



Richmond
Valley
Council

Council's Reference: PP2018/0001
Your Reference: PP_2018_RICHM_002_00

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30 August 2019

Director Regions, Northern
Department of Planning, Industry & Environment
Locked Bag 9022
GRAFTON NSW 2470

Attention Alison Parr

Dear Alison

Planning Proposal PP2018/0001 - Seeking extension to Gateway Determination date

Council received a Gateway Determination for Planning Proposal PP2018/0001 (Your ref. PP_2018_RICHM_002_00) on 21 September 2018 for a residential rezoning on Lennox Street Casino. Condition 6 requires the LEP to be completed 12 months from the date of the Gateway Determination.

Council has been working with the Applicant to advance the rezoning through Agency consultation, however, there have been several delays in receiving information from the Applicant and Agencies, meaning the 21 September 2019 deadline will not be met. Council therefore seeks an extension of 6 months to complete the LEP Amendment.

Following is a summary of Agency consultation outcomes thus far-

Department of Primary Industries- Agriculture—13 Feb 2019—The proposal is considered to be consistent with the *Important Farmland Interim Variation Criteria* identified in the North Coast Regional Plan. Should the proposal be approved, the impact of filling on changed water flows, and land use conflict risk mitigation, should be considered for nearby agricultural properties.

NSW Office of Environment & Heritage- Cultural Heritage—8 March 2019—OEH has no further issues to raise in relation to Aboriginal cultural heritage and supports the four recommendations of the Aboriginal Cultural Heritage report.

NSW Office of Environment & Heritage- Biodiversity—last correspondence to OEH 20 Aug 2019—OEH requires a Planning Agreement to secure minimum biodiversity offset credits for a small fragmented patch of floodplain vegetation. A Biodiversity Assessment Report has been submitted to OEH along with a Draft Planning Agreement to secure six (6) credits.

NSW Office of Environment & Heritage- Flooding—correspondence from OEH 11 Feb 2019—OEH requires updates to the Flood Study which relies on the most relevant flood information for the planning area. The *Floodplain Development Manual* (2005) requires flood assessments for the full range of flood events not just the 100-year ARI flood. The preferred option for road access is for roads to rise from an evacuation

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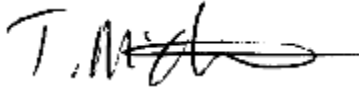
location. The proposed road layout has residents required to head to the east to the more flood affected roads before being able to head west to the nearest flood refuge. The proposed layout needs to be reconsidered to provide better flood evacuation.

NSW State Emergency Services- Flood Evacuation—it took numerous letters and phone calls to get a response from SES. Consultation commenced on 7 Dec 2018 and a submission was finally received on 18 July 2019 after contacting the Commissioner—SES has raised concerns with the proposal increasing the number of residents at risk of flooding. The proposed rezoning will also increase the risk to NSW SES operations by: increasing the number of people who need to be evacuated or rescued; increased demand on local roads that may serve as evacuation routes for existing residents; and increase the scale of ongoing resupply operations already required during flood emergencies.

Actions since the OEH Flood submission was received (and also addressing the SES concerns)—The Applicant had trouble getting the Flood Study updated, as FLUME, the hydraulic engineering company that prepared the study, has ceased trading. A new company ENGENY was engaged and, despite early modelling issues, has produced flood modelling for a 500-year ARI and PMF flood. The Applicant has also prepared a revised concept subdivision layout orientating the estate's cul-de-sac towards Lennox Street. These updates should address any concerns of OEH & SES.

Should you require any additional information please contact me on 02 66600276 or via email tony.mcateer@richmondvalley.nsw.gov.au .

Yours sincerely,

A handwritten signature in black ink, appearing to read 'T. McAteer', with a stylized flourish at the end.

Tony McAteer
Coordinator Planning Services