

Revised State Environmental Planning Policy No. 71 Master Plan – Iron Gates, Evans Head

Proposed One Hundred and Eighty Four (184) Lot Subdivision including:

- One Hundred and Seventy Five (175) Residential Lots;
- Three (3) Residue Lots
- Four (4) Public Reserves
- One (1) Drainage Reserve
- One (1) Sewer Pump Station Lot
- Upgrading of Iron Gates Drive
- Demolition of Existing Structures Onsite
- Subdivision Work including road works, drainage, water supply, sewerage, landscaping and embellishment work and street tree planting

Lot 163 DP 831052, Lots 276 and 277 DP 755624, Crown Road Reserve
between Lots 163 DP 831052 and Lot 276 DP 755724, Crown Foreshore
Reserve and Iron Gates Drive, Evans Head NSW



Prepared by

DAC PLANNING PTY LTD

Prepared for

GOLDCORAL P/L

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DAC PLANNING PTY LTD
Suite 7, Corporate House
8 Corporation Circuit
Tweed Heads South NSW 2486
P: 07 5523 3611
F: 07 5523 3612
E: admin@dacplanning.com.au
W: www.dacplanning.com.au

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A.C.N. 093 157 165

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ANNEXURES

- 1 Revised Draft Master Plan, Drawing No. 100-015, Rev F – LandPartners 6 April 2018
- 2 Site Analysis Plan and Design Response Plan, Issue 01 – Arcadis, 17 July 2019
Proposed Subdivision Plans, Rev M, 27 June 2019 – LandPartners
Proposed Subdivision Plans with Air Photo Overlay, Rev H, 27 June 2019 – LandPartners
Proposed Subdivision Plans with Zone Overlay, Rev O, 27 June 2019 – LandPartners
- 3 Revised Consolidated Bushfire Report – Bushfire Risk Pty Ltd, 12 July 2019 and Bushfire Assessment – Additional Information Response, Iron Gates Drive – Bushfire Risk, 8 March 2017
- 4 Engineering Plans, Iron Gates Drive Upgrade Work, Rev 02 – Arcadis, 21 August 2017
- 5 Iron Gates Residential Development Revised Engineering Services and Civil Infrastructure Report and Engineering Plans – Arcadis Consulting Pty Ltd, 23 July 2019
- 6 Statement of Landscape Intent – Plummer & Smith, 17 July 2019
- 7 Amended Ecological Assessment (Iron Gates Drive) – JWA Pty Ltd, April 2019
- 8 Terrestrial Flora and Fauna Assessment – Planit Consulting, August 2014 as amended by JWA Pty Ltd, July 2019
- 9 Revised Aboriginal Cultural Heritage Assessment – Everick Heritage Consultants, July 2019
- 10 Email from Crown Lands Dated 29 March 2019 in Relation to the Status of Existing Road Reserves and the Evans River Foreshore Reserve and Letter from Crown Lands Dated 24 February 2014
- 11 Socio-Economic Impact Assessment – Hill PDA, July 2019
- 12 Review of NSW Coastal Design Guidelines – Planit Consulting, Undated (Annexure K of 23 October 2015 RFI Response)
- 13 Iron Gates Waterfront Layout – Planit Consulting, Undated (Annexure G of 23 October 2015 RFI Response)

1 - Introduction

1.1 BRIEF

DAC Planning Pty Ltd has been engaged by Goldcoral P/L to prepare and submit a revised SEPP71 Master Plan for a proposed one hundred and eighty four (184) lot subdivision and subdivision work at Iron Gates Drive, Evans Head.

Clause 18 of State Environmental Planning Policy No. 71 requires a Master plan to be approved by the Department of Industry and Environment before certain consents may be granted

The proposed subdivision is located within a sensitive coastal location as defined by the SEPP. A Master Plan is therefore required pursuant to Clause 18(1) of the Policy.

On or about 26 October 2014, Planit Consulting submitted a Draft Master Plan to the Department of Planning and Environment for the Iron Gates residential release (Planit Consulting Pty Ltd, July 2015).

Following lengthy negotiations with the Office of Environment and Heritage (OEH) and the Department of Planning and Environment (DoPE), a revised Draft Master Plan (06/04/2018 Rev F) was provided to both Agencies. A copy of the revised Draft Master Plan is attached at **Annexure 1**. On 29 May 2018, OEH advised DoPE that:

"If the measures that Goldcoral Pty Ltd is indicating will be undertaken for the proposal in its letter of 14 May 2018 are included in the proposal and implemented, then the OEH has no further comments in relation to this proposal or the draft Master Plan."

The amended Subdivision Plans at **Annexure 2** (Rev M and O 27/06/19) are essentially the same layout as the Master Plan (Rev F) agreed to by the DoPE and OEH. However, the lot numbers have changed, staging is no longer proposed and two additional lots are proposed (Lot 183 Drainage Reserve and Lot 184 Sewer Pump Station).

In addition, upgrading of Iron Gates Drive to address bushfire access requirements is also proposed as part of the Master Plan. Attached at **Annexure 3** is a Bushfire Assessment (Bushfire Risk dated 08/03/17) addressing access requirements and **Annexure 4** comprising Engineering Plans (Arcadis, Rev 02 dated 21/08/17) showing the proposed upgrade work.

On 20 March 2017, Bushfire Risk Pty Ltd forwarded a Bushfire Assessment – Additional Information to the Rural Fire Service (RFS). On 31 March 2017, Alan Bawden of the RFS advised Bushfire Risk as follows:

"The NSW RFS has received and reviewed the above Bf report for the proposed public road access from Evans head to the Iron Gates residential subdivision."

The NSW RFS understands that vegetation management practices within the road reserve are limited within mapped SEPP14 lands.

The NSW RFS agrees with the above report and will consent to the recommended vegetation management works within the Iron Gates road reserve as per the above report.

Those works are described as the clearing of vegetation within the 20 metre road reserve except where the road reserve is mapped SEPP 14 lands. Within mapped SEPP 14 lands vegetation management will be restricted to trimming vegetation that is overhanging the existing road formation including formed pedestrian and cycle ways.

Further this work must be maintained in perpetuity for the life of the residential subdivision.

It is suggested that the proponent packages up all the 'accepted' reports relating to the subdivision and forwards to Council for formal referral to the NSW RFS (and other agencies) if required.

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The NSW RFS will then do a complete assessment on all aspects of the proposal to satisfy due diligence requires and to ensure the documentation and outcomes are consistent with guidelines and previous acknowledgements."

On 9 July 2018, John Ball of the RFS advised that:

"The RFS position is as per our letter to DPE of 15 December 2017. The development is not supported because it doesn't comply with the requirements of Planning for Bush Fire Protection with respect to access. Alan has indicated that he was happy with the content and approach of Melanie's report. That is a totally different thing to the developer providing the amended final plans and specifications for the development that incorporate the required elements of Melanie's report. My understanding is that our concerns related to the width of the clearing along the access road to ensure that it could not be blocked by falling trees in the event of a fire. As far as I am aware, nothing has since been provided to RFS to indicate how this matter has or will be addressed."

As a result of the RFS position, the DoPE advised on 10 July 2018:

"I have been in discussions with the RFS and OEH and have read through the report that you forwarded yesterday. It is clear that Iron Gates Drive will need to be cleared to a width of 20m, with pruning of the SEPP 14 vegetation in the mapped areas to comply with RFS access requirements. Council sent you a letter on 2 August 2016 advising that the roadworks would need to be undertaken by yourself and development consent would be required. I understand from RFS that they are not willing to agree to the masterplan until a safe access can be assured, and that this requires the clearing of the road reserve. Further I understand from OEH that the clearing considered as part of the master plan to date has not related to Iron Gates drive and only to the proposed residential land.

Can you please advise how you are intending to seek that approval? Are you modifying the current development application to include the road clearing, or is this current DA going to remain pending while a separate one is considered?"

Richmond Valley Council has agreed to accept a revised Development Application including the Iron Gates Drive upgrade work (see letter dated 18 February 2019). The revised Ecological Assessment at Appendix 6 of the revised Statement of Environmental Effects addresses clearing impacts and includes credits for clearing of vegetation, which OEH have endorsed.

In summary, DoPE is not prepared to approve the SEPP71 Master Plan until approval for the upgrading of Iron Gates Drive can be assured.

The revised Master Plan comprises the following plans and reports:

- ♦ Proposed Subdivision Plan, Plan No. BRJD6396.100/014, Rev O and Rev H – Landpartners copies of which are attached at **Annexure 2**.
- ♦ Bushfire Assessment – Additional Information Response – Bushfire Risk, 8 March 2017 a copy of which are attached at **Annexure 3**.
- ♦ Engineering Plans showing proposed upgrading work on Iron Gates Drive to achieve a suitable standard for bushfire access, Drawing No. K218, Issue 02 and K217, Issue 02 – Arcadis, 21 August 2017 copies of which are attached at **Annexure 4**.

In summary, the revised Subdivision Plans (Rev O) are for essentially the same subdivision layout as those shown on the previous Subdivision Plans (Rev F). The key changes include:

- ♦ Deletion of staging.
- ♦ Changes to lot numbering.
- ♦ Inclusion of a drainage reserve lot (Lot 183).
- ♦ Inclusion of a sewer pump station lot (Lot 184).

The revised Development Application No. 2015/0096 includes, inter alia, upgrading of Iron Gates Drive such that satisfactory access, in a bushfire context, can be assured.

The revised Development Application cannot be approved by the Northern Regional Planning Panel until a revised Master Plan is approved by the Department and accordingly, when the Rural Fire Service issues General Terms of Approval for the revised subdivision Development Application, the Department is requested to approve the revised Master Plan.

1.2 THE SITE AND SURROUNDS

1.2.1 General Summary



Figure 1 – Aerial Photograph – Source: Google Earth

The subject site is described Lot 163 DP 831052, Lots 276 and 277 DP 755624, Crown Road Reserve between Lots 163 DP 831052 and Lot 276 DP 755724, Crown Foreshore Reserve and Iron Gates Drive, Evans Head NSW. It is located west of the Evans Head town centre and accessed via Iron Gates Drive (See Fig. 1). The site fronts the Evans River to the south. Local native forest surrounds the site on to the north, east and west.

Part of the foreshore area south of proposed Road 11 was resumed and vested in fee simple in the Minister for Public Works in 1894 (see **Annexure 10**). No development is proposed in the resumed area.

Former subdivision works and bushfire maintenance have been undertaken on the land, which has resulted in a number of large cleared areas and informal roadways and trails. A single dwelling, shed and gravel driveway is also located in the south eastern corner of Lot 163 DP 831052. The proposed development footprint is contained largely within the cleared areas of the site.

A roadway linking the site and the Evans Head urban area exists, being Iron Gates Drive. This roadway will be utilised as the access route to the site and upgraded in order to implement a Bushfire Safety Authority. RVC has advised, in correspondence dated 18 February 2019, that council will grant owner's consent for the upgrade work on Iron Gates Drive.

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In relation to the Crown road reserve and Crown foreshore reserve adjacent to the Evans River, the NSW Department of Trade and Investment provided advice by letter dated 24 February 2014. A copy of the letter is provided at **Annexure 10**.

The following responses are provided to the issues raised by Crown Lands:

Email 29 March 2019

1. The area shown by red outline was vested in fee simple in the Minister for Public Works.

Response

No development or use of the red edged land is proposed under DA2015/0096 as amended.

On the 9 May 2019 Richmond River County Council (now known as Rous County Council) advised as follows in relation to ownership and control of the red outlined area.

“Rous is the owner of Tuckombil Canal which is approximately 10km from this site.

It is our understanding that the parcel of land was resumed by the government for drainage works, being the widening of the natural restriction in the river known as iron gates.

We have no records of ownership or any active management or future plans of the subject parcel of land you refer to. Suggest it may be Crown land.

In our role as flood mitigation authority, we have an indirect interest in development of the subject land in that any restriction of flows by development in what is a natural restriction in the river will have a negative impact on flooding upstream.”

No work is proposed which is likely to restrict flows in the Evans River.

2. Capacity of proposed foreshore offset area including public lands to function as an effective environmental buffer.

Response

The revised Plans of Proposed Subdivision propose to dedicate a public reserve between the proposed road and the existing foreshore road reserve, having an area of 4959m² (in two parts). The former Lot 183 comprises a similar area as the currently proposed foreshore public reserve.

Richmond Valley Council (RVC) does not want any additional freehold land dedicated as public reserve beyond that proposed on the amended Plan of Proposed Subdivision at **Annexure 1**.

In summary, the revised application complies with Council's requirements for open space. Council is requested to apply to Crown Lands to have the two Crown Road reserves transferred to Council pursuant to Section 152 I of the Roads Act, 1993.

It is also proposed to embellish the Crown foreshore reserve including appropriate pathways, amenities, playground equipment and landscaping (see **Annexure 6**).

3. Future management of foreshore offset area.

Response

As indicated above it is intended that the foreshore road reserve would be transferred to RVC in accordance with Section 152I of the Roads Act, 1993.

This can be achieved by imposing a condition on the consent requiring the road to be transferred to Council prior to the issue of a Subdivision Certificate for the first residential lot.

4. It is also proposed that the section of Crown road to be constructed between Lots 163 and 276 be transferred to RVC in accordance with Section 152 I of the Roads Act, 1993 as amended. This can be achieved by imposing a condition of consent.

Letter 24 February 2014

1. Enhance public access to the Evans River.

Response

It is proposed to embellish the Evans River foreshore road reserve, including appropriate public pathways, however there are constraints imposed by fisheries habitat in relation to physical works to access the River. The Landscaping Plans at **Annexure 6** detail the proposed embellishment work.

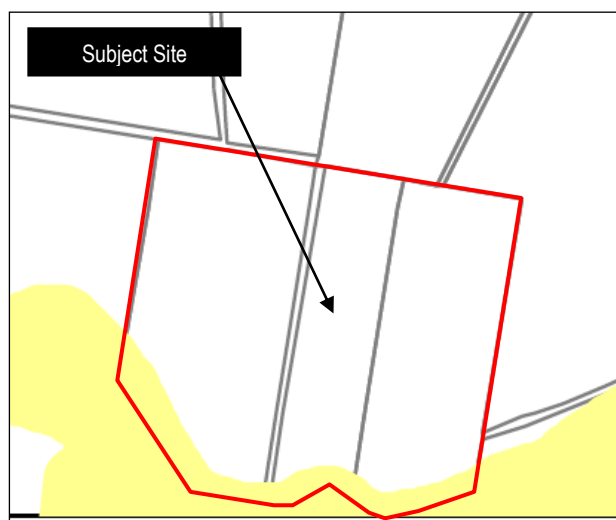
In summary, the foreshore area and proposed adjoining public reserves will be embellished and landscaped and will provide more than adequate usable casual open space for the demand generated by the proposed development and will also be accessible to the general public.

2. Future management of the foreshore road reserve.

Response

As indicated above, it is proposed that the foreshore road reserve will be transferred to RVC and together with the proposed adjoining public reserves will be landscaped and embellished.

1.2.2 Constraints



Flood Prone Land

Part of the site is mapped as flood prone under Richmond Valley Council's Q100 flood level mapping (See **Fig. 2**). A **Flood Impact Assessment** has been carried out for the proposed development and is contained within **Annexure 5**. Appropriate flood management responses have been incorporated into the proposal.

Figure 2 – Flood Prone Land Mapping – Source: RVC Mapping

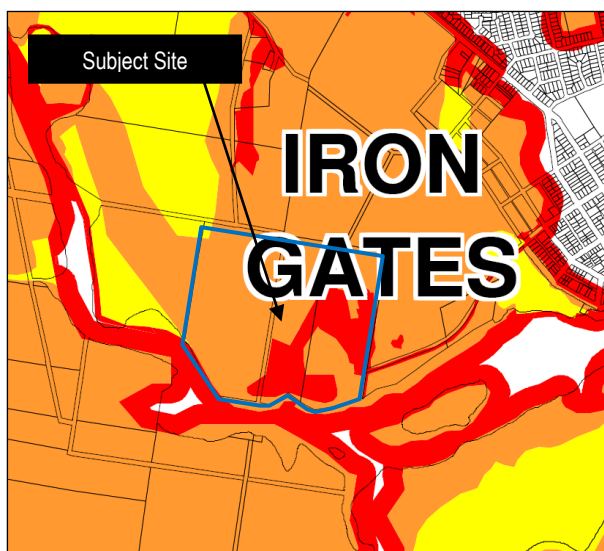


Figure 3 – Bushfire Prone Land Mapping – Source: RVC Mapping

Bushfire Prone Land

The site is identified as containing both Category 1 (shown in orange) and Category 2 (shown in yellow) bushfire prone vegetation under Richmond Valley Council's bushfire mapping (See Fig.3). Further detail citing the proposed design response to the surrounding bushfire threat has been included within Annexure 3 of this document.

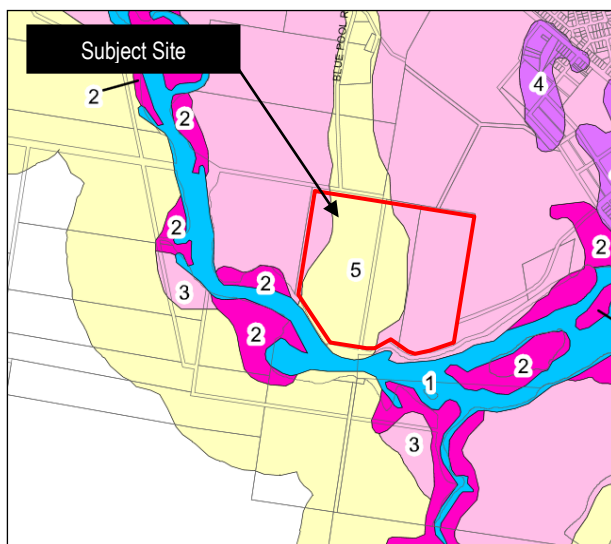


Figure 4 – Acid Sulfate Soils Mapping – Source: RVLEP2012

Acid Sulfate Soils

The site has been mapped as potentially containing Class 3 and 5 Acid Sulfate Soils (See Fig. 4).

Acid sulfate soils are addressed in Annexure 4.

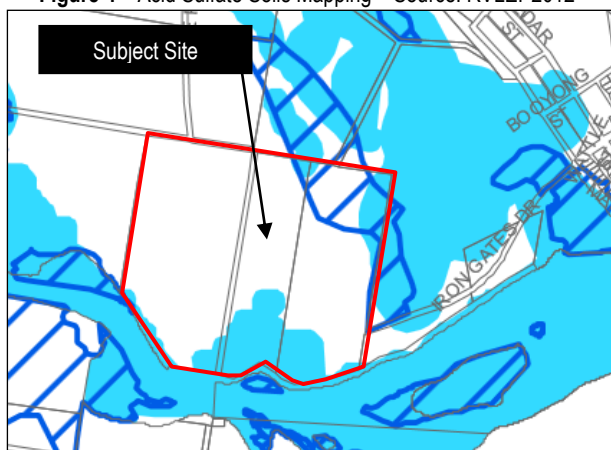


Figure 5 – Wetlands and Waterways Mapping – Source: RVLEP2012

Wetlands, Riparian Lands, Waterways and Key Fish Habitat

The site contains mapped potential fish habitat and wetland areas (See Fig. 5). An assessment of the proposal's potential impact on these waterways and wetlands has been provided within Annexures 7 and 8.

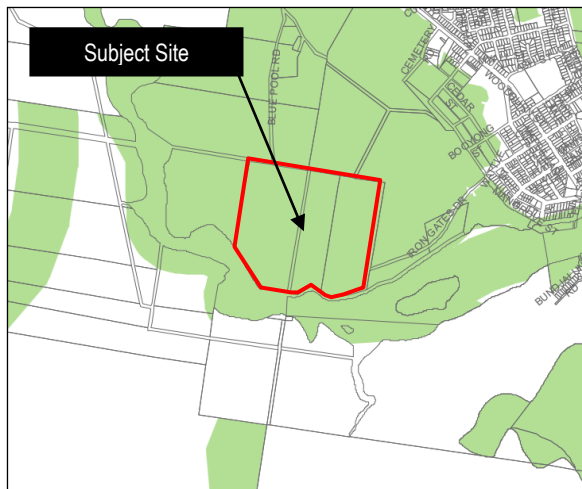


Figure 6 – Biodiversity Mapping – Source: RVLEP2012

Biodiversity

The land contains areas of remnant native vegetation and is mapped within a biodiversity value area under the Richmond Valley LEP 2012 (See Fig. 6). The proposed development footprint is contained largely within the cleared areas of the site. An assessment of the proposed development and its impact upon the biodiversity values is discussed throughout this report. A Flora and Fauna Impact Assessment has been carried out and is contained within **Annexures 7 and 8**.

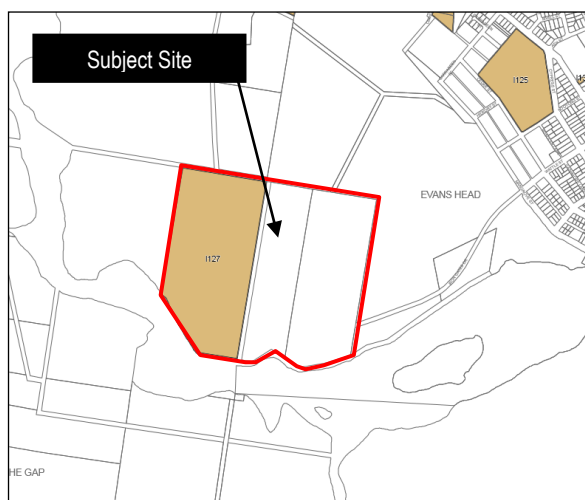


Figure 7 – Heritage Mapping – Source: RVLEP2012

Heritage

The site is identified to contain a local heritage item, being "Paddon Grave, Iron Gates (Ref No. 1127)" The site also contains a midden (See Fig. 7). A Cultural Heritage Assessment has been completed for the development and is contained at **Annexure 9**.

2 - Statutory Assessment

The following provides an assessment of the proposed development in accord with the matters under Section 4.15(1)(a) of the Environmental Planning & Assessment Act, 1979 and the relevant Council controls applying to the subject site.

Section 4.15(1)(a) the provisions of:

2.1 STATE ENVIRONMENTAL PLANNING POLICIES

2.1.1 State Environmental Planning Policy 71 – Coastal Protection

The site is located within the coastal zone and as such the provisions of SEPP 71 apply. As defined within the SEPP, the site is located within a sensitive coastal location as it is 100m from the mean high water mark of a sea, bay or estuary and within 100m of mapped SEPP 14 Coastal wetlands.

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Clause 8 – Matters for consideration

The proposed subdivision has been designed considering the site attributes and constraints. Appropriate measures have been included in the design and will be established at construction stage to minimise potential impact on environmental and scenic values. The subdivision layout will provide new opportunities for public access to Evans River.

A review of the heads of consideration (Section 8) and other key matters listed under the SEPP has been undertaken and is provided below.

Section 8

(a) The aims of this Policy set out in clause 2,

(1) This Policy aims:

(a) To protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and

Comment: The proposal seeks to subdivide land which has historically been zoned for urban purposes. All proposed residential lots are contained within the R1 General Residential land use zone boundary.

- Natural Environment

The development footprint has been mainly contained within the R1 Zoned land and on land that has been subject to land clearing and degradation in association with former subdivision works onsite.

The development footprint has been guided by a detailed flora and fauna ecological assessment, which confirmed the land suitable for urban development. Revegetation and rehabilitation works will be undertaken within proposed reserve areas to ensure environmental values are retained. Minor encroachments into the E2 and E3 zones are proposed in areas which are highly disturbed and degraded, as indicated in the Terrestrial Flora and Fauna Assessment at **Annexure 8**.

An average 40m setback has been proposed to the Evans River foreshore. This area will be revegetated and maintained as public open space, promoting usability of the foreshore and visual buffering between the urban footprint.

- Cultural

A detailed Cultural Heritage Assessment has been undertaken for the site. This has included consultation with representatives of the traditional land owners and ongoing community consultation processes. The assessment identified a shell scatter / midden within the south of the site, adjoining the foreshore area. Minor works are proposed over this culturally significant site. Ongoing negotiations are being undertaken regarding the future protection and/or relocation of this shell midden. This is being considered under an Aboriginal Heritage Impact Permit application for the land.

In addition to the protection of the shell midden, the proposed setback from the foreshore area will ensure views along the river are not impeded by residential development. This will assist in protecting the traditional views towards the foreshore area.

- Recreational

As discussed above, the proposal seeks to establish a public reserve along the river foreshore. This lot will be suitably embellished to promote usability and recreation activity. Details of these facilities are contained in the Statement of Landscape Intent at **Annexure 6**.

-
- Economic

The proposal will provide for new housing opportunity on the Far North Coast. The proposed subdivision includes a range of residential lot types which will encourage housing diversity and lifestyle choice in the locality and achieve the objectives of the North Coast Regional Plan 2036.

(b) To protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and

Comment: Despite a road reserve currently fronting the river foreshore, there is no opportunity for public access to the river from the site. The proposal seeks to establish a new public open space area fronting this foreshore that will improve access opportunities to the Evans River. An average 40m setback is proposed to this foreshore which is consistent with the NSW Office of Water requirements for development on water front land.

(c) To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and

Comment: As mentioned above, the proposal creates new opportunities for public access to and along the Evans River foreshore.

(d) To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and

Comment: A Cultural Heritage Assessment has been undertaken as part of the preparation of this Development Application.

This assessment has concluded that the proposed subdivision is unlikely to have any detrimental impact on aboriginal cultural significance and has included a number of recommendations to ensure appropriate management during construction works.

A shell scatter was identified on the site. Subject to the support of the Bandjalang, the shell scatter will be collected and placed in a safe area within the site. An Aboriginal Heritage Impact Permit Application has been submitted (6 July 2015) to National Parks and Wildlife to undertake these works, however the permit has not been issued to date (see **Annexure 9**).

(e) To ensure that the visual amenity of the coast is protected, and

Comment: The proposal seeks to subdivide land which has historically been zoned for residential purposes. Future dwellings constructed on the land will be guided by the existing planning controls which prescribe maximum building height, bulk and scale provisions. A 8.5m building height requirement is applied to the whole site which will ensure any future dwelling on the land will not significantly protrude into the skyline.

As mentioned above, an average 40 meter wide setback from the Evans River waterline is provided and will be landscaped and embellished as part of the proposed works on site. These works will contribute to the protection of the natural amenity of the coastline.

(f) To protect and preserve beach environments and beach amenity, and

Comment: The proposal will not have any impact on beach environments or beach amenity.

(g) To protect and preserve native coastal vegetation, and

Comment: Required clearing works are restricted to highly modified / previously cleared areas. A Flora and Fauna Assessment has been undertaken for the site which confirms that these clearing works will not have any significant environmental impact on flora and fauna species or their habitats.

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Landscaping within road reserve and open space areas will also contribute to the existing native vegetation onsite.

(h) To protect and preserve the marine environment of New South Wales, and

Comment: The proposal does not impact upon fish, marine vegetation or estuarine habitats (see Annexures 7 and 8).

(i) To protect and preserve rock platforms, and

Comment: No rock platforms will be impacted by the proposed development.

(j) To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and

Comment: As discussed above the proposed subdivision provides for population growth and economic development without putting the natural, cultural and heritage values of the coastal environment at risk. The proposal is in accordance with the principles of sustainable development.

(k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and

Comment: Any future dwellings onsite will be designed in accordance with the general housing guidelines prescribed by Richmond Valley Council's LEP & DCP. These controls include provisions for building setbacks, height and bulk as well as landscaping and infrastructure provision. These controls have been prepared specific to the Richmond Valley LGA and will ensure any future building works are consistent with the natural scenic quality of the area.

(l) To encourage a strategic approach to coastal management.

Comment: The site has been historically earmarked for residential development. The proposal is consistent with the strategic planning for the area, including the North Coast Regional Plan 2036.

(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,

Comment: As discussed above the land fronting the Evans River Foreshore Reserve is currently privately owned, which prohibits public access. Two areas will be dedicated as public reserve and embellished. The Evans River foreshore reserve will also be embellished, including the provision of public access.

(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,

Comment: The proposal seeks to establish a new public foreshore open space and access area. A range of public services including picnic and seating areas will be provided to promote recreation activity in this area.

(d) The suitability of development given its type, location and design and its relationship with the surrounding area,

Comment: The proposal is consistent with the relevant land use zone and development provisions. It will provide new housing opportunity on land that has historically been earmarked for this purpose. The proposal is consistent with the strategic planning for the area.

(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,

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Comment: As discussed in detail above, appropriate measures have been included in the design to ensure the proposed works and future land use on site will not have any detrimental impact on the amenity of the coastal foreshore. The proposed 40m average setback from the foreshore will ensure overshadowing or view losses of this natural area do not occur.

(f) *The scenic qualities of the New South Wales coast, and means to protect and improve these qualities,*

Comment: Similar to the comments provided above, the proposed subdivision is consistent with the provisions for residential development provided by Richmond Valley Council's LEP and DCP. There will be a significant amount of native vegetation retained along the foreshore and within proposed Lots 176 and 177, which will ensure the natural scenic qualities of the NSW coast are protected.

(g) *Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,*

Comment: A Flora and Fauna Assessment has been undertaken for the site. This report confirms that by limiting the development footprint to the already cleared /low ecological value areas of the site, the proposed development will not create any significant adverse impact on terrestrial biodiversity in the locality. Proposed landscaping and revegetation works consistent with the regrowth vegetation on site will assist in maintaining and regenerating natural habitat in the area. The proposal will have minimal impact on animals and their environments.

(h) *Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats,*

Comment: The proposal will have minimal impact on fish and marine vegetation (see **Annexures 7 and 8**).

(i) *Existing wildlife corridors and the impact of development on these corridors,*

Comment: The proposal seeks to retain vegetated corridors through the site and along the foreshore to protect wildlife movements. The Flora and Fauna Assessment confirms that the proposal will not have any detrimental impact on wildlife corridors in the area.

(j) *The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,*

Comment: The site is not mapped within a coastal hazard zone. Setting development appropriately back from the foreshore area will assist in minimising the risk of impact from coastal processes.

(k) *Measures to reduce the potential for conflict between land-based and water-based coastal activities,*

Comment: The proposal will promote land and water based activity along the coastal foreshore in an area that was previously only accessible by private property. No site specific controls are considered necessary to manage land and water based activities.

(l) *Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,*

Comment: As discussed above, a Cultural Heritage Assessment (**Annexure 9**) has been undertaken as part of the preparation of this Development Application. The recommendations in the report will be complied with.

(m) *Likely impacts of development on the water quality of coastal waterbodies,*

Comment: The proposal will have minimal impact on water quality. Appropriate measures have been proposed to manage potential water quality impacts such as bio-retention areas, seepage pits and gross pollutant traps as well as erosion and sediment control.

The supporting Engineering Assessment at **Annexure 4** confirms that water quality can be appropriately managed under the revised development scenario.

(n) The conservation and preservation of items of heritage, archaeological or historic significance,

Comment: A local heritage item, being "Paddon's Grave, Iron Gates" is identified approximately 70m west of the development footprint. The Cultural Heritage Assessment confirms that the proposal will not impact this local heritage item.

(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,

Comment: The site has been zoned for residential development for approximately 25 years.

(p) Only in cases in which a development application in relation to proposed development is determined:

(i) The cumulative impacts of the proposed development on the environment, and

Comment: The impacts of the proposal have been identified as short term and manageable. Significant environmental, social and economic benefits would be experienced over a longer period.

(ii) Measures to ensure that water and energy usage by the proposed development is efficient.

Comment: Energy saving measures will be incorporated in future dwelling designs.

Clause 14 – Public Access

The proposed development will not impact upon or prevent access to the coastal reserve as it is wholly contained within private property. The foreshore reserve / open space area (Lots 181 and 182) at the south of the development will be dedicated to Richmond Valley Council for use. Public access will be available to the Evans River frontage.

Despite a road reserve currently fronting the river foreshore, there is no opportunity for public access to the river from within the site. The proposal will establish a new public open space area fronting this foreshore that will improve access opportunities to the Evans River. An average 40m setback is proposed to this foreshore which is consistent with the NSW Office of Water requirements for water front land development.

Clause 15 – Effluent Disposal

Reticulated sewer is accessible for the site and all of the residential allotments are to be connected to Council's sewerage network. Detail of the proposed connection is provided within **Annexure 4**. The proposal is compliant with Clause 15.

Clause 16 – Stormwater

The proposed subdivision layout seeks to maintain the natural drainage regime for the land. Bio-retention areas, ponds and gross pollutant traps are proposed to collect and manage stormwater from the site. Appropriate erosion and sedimentation controls will be implemented during the construction phase (see **Annexure 4**).

Clause 18 – Master plan required before certain consents may be granted

The proposed subdivision is located within a sensitive coastal location as defined by the SEPP. A Master Plan is required pursuant to Clause 18(1) of the Policy.

This revised Master Plan is submitted pursuant to Clause 18. Relevant matters for consideration in Clause 20 are addressed in **Table 1**.

TABLE 1 – CLAUSE 20 OF SEPP71 – COASTAL PROTECTION	
CONSIDERATION	COMMENT
20 Preparation of master plans	
(1) A draft master plan may be prepared by or on behalf of the owner or lessee of the land concerned.	This Draft Master Plan has been prepared on behalf of the landowner, Goldcoral Pty Ltd.
(2) A draft master plan is to illustrate and demonstrate, where relevant, proposals for the following:	
(a) design principles drawn from an analysis of the site and its context,	Annexure 2 – Amended Subdivision Plans and Site Analysis Plan.
(b) desired future locality character,	Annexure 6 – Statement of Landscape Intent and extracts from Annexure 12 – Review of NSW Coastal Design Guidelines
(c) the location of any development, considering the natural features of the site, including coastal processes and coastal hazards,	Annexure 2 – Amended Subdivision Plans
(d) the scale of any development and its integration with the existing landscape,	Annexures 2 and 6
(e) phasing of development,	Not relevant, no staging proposed
(f) public access to and along the coastal foreshore,	Annexure 13 - Waterfront Layout and extracts from 2.2 of the SEE #
(g) pedestrian, cycle and road access and circulation networks,	Annexure 5
(h) subdivision pattern,	Annexure 2
(i) infrastructure provision,	Annexures 4 and 5
(j) building envelopes and built form controls,	Annexure 2
(k) heritage conservation,	Annexure 9
(l) remediation of the site,	Annexure 5
(m) provision of public facilities and services,	Annexures 5 and 6
(n) provision of open space, its function and landscaping,	Annexures 2 and 6
(o) conservation of water quality and use,	Annexure 5
(p) conservation of animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,	Annexures 7 and 8
(q) conservation of fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.	Not relevant – no impact of fish and marine vegetation expected (see Annexures 7 and 8)

Access to the site will be provided by Iron Gates Drive and proposed streets including a new street adjoining the Evans River foreshore. The street will provide public vehicular and pedestrian access to the foreshore which will be suitably embellished and landscaped (see **Annexure 6**).

2.1.2 NSW Coastal Policy 1997

The NSW Government Coastal Policy applies to the land. The proposed development is considered to be consistent with the design and locality objectives of the NSW Government Coastal Policy as discussed in this section.

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Natural Environment

Clause 1.2.5 Threatened species

The revised Reports and **Annexures 7** and **8** address this issue.

Clause 1.2.7 Threatening processes

The revised Reports and **Annexures 7** and **8** address this issue.

Clause 1.3.2 Non-point source of pollution

The revised Engineering Services and Civil Infrastructure Report at **Annexure 5** addresses this issue.

Clause 1.3.7 Water quality

The revised Engineering Services and Civil Infrastructure Report at **Annexure 5** addresses this issue.

Clause 1.3.8 Contaminated stormwater

The revised Engineering Services and Civil Infrastructure Report at **Annexure 5** addresses this issue.

Clauses 1.4.5 & 1.4.7 Assessment of coastline development proposals

The development site is not in close proximity to the coastline and is not subject to coastal processes. No development is proposed in, or immediately adjacent to, the Evans River and potential adverse impacts have been avoided and mitigated in the design and siting of the development.

Natural Processes & climate change

Clause 2.1.3 Physical and ecological processes

Physical and ecological processes are addressed in the revised Engineering Services and Civil Infrastructure Report at **Annexure 5**, the Terrestrial Flora and Fauna Assessment at **Annexure 8** and the revised Ecological Assessment at **Annexure 7**.

Clause 2.1.4 Acid sulfate soils

The revised Engineering Services and Civil Infrastructure Report at **Annexure 5** addresses this issue.

Clause 2.2.2 Sea level change

The revised Engineering Services and Civil Infrastructure Report at **Annexure 5** addresses this issue.

Aesthetic qualities

Clause 3.2.1 North Coast design guidelines (1989)

The proposed development is not inconsistent with the guidelines and in particular, the location principles as the development is not on a headland, ridge or foreshore and will retain existing littoral rainforests and wetlands and provide appropriate treatment of the Evans River foreshore.

Clauses 3.2.2 & 3.2.4 Design to ensure more compact, human scale towns

The site is identified in the North Coast Regional Plan 2036 for Urban development and is zoned for residential development and the proposal is therefore not inconsistent with these Clauses. The proposal is also not inconsistent with the Design and Locational Policies which are relevant to the Development Application in the context of the site location and existing zone.

Cultural heritage

Clause 4.2.3 Aboriginal heritage

Cultural heritage issues are addressed in Section 3.4 and **Annexure 9**.

3 – Conclusion

As reflected in this revised SEPP71 Master Plan, the proposal substantially complies with all statutory and policy requirements. The proposed development is permissible, with development consent and has been designed to avoid or mitigate potential adverse impacts.

The application is considered to be a logical and appropriate approach to the development of the land having regard to relevant planning controls, the context of the surrounding area, and the circumstances of this case. On this basis the Department of Planning, Industry and Environment is respectfully requested to approve this revised Master Plan.



ANNEXURE 1 Revised Draft Master Plan, Drawing No. 100-015, Rev F – LandPartners 6 April 2018

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A.C.N. 093 157 165
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Revised Master Plan
Project No: GOL 16/174 – Revised October 2019

178 Lot Subdivision
Iron Gates Drive, Evans Head



ANNEXURE 2 **Site Analysis Plan and Design Response Plan, Issue 01 – Arcadis, 17 July 2019**
Proposed Subdivision Plans, Rev M, 27 June 2019 – LandPartners
Proposed Subdivision Plans with Air Photo Overlay, Rev H, 27 June 2019 –
LandPartners
Proposed Subdivision Plans with Zone Overlay, Rev O, 27 June 2019 – LandPartners



**ANNEXURE 3 Revised Consolidated Bushfire Report – Bushfire Risk Pty Ltd, 12 July 2019 and
Bushfire Assessment – Additional Information Response, Iron Gates Drive – Bushfire
Risk, 8 March 2017**

DAC Planning Pty Ltd
A.C.N. 093 157 165
Town Planning & Development Consultants



ANNEXURE 4 Engineering Plans, Iron Gates Drive Upgrade Work, Rev 02 – Arcadis, 21 August 2017

DAC Planning Pty Ltd
A.C.N. 093 157 165
Town Planning & Development Consultants

Revised Master Plan
Project No: GOL 16/174 – Revised October 2019

178 Lot Subdivision
Iron Gates Drive, Evans Head



**ANNEXURE 5 Iron Gates Residential Development Revised Engineering Services and Civil
Infrastructure Report and Engineering Plans – Arcadis Consulting Pty Ltd, 23 July 2019**

DAC Planning Pty Ltd
A.C.N. 093 157 165
Town Planning & Development Consultants



ANNEXURE 6 Statement of Landscape Intent – Plummer & Smith, 17 July 2019

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A.C.N. 093 157 165
Town Planning & Development Consultants



ANNEXURE 7 Amended Ecological Assessment (Iron Gates Drive) – JWA Pty Ltd, April 2019

DAC Planning Pty Ltd
A.C.N. 093 157 165
Town Planning & Development Consultants



**ANNEXURE 8 Terrestrial Flora and Fauna Assessment – Planit Consulting, August 2014 as amended
by JWA Pty Ltd, July 2019**

DAC Planning Pty Ltd
A.C.N. 093 157 165
Town Planning & Development Consultants



ANNEXURE 9 Revised Aboriginal Cultural Heritage Assessment – Everick Heritage Consultants, July 2019

DAC Planning Pty Ltd
A.C.N. 093 157 165
Town Planning & Development Consultants



ANNEXURE 10 Email from Crown Lands Dated 29 March 2019 in Relation to the Status of Existing Road Reserves and the Evans River Foreshore Reserve and Letter from Crown Lands Dated 24 February 2014



ANNEXURE 11 Socio-Economic Impact Assessment – Hill PDA, July 2019

DAC Planning Pty Ltd
A.C.N. 093 157 165
Town Planning & Development Consultants

Revised Master Plan
Project No: GOL 16/174 – Revised October 2019

178 Lot Subdivision
Iron Gates Drive, Evans Head



ANNEXURE 12 Review of NSW Coastal Design Guidelines – Planit Consulting, Undated (Annexure K of 23 October 2015 RFI Response)

DAC Planning Pty Ltd
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Town Planning & Development Consultants



ANNEXURE 13 Iron Gates Waterfront Layout – Planit Consulting, Undated (Annexure G of 23 October 2015 RFI Response)

DAC Planning Pty Ltd
A.C.N. 093 157 165
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