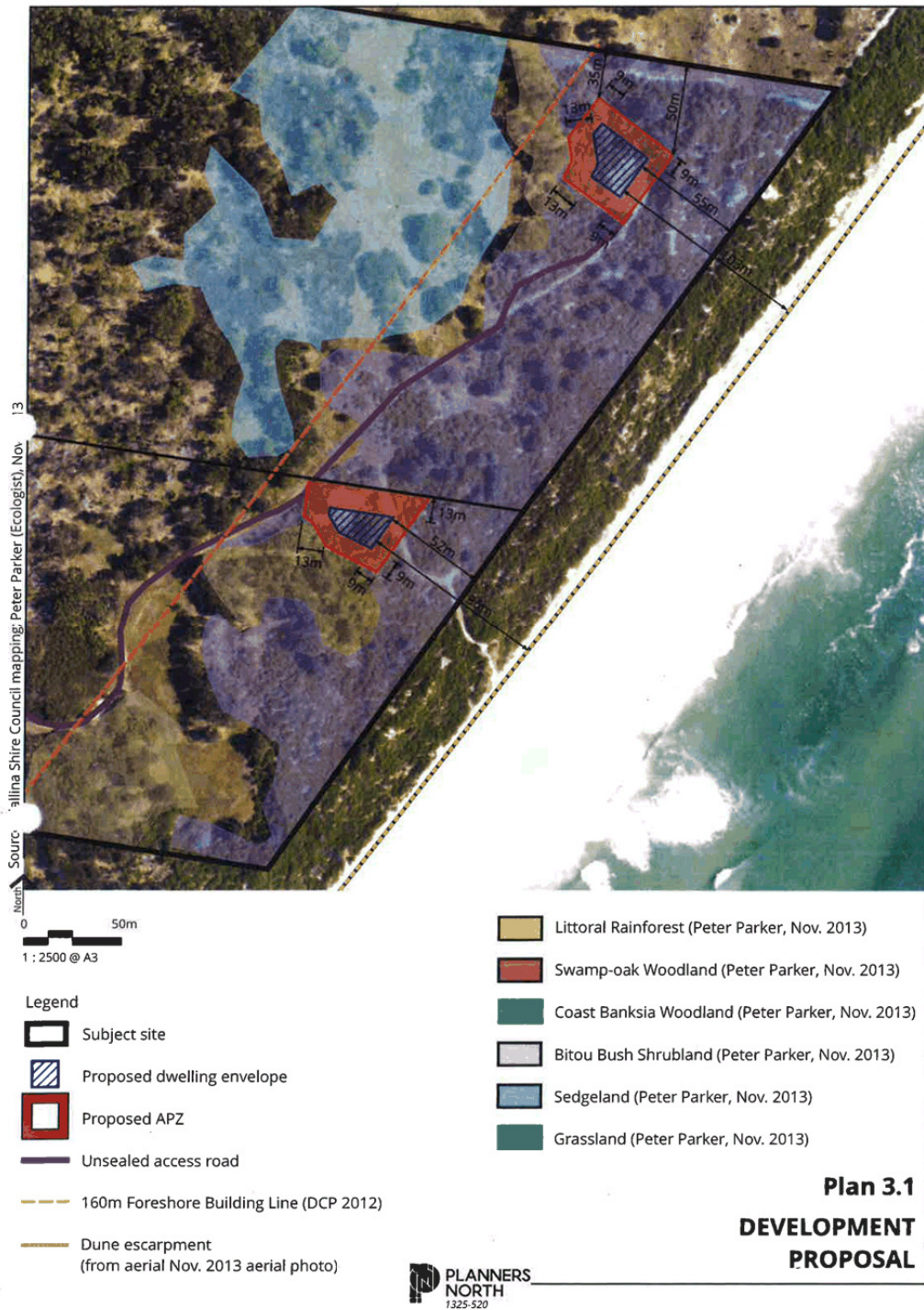
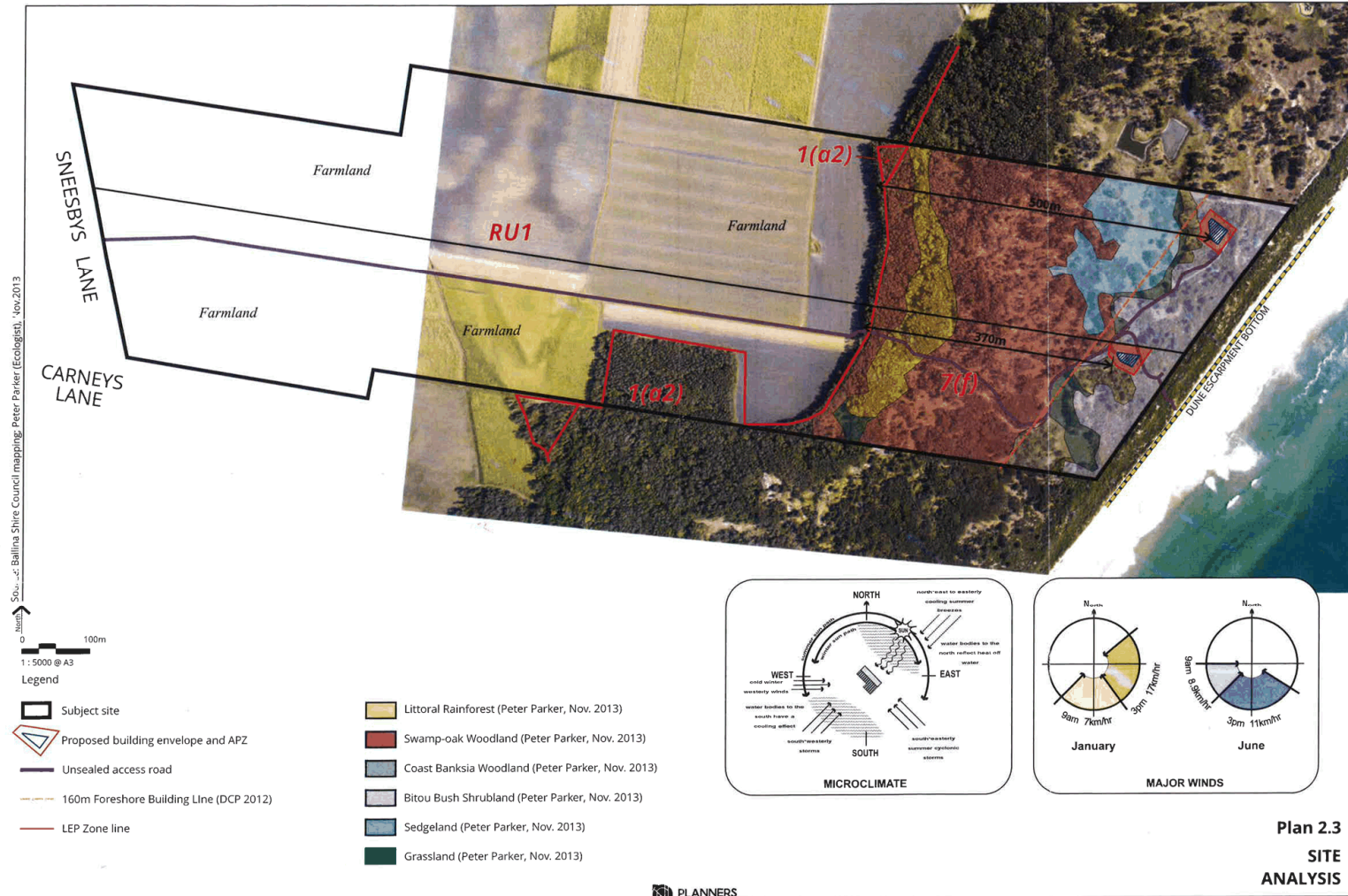


Lots 1, 2 & 3 Sneesbys Lane, East Wardell



8.1 DA 2013/473 - Two Dwelling House Pad Sites - 219 Sneesbys Lane.DOC

Lots 1, 2 & 3 Sneesbys Lane, East Wardell

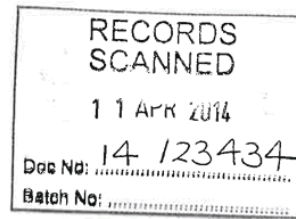




Our Ref: 14/00063, DOC14/034805

9 April 2014

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478



Att: Robert Thornton

Dear Sir

Re: Your reference: DA 2013/473

I refer to your letter of 13 December 2013 informing NSW Trade & Investment, Crown Lands, of DA 2013/473 regarding development application DA 2013/473 proposing development of two dwelling house pads on each side of lots 2 and 3 DP809785 at Sneesbys Lane, East Wardell. Crown Lands apologises for the delay in responding to this matter.

The proposal incorporates associated access to the house pads and asset protection zones as a staged development application.

The subject land adjoins 7303 DP1163711 being Crown land comprising Reserve 10026 for Quarry & Tramway notified 2 November 1889. Lot 7303 also forms part of Reserve 1012188 for Access and Public Requirements, Rural services, Tourism Purposes & Environmental and Heritage Conservation notified 18 August 2006 (the Ballina Coast Regional Crown Reserve).

The Crown land is subject to Aboriginal Land Claim 12411 lodged by the Jali local Aboriginal Land Council on 5 July 2006.

Reserve 10026 is managed directly by Crown Lands and is subject to the Threatened Species (Pied Oystercatcher) Management Strategy adopted in February 2007. The Strategy provides a co-operative multi-agency framework for Pied Oystercatcher (POC) management that includes Crown Lands and Ballina Shire Council.

A key strategic recommendation in the POC Strategy is establishment of a more appropriate management regime for the Crown land. This is currently under consideration as part of the Ballina Coast Regional Crown Reserve planning project involving Crown Lands and Council. Other strategic recommendations apply to adjoining land use and development. These have culminated in a suite of special area controls for the South Ballina coastal strip being applied in the Ballina Development Control Plan 2012 and these apply to the proposed development.

GRAFTON OFFICE
Level 3, 49-51 Victoria Street
Grafton NSW 2460
T: 1300 886 235

Please address all correspondence to:
Crown Lands (Grafton)
PO Box 2185
DANGAR NSW 2309

ABN 33 537 762 019 | www.lands.nsw.gov.au

8.1 DA 2013/473 - Two Dwelling House Pad Sites - 219 Sneesbys Lane.DOC

The proposal raises concerns in terms of Crown Lands' interests. First and foremost is the close proximity of the development sites to the boundary of the coastal Crown reserve. Additionally, there is a significant unauthorized access from Lot 3 through R10026 to the beach, referred to as an "unsealed access road" on Plan 2.3 Site Analysis in the proposal's Statement of Environmental Effects by Planners North.

Without authorisation, there is no legal basis for such access to cross Crown land. Crown Lands' position on this access road is the land occupied by this access over R10026 should be left to remediate to its natural state. Formal vehicular access to the beach is available at Patches Beach.

Crown Lands is also responsible for maintaining the integrity of R10026 whilst Aboriginal Land Claim 12411 is being assessed. The applicant may not:

- encroach upon the Crown land,
- remove any vegetation from the Crown land,
- stockpile materials, equipment or machinery on the Crown land,
- use the Crown land for access purposes,
- direct stormwater discharges to the Crown land, or
- use the Crown land as Asset Protection Zone.

If you wish to discuss this matter further please contact the undersigned on 6640 3413.

Yours sincerely



Jim McDonald
Natural Resource Management Officer
Grafton