



11 December 2019

Mr Jeremy Gray
Director, Northern Region
Department of Planning, Industry and Environment
Locked Bag 9022
Grafton NSW 2460

Dear Mr Gray

**SEPP 71 – Draft master plan for Lot 163 DP 831052, Lots 276 and 277 DP 755624 at Crown
Foreshore Reserve and Iron Gates Drive, Evans Head NSW 2428**

In March 2015, the then Department of Planning and Environment (the Department), referred an application to waive the need for a master plan to the Natural Resources Commission (the Commission) for consultation pursuant to Clause 18 (1) (e) of the *State Environmental Planning Policy No. 71 – Coastal Protection* (SEPP 71). The matter was related to 176 lot residential subdivision of the above referred lots at Evans Head.

The Commission, in its letter dated 31 March 2015, recommended that a master plan be prepared. Now, a Draft Master Plan for the Iron Gates Residential Release at Evans Head (Draft Master Plan) has been prepared.

The Department is seeking the Commission's advice on the Draft Master Plan.

New arrangements

The Commission notes that it no longer has a statutory role to review development proposals within the coastal zone since SEPP 71 was repealed. However, the current request from the Department is unique because the development application was lodged prior to repealing of SEPP 71. Hence, SEPP 71 and the Commission's advice still applies to this development under Clause 21 (*Savings and transitional provisions*) of the new *State Environmental Planning Policy (Coastal Management) 2018*.

Assessment

The Commission has reviewed the Draft Master Plan and notes:

- The proposed development is in a sensitive coastal location. The subject site is close to a mapped SEPP 14 Coastal Wetland, fronts the Evans River to the south, and is surrounded by a local native forest to the south.
- Iron Gates Drive is required to be upgraded to obtain a Bush Fire Safety Authority and this upgrading will impact the environment.
- While measures are in place to manage stormwater from the residential subdivision site, the Draft Master Plan does not discuss how stormwater from the upgraded Iron Gate Drive will be managed to minimise the negative impacts from potentially poor water quality runoff to the nearby SEPP 14 wetland.

Iron Gates Drive is required to be upgraded to obtain a Bush Fire Safety Authority. The upgrade will involve:

- clearing the full road width (20 metres) of vegetation/trees, including some areas of listed Endangered Ecological Communities
- widening the existing pavement from 6 metres to 6.5 metres
- installing traffic management devices and signage.

The then Office of Environment and Heritage indicated that the biodiversity offset credits are applicable to the proposed vegetation clearing works and requires the credit obligations to be satisfied. These credit obligations are listed in Section 4.4 (Mitigation Measures) of the Amended Ecological Assessment (JWA Consultants, April 2009), and in the Office of Environment and Heritage letter dated 8 March 2019 to JWA Ecological Consultants. The letter states that the credits should be retired as an offset, prior to the removal of vegetation for upgrading Iron Gates Drive.

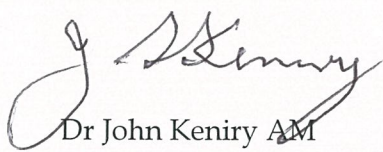
Commission's advice

The Commission recommends:

- The proponent fully satisfy the biodiversity offset credit obligations, prior to commencing any work on either the proposed residential development or the Iron Gates Drive upgrade.
- The master plan include collection and treatment of stormwater from the upgraded Iron Gate Drive to minimise potentially negative impact on water quality of the nearby SEPP 14 wetland.

Should you wish to discuss this matter further, please contact Jeff Bell on 9228 4494 or jeffrey.bell@nrc.nsw.gov.au.

Yours sincerely



Dr John Keniry AM
Commissioner