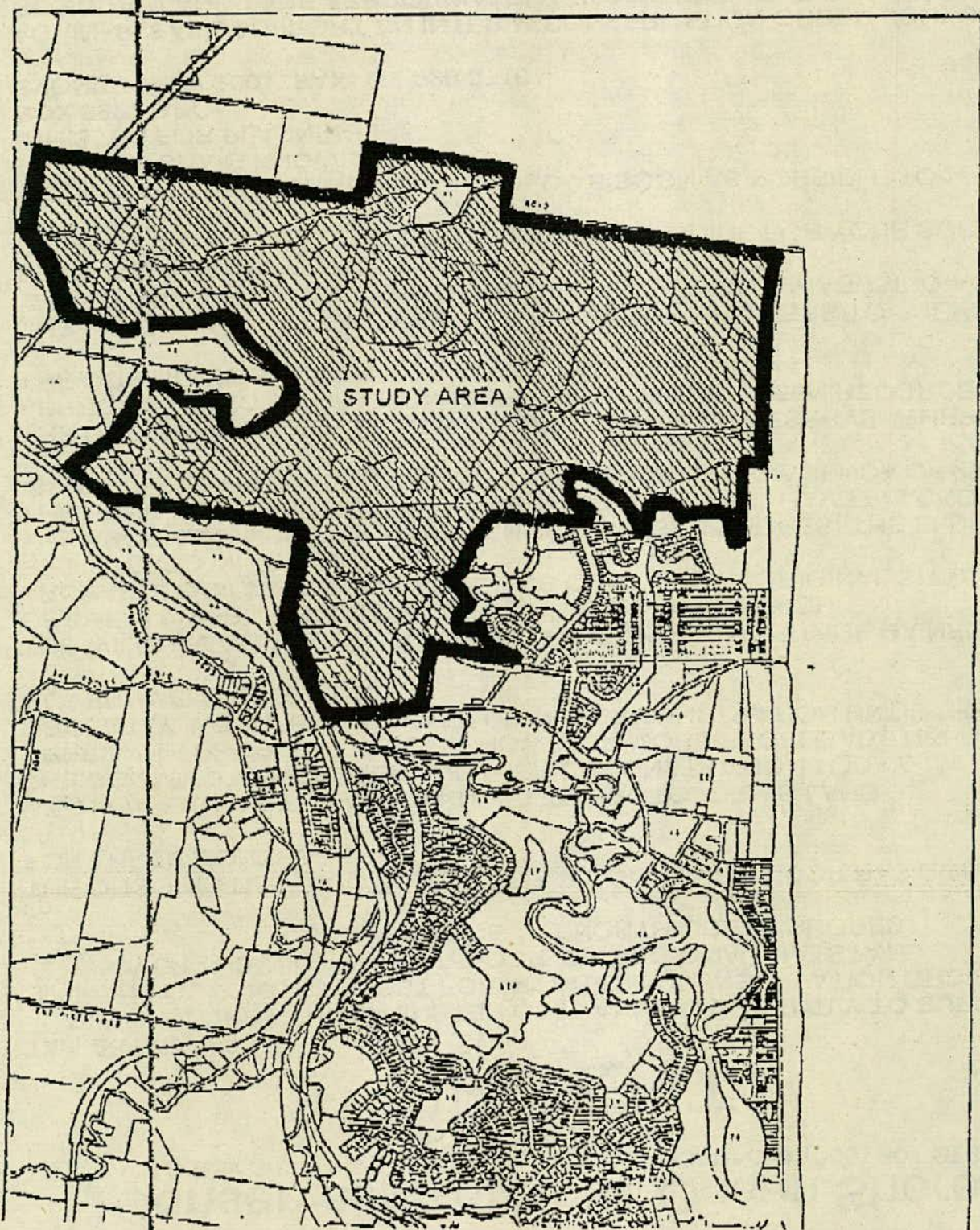
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Chairman



27 November, 1996

Hon Craig Knowles MP
Minister for Urban Affairs and Planning
Level 33
Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000

Dear Hon Knowles

Re: Urgent Request for an Interim Conservation Order to be Place over Environmentally Sensitive Lands at North Ocean Shores

Council resolved, as an urgency motion, at its meeting on 26 November, 1996:-

"That Council request the Minister for Urban Affairs and Planning to urgently issue an Interim Conservation Order (or an Interim Protection Order, if that is more appropriate) over land that is being investigated for its flora and fauna significance in the Jones Road area of North Ocean Shores in connection with the preparation of a Local Environmental Study and which is described on a map being prepared by the Strategic Planning Manager."

The North Ocean Shores area has high nature and cultural conservation value of State and National significance. This has been recognised through the acquisition of some of the lands by your Government for the establishment of the Billinudgel Nature Reserve. Lands of high conservation value not acquired were proposed to be provided with protection through appropriate zones in the Byron Local Environmental Plan 1988. Consequently, Council resolved on 23 April, 1996 to rezone the environmentally sensitive lands to environmental protection zones. A Local Environmental Study and draft Local Environmental Plan are being finalised and will soon be placed on public exhibition.

The Local Environmental Study has demonstrated that the area has State natural and cultural conservation significance particularly in regards to inadequately conserved plant communities, threatened species - including the Koala and Aboriginal sites.

The protection of the environmentally sensitive lands outside the Nature Reserve of North Ocean Shores is of high priority for Council as it will resolve over a decade of community and Government debate and deliberations over the conservation value of this area.

In response to Council's consultation with Government agencies pursuant to Section 62 of the Environmental Planning and Assessment Act, 1979, the following response from the National Parks and Wildlife Service is relevant:-

ALL COMMUNICATIONS TO BE ADDRESSED TO THE GENERAL MANAGER
PO Box 219 Mullumbimby New South Wales 2482
Tel (066) 267000 DX 20067 Mullumbimby
Fax (066) 243018

xx sent by :

04-0A4 28/11/96 00:36 Pg: 3/4

Page 2 of 2

"Whilst the majority of lands considered of high conservation value have been acquired by the NPWS a number of areas which were subject to the IPO remain as freehold land. These comprise lands in the vicinity of Jones Road and Marshalls Creek. The Jones Road/Marshalls Ridges area is part of an important fauna corridor link between the coastal habitats of Binudgel Nature Reserve and the hinterland vegetation of Burringbar and Koonyung Ranges to the west. Although narrow and fragmented in places this corridor provides the only substantial route for fauna movement between coastal and hinterland populations of less mobile vertebrates. In particular, numerous koala records exist along and north of Jones Road."

Council has serious concerns that land clearing and related activities are continuing to impact on the conservation value of the lands subject to the Local Environmental Study and draft Local Environmental Plan. Council has no powers or planning instrument to prevent/restrict these activities.

The current situation is that as the rezoning process is proceeding the proposed environmental protection zoned lands are being degraded. The only mechanism available to enable the interim protection of these lands until the rezoning process has concluded is through an Interim Conservation Order or an Interim Protection Order.

Council urges you to urgently place an Interim Conservation Order over the lands shown on the attached map or if more appropriate to request the Minister for the Environment to take action.

Council is able to provide you with further information if required, please contact Council's Strategic Planning Manager, Mr David Kanaley direct on telephone (066) 267169.

Yours faithfully



Mark Norris
ACTING GENERAL MANAGER

Action Officer: Mr David Kanaley

ENCL

Conservation of North Ocean Shores

PO Box 345, Brunswick Heads, NSW, 2483 Phone (066) 801 276

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- 6/ As this site is located within the Marshall's Creek Floodplain it would not be in the interests of Council to approve this DA until the Flood Plain Management Plan for this area has been resolved.

Council is reminded that the Marshall's Creek Floodplain Committee unanimously reaffirmed that NO developments be approved where fill is required, at its last meeting of 1995.

- 7/ The above proposal is adjacent to an Environmental Protection Zone.
- 8/ The proposed site is recognised by the NPWS and BEACON as part of a wildlife corridor which links the Billinudgel Nature Reserve with the Brunswick Heads Nature Reserve.
- 9/ Endangered Flora species have been recorded on the site and are protected under the Threatened Species Conservation Act 1995.
- 10/ The Swamp Sclerophyll/Wet Sclerophyll Forest that is proposed for bulldozing is of High Conservation Value and must be protected.
- The recent Deferred Forest Assessment (DFA) found that if all remaining areas of paperbark forest were protected, only 7% of the pre-European area would be conserved.
- 11/ It would not be in the interests of Council to pass this DA until Shara Boulevard becomes a designated road.
- 12/ It would not be in the interest of Council to pass this DA whilst the State Government is negotiating purchase of the North Ocean Shores land.
- 13/ Further archaeological studies must be undertaken at North Ocean Shores before any further DAs are passed as required by the Director/General of NPWS.
- 14/ The issue of acid- sulphate soils at North Ocean Shores has not been thoroughly investigated and must be addressed prior to development approval.
- 15/ The above proposal will severely impact on local business in the area, in particular the village of Billinudgel, which is located immediately to the west of the Pacific Highway.

Yours Sincerely,

NAME:
ADDRESS:
DATE:

Our Ref: W:G:C:95726

December 20, 1995

Mr John Maston
Barrister
DX 148 SYDNEY

Dear Sir

RE: CORKILL V BYRON SHIRE COUNCIL

I refer to your brief in this matter and wish to advise that I was misinformed as to the applicability of the first part of the second ground in relation to the site including land zoned 7(k) Habitat (see Enclosure 6).

I am now informed that none of the land cleared under the Tree Preservation Order constitutes 7(k) land and therefore the LEP cl 18 (b), 19 (2)(a), (b) & (c) do not apply, though cl. 31 does still apply (see Enclosure 7).

Yours faithfully

Wroth Wall

OBSERVATIONS

I wish to advise that I act for John Robert Corkill, of 1 Oliver Place, Lismore, who has instructed me to take proceedings under S.98 of the Environmental Planning and Assessment Act against Byron Shire Council relating to its approval on 7 November 1995 of Development Application No. 95/423 for the removal of 57 trees at North Ocean Shores, in an area which is a known core koala habitat. The approval and subsequent destruction of the trees represents a further step in the incremental degradation of a most important wildlife corridor at the hands of its present owner.

My client proposes to seek a declaration that the development approval is invalid, an order that the site be restored, and such other remedies as may be necessary to prevent further disturbance of North Ocean Shores generally, pending re-zoning or the creation of a National Park or the operation of an effective temporary preservation order.

The first ground of challenge is that, in approving the DA, Council has breached cl. 18(b), 19(a),(b) and (c) of the Byron Shire Council Local Environment Plan in that the DA site has been documented as having "important environmental attributes and constitutes part of a major east-west corridor", (Enclosure 1)" and has "regional as well as State environmental significance ...[and is] an important component of the Shire's ecology;" (Enclosure 2) and has "significant fauna diversity, prime koala habitat and high habitat conservation values" (Enclosure 3). In addition it has been acknowledged to have "high archaeological potential "(Enclosure 4) and cl. 18(b)(Enclosure 5) prohibits "change, damage" to such sites whilst cl. 19(a) and (b) prohibit the grant of consent without an assessment of the "significance of the item as an item of environmental heritage of the Shire of Byron; (b) the extent to

which the carrying out of the development in accordance with the consent would affect the historical scientific, social, archaeological.. significance of the item and its site". There is no evidence that Council made such assessments and if they did, I would submit that on the available evidence, any such assessment was manifestly inadequate and thus any conclusions drawn from it were manifestly unreasonable.

The second ground, also concerning a breach of the Byron LEP, is that some of the subject site is zoned 7(k)(Habitat) on which "clearing of land" is prohibited (Enclosure 6). Additionally cl. 18(b), 19(2) (a), (b) & (c) have been and will be breached by tree removal and by Council's failure to assess the cl. 19 provisions in respect of the environmental and archaeological significance of the site and locality. Moreover, cl. 31(1)(Enclosure 7) provides that, "the Council shall not consent to the carrying out of development on or near any ridge line...where in its opinion that development is likely to substantially detract from the visual amenity of the area." I submit that the facts indicate the applicability of cl. 31(1) to the subject site.

The third ground is contributed by Council's failure to adhere to the provisions of SEPP 44, Koala Habitat Protection, in that it neglected to satisfy itself whether or not the land is a potential or core koala habitat in the terms of cl 7 & 8. There is abundant evidence of "a resident population of koalas evidenced by...recent sightings of and historical records of a population". (Cl.4)(Enclosure 8) and (Enclosure 9). Indeed Council's planning Manager has acknowledged that the site is "prime koala habitat" (Enclosure 3). Thus it is submitted that, on the facts, Council's conclusion that the subject site does not fall within the provisions of cl. 7 or 8 was unreasonable and unwarranted. Moreover, its consultants' consideration of the matter failed to follow the

mandatory guidelines issued by the Director of Planning (Enclosure 10) in that these require that the information on which a decision regarding the koala habitat status is based, "must result in council being able to confidently decide [emphasis added] whether or not the potential koala habitat confirms any core koala habitat". Moreover Council's consultant makes clear that the methodology they used "is meant only to provide an indication of the level of Koala activity and is not meant to be a definitive assessment of Koala occurrence distribution or behaviour". (Enclosure 11) Thus Council has failed to confirm to cl. 17(1), that "a Council must take into consideration the guidelines that are relevant".

Fourthly, it is submitted that it was not reasonably open to Council to conclude that the tree removal was not likely to significantly affect the environment, as required by the Environmental Planning and Assessment Act s.77(3)(d)(1) and s.4A. Accordingly it was not open to Council to grant consent to the DA without an accompanying Fauna Impact Statement. I submit that the evidence cited above and in Enclosure 8 abundantly meets the criteria in s.4A, (a),(b),(c),(d),(e) and (g).

Fifthly, Council failed to follow proper procedures in waiving the DA fee (Enclosure 12) and in not giving notice of the DA in a local newspaper, as required by s.84(1)(c).

Sixthly, the consent authority failed to properly consider the provisions of SEPP 46 in respect of the subject site in that,

- under (a) council's consultant acknowledges that the site vegetation is remnant vegetation in a region which has been extensively cleared (Enclosure 13);
- under (b) that the area has a high biological diversity;
- under (c) the area contains endangered plant species, habitat for rare and endangered fauna, disjunct population of

- species near the limit of their geographic range;
vegetation associated with wetlands;
- under (d) the area has connective importance as a corridor for passage of fauna;
- under (h) the area is significant as wildlife habitat;
- under (j) the area is important as a site along a migratory route for wildlife and clearance would be likely to contribute significantly to soil erosion and acidification of soil.
- (Enclosures 14, 15, 16 and 8).

Seventhly, it is contended that Council was in legal error (in granting development consent for a site which is protected under the Soil conservation Act 1938, s.21, s.21C of which requires that

"a person shall not:

(a)...cut down, fell, poison or otherwise destroy, or cause to be...cut down, felled, poisoned or otherwise destroyed...any tree on any protected land, except in accordance with an authority issued under section 21D in relation to the land...Any person who contravenes the provisions of subsection (1) is guilty of an offence against this Act and liable for a penalty not exceeding 100 penalty units."

As shown in Enclosure 17, the subject land is within a s.21 protected land area.

Finally, enclosure 18 is appended to indicate the incrementally cumulative adverse impact of clearing and felling operations in and around the subject land. This is acknowledged by council - see Enclosure 19. This evidence calls for a judgment on the impact of the removal of the 57 trees to be made in the context of the confining piecemeal despoliation of land in the immediate locality of the subject site.

Would Counsel please advise generally.

With compliments

Wroth Wall

15 December 1995

WrothWall
SOLICITOR

Tel (066) 841 991
Fax (066) 843 395

FACSIMILE

Date: 21/12/95

To: John Corkill

Fax No: 02 264 7005

Pages: 7

Re: CONOS.

This facsimile transmission ~~will~~/will not be sent by DX/post.

John,
Please ring if you need further details.

Graham.
per Wroth

IF ALL PAGES ARE NOT RECEIVED, PLEASE PHONE (066) 84 1991

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10 BOTANIC COURT • P.O. BOX 646 • DX 20002 • MULLUMBIMBY NSW 2482

Facsimile Cover Sheet

To: John Corkill

Company:

Phone:

Fax: 224737

From: Henry James

Company: Councillor, Tweed Shire

Phone: 066 726012

Fax: 066 726012

Date: 01/08/96

Pages including this
cover page: 4

Comments:



Cr Henry James
1/12 Ewing Street
Murwillumbah 2484
Telephone: Home (066) 72 6012
Work (066) 72 1121
Fax: (066) 726012

15 January 1996

John Corkill
Fax 224737

Dear John,

Re: NOS

Firstly, sorry about the delay in responding to your request for comment on the draft notice of motion.

The Map

Find a map attached with some proposed amendments to your original. The changes are:

- The addition of the balance of the allotment adjacent to the Wooyung Road (marked 'E'). Possibly not all of this additional land warrants environmental protection zoning (especially in the general area of the land shown cross hatched). Presumably the LES would determine the boundary of the new environmental protection zone in this vicinity. If we adopt this approach of including in the draft plan areas which may not all warrant environmental protection zoning we may have to alter the text of the notice of motion slightly (see following comments).
- The coastal road reserve and land eastwards (marked 'F'). This includes areas of littoral rainforest, coastal scrub, fore dunes and the beach.
- A strip of forest on the flood plain immediately west of Jones Road (marked 'C').
- An area of forest on hillside and adjacent flood plain (marked 'D'). Only part of this area may warrant environmental protection zoning and the boundaries will need to be determined as part of the LES.

I suggest also that you investigate the position of the proposed study area boundary within Byron Shire north of Jones Road. It appears you have used the boundary of the former NOS LES (line 'B' on the attached map) but there is no reason we should limit ourselves in this way. There may be land with high conservation value north of this line. The 1:25,000 topo map shows *Melaleuca quinquenervia* forest extending northwards of the line marked 'B' going half way to the line marked 'A'. However it is possible that it has been cleared in the meantime. Perhaps you could move the line to position 'A' and the extent of the existing forest or sedgelands/native wet grasslands south of this line can be determined as part of the LES and zoned appropriately?

The Text

- Paragraph A. As suggested above, I think it would be best to draw a wide line around the study area, possibly including areas at the margin that may not warrant environmental protection zoning. The text of the motion may need to be altered to read; "Prepare a draft LEP, *generally* for conservation purposes, for the area...."
- Paragraph C. I am not familiar with Section 521 of the Local Government Act and so can make no comment on this aspect.
- Paragraph H (ii). Why specify just areas not subject of the IPO? Presumably these heads of consideration would need to be applied to all of the land subject of the LES and LEP.

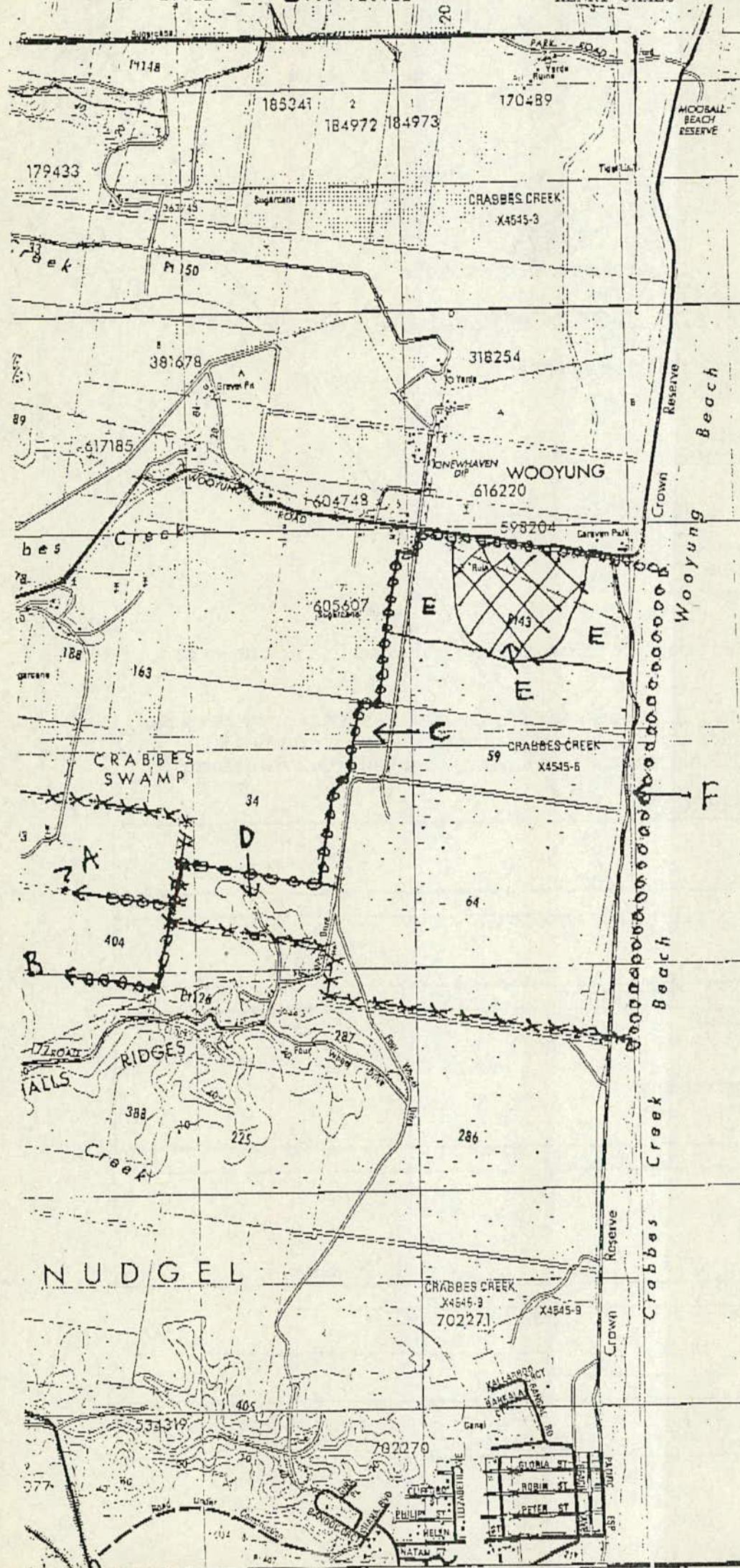
I haven't seriously discussed this proposal with the chief planners up here.

Give me a call if you wish to discuss the matter further.

Regards,

H. James

Henry James



xxxxxxx Slur boundary

oooooo Boundary of proposed LEP



Commonwealth of Australia

APPLICATION FOR LEGAL OR FINANCIAL ASSISTANCE

This form and all attachments should be sent to:

Director
Legal Aid & Family Services
Attorney-General's Department
Robert Garran Offices
National Circuit
BARTON ACT 2600

Phone: (06) 250 6806
Fax: (06) 250 5934

This form must be signed in the presence of a Commissioner for Declarations or a Justice of the Peace.

This form is to be fully completed. Answer ALL questions. Assistance may be refused if all information (including attachments) is not provided. If space provided is insufficient, include additional material on a separate page and attach to the form.

PARTICULARS OF APPLICANT

SURNAME

CHRISTIAN OR GIVEN NAMES

and, if applying on behalf of an organisation:

NAME OF ORGANISATION

Applicant's position in organisation:

No. of members (approx.):

ADDRESS
Postcode:

TELEPHONE NO.
Business:
Home:

DATE OF BIRTH
/ /19

MARITAL STATUS (box)
Married Divorced Single Defacto partner

The Text

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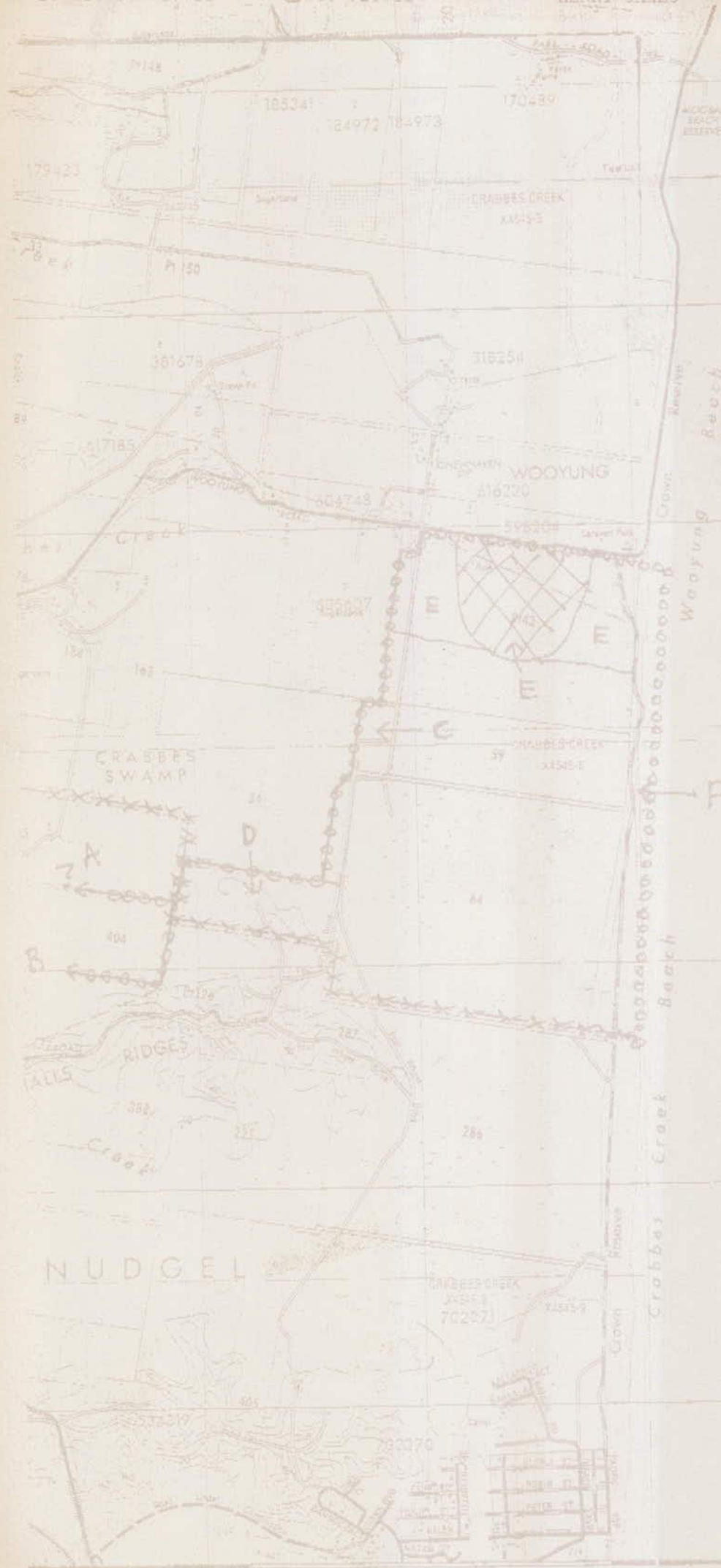
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Give me a call if you wish to discuss the matter further.

Regards,

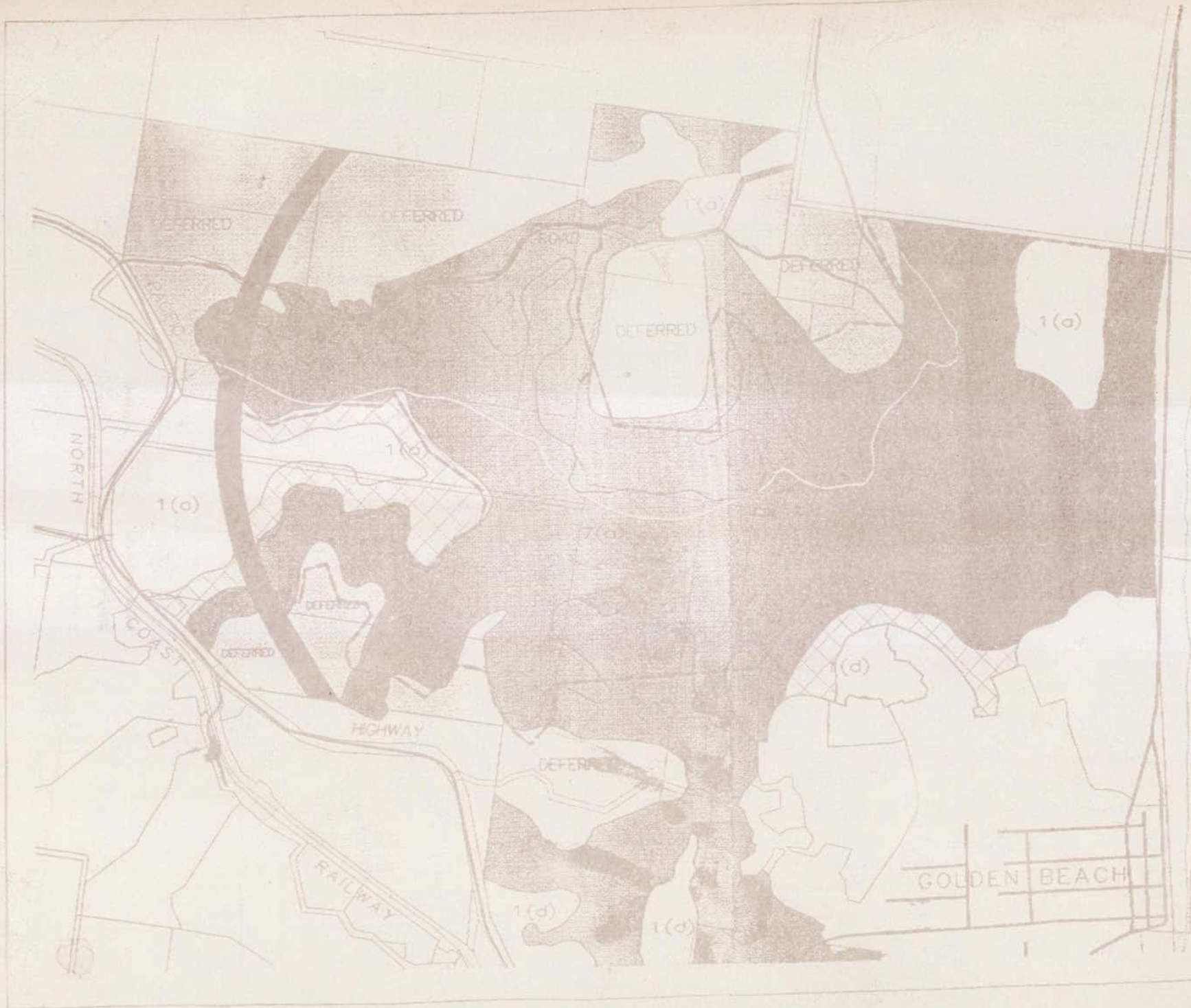
H. James

Henry James



xxxxxxx Sluric boundary

ooooooo Boundary of proposed LEP



Beach
 Crabby Creek

*

 BROKEN GREEN
 BOUNDARY IS SET & IS
 BEING PURCHASED
 BY DEPT.
 ↓
 PURCHASED MAY 95
 BY DEPT. OF PLANNING

Scale 1:12500

- 1(b) GENERAL RURAL
- 1(c) INVESTIGATION
- 1(d) SPECIAL PROVISIONS CLAUSE - BUFFERS
- 3(b) SPECIAL USES/FLOODWAY
- 5(b) OPEN SPACE
- 7(b) WETLANDS
- 7(c) COASTAL HABITAT
- 7(d) COASTAL LANDS
- 7(e) HABITAT
- 9(b) PROPOSED ROAD
- AREAS TO BE DEEMED
PULPIT TO & GO (S)
OF THE S.P.A. ACT, 1979.



DRAWN BY: LM DATE: 2-3-79
 PLANNING OFFICER: JMS
 CHECKED BY: H. H. H.
 DEPT FILE NO.
 SOUT. GAZETTE OF N.S. 5-1-79

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 BYRON LOCAL ENVIRONMENTAL PLAN 1989
 AMENDMENT NO. 14

CONSISTENCY OF RELATIONSHIP WITH OTHER PLANS
 REFERS: BYRON DEVELOPMENT ORDER NO. 1
 DIVISION OF BYRON
 ADDRESS: BYRON LOCAL ENVIRONMENTAL PLAN 1989
 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL
 PLANNING & ASSESSMENT ACT, 1979 AND REGULATIONS
 SHIRAZ CLERIC *[Signature]* DATE: 7-3-82

WILDLIFE CORRIDOR
(EXCLUDED FROM IPO).
TO BE INCLUDED IN LES
AND LEP.

(a) BILLINUGEL / YELGUN
CATCHMENT (EXCLUDED FROM
IPO). TO BE INCLUDED IN
LES AND LEP.

TWEED / BYRON
SHIRE BOUNDARY

TWEED / BYRON
SHIRE BOUNDARY



FIGURE 1

DIAGRAM A: Area covered by Proposed Interim Protection for North Ocean Shores. Within the primary hatched boundary that land zoned 1(a) is Byron Shire LEP Amend 14 is excluded from the Order. The excluded land is hatched by parallel stripes.



Briefing Note

Attention : Jenny Coman, Byron Shire Councillor

30 November 95

Re: RE-ZONING for CONSERVATION in NORTH OCEAN SHORES - BYRON SHIRE

Background

Areas of North Ocean Shores are not covered by any modern planning instrument. These are 'deferred areas' identified during the 1990 LEP hearings. (see map 1) Because these areas were deferred for a period of only three months and because no action was taken to completing the zoning of these areas, the 1d deferred area zones have extinguished. Land in the former deferred areas are now only covered by the old Byron Shire Interim Development Order (IDO) made in '68 - a decade before the EP&A Act.

NOS locality is known to contain

- 22 sites of aboriginal archaeological significance, including a ridge of 'high archaeological significance'; and
- habitat for 36 endangered species listed on Schedule 1 of NPWAct, including a koala corridor of regional and statewide significance.

but has never been comprehensively surveyed for a full assessment of its conservation attributes.

In the twenty or so years of North Ocean Shores' modern history, there have been many activities carried out which have threatened the area's natural & cultural heritage values. e.g. tree destruction, repeated fires, chemical spraying, bulldozing & drainage. Damage has occurred to koori cultural heritage sites, native vegetation & the habitat of numerous endangered species. Many of these 'works' are said to have agriculture as their intended purpose. Agriculture does not require council's consent.

The NOS area is situated at the very northern part of the Byron Shire and a small percentage of the NOS area lies within the Tweed Shire. Planning for conservation purposes needs to address natural boundaries if it is to have maximum effect. A potential exist for a co-operative local environmental planning exercise for NOS to be carried out with Tweed Shire Council.

Council's Tree Preservation Order has been of very limited use, until now, in curtailing the destruction of native vegetation for 'agricultural purposes'.

Recent developments

Early in 1995, a substantial area of NOS was purchased by the Department of Urban Affairs and Planning (DUAP) under the Coastal Lands Acquisition Scheme. Under the new state government, the Minister for the Environment placed an Interim Protection Order (IPO) made under the National Parks and Wildlife Act 1974, over an additional area of land in North Ocean Shores locality. Negotiations are believed to be still underway between the NPWS and Mr Vidgen regarding the purchase of additional areas of his land. (See map 2)

Mr Vidgen has recently lodged DA's for several developments in NOS which appear to inconsistent with the maintenance of the natural and cultural heritage values of NOS. The GM's recent approval of a DA to destroy 57 trees north of Jones Road has provoked community controversy and concern.

~~draft only~~ - CONFIDENTIAL -

This existing purchase and pending additional purchase(s), together with the owners continued intention to carry out agriculture and other development within NOS, contribute to the need for a broad zoning review of North Ocean Shores area.

Byron Shire Council has previously agreed that 'no further rural re-zonings take place until the completion of the shire wide residential strategy review'. Byron Shire Council meeting.
< check exact motion. >

Issues raised

Summary:

- should Byron Council go ahead alone or involve Tweed Shire Council?
- the re-zoning may impact on landholders' development intentions;
- any liability BSC may attract if the value of land in NOS is diminished if land is 'down zoned';
- who should pay for the LES / LEP?;
- who should Council appoint to prepare the LES & LEP?
- the consistency of preceding with a NOS re-zoning for conservation purposes given Council's earlier resolution to suspend rural re-zonings pending complete of a shire-wide residential strategy review;
- will a re-zoning prevent Council from considering new DA's submitted during the re-zoning process?

Should Byron Council go ahead alone or involve Tweed Shire Council?

Byron should commence and proceed with the NOS LES and the drafting of a LEP as soon as possible since 90% of the NOS lands lies within Byron Shire. By making a start Tweed will know that Byron will act, and Byron does not offer Tweed a 'veto' on the idea. Tweed's later agreement would be quite appropriate. Alternatively, Tweed may decide to be consulted under s.62, rather than 'join in' as per s.54(2);

While co-operative cross local-gov't boundary local planning is rare (I'm unaware of other examples on the NC) Council should pursue the involvement of the Tweed Shire in NOS's re-zoning, at whatever level, in an historic venture to plan for the real conservation needs of the NOS lands.

The draft motion attached include bracketed parts [], which refer to the 'joining in' on Tweed Shire. These may be omitted if we decide not to seek Tweed to 'join in' but to rely on 'consultation'.

Impact on landholders' development intentions

Landholders who have recently purchased land in NOS have done so in the full knowledge that their newly acquired land was of considerable conservation value and of substantial interest to NPWS. No developer could legitimately claim that they were unaware of the potential reservation of substantial areas of NOS.

Developers intention are not the overwhelming consideration. Council makes decisions constantly which are not consistent with developers intentions. If developers intentions ruled the shire unchecked their would be serious consequences indeed for people, as well as endangered plants and animals.

If the LES process identifies land as not requiring a conservation zoning, landholders may at that time seek council's approval via the usual DA process, for further development in appropriate areas & zones, consistent with the new zoning & having regard to adjoining land uses etc. The re-zoning process may assist landholders by clarifying and refining their land's development opportunities.

Liability if the value of land in NOS is diminished in a re-zoning

Separate advice on this matter is presently being pursued through Mr Wroth Wall, solicitor.

Who should pay for the LES / LEP?

Given that the initiative for the re-zoning has come from Council and is to achieve public interest outcomes, it seems fair that Council underwrite the costs of the LES & LEP and seek contributions from the public authorities NPWS & RTA to recoup part of these costs. If landholders seek to rely on the LEP's zoning outcomes for potential further development, it would be appropriate for part of these costs to be also recovered from them.

In addition to a supervising planner, the preparation of an LES and draft LEP will require the commissioning of specific consultants to undertake particular work, such as aboriginal

draft only - CONFIDENTIAL

archaeological and cultural heritage surveys & conservation value assessments. These consultants will require payment at professional levels.

Full costings of the preparation of the LES & LEP will not be able to be completed until the Director and or Minister of DUAP has provided any advice as to matters to be included.

Council staff should be able to provide information on the costs of the exhibition and consideration of the LES & LEP based on previous LEP amendments.

Who should Council appoint to prepare the LES & LEP?

This matter will need careful consideration and confidential discussion. As a first step, Council could seek written expressions of interest from suitably qualified planners via a public advertisement. A selection committee, comprised of deputy Mayor & 2 other councillors & GM, could select an appropriate planner and recommend them to Council, to be appointed and employed pursuant to s.56 of the EPA&Act.

Consistency of a NOS re-zoning given Council's previous motion

Council's earlier resolution, < quote motion > while broadly worded, was intended to prevent further ad hoc residential re-zonings in rural area, pending a wider review. This motion refers to lands which are already zoned under the 1990 Byron Shire LEP.

The proposed resolution for re-zoning in NOS is not inconsistent with this motion since it is not intended to produce more land for residential development, but rather intends to apply appropriate conservation zones to land in NOS, which will have the effect of limiting not expanding development potential in the area.

The proposed LES and amending LEP aim also to update the relevant planning instrument, by including within the Byron LEP's jurisdiction, those lands which were previously deferred and are now still subject only to the 1968 Byron IDO.

Council's earlier resolution effectively recognised that there was no urgency for the re-zoning of more residential land. In the NOS case however a case for rapid action to commence re-zoning can be made out on the basis of continuing threats to conservation values, the inadequacies of the old IDO and their impacts, and the development pressure being exerted.

Far from being ad-hoc, the proposed LEP and the process of preparing a draft LEP, will require the formal consultation with a range of public authorities and affected parties, ensuring that perhaps for the first time, NOS is looked at and assessed as a whole.

Will a re-zoning prevent Council from considering new DA's?

While the re-zoning takes place, Council will have to consider within 40 days (or 60 days if designated dev.), any DA submitted and accepted by BSC, for the land subject to the LES & LEP, or the DA will become a 'deemed refusal'.

Council may decide not to accept DA's or their fees during this time, and separate advice should be obtained by Council if it is proposed to take this course.

Council may consider a draft LEP as a relevant planning instrument during its s.90 considerations and would be entitled to base a refusal of a DA on evidence brought forward in a recent LES and the proposed provisions of the draft LEP;

Thus the process of re-zoning is an obstacle, not a barrier, to approving a DA submitted during a re-zoning.

Action required

Council should begin the re-zoning process by putting the attached draft motion before the Planning Committee, for consideration and potential recommendation to the Council as a whole. This might be achieved as a Notice of Motion or as a recommendation arising from a Planning Committee report.

The resolution is, pursuant to s.54 of the EP&A Act 1979, to commence the preparation of a local environment study and a draft local environment plan for conservation purposes, in North Ocean Shores, to appropriately amend the 1990 Byron LEP.

The draft motion will probably need to be refined or further amended as part of Council's discussions & considerations.

JRC 30/11/95

The first part of the document is a letter from the Secretary of the State to the Governor, dated January 1, 1900. It contains information regarding the state's finances and the proposed budget for the coming year.

The second part of the document is a report from the State Auditor, dated January 1, 1900. It provides a detailed account of the state's financial operations during the previous year.

The third part of the document is a report from the State Engineer, dated January 1, 1900. It discusses the state's water resources and the progress of various engineering projects.

The fourth part of the document is a report from the State Geologist, dated January 1, 1900. It describes the state's geological features and the results of recent geological surveys.

The fifth part of the document is a report from the State Surveyor, dated January 1, 1900. It details the state's land surveying activities and the results of recent surveys.

The sixth part of the document is a report from the State Treasurer, dated January 1, 1900. It provides a summary of the state's financial condition and the results of recent financial operations.

The seventh part of the document is a report from the State Comptroller, dated January 1, 1900. It discusses the state's accounting and financial management practices.

John R Corkill

Public Interest Advocate, Environmental Educator, Planner, Policy Adviser

1 Oliver Place, Lismore. 2480. Phone 066 21 6824 h - 066 224 737 w.

FAX MESSAGE

TO: Cr Jenny Coman, Deputy Mayor, Byron Shire Council

Date: 30/11/1995

AT: home

Fax No. 871 976

No of Pages incl. this:

Dear Jenny,

Please find following a draft briefing note on North Ocean Shores and a proposed resolution to commence the re-zoning process, as requested.

I address a number of issues in this note, including those of yours re:

- the consistency with earlier resolutions and
- use of re-zoning to prevent approvals to DA's while re-zoning is still in process.

The question of impact on property values through 'down zoning' is being 'legally' researched by Wroth Wall at present, whom I hope will advise shortly. I am seeking Wroth's oversight of this draft motion generally, so intend to send him these documents also.

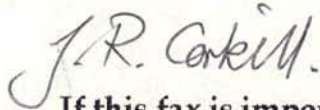
On the questions of consistency, I would be greatly assisted if you could fax me a copy of the resolution already carried relating to 'rural re-zoning'.

This briefing note is still a draft and I would be grateful for any additional comments etc you have. Once these drafts are reviewed I plan to provide a similar briefing note to other Councillors. OK?

I do not know when the next Planning Committee meeting will be held, will it be before Xmas now? Does this have to go to the Planning Committee?

If this matter cannot be considered by the Planning Committee and referred back to Council as a whole before Xmas I suggest we sit on it a while longer and further fine tune it for early next year.

Cheers!



If this fax is imperfect please phone the sender on 066 224 737

John R Corkill

Public Interest Advocate, Environmental Educator, Planner, Policy Adviser

1 Oliver Place, Lismore. 2480. Phone 066 21 6824 h - 066 224 737 w.

FAX MESSAGE

TO: Mr Wroth Wall

Date: 30/11/1995

AT: Botanic Court, Mullumbimby

Fax No. 843 395

No of Pages incl. this:

Dear Wroth,

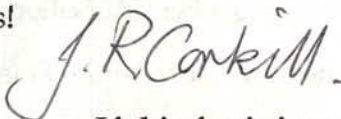
Please find following my draft of a briefing note and proposed s.54 resolution to commence the process of re-zoning in NOS. They have been sent to Cr Jenny Coman, on her request. I understand that she needs to lodge any notice of motion tomorrow Friday to be in time for the business papers so perhaps the motion should get the highest priority consideration. The briefing note assisted me in drafting the proposed motion, but it doesn't need to go to Councillors until a little later.

I am not certain whether we would do better to place the motion On Notice or whether to have Jenny raise it via Planning Committee. I will be advised by Jenny which course she thinks is best. Do you have a view?

I would also appreciate your advice on the draft motion and the issues I've identified. Are there other issues we should recognise?

Thanks for your advice on this matter!

Cheers!



If this fax is imperfect please phone the sender on 066 224 737



COUNCILLORS LIST (Staff only)

COUNCILLOR	ADDRESS	TELEPHONE NO(S).
Mayor Ian Kingston	Main Arm Road MULLUMBIMBY NSW 2482	Home: 84 5480 Mobile: (018) 66 3814
Cr. Ross Tucker	"The Knob" Billinudgel Road MULLUMBIMBY NSW 2482 (PO Box 66, Mullumbimby)	Home: 84 1010 Mobile: (019) 64 7117 FAX : 84 3858
Cr. Hugh Ermacora	Lot 2 Boogarem Road Koonyum Range via Mullumbimby (PO Box 600, Mullumbimby)	Home Ph/FAX: 84 1448 Mobile: (019) 19 3121
Cr. Michael Malloy	25 Paterson Street (PO Box 429) BYRON BAY NSW 2481	Home: 85 5351 Work: 85 7659 Mobile (019) 64 7113 FAX 85 5565
Cr. Eric Singh	Lot 7 McAuleys Lane MULLUMBIMBY NSW 2482	Home: 84 1483 Work: 76 1161 (School) Mobile (019) 64 7118
Cr. Jenny Coman	Possum Creek via BANGALOW NSW 2479	Home: 87 1976 (Tel/Fax/ Answering Machine)
Cr. Robert Higgins	Lot 5 Myocum Road EWINGSDALE NSW 2481	Home: 84 7308 Mobile: (015) 29 9348
Cr. Michael Lines-Kelly	12 Left Bank Road MULLUMBIMBY NSW 2482	Home: 84 3405 Mobile: (019) 45 8597 FAX : 84 3406
Cr. Ian Hosken	'Namarra Tya' Upper Main Arm Road UPPER MAIN ARM NSW 2482	Home: 84 5437
Cr. Richard Staples	'Avalon' Bangalow Road TALOFA NSW 2479	Home: 87 1851 Work : 85-7066 MOBILE : 019 647119

H. K. MERTEN, BLOK CO. PTY. LTD.

ELECTRICAL, AIR CONDITIONING, BUILDING AND POOL SERVICES

14 GEORGE STREET, DOVER HEIGHTS, N.S.W., 2030



W. J. A. R. BOND
AUSTRALIA

Briefing Note

Attention: Jenny Coman, Byron Shire Councillor

30 November 95

Re: RE-ZONING for CONSERVATION in NORTH OCEAN SHORES - BYRON SHIRE

Background

5 Areas of North Ocean Shores are not covered by any modern planning instrument. These are 'deferred areas' identified during the 1990 LEP hearings. (see map 1) Because these areas were deferred for a period of only three months and because no action was taken to completing the zoning of these areas, the deferred area zones have lapsed. Land in the former deferred areas are now only covered by the old Byron Shire Interim Development Order (IDO) made in '68 - a decade before the EP&A Act.

7K (Habitat) (to) cross-hatched

NOS locality is known to contain

- 22 sites of aboriginal archaeological significance, including a ridge of 'high archaeological significance'; and
- habitat for 36 endangered species listed on Schedule 1 of NPW Act, including a koala corridor of regional and statewide significance.

registered NPWS?

38

but has never been comprehensively surveyed for a full assessment of its conservation attributes.

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* The NOS area is situated at the very northern part of the Byron Shire and a small percentage of the NOS area lies within the Tweed Shire. Planning for conservation purposes needs to address natural boundaries if it is to have maximum effect. A potential exist for a co-operative local environmental planning exercise for NOS to be carried out with Tweed Shire Council.

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Mr Vidgen has recently lodged DA's for several developments in NOS which appear to inconsistent with the maintenance of the natural and cultural heritage values of NOS. The GM's recent approval of a DA to destroy 57 trees north of Jones Road has provoked community controversy and concern.

* Commissioner Simpson recommended that "Liasion with Tweed Shire continue in respect of common boundary zonings."

draft only - CONFIDENTIAL -

This existing purchase and pending additional purchase(s), together with the owners continued intention to carry out agriculture and other development within NOS, contribute to the need for a broad zoning review of North Ocean Shores area.

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< check exact motion. >

Issues raised

Summary:

- should Byron Council go ahead alone or involve Tweed Shire Council?
- the re-zoning may impact on landholders' development intentions;
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- who should Council appoint to prepare the LES & LEP?
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draft only - CONFIDENTIAL

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Council's earlier resolution, < quote motion > while broadly worded, was intended to prevent further ad hoc residential re-zonings in rural area, pending a wider review. This motion refers to lands which are already zoned under the 1990 Byron Shire LEP.

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Action required

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The draft motion will probably need to be refined or further amended as part of Council's discussions & considerations.

JRC 30/11/95

proposed Notice of Motion : North Ocean Shores Conservation Re-zoning

That Byron Shire Council agrees to:

A prepare a draft LEP for conservation purposes, for the area known as North Ocean Shores and shown within the boundary marked on Map 3, pursuant to s.54 (1) of the EP&AAct and

B [invite the Tweed Shire Council to consider agreeing to join in the preparation of a joint draft LEP to include adjoining land within Tweed Shire, as shown within the boundary marked on Map 3, pursuant to s.54 (2) of the EP&AAct: and]

C [request the Tweed Shire Council to enter into an agreement under section 521 of the Local Government Act for the purpose of preparing the NOS draft LEP, pursuant to s.54 (3) of the EP&AAct; and]

D request Council staff to advise the Secretary of the Department of Urban Affairs & Planning of Councils decision, [and its invitation to Tweed Shire Council], to prepare an LEP for conservation purposes for North Ocean Shores, pursuant to s.54 (4) of the EP&AAct; and

E appoint and employ, [subject to Tweed Shire Councils concurrence] the following person, who has a prescribed environmental planning qualification, consistent with s.56 of the EP&AAct, to assist Council, [or Councils], in the preparation of the NOS draft LEP;

(insert name!) _____;

and

F prepare a draft local environmental study of the land at North Ocean Shores proposed for re-zoning and shown within the boundary marked on Map 3, consistent with s.57(1) of the EP&AAct;

and

G seek advice from the Director of DUAP on the form, content and preparation of the proposed NOS environmental study consistent with s.57(2) of the EP&AAct;

and

H include in the NOS local environmental study, in addition to matters advised by the Director as being required, and consistent with s.57(4), the following matters:

- i) an investigation of the aboriginal archaeological and/ or cultural heritage values of the land;
- ii) an assessment of the conservation values of land outside the lands subject to the 1995 IPO, particularly their significance as endangered flora or as habitat for fauna;
- iii) an analysis of the impact of flooding in low mid and peak events;
- iv) + +

and

I initiate consultation, consistent with s.62 of the EP&AAct, on the preparation of the draft local environmental study and local environmental Plan of North Ocean Shores with:

- i) relevant public authorities, including: NPWS, RTA; DUAP,
- ii) the Tweed Shire Council;
- iii) Mr Chum Vidgen and other landholders within the LES / LEP area as shown on Map 3, the community group Conservation of North Ocean Shores, the Tweed Byron Land Council, and;

and

J request the public authorities nominated above (NPWS, RTA, DUAP + to furnish relevant information, and provide notice or other assistance, to Council to assist it in preparing the North Ocean Shores LES & LEP; consistent with s.63 of the EP&AAct.

Moved:

Seconded

staff of this undertaking and that you were the one who decided against advertising ?

c) Why does Bede Cooney in his memo of the 17th Nov explicitly state "The initial T.P.O. and Part V application was certainly advertised", and again "already advertised for public comment" when no such advertisement for the T.P.O. can be found in the Echo right back to the initial T.P.O. application in April 95, and when those observing events closely can recall no such advertisement?

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Council staff are defending their failure to act in accordance with the leaked legal advice on three main grounds:-

- (i) *the approval was granted for a much smaller area than the original proposal to which the legal advice refers, and an F.I.S. was therefore not required.*
- (ii) *Council's environmental consultant Allison Martin advised that the trees proposed for removal were not koala feed trees or trees which koalas are "known" to use and there was therefore no likely significant adverse effect on the koala habitat.*
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- a) Why wasn't the legal advice immediately forwarded to Councillors when it arrived?
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- b) Does not Ross O'Loughlin's memo of the 16th Nov imply that you failed to inform

TO ALL COUNCILLORS

I am writing to councillors to express my fear that efforts to get rid of General Manager Max Eastcott will lose their momentum - as happened in the case of Mr. Pullinger in the late 80's.

Some new councillors may not be aware that Mr. Pullinger was brought into the job during the right-wing council of 83 - 87, after Gary MacDonald did the wise thing and resigned. It was known at the time that Pullinger had twice been investigated for malpractice at Baulkham Hills Council; he was therefore hired provisionally with a review after 12 months.

That 12 month period expired not long after Oliver Dunne became Shire President, and though it was well known to Oliver and all the green councillors that Pullinger was not only probably corrupt, but had shown himself to be lazy and incompetent as well, nothing was done to remove him. You would need to ask Oliver yourselves why this happened, but my own view is that Pullinger sucked up to Oliver's well-known ego. Oliver also did not wish to be seen as "too radical" by dismissing him and thought he could keep him under control.

As a result of this major error Pullinger remained on the council staff for another five years; among other things he undermined former planner Jane Stanley with a quiet campaign of social ostracization so that eventually she couldn't take the stress and resigned. This helped make way for Eastcott's later ascendancy.

I harp on history only so that we do not repeat the errors of yesterday. Past behaviour is the only guide to future behaviour and I implore all councillors to heed my misgivings. I have been right too many times in the past to be ignored simply because I didn't get X number of votes - or because unconsciously certain allies feel me as a threat. [It is one of the trials of being Fast Buck\$ that while my ideological opponents treat me with caution and respect, some of those on my own side of the fence try hard to marginalize me and my views.] SO:

1. Do not let Eastcott get away with his transparent attempt to re-cast himself as 'green'. Motions should be put on the agenda as often as possible to bring him to account and highlight his hypocrisies. This will put pressure on him to depart early and to settle for less than he's holding out for.
2. Do not fall for Kingston's notions that (a) now that we have a green council Eastcott is harmless and we need not make unpleasant decisions about him. (b) that the past is the past and we should all be 'positive' in our thinking from now on. If Eastcott seems to behave himself from now on it will only be in order to bide his time, to wait for his moment, or just to be in employment. Who knows what shit-fights may be in store among the green councillors, what dissensions Eastcott can fuel and exploit? He is infinitely more cunning than Pullinger; indeed he is by far the most serious threat this council has faced in my observation of local politics since 1980.
3. Do not fall into the temptation of thinking that the sacrifice of Manfred Boldy will do for now. He is the puppet; the puppet-master is obviously more important. When Boldy goes it should be done so that Eastcott is seen to finger or scapegoat him. [There are bound to be conflicts and tensions in the redneck/sleaze camp and these should be exacerbated wherever possible.]

4. Do not think you can rely on some future performance assessment to dismiss Eastcott. He will do everything by the book, efficiently and enthusiastically. It is his past which must be used to bring him undone and that must be ruthlessly investigated and dragged up. He is particularly vulnerable on Club Med and Batson's F.I.S. The public in any case deserves an explanation of these matters, and Eastcott is the man to give it.

5. If it comes to the point of being able to get rid of Eastcott only by making a large payout as per his contract, then PAY IT! Pullinger early in Oliver's reign was prepared to go for \$250,000 compo. If we'd accepted that and got someone decent to replace him (someone who could compensate for Ian Kingston's gutlessness and lack of imagination) we'd have saved several times that on the Roundhouse alone. We ended up having to pay that compo five years later anyway..

6. Do not think because you outnumber Kingston that his platitudes are irrelevant or harmless. Kingston and Nick Shand have been pissing in each other's pockets for years and will see to it that it is their impoverished perspectives which determine the mood and direction of the Shire. Kingston can be side-lined with skilful and imaginative use of the media by individual councillors; he must not be allowed to speak for the council. Even now he is on the one hand lauding his large green vote and other purporting to speak for all political factions; his best utterances are therefore quite vacuous and his worst no better than lies. The guy has no clue as to what his role should be, and Shand is too defensively petulant to permit constructive criticism of him or to initiate public debate on the subject.

7. Do not think that you should only put motions which are certain of being passed. Some matters need to be aired and given publicity even if the relevant motions will clearly be lost. This tactic at least puts these matters on the record and lodges in the unconscious of the public, later to be referred back to and called upon.

8. Do not only mount court or other challenges that you are certain you can win. It is just as important to let opponents know that they will have a fight on their hands. This alone will deter some of them and thereby avoid some future battles. It took me two Supreme Court and two Land and Environment Court battles over 3 years to finally defeat the Academy.

9. Do not resort to 'clever' back-room solutions and intrigues; always inform the public what is going on and do the washing in public. It is my profound conviction that any gains made without corresponding increased awareness of the public are illusory and transitory.

10. Public consultation is important, but it must not degenerate into a feelgood talkfest that achieves no concrete action. Democracy often achieves little more than blandness.

THE FIRST AND MAJOR TEST OF THIS COUNCIL IS TO FIND AND INSTALL AN HONEST, CONCERNED, EFFICIENT AND RESPONSIVE LEADER TO HEAD THE BUREAUCRACY; WHEN THAT IS DONE ALL ELSE WILL FOLLOW MUCH MORE EASILY. DON'T BE SIDE-TRACKED FROM THAT OBJECTIVE.

C/- B.E.C.

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store near you!

Byron Shire Council - Memorandum

MEMO TO: All Councillors
MEMO FROM: B K Cooney - Health & Building Manager
SUBJECT: Jones Road, Yelgun - Allegations by Mr & Mrs Scanlon
DATE: 17 November 1995
FILE NO(s): 1117710D x 95/423

I am aware Councillors are being bombarded with enquires and complaints from Mr & Mrs Scanlon of Jones Road Yelgun, concerning the actions of their neighbour Mr Chum Vidgen.

I have not been party to all that has occurred in the past; I do know however that the staff at Council; including the General Manager have provided every resource possible to ensure the Scanlons concerns/enquires/complaints are addressed quickly and responsibly.

Staff have on a number of occasions dropped what they have been doing and driven immediately to Jones Road, at the request of Mr & Mrs Scanlon to attend to issues concerning destruction of vegetation; habitat etc.

This project has consumed an enormous amount of staff time; Mr O'Loughlin in particular is working almost full time on this project; other staff have been called in from time to time.

We have prepared at last notice injunctions to stop certain works when necessary; Council's solicitor has been made available and worked with Mr & Mrs Scanlon and Mr Vidgen for a substantial amount of time to ensure that Mr Vidgen was aware of his responsibility.

This latest advice to Councillors by Mr & Mrs Scanlon is in my view, a piece of mischief designed to discredit Council staff.

Mr O'Loughlin has prepared a response to the allegations made by Mr & Mrs Scanlon; that response, together with supporting documentation is appended to this memorandum.

Mr & Mrs Scanlon have claimed that Council did not advertise the Development Application for tree removal. The initial TPO and Part V Application was certainly advertised. The amendment was not because the proposal involved was a substantially reduction to the tree removal already advertised for public comment made available to C.O.N.O.S; Mr & Mrs Scanlon were in constant contact with Council staff about the matter.

We at Council will continue to do everything possible to ensure the Scanlons concerns over what is happening at Jones Road are addressed and the Law complied with.

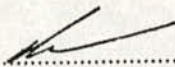
I will not however accept that Council staff have acted improperly; in fact quite the opposite is true.

I am also investigating how Mr & Mrs Scanlon came to be in possession of confidential legal advice, from Council's solicitors to Council relating to this matter.

Page 2 of 2

I am sure you are all aware of by now a famous piece of legal advice that made its appearance at the ICAC hearing.

These circumstances are no different.


.....
Bede Cooney
Health & Building Manager

Conservation of North Ocean Shores

PO Box 343, Brunswick Heads, NSW, 2483 (066 801270)

The Mayor
Byron Shire Council
PO Box 159
Byron Bay NSW 2481

24 Nov 1995.

Private and Confidential

**RE: Reply to Statements made on the 17 Nov. 1995,
by B.K.Cooney, Health & Building Manager, Byron Council, re.
Jones Road, Yelgun - Allegations by Mr.& Mrs. Scanlon.**

Dear Ian,

We are deeply concerned that we are being personally vilified and subject to sneering innuendo in the above Memo that was sent to all Councillors.

We wish, on behalf of CONOS, to set the record straight.

The statements made by B. Cooney in a memo to all Councillors are addressed seriatim :

Para. 1 Councillors have not been bombarded with enquiries and complaints regarding Mr. Chum Vidgen, as alleged.

The matter raised is not just a neighbourhood dispute, it is being dealt with on a State level and is supported by organisations such as North Coast Environment Council (NCEC), BEACON, Byron and Big Scrub Environment Centres, and the other 35 National, State, Regional and local organisations that also support the protection of this unique area.

In fact, because of the importance of North Ocean Shores to the Byron Shire, the community based environment group, Conservation of North Ocean Shores (CONOS), was approached by several Councillors to have a meeting in which to familiarise and update them with current North Ocean Shores issues. Issues raised were simply Council's role in such.

Para. 2 Mr. Cooney is correct in saying that he has not been a party to all that has occurred at North Ocean Shores, and with the exception of an incident on the 13th Nov 1995, CONOS has had very little to do with him.

Para. 3 Is Mr. Cooney aware that at the Ordinary Meeting of 12 / 2 / 95 (Item No. 12) it was resolved "4. To protect North Ocean Shores land against further degradation until a nature reserve is instituted."?

It has been agreed with Council senior staff and Council solicitors on a number of occasions, that Mr.& Mrs. Scanlon, and other members of CONOS, were to notify

Council regarding any vegetation / habitat destruction.

Furthermore, it must be pointed out, that on the MAJORITY of times Council was alerted to 'clearing activities' being undertaken, intervention WAS necessary. Therefore time involved, was NOT wasted.

Para 4 It is most apparent that Mr. Ross O'Loughlin is working on this project full time because of Council's failure in carrying out the Planning Managers Recommendations at its Ordinary Meeting of 24 March 1992, one of which was "3. Pursuant to Section 68(5) of the EPA Act that those lands shown on the attached map become "deferred matters" for a period of 3 months from the date of Council resolution." The areas in question are still "deferred", three years later.

Para 5 CONOS has been responsive and cooperative with both Council and Council solicitors and upon their request has supplied detailed information.

Para 6 The "piece of mischief" referred to, was a draft brief, dealing with points of concern regarding the General Manager's handling of DA 95/423, and was compiled for a meeting scheduled with Mayor Kingston on 17th Nov. 1995. CONOS does not know how this internal draft came to the attention of Council staff before 17th Nov. 1995.

Para 7 Mr. O'Loughlin has not responded to "allegations made by Mr. & Mrs. Scanlon", but to "matters raised in the unsigned letter dated 12th Nov. 1995."

Para 8 Again, attention must be drawn to the fact that Council did NOT advertise the recent Development Application for tree removal, and contrary to Mr. Cooney's statement, Council did NOT advertise the initial TPO and Part Y Application. The amendment to the initial TPO / Part Y Application required a development application accompanied with a Fauna Impact Statement under Part 4 of the Act, Section 77(3).

Because "Mr. & Mrs. Scanlon were in constant contact with Council (approx. 12 months) about this matter", one may ask, why then wasn't CONOS notified regarding this legal advice, the subsequent DA and the General Manager's approval of such?

Constant contact by some members of the community does not relieve Council of its obligation to advertise.

Para 9 The concerns of CONOS relate to the whole of the North Ocean Shores site and not just Jones Road.

For Mr. Cooney's Information :

North Ocean Shores is one of the last remaining coastal habitats rich in biodiversity left on the Far North Coast of NSW, and the importance of conserving its natural and cultural heritage is of utmost importance to CONOS and the numerous other organisations that support its protection.


Para 10 Mr. Cooney relates to "Council staff".....which Council staff is Mr. Cooney referring to ?

Para 11 The legal document from Council solicitors that is referred to, was NOT marked confidential.

Para 12 This statement is completely unfounded, misleading and defamatory. Therefore CONOS strongly recommends that this statement be withdrawn immediately, and that all Councillors be notified of such.

A personal reply is requested regarding the above matters at your earliest possible convenience.

Yours Sincerely



V. Scanlon.

per CONOS.

cc. All Byron Councillors

COUNCILLORS express their GRAVE DISSATISFACTION re : the GENERAL MANAGER'S handling of Greenfield Mountains P/L, Tree Destruction North of Jones Rd, DA No. 95 / 423 on the following grounds :

- (1) Did not follow legal advice. (Appendix 1)
- (2) Did not insist on Fauna Impact Statement (FIS) (Appendix 1 & 4)
- (3) Did not insist on a Plan of Management as required under SEPP 44. 'Koala Habitat Protection'.
- (4) Did not advertise DA.
- (5) General Manager failed in his undertaking to advertise all DA's at North Ocean Shores. (Appendix 2)
- (6) Failed to provide public with relevant information. (Appendix 5)
- (7) Refused to co-operate with the public. (Appendix 6)
- (8) Ignored the independent consultant's report and recommendations regarding 'Core Koala Habitat', etc. (Appendix 3)
- (9) Attempted to intimidate members of the public. (Appendix 6)
- (10) Register of development approvals was not up to date. (as required under the Act)
- (11) Councilors were not informed, despite the issue having a high public profile.
- (12) Did not insist that further archaeological work for this area be carried out as advised by the Director General of NPWS. (Appendix 7)
- (13) Advised applicant that he would waive the required application fee. (Appendix 8)
- (14) Advised applicant that he would fast-track the application process and expedite the determination of such. (Appendix 8)

North Ocean Shores

-Object Now-

A Development Application (DA) for a Church Retreat and 20 Holiday Cabins at NORTH OCEAN SHORES is presently before the Byron Council.

This proposal is TOTALLY UNSUITABLE for this location as it will be directly adjacent to the Reserve, and because it also lies within one of the most Significant Archaeological Sites along the East Coast of Australia i.e. the Bora-ring Site Complex.

Address your personal objections and any further concerns to :

Closing Date... December 6th 1995

.....Please detach.....

**General Manager,
Byron Shire Council,
PO Box 159,
Byron Bay NSW 2481.**

I wish to object to DA No **95 / 400** for the following reasons :

- 1/ The above proposal lies within the highly significant Bora-ring Site Complex (Navin 1990)
- 2/ Because this site is of great spiritual importance to the Bundjalung Nation, it would be morally unacceptable and wrong for Byron Council to approve a place of European worship in such a significant area.
- 3/ The proposal is surrounded by midden sites, one of these cultural sites is located within the DA proposal.
- 4/ The proposal access is on a ridge of 'High Archaeological Sensitivity.'
- 5/ In excess of 50 Endangered species (flora & fauna) are recorded from the North Ocean Shores site.
- 6/ It would not be in the interests of Byron Council to pass this DA without a Fauna Impact Statement (FIS), as required under the EPA Act.
- 7/ The access road is inadequate and dangerous.

- 8/ Increased traffic along Jones Rd. will impact on the ridge and put at risk the endangered fauna species, including Koala, that move along this corridor.
- 9/ The proposal is located within a wildlife corridor documented as having State -wide significance.
- 10/ It would not be in the interests of Council to pass this DA without a plan of management as required for "Core Koala Habitat" under SEPP 44.
- 11/ The proposal lies adjacent to a Nature Reserve and will impact on the scenic quality of the location.
- 12/ The proposal is for land within the Billinudgel / Yelgun catchment area therefore any associated earthworks will impact on the Catchment and SEPP 14 Wetlands e.g. siltation, nutrient runoff.etc.
- 13/ It would not be in the interests of Byron Council to pass this DA until the "Deferred " areas at NOS have been appropriately zoned.

Yours Sincerely,

NAME:

ADDRESS:

(SIGNATURE)

DATE:

North Ocean Shores

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- 13/ It would not be in the interests of Byron Council to pass this DA until the "Deferred" areas at NOS have been appropriately zoned.

Yours Sincerely,

NAME:

ADDRESS:

(SIGNATURE)

DATE:

Conservation of North Ocean Shores

PO Box 343, Brunswick Heads, NSW, 2483 Phone (066) 801276

Mayor Ian Kingston
Byron Shire Council
PO Box 159
Byron Bay NSW 2481

20th November 1995

Private and Confidential

Dear Sir,

Please find attached **Section 1 - Record of Local Environmental Plan (LEP) Breaches at North Ocean Shores** and **Section 2 - Record of Tree Preservation Order (TPO) Breaches at North Ocean Shores**, as discussed with Council's Staff and Solicitors (Wiltshire Webb) on 28th September 1995, and with you on 17th November 1995.

It is requested that Council's files be collated, pertaining to the attached documents, and that Council forward all documentation to Wiltshire Webb, as per the meeting of 28th September 1995.

A meeting regarding the above matter is requested accordingly.

Yours Sincerely,

SECTION 1

Record of Local Environmental Plan (LEP) Breaches at North Ocean Shores

1995 Sept 28, 29, 30/ Oct 3.

Appendix 1

Location: Spur located directly south of the Yelgun / Billinudgel Flats. (Map 1)

Bulldozing and clearing took place in a 1(a) Rural and 1(a) cross-hatched zone.
Photos available.

The above activities in a 1(a) cross-hatched zone require Council consent under the Byron LEP.

The above activity was also in breach of the Byron TPO (refer SECTION 2).

Refer CONOS corres. to Council 6/10/95 & Council reply 18th October, 1995.
appndx. 1

CONOS requested a copy of the reports made by Council officers who investigated the above. This was denied and CONOS was informed they would have to go through an FOI to obtain these documents.

This spur is mapped as Protected Lands (over 18 degrees). (Map 2)

A registered Aboriginal Archaeological site is within the area bulldozed. (refer archaeological map and NPWS letter 6/10/95 appndx. 1)

1995 April 8

Appendix 2

Location: Area to the north-west of Lot 1 (Scanlon property) (Map 1)

Bulldozing and clearing of regenerating Swamp Turpentine commenced in a "deferred" area and possibly extended into a 7k zone at North Ocean Shores. Photos available.

The above activity was in breach of the Byron TPO. (refer Section 2)

Refer Council corres. to Master Planning Services 22 Nov 1993, CONOS corres. to Council 12th May 1995 & Newspaper article 12/4/95. appndx. 2

Council needs to clarify as to whether this activity also occurred in a 7k zone.

Byron Council placed a 'stop-work' order on the above activities. Council officers M. Bennet and P. Montgomery attended the site.

1995. March 22.

Appendix 3

Location. West of Lot 1, (Scanlon property) Jones Rd. (Map 1)

Clearing of 7k Habitat by means of a tractor with blade and slasher. (same location as appx. 6)

Photos available. Refer newspaper article 29/3/95. appndx. 2

The above activity requires Council consent under the Byron LEP.

Byron Council (Mr. M. Boldy) attended the site and stopped the above activity.

NPWS officers (Messrs. D. Paton & M. O'Connell) also attended the site as the area in question is Core Koala Habitat. They confirmed that the clearing took place in a 7K Habitat zone.

1994. March

Appendix 4

Location: North of Jones Rd (Marshalls Ridge). (Map 1)

Slashing and clearing of understorey in 7k zone for a fence line.
Photos available

The above activity requires Council consent under the Byron LEP.

Byron Council was called out and verified that it was a 7k zone. The landowner was instructed to move the clearing operations into the adjacent "deferred area".
Refer Conos corres. 17th May 1994, 1st June 1994 & Council corres. 22 Jun 1994.
appndx. 4.

This activity occurred on a ridge of High Archaeological Sensitivity (refer archaeological appndx. 4)

1993. Oct. 23, 24.

Appendix 5

Location: Area south of Lot 1 (Scanlon property) Jones Rd. (Map 1).

Slashing and clearing of SEPP 7(a) Wetlands and 7(k) Habitat.
Photos available.

The above activities require Council consent under the Byron LEP.

Byron Council Senior management, Mr. M. Eastcott, Mr. M. Boldy and Mr. D. Graydon inspected the above area with representatives of CONOS on 26th Oct.

Council responded by stating that they would be initiating legal action. This did not ensue. Refer to Council corres. 25 Oct 1993. appndx. 5

This resulted in a following retrospective DA 93 / 463 which was requested by Byron Council. "Assessment of the Impact of Noxious Plant Removal (Groundsel, Lantana and Camphor Laurel) Nov. 1993".

CONOS has not been notified regarding the outcome of this DA.
Refer to CONOS corres. 1st September 1994 & Council corres. 9 Sep 1994.
appndx. 5

This activity occurred on a ridge of High Archaeological Sensitivity (refer archaeological map. appndx. 5)

1993. Oct 19.

Appendix 6.

Location: West of Lot 1 (Scanlon property) Jones Rd. (Map 1)

Bulldozing and clearing in a 7 (k) Habitat zone.

Photos available. Refer newspaper articles 27/10/93 & 10/11/93. appndx.6.

The above activity requires Council consent under the Byron LEP.

Senior Council Ranger (Mr.M. Bennet) attended the site and stopped the above activity.

Refer Council corres. 20.10.93. appndx. 6

1993. Aug / Oct

Appendix 7

Location: 7 (k) Habitat and "deferred" zones along the entire southerly section of Jones Rd (Map 1).

Slashing by tractor.

Photos available.

The above activity requires Council consent under the Byron LEP.

Native vegetation was cleared and approx. 35 species of native trees, shrubs and vines were identified.

This activity occurred on a ridge of High Archaeological Sensitivity (refer archaeological map. appndx. 7)

1993. July.

Appendix 8

Location: North of Shara Boulevard. (Map 1)

Slashing by tractor in "deferred" and 7(k) Habitat zones.
Photos and film footage available.

The above activity requires Council consent under the Byron LEP.

Native vegetation was destroyed including trees, shrubs, tree ferns and vines.

Two of the native species affected were Black Walnut and Davidsons Plum, both listed as Rare and Endangered plant species. (Briggs & Leigh, 1988)

This clearing also occurred under the nesting tree of Osprey, Schedule 12 (NPWS) species.

Refer to Council corres. BSB/IDD/11742 x 1098340 & memo. 10th August, 1993 & Newspaper article 6/10/93. appndx. 8

Concern was also raised regarding two registered Aboriginal Archaeological sites (NPWS) located within the area. (refer archaeological appndx. 8)

SECTION 2

Record of Tree Preservation Order (TPO) Breaches at North Ocean Shores

1995 Sept. 28, 29, 30 / Oct. 3

Appendix 1

Location: Spur located directly south of the Yelgun / Billinudgel Flats. (Map 1)

Bulldozing and clearing took place in a 1 (a) Rural and 1 (a) cross-hatched zone.
Photos available.

The above activity was in breach of the Byron TPO and required Council consent.

It was confirmed by Council (Mr. P. Montgomery) that Brush Box over 3 metres was cleared and that the TPO had been breached.

Refer CONOS corres. to Council 6/10/95. appndx. 1

CONOS requested a copy of the reports made by Council officers who investigated the above. This request was denied and CONOS was informed they would have to go through an FOI to obtain these documents.

1995 Aug / Sept

Appendix 9

Location: Area to the north of Jones Rd. (Wildlife Corridor) (Map 1)

Bulldozing and clearing of native vegetation recommenced in the wildlife corridor of State-wide significance.

In excess of 10 hectares was bulldozed in land under the ownership of Donnas Beach P/L.

Film footage and photos available.

The above activities were in breach of the Byron TPO which requires Council consent.

Following an on site inspection on the 7th Sept. 1995, it was confirmed by the Regional Director of LAWC, Mr. J. Butcher, who was accompanied by Senior Council Ranger (Mr. M. Bennet) that the Byron TPO had been breached.

1995. April 8.

Appendix 2

Location: Area to the north-west of Lot 1 (Scanlon property). (Map1)

Bulldozing and clearing of regenerating Swamp Turpentine commenced in a "deferred" area.
Photos available.

The above activity was in breach of the Byron TPO which requires Council consent.

Refer CONOS corres. to Council 12th May 1995 & Council corres. 22 Nov 1993.
appndx. 2

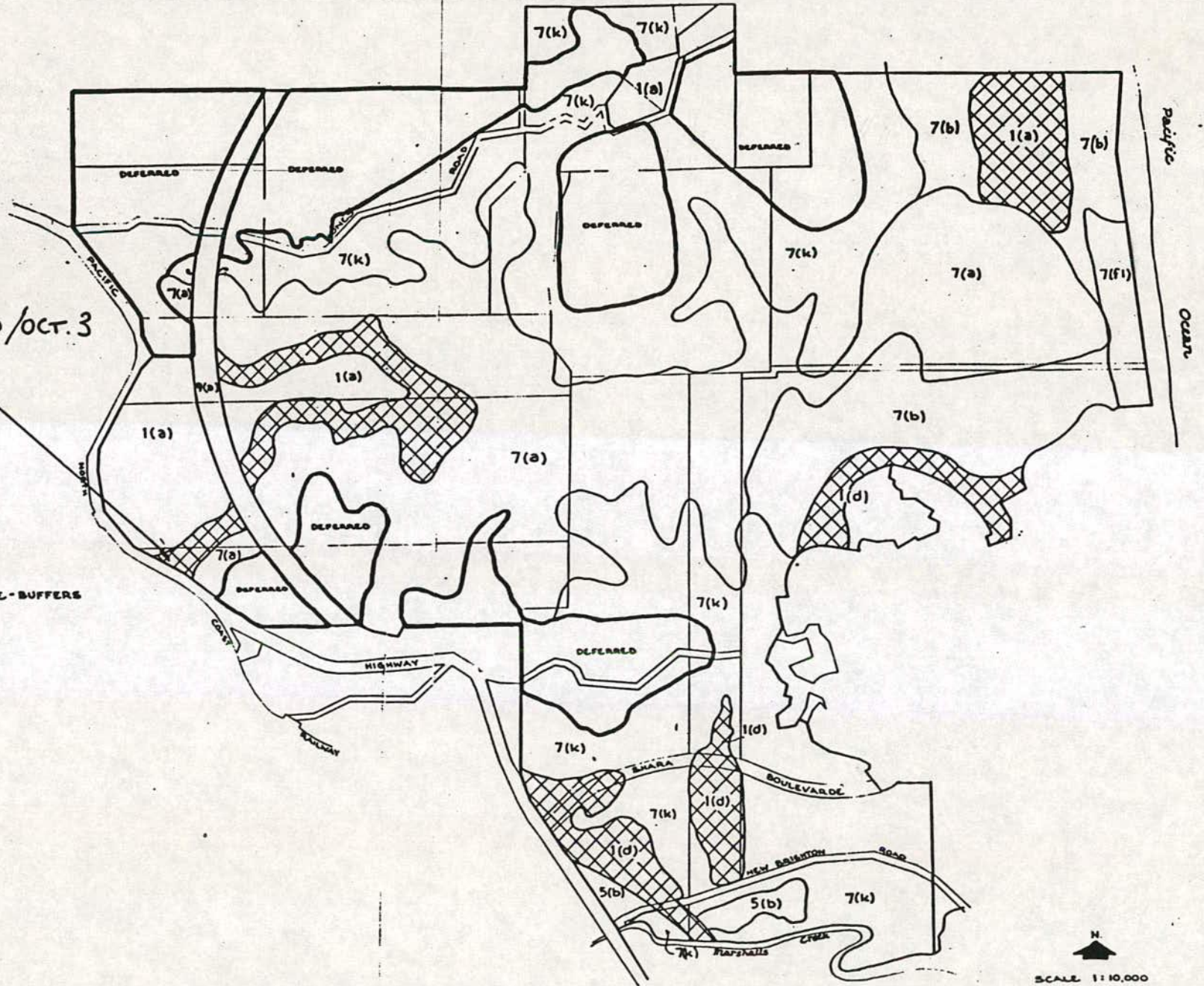
Byron Council placed a stop-work order on the above activities. Council (Mr. M. Bennet and Mr. P. Montgomery) attended the site.

APPENDIX I

MAP I. APPENDIX I.

1995, SEPT. 28, 29, 30 / OCT. 3

- 1(a) GENERAL RURAL
- 1(d) INVESTIGATION
- SPECIAL PROVISIONS CLAUSE - BUFFERS
- 5(b) SPECIAL USES/FLOODWAY
- 6(a) OPEN SPACE
- 7(a) WETLANDS
- 7(b) COASTAL HABITAT
- 7(f1) COASTAL LANDS
- 7(k) HABITAT
- 9(a) PROPOSED ROAD
- AREAS TO BE DEFERRED PURSUANT TO S. 68 (3) OF THE E.R.A. ACT, 1979.



N
SCALE 1:10,000

DRAWN BY: LM DATE: 25-3-92
 PLANNING OFFICER: MPR
 COUNCIL FILE NO. 1651
 DEPT FILE NO.
 GOVT. GAZETTE OF No.1 8-1-93

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 BYRON LOCAL ENVIRONMENTAL PLAN 1988
 AMENDMENT NO. 14

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
 REPEALS INTERIM DEVELOPMENT ORDER NO.1
 SHIRE OF BYRON
 AMENDS BYRON LOCAL ENVIRONMENTAL PLAN 1988
 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL
 PLANNING & ASSESSMENT ACT, 1979 AND REGULATIONS
J. Bay
 SHIRE CLERK DATE: 7-5-92

Conservation of North Ocean Shores

PO Box 343, Brunswick Heads, NSW, 2483 Phone (066) 801 276

General Manager
Mr Max Eastcott
Byron Council
PO Box 159
Byron Bay, NSW. 2481.

PRIVATE AND CONFIDENTIAL

Fri, 6th Oct 1995

Dear Mr Eastcott,

re: Legal Action by Council regarding breaches of the TPO
and the LEP, at North Ocean Shores

CONOS would like to inquire as to what legal action the Byron Council is taking against the landowner / applicant regarding the recent breaches of the Byron TPO and the Byron LEP at North Ocean Shores.

Clearing, commenced on Thursday 28th Sept. 1995 on land zoned 1(a) cross-hatched located directly south of the Billinudgel / Yelgun Flats.
Under the Byron LEP a 1(a) cross-hatched zone, requires Council consent.

Byron Council (Mr. P. Montgomery) was notified of these bulldozing and burning activities on Friday 29th September. As this land also fell within Protected Lands of over 18 degrees, it was requested that he notify the Murwillumbah office of Dept. of LAWC, which he did.

Concern was also raised regarding a registered Aboriginal Archaeological Site (NPWS) which is located within the area that was being bulldozed.

These activities continued through to Saturday 30th Sept., when a Byron Council ranger was called out to inspect the area cleared.

Mayor Ian Kingston was also notified of the above activities on Monday Sept 2nd October.

On Tuesday 3rd of October, a representative of CONOS rang the Murwillumbah office of LAWC and reported the above activities and requested an officer to attend the site.

On Tuesday 3rd of October, to the dismay of local residents, fires again were lit and the bulldozers recommenced work.

Council officers attended the site that afternoon and confirmed that the TPO had been breached.

CONOS wishes to remind Council of the continued breaches of the LEP and TPO that have occurred over recent years by this landowner.

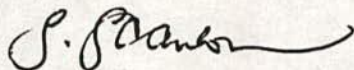
CONOS would like to know

- (a) why these activities were not stopped on Friday 29th Sept. when Byron Council was first notified of such ?
- (b) What legal action is Byron Council taking against the landowner regarding the breaches of the TPO and LEP ?

A reply to this letter would be appreciated at your earliest possible convenience.

Thank You.

Sincerely,



Mr.S.Scanlon.

c.c. Mayor Ian Kingston.



OUR REFERENCE No. RPO/GMK/1098340D

YOUR REFERENCE No.

18th October, 1995

Mr S Scanlon
PO Box 343
BRUNSWICK HEADS NSW 2483

Dear Sir

Re: Byron LEP & TPO - Tree Clearing South of Yelgun Flats - Pacific Highway

Council is in receipt of your letter dated 6th October, 1995 relating to the above tree clearing.

Your are advised that following telephone complaints, Council staff did inspect the tree clearing operation being carried out immediately south of the Yelgun Flat area adjoining the Pacific Highway. On the evidence available the clearing was essentially to remove camphor laurel trees which are specifically excluded from Council's Tree Preservation Order (TPO).

However, given the slope of the site council staff did contact the Department of Land and Water Conservation particularly in relation to potential soil erosion.

In relation to any potential problem relating to Aboriginal Archaeological sites, Council staff advised the National Parks and Wildlife Service of the nature and location of the work being undertaken.

It is not anticipated that council will be taking any further action in his matter.

Should you wish to discuss this matter further please contact the nominated officer of Council's Town Planning Department.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'Max Eastcott'.

Max Eastcott
GENERAL MANAGER

Action Officer: Mr Ross O'Loughlin

MAP 2


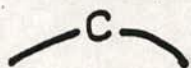

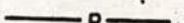


PART
MAP OF
PROTECTED LAND

MISCELLANEOUS
NORTH COAST
CATCHMENT AREAS

SECTION 1
CUDGEN CREEK TO JERUSALEM CREEK

AS SET OUT IN SECTION 21
SOIL CONSERVATION ACT 1938

Date of map 11th July 1980.

- Protected Land 
- Catchment Area Boundary 
- State Forest, National Forest,
Timber or Flora Reserve 
- National Park, State Park
Historic site or Nature Reserve 
- Parish Boundary 
- County Boundary 

MAP 3

AN ARCHAEOLOGICAL SURVEY OF
NORTH OCEAN SHORES DEVELOPMENT
AREA, NSW.

by

Kerry Navin

August 1990

A Report to BondCorp

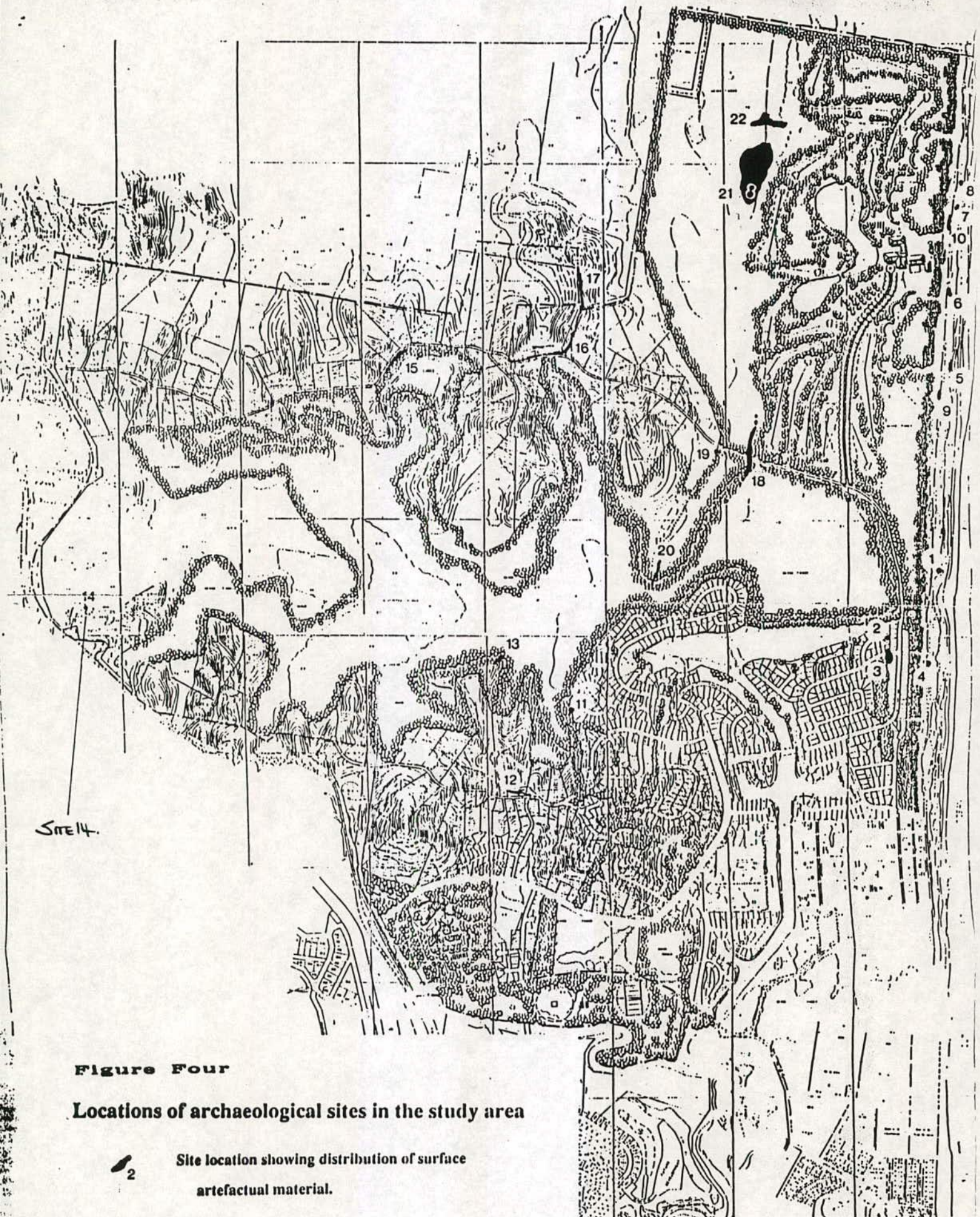
Site 14.

Figure Four

Locations of archaeological sites in the study area



Site location showing distribution of surface
artefactual material.





6 October 1995

Mr Stan Scanlon
CONOS
PO Box 343
BRUNSWICK HEADS NSW 2483

NSW
NATIONAL
PARKS AND
WILDLIFE
SERVICE

Our reference: REB:SW
Your reference:

Dear Sir

RE: ABORIGINAL SITES AT NORTH OCEAN SHORES

I refer to your letter of 4 October 1995 to Ms R. Edwards-Booth regarding Aboriginal cultural heritage and in specifically the disturbance of Site 14 as identified by Navin (1990) in the North Ocean Shores area.

The National Parks and Wildlife Service (NPWS) is presently investigating this matter and has asked for confirmation from the landowner that the clearing did not disturb the site in question.

Yours faithfully

Sue Walker
ACTING MANAGER, NORTHERN ZONE

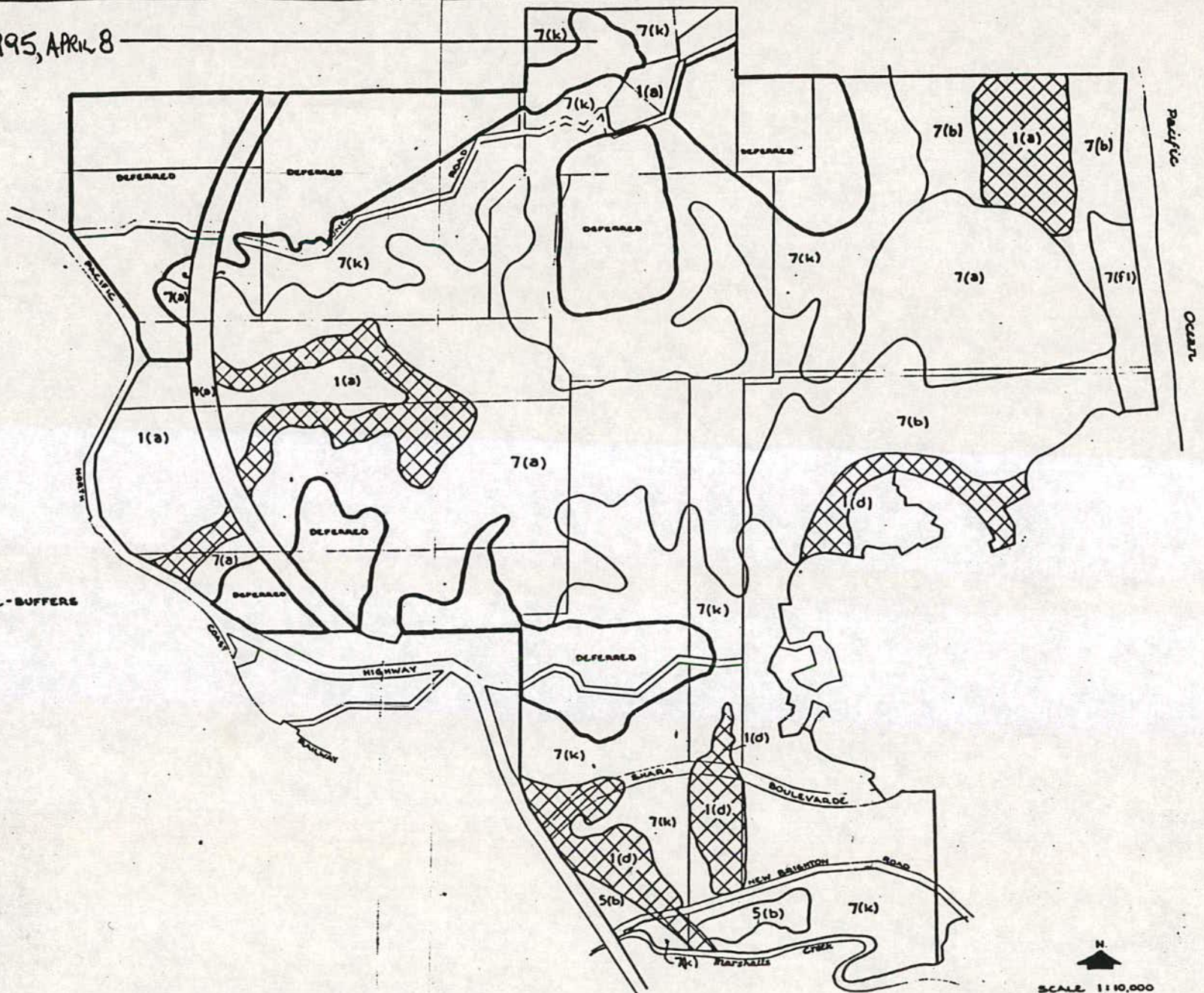
for Director General

Northern Zone
GIO House
24 Moonee Street
Coffs Harbour NSW
Australia
PO Box 914
Coffs Harbour 2450
Fax: (066) 516 187
Tel: (066) 515 946

Head Office
43 Bridge Street
Hurstville NSW
Australia
PO Box 1967
Hurstville 2220
Fax: (02) 585 6555
Tel: (02) 585 6444

APPENDIX 2

1995, APRIL 8



- 1(a) GENERAL RURAL
- 1(d) INVESTIGATION
- SPECIAL PROVISIONS CLAUSE - BUFFERS
- 5(b) SPECIAL USES/FLOODWAY
- 6(a) OPEN SPACE
- 7(a) WETLANDS
- 7(b) COASTAL HABITAT
- 7(f1) COASTAL LANDS
- 7(k) HABITAT
- 9(a) PROPOSED ROAD
- AREAS TO BE DEFERRED PURSUANT TO S. 65 (5) OF THE E.R.A. ACT, 1979.

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DRAWN BY: LM DATE: 25-3-92
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 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL
 PLANNING & ASSESSMENT ACT, 1979 AND REGULATIONS
J. Bay
 SHIRE CLERK DATE: 7-5-92

986/12

COPY

REFERENCE No: MGB/MAO/10352 x 1098340 x D93/236

YOUR REFERENCE:



Further Contact: Mr Manfred Boldy
BYRON SHIRE COUNCIL

P.O. BOX 159, BYRON BAY,
N.S.W., 2481.
TELEPHONE No. (066) 85 6500
DX 20407, BYRON BAY
FAX (066) 85 8154

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE GENERAL MANAGER

Mr T Clark
Master Planning Services
PO Box 129
PARADISE POINT OLD 4216

22 NOV 1993

Dear Mr Clark,

Re: Request to Remove Weeds at North Ocean Shores

I refer to your letters dated 5th November 1993 and 18th November 1993 regarding the above matter.

Council wishes to confirm that the land referred to in your letters is zoned 1(a) (Non-Urban "A") under the Interim Development Order No. 1 - Shire of Byron. "Agriculture" is permissible without Council's consent in this zone. The clearing of weeds is considered ancillary to the use of land for agricultural purposes and, therefore, similarly does not require Council's consent.

Council has no specific requirements in regard to the work you wish to undertake provided it is only to be undertaken within the 1(a) zone under the Interim Development Order No. 1 and that no trees are damaged or removed without Council's approval as per Council's Tree Preservation Order. ??

Should you have any further enquiries regarding this matter please do not hesitate to contact Council's Planning Manager, Mr Manfred Boldy.

Yours faithfully,

Manfred Boldy for

MAX EASTCOTT,
GENERAL MANAGER

Conservation of North Ocean Shores

PO Box 343, Brunswick Heads, NSW, 2483 Phone (066) 801 276

Mr. Max Eastcott
General Manager
Byron Council
Byron Bay NSW 2481

Fri, 12 May 1995

Re: North Ocean Shores - Clearing of Unprotected Lands

Dear Sir,

On Saturday 8 April 1995 unauthorized clearing took place on land north of Jones Road (Marshall's Ridge).

The clearing and poisoning of this area, and along the entire length north of Jones Road, had continued for months. Council was notified on repeated occasions by C.O.N.O.S. regarding its concern and the effect that such clearing would have on the Natural and Cultural Significance of this area.

Correspondence was presented to Mr. M. Boldy on 27 March and 20 April 1995, regarding clearing, including the attached letter from Mr. M. Boldy stating that "no trees are damaged or removed without Council's approval..."

It was noted by a Council officer (Mr. Mark Bennet) that trees had been bulldozed and piled together, on inspection of this corridor. These piles were described as being as high and wide as 16 sq. houses.

On the 20 April 1995 during a meeting between C.O.N.O.S and Council, you discussed the 8 April clearing and what action Council was taking regarding prosecution for such clearing.

C.O.N.O.S. would like to know

- (a) if Council is proceeding with prosecution over this clearing?
- (b) is Council going to require a Fauna Impact Statement (FIS) prior to any further work commencing in the area north of Jones Rd (Marshall's Ridge)
- (c) what decision has Council adopted in regards to having the "deferred" areas north of Jones Rd properly zoned?

On the 24th of March 1992, the Planning Manager recommended that pursuant to Section 68(5) of the Environmental Planning and Assessment Act that those lands shown on the attached map become "deferred matters" for a period of three(3) months from the date of Council resolution.

Three years later these areas are still 'deferred'. This is totally unacceptable and has by default, allowed the developer to gradually degrade these deferred areas on a piecemeal basis.

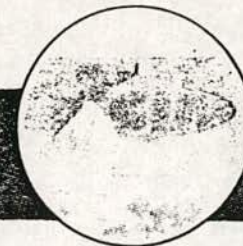
It is Council's responsibility (Duty of Care) to ensure the land at North Ocean Shores is properly protected from further degradation, particularly the highly significant wildlife corridor North of Jones Rd which has not been included in the Interim Protection Order that was placed over the North Ocean Shores land by the newly appointed Labor Government.

A reply to the above matters would be appreciated at your earliest possible convenience.

Thank You.

Yours Sincerely,

J. Scanlon



THE SHIRE'S ONLY INDEPENDENT LOCALLY-OWNED PAPER

14,000 COPIES WKLY

Vidgen asked to stop clearing

COUNCIL has requested Chum Vidgen, owner of several hundred acres of land at North Ocean Shores, to stop the clearing work that was being carried out last week. About two hectares of flat, low lying land north of Jones Road had been cleared before the Council Ranger made the request.

On Monday Mr Vidgen had agreed to stop clearing, subject, he said, to 'The application I have put in under the tree preservation order being processed'. He said he had made application to Council last December to remove some trees in a clearing operation on 1(a) (agricultural) zoned land for the purpose of planting sugar cane. So far, he said, the application has not been dealt with. 'The land in question is identical to the land north of Wooyung Road which is all under sugar cane.' He said he had told Council he would stop

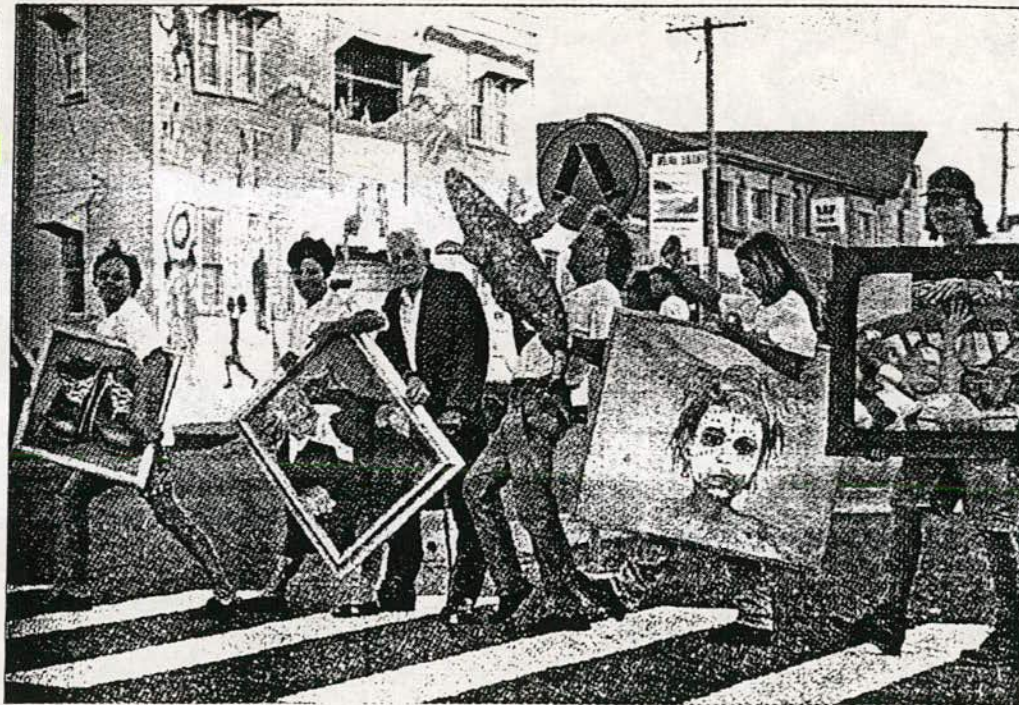
'If you guys do the right thing and process the tree application.'

Chief Town Planner Manfred Boldy said on Monday that he was seeking legal advice on what was allowable, what had to have Council permission and what was illegal. 'We have to do something to manage this area' he said. 'The land owner is clearing and doing other work incrementally; in the big picture sense there is a problem with doing it that way. Ideally we should have an overall plan.

'Land apparently covered with melaleuca saplings and scrub has been cleared. Council has an obligation to decide, as does the National Parks and Wildlife, if this is significant habitat. NPWS may need to look at the endangered fauna possibilities - there are endangered fauna listed in this area.'

Local resident Stan Scanlon

continued on page 2



After 100 years, Abbey Road, Jenyon, Sydney, is again springs to mind as one of the world's most famous thoroughfares. This impromptu group is taking artworks to the Echo Easter Arts Classic exhibition consists of coordinator Angela Murr carrying Sue Anderson's Boots, Joe Buckley assisting Margaret Boshley with her painting of himself, Ian Wolstenholme humping his cetaceous sculpture, Biba Burgess with her painting Bump!, and Chip Grey carrying John Campbell's Floating World. The Echo Easter Arts Classic showcases some of the cream of the district's creative genius, as always with a fresh and original outlook. Opening night on Thursday at 6pm will be a gala event with food, drink, awards and the highly danceable Two Men and a Piano. The exhibition runs from April 4 to 23.

Viruses in river concern BRPC

THE BRONSWICK RIVER DISTRICT... CONCERN... BRPC

HARD TRAVELLIN' FOR THE BLUES

memorabilia & products made from
50's & 60's soft drink boxes.
*Items will be sold at wholesale prices

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REAL ESTATE

RURAL PROPERTIES

\$152,000 - Near new contemporary 3 B/R
teenlander on elevated 1/2 acre handy to town.
\$159,000 - Great 1/2 acre plus. Super rural setting.
Week. 3B/R home with self-contained area below.
\$210,000 - North facing 16 acres. Ocean views.
Drivings. 4 B/R block home. Treed private setting.
\$235,000 - Unique 3 B/R home and beautiful small slab
bin. Rainforest setting on beautiful 5 acres.
\$269,000 - 5 B/R colonial style on 18 acres. Private
drivings. Creek. Bore. Walk to town. Agents own.
\$295,000 - Ocean views. Fabulous 3 B/R colonial style
home. Verandahs. S.C. rustic cabin. Panoramic 2 acres.
\$350,000 - 2 homes on magnificent park-like 5 acres.
Main home has 3 B/R's. Lounge, Dining, Study, Den. 2nd
home is full brick 2 B/R's and with verandahs.

PHONE JAN MANGLESON - 84 3300
113 DALLEY STREET, MULLUMBIMBY

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• SAT & SUN OPEN
9AM FOR BREAKFAST

Bookings: 858246

to create leaders who can go
forward in the community'. Cr
Kingston agreed and com-
mended the school on its philo-
sophical approach.
Based on Sudbury Valley

enjoying some of the
playground facilities
at the opening of the
Byron New School.
Photo by Rowena
Caverly.



CBD committee formed

A Byron Bay Town Centre
Committee was born at a meet-
ing of Council on Tuesday last
week. Its 'charter' is to produce
a town centre plan for the Bay's
central business district. Issues
will include traffic (including
one way systems), carparking,
heritage buildings, land use,
pedestrian and cycle access,
impact of tourism, foreshore
access, street beautification and
future growth.

Six community members
were appointed to the commit-
tee - all the people who had put
their names forward following
Council advertising - but not
before some objection from Cr
Bill Noonan.

The six are Barry Wallace,
Tim Tetley, Veda Turner, Rory
O'Halloran, Bruce Blackford
and Michael Malloy. Cr Noo-
nan said Messrs Wallace and
Turner were representative but
he wanted Council to re-adver-
tise before filling the other
vacancies. Cr Ellis said she con-
sidered that very rude and an
insult to the other volunteers
and particularly wondered why

Cr Noonan did not
want Bruce Black-
ford, a previous Shire
planner, on the com-
mittee. 'I cannot believe you
want to turn down the free ser-
vices of a professional planner,'
she said.

Cr Noonan beat a retreat on
the matter after being assured
the committee could co-opt
other volunteers if it chose to.
Cr Simmons and Wentworth
were also appointed.

NOS clearing

From front page

who raised the matter with
Council at the weekend said the
cleared land was koala habitat
and part of the important
wildlife corridor to the Mount
Warning caldera.

'In October 1993 local envi-
ronment studies were to be done
by the owner, Council and the
Dept of Planning. These studies
have still not taken place. Since
then further degradation has
taken place. Eventually there
will be nothing left,' he said.

Virus con

From front page

being considered
'The other point
light does kill vir-
ent stands for 30
and that causes a
reduction in the v

'Viruses also ne-
teria to reproduce
tively kill the baci-
you are denying th
opportunities to m

'My staff are av-
is no regular testin
except in Sydney.
mittent sampling
the West Byron pl
laborious and exp

'None of the tra-
especially treat vi-
no method except
microfibre techno
expensive to insta
of the options ava

• See also Lloyd
comment page 15

WALKING THIS WAY FOR YOUTH THEATRE



Improvising 'winners walk this
way' after winning Youth
Week's Theatre Sports Competi-
tion last Friday are, from left,
Olivia Allen, Felicity 'Bliss'
Blake, Louise Nicholls and Tim
Winton Brown. Local drama stu-
dents, actors, parents, siblings
and youth workers gathered for a
Theatre Impro evening at the
Byron Youth Activities Centre
last Friday night. 4th Wall's
What's My Line? team sailed off
with the top cash prize of \$60,
closely followed by Green Uten-
sils. Photo by Rowena Caverly.

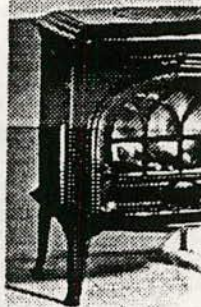
COMBUSTION HEATER

plus
Flues, Grates,
Spare Parts at

**Murwillumbah
Furnishing Co**

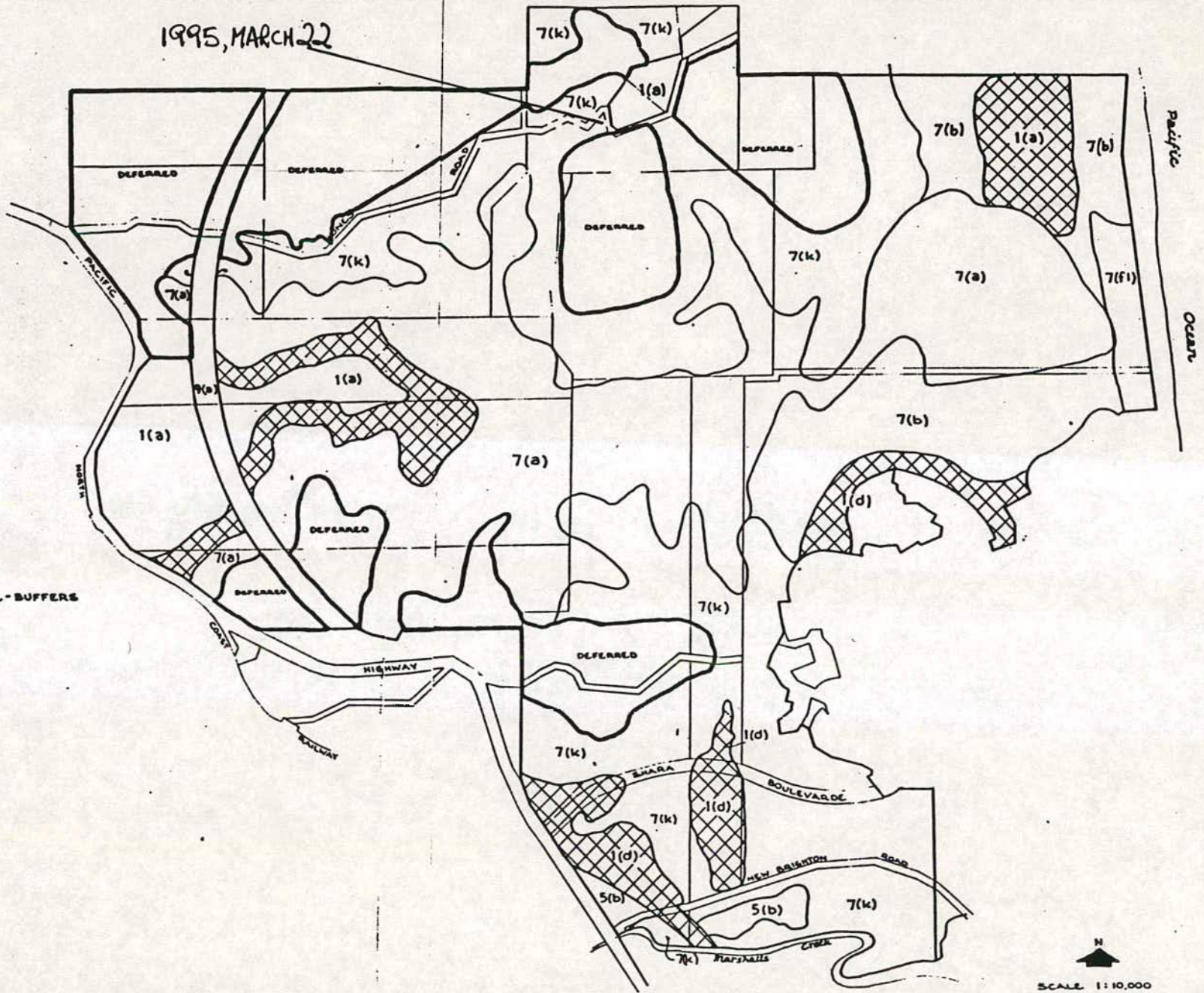
19 Prospero Street
066 72 1858

OPEN TILL 6PM Weekdays



APPENDIX 3

1995, MARCH 22



- 1(a) GENERAL RURAL
- 1(d) INVESTIGATION
- X SPECIAL PROVISIONS CLAUSE - BUFFERS
- 5(b) SPECIAL USES/FLOODWAY
- 6(a) OPEN SPACE
- 7(a) WETLANDS
- 7(b) COASTAL HABITAT
- 7(f1) COASTAL LANDS
- 7(k) HABITAT
- 9(a) PROPOSED ROAD
- AREAS TO BE DEFERRED PURSUANT TO S. 60 (5) OF THE E.R.A. ACT, 1979.

DRAWN BY: LM DATE: 25-3-92
 PLANNING OFFICER: MPR
 COUNCIL FILE NO. 1651
 DEPT FILE NO.
 GOVT. GAZETTE OF No.1 8-1-93

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 BYRON LOCAL ENVIRONMENTAL PLAN 1988
 AMENDMENT NO. 14

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
 REPEALS INTERIM DEVELOPMENT ORDER NO.1
 SHIRE OF BYRON
 AMENDS BYRON LOCAL ENVIRONMENTAL PLAN 1988
 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL
 PLANNING & ASSESSMENT ACT, 1979 AND REGULATIONS
Barry J. Pugh
 SHIRE CLERK DATE: 7-5-92

29/3/95 BYRON SHIRE ECHO

The Byron Shire

Echo



THE SHIRE'S FIRST COMMUNITY NEWSPAPER

13,500 COPIES WEEKLY

Shores stalemate

RECENT SLASHING into 7k habitat land at North Ocean Shores has left Byron Shire Council saying it is stymied. It wants to protect areas surrounding the proposed new nature reserve but needs first to define clearly the various zonings.

An *Echo* reporter last Friday flew over the area in a light plane with Byron Shire Mayor Ian Kingston. Contractors for developer Chum Vidgen had slashed land along the boundary of Jones Road and another larger area south of the road, now resembling parkland dotted with trees.

Looking for agreement

Cr Kingston said the recent slashing 'reinforces the urgent need for a study to define on the ground the actual boundaries of the 7k habitat protection land. It's clear there are continual forays into those lands in an attempt to control weed infestation and the owner constantly states he is unaware of the actual position of 7k boundaries.

'We've been trying to reach agreement with Mr Vidgen over the last 12 months on a consultant to undertake this work on a 50:50 cost sharing basis. However, Mr

Vidgen insists on his choice of consultant.

'That clearly is inappropriate. Council must determine an independent consultant to carry out this work.

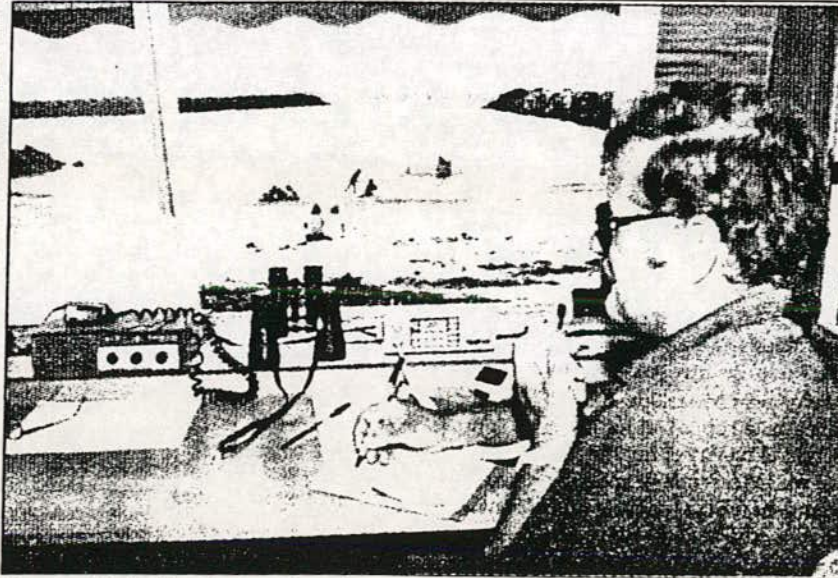
'If agreement is not reached very soon, I will be urging Council shoulder the full cost and carry out a study forthwith. Otherwise all the attributes which warrant the 7k zoning will be destroyed.

'Such a study also has significant implications for the Fern Beach proposal, by virtue of the need to maintain corridor connections to the ranges'.

Injunction only option

Council general manager Max Eastcott said the contractors had been asked to stop clearing, but Council could do nothing further unless it took out an injunction. 'They have always ceased work but the problem has not been solved,' he said.

'Shadow environment minister Pam Allan was right in saying the government hasn't adequately protected the periphery of the nature reserve. In fact Mr Vidgen's expectation of development has probably increased.



Brunswick Valley Rescue Squad sea rescue co-ordinator Robert Goodacre at work in the communications caravan at Torakina Beach, Brunswick Heads. The caravan, donated by Council and now equipped with five radios and a first aid kit, will be open to boaties and trawler skippers in a BYO Everything BBQ this Sunday at 1300 hours. The idea, says Robert, is to get to know each other, check out the communications facility and to discuss ways of improving safety at the river entrance.

continued page 2

Another chapter for Page

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lodged applications to build a home on each of our three titles, to which legal entitlement to do so has been proven.
The development application is for two single residences on approximately 10 acre lots. It is 400 metres from the nearest existing home, uses existing council approved roads for access and does not involve the removal of a single tree and is not within coo-ee of any sensitive habitat.
'It is neither logical nor valid for Progress Association committee members to support three houses (or even half a dozen, quote unquote Bert de Luca and Paddy Dawson) one week and then turn around and vehemently oppose the same thing the next week.'

	Black	Maff-Williams	Page	Faulkner	Staples
Booths					
Byron Bay	400	48	846	107	402
Byron Bay Sth	260	38	621	83	222
Mullumbimby	547	55	1,347	147	57
B'wick Heads	481	25	852	116	144

How green was my vote?

From front page
Results from local polling booths as of Sunday morning show Mr Page polled strongly at major centres throughout the Shire, collecting 1,347 in Mullumbimby, 852 in Brunswick Heads and 846 in Byron Bay. Despite a trend toward the Greens on the north coast, Mr Page believes he picked up many of the light green votes.
'I don't believe the local green vote shows any considerable trend, Richard Staples did not poll much better than Fast Buck\$ when he ran for election. If anything, there has been a swing away from the Greens on

the State level'.
In the Upper House Democrat MLC Richard Jones quashed rumours that he was in close competition with Call to Australia candidate Elaine Nile. 'It's absolute rubbish,' he said. 'I am very confident of re-election'
Mr Jones believes the balance of power in the Upper House will rest with himself, Greens newcomer Ian Cohen and Allan Corbett of the Better Future For Our Children Party. He believes the remaining seats will be eight seats each to Labor and the Coalition and one seat each to the Shooters Party and Call to Australia.

NOS CLEARING

From front page
'We don't think it's suitable because the reserve needs a curtilage [a piece of land surrounding something] to protect it and corridors.
'It has been a constant battle; Mr Vidgen has legal rights and expectations.
'We have pointed out to the Heritage Council that the government should be serious about an interim conservation order. The Heritage Council has not gone down that route.
'The government's recent decision to buy the reserve doesn't solve the problem. I hope the remaining land will have enough environmental quality left.
'Under the current 1:25,000 scale zone map the line on the ground is 100 metres wide. Mr Vidgen is not prepared to back down and the Dept of Planning won't fund a study.
'It will cost \$20,000 we simply do not have but it is essential or we will have continual erosion of the habitat.
'We are blamed by CONOS for the problem but the State has to act, and we are stuck between a rock and a hard place.
'There are more rare and endangered species in this area than in Kakadu.
'But you don't see much development going ahead in Kakadu.'

avelling Film Festival

l, Mullumbimby, 7th-9th April
Theatre, Nimbin, Sun 9th April

in THREE COLOURS WHITE
in the Three Colours trilogy
ercy (or the lack of it). A
th a comical tone. Juliette
ATER (France) Two friends
ve affair. So French you
ises! With Daniel Auteuil



8 April
CENTENARY OF FILM SPECIAL
ple J/ABC-TV)
TAKES (Aust) (G) 1927 silent comedy with
mpaniment. Fatty Finn and his gang enter the
ector, in a derby. Great fun, fascinating look
life in the 1920s, plus shorts, newsreels
\$9/\$7/\$5/\$20 family of 4.

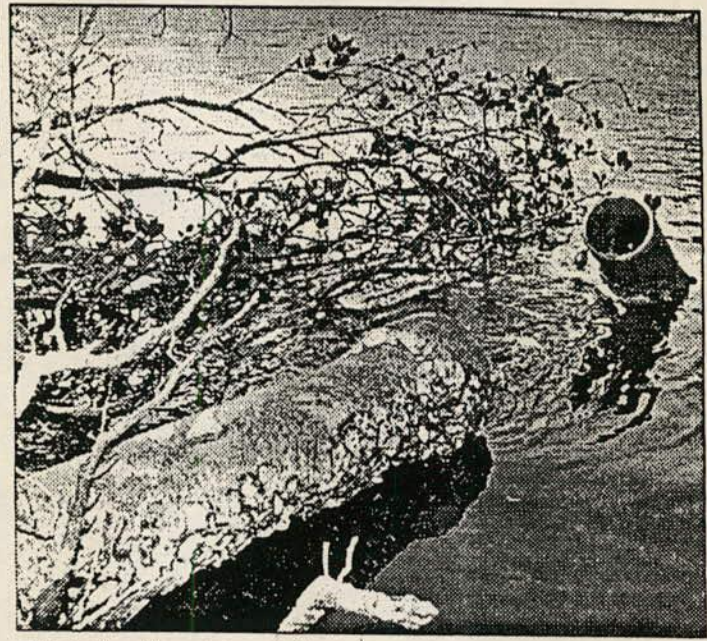
K/Taiwan) Deeply moving,
ount of a family's struggle
60s



'S ABOUT GREAT
giant film about pianist
his film goes.

(A) (M) Does looking death in the face transform
ful drama with Jeff Bridges, Rosie Perez, Isabella

NIMBIN
e Bush Theatre Sunday 9 April
n THE BLUE KITE
n THE KIDS STAKES (introduced by Peter Castaldi)
Opn THREE COLOURS WHITE
Bookings & Information
shop 84 1413 & Caddies, Lismore 21 7709



This is the effluent pipe which leads into Simpsons Creek from the Brunswick Heads sewage treatment plant. River watcher Bruce Hibbard is keen to have it rejoined or replaced so that it does not spill out near the creek bank, tempt children to touch its outpourings and provide an eyesore for boating locals and tourists. The pipe has been like this for some years, and shellfish grow along it.

Health Service Information Line... From 30 March

Call InfoLine
on 1800 620 693
When you need to know...

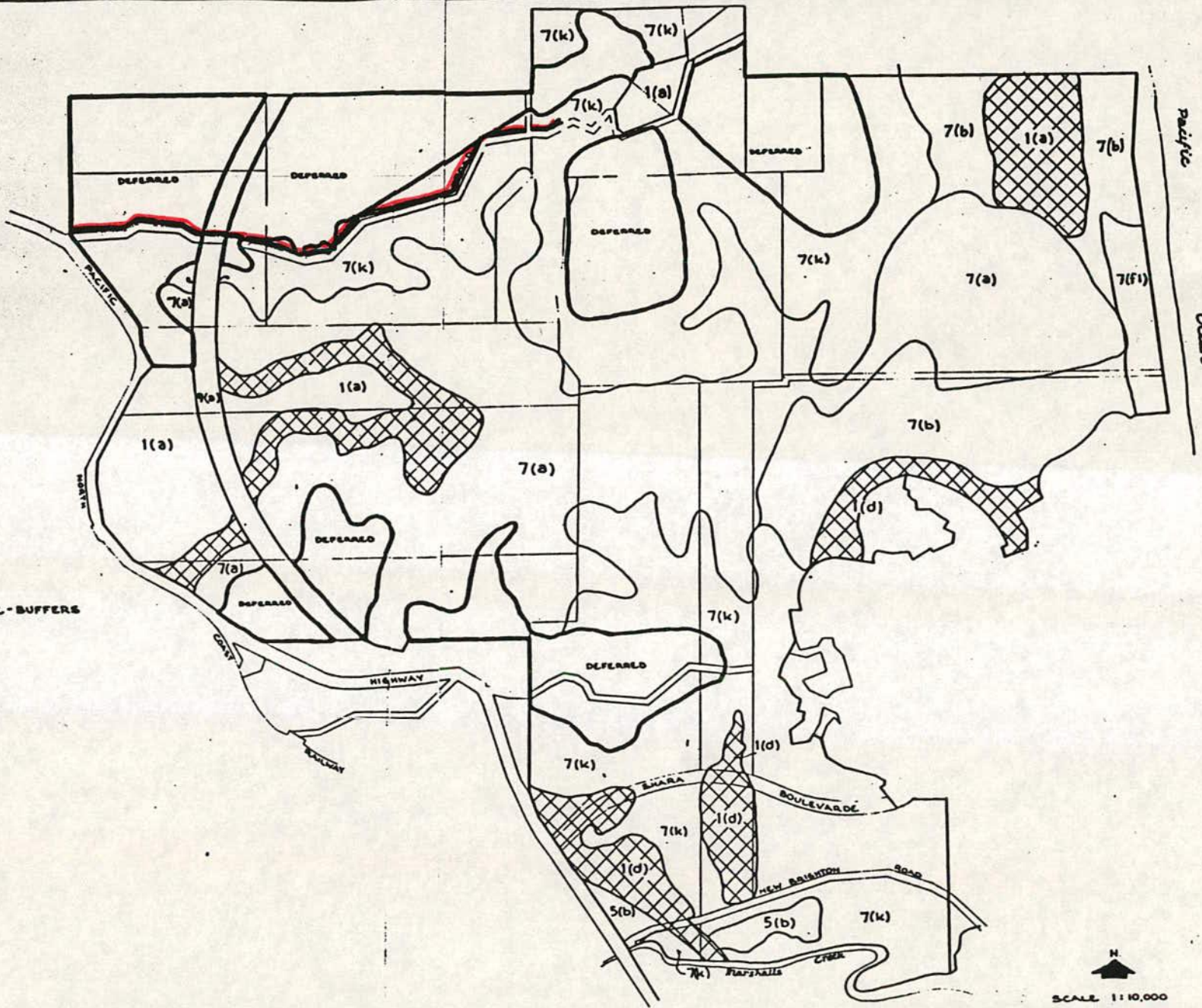
RICHMOND HEALTH SERVICE

2/9

APPENDIX 4.

MAP 1. APPENDIX 4.

1994 MARCH



- 1(a) GENERAL RURAL
- 1(d) INVESTIGATION
- SPECIAL PROVISIONS CLAUSE - BUFFERS
- 5(b) SPECIAL USES/FLOODWAY
- 6(a) OPEN SPACE
- 7(a) WETLANDS
- 7(b) COASTAL HABITAT
- 7(f1) COASTAL LANDS
- 7(k) HABITAT
- 9(a) PROPOSED ROAD
- AREAS TO BE DEFERRED PURSUANT TO S. 60 (3) OF THE E.R.A. ACT, 1979.

DRAWN BY: LM	DATE: 25-3-92
PLANNING OFFICER: MPR	
COUNCIL FILE NO. 1651	
DEPT FILE NO.	
GOVT. GAZETTE OF No.1	8-1-92

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 BYRON LOCAL ENVIRONMENTAL PLAN 1988
 AMENDMENT NO. 14

STATEMENT OF RELATIONSHIP WITH OTHER PLANS REPEALS INTERIM DEVELOPMENT ORDER NO.1 SHIRE OF BYRON AMENDS BYRON LOCAL ENVIRONMENTAL PLAN 1988
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 AND REGULATIONS
 SHIRE CLERK
DATE: 7-5-92



CONSERVATION OF NORTH OCEAN SHORES

P.O. Box 343, Brunswick Heads, N.S.W. 2483. Phone (066) 801276

17th May 1994.

Mr. M. Eastcott
General Manager
Byron Council
Byron Bay. 2481.N.S.W.

Dear Sir,

Clearing and slashing in 7k Habitat and 1a cross-hatched zones has, and is presently taking place at North Ocean Shores.

Fencing has commenced and the landowner intends to have cattle grazing on this area within two weeks.

Byron Council has not given consent to this clearing and such an activity (grazing) has not occurred on this same area of land for over 16 years.

This is Koala Habitat and part of the wildlife corridor that connects to the west and links up with the inner pocket Nature Reserve, The Nightcap National Park and finally on to the Border Ranges National Park.

This fencing is occurring along the entire length of Jones Rd (Marshall's Ridge) north.

This same area has been documented as an area of HIGH ARCHAEOLOGICAL SENSITIVITY. (see adjoining map)

Fifty Four stone artefacts were recorded just from one site alone, located on this same ridgeline. (K.Navin. 1990 Canb.)

Archaeologist Ms. K. Navin was employed for only 3 days and in that time uncovered a wealth of information, however, she stressed that 3 days was certainly not enough time to do a proper comprehensive study of the North Ocean Shores land. She recommended that further comprehensive studies be undertaken.

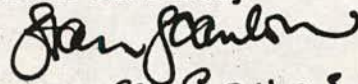
What studies has Byron Council undertaken to ensure that this ridge of HIGH ARCHAEOLOGICAL SENSITIVITY and the Aboriginal Cultural Sites along such, will not be interfered or damaged by the erection of such a fence??

C.O.N.O.S. requests that Byron Council

- (a) carry out a fully comprehensive Archaeological Study of the North Ocean Shores land and
- (b) carry out investigations into the unauthorized clearing of the 7k Habitat and 1a cross-hatched land at North Ocean Shores.

The responsibility for ensuring that the Heritage values of this site are not threatened lies with Byron Council as the consent authority.

Yours Sincerely


per C.O.N.O.S.



CONSERVATION OF NORTH OCEAN SHORES

P.O. Box 343, Brunswick Heads, N.S.W. 2483. Phone (066) 801276

1st May 1994.

General Manager
Byron Council
Byron Bay. 2481. NSW.

Personal Attention: Mr. M. Eastcott.

Dear Sir,

C.ON.O.S. would like to bring to Council's notice the unauthorized clearing along the northern sections of Jones Rd (Marshall's Ridge). This clearing has occurred once again in Environmentally Protected Zones i.e. 7k (Habitat) and 1a cross-hatched, which was a special clause introduced into the L.E.P. Amendment 14 as a result of Commissioner Simpson's Public Inquiry of the North Ocean Shores land.

Byron Council was first notified of this clearing on the 7th March (refer Ross O'Laughrin). Still, the clearing continued in areas of Koala Habitat, which is also part of a very significant wildlife corridor which links up to the Border Ranges. This ridge has also been documented as one of HIGH ARCHAEOLOGICAL SENSITIVITY (K.Navin. Canb.) Refer to letter to General Manager of Byron Council, dated 17th May.

It seems that the landowner was intent in running cattle in these Environmentally Protected Zones. On learning that he could not run cattle in 7k Habitat, he then proceeded to clear a new fence-line through 1a cross-hatched land.

On talking to the contractor undertaking this work, he stated ONCE AGAIN that he did not understand the Byron L.E.P. and had no idea what zone he was clearing in. The same contractor made the very same comment in Oct. last year, to the General Manager, Mr Max Eastcott and the Planning Manager, Mr. Manfred Boldy during an on-site inspection of previous unauthorized clearing of 7k and 7a (S.E.P.P.14) zones.

Why have these breaches of the Byron L.E.P. and S.E.P.P.14 been allowed to continue for so long?

Ross O'Laughrin and another planner from Byron Council inspected some of the fencing on the 17th May following a complaint. He concluded that a proper inspection must occur and that Council would need to put aside a day for such. Clearing and Fencing continued without any proper inspection or assessment by Byron Council.

On Friday 27th May, the General Manager of Byron Council, Mr. Max Eastcott, sent a council officer to stop work at North Ocean Shores. Apparently work ceased immediately, however, later that day the Planning Manager, Mr.M. Boldy, said that the fencing could continue along the western boundary adjoining Mr. Pike's property.

On Sat. 28th and Sun. 29th of May, the contractors, against Byron Council's request for a STOP-WORK ORDER, continued work on the fence, erected gates, signs etc. (refer S. Hopper's report)
Again on Tuesday 31st May, contractors were again in 7k (Habitat) with a heavy duty tractor. Council was notified.

C.O.N.O.S requests that Byron Council

- (a) carry out a fully comprehensive Archaeological Study of the North Ocean Shores Land and
- (b) carry out investigations into the unauthorized clearing of the 7k Habitat and la cross-hatched land at North Ocean Shores.
N.B. These requests were made in a letter to the General Manager Mr. Max Eastcott on the 17th May.

C.O.N.O.S. further requests Byron Council

- (c) prevent the landowner from introducing cattle into this la cross hatched area, until the fences follow the correct zone for such an activity, or until Byron Council has resolved this issue.
- (d) inspect the proposed sanctuary area to see whether or not the fencing has commenced.
C.O.N.O.S. believes that subject to S.E.P.P. 4., subclause (3) that the developer requires a development application before the erection of the fence commences.

C.O.N.O.S. would also like to point out that during the fencing of the northern section of Jones Rd, contractors ENTERED, CLEARED and FENCED off private property without the permission of the landowner, a MR. A. Barry. This has happened on more than one occasion.
C.O.N.O.S. is of the opinion that the introduction of cattle into any areas east of Mr. A. Barry's property will require Council's consent.

The responsibility for ensuring that the Heritage values of this site are not threatened lies with Byron Council as the consent authority.

Yours Sincerely
Val Scallow (MR)
per C.O.N.O.S.

c.c. Mr. M. Boldy (Planning Manager, Byron Council)
Mr. R. O'Laughrin (Planner, Byron Council)

92/18

RPO/GMK/10352 x 1098340

REFERENCE No.:

YOUR REFERENCE:

Further Contact: Mr. Ross O'Loughlin



BYRON COUNCIL

P.O. BOX 159, BYRON BAY,
N.S.W., 2481.
TELEPHONE No. (066) 85 6500
DX 20407, BYRON BAY
FAX (066) 85 8154

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE GENERAL MANAGER

Mrs. Val Scanlon,
C.O.N.O.S.,
P.O. Box 343,
BRUNSWICK HEADS, N.S.W. 2483

22 JUN 1994

Dear Mrs. Scanlon,

Re: Land Clearing/Fencing - North Ocean Shores.

Thank you for your letter dated 1st ^{June} ~~May~~ 1994 relating to the above matter.

As you will now be aware from discussions with Council's staff, the owner of the land concerned wished to graze cattle on part of his land North of Jones Road.

Prior to placing stock on the land, rural fencing was required.

From site inspection it is apparent that some clearing has taken place along the Jones Road frontage with the intention of completing the required fencing. Once the owner became aware that agriculture required the submission of a Development application and Council's consent in the 7(k) zone then the erection of the fencing was moved north of the 7(k) zone. It would appear that the constructed fence line follows the electricity line corridor within an area previously cleared for electricity line purposes.

All fencing constructed to date appears to be on land which is "deferred" or zoned 1(a) Hatched.

Legal advice available to Council indicates that rural fencing may be erected without Council's consent in the "Deferred" or 1(a) Hatched zones. In fact rural fencing and grazing of cattle may be carried out where "agriculture" is permissible without the need for consent.

The owner is aware of Council's legal advice and that the fencing erected to date has been completed without the need for Council's consent (SEPP No. 4).

Council staff contacted Sue Walker from the National Parks and Wildlife Service on 17th May, 1994 and advised her of your concerns in relation to archaeological sites within the area. For further details you may wish to contact Ms. Walker directly.

Further, any fencing which may have occurred between land owned by private land holders is a matter to be resolved between the individuals concerned and is not a matter in which Council would ordinarily become involved.

...2/

Council thanks you for your interest in this matter and should you require additional information, please contact Mr. Ross O'Loughlin of Council's Development Services Division.

Yours faithfully,


MAX EASTCOTT,
GENERAL MANAGER 21/6/94

AN ARCHAEOLOGICAL SURVEY OF
NORTH OCEAN SHORES DEVELOPMENT
AREA. NSW.

by

Kerry Navin

August 1990

A Report to BondCorp

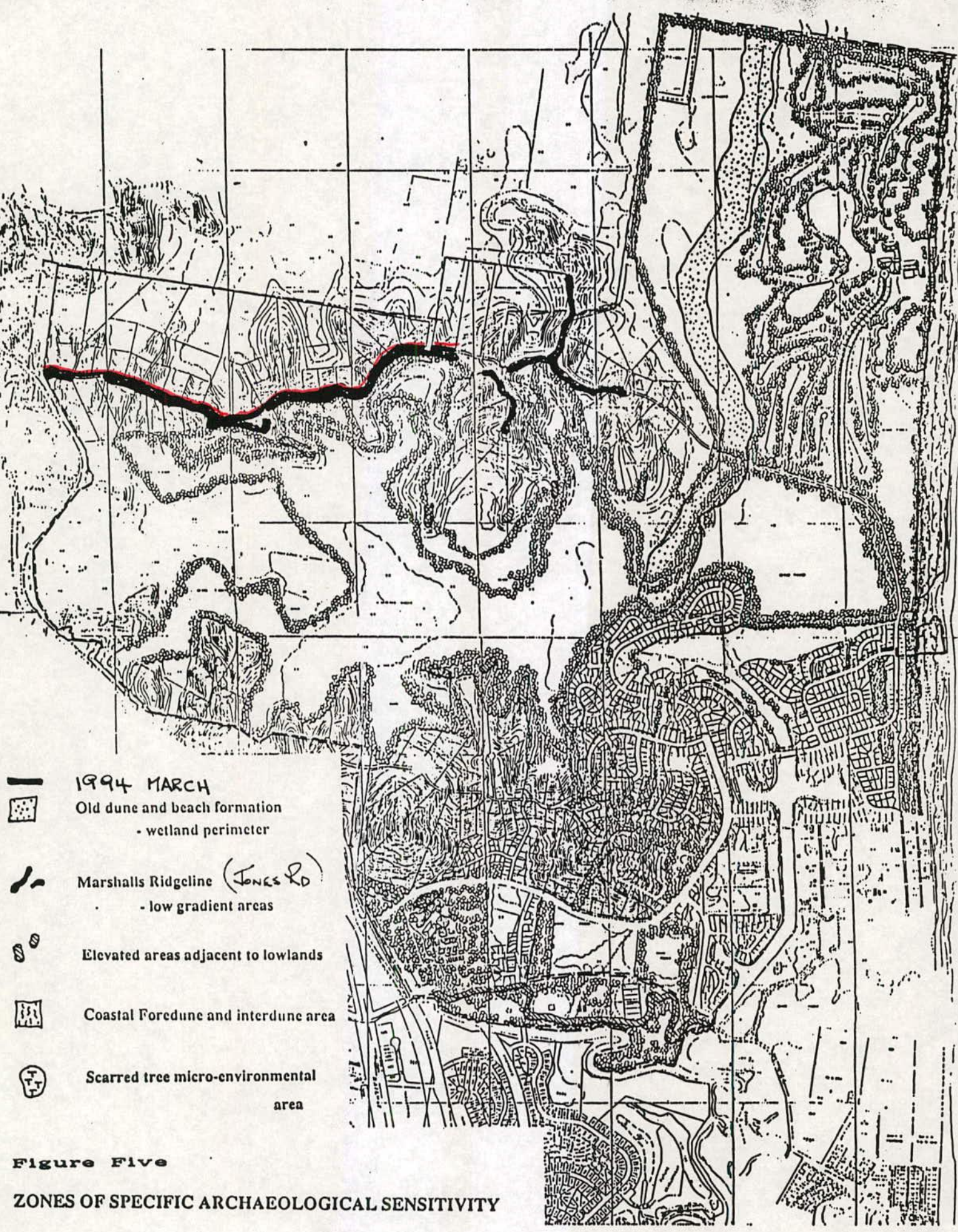


Figure Five

ZONES OF SPECIFIC ARCHAEOLOGICAL SENSITIVITY

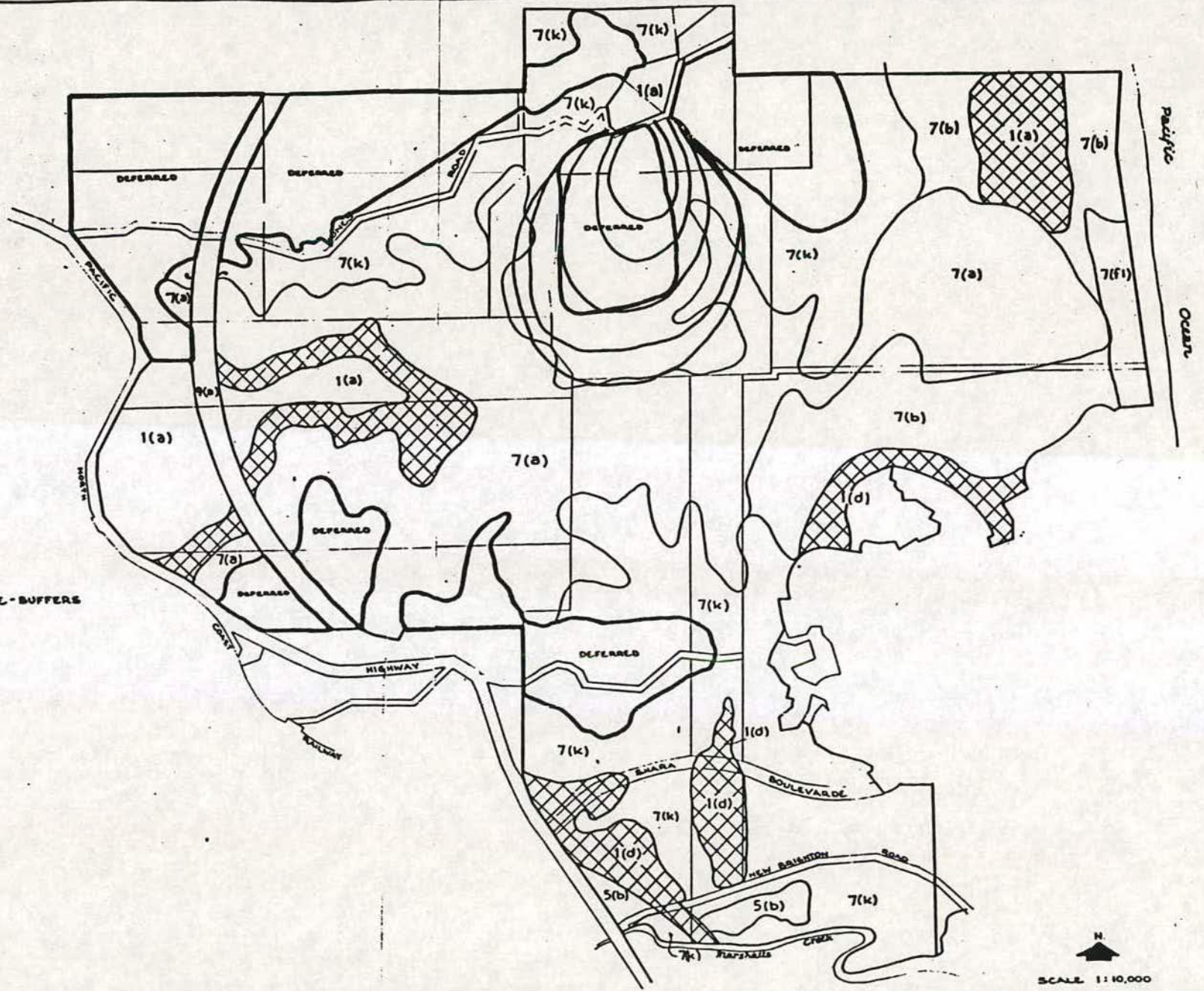
APPENDIX 5.

MAP 1. APPENDIX 5.

1993, OCT. 23, 24



- 1(a) GENERAL RURAL
- 1(d) INVESTIGATION
- X SPECIAL PROVISIONS CLAUSE - BUFFERS
- 5(b) SPECIAL USES/FLOODWAY
- 6(a) OPEN SPACE
- 7(a) WETLANDS
- 7(b) COASTAL HABITAT
- 7(F1) COASTAL LANDS
- 7(k) HABITAT
- 9(a) PROPOSED ROAD
- AREAS TO BE DEFERRED PURSUANT TO S. 68 (5) OF THE E.R.A. ACT, 1979.



DRAWN BY: LM DATE: 25-3-92
 PLANNING OFFICER: MPR
 COUNCIL FILE NO. 1651
 DEPT FILE NO.
 GOVT. GAZETTE OF No.1 8-1-93

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 BYRON LOCAL ENVIRONMENTAL PLAN 1988
 AMENDMENT NO. 14

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
 REPEALS INTERIM DEVELOPMENT ORDER NO.1
 SHIRE OF BYRON
 AMENDS BYRON LOCAL ENVIRONMENTAL PLAN 1988
 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL
 PLANNING & ASSESSMENT ACT, 1979 AND REGULATIONS
J. Barry F. Pugh
 SHIRE CLERK DATE: 7-5-92

MTE/JEK/10352 x 1098340 x D93/243

Further contact: Mr. Max Eastcott

Mr. Chum Vidgen,
Director,
Greenfields Mountain Pty. Ltd.,
1 Jacaranda Close,
FITZGIBBON QUEENSLAND 4034

Fax: 07/865 1609

25 OCT 1993

Dear Mr. Vidgen,

UNAUTHORISED CLEARING - NORTH OCEAN SHORES

It has been brought to Council's attention that clearing work continued over the weekend of 23rd and 24th October, 1993, on the land zoned 7(a) and 7(k) at North Ocean Shores.

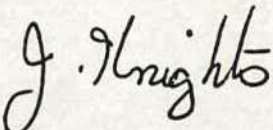
This situation is totally unacceptable.

On Tuesday 19th October, 1993, Council's staff attended on this site regarding a similar problem.

Council will be initiating legal action as a result of the clearing which is occurring on this site without formal consent.

You are requested to cease any clearing activity on all environmentally zoned, sensitive land without the prior written consent of Council.

Yours sincerely,



 MAX EASTCOTT,
GENERAL MANAGER.



CONSERVATION OF NORTH OCEAN SHORES

P.O. Box 343, Brunswick Heads, N.S.W. 2483. Phone (066) 801276

1st September, 1994.

Mr. Max. Eastcott
General Manager
Byron Shire Council
Byron Bay, N.S.W. 2481.

Dear Mr. Eastcott,

On the 16th of December 1993 C.O.N.O.S. referred to Byron Shire Council a submission on Development Application No 93/463: Noxious Weed Removal and Bushfire Hazard Reduction in Environmentally Zoned Land at North Ocean Shores.

As of this date C.O.N.O.S. has not yet received an acknowledgement of this submission nor has it been notified regarding its outcome.

C.O.N.O.S. wishes to be notified regarding Council's decision on this development application.
Thanking You

Yours Sincerely

Susan Fawcett-Helm
per C.O.N.O.S.

c.c. Mr. Ross O'Laughrin

649/19

REFERENCE No: RPO/BMB/10352 x 1098340 x D93/463

YOUR REFERENCE:

Further Contact: Mr. Ross O'Loughlin.

BYRON COUNCIL



P.O. BOX 159, BYRON BAY,
N.S.W., 2481.
TELEPHONE No. (066) 85 6500
DX 20407, BYRON BAY
FAX (066) 85 8154

ALL COMMUNICATIONS TO BE
ADDRESSED TO THE GENERAL MANAGER

The Secretary,
C.O.N.O.S.,
P.O. Box 343,
BRUNSWICK HEADS. NSW. 2483.

- 9 SEP 1994

Dear Madam,

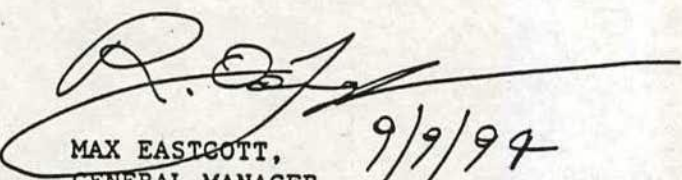
Re: Development Application No. 93/463 - Bushfire Hazard
Reduction/Noxious Weed Removal - North Ocean Shores.

Council is in receipt of your letter dated 1st September, 1994.

You are advised that Council is awaiting further details from the applicant to enable final determination of the application.

Council will advise you once a decision is made on the application.

Yours faithfully,


MAX EASTCOTT,
GENERAL MANAGER

9/9/94

AN ARCHAEOLOGICAL SURVEY OF
NORTH OCEAN SHORES DEVELOPMENT
AREA. NSW.

by

Kerry Navin

August 1990

A Report to BondCorp

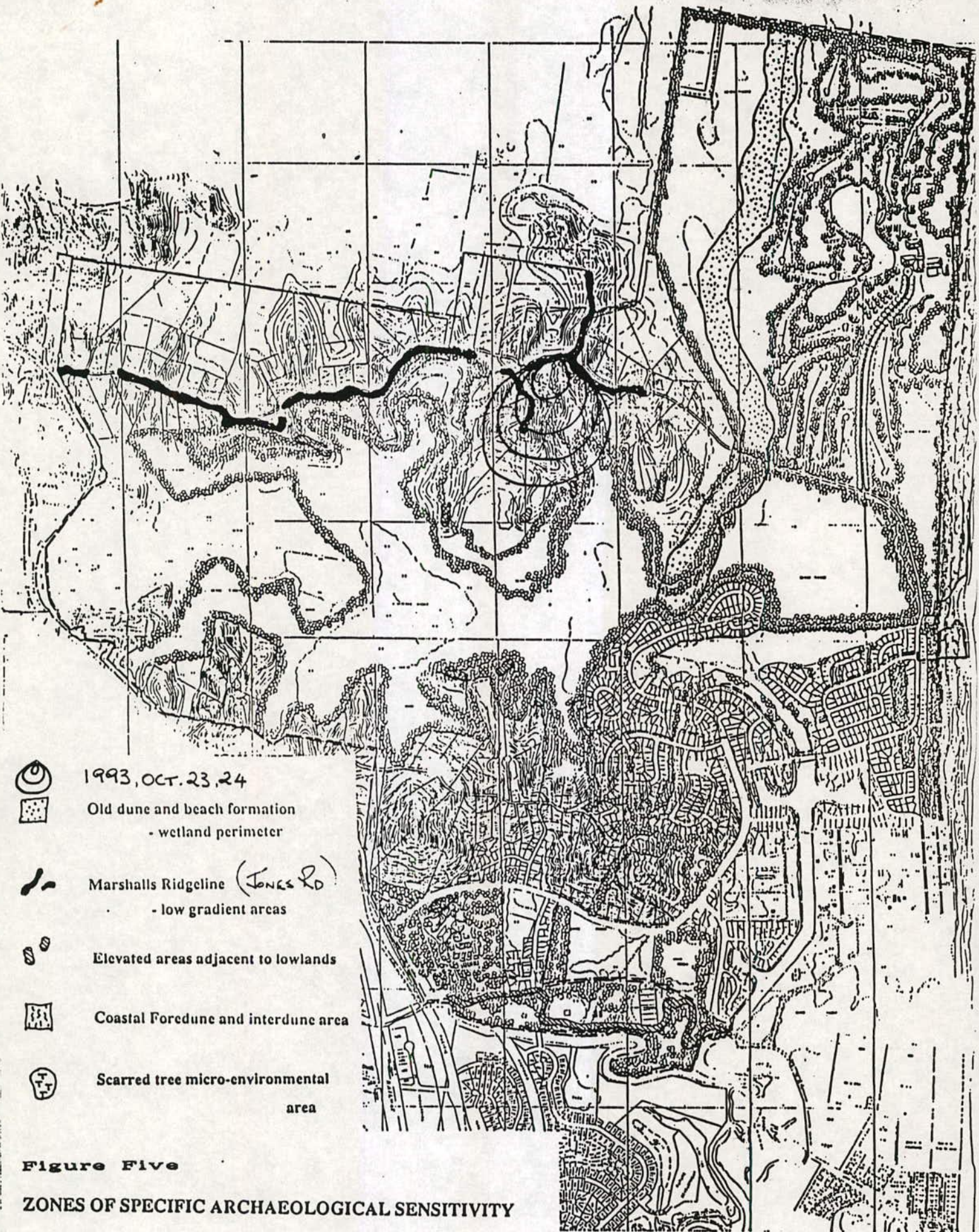
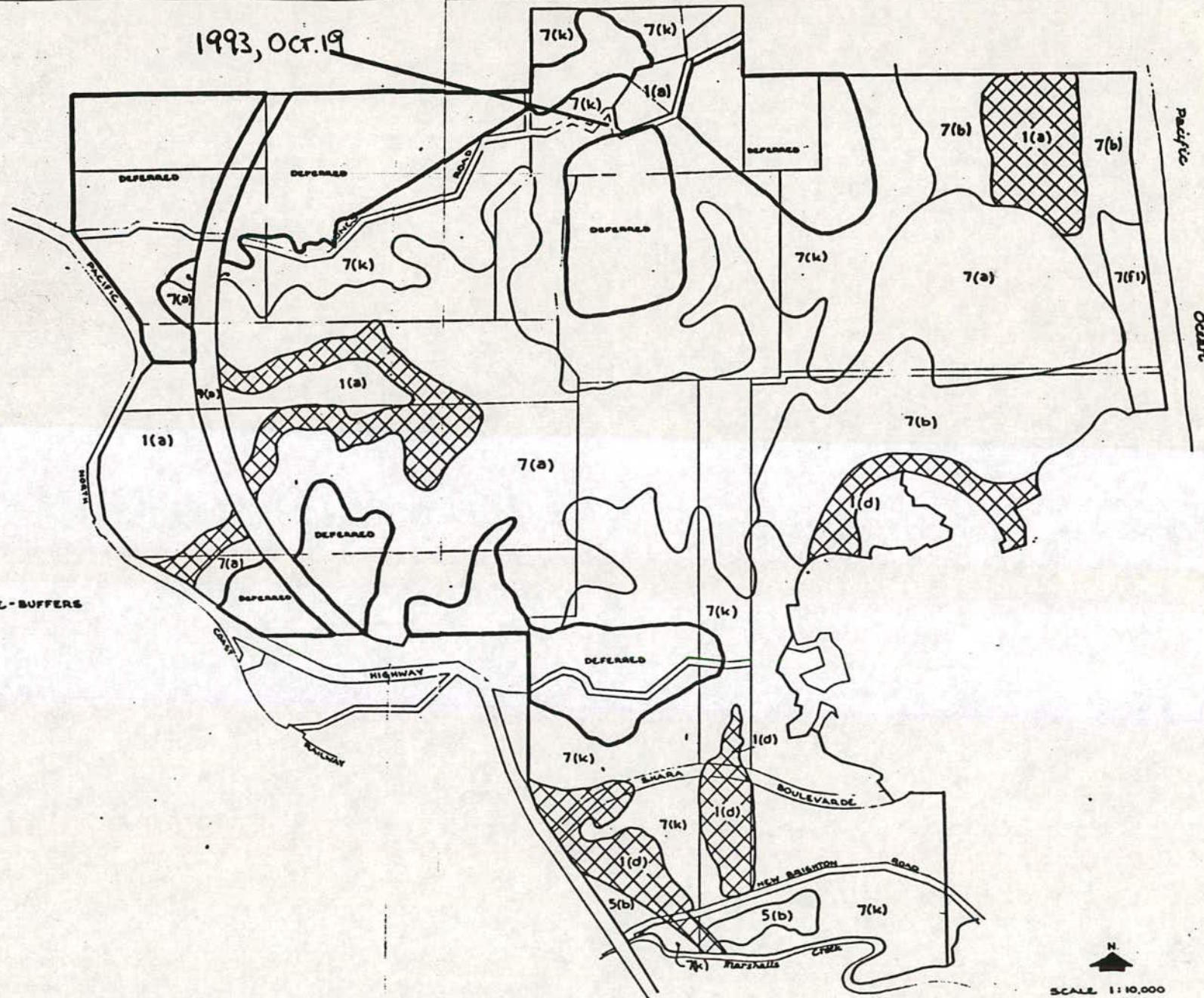


Figure Five

ZONES OF SPECIFIC ARCHAEOLOGICAL SENSITIVITY

APPENDIX 6.

1993, OCT. 19



- 1(a) GENERAL RURAL
- 1(d) INVESTIGATION
- SPECIAL PROVISIONS CLAUSE - BUFFERS
- 5(b) SPECIAL USES/FLOODWAY
- 6(a) OPEN SPACE
- 7(a) WETLANDS
- 7(b) COASTAL HABITAT
- 7(f1) COASTAL LANDS
- 7(k) HABITAT
- 9(a) PROPOSED ROAD
- AREAS TO BE DEFERRED PURSUANT TO S. 60 (b) OF THE E.P.A. ACT, 1979.

N
SCALE 1:10,000

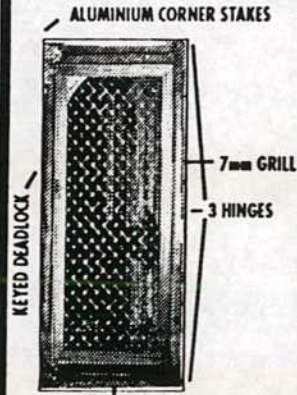
DRAWN BY: LM DATE: 25-3-92
 PLANNING OFFICER: MPR
 COUNCIL FILE NO. 1681
 DEPT FILE NO.
 GOVT. GAZETTE OF No.1 8-1-93

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 BYRON LOCAL ENVIRONMENTAL PLAN 1988
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STATEMENT OF RELATIONSHIP WITH OTHER PLANS
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 SHIRE OF BYRON
 AMENDS BYRON LOCAL ENVIRONMENTAL PLAN 1988
 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL
 PLANNING & ASSESSMENT ACT, 1979 AND REGULATIONS
J. Bay
 SHIRE CLERK DATE: 7-5-92

BYRON CRIME ON THE RISE

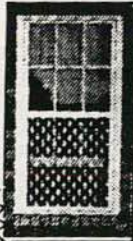
... are you secure?



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SECURITY DOORS MADE TO MEASURE

Also
Window
Security
Grilles
from \$35



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MEASURE
& QUOTE

**CAPE
BYRON
GLASS &
ALUMINIUM**

There's frustration galore at North Ocean Shores

A lot of frustration seems to be going down at North Ocean Shores. Developer Chum Vidgen says he is frustrated at being misunderstood in what he is doing with his land while local activists say they are frustrated that not enough is being done to protect environmentally sensitive areas.

by Michael McDonald

Last Tuesday a bulldozer on Mr Vidgen's land cleared a track, varying in width from three to four metres, through to Jones Road. Stan Scanlon of Conservation Of North Ocean Shores (CONOS) alerted Byron Council, and planning manager Manfred Boldy arrived within 30 minutes and told the dozer driver to stop.

Mr Boldy believes the dozer has gone into 7(k) habitat zone. He has written a 'please explain' letter to Mr Vidgen, requiring him to lodge a DA which Council can either approve or instead take legal action over the clearing. Mr Vidgen has two weeks left to answer the letters about alleged clearing in habitat zones. Mr Boldy believes that Council as a

whole should decide its response to Mr Vidgen's argument, 'given the public interest'.

When I called Mr Vidgen in Brisbane to tell him the latest incident, he told me he could



The bulldozed track reaching to Jones Road at North Ocean Shores

not respond until he came down this Wednesday to find out what happened. Mr Vidgen then said he would give a full account to *The Echo* once he had found out what was going on.

Mr Vidgen said he found it very confusing that while he was willing to put up 'hundreds and hundreds of acres' for a sanctuary he was being criticised for his efforts. He said he

had no intention of undertaking any activity detrimental to the habitat and the wildlife.

'What does Byron Bay really want?' Mr Vidgen said. 'I'm trying to go along with what everyone's telling me'.

The fact is, somebody on a bulldozer has cleared a track on Mr Vidgen's land into what Mr Boldy reasonably believes is habitat zone. He says that continued bulldozing is not in the spirit of Mr Vidgen's agreement with Council.

During the next two weeks at least, nothing can be done to stop unauthorised bulldozing unless Council has officers on

standby 24 hours a day, says Mr Boldy. There is nothing in local planning requirements that calls for a bulldozer operator to be supervised by his or her boss.

For its part CONOS is saying 'this destruction could have been avoided' if NSW Planning Minister Robert Webster had placed an Interim Conservation Order on the site. An ICO was requested of the Heritage Council on September 2 this year, and nothing has been heard yet. CONOS said former minister Bob Carr placed an ICO on the area within 24 hours when Alan Bond's bulldozers moved in. 'The responsibility for this destruction of North Ocean Shores lies with Webster,' said CONOS.

It seems obvious that to lessen frustration on both sides the bulldozers could stop altogether, or at least be trained to stay out of habitat zones. And for Council's part, if evidence suggests unauthorised excursions into habitat zone, it will surely lose credibility if it excuses every episode. As the old saying goes, 'once is happenstance, twice is co-incidence, three times is sabotage', or at least a bad case of the stupid on the bulldozer's part.

COUNCIL

future meetings described by Cr Rhonda Ellis as 'very short, we'll probably do without meet-

once a week what DAs were being considered and given the target date for determination.

of acid sulphate soils on his neighbour's land. Council's planning manager Manfred

10/11/93 Byron Shires Echo

development of Club Med will ... Med resort will never be built. ... square one.

Council may proceed against Vidgen at NOS

Byron Council has advised developer Chum Vidgen that it will initiate legal proceedings against him for clearing of land in restricted zonings at his North Ocean Shores property. Council general manager Max Eastcott said on Monday that Mr Vidgen had been advised he had 14 days to seek development approval for past work.

'Our legal advice is that we can't proceed against Mr Vidgen until any development application on the clearing has been determined,' Mr Eastcott

said. 'Mr Vidgen has been advised that work can't continue in land zoned 1(a) and 7 [habitat].'

Council staff met with Mr Vidgen last Friday. 'We reiterated that work must stop and he agreed but he has agreed in the past of course,' Mr Eastcott said.

'He now has a far better understanding that we will be very aggressive in protecting this area. We would also like to see some development application for this sanctuary rather

than just reading about it.'

Mr Eastcott said he had seen 'extensive clearing' at the site. 'There was evidence that you do lose rainforest species in the clearing,' he said.

Rare bird at NOS

In other moves the Department of Zoology at UNE Armidale has confirmed sightings of the Square Tailed Kite at North Ocean Shores. The kite is listed as a vulnerable and rare species by the national parks and Wildlife Service.

Riverfest returns to Brunswick Heads

Riverfest Part 2 is happening this Sunday in Banner Park at Brunswick Heads, beginning at 10am. Speakers from CONOS and the New Brighton and Golden Beach Action Group will talk about coastline development, Harry Wraight about the history of the Brunswick River, and Nicholas Shand of

Echo Publications on the future of newspapers.

Vanessa Fischer will present Aboriginal storytelling and Jimmy Smith the Aboriginal art workshop.

The afternoon program includes a local Aboriginal theatre group presenting Binanginji, Aboriginal dance

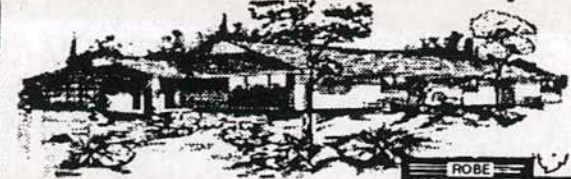
group Nunukul Kunjeil and local musicians playing. The Christian Life Centre will hold a concert and evening service in the Soundshell, and also in the evening the Surf Comp awards will be presented, Le Bunnies will parade fashions and Lost Youth will perform at the Hotel Brunswick.

GREAT VALUE

BANKSIA

128.85m² 13.54 squares

\$55,800



FEATURES

- fixed price contract
- built-in robes all rooms
- pantry to kitchen
- foil insulation to roof
- single garage

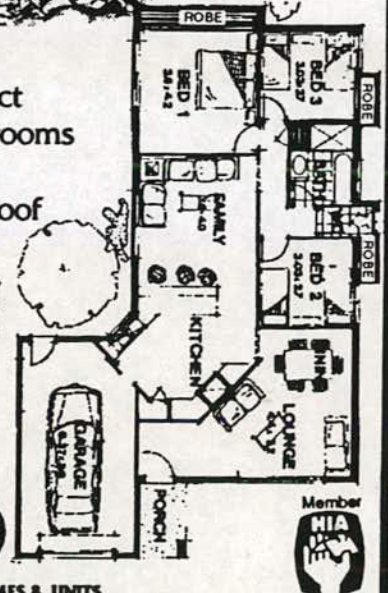
DISPLAY HOME AT CABARITA BEACH

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163/12

MP/GMK/10352 x 1098340

Further Contact: Mr. I.M. Pickles

Mr. C. Vidgen,
Greenfields Mountain Pty. Ltd.,
1 Jacaranda Close,
FITZGIBBOY, QLD. 4024

20.10.93

Dear Sir,

Re: Removal of Certain Vegetation and Clearing Activities at Ocean Shores North within 7(k) (Habitat Zone).

Reference is made to previous discussions and correspondence concerning the above issue.

Notwithstanding advice contained in Council's previous letter, it is apparent that recent clearing which has been undertaken on the subject property as recently as 19th October, 1993, has not received the consent of Council as required under the provisions of Byron Local Environmental Plan, 1988. Under the provisions of Clause 9 of the Byron Local Environmental Plan, 1988, the type of removal of vegetation undertaken, could only be considered by Council where it is for 'bushfire hazard reduction', 'environmental facilities', or 'roads'. Any other form is prohibited by the Local Environmental Plan.

You are hereby requested to lodge a Development Application with Council in accordance with the requirements of the Byron Local Environmental Plan, 1988 within fourteen (14) days of the date of this letter or else Council may consider taking appropriate legal action.

Should you require further information concerning this matter, please contact either Council's Planning Manager, Mr. Manfred Boldy or Council's Consultant Town Planner, Mr. Ian Pickles on telephone (066) 856 500.

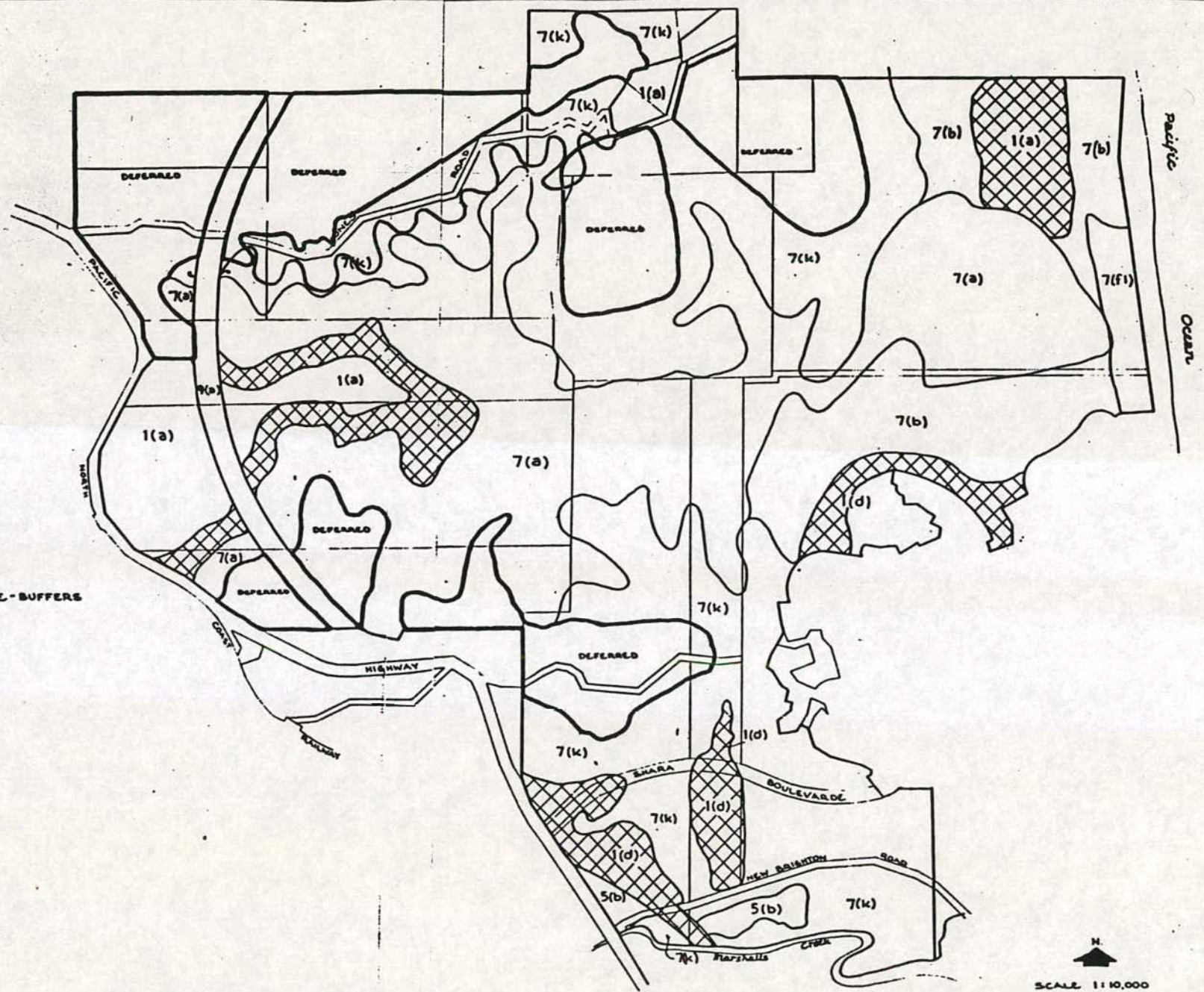
Yours faithfully,

MAX EASTCOTT,
GENERAL MANAGER

APPENDIX 7.

MAP 1. APPENDIX 7.

1993 Aug/Oct (2000)



N
SCALE 1:10,000

DRAWN BY: LM DATE: 25-3-92
 PLANNING OFFICER: MPR
 COUNCIL FILE NO. 1681
 DEPT FILE NO.
 GOVT. GAZETTE OF No.1 8-1-93

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 BYRON LOCAL ENVIRONMENTAL PLAN 1988
 AMENDMENT NO. 14

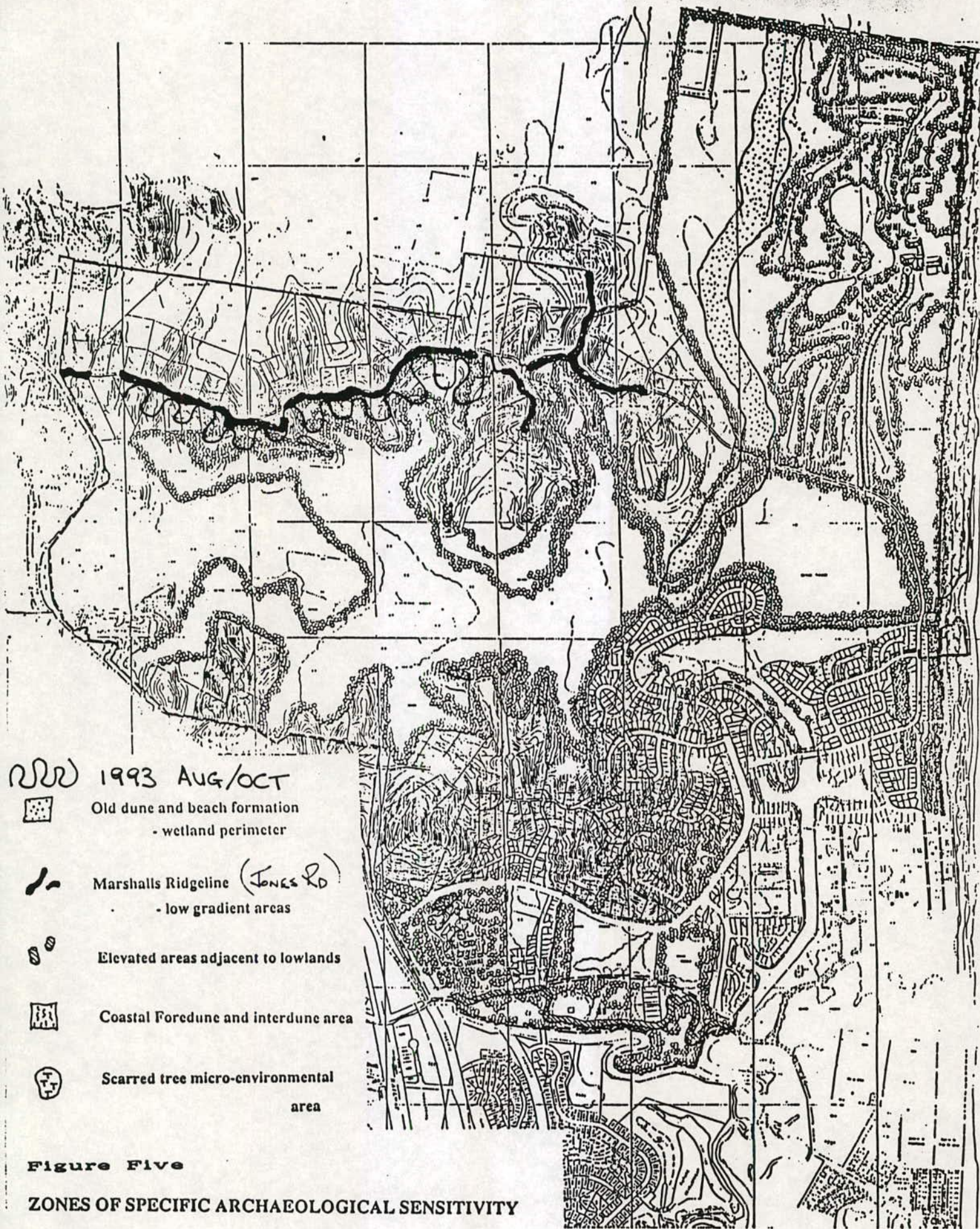
STATEMENT OF RELATIONSHIP WITH OTHER PLANS
 REPEALS INTERIM DEVELOPMENT ORDER NO.1
 SHIRE OF BYRON
 AMENDS BYRON LOCAL ENVIRONMENTAL PLAN 1988
 CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL
 PLANNING & ASSESSMENT ACT, 1979 AND REGULATIONS
Barry F. Pelly
 SHIRE CLERK DATE: 7-5-92

AN ARCHAEOLOGICAL SURVEY OF
NORTH OCEAN SHORES DEVELOPMENT
AREA. NSW.

by

Kerry Navin
August 1990

A Report to BondCorp








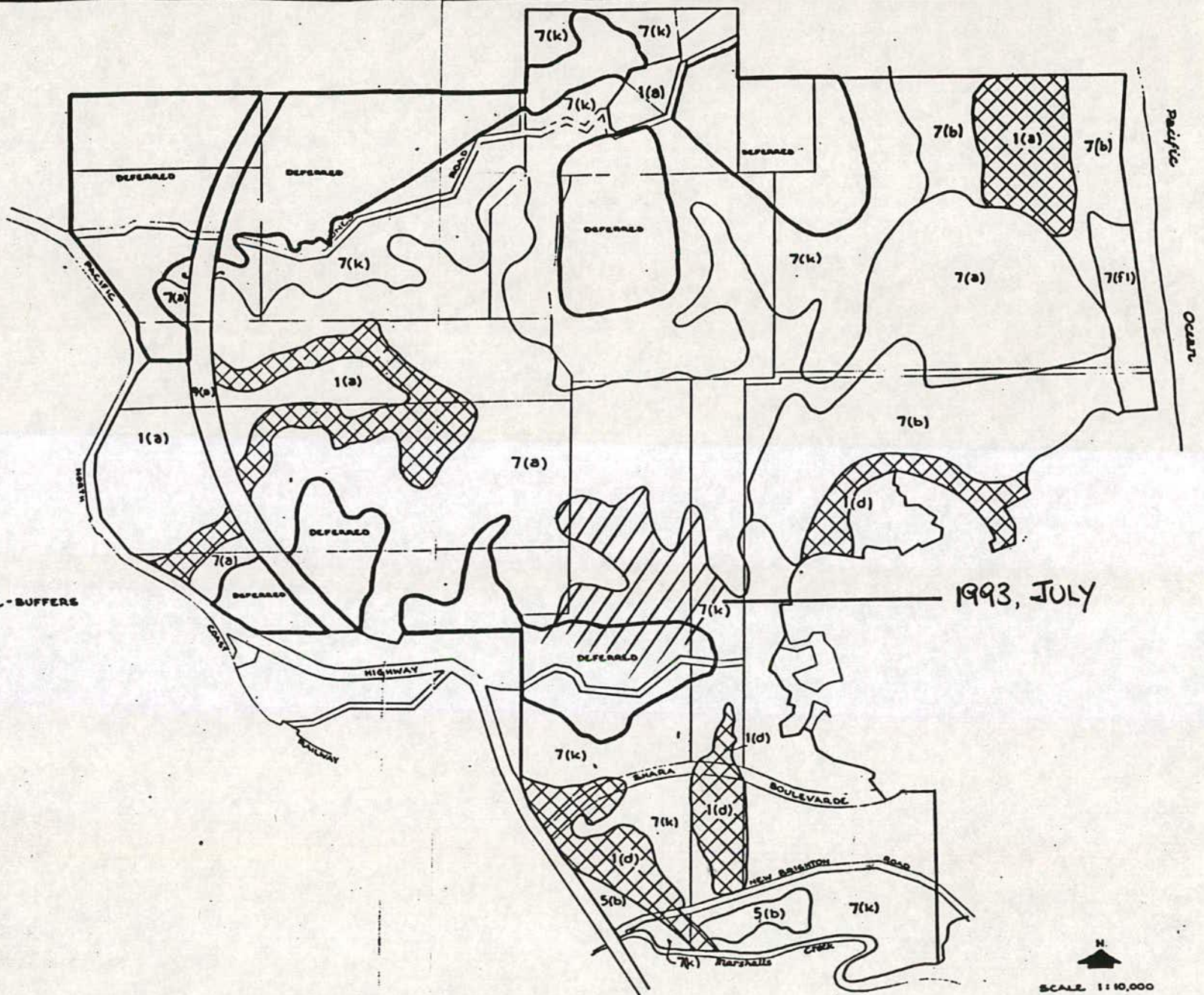
- 1993 AUG/OCT
- 
 Old dune and beach formation
 - wetland perimeter
 - 
 Marshalls Ridgeline (JONES RD)
 - low gradient areas
 - 
 Elevated areas adjacent to lowlands
 - 
 Coastal Foredune and interdune area
 - 
 Scarred tree micro-environmental
 area

Figure Five
ZONES OF SPECIFIC ARCHAEOLOGICAL SENSITIVITY

APPENDIX 8

MAP 1. APPENDIX 8.



- 1(a) GENERAL RURAL
- 1(d) INVESTIGATION
- SPECIAL PROVISIONS CLAUSE - BUFFERS
- 5(b) SPECIAL USES/FLOODWAY
- 6(a) OPEN SPACE
- 7(a) WETLANDS
- 7(b) COASTAL HABITAT
- 7(f1) COASTAL LANDS
- 7(k) HABITAT
- 9(a) PROPOSED ROAD
- AREAS TO BE DEFERRED PURSUANT TO S. 60 (5) OF THE E.P.A. ACT, 1979.

DRAWN BY: LM	DATE: 25-5-92
PLANNING OFFICER: MPR	
COUNCIL FILE NO. 1681	
DEPT FILE NO.	
GOVT. GAZETTE OF No.1 9-1-93	

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
BYRON LOCAL ENVIRONMENTAL PLAN 1988
AMENDMENT NO. 14

STATEMENT OF RELATIONSHIP WITH OTHER PLANS
 REPEALS BYLAW DEVELOPMENT ORDER NO.1
 SHIRE OF BYRON
 AMENDS BYRON LOCAL ENVIRONMENTAL PLAN 1988

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL
 PLANNING & ASSESSMENT ACT, 1979 AND REGULATIONS

J. Bayliss
 SHIRE CLERK DATE: 7-5-92

54/11

BSB/DD/11742 x 1098340

Further Contact: Mr. Bruce Blackford

Greenfields Constructions Pty Ltd
1 Jacaranda Place
FITZGIBBON OLD 4034

Dear Sir,

Re: Property: Lot 1, D.P. 779828, Lot 2, D.P. 534319, and Lot 405, D.P. 755687, Ocean Shores.

On 27th July, 1993 an officer of Council's Environment & Development Services Division - carried out an inspection of the abovementioned property. It is noted that an area of approximately 10,500sqm within land zoned 7(k) Habitat zone under the Byron Local Environmental Plan 1988 has been cleared without Council's consent.

The subject area is north of the deferred zone for which consent to slash grasses, lantana and groundsell was issued by Council on 2nd June 1993. (This consent applied only to the deferred zone described as Area 4 and did not include any areas zoned for habitat protection.)

It is also noted that a Development Application (DA 93/236) has been lodged for the carrying out of certain slashing works within the 7(k) zone for the purposes of bushfire hazard reduction.

You are requested to show cause within fourteen (14) days of the receipt of this letter as to why Council should not proceed with legal action against you in relation to the carrying out of development without consent within the 7(k) Habitat zone.

Yours faithfully,

MAX EASTCOTT,
GENERAL MANAGER (ACTING).

49/M4

MEMO TO: GENERAL MANAGER (ACTING)
MEMO FROM: BRUCE BLACKFORD
DATE: 10TH AUGUST, 1993
FILE NO.: 11742 x 1098340
SUBJECT: CLEARING WITHIN 7(k) HABITAT ZONE - NORTH OCEAN SHORES

On 27th July, 1993 I carried out an inspection of a property in North Ocean Shores described as Lot 1, D.P. 779828, Lot 2, D.P. 534319 and Lot 405, D.P. 755687, owned by Greenfields Constructions Pty. Limited. The inspection was carried out in order to assess a Development Application (D.A. 93/236) for the carrying out of slashing works for the purposes of bush fire hazard reduction within a 7(k) Habitat zone on this property.

The site inspection revealed that certain works had already been carried out within the Habitat zone which involved the slashing by 4 WD tractor of an area of approximately 10,500 m². The area which had been slashed appeared to have supported mostly dense lantana growth located between stands of regrowth wattle and rainforest trees. Although the larger trees had been retained it was noted that a number of smaller rainforest trees and tree ferns, which were probably growing within the lantana thickets, had been destroyed.

The area of habitat zone which had been slashed is located immediately to the north of the deferred zone (known as Area 4). A previous approval was issued on 2nd June, 1993 for the slashing of lantana, grasses and groundsel within the deferred zone however that consent did not apply to any of the Habitat zones or the property.

A letter has been prepared advising Greenfields Constructions of the result of the site inspection and giving them fourteen (14) days to show cause why Council should not proceed with legal action against them for the carrying out of development without consent within a 7(k) Habitat zone.

.....
B.S. BLACKFORD
PLANNING OFFICER.

~~MAP 3~~

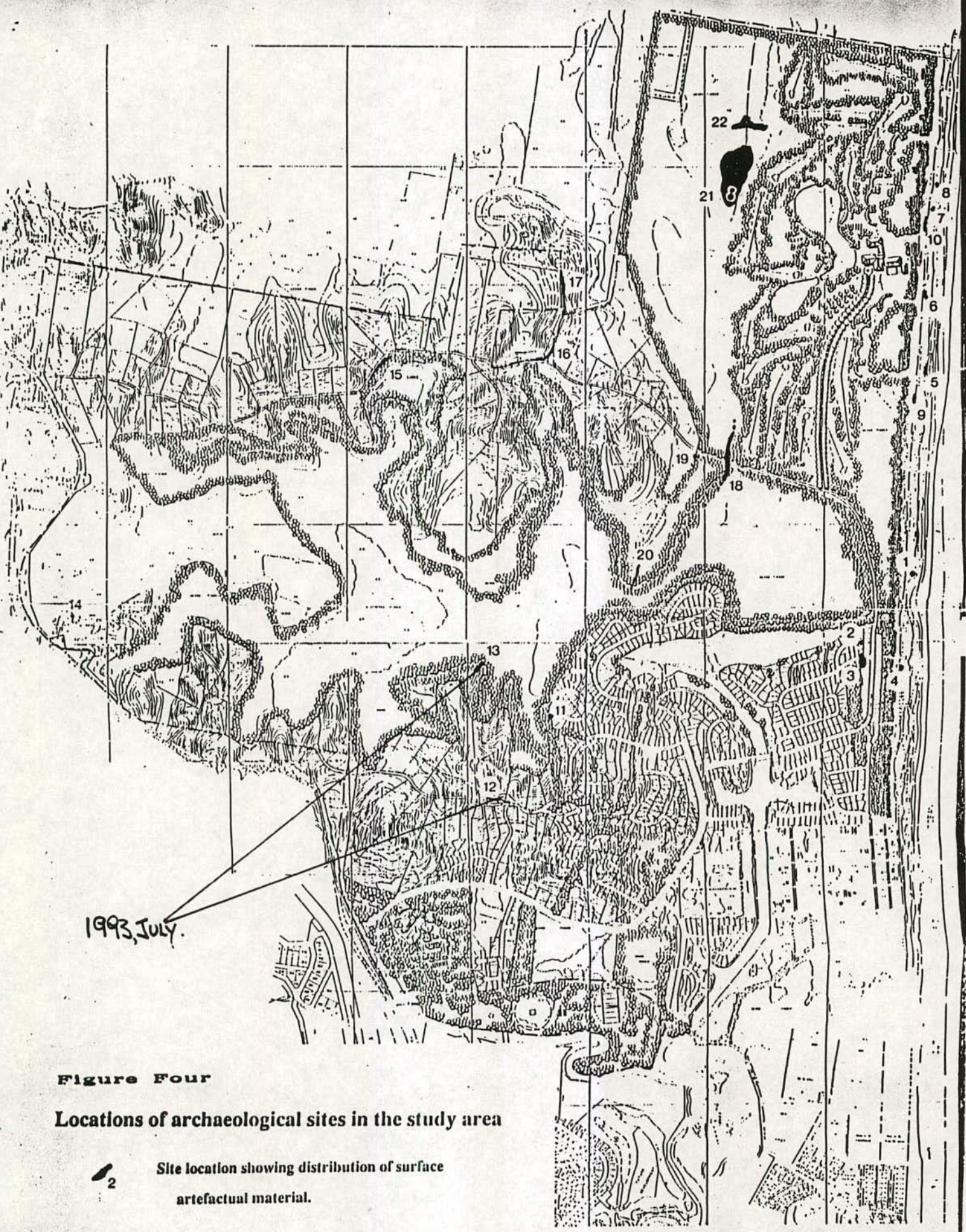
AN ARCHAEOLOGICAL SURVEY OF
NORTH OCEAN SHORES DEVELOPMENT
AREA, NSW.

by

Kerry Navin

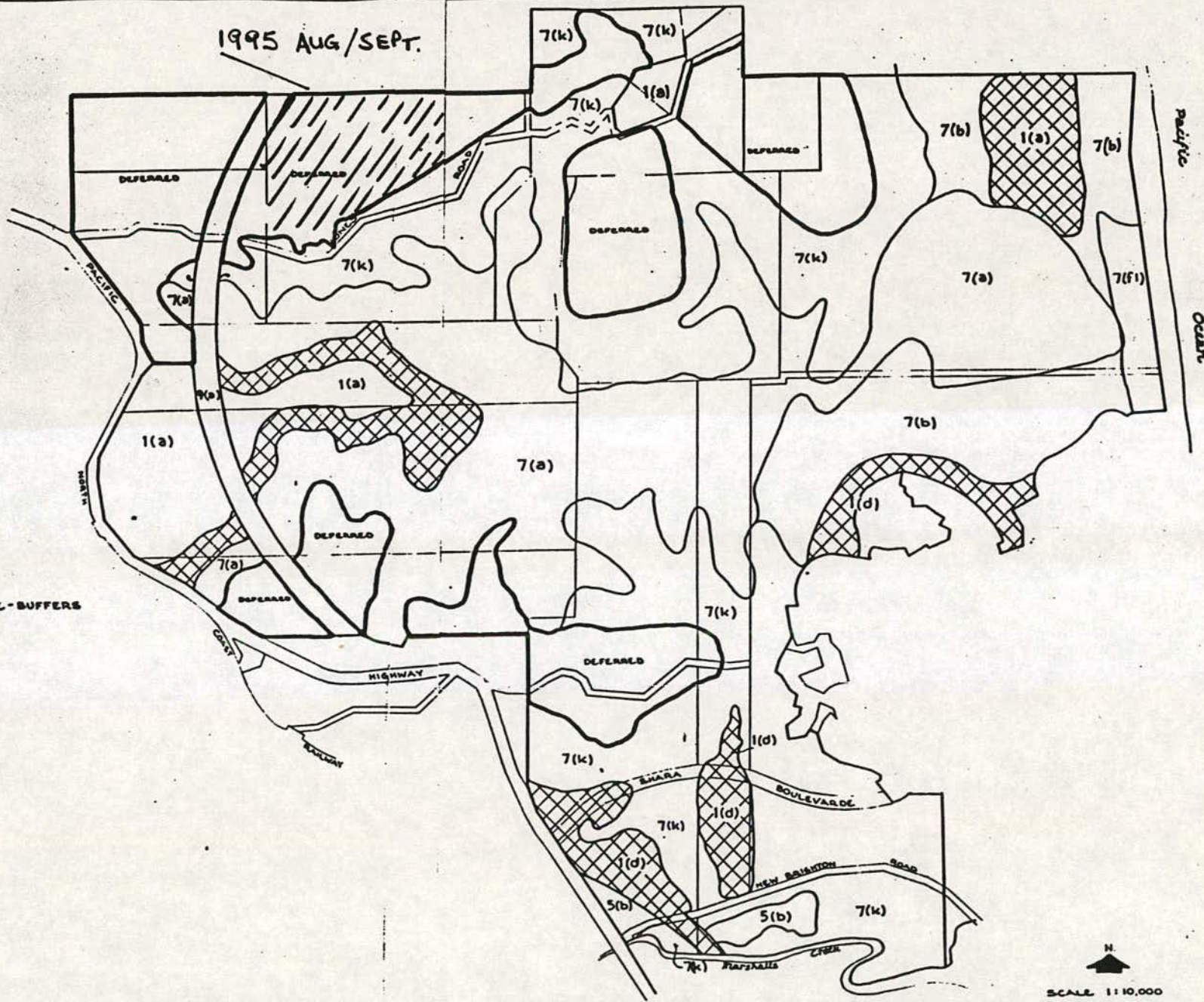
August 1990

A Report to BondCorp



APPENDIX 9

1995 AUG/SEPT.



- 1(a) GENERAL RURAL
- 1(d) INVESTIGATION
- SPECIAL PROVISIONS CLAUSE - BUFFERS
- 5(b) SPECIAL USE/FLOODWAY
- 6(a) OPEN SPACE
- 7(a) WETLANDS
- 7(b) COASTAL HABITAT
- 7(f1) COASTAL LANDS
- 7(k) HABITAT
- 9(a) PROPOSED ROAD
- AREAS TO BE DEFERRED PURSUANT TO S. 66 (5) OF THE E.P.A. ACT, 1979.

N
SCALE 1:10,000

DRAWN BY: LM DATE: 25-3-92
 PLANNING OFFICER: MPR
 COUNCIL FILE NO. 1681
 DEPT FILE NO.
 GOVT. GAZETTE OF No.1 8-1-93

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
 BYRON LOCAL ENVIRONMENTAL PLAN 1988
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 PLANNING & ASSESSMENT ACT, 1979 AND REGULATIONS
J. Bay
 SHIRE CLERK DATE: 7-5-92