

RESPONSE TO SUBMISSIONS

State Environmental Planning Policy No. 71 Coastal Protection
Master Plan
Iron Gates Development
Evans Head

Prepared By:

DAC PLANNING PTY LTD

Prepared For:

GOLDCORAL PTY LTD

March 2020

dacplanning.com.au

TABLE OF CONTENTS

1.0	INTRODUCTION	4
2.0	PUBLIC SUBMISSIONS	5
2.1	Sewerage System Capacity	5
2.2	Population	5
2.3	Bushfire	5
2.4	Court Orders	6
2.5	Flood Concerns	7
2.6	Environmental Issues	7
2.7	Ecological	7
2.8	Aboriginal Cultural Heritage	8
2.9	Traffic	8
2.10	Impact on Evans River	8
3.0	STATE AGENCY SUBMISSIONS	9
3.1	NRAR/DoPIE Water (23 January 2020)	9
3.2	Natural Resource Commission (11 December 2019)	11
3.3	Department of Primary Industry Fisheries (20 November 2019)	13
3.4	DPI Crown Lands (19 December 2019)	15
3.5	Rural Fire Service	16
3.6	DoPIE – Biodiversity Conservation Division, 20 November 2019	16
4.0	CONCLUSION	16

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

TABLE OF CONTENTS

ANNEXURES

ANNEXURE 1	Email from JWA Dated 4 March 2020 with Responses to NRC, NRAR & DPI – Fisheries
ANNEXURE 2	Survey Plan, Drawing No. BRJP6393-100-47, Rev 1 – Land Partners, 6 March 2020
ANNEXURE 3	DPIE (Biodiversity Conservation Division) General Terms of Approval Dated 28 January 2020 in Relation to the Aboriginal Midden
ANNEXURE 4	Response to Submissions –Everick Heritage Consultants Pty Ltd, 24 March 2020
ANNEXURE 5	Iron Gates Drive Stormwater Management Plan – Arcadis, 20 March 2020
ANNEXURE 6	Response to NSW State Agency Comments – Arcadis, 20 March 2020
ANNEXURE 7	Amended Plan of Proposed Subdivision – Land Partners Pty Ltd, 23 March 2020
ANNEXURE 8	Roads & Maritime Services Submission to DA2015/0096
ANNEXURE 9	Amended Evans River Foreshore Embellishment Plan – Land Partners Pty Ltd, 19 March 2020
ANNEXURE 10	DoPIE (BCD) Letter Dated 20 November 2019 Regarding Ecology and Offsets

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

RESPONSE TO SUBMISSIONS

SEPP71 COASTAL PROTECTION MASTER PLAN IRON GATES DEVELOPMENT, EVANS HEAD

1.0 INTRODUCTION

Following public exhibition of the State Environmental Planning Policy No. 71 (SEPP71) Master Plan (DAC Planning Pty Ltd, Revised October 2019), a total of 88 public submissions were received. 60 of the submissions support the proposed development and 28 submissions oppose the proposed development.

Key issues raised in the public submissions are addressed in Section 2.0 of this Report.

Submissions were also received from State Agencies including:

- ♦ Natural Resource Access Regulator (NRAR)/ Department of Planning, Industry and Environment (DoPIE) Water dated 23 January 2020.
- ♦ DoPIE, Biodiversity Conservation Division dated 20 November 2019.
- ♦ Natural Resource Commission dated 11 December 2019.
- ♦ DPI Fisheries dated 20 November 2019.
- ♦ DoPIE (Crown Lands) did not make a submission to the Draft Master Plan, however they did make a submission to DA2015/0096 on 19 December 2019. The submission was cc'd to the Department and raises issues relevant to the Master Plan. Those issues are also addressed in this Response.

The Department of Planning, Industry and Environment (DoPIE) arranged a meeting and site inspection at Evans Head with key State Agencies on 11 March 2020 in relation to the Draft Master Plan. Agencies invited to the meeting and those that attended are summarised in the following **Table 1**.

TABLE 1 – STATE AGENCY MEETING	
INVITED	ATTENDANCES
DoPIE	Jon Stone
Crown Lands	Did not attend. A telephone conference was held with Silas Sutherland.
Biodiversity Conservation Division	Did not attend.
Richmond Valley Council	Angela Jones, Tony McAteer, Pooja Chugh, RVC Consultant Malcolm Scott.
Rural Fire Service	Did not attend.
DPI Fisheries	Did not attend.
Natural Resource Commission	Did not attend.
Natural Resource Access Regulator	Did not attend.

The key outcomes of the meeting are discussed in the responses to relevant Agency submissions.

Key issues raised in the Agency submissions are addressed in Section 3.0 of this Report.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

The final Management Plan is intended to inform the final subdivision design which is the subject of DA2015/0096. The Development Application was publicly exhibited from 18 November 2019 and the Draft Master Plan was exhibited from 6 November 2019 to 8 December 2019.

2.0 PUBLIC SUBMISSIONS

The key issues raised in the public submissions are summarised as follows, together with responses.

2.1 Sewerage System Capacity

Sewer capacity is addressed at Section 9.2 of the Engineering Services and Civil Infrastructure Report (ESCIR) prepared by Arcadis at Appendix 2 of the Statement of Environmental Effects (SEE). The capacity analysis has been prepared following extensive consultations with Richmond Valley Council (RVC) Officers and concludes that there are no capacity constraints subject to detailed design and analysis at the subdivision works stage.

2.2 Population

The ESCIR at Appendix 2 of the SEE estimates that there will be a total population of 563.5 persons based on 105 singles dwellings @ 2.3ppd and 140 dual occupancies @ 2.3ppd.

This equates to a nett density of 9.3 lot/hectare (based on the area of residentially zoned land at 18.86 hectares and 175 lots). It also equates to a density of approximately 12.7 dwellings/hectare, based on a total of 245 dwellings, including dual occupancy.

The lot/dwelling yield is consistent with the objectives of the R1 zone and the ultimate population reflects the optimal development potential of the site, having regard to relevant statutory planning controls and key site opportunities and constraints.

The proposal is also consistent with the provisions of the North Coast Regional Plan 2036 (NCRP) in that it will:

- ♦ Provide additional housing to meet the projected 2036 population (25,650 people) and dwellings (12,300).
- ♦ Delivery employment opportunities to Evans Head.
- ♦ Enhance the variety of housing options available in Evans Head.

2.3 Bushfire

The site has been zoned for residential development for approximately 30 years and is included in the Urban Footprint under the Far North Coast Regional Strategy 2006-2031 (FNCRS) and the NCRP2036. These Plans indicate that bushfire hazards are not an absolute constraint to development of the site for residential purposes.

Compliance with Planning for Bushfire Protection, 2006 is addressed in the Bushfire Assessments at Annexure 3 of the Draft Master Plan.

In addition, the Rural Fire Service (RFS) issued General Terms of Approval (GTAs) on 11 March 2020 for DA2015/0096 and therefore, it is concluded that bushfire hazards are not a significant issue.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

2.4 Court Orders

A number of submissions to DA2015/0096 raised the issue of the status of previous Court Orders and the status of Iron Gates Drive. As indicated in the Statement of Environmental Effects for DA2015/0096 and the legal advices accompanying the Statement, Iron Gates Drive is a public road under the care, control and management of RVC. Whilst the submissions relate to the Development Application, they also have relevance to the Master Plan and the applicant's Lawyers, Mills Oakley, have advised as follows in relation to the submissions.

"Submission 498

The identity of Goldcoral Pty Ltd as the applicant/proponent, and who its director is, is legally irrelevant to the determination of the development application.

This issue was comprehensively addressed by the Chief Judge of the Land and Environment Court in Jonah Pty Limited v Pittwater Council [2006] NSWLEC 99:

- Planning and development consents are concerned with the acts done or to be done and the use, not the identity of the actor or user (at [34]).*
- Development consents are not personal to the applicant and operate irrespective of who the owner of the land may be from time-to-time (at [34]).*
- In undertaking the merit determination of whether to grant a development consent, it is irrelevant to enquire as to who is the current owner/operator, or who might be the future owner/operator, or whether the present owner/operator has in the past acted or used the land unlawfully, or whether the future owner/operator is likely in the future to act or carry out any approved use unlawfully (at [35]). Allegations of past unlawful use by the current owner not even relevant as a predictor of future unlawful use (at [34]). Mere unlawfulness of past use is not a relevant factor (at [37]).*

Issues about the personal character of an applicant and whether it/he/she is a fit and proper person is not something that can be lawfully considered (TL & TL Tradings Pty Ltd v Parramatta City Council [2016] NSWLEC 150 at [112]). Accordingly, the allegation about Goldcoral Pty Ltd and its director can simply be dismissed out-of-hand.

Submission 348

There are no proceedings in the Land and Environment Court on-foot concerning this site. Whether a company that no longer exists (Iron Gates Pty Ltd) has complied with orders of the Court is irrelevant. Given the age of the orders, and the fact that there is no party in existence to which they apply, they can have no relevance to the present determination of the application.

There is a claim that G A Ingles and P A Strawbridge are subject to orders of the Court as a result of Oshlack v Iron Gates Pty Ltd (number 40152 of 1996) [1997] NSWLEC 89. However, the online version of this judgment describes the orders as follows:

Orders

In accordance with the foregoing, I make the following orders:

- 1. The first respondent shall remediate the land known as the Iron Gates site, being portions 276 and 277, Parish of Riley, in deposited plan 755624 ("the site") in accordance with the remediation plan annexed and marked "A".*
- 2. The work referred to in order 1 shall commence immediately, be pursued as quickly as reasonably practical and shall be completed within two years of the date of this judgement.*
- I grant liberty to all parties to apply on three days' notice.*
- 4. I reserve the question of costs.*
- The exhibits may be returned, with the exception of ex "M".*

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

We cannot see where the alleged extract from the 'orders' that appears in the submission has actually come from.

In any event, for reasons discussed above, these matters are irrelevant to the merit determination of the development application.

In terms of the Court order registered on title, a copy of the order (and the associated request) is attached.

We act for Goldcoral Pty Ltd (Goldcoral).

We understand that you have asked about the effect of the attached Court order registered on the title of the Goldcoral land.

The Court document comprises nine paragraphs.

Paragraphs 1-3 are declaratory and have no continuing effect.

Paragraphs 5-6 only apply to Iron Gates Pty Ltd. This corporation no longer exists.

Paragraphs 7-9 are administrative in nature and have no present significance.

This only leaves paragraph 4.

Paragraph 4 is an order that the Iron Gates Pty Ltd and its assigns be restrained from carrying out development under development consent 149/92. The order purports to prevent the current landowner of the Goldcoral land (as an 'assign') from acting on development consent 149/92.

Goldcoral is not proposing to act on development consent 149/92. Goldcoral is pursuing a new development consent (DA 2015/0096)."

2.5 Flood Concerns

Issues relating to flooding are addressed in Annexure 5 of the revised Master Plan (DAC Planning Pty Ltd, October 2019) and the Arcadis Response at **Annexure 6** of this Report.

2.6 Environmental Issues

The development has been designed based on an "avoid, mitigate, offset" strategy to reduce potential environmental impacts. A suite of Specialist Reports and Management Plans have been prepared to inform the design of the development and address potential impacts. Approved Management Plans for the construction phase can be required as a condition of consent to DA2015/0096 in accordance with normal practice, to ensure that potential impacts at this stage are managed and mitigated.

2.7 Ecological

The Ecological Reports, at Annexures 7 and 8 of the Draft Master Plan, address relevant statutory matters and proposed offsetting, where appropriate. The development site has been highly modified by previous work and has no significant ecological values. In addition, the key State Agency responsible for ecological matters (DoPIE, Biodiversity Conservation Division) has not made a submission to the Draft Master Plan. The BDC did make a submission dated 13 November 2019 to DA2015/0096 stating that:

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

"We have reviewed the Statement of Environmental Effects (SEE) and attached appendices which include our correspondence that identifies a suitable offset for the proposed development. As such, we have no issues to raise about the submitted information being exhibited as part of the proposed development."

2.8 Aboriginal Cultural Heritage

Annexure 4 comprises an expert response to the submissions relating to Aboriginal cultural heritage. In summary, the Report concludes that issues raised in the submissions do not give rise to any matters that have not been addressed in the original Everick Aboriginal Cultural Heritage Assessment Report (2019). In addition, DoPIE (BCD) has issued General Terms of Approval for an AHIP.

2.9 Traffic

The ESCIR prepared by Arcadis at Annexure 5 of the Draft Master Plan includes a Traffic Report which concludes that:

"Conclusions

Based on the assessment contained within this letter, it is considered that the proposed local road suitably designed to cater for the expected development traffic and there is to be suitable public transport infrastructure to cater for the needs of the local area."

RMS did not make a submission to the exhibited Draft Master Plan however the Service did make a submission dated 18 October 2019 to Development Application No. 2015/0096 (see **Annexure 8**). Arcadis has provided the following comments in relation to traffic issues raised in the private submissions.

"Traffic modelling and detailed analysis of the nearby intersections by an accredited consultant should be looked at in favour of anecdotal thoughts on the traffic network near to the site. The additional construction activity generated from the development should be considered within the 'normal activity' of local government roads, inclusive of earth-moving/trucking companies, residential construction activity and would be considered to be covered under the permits, taxes and rates paid by these businesses, contractors and future residents.

If there is a major concern for the existing road pavement quality, it is expected that the construction traffic would be a condition of approval, with a dilapidation survey required prior to commencement of works and any necessary repair works undertaken by the Contractor/Developer to return the road network to the prior standard.

Any upgrade costs of local roads would be well within the additional infrastructure charges paid to RVC as part of the plan sealing of the development, and would be the responsibility of the local government following the need for road upgrades as part of the infrastructure plan for the town. It is noted that any road upgrade would benefit all members of the community."

2.10 Impact on Evans River

The subdivision has been designed to minimise disturbance of the immediate riparian zone adjacent to the Evans River as a means of maintaining bank stability, minimising impacts on threatened species and native vegetation.

In addition, stormwater will be treated prior to discharge to the River and onsite detention is proposed to ensure that post development flows are essentially the same as pre development flows. Potential impacts on the Evans River are addressed in Section 2.5.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

As indicated in Section 3.4 the Master Plan drawings have been amended to delete any work within the Evans River foreshore reserve.

3.0 STATE AGENCY SUBMISSIONS

3.1 NRAR/DoPIE Water (23 January 2020)

NRAR:

1. The Draft Master Plan for the Iron Gates Residential Release at Evans Head proposes a 10-metre setback from the mapped SEPP14 wetlands.
2. In accordance with the Guidelines for Riparian Corridors (NOW, 2012), wetlands are required to have a 40-metre Vegetated Riparian Zone setback.
3. The proposed Draft Master Plan for the Iron Gates Residential Release at Evans Head is not consistent with the Guidelines for Controlled Activities and NRAR recommends that the proposal be modified to include 40m setbacks.

The Project Ecologist (JWA Pty Ltd) has provided the following responses dated 4 March 2020.

Response to Item 1

*"As discussed in **SECTION 3.2.1** (pg. 17) and **SECTION 6.3** (pg. 123) of the Terrestrial Flora and Fauna Assessment (as amended July 2019 by JWA Pty Ltd) the northeast portion of the site contains a SEPP 14 Coastal Wetland area however, the extent of this wetland mapping does not reflect ground-truthed site vegetation.*

*The area mapped as SEPP 14 wetland occurring within the development footprint was determined to be regenerating acacia and/or cleared land. No permanent water exists in this location, and the area does not display characteristics of a wetland in terms of physical conditions or vegetation communities. The current SEPP 14 mapping also includes areas of Wet and Dry heath communities adjacent to the development footprint, in addition to a small patch of Swamp sclerophyll forest in the north-eastern corner of the site. Heath communities were excluded from original SEPP 14 mapping as they are rarely associated with bodies of standing water (Adam et al. 1985). An accurate/revised SEPP 14 map has therefore been prepared for the subject site (**ATTACHMENT 1**) and is restricted to Swamp sclerophyll forest in the north-eastern corner of the site approximately 125m from the proposed development. Whilst it is acknowledged that SEPP 14 Wetlands also occur on adjoining land to the north and east of the site, and were not ground-truthed during the assessment, a constructed drain occurs between the proposed development and these adjoining areas.*

It should be noted that:

- *The proposal does not impact on the SEPP wetland and the proposed filling of the eastern drainage line may assist in reducing draw down of the water table from within the mapped SEPP area.*
- *The proposed subdivision layout seeks to maintain the natural stormwater drainage regime across the site. The drainage feature in the north east of the site and occurring within the mapped wetland designation is retained and buffered from development.*
- *Bio-retention areas, ponds and gross pollutant traps are proposed to collect and manage stormwater before leaving the site.*
- *The Engineering Impact Assessment prepared to accompany the development application includes plans and commentary regarding the proposed stormwater management strategy for the site. It is understood that further detail will form part of the future Construction Certification applications.*

A Stormwater Management Plan and Erosion and Sediment Control Plan will be prepared prior to commencement of construction to ensure that there are no indirect impacts on nearby riparian land and waterways as a result of the proposed development."

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Response to Item 2

"The Guidelines for Riparian Corridors (NOW 2012) were developed for controlled activities carried out in, on or under waterfront land that are regulated by the Water Management Act 2000 (WM Act). The guidelines define waterfront land as "the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake or estuary". The guidelines are therefore not necessarily automatically applicable to all SEPP 14 wetlands. The development does not occur on waterfront land and is not a controlled activity under the WM Act. Therefore, in this instance the guidelines are not relevant."

Response to Item 3

*"Whilst a 40m setback has not been provided to the mapped, or actual on ground extent, of the SEPP 14 wetland, the proponent engaged in extensive negotiations with the Biodiversity Conservation Division (BCD) of the NSW Department of Planning, Infrastructure and Environment (DPI&E), formerly the Office Environment and Heritage (OEH), over an 18 month period in relation to appropriate offsets for both the direct and indirect impacts (in lieu of providing additional setbacks/buffers) of the proposed development on retained vegetation on and adjoining the subject site. Details of the agreed Biodiversity Offset Package are provided in the Terrestrial Flora and Fauna Assessment (as amended July 2019 by JWA Pty Ltd). BCD subsequently prepared a Submission to DA2015/0096 dated 13 November 2019 (**ATTACHMENT 2**) which raises no ecological issues."*

DoPIE – Water

1. The Iron Gates development proposal site lies at a pinch point on the Evans River. A slight elevation is aligned approximately along an existing road easement west of Lot 276 DP 755624. The subdivision is located on the eastern flank of this elevation, extending into a SEPP 14 coastal wetland.
2. A flood study developed for the Evans River indicates likely inundation of the Iron Gates Road and potential floodwater storage within the development area. The development is likely to be isolated during floods, and climate change risks of increased flooding severity may pose some threat to part of the development area.
3. The Master Plan does not provide sufficient information for assessment of geomorphic risks arising from existing flood regimes or potential changes as climate change scenarios occur.
4. Geomorphic processes driving sediment transport and deposition are significant in a wave dominated delta estuary. Sediment accumulation may drive increased flood height or storm surge backwater storage in the SEPP 14 wetland and associated watercourses and drainage lines.
5. Geomorphic processes are not addressed in the documentation provided. Detailed assessment of estuarine geomorphic processes is required to account for likely and possible changes in flood flow behaviour resulting from climate change, leading to altered sediment transport and deposition processes in the Evans River estuary. This should form a basis for mitigation to flooding risk to the Iron Gates subdivision proposal and identify appropriate development limits to housing on the site.
6. Hydrologic linkages between the Richmond River estuary and the Evans River inlet through the Tuckmobile Canal below Woodburn require further detailed examination.
7. The risk of inundation and isolation of the Iron Gates proposal resulting from storm surge meeting flood wave travelling along the Evans River requires detailed explanation. The flood scenarios rely upon the WBM Evans River Flood Study, therefore the inundation and fringing flood zones adjacent to the development site should be assessed against the recommended flood protection elevation buffers for the lower Evans River.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

-
8. Sedimentation storage and influence on flood surges into and along the lower Evans River should also be included in any such study. This must also address intrusion into the existing SEPP 14 wetland and development adjacent to an unnamed drainage line within Lot 544 DP 48550.

Response

The Arcadis Report at **Annexure 6** addresses the issues raised in this submission.

3.2 Natural Resource Commission (11 December 2019)

- *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.*

DAC Response

Compliance with the obligation to pay biodiversity credits prior to the issue of a Subdivision Works Certificate can be achieved by imposing an appropriate condition on the Development Consent.

JWA Response (4 March 2020)

"It should be noted that at the time of the development application, the proposed Iron Gates development did not specifically trigger the requirement for offsets under the (now superseded) Threatened Species Conservation Act 1995 or the (current) Biodiversity Conservation Act 2016.

However, in a show of good faith and as discussed above, and in addition to the proposed measures to avoid and minimise ecological impacts, the proponent engaged in extensive negotiations with the BCD over an 18 month period in relation to appropriate offsets. The direct and potential indirect impacts of the development on native vegetation communities will be offset in accordance with requirements of the Biodiversity Offsets Scheme (i.e. under the current Biodiversity Conservation Act 2016).

Details of the agreed Biodiversity Offset Package are provided in the Terrestrial Flora and Fauna Assessment (as amended July 2019 by JWA Pty Ltd) and include:

Rehabilitation works

- *The proponent proposes to rehabilitate the littoral rainforest patches and associated buffers (including site preparation, weed control and planting locally endemic species) at an estimated cost of \$80,000 in accordance with an approved Management Plan.*
- *Fencing will be installed (post and rail/bollards) on the periphery of the Littoral rainforest patches to reduce potential impacts to the area at an estimated cost of \$48,000.*

Protection in Perpetuity

- *The rehabilitated Littoral rainforest patches (totalling 8.83 ha) will be secured and managed under a stewardship agreement (under the Biodiversity Conservation Act 2016) entered into by the proponent.*
- *This will include a Total Fund Deposit of \$371,538.*

Acquittal of additional offset credits

- *The rehabilitation works, and stewardship agreement discussed above will acquit 86 credits.*
- *The remaining 157 credits (243 credits- 86 credits) will be acquitted via payment to the Biodiversity Conservation Trust Fund by the proponent in an amount of \$274,593.*

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

It is likely that a condition of development consent would require that the above rehabilitation works commence, the stewardship agreement is in place, and the financial settlement is made prior to commencement of clearing works.

Separate negotiations occurred with the BCD over a 4 month period in relation to appropriate offsets for the slight widening of the existing Iron Gates Drive (the entrance road to the development) necessary to comply with contemporary bushfire requirements. Agreement was reached with the BCD that the following offset credit obligations are generated by the proposed road widening:

- 21 Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions credits;*
- eight (8) Littoral Rainforest in the NSW North Coast, Sydney Basin and South East Corner bioregions credits; and*
- three (3) Coastal Heath on Sands of the NSW North Coast Bioregion credits.*

It was noted by BCD that the credits should be retired as an offset prior to the removal of vegetation for the widening of the existing Iron Gates Drive.

In addition to the above, BCD prepared a Submission to DA2015/0096 dated 13 November 2019 (ATTACHMENT 2) which raises no ecological issues."

- 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.*

DAC Response

As indicated in the letter at Appendix 9 of the SEE for DA2015/0096 from Mills Oakley, the site is bushfire prone land. In order to implement a Bushfire Safety Authority, upgrading of Iron Gates Drive is required. The work will involve (along the whole stretch of Iron Gates Drive, other than the mapped SEPP14 wetland areas) the following:

- Clearing the full road reserve width (20m) of vegetation/trees (generally native plants other than SEPP14 areas);
- Widening the existing 6m to 6.5m pavement (ie. the carriageway for vehicles) to 8m;
- Installing traffic management devices such as reflective road markers and (in some locations) signage.
- Trim branches overhanging the road reserve in the SEPP14 areas (see letter from Mills Oakley dated 23 October 2016 at Appendix 9 of the SEE.)
- As indicated on the plans, the upgrade work is limited to shoulder widening and pavement sealing. No earthworks are proposed or required to widen the road formation and no widening of culverts is required.

Access to the site will be achieved via Iron Gates Drive. Iron Gates Drive was constructed in the road reserve in the mid 1990's.

Iron Gates Drive is entirely contained within the E3 Environmental Management zone under Richmond Valley Local Environmental Plan 2012 (RVLEP2012).

On 30 August 2016, an Officer of the Council advised that Richmond Valley Council (RVC) is the roads authority for the road, however, all construction within the road has never been formally accepted by Council as an asset.

Issues in relation to upgrading of Iron Gates Drive, trimming vegetation in the SEPP14 wetland and the legal status of Iron Gates Drive are addressed in the legal advice at Appendix 9 of the SEE. In summary, Mills Oakley advise that:

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

-
- Trimming of vegetation does not trigger SEPP14.
 - The applicant can seek approval to carry out the upgrade works on Iron Gates Drive as part of the existing Development Application.
 - In summary, the Wilson Case Orders and Gazettal date for Iron Gates Drive do not change their advice of 26 December 2016.

The potential impacts of the relatively minor upgrading of Iron Gates Drive are addressed in the Specialist Reports appended to the Statement of Environmental Effects, including Appendix 4 – Iron Gates Drive Engineering Plans and Annexures 4 and 5 of the Draft Master Plan.

In addition, the upgrade works are limited to the minimum required by the RFS to provide satisfactory access to the subdivision.

In summary, it is considered that the upgrade works avoid and mitigate potential impacts and where this is not possible, offsetting is proposed.

3.3 Department of Primary Industry Fisheries (20 November 2019)

The Project Ecologists (JWA Pty Ltd) have provided the following responses to the issues raised (see **Annexure 1**).

Key Fish Habitat

"A policy definition of the term 'Key Fish Habitat' (KFH) was developed by the Department in 2007 to guide a state-wide mapping project to define and identify KFH – those aquatic habitats that are important to the sustainability of the recreational and commercial fishing industries, the maintenance of fish populations generally and the survival and recovery of threatened aquatic species. Essentially KFH was defined to include all marine and estuarine habitats up to highest astronomical tide level (that reached by 'king' tides) and most permanent and semi-permanent freshwater habitats including rivers, creeks, lakes, lagoons, billabongs, weir pools and impoundments up to the top of the bank. Small headwater creeks and gullies (known as first and second order streams), that only flow for a short period after rain are generally excluded, as are farm dams constructed on such systems. Wholly artificial waterbodies such as irrigation channels, urban drains and ponds, salt and evaporation ponds are also excluded except where they are known to support populations of threatened fish or invertebrates.

Marine vegetation, such as saltmarsh, mangroves, seagrasses, and macroalgae (seaweeds) are protected under the Fisheries Management Act (FM Act). Harming of any marine vegetation triggers integrated development under s.205 of the FM Act, irrespective of where it is located. Any development that may affect marine vegetation by cutting, removing, destroying, transplanting, shading or damaging in any way (e.g. trimming mangroves) is classed as integrated development and requires a permit from DPI Fisheries.

DPI Fisheries were consulted during the preparation of the development application. No mangroves or saltmarsh vegetation, or any other marine plants, are proposed to be cleared or trimmed. Furthermore, as the proposed development will not involve any works that will directly impact upon the riverbank, or land within the intertidal zone (with an elevation less than 1 metre AHD), confirmation was received that in this instance DPI Fisheries would not deem the works area to be KFH for the purposes of s.201 of the FM Act and the works will therefore not be integrated development.

The Engineering Impact Assessment prepared to accompany the development application includes plans and commentary regarding the proposed stormwater management strategy for the site. It is understood that further detail will form part of the future Construction Certification applications.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

To ensure that there are no indirect impacts on nearby riparian land and waterways as a result of the proposed development, including KFH, a Stormwater Management Plan and Erosion and Sediment Control Plan will be prepared and approved prior to commencement of construction."

Buffers to Key Fish Habitat

"Interestingly, as discussed above, DPI Fisheries were consulted during the development application process and did not raise buffers to KFH as an issue. It is understood that the DPI Fisheries response to Richmond Valley Council (RVC) when asked for comment was that "Fisheries has an arrangement with the Office of Water in circumstances where OW will be issuing a controlled activity approval for earthworks within 40 metres of a waterway. Unless the work will directly impact upon the riverbank, or land within the intertidal zone (with an elevation less than 1 metre AHD), Fisheries does not deem this to not be Key Fish Habitat for the purposes of section 201 and it will not be integrated development".

Regardless, the proposed development includes the enhancement and rehabilitation of approximately 1.23 ha of the Crown Foreshore Reserve that occurs between the development and the Evans River (to be completed in accordance with a Management Plan to be approved by Council and including a minimum 3 years of maintenance). The Crown Foreshore Reserve and adjoining esplanade road provide a minimum 50m buffer from the Evans River to proposed residential building envelopes.

It is also noted that the proposed foreshore park does not include any areas that need to be actively managed as bushfire Asset Protection Zones and that the Iron Gates Revised Biting Insect Impact Assessment (Mosquito Consulting Services Pty Ltd 2019) concludes that no specific riparian buffer requirements are necessary. Furthermore, works proposed within the Crown Foreshore Reserve (i.e. the installation of infrastructure, pathways etc.) have been designed to ensure that interruptions to lateral connectivity have been minimised."

Threatened Species

"The Oxleyan pygmy perch (OPP) appears only to be found in the swamps, streams and dune lakes that lie in the lowland, coastal 'wallum' heaths between north-eastern NSW and south-eastern Queensland (including Fraser, Stradbroke and Moreton islands). Their specific habitat requirements include fresh, acidic waters and abundant aquatic vegetation (NSW DPI 2005).

Targeted surveying for OPP were completed in the man-made drainage lines occurring on the eastern portions of the site. Survey works were completed by Planit Consulting in accordance with EPBCA's Survey Guidelines for Australia's Threatened Fishes and detected no OPP. It is also noted that DPI Fisheries records for OPP at Evans Head illustrates that no records occur on the subject site. It was determined that the OPP is an unlikely occurrence within drainage lines present on the site as both drainage lines lack dense vegetation and have restricted connectivity with external waterbodies. Water is supplied to both drainage lines via the water table and varies in salinity based on distance from the Evans River. The drainage line along the eastern boundary is tidally influenced in the southern extents.

It is proposed that the drainage lines within the acacia dominated regrowth community is to be filled. The drainage feature in the wet heath community is not affected by the proposal. The retention of the majority of the heath communities additionally buffers potential or "indicative" habitat areas on adjoining land to the north-east. Due to the lack of records of OPP on the site, no direct impacts are likely for the species. In order to ensure any potential indirect impacts on any potential OPP habitat in the locality are prevented, the site will be subject to an approved Stormwater Management Plan and Erosion and Sediment Control plan."

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

3.4 DPI Crown Lands (19 December 2019)

This submission was made to RVC in response to DA2015/0096, however a copy was forwarded to the DoPIE and accordingly we respond to the key issues as follows:

The Crown foreshore reserve is only accessible for able bodied persons on foot and is currently not embellished or usable, in any formal sense. The proposed development includes embellishment of part of the foreshore reserve and the provision of public road access such that it provides recreational opportunities for future residents as well as the wider community.

Absent the proposed development, it is highly unlikely that RVC or State Agencies would construct public road access and embellish part of the foreshore reserve to make it accessible and usable.

The foreshore embellishment includes picnic facilities, walkway/cycleways, public amenities and landscaping among other things. The estimated cost of the embellishment work, which will be funded by the developer, is \$500,000 to \$550,000 which represents a significant benefit to the wider community.

Moreover, RVC has advised that it does not want any additional foreshore land dedicated as a public reserve because Council does not have the resources to manage and maintain additional areas.

In relation to the buffer zone between the proposed residential development and the Evans River, the area of riparian vegetation immediately adjacent to the River has been retained to avoid potential impacts on flora and fauna, fish habitat and bank stability.

It should be noted that the bank of the Evans River has eroded over the years, as indicated on Plan No. BRJD6396-100-47, Rev 1, Land Partners, 6 March 2020 attached as **Annexure 2**.

As a result the width and area of the Evans River foreshore reserve available for public use has been reduced.

In relation to the midden within the foreshore reserve, representatives of the local Aboriginal community have agreed to its removal, in part and the DoPIE (BCD) have issued General Terms of Approval for an Aboriginal Heritage Impact Permit to remove part of the midden (see **Annexure 3**). The remainder of the midden will be retained on part of the foreshore reserve which is to remain undisturbed.

The issues raised by Crown Lands were discussed in the teleconference on 11 March 2020. In summary, Crown Lands maintained their concerns about the use and embellishment of the Evans River foreshore reserve (and potential related vegetation disturbance) to satisfy open space requirements.

To address these concerns, the Application Plans have been amended to remove all embellishment work (and vegetation disturbance) from the foreshore reserve.

It is a matter for Council and Crown Lands to determine whether or not the road reserve is transferred to RVC as the land is no longer required by Goldcoral Pty Ltd.

Amended Concept Plans of the revised embellishment work which will be located entirely on proposed Lots 181 and 182 (proposed public reserves) are contained at **Annexure 9**.

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

3.5 Rural Fire Service

The RFS did not make a submission to the Draft Master Plan. However, on 11 March 2020 the Service issued General Terms of Approval in relation to the Iron Gates Drive subdivision DA2015/0096 which is currently being processed by RVC. Therefore, by inference, the RFS has no objections to the Master Plan.

3.6 DoPIE – Biodiversity Conservation Division, 20 November 2019

In summary, the BCD raised no issues in relation to the Master Plan from an ecological or cultural heritage perspective.

On 28 January 2020, the BCD issued General Terms of Approval for an AHIP in relation to partial disturbance of the midden (DA2015/0096) and on 20 January 2010 the BCD advised that a clear summary of the biodiversity offsets is desirable. This can be required as a condition of consent to DA2015/0096.

4.0 CONCLUSION

In summary, the responses above address the key issues raised by members of the public and State Agencies.

In addition, the amended Plans of Proposed Subdivision at **Annexures 7 and 9** address Rural Fire Service and Crown Lands issues. It is intended that these plans will be submitted to RVC as the revised plans for DA2015/0096 following approval of the Master Plan.



ANNEXURE 1 Email from JWA Dated 4 March 2020 with Responses to NRC, NRAR & DPI - Fisheries

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Iron Gates Development - Responses to NRAR and DPIF Submissions

Item	JWA Response
Natural Resources Access Regulator	
<p>1. The Draft Master Plan for the Iron Gates Residential Release at Evans Head proposes a 10-metre setback from the mapped SEPP14 wetlands.</p>	<p>As discussed in SECTION 3.2.1 (pg. 17) and SECTION 6.3 (pg. 123) of the Terrestrial Flora and Fauna Assessment (as amended July 2019 by JWA Pty Ltd) the northeast portion of the site contains a SEPP 14 Coastal Wetland area however, the extent of this wetland mapping does not reflect ground-truthed site vegetation. The area mapped as SEPP 14 wetland occurring within the development footprint was determined to be regenerating acacia and/or cleared land. No permanent water exists in this location, and the area does not display characteristics of a wetland in terms of physical conditions or vegetation communities. The current SEPP 14 mapping also includes areas of Wet and Dry heath communities adjacent to the development footprint, in addition to a small patch of Swamp sclerophyll forest in the north-eastern corner of the site. Heath communities were excluded from original SEPP 14 mapping as they are rarely associated with bodies of standing water (Adam <i>et al.</i> 1985). An accurate/revised SEPP 14 map has therefore been prepared for the subject site (ATTACHMENT 1) and is restricted to Swamp sclerophyll forest in the north-eastern corner of the site approximately 125m from the proposed development. Whilst it is acknowledged that SEPP 14 Wetlands also occur on adjoining land to the north and east of the site, and were not ground-truthed during the assessment, a constructed drain occurs between the proposed development and these adjoining areas.</p> <p>It should be noted that:</p> <ul style="list-style-type: none"> • The proposal does not impact on the SEPP wetland and the proposed filling of the eastern drainage line may assist in reducing draw down of the water table from within the mapped SEPP area. • The proposed subdivision layout seeks to maintain the natural stormwater drainage regime across the site. The drainage feature in the north east of the site and occurring within the mapped wetland designation is retained and buffered from development. • Bio-retention areas, ponds and gross pollutant traps are proposed to collect and manage stormwater before leaving the site. • The Engineering Impact Assessment prepared to accompany the development application includes plans and commentary regarding the proposed stormwater management strategy

Item	JWA Response
	<p>for the site. It is understood that further detail will form part of the future Construction Certification applications.</p> <ul style="list-style-type: none"> • A Stormwater Management Plan and Erosion and Sediment Control Plan will be prepared prior to commencement of construction to ensure that there are no indirect impacts on nearby riparian land and waterways as a result of the proposed development.
<p>2. In accordance with the Guidelines for Riparian Corridors (NOW, 2012), wetlands are required to have a 40-metre Vegetated Riparian Zone setback</p>	<p>The Guidelines for Riparian Corridors (NOW 2012) were developed for controlled activities carried out in, on or under waterfront land that are regulated by the <i>Water Management Act 2000</i> (WM Act). The guidelines define waterfront land as “the bed and bank of any river, lake or estuary and all land within 40 metres of the highest bank of the river, lake or estuary”. The guidelines are therefore not necessarily automatically applicable to all SEPP 14 wetlands. The development does not occur on waterfront land and is not a controlled activity under the WM Act. Therefore, in this instance the guidelines are not relevant.</p>
<p>3. The proposed Draft Master Plan for the Iron Gates Residential Release at Evans Head is not consistent with the Guidelines for Controlled Activities and NRAR recommends that the proposal be modified to include 40m setbacks.</p>	<p>Whilst a 40m setback has not been provided to the mapped, or actual on ground extent, of the SEPP 14 wetland, the proponent engaged in extensive negotiations with the Biodiversity Conservation Division (BCD) of the NSW Department of Planning, Infrastructure and Environment (DPI&E), formerly the Office Environment and Heritage (OEH), over an 18 month period in relation to appropriate offsets for both the direct and indirect impacts (in lieu of providing additional setbacks/buffers) of the proposed development on retained vegetation on and adjoining the subject site. Details of the agreed Biodiversity Offset Package are provided in the Terrestrial Flora and Fauna Assessment (as amended July 2019 by JWA Pty Ltd). BCD subsequently prepared a Submission to DA2015/0096 dated 13 November 2019 (ATTACHMENT 2) which raises no ecological issues.</p>
<p>Natural Resources Commission</p>	
<p>The Commission recommends:</p> <ul style="list-style-type: none"> • 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. 	<p>It should be noted that at the time of the development application, the proposed Iron Gates development did not specifically trigger the requirement for offsets under the (now superseded) <i>Threatened Species Conservation Act 1995</i> or the (current) <i>Biodiversity Conservation Act 2016</i>.</p> <p>However, in a show of good faith and as discussed above, and in addition to the proposed measures to avoid and minimise ecological impacts, the proponent engaged in extensive negotiations with the BCD over an 18 month period in relation to appropriate offsets. The direct and potential indirect impacts of the development on native vegetation communities will be offset in accordance with requirements of the Biodiversity Offsets Scheme (i.e. under the current <i>Biodiversity Conservation Act 2016</i>).</p>

Item	JWA Response
	<p>Details of the agreed Biodiversity Offset Package are provided in the Terrestrial Flora and Fauna Assessment (as amended July 2019 by JWA Pty Ltd) and include:</p> <p><u>Rehabilitation works</u></p> <ul style="list-style-type: none"> • The proponent proposes to rehabilitate the littoral rainforest patches and associated buffers (including site preparation, weed control and planting locally endemic species) at an estimated cost of \$80,000 in accordance with an approved Management Plan. • Fencing will be installed (post and rail/bollards) on the periphery of the Littoral rainforest patches to reduce potential impacts to the area at an estimated cost of \$48,000. <p><u>Protection in Perpetuity</u></p> <ul style="list-style-type: none"> • The rehabilitated Littoral rainforest patches (totalling 8.83 ha) will be secured and managed under a stewardship agreement (under the Biodiversity Conservation Act 2016) entered into by the proponent. • This will include a Total Fund Deposit of \$371,538. <p><u>Acquittal of additional offset credits</u></p> <ul style="list-style-type: none"> • The rehabilitation works, and stewardship agreement discussed above will acquit 86 credits. • The remaining 157 credits (243 credits- 86 credits) will be acquitted via payment to the Biodiversity Conservation Trust Fund by the proponent in an amount of \$274,593. <p>It is likely that a condition of development consent would require that the above rehabilitation works commence, the stewardship agreement is in place, and the financial settlement is made prior to commencement of clearing works.</p> <p>Separate negotiations occurred with the BCD over a 4 month period in relation to appropriate offsets for the slight widening of the existing Iron Gates Drive (the entrance road to the development) necessary to comply with contemporary bushfire requirements. Agreement was reached with the BCD that the following offset credit obligations are generated by the proposed road widening:</p>

Item	JWA Response
	<ul style="list-style-type: none"> • 21 Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions credits; • eight (8) Littoral Rainforest in the NSW North Coast, Sydney Basin and South East Corner bioregions credits; and • three (3) Coastal Heath on Sands of the NSW North Coast Bioregion credits. <p>It was noted by BCD that the credits should be retired as an offset prior to the removal of vegetation for the widening of the existing Iron Gates Drive.</p> <p>In addition to the above, BCD prepared a Submission to DA2015/0096 dated 13 November 2019 (ATTACHMENT 2) which raises no ecological issues.</p>
Department of Primary Industries - Fisheries	
<p>Key Fish Habitat</p> <p>DPI Fisheries notes that some areas of KFH will be encroached on or impacted upon by the proposed works including the installation of foreshore access points. It is also possible that other construction works will result in either encroachment into KFH or indirect impacts to KFH or threatened fish species habitat. It should be noted that direct or indirect impacts to mangroves and saltmarsh, which are located along the site's riverfront, would not be supported by DPI Fisheries, and that all foreshore access points should be minimised in number and located in suitable locations such as at existing informal access points or other areas that are devoid of marine vegetation.</p> <p>To ensure that no areas containing KFH will be impacted upon as a result of the development, mitigation and management plans (i.e. sediment and erosion control plan, stormwater management plan, construction</p>	<p>A policy definition of the term 'Key Fish Habitat' (KFH) was developed by the Department in 2007 to guide a state-wide mapping project to define and identify KFH – those aquatic habitats that are important to the sustainability of the recreational and commercial fishing industries, the maintenance of fish populations generally and the survival and recovery of threatened aquatic species. Essentially KFH was defined to include all marine and estuarine habitats up to highest astronomical tide level (that reached by 'king' tides) and most permanent and semi-permanent freshwater habitats including rivers, creeks, lakes, lagoons, billabongs, weir pools and impoundments up to the top of the bank. Small headwater creeks and gullies (known as first and second order streams), that only flow for a short period after rain are generally excluded, as are farm dams constructed on such systems. Wholly artificial waterbodies such as irrigation channels, urban drains and ponds, salt and evaporation ponds are also excluded except where they are known to support populations of threatened fish or invertebrates.</p> <p>Marine vegetation, such as saltmarsh, mangroves, seagrasses, and macroalgae (seaweeds) are protected under the Fisheries Management Act (FM Act). Harming of any marine vegetation triggers integrated development under s.205 of the FM Act, irrespective of where it is located. Any development that may affect marine vegetation by cutting, removing, destroying, transplanting, shading or damaging in any way (e.g. trimming mangroves) is classed as integrated development and requires a permit from DPI Fisheries.</p>

Item	JWA Response
<p>management plan etc.) should be prepared, approved and implemented when and where necessary.</p>	<p>DPI Fisheries were consulted during the preparation of the development application. No mangroves or saltmarsh vegetation, or any other marine plants, are proposed to be cleared or trimmed. Furthermore, as the proposed development will not involve any works that will directly impact upon the riverbank, or land within the intertidal zone (with an elevation less than 1 metre AHD), confirmation was received that in this instance DPI Fisheries would not deem the works area to be KFH for the purposes of s.201 of the FM Act and the works will therefore not be integrated development.</p> <p>The Engineering Impact Assessment prepared to accompany the development application includes plans and commentary regarding the proposed stormwater management strategy for the site. It is understood that further detail will form part of the future Construction Certification applications. To ensure that there are no indirect impacts on nearby riparian land and waterways as a result of the proposed development, including KFH, a Stormwater Management Plan and Erosion and Sediment Control Plan will be prepared and approved prior to commencement of construction.</p>
<p>Buffers to Key Fish Habitat</p> <p>The protection and rehabilitation of the vegetated riparian corridor between the Evans River and the development footprint is important for maintaining the shape, stability and ecological functions of the river. It should be noted that DPI Fisheries will generally not approve developments or activities that do not incorporate foreshore buffer zones of 50-100 m width adjacent to TYPE 1 marine vegetation and at least 50 m width adjacent to TYPE 2 marine vegetation. Where a buffer zone of at least 50 m is physically unachievable due to land availability constraints, the available buffer width must be maximised to achieve protection of TYPE 1 and 2 marine vegetation (i.e. from edge effects, changes to water quality, flood protection and to allow for climate change adaptation). The buffer zone should not be used for other asset protection purposes (e.g. as a bushfire or mosquito buffer). It should be noted that foreshore buffer zones are measured from the outer</p>	<p>Interestingly, as discussed above, DPI Fisheries were consulted during the development application process and did not raise buffers to KFH as an issue. It is understood that the DPI Fisheries response to Richmond Valley Council (RVC) when asked for comment was that “Fisheries has an arrangement with the Office of Water in circumstances where OW will be issuing a controlled activity approval for earthworks within 40 metres of a waterway. Unless the work will directly impact upon the riverbank, or land within the intertidal zone (with an elevation less than 1 metre AHD), Fisheries does not deem this to not be Key Fish Habitat for the purposes of section 201 and it will not be integrated development”.</p> <p>Regardless, the proposed development includes the enhancement and rehabilitation of approximately 1.23 ha of the Crown Foreshore Reserve that occurs between the development and the Evans River (to be completed in accordance with a Management Plan to be approved by Council and including a minimum 3 years of maintenance). The Crown Foreshore Reserve and adjoining esplanade road provide a minimum 50m buffer from the Evans River to proposed residential building envelopes.</p> <p>It is also noted that the proposed foreshore park does not include any areas that need to be actively managed as bushfire Asset Protection Zones and that the Iron Gates Revised Biting Insect Impact Assessment (Mosquito Consulting Services Pty Ltd 2019) concludes that no specific riparian buffer</p>

Item	JWA Response
<p>edge of tidal areas (e.g. highest astronomical tide level- generally 1.0 m AHD).</p> <p>DPI Fisheries will require the design of riparian buffer zones to incorporate the maintenance of lateral connectivity between aquatic and riparian habitat. The installation of infrastructure, terraces, retaining walls, cycle ways, pathways and grass verges within the riparian buffer zone that interrupt lateral connectivity should be avoided or minimised.</p>	<p>requirements are necessary. Furthermore, works proposed within the Crown Foreshore Reserve (i.e. the installation of infrastructure, pathways etc.) have been designed to ensure that interruptions to lateral connectivity have been minimised.</p>
<p>Threatened Species</p> <p>DPI Fisheries notes that no areas representing known or potential habitat for OPP will be directly impacted upon by the proposed development. However, as the proposed development is within close proximity to known and indicative habitat for OPP, DPI Fisheries encourages the proponent to consider whether any development works would involve indirect impacts to OPP habitat, and if so, ensure that such works include best management practice environmental impact mitigation measures, such as sediment and erosion control measures, to ensure that any foreseeable indirect impacts are avoided or minimised.</p> <p>It should be noted that any development works that are likely to have an impact on threatened species listed under the FM Act, either directly or indirectly, will need to be preceded by an assessment of significance. Further information on threatened species impact assessments under the FM Act can be found here: www.dpi.nsw.gov.au/fishing/species-protection/legislation-and-approvals/impact-assessment.</p>	<p>The Oxleyan pygmy perch (OPP) appears only to be found in the swamps, streams and dune lakes that lie in the lowland, coastal ‘wallum’ heaths between north-eastern NSW and south-eastern Queensland (including Fraser, Stradbroke and Moreton islands). Their specific habitat requirements include fresh, acidic waters and abundant aquatic vegetation (NSW DPI 2005).</p> <p>Targeted surveying for OPP were completed in the man-made drainage lines occurring on the eastern portions of the site. Survey works were completed by Planit Consulting in accordance with EPBCA’s Survey Guidelines for Australia’s Threatened Fishes and detected no OPP. It is also noted that DPI Fisheries records for OPP at Evans Head illustrates that no records occur on the subject site. It was determined that the OPP is an unlikely occurrence within drainage lines present on the site as both drainage lines lack dense vegetation and have restricted connectivity with external waterbodies. Water is supplied to both drainage lines via the water table and varies in salinity based on distance from the Evans River. The drainage line along the eastern boundary is tidally influenced in the southern extents.</p> <p>It is proposed that the drainage lines within the acacia dominated regrowth community is to be filled. The drainage feature in the wet heath community is not affected by the proposal. The retention of the majority of the heath communities additionally buffers potential or “indicative” habitat areas on adjoining land to the north-east. Due to the lack of records of OPP on the site, no direct impacts are likely for the species. In order to ensure any potential indirect impacts on any potential OPP habitat in the locality are prevented, the site will be subject to an approved Stormwater Management Plan and Erosion and Sediment Control plan.</p>

Attachment 1 – Revised SEPP 14 Wetland Mapping



- LEGEND**
- Subject Site
 - Development footprint
 - Native vegetation to be retained
 - SEPP14 Coastal Wetlands**
 - Revised SEPP 14 coastal wetlands
 - 30m buffer to Revised SEPP 14 coastal wetlands

0 100m
1 : 3000

SOURCE: JWA Site Investigations Dec 2016;
Planit Consulting (639600E0_EXT.dwg & 2014
FFA Fig4); Google Earth 2017 Aerial
SCALE: 1 : 3000 @ A3

JWA PTY LTD
Ecological Consultants

CLIENT
Goldcoral Pty Ltd
PROJECT
Lots 277 & 276 DP755624, Lot 163 DP831052 &
Part of Lot 164 DP831052
240 Iron Gates Drive, Evans Head NSW
Richmond Valley Council LGA

ATTACHMENT 1

PREPARED: BW
DATE: 04 March 2020
FILE: N16006_Revised SEPP14.cdr

TITLE
**BUFFER TO
REVISED SEPP14
COASTAL
WETLANDS**

Attachment 2 – BCD Submission



Our Ref: DOC19/848690
Your Ref: DA 2015 0096

General Manager
Richmond Valley Council
Locked Bag 10
Casino NSW 2470

Attention: Mr Tony McAteer

Dear Mr Macdonald

RE: Revised Statement of Environmental Effects DA2015/0096 – Iron Gates Development.

Thank you for your e-mail dated 24 September 2019 about the Iron Gates development at Evans Head, seeking comments from the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the Department of Planning, Industry and Environment. I appreciate the opportunity to provide input.

The BCD was formerly part of the Office of Environment and Heritage, but now forms part of a Group that has responsibilities relating to biodiversity (including threatened species and ecological communities, or their habitats), Aboriginal cultural heritage, National Parks and Wildlife Service estate, climate change, sustainability, flooding, coastal and estuary matters.

We have reviewed the Statement of Environmental Effects (SEE) and attached appendices which include our correspondence that identifies a suitable offset for the proposed development. As such, we have no issues to raise about the submitted information being exhibited as part of the proposed development.

However, we note that there is a lot of information provided and there is no single document which compiles all the environmental management and biodiversity offsets proposed in a clear summary.


Our agreement to the biodiversity offsets for the Iron Gates development is located at Attachment 7 of the Terrestrial Flora and Fauna Assessment which is Appendix 5 of the SEE. Our agreement to the biodiversity offsets for the road reserve leading into the Iron Gates development is located at Appendix 7 of the Amended Ecological Assessment which is Appendix 6 of the SEE.

We would be happy to assist in reviewing any conditions or approval documents to ensure the intent of our discussions and correspondence is appropriately articulated.

Please be advised that we will be providing our response to the request for General Terms of Approval for Aboriginal cultural heritage under separate cover, once we have received the public submission from you.

If you have any questions about this advice, please do not hesitate to contact me at dimitri.young@environment.nsw.gov.au or 6659 8272.

Yours sincerely

 13 November 2019

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation



ANNEXURE 2 Survey Plan, Drawing No. BRJP6393-100-47, Rev 1 – Land Partners, 6 March 2020

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants



**ANNEXURE 3 DPIE (Biodiversity Conservation Division) General Terms of Approval Dated
28 January 2020 in Relation to the Aboriginal Midden**

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

- 4 FEB 2020



Planning,
Industry &
Environment

SCANNED

- 4 FEB 2020

Doc. No.

Our Ref: DOC19/994530

Your Ref: DA 2015/0095

General Manager
Richmond Valley Council
Locked Bag 10
Casino NSW 2470

Attention: Mr Andy Edwards

Dear Mr Macdonald

RE: Integrated Development Application No. 2015/0096 – Section 90 of the National Parks and Wildlife Act 1974

Thank you for your letter of 26 September 2019 seeking amended General Terms of Approval for the above development application from the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the Department of Planning, Industry and Environment (the Department) in accordance with s4.46 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). I appreciate the opportunity to provide input.

The BCD understands that the amended proposed development includes the subdivision of land to create 184 lots and associated works and infrastructure, including the demolition of an existing dwelling and shed and the upgrading of Iron Gates Drive. We also note that we previously issued General Terms of approval for a previous version of this development application in correspondence from the former Office of Environment and Heritage on 7 January 2016.

We have reviewed the amended development application, the *Iron Gates Residential Subdivision Evans Head NSW revised Aboriginal cultural heritage assessment* (July 2019) and the public submissions for the proposed development. The documentation provided indicates the proposed subdivision will impact on Aboriginal objects. The documentation also details the measures to avoid harm to some Aboriginal objects by the proposed development.

The BCD continues to support the management recommendations to avoid impacting the two (2) known lithic Aboriginal objects and to leave the main concentration of the known midden undisturbed. We also still support the intention to maintain an appropriate setback from the Aboriginal cultural heritage on the foreshore area to assist in protecting that heritage.

We confirm that we have been in receipt of an Aboriginal Heritage Impact Permit (AHIP) application in relation to this proposed development since July 2015. The AHIP application and supporting documentation reviewed to inform our General Terms of Approval responses both in 2016 and now is based on that information.

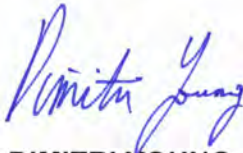
The AHIP application relates to one Aboriginal object in a proportion of the project area in the immediate vicinity of the known disturbed midden confined to the foreshore area of the project lands. It is for movement only of certain Aboriginal objects and community collection.

Based on this review, the BCD can issue General Terms of Approval for the proposal described in the AHIP application. These are provided in **Attachment 1**.

Please note that, as approval has not been sought for any harm to Aboriginal objects from the proposed subdivision and road upgrading works, our General Terms of Approval do not authorise any harm to Aboriginal objects arising from those works. The General Terms of Approval we are issuing only relate to harm arising from the movement of certain Aboriginal objects and community collection in the midden area along the foreshore of the Evans River as described in the supporting documentation.

If you have any further questions about this issue, Ms Rosalie Neve, Aboriginal Heritage Planning officer, Biodiversity and Conservation, Department of Planning Industry and Environment, can be contacted on 6659 8221 or at rosalie.neve@environment.nsw.gov.au

Yours sincerely

 28 January 2020

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation

Enclosure: Attachment 1 – The Department of Planning, Industry and Environment General Terms of Approval – Aboriginal Cultural Heritage – DA2015/0096.

Attachment 1

Biodiversity and Conservation Division Department of Planning, Industry and Environment

GENERAL TERMS OF APPROVAL - Aboriginal Cultural Heritage

Issued under s4.47(2) of the *Environmental Planning and Assessment Act 1979*

Integrated Development Application DA 2015/0095 – 184 Lot Subdivision, associated works and infrastructure, demolition of existing dwelling and shed and upgrading of Iron Gates Drive.

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 Gated Drive, Evans Head NSW; 240 Iron Gates Drive, Evans Head.

1. An Aboriginal Heritage Impact Permit (AHIP) is to be obtained in accordance with Part 6 of the *National Parks & Wildlife Act 1974* prior to the commencement of any ground disturbance, or any other works associated with the development, that harm Aboriginal objects.
2. The AHIP application is to accord with the following guideline: *Applying for an Aboriginal Heritage Impact Permit: Guide for Applicants* (OEH May 2011) (<http://www.environment.nsw.gov.au/resources/cultureheritage/20110280AHIPguideforapplicants.pdf>).
3. The AHIP application is to be accompanied by sufficient information to demonstrate that consultation with the local Aboriginal community satisfies the Department's '*Aboriginal cultural heritage consultation requirements for proponents 2010*' (<http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>).
4. Fair and reasonable opportunities are to be provided for registered Aboriginal parties to monitor initial ground disturbance works associated with the development. The monitoring should include all exclusion fencing around cultural heritage areas of sensitivity and any vegetation maintenance works on the foreshore buffer zone.
5. If additional Aboriginal objects are uncovered during the monitoring program, then such objects are to be recorded and managed in accordance with the requirements of sections 85A and 89A of the *National Parks & Wildlife Act 1974*.
6. If surface disturbance identifies a new Aboriginal object, then all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeological specialist and representatives of the local Aboriginal community must be contacted to determine the significance of the object(s) and to develop an appropriate management strategy. The management strategy shall comply with the provisions of the *National Parks & Wildlife Act 1974*. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) and the management outcome for the site included in the information provided for such registration.
7. If human remains are located following surface disturbance, then all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are to be contacted immediately. No action is to be undertaken until the NSW Police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact the Department's Environment Line on 131 555 and representatives of the local Aboriginal community. No works are to continue until the Department provides written notification to the applicant.

8. An Aboriginal Cultural Heritage Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project. The program should be developed and implemented in collaboration with the representatives of the Registered Aboriginal Parties.



ANNEXURE 4 Response to Submissions –Everick Heritage Consultants Pty Ltd, 24 March 2020

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

EVERICK HERITAGE

Iron Gates Residential Subdivision (DA2015/0096)

Expert Response to Submissions to the Department of Planning,
Infrastructure and Environment

Prepared for Mr Graeme Ingles (Gold Coral Pty Ltd)

Everick Heritage Pty Ltd



EVERICK HERITAGE

Report Reference: Robins, T., T. Hill and R. Mazlin 2020 *Iron Gates Residential Subdivision- Expert Response to Department of Planning Submissions (March 2020)*. Everick Heritage Pty Ltd. Unpublished report prepared for Mr Graeme Ingles (Gold Coral Pty Ltd).

EVERICK
HERITAGE



EVERICK HERITAGE PTY LTD

ABN: 78 102 206 682

Head Office: Level 9, Matisse Tower

110 Mary Street Brisbane 4000

T: 02 9552 2944

E: info@everick.com.au

www.everick.com.au

Document Status:

Rev No.	Version	Author(s)	Amended Sections	Date	Authorised
1	Draft	T. Robins, T. Hill & R. Mazlin	All	19.03.2020	T. Robins
2	Final	R. Mazlin	None	24.03.2020	T. Robins

© Everick Heritage Pty Ltd 2020

This document is the property of Everick Heritage Pty Ltd. The document may only be used for the purposes for which it was commissioned and in accordance with the Terms of Engagement for the commission.

Contents

DEFINITIONS	3
1. INTRODUCTION	5
1.1 Background.....	5
2. RESPONSES TO SUBMISSIONS ISSUES	6
2.1 Adequacy of Community Consultation (Submissions 59, 62, 68, 76, 79 and 88)	6
2.2 Recognition of Intangible Values (59, 62, 68, 79, 85 and 88).	7
2.3 Unidentified archaeological sites	8
2.3.1 Massacre Site	9
2.3.2 Graves of Chiefs.....	9
2.3.3 Ceremonial Sites.....	10
2.3.4 Scarred Trees.....	10
2.4 Harm Arising from Previous Ground Disturbance	11
2.5 Inclusion of Women in Consultation Process	11
2.6 Use of Ground Penetrating Radar	13
2.7 The 'Iron Gates' as a Pathway	14
3. Bibliography	15
ATTACHEMENT A – GRAEME INGLES FILE NOTE FROM THE 13TH NOVEMBER 2019	16
ATTACHEMENT B – TOM MCCORMACK.....	17

EVERICK HERITAGE

DEFINITIONS

The following definitions apply to the terms used in this report:

Aboriginal object means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal place means any place declared to be an Aboriginal place (under s.84 of the NPW Act) by the Minister administering the NPW Act, by order published in the NSW Government Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal objects.

ACHAR means Aboriginal Cultural Heritage Assessment Report.

ACHCRP means the *Aboriginal Cultural Heritage Consultation Requirements for Proponents (DEECW 2010)* (NSW).

AHIMS means Aboriginal Heritage Information Management System.

AHIP means Aboriginal Heritage Impact Permit.

BCD means the Biodiversity Conservation Division.

Burra Charter means the International Council of Monuments and Sites ('ICOMOS') Burra Charter (2013).

CoPAI means the OEH *Code of Practice for Archaeological Conduct in New South Wales (2010)* (NSW).

DPI&E means the New South Wales Department of Planning, Infrastructure and Environment.

Heritage NSW means Heritage New South Wales and the NSW Heritage Council.

IDA means Integrated Development Application.

Iron Gates Development means the activities associated with the Development Application which may involve stripping of topsoil, levelling, cut and/ or fill for footings and services

Iron Gates Project Area means 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.

EVERICK HERITAGE

LALC means Local Aboriginal Land Council.

LEP means Local Environment Plan.

NPWS means NSW National Parks & Wildlife Service.

NPW Act means the *National Parks and Wildlife Act 1974* (NSW).

NPW Regulations means the *National Parks and Wildlife Regulations 2009* (NSW).

RVC means Richmond Valley Council.

The Consultant means qualified archaeological staff and/or contractors of Everick Heritage Pty Ltd.

1. INTRODUCTION

1.1 Background

This report has been prepared to address public submissions to the Department of Planning, Industry and Environment ('DPI&E') regarding cultural heritage management for the proposed Iron Gates Residential Development Application (DA 2015/0096). This report addresses comments specifically referencing cultural values (Section 2).

The intent of the Everick Aboriginal Cultural Heritage Assessment Report ('ACHAR') (2019) is to provide sufficient information with respect to the nature and extent of Aboriginal objects, the significance of those sites to the Bandjalang People and the recommendations to ensure that the sites are adequately managed throughout the Iron Gates Development. The four (4) main issues raised by the DPI&E submissions relate to the following:

- the adequacy of consultation with the Bandjalang People via the Bandjalang Aboriginal Corporation;
- the adequacy of the ACHAR to identify and address impacts to 'intangible values';
- the adequacy of the ACHAR to identify other archaeological sites including scarred trees, ceremonial sites and burial; and
- the adequacy of the ACHAR to consult with woman;

As the Iron Gates Project Area has been previously rezoned and determined to be an appropriate use of land, the ACHAR focussed on the management of Aboriginal cultural values as defined by the *National Parks and Wildlife Act 1974* ('NPW Act'). In this regard, it was concluded that the development as proposed would have very minimal impact on Aboriginal objects, being limited to the collection of culturally accessed shell, which will be redeposited in its original location. There will be no impact to any Aboriginal places. It is therefore considered that the only reasonable outcome of an assessment would be to support the development as proposed.

2. RESPONSES TO SUBMISSIONS ISSUES

2.1 Adequacy of Community Consultation (Submissions 59, 62, 68, 76, 79 and 88)

Consultation with the Aboriginal community is a requirement of the *National Parks and Wildlife Regulations* (2019) ('NPW Regulations') for all proposals where it has been determined that works will likely result in harm to Aboriginal objects, in this case the IG01 midden located on the northern bank of the Evans River. Consistent with the ACHCRP 2010 substantial consultation with the Aboriginal community has been undertaken with the Bandjalang Aboriginal Corporation as representatives of the Bandjalang People, for whom Native Title has been determined to exist around Evans Head, extending to a line roughly parallel to the Pacific Highway to the west. The NPW Regulations, section 60(3) makes the following comment on the process of consultation with the Aboriginal community in areas where Native Title has been determined to exist.

60(3) Notification of Aboriginal persons—where relevant native title determined to exist. If an approved determination of native title that native title exists in relation to the land on or in which the proposed activity that may be the subject of such an application is to be carried out, the proposed applicant must give notice of that proposed activity to—

- (a) the registered native title body corporate for that land, or*
- (b) if no such body corporate exists, the native title holders of that land.*

It is noted that the Bandjalang #2 Native Title Determination is immediately south of the Iron Gates Development proposal and areas of land where Native Title has not been extinguished are in the immediately vicinity of the Iron Gates Development proposal to the east and north. Having consideration for the principles and practical application of Native Title rights in areas which have been subject to widespread extinguishment of Native Title Rights by conversion of land to freehold title, the Bandjalang Aboriginal Corporation is considered the most appropriate body for consultation. As such the Bandjalang Aboriginal Corporation are considered the most appropriate body with respect to consultation concerning the cultural significance of the IG01 midden and the adjacent lands and to provide advice on culturally appropriate management of the midden site as a condition of any Aboriginal Heritage Impact Permit ('AHIP').

Further, Everick Heritage has recently completed an ACHAR for a midden site at Byron Bay within the Bundjalung of Byron Bay ('Arakwal') determination area. The determination of this AHIP application by the BCD has been primarily with the Bundjalung of Byron Bay Aboriginal Corporation following the successful Native Title Determination in May 2019.

EVERICK HERITAGE

The ACHAR provides a summary of consultation with the Bandjalang Aboriginal Corporation as requested by the Bandjalang Aboriginal Corporation Directors. This approach acknowledges the rights of the Bandjalang people to retain cultural knowledge and restrict cultural information from external parties who may either not be entitled by Aboriginal tradition to receive cultural knowledge or who may utilise cultural knowledge for their own commercial purposes without the consent of the Bandjalang People. A complete updated consultation file will be made available on request to BCD in support of the ACHAR during the determination process.

It is Everick's view that the consultation to date substantially complies with the requirements of the NPW Regulations and specifically the requirements for consultation in an area where Native Title has been determined to exist. It is also noted that the consultation process in areas where Native Title does *not* exist typically results in the registration of numerous Aboriginal stakeholders ('Registered Aboriginal Parties') including the relevant Local Aboriginal Land Council ('LALC'). Under this process each RAP is provided equal opportunity to comment on the proposal and the comments of no one party are provided greater weight than the others. Further, the views of each RAP are considered in the context of the ACHAR and in particular the contribution of each RAP to establish the cultural significance of the sites and the appropriateness of the management recommendations. As such, there is no reason to conclude, based on the responses provided as part of the previous rezoning application or the current development application submission period, that any additional RAPs would either register or provide specific information that would change the outcome of the ACHAR.

Section 4 documents consultation with the Bandjalang Aboriginal Corporation undertaken for the 2015 Development Application. Consultation with Bandjalang Aboriginal Corporation is ongoing and will continue as until such times as the AHIP has received and all works have been completed.

2.2 Recognition of Intangible Values (59, 62, 68, 79, 85 and 88).

The ACHAR is provided in support of the development application as an integrated development for the purposes of documenting the potential harm to Aboriginal objects in compliance with the Code of Practice for the *Archaeological Investigation of Aboriginal Objects in New South Wales* ('CoPAI') (DEECW 2010). The ACHAR has been provided to the Bandjalang Aboriginal Corporation with an opportunity to provide comment on intangible cultural values, however additional intangible values have not been specifically raised by the correspondence. Further, the ethnographic literature which has been included within the ACHAR acknowledges the potential for intangible cultural sites to occur within the wider area, however there is not specific ethnohistorical reference for such sites within the Iron Gates Development. Specifically, the Iron Gates Development area is not a declared Aboriginal place or item of local significance identified on schedule 5 of the RVC LEP. It is not clear that any of the specific submissions that raise 'intangible

EVERICK HERITAGE

values' either specifically or indirectly identify the nature, extent or location of the intangible cultural site or identify themselves as being Aboriginal people with specific rights to own or hold knowledge that is not held or owned by the Bandjalang Aboriginal Corporation

The opportunity for the submission and consideration by RVC of 'intangible' heritage values within the Development consent process is acknowledged. Everick's experience is that typically intangible values are considered at the rezoning stage as amendments to land zoning within the LEPs and that this is a more appropriate stage in the planning system to consider and accommodate intangible values. These matters have been previously considered and ruled out by the rezoning which has logically led to the consideration of objects protected by the NPW Act.

Section 5.1 of the ACHAR confirms that the Iron Gates Project Area has not been declared an Aboriginal place under Part 6 of the NPW Act or has been listed as an item of environmental heritage on Schedule 5 of the Richmond Valley LEP. As such there is not a strict requirement of the proponent to manage 'intangible' heritage values.

Notwithstanding the above, the report addresses these matters in Section 4, Section 6 and Section 11. Furthermore, Section 12 of the ACHAR (Statement of Heritage Impact) clearly outlines:

"Based on the research undertaken to date and the preliminary results of the consultation with the Aboriginal community, it is the Consultants opinion that there are no places of particular intangible heritage significance that will be impacted by the Project. The consultation process confirmed that there was a nearby known intangible cultural heritage within the surrounding cultural landscape but not within the immediate Project Area. The proposed environmental buffer along the Evans River bank appears to provide sufficient mitigation to heritage impacts associated with development in relatively close proximity to the Gumigudah campsite complex."
(p.76)

The above also addresses the concerns of the Jali LALC, as referenced in one (1) of the submissions (76). The Iron Gates Project Area has not been declared an Aboriginal place under Part 6 of the NPW Act or has been listed as an item of environmental heritage on Schedule 5 of the Richmond Valley LEP. Further, it was noted during community consultation that the physical boundaries of the Gumigadah campsite and massacre location would not be impacted by the Iron gates Development.

2.3 Unidentified archaeological sites

The responses provide specific reference to the potential of the Iron Gates Project Area to contain the following archaeological sites:

- Massacre site (76, 79 and 85).
- The graves of two chiefs (59, 79 and 85).
- Ceremonial sites (85).
- Scar trees (59, 62, 68 and 85).

2.3.1 *Massacre Site*

The massacre site is known to have occurred along the southern bank of the Evans River (Medcalf 1989). However, there is no evidence of the massacre taking place on the Iron Gates Project Area. Further, the Directors of Bandjalang Aboriginal Corporation have not indicated that the residential development is fundamentally incompatible with the massacre as a 'cultural story'. As an example, the East Ballina Aboriginal Place provides a degree of recognition and protection of the residual areas of public land in an area of established residential development known to have been a 'massacre site'. As such, it is considered that the potential still exists to establish an Aboriginal place on the surrounding bushland to provide regulatory protection and recognition of the Evans Head massacre using the East Ballina Aboriginal Place as a model.

In the 2019 ACHAR, Everick considered the nature of the potential for adjacent development to impact on the significance of the Gumigudah campsite complex and the broader massacre area (see also p7 above). It was concluded that the proposed environmental buffer along the Evans River bank, when viewed in conjunction with the natural buffer of the Evans River, would provide an acceptable mitigation to heritage impacts. This view was supported by the majority of the Bandjalang consulted as part of the 2019 ACHAR assessment.

2.3.2 *Graves of Chiefs*

There is no evidence of the graves of the 'two chiefs' existing within the Iron Gates Development area as allegedly asserted by Ms Simone Barker and other submissions (59, 68, 79 and 85). The ACHAR has considered the potential of the Iron Gates Development to contain traditional burials and has concluded that the soils subject to development are typically not conducive to the preservation of skeletal material. There were two types of general soils assessed within the Project Area.

Elevated Soils: The elevated areas contain shallow, rocky soils which were subject to topsoil loss in the historic period. It is unlikely that this area would have been selected for pre-historic burial practises. The recorded examples in such soils are almost always subject to markers, such as stone cairns, blazed trees or 'bush graves.' No such evidence was observed within the Iron Gates Development area.

EVERICK HERITAGE

Sandy Soils: Burials are more commonly associated with sandy soils, which were easier to dig through using Traditional tools. The discovery of such burials is typically fortuitous, resulting from some form of exposure. Unfortunately, the level of historic ground disturbance across the sandy soils of the Project Area were such that there is no reasonable means of detecting burials, should they have been located there. Ground Penetrating Radar ('GPR') would no longer be effective in such an environment (see 2.2.2 below for further discussion on GPR).

This is further supported by knowledge holder John Roberts who during a recent site visit with the proponent indicated he did not believe that there were any graves at Iron Gates and he said that the only place that Aboriginals would bury their dead would be on a hilltop. This led to an inspection of the ridge feature where there was agreement that the substrate was comprised entirely of shale rock, and there was no way that there would be any burials on this hilltop (Attachment A). Mr Roberts confirmed that it was his understanding that there were no known burials at the Iron Gates property.

2.3.3 Ceremonial Sites

The submissions noted that the midden material may be associated with ceremonial activities. The ACHAR makes reference to the nature and extent of the midden material and has not concluded that there is sufficient cultural or archaeological evidence to directly associate the midden material with ceremonial activities. In this case credible association would require either corroborated statements of cultural significance from Bandjalang People or material evidence including ochre or ornate ceremonial objects or the presence of a ceremonial site such as an earthen bora ring or stone arrangement. While it is noted that ceremonies likely did take place on the Evans River generally, the assertion that the midden is associated with ceremony has not been substantiated.

2.3.4 Scarred Trees

With respect to the presence of 'scarred trees' within the Iron Gates Development area, the archaeological investigation has not identified any trees which have scarring which has been considered 'anthropogenic' or could be attributable to Aboriginal people (see Section 9). Field methods specifically allow for the identification of scarred trees (See Section 8.2). The results of archaeological investigation and analysis of historic aerial imagery suggest the only potential area containing mature vegetation is the E2 Zone, which will not be subject to development activities.

"There appear to be no old growth trees within the proposed development footprint, however trees of sufficient age do remain within the adjoining E2 environment zone." (p.43)

Further, an account of the property condition and extent of vegetation removal published as a Letter to the Editor on 24 December 1991 in the Northern Star details that:

EVERICK HERITAGE

"During the month of August 1945, I rode to the farm at the request of the then owner, the late Mr Mick Milgate. I remember the state of the property well. I rode my horse all over it while mustering the cattle. A banana plantation was growing on the hill and practically the whole of the property was cleared and being used for grazing or crops. There were a few big trees left for shade, mostly bloodwood." - Tom McCormack 1991 (Attachment C).

One (1) submission (62) claims there is footage depicting harm to scar trees, as well as a number of culturally scarred trees which remained standing. Should these trees remain within the Iron Gates Project Area, they would exist within this E2 Zone which will not be subject to development activities.

The presence of scar trees within the Iron Gates Development area has also been specifically commented on by the Bandjalang Directors and has not been raised as a matter for the ACHAR to address.

2.4 Harm Arising from Previous Ground Disturbance

Four (4) of the submissions (59, 62, 68 and 79) raise the issue of the harm that has arisen from previous ground disturbance and that the ACHAR has not considered the potential cultural significance of the midden prior to the previous ground disturbance. It is understood that the issue was reported to the Office of Environment and Heritage at the time. Regardless, the cultural significance assessment is documented in Section 11 of the ACHAR which has concluded that the midden is of significance to the Aboriginal community, based on consultation with the Bandjalang People. The assigning of 'scales' of significance to the Aboriginal community is specifically addressed in Section 11 of the ACHAR, however it is Everick's position that the Directors of the Bandjalang People are in the best position to make comment on the significance of Aboriginal objects in the Project Area.

However, as the management of remaining midden material is subject to an AHIP prior to commencement of works this specific matter will be subject to the determination of the ACHAR by the BCD as part of the Development Application process.

It should also be noted that the Project Area has been subject to a high degree of previous ground disturbance, as outlined in Section 7 of the ACHAR and corroborated by primary observations (Attachment C).

2.5 Inclusion of Women in Consultation Process

Four (4) of the submissions (59, 68, 79 and 88) suggest that no women were included in the consultation process, and that this calls into question the adequacy of the consultation outcomes. Section 4 of the

EVERICK HERITAGE

ACHAR outlines the consultation process stating that substantial consultation with the Aboriginal community has been undertaken with the Bandjalang Aboriginal Corporation as representatives of the Bandjalang People, for whom Native Title has been determined to exist around Evans Head. It is understood that the Bandjalang Aboriginal Corporation includes female members. It is therefore reasonable to assume the extensive consultation with the Bandjalang Aboriginal Corporation would have necessitated the engagement of female input. Furthermore, additional consultation undertaken under the the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) resulted in the following stakeholder register as put forward in the ACHAR:

"A Stakeholders Register was finalised on 21 October 2015 included the following stakeholder parties (in alphabetical order):

- a) The Bandjalang Directors;*
- b) Anthony Wilson;*
- c) Doug Wilson;*
- d) Daniel Wilson;*
- e) Simone Barker;*
- f) Jali LALC; and*
- g) Cook Family."*

Women were included in the Stakeholder Register, affording the opportunity for the perspectives of women in the assessment process

2.6 Use of Ground Penetrating Radar

The application of Ground Penetrating Radar ('GPR') has been considered however was not included in the assessment based on the following:

- The absence of credible information regarding the location of gravesites or burials.
- The rocky nature of the soils on the ridge line which make identification of burials difficult using a GPR.
- The highly disturbed nature of sandy soils, mixing subsurface strata and rendering GPR ineffective.
- The history of previous ground disturbance which makes the interpretation of GPR signatures difficult.

The ridge feature within the Iron Gates Project Area consists of shale-dominated substrate. As such, burials considered to be highly unlikely. This is further supported by knowledge holder John Roberts who during a recent site visit with the proponent indicated he did not believe that there were any graves at the Iron Gates Project Area and he said that the only place that Aboriginals would bury their dead would be on a hilltop. This led to an inspection of the ridge feature where there was agreement that the substrate was comprised entirely of shale rock, and that there was no way there would be any burials on this hilltop (Attachment A). John confirmed that it was his understanding that there were no known burials at the Iron Gates property.

It is acknowledged that the GPR is a suitable non-invasive archaeological technique, however in this instance there is not sufficient historical or community knowledge to develop a GPR program for the Iron Gates Project Area.

The GPR is primarily applied to identify human skeletal remain which are typically excluded from any future consent or AHIP and as such the practical application of the NPW Act and Regulations does not require detailed consideration of burials as a management issue. As indicated in the previous section, the matter of the compatibility of the proposed residential subdivision with Aboriginal burials was specifically considered at the rezoning stage where it was determined that burials could reasonably be managed during construction.

2.7 The 'Iron Gates' as a Pathway

The ACHAR provides comment on the 'Iron gates' in Section 14. Further assessment of this geological feature has not been provided as the Iron Gates residential proposal will not impact on the 'site'. In the context of the ACHAR, the presence of the Iron Gates is not considered to significantly influence the nature and extent of archaeological sites as the complexity of use around this geological feature has been significantly altered as a result of historic settlement, and namely the removal of the land bridge to provide for river transport. For example, if the Iron Gates were of spiritual or ceremonial significance it is likely that this would be a cultural 'barrier' to large or permanent occupation sites and the deposition of complex stratified middens. This would account for the relatively low densities of shell on the immediate river banks when compared to other locations within the lower estuary and near the headland.

The use of the 'Pathway' as a concept has been progressed as a means of predicting the location of sites, and typically identifies landscape features which provide strategic advantage, typically ridge lines, which are easier to move along. The logic of the pathway models when applied to the Iron Gates do not easily incorporate other modes of transport- such as the use of canoes for coastal travel- or the restrictions placed within dangerous places within the landscape.

3. BIBLIOGRAPHY

Medcalf, R., 1989. *Rivers of blood: massacres of the Northern Rivers Aborigines and their resistance to the white occupation 1838-1870*. Northern Star.

Robins, T., A. Piper and J. Towers 2019 Cultural Heritage Assessment for Iron Gates Residential Subdivision, 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 (July 2019). Everick Heritage Pty Ltd, unpublished report prepared for Gold Coral Pty Ltd.

EVERICK HERITAGE

ATTACHEMENT A – GRAEME INGLES FILE NOTE FROM THE 13TH NOVEMBER 2019

File note 13th November 2019

I was contacted some days prior to this date by Bill Drew and he told me that Tony Wilson and John Roberts from the Bundjalung Nation would like to come to Iron Gates and inspect the midden. He told me that John Roberts was a highly respected Bundjalung Elder who was also looked up to by the Bundjalung.

At 11am (NSW Time) on the 13th November 2019 I met with Bill Drew, Tony Wilson and John Roberts at the entrance to Iron Gates.

We proceeded onto the property and I showed them shell scatters from the midden in the long grass near the riverbank.

I told John Roberts that I was annoyed about unsubstantiated claims of there being graves on the site. John Roberts said that he did not believe that there were any graves at Iron Gates and he said that the only place that Aboriginals would bury their dead would be on a hilltop and he pointed to the only hill that is in the footprint of the development.

I told John that the hill was all rock not suitable for burials even by today's standards. He said he would like to inspect the hill and we all drove to the top of the hill. John Roberts kicked the ground with his shoe and poked it with a stick and he said I agree with you, this is all rock and there is no way that there would be any burials on this hilltop.

He confirmed that it was his understanding that there were no known burials at the Iron Gates property.

After this discussion we all left the property.

ATTACHEMENT B – TOM MCCORMACK

XPT DELAYED BY ROCK GROUP.



From December 27 - January 2, a \$5 million rock operation programme in the Centric Coast will affect all national XPT services.

NO TRAINS BETWEEN BURNBURY AND WYONG

No trains will run between Burnbury and Wyong as the track upgrading will block this line.

COACHING INSTEAD OF TRAINING

In place of the XPTs, we're going to run a fleet of XPTs (Xpress Passenger Coaches).

HEADING NORTH

If you're travelling on the Brisbane to Morecambe XPTs, you'll find them by XPT to Macleod, where you'll join the XPT for the remainder of your journey.

HEADING NORTH-WEST

If you are going to Tamworth in a destination further north-west, you will travel after the XPT to Macleod.

SOME DELAYS

You could experience a delay of about 30 minutes. Sorry.

MORE INFORMATION PLEASE

If you'd like more information, visit or call the Countrylink Travel Centre at Epsom station (0646 21 173).

© 1995 XPT

10 THE NORTHERN STAR, TUESDAY, DECEMBER 24, 1995

Letter to the Editor

Historical view of Iron Gates property

For 10 years, you I think, a document containing a history of the Iron Gates property.

While I had hoped to see this, two of our friends, Mr. and Mrs. John McMillan, who were involved in the development of the property, have been unable to find it.

Mr. McMillan, I was told, was an old friend of the late Mr. John McMillan, who was a member of the Iron Gates property. He was a member of the Iron Gates property, and he was a member of the Iron Gates property.

Mr. McMillan, I was told, was a member of the Iron Gates property. He was a member of the Iron Gates property, and he was a member of the Iron Gates property.

I think to have some facts about the history of the property, which give the lie to the claims being made by the 'John McMillan' who was born here in 1900, and who was a member of the Iron Gates property.

I think to have some facts about the history of the property, which give the lie to the claims being made by the 'John McMillan' who was born here in 1900, and who was a member of the Iron Gates property.

I think to have some facts about the history of the property, which give the lie to the claims being made by the 'John McMillan' who was born here in 1900, and who was a member of the Iron Gates property.

I think to have some facts about the history of the property, which give the lie to the claims being made by the 'John McMillan' who was born here in 1900, and who was a member of the Iron Gates property.

I think to have some facts about the history of the property, which give the lie to the claims being made by the 'John McMillan' who was born here in 1900, and who was a member of the Iron Gates property.

I think to have some facts about the history of the property, which give the lie to the claims being made by the 'John McMillan' who was born here in 1900, and who was a member of the Iron Gates property.

I think to have some facts about the history of the property, which give the lie to the claims being made by the 'John McMillan' who was born here in 1900, and who was a member of the Iron Gates property.

I think to have some facts about the history of the property, which give the lie to the claims being made by the 'John McMillan' who was born here in 1900, and who was a member of the Iron Gates property.

sent to help him master 25 head of cattle from his herd of over 100 to be sold at our fortnightly cattle sale at Cawley.

I was then driven and after we reached the first I had then dropped at Laykins (Laykins and then back to Cawley for Mr. McMillan).

I remember the state of the property well. I only saw him all over it while meeting the cattle.

A further transaction was pending on the full and perfectly the whole of the property was cleared and being used for grazing of cattle.

They were a few big trees left for shade, mostly gum trees. If all these were cut down, they would make about 40 percent of the land. Another 20 percent was small trees and the balance cleared.

Therefore, in the vegetation cleared, only about 40 percent of it is used between two years and 40 years old. A further 20 percent is under 10 years old and the remainder of 10 percent of other trees are spread around the property.

The small stand of 'timber' (eucalyptus) trees, which was known to some of the McMillans as 'timber' wood. This particular stand had previously been felled and parts cleared and fenced when I was there in 1945.

Would-like provide and old growth and 'timber' trees being used by some people as a complete misrepresentation of the true nature of the Iron Gates property.

They are not applicable to this land and the continued use of such terms by these people about Iron Gates is light of the above information would be dishonest.

I had the privilege of knowing the late Mrs. Elizabeth (Mrs. Gerrie) who was raised on the property. She told me that her late father had shared it with his bare hands and an axe, a shovel and many hours of muscle.

He raised the family by the sweat of his brow and they grew just about every crop known at that time. There was no idle time, just hard work.

I don't wonder that some people have expressed concern, when I hear and read some of the false information being handled about the property, that they cannot see the truth and get the true facts.

The company has spent hundreds of thousands of dollars on studies and reports as all environmental aspects.

Sam is in pride of our local heritage as I am. He is keen to see local people take up residence there and help to preserve the natural scene and local heritage.

To brothers I would say 'go back to where you came from and let the local get on with the job of securing their children's future prosperity.'

T. MCCORMACK, Ballina.

CINEMA LISMORE **Northern Star**

Candy Bar Characters

GIVE A NAME TO OUR ELEPHANT, MONKEY AND BULL IN CINEMA LISMORE/NORTHERN STAR CANDY BAR CHARACTERS COMPETITION AND WIN!

KEY KIDS: help us name our fantastic new candy bar characters and you could win one of 100 Double Theatre passes plus Cokes and popcorn.

Ten of the best named entries will be selected from each Birch, Carroll and Coyne Theatre and go into a draw to win a new movie plus Gold movie passes for the whole family.

So hurry and get your entries in now, at any Northern Star Office or post to PO Box 423, Lismore. Entries close 30/1/96.

NAME _____
ADDRESS _____
AGE _____

THE NORTHERN STAR



ANNEXURE 5 Iron Gates Drive Stormwater Management Plan – Arcadis, 20 March 2020

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

IRON GATES DRIVE

STORMWATER MANAGEMENT PLAN

20 MARCH 2020

IRON GATES DRIVE

STORMWATER MANAGEMENT PLAN

Author	Gerard Dick	
Checker	Darlan Castro	
Approver	Lachlan Prizeman	
Report No	F0007-10027302 -AAR	
Date	20/03/2020	
Revision Text	01	

This report has been prepared for Gold Coral Pty Ltd in accordance with the terms and conditions of appointment for Vantage, Evans Head dated March 2019. Arcadis Australia Pacific Pty Limited (ABN 76 104 485 289) cannot accept any responsibility for any use of or reliance on the contents of this report by any third party.

REVISIONS

Revision	Date	Description	Prepared by	Approved by
01	20/03/2020	Issued for Approval	GD	LP

CONTENTS

1 EXECUTIVE SUMMARY	1
2 EXISTING SITE CHARACTERISTICS	3
2.1 SITE DESCRIPTION	3
2.2 EXISTING TOPOGRAPHY	4
3 STORMWATER QUALITY	5
3.1 OBJECTIVES.....	5
3.2 PROPOSED STORMWATER TREATMENT DEVICES	5
3.3 MODELLING OF THE DEVELOPED SITE (MUSIC)	5
3.4 COMPLIANCE	6
4 STORMWATER QUALITY CONSTRUCTION PHASE	7
4.1 WATER QUALITY OBJECTIVES.....	7
4.2 EROSION AND SEDIMENT CONTROL PLAN PURPOSE.....	8
4.3 SPECIFIC ACTIVITIES	8
4.4 PROJECT PERSONNEL RESPONSIBILITIES	9
4.5 MONITORING AND RESPONSIBILITY	10
5 CONCLUSION	12

1 EXECUTIVE SUMMARY

Gold Coral Pty Ltd has commissioned Arcadis to prepare a Stormwater Management Plan (SMP) for the road widening proposed for the Iron Gates Drive which provides access from Evans Head to the Iron Gates Residential Development.

This report forms an addendum to the existing Engineering Services and Civil Infrastructure Report (ESCIR) previously submitted for the Development Application. (ESCIR) Sections 7 Water Quality and Section 8 Sediment and Erosion Control deal with the Water Quality Management for the development both during construction and on establishment of the Development.

This report applies to the proposed road widening which will be constructed and operated in accordance with The Northern Rivers Local Government - Development Design and Construction Manuals - Erosion Control and Stormwater Management and general Water Sensitive Urban Design (WSUD) requirements of Council. The primary objectives of this SMP are achieved as follows:

Lawful Point of Discharge (LPoD)

The road widening construction proposes to maintain the existing LPoD, being 2x2100x750 box culverts under Irongates Drive. The site proposes to maintain the discharge of stormwater to the existing stormwater infrastructure using enhanced quality treatment via a sediment trap at the entrance to each of the culvert headwalls.

Stormwater Quality

Due to limitations using the 'Model for Urban Stormwater Improvement Conceptualisation (MUSIC)' for the modelling of the road pavement widening site, a Risk Assessment based evaluation has been undertaken. A stormwater quality feasibility assessment undertaken which demonstrates that specially tailored treatment systems will be best suited in order to meet the Water Quality objectives during the operational phase of the proposed road widening. The proposed treatment system features enhanced bio-retention swales and a small sediment trap construction prior to the culvert inlet. All the stormwater quality controls proposed in this document are contained within the road reserve of Iron Gates Drive and will remain above the existing water table levels. Regular maintenance of the treatment devices will be undertaken to ensure the continuing performance of the stormwater quality treatment train.

Erosion and Sediment Control

Construction phase sediment control devices are to be implemented during construction works. An Erosion and Sediment Control Plan will form part of the documents submitted for the Construction approvals. In general, The E&SC Plan will include the following strategies:

1. Site works will not start until the erosion and sediment control works outlined in clauses 2 & 3, below, are installed and functional.
2. The entry to and departure of vehicles from the site will be confined to one stabilised point. Sediment or barrier fencing will be used to restrict all vehicular movements to that point. Stabilisation will be achieved by constructing a stabilised site access or other suitable technique approved by the Council.
3. Sediment fences and barrier fences will be installed along the perimeter of the road widening construction zone.
4. Topsoil from the work's area will be stripped and stockpiled for later use in landscaping the site.
5. All stockpiles will be placed in the locations to be shown on the ESCP and at least 2 metres clear of all areas of possible concentrated water flow, including the existing culverts.

6. Land on the opposite side of the road widening and, on the footpath, will not be disturbed during works except where essential. Where works are necessary, they will be undertaken in such a way to minimise the occurrence of soil erosion, even for short periods. They will be rehabilitated (grassed) as soon as possible.

7. Topsoil will be respread, and all disturbed areas will be stabilised within 20 working days of the completion of works.

8. All erosion and sediment controls will be checked at least weekly and after rain to ensure they are maintained in a fully functional condition.

.

2 EXISTING SITE CHARACTERISTICS

2.1 SITE DESCRIPTION

The existing Iron Gates Drive is just on 1000 metres in Length, with 6.5 to 7.5m sealed bitumen carriageway with gravel shoulders. The proposed widening to facilitate the Iron Gates residential development will be undertaken over 460 metres in length.

The total area of the existing pavement is approximately 7-7500m² the area widening is approximately 690m².

The road is raised approximately 1 to 1.5m from above the surrounding terrain, which is described as sandy, silty- sandy soils, exhibiting pervious characteristics typical of the sandy soils.



Figure 2-1 **Iron Gates Drive Existing Imagery**

2.2 EXISTING TOPOGRAPHY

The road topography consists of low grading slopes ($<1\%$). The site generally grades towards the Evans River to the South East. The road has a high point of approximately RL3.2m and low point of RL2.3m. Drainage from the upstream catchment discharges to the Evans River South East mainly through the major waterway adjacent to Mangrove Street. Two smaller culvert structures convey smaller flows beneath Iron Gates Drive, at chainages 600 and 800.



Figure 2-2 Iron Gates Drive Stormwater Culverts

3 STORMWATER QUALITY

3.1 OBJECTIVES

The water quality objectives are set out as follows:

- Protect natural ecosystems;
- Integrate stormwater treatment into the urban landscape;
- Protect water quality;
- Reduce runoff and peak flows; and
- Add value while minimising development costs.

3.2 PROPOSED STORMWATER TREATMENT DEVICES

WSUD aims to minimise the impact of a development on the natural water cycle by reducing the export of pollutants, sediments and nutrients from the site into the natural watercourse. In order to treat the stormwater runoff from the road widening, the proposed treatment devices can be integrated into the overall design of the road widening layouts, road cross sections, existing stormwater construction without interfering with the areas outside the existing road reserve. Stormwater from each installation will provide for a stormwater quality treatment train prior to discharge from the site, which will ensure compliance with the water quality objectives.

The below nominated treatment devices are shown in the attached Access Road Stormwater Plan in Appendix A.

3.2.1 SWALE DRAIN PLANTING AREAS

A bio-retention area is a vegetated region where runoff is filtered through a filter media layer (e.g. sandy loam) as it percolates downwards to receiving underlying drainage. Specific vegetation will be incorporated into the landscaping of swale drains areas which will effectively reduce nutrient loads. The existing sandy soils will provide the required filtration.

3.2.2 SEDIMENT TRAP FOREBAY

A sediment trap forebay will be constructed upstream of the culvert headwall discharging underneath Iron Gates Drive. The sediment trap forebay will be installed to capture any suspended sediments from the existing swale drains flows. Construction will be in accordance with the Development Design Specification D7 – Erosion Control and Stormwater Management section D7.12.

The removal of sediments prior to discharge will provide enhanced Water Quality treatment to the existing Road runoff.

3.3 MODELLING OF THE DEVELOPED SITE (MUSIC)

Modelling of the site was not undertaken using the 'Model for Urban Stormwater Improvement Conceptualisation (MUSIC)' due to restrictions within the software. However the following impacts and site conditions are noted.

The existing shoulder to the roadway is currently exposed to rainfall and runoff, the road widening and sealing of this area will reduce the sediment runoff from this area.

The existing terrain and surrounding sandy soil conditions do not generate high runoff flows nor erosive conditions. The existing grassed verges already provide excellent stormwater Quality Treatment to the existing bitumen road carriageway.

3.4 COMPLIANCE

To comply with the water quality objectives mentioned above and reduce the water quality impacts associated with the Iron Gates Drive road widening works, the following can be seen:

- Reduction of exposed gravel shoulder areas and potential sediment runoff will be achieved by the sealing of the pavement widening – i.e bitumen surface in place of existing exposed gravel.
- Reduction of total nutrient pollutants will be achieved by enhanced planting in the table drain approaches to the culvert inlets.
- Reduction of total suspended solids will be achieved by the installation of a sediment trap forebay entry to the existing culvert inlet.
- Reduction of sediment and pollutant runoff during construction by the implementation of the site based Erosion and Sediment Control Plan.

4 STORMWATER QUALITY CONSTRUCTION PHASE

4.1 WATER QUALITY OBJECTIVES

Table 4-1 Construction Phase Quality Objectives

Pollutant	Criteria
Drainage Control	<p>Design life and design storm of temporary drainage works:</p> <ol style="list-style-type: none"> 1. Disturbed area open for <12 months—1 in 2 ARI; 2. Disturbed area open for 12-24 months—1 in 5 ARI; 3. Disturbed area open for > 24 months—1 in 10 ARI;
Erosion Control	<ol style="list-style-type: none"> 4. Minimise exposure of disturbed soils at any time; 5. Avoid or minimise large construction activities in the wet season; 6. Divert water run-off from undisturbed areas around disturbed areas; and 7. Use erosion risk ratings to determine appropriate erosion control measures.
Sediment Control	<p>Use soil loss rates to determine appropriate sediment control measures</p> <p>Design storm for sediment control basins should be based on retaining the maximum sediment quantity for the maximum volume of water run-off</p> <p>Site discharge during sediment basin dewatering should not exceed 50 mg/L TSS and pH between 6.5–8.5</p>
Stormwater Drainage / Flow Management	<p>Hydraulics and hydrology—Take all reasonable and practicable measures to minimise significant changes to the natural waterway hydraulics and hydrology from:</p> <ul style="list-style-type: none"> • peak flow for the one-year and 100-year ARI event (respectively for aquatic ecosystems and flood protection); • run-off frequency and volumes entering receiving waters; and • Uncontrolled release of contaminated stormwater.
Water Quality Outcomes	<p>Stormwater flows from undisturbed and disturbed areas—manage to help protect environmental values</p> <p>Coarse sediment—coarse sediment is retained on site</p> <p>Fine sediment—Site discharge during sediment basin dewatering has a TSS concentration less than 50 mg/L</p> <p>Turbidity—Site discharge during sediment basin dewatering has a turbidity (NTU) less than 10% above receiving waters turbidity—measured immediately upstream of the site</p> <p>Nutrients (N & P)—Nitrogen and phosphorus are managed through sediment control.</p> <p>pH—Site discharge during sediment basin dewatering has a pH range 6.5–8.5</p> <p>Litter and other waste—Prevent litter/waste entering the site, the stormwater system or watercourses that discharge from the site. Also minimise or sufficiently contain on-site litter and waste production and regularly clear waste bins</p> <p>Hydrocarbons and other contaminants—Hydrocarbons and other contaminants are prevented from entering the stormwater system or internal watercourses that discharge from the site.</p> <p>Wash down water—Wash down water is prevented from entering the stormwater system or internal watercourses that discharge from the site</p> <p>Cations and anions—Cations and anions including aluminium, iron and Sulfate are managed as required under an approved acid Sulfate soil management plan</p>

4.2 EROSION AND SEDIMENT CONTROL PLAN PURPOSE

During the construction phase it shall be the Principal Contractor's responsibility to ensure the objectives of Table 4-1 are achieved.

The following section of this report provides a suggested framework for an Erosion and Sediment Control Plan. This includes recommended actions and responses for specific activities; monitoring and reporting; and construction of specifically designed site-specific sediment basins.

4.3 SPECIFIC ACTIVITIES

4.3.1 EROSION AND SEDIMENT CONTROL OF DISTURBED LAND

During the construction phase it shall be the Principal Contractor's responsibility to ensure the following:

- Diversion of any clean water runoff that may interfere with land disturbance by the use of earth bunds, or other control devices deemed appropriate by a suitable supervisor;
- Reduction of sediment migration from disturbed land parcels by implementing silt fences, sediment basins or other control devices as deemed appropriate by a suitable supervisor;
- Where cut to fill operations produce a spoil it is recommended that the excess material be placed upstream of the excavation location to ensure any sediment runoff is directed back into the trench. Earth bunds or sediment fences may be required to control direction of sediment flow should the spoil be placed on the downstream side of the excavation site;
- Control measures such as a gully pit sediment barrier (see Arcadis drawings attached) shall be installed around inlet pits where required reducing the potential for sediment discharge into the surrounding stormwater system;
- Any sediment deposited from construction vehicles will be swept up and removed; and
- Erosion and sediment control devices may only be removed once disturbed lands which they are protecting are rehabilitated and capable of resisting further erosion.

4.3.2 SPOIL AND STOCKPILE MANAGEMENT

It shall be the Principal Contractor's responsibility to oversee the following controls during the construction phase unless otherwise specified:

- The placement of spoil and stockpile material shall be kept at a maximum distance from stormwater inlets, gutters and stormwater pipes to reduce unnecessary sediment migration into nearby infrastructure;
- Spoil and stockpile material shall be placed in a way that reduces the likelihood of sedimentation, erosion and slippage. Advice from an appropriate project manager/representative shall be sought in this instance;
- Spoil or stockpile material that is deemed a contaminant shall be placed on a designated zone of either fill material, plastic or concrete with the installation of appropriate containment devices. Advice from an appropriate project manager/representative shall be sought in this instance as the resulting control will be highly dependent on the severity of contamination; and
- It shall be the Project Manager's responsibility to foresee and develop appropriate control measures to prevent the impacts of spoil and stockpile material prior to construction

activities. Monitoring and reporting shall also be required during the implementation of any given device associated with spoil and stockpile management.

4.3.3 EROSION CONTROL

It shall be the Principal Contractor's responsibility to oversee the following controls during the construction phase:

- Traffic of any type shall be kept away from areas of rehabilitation to promote stabilisation of the zone;
- Where wind and water are acknowledged as potential erosion sources temporary protection shall be installed. Such measures only apply to zones of spoil, stockpile and land disturbance which are unlikely to receive works within a period of 6-8 weeks. Further advice from an appropriate project manager/representative shall be sought in this instance as the resulting control will be highly dependent on the disturbance type and erosion source; and
- Once viable, final landscaping shall be undertaken on applicable zones to increase stability.

4.3.4 PERSONNEL TRAINING

It shall be the Principal Contractor's responsibility to oversee the following training protocols during the construction phase:

- Environmental management and incident reporting is to be included on all site induction courses; and
- All personnel are to receive adequate training in; work place health and safety issues, environmental management, best practice erosion and sediment control practices, incident reporting procedures and where applicable site inspection and maintenance procedures.

4.3.5 MISCELLANEOUS

- It is the Principal Contractor's responsibility to ensure erosion and sediment controls are operated and maintained in an effective operational condition. These structures are not allowed to accumulate sediment volume in excess of 70% sediment storage design capacity as per Section 6 of the Urban Stormwater Quality Planning Guidelines 2010;
- Sediment removed from control measures must be disposed of in a manner approved by the local Council that does not cause pollution and forms part of the Contractor's obligation;
- Any chemicals, fuel or oil stored on site shall be stored under cover in a bounded area or placed sufficiently above ground level to prevent contamination of surface water;
- A waste concrete receptor (disposal area) must be established if significant concreting is to occur on site. The site must be surrounded by perimeter bunds and be clearly signed; and
- A general waste collection area shall be established which is to include appropriate pollutant runoff controls, dependent on the nature of the waste.

4.4 PROJECT PERSONNEL RESPONSIBILITIES

A description of the key personnel involved with implementing the Erosion and Sediment Control Plan are listed in Table 4-2. It is recommended that all parties involved attend a pre-construction

conference to discuss and clarify all issues associated with sediment and erosion control as well as this plan.

Table 4-2 Project Personnel Responsibilities

Project Role	Responsibilities
Superintendent	<ul style="list-style-type: none"> • Authorisation of this plan; and • Review and monitoring of this plan.
Contractor / Site Manager	<ul style="list-style-type: none"> • Implementation of this plan; • Monitoring of this plan; • Supervising any activities or requirements required by this plan; • Ensuring all personnel are aware of the contractual agreements associated with this plan.
All Personnel	<ul style="list-style-type: none"> • Ensuring they are aware of the contractual agreements associated with this plan; and • Informing appropriate personnel of any issues that may arise with respect to the desired sediment and erosion control measures.

4.5 MONITORING AND RESPONSIBILITY

4.5.1 ALL PERSONNEL

It is the obligation of all personnel to report any failures in the erosion and sediment control works utilised during the projects life cycle. Any identified errors within the sediment and erosion control system shall be reported in writing to a relevant project manager. A formal inquiry shall be undertaken in accordance with the reported issue as well as the relevant party procedures (i.e. Principal Contractor).

4.5.2 CONTRACTOR/CONTRACTOR'S FOREMAN

It shall be the responsibility of the Contractor and Contractor's Foreman to monitor and report on the erosion and sediment control measures utilised in the construction phase. Inspections are to be undertaken:

- On a daily basis during earthworks, land disturbance, spoil or stockpile activities and rain events;
- Weekly during site inactivity; and
- Within 24 hours prior to expected rainfall and 18 hours prior to intense rainfall events.

The following shall be inspected or reported on:

- Erosion and sediment control devices are in the correct location and are working as defined by this plan;
- Drainage systems both internal and external to the site are operating effectively or to pre-construction efficiencies;
- Spilled material is removed if it can potentially mobilise via stormwater runoff or wind;
- Stabilisation of disturbed land parcels has been undertaken in an effective manner;
- Excess sediment has been removed from erosion and sediment measures appropriately if the device is operation ineffectively or requires decommissioning.; and
- It is understood that repairs, maintenance or reinstallation may be required if any control measures are operating inadequately, or if infrastructure is damaged due to inefficient operation of the outlined measures.

4.5.3 ENVIRONMENTAL REPRESENTATIVE

It shall be the responsibility of the environment representative to periodically inspect and report on the effectiveness of the erosion and sediment controls during the construction phase of the project. Technical advice shall be given to personnel outlying any uncertainty with regards to the; applicability, installation, operation, maintenance, removal or rehabilitation of any sediment and erosion control.

5 CONCLUSION

This SMP has been prepared to provide a design proposal and guide to the stormwater quality management techniques for the site of the Iron Gates Drive.

The primary objectives of this Stormwater Management Plan (SMP) are achieved as follows:

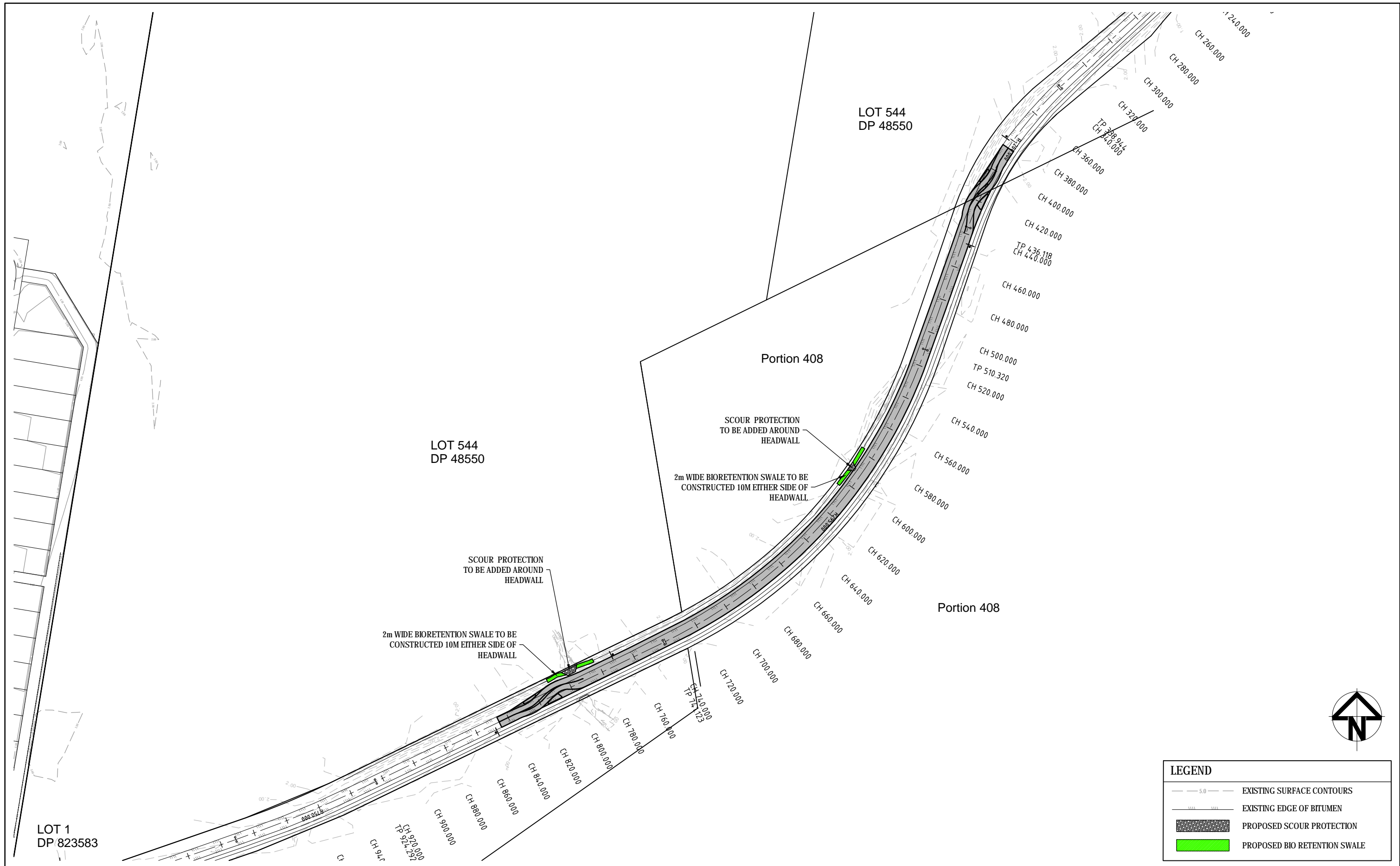
Stormwater Quality

A stormwater quality assessment is provided which demonstrates that a specially tailored treatment system will be required in order to minimise the impacts of the Road widening, in comparison to the existing site runoff scenario. This treatment system is demonstrated in Appendix A.


Erosion and Sediment Control

Construction phase sediment control devices are to be implemented during construction works in accordance with requirements associated with Type 3 sediment discharge zones, comprising of a vehicle shakedown, sediment fences and culvert inlet protection.

APPENDIX A – ENGINEERING PLANS



LEGEND	
	5.0 EXISTING SURFACE CONTOURS
	EXISTING EDGE OF BITUMEN
	PROPOSED SCOUR PROTECTION
	PROPOSED BIO RETENTION SWALE

						<div>Scale</div> <div><div><div>0</div><div>10</div><div>20</div><div>40</div><div>60</div><div>80</div><div>100m</div></div><div>1 : 1000</div></div>		<div>Surveyor</div> <div>ROBERT A HARRIES SURVEYOR</div>		<div>Client</div> <div>GOLDCORAL PTY LTD</div>		<div>Status</div> <div>PRELIMINARY NOT TO BE USED FOR CONSTRUCTION</div>		<div>Project</div> <div>LOT 277 IRON GATES ROAD EVANS HEAD ACCESS ROAD</div>		<div><div></div><div>Arcadis Australia Pacific Pty Limited P O Box, 1653 Southport QLD 4215 ABN 76 104 485 289 Tel No: +61 7 5532 3933 Fax No: +61 7 5591 4778 www.arcadis.com</div></div> <div><div>Drawing No.</div><div>Project No.</div><div>Issue</div></div> <div><div>K220</div><div>—</div><div>AA007094</div><div>—</div><div>01</div></div>			
						<div>Approved</div> <div>R.P.E.Q No :</div>													
						<div>Scal</div> <div>1:1000</div>		<div>Original Issue Signatures</div> <div><div>Drawn</div><div>S. HEYWARD</div></div>				<div>Title</div> <div>ACCESS ROAD STORMWATER PLAN</div>							
						<div>Original Size</div> <div>A1</div>		<div>Designed</div> <div>L. PRIZEMAN</div>											
01		ORIGINAL ISSUE		SH		LP		20.03.20				<div>Height Datum</div> <div>AHD</div>		<div>Project Manager</div> <div>G. DICK</div>					
Issue		Description		By		Clk		RPEQ		Date		Filename K220-AA007094-GCD-00-ACCESS ROAD STORMWATER PLAN.dwg		<div>Grid</div>		<div>© Copyright reserved</div>			



ANNEXURE 6 Response to NSW State Agency Comments – Arcadis, 20 March 2020

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants

Mr Graeme Ingles
Gold Coral Pty Ltd
c/- Ingles Group (QLD) Pty Ltd
PO BOX 558
Surfers Paradise QLD 4217

Arcadis Australia Pacific Pty Ltd
Level 7, Seabank Building
12-14 Marine Parade
PO Box 1653
SOUTHPORT QLD 4215
Tel No: +61 7 5532 3933
Fax No: +61 7 5591 4778
arcadis.com

20/03/2020

A0004-10027302-AAL-01

Iron Gates Residential Development Draft SEPP71 Master Plan (DAC Planning, October 2019) – Response to NSW State Government Agency Comments

Dear Darryl,

We refer to the NSW State Government Letters received providing commentary on the Iron Gates Residential Development Draft Master Plan, issued by the Natural Resources Commission (NRC) and the Natural Resources Access Regulator (NRAR) on the 11th December 2019 and 23rd January 2020 respectively. Please find below the State Agency comments (in black font) followed by Arcadis' response (in orange font) relevant to Civil Engineering and our scope of services.

Natural Resources Commission

Item 2 – Commission's Advice

The Commission recommends the Master Plan include collection and treatment of stormwater from the upgraded Iron Gates Drive to minimise potentially negative impact on water quality of the nearby SEPP 14 wetland.

The attached Stormwater Management Plan F0007-10027302 prepared by Arcadis Australia Pacific demonstrates the proposed stormwater quality improvement methods which will be implemented to minimise the impact on the downstream water quality of the SEPP 14 wetland of the Iron Gates Drive road widening.

The improvement methods will include additional bio-swale vegetation planting along the existing road side swales and the construction of a sediment trap forebay upstream of the existing stormwater culverts. Additionally, the area of exposed gravel producing significant volumes of suspended solids will be reduced through the sealing of the surface through the bitumen carriageway widening.

Department of Planning, Industry and Environment – Water

Item 1

The Iron Gates development proposal site lies at a pinch point on the Evans River. A slight elevation is aligned approximately along an existing road easement west of Lot 276 DP755624. The subdivision is located on the eastern flank of this elevation, extending into a SEPP 14 coastal wetland.

Noted.

Item 2

A flood study developed for the Evans River indicates likely inundation of the Iron Gates Road and potential floodwater storage within the development area. The development is likely to be isolated during floods, and climate change risks of increased flooding severity may pose some threat to part of the development area.

It is acknowledged that Iron Gates Drive is susceptible to flooding in the current day 100 year ARI flood event. However, only a very minor area of the site is inundated and would provide storage in the regional catchment. Whilst development site will be isolated for a period of time during floods, all development lots have been proposed to be situated above the 100 year ARI climate change flood level to reduce the risk of flooding severity, with 500mm freeboard to floor levels. All roads internal to the development site will also be located above the 100 year ARI climate change flood level.

Item 3

The Master Plan does not provide sufficient information for assessment of geomorphic risks arising from existing flood regimes or potential changes as climate change scenarios occur.

It is both Arcadis' and WBM BMT's position that the requirement of a geomorphic study and risk assessment of a natural river (The Evans River) is an unreasonable and onerous requirement to be expected to be undertaken by a single proposed development site, particularly when the proposed development does not impact on the function of the natural river.

An assessment of the Evans River which looks at the geomorphic processes and the potential changes and risks associated with climate change scenarios and sediment transportation and deposition is the responsibility of the Local and State Government agencies as the outcomes of the study will affect all properties and residents in the catchment. Additionally, any mitigation works associated with the risk of climate change and sediment transportation would be undertaken by Council or State for the benefit of the region.

The Master Plan looks to protect the inhabitants of the Iron Gates development by providing flood immunity to all roads and minimum 500mm freeboard to building floor levels from the climate change 100 year ARI flood level.

The BMT WBM Flood Report at Appendix C of the ESCIR addresses potential flood impacts in the context of the proposed development and concludes as follows:

"The following key conclusions have been made from this study:

- The dominant source of flooding to the upper Evans River (Tuckombil area) is from overflows from the Richmond River.*
- At Evans Head the main flood risk is from storm surge. However, much of Evans Head is at elevations sufficient to be above the 100 year ARI storm surge level.*
- Peak 100 year ARI flood elevations at Evans Head typically range between 2.0m AHD and 2.3m AHD.*
- Silver Sands Holiday Park within Evans Head and low lying parts of South Evans Head along Ocean Drive and Bundjalung Road are at risk from flooding in a 100 year ARI event.*
- A climate change assessment was undertaken with a 10% increase in rainfall intensity and a 0.9m rise in sea level. This showed that whilst flood depths increased significantly in the Evans River, the overall 100 year ARI flood extent within Evans Head did not notably change with*

the exception of some additional inundation along Ocean Drive and Bundjalung Road.

- A local, short duration, high intensity rainfall event across the Evans River does not result in higher flood levels than for when a Richmond River event passes through the Evans River catchment.*
- The approximate travel time of a significant flood peak (100 year ARI event) between the Tuckombil Weir and Evans Head is around 5 hours.*
- A sensitivity assessment of lowering the Tuckombil Weir level from 0.94m AHD to 0.74m AHD showed that the change in elevation was insignificant on the flooding response of the river for the 20 year ARI event.”*

Item 4

Geomorphic processes driving sediment transport and deposition are significant in a wave dominated delta estuary. Sediment accumulation may drive increased flood height or storm surge backwater storage in the SEPP 14 wetland and associated watercourses and drainage lines.

This Item is addressed in the response to Item 3.

Item 5

Geomorphic processes are not addressed in the documentation provided. Detailed assessment of estuarine geomorphic processes is required to account for likely and possible changes in flood flow behaviour resulting from climate change, leading to altered sediment transport and deposition processes in the Evans River estuary. This should form a basis for mitigation to flooding risk to the Iron Gates subdivision proposal and identify appropriate development limits to housing on the site.

This Item is addressed in the response to Item 3.

Item 6

Hydrologic linkages between the Richmond River estuary and the Evans River inlet through the Tuckmobile Canal below Woodburn require further detailed examination.

This Item is addressed in the response to Item 3.

Item 7

The risk of inundation and isolation of the Iron Gates proposal resulting from storm surge meeting flood wave travelling along the Evans River requires detailed explanation. The flood scenarios rely upon the WBM Evans River Flood Study, therefore the inundation and fringing flood zones adjacent to the development site should be assessed against the recommended flood protection elevation buffers for the lower Evans River.

The existing Evans River Flood Study prepared by WBM BMT (Appendix C of the ESCIR) includes an analysis of climate change and storm surge, providing a peak flood level within the lower Evans River catchment by creating a coinciding event of individual flooding elements. The proposed development does not create any additional risk of inundation at the development site, with all roads proposed above the 100 year ARI climate change flood level, and all lots providing 500mm freeboard to this same level.

The development proposal does not modify the Evans River catchment hydraulics or storage within the larger regional catchment. As such, the flooding conditions and required protection within the fringing flood zones adjacent to the development site will not change as a result of the Iron Gates Master Plan.

Item 8

Sedimentation storage and influence on flood surges into and along the lower Evans River should also be included in any such study. This must also address intrusion into the existing SEPP 14 wetland and development adjacent to an unnamed drainage line within Lot 544 DP 48550.

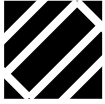
As previously mentioned, Arcadis do not believe that a study to assess the potential future impacts of sedimentation storage and climate change flood surge within the Evans River should be prepared by a single applicant.

The proposed Master Plan looks to mitigate any impacts to the SEPP 14 wetland area by avoiding development in the area, and only proposes minimal area of fill in the highest portion of the current 100 year ARI flood extents. A central portion of the site remains in it's natural state, discharging toward the Evans River. All runoff from the developed areas of the site will be controlled through stormwater quality improvement devices, limiting peak flows and sediment runoff.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Lachlan', with a stylized flourish at the end.

Lachlan Prizeman
Civil Engineer
07 5503 4804



ANNEXURE 7 Amended Plan of Proposed Subdivision – Land Partners Pty Ltd, 23 March 2020


DAC Planning Pty Ltd


A.C.N. 093 157 165

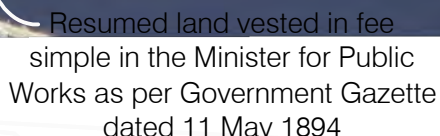
Town Planning & Development Consultants

Lot Table	
Lot	Area
71	607 m ²
72	608 m ²
73	682 m ²
74	766 m ²
75	600 m ²
76	600 m ²
77	600 m ²
78	600 m ²
79	600 m ²
80	601 m ²
81	601 m ²
82	601 m ²
83	601 m ²
84	608 m ²
85	614 m ²
86	634 m ²
87	696 m ²
88	602 m ²
89	602 m ²
90	602 m ²
91	859 m ²
92	856 m ²
93	603 m ²
94	603 m ²
95	954 m ²
96	616 m ²
97	663 m ²
98	657 m ²
99	602 m ²
100	723 m ²
101	605 m ²
102	609 m ²
103	620 m ²
104	714 m ²
105	602 m ²
106	604 m ²
107	602 m ²
108	602 m ²
109	602 m ²
110	602 m ²
111	601 m ²
112	600 m ²
113	600 m ²
114	600 m ²
115	608 m ²
116	601 m ²
117	602 m ²
118	600 m ²
119	601 m ²
120	600 m ²
121	600 m ²
122	647 m ²
123	619 m ²
124	603 m ²
125	600 m ²
126	646 m ²
127	661 m ²
128	626 m ²
129	600 m ²
130	639 m ²
131	602 m ²
132	602 m ²
133	600 m ²
134	618 m ²
135	623 m ²
136	604 m ²
137	602 m ²
138	600 m ²
139	600 m ²
140	600 m ²

LEGEND:

 SITE BOUNDARY

 PROPOSED EASEMENT

CGW


NOTE: ALL DIMENSIONS AND AREAS ON THIS PLAN ARE SUBJECT TO SURVEY AND REQUIREMENTS FOR LODGEMENT OF SURVEY PLANS IN THE NSW LAND REGISTRY SERVICES


Lot Table	
Lot	Area
1	969 m ²
2	612 m ²
3	612 m ²
4	612 m ²
5	612 m ²
6	612 m ²
7	612 m ²
8	612 m ²
9	612 m ²
10	612 m ²
11	612 m ²
12	605 m ²
13	605 m ²
14	612 m ²
15	612 m ²
16	612 m ²
17	612 m ²
18	612 m ²
19	612 m ²
20	612 m ²
21	649 m ²
22	615 m ²
23	600 m ²
24	600 m ²
25	600 m ²
26	600 m ²
27	600 m ²
28	600 m ²
29	627 m ²
30	600 m ²
31	600 m ²
32	600 m ²
33	600 m ²
34	600 m ²
35	600 m ²
36	788 m ²
37	674 m ²
38	775 m ²
39	612 m ²
40	604 m ²
41	604 m ²
42	604 m ²
43	604 m ²
44	604 m ²
45	604 m ²
46	604 m ²
47	609 m ²
48	605 m ²
49	600 m ²
50	600 m ²
51	600 m ²
52	600 m ²
53	600 m ²
54	600 m ²
55	600 m ²
56	600 m ²
57	623 m ²
58	623 m ²
59	633 m ²
60	632 m ²
61	618 m ²
62	604 m ²
63	604 m ²
64	605 m ²
65	606 m ²
66	606 m ²
67	607 m ²
68	607 m ²
69	608 m ²
70	609 m ²

Lot Table	
Lot	Area
71	607 m ²
72	608 m ²
73	682 m ²
74	766 m ²
75	600 m ²
76	600 m ²
77	600 m ²
78	600 m ²
79	600 m ²
80	601 m ²
81	601 m ²
82	601 m ²
83	601 m ²
84	608 m ²
85	614 m ²
86	634 m ²
87	696 m ²
88	602 m ²
89	602 m ²
90	602 m ²
91	859 m ²
92	856 m ²
93	603 m ²
94	603 m ²
95	954 m ²
96	616 m ²
97	663 m ²
98	657 m ²
99	602 m ²
100	723 m ²
101	605 m ²
102	609 m ²
103	620 m ²
104	714 m ²
105	602 m ²
106	604 m ²
107	602 m ²
108	602 m ²
109	602 m ²
110	602 m ²
111	601 m ²
112	600 m ²
113	600 m ²
114	600 m ²
115	608 m ²
116	601 m ²
117	602 m ²
118	600 m ²
119	601 m ²
120	600 m ²
121	600 m ²
122	647 m ²
123	619 m ²
124	603 m ²
125	600 m ²
126	646 m ²
127	661 m ²
128	626 m ²
129	600 m ²
130	639 m ²
131	602 m ²
132	602 m ²
133	600 m ²
134	618 m ²
135	623 m ²
136	604 m ²
137	602 m ²
138	600 m ²
139	600 m ²
140	600 m ²

Lot Table	
Lot	Area
141	600 m ²
142	600 m ²
143	605 m ²
144	600 m ²
145	600 m ²
146	601 m ²
147	600 m ²
148	600 m ²
149	601 m ²
150	601 m ²
151	600 m ²
152	665 m ²
153	629 m ²
154	834 m ²
155	765 m ²
156	603 m ²
157	627 m ²
158	644 m ²
159	601 m ²
160	601 m ²
161	601 m ²
162	601 m ²
163	601 m ²
164	601 m ²
165	600 m ²
166	601 m ²
167	602 m ²
168	602 m ²
169	602 m ²
170	602 m ²
171	602 m ²
172	602 m ²
173	602 m ²
174	614 m ²
175	600 m ²
176	2,188ha
177	4,857ha
178	47,418ha

LEGEND:

 SITE BOUNDARY

 PROPOSED EASEMENT



GOLDCORAL
PTY LTD

PROJECT

PROPOSED SUBDIVISION OF
LOTS 276 & 277 ON DP755624,
LOT 163 ON DP831052, CROWN PUBLIC
ROAD RESERVE (BETWEEN LOT 163
DP831052 AND LOT 276 DP755624) AND
CROWN FORESHORE RESERVE
(ADJACENT TO EVANS RIVER)

LOCAL AUTHORITY

RICHMOND VALLEY

NOTES

(i) This plan was prepared for the purpose and exclusive use of GOLD CORAL PTY LTD to accompany an application to RICHMOND VALLEY for approval to reconfigure the land described in this plan and is not to be used for any other purpose or by any other person or corporation. LandPartners Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising from any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (i) or (ii) hereof.

(ii) The dimensions, areas, number of lots, size and location of improvements & flood information (if shown) are approximate only and may vary.

(iii) This plan may not be copied unless these notes are included.

Aerial Photography sourced from
Nearmap 13-3-2019.
Date of photography - 03/07/2012


LOTS	TOTAL AREA
Residential Lots (175)	16,883ha
Residue Lots (3)	54,463ha
Public Reserves (4)	0,8379ha
Drainage Reserve (1)	0,1124ha
Pump station lot (1)	0,0127ha
TOTAL	72,309ha

ADDITIONAL NOTES

SCALE BAR

0 5 10 20 30 50 80m


SCALE 1:1250 @ A1



LANDPARTNERS
built environment consultants

Brisbane Office
Level 1 - CDOPE
15 Little Crab Street,
Milton Qld 4064
PO Box 1399
Milton Qld 4064

p: (07) 3842 1000
f: (07) 3842 1001
info@landpartners.com.au
www.landpartners.com.au



LEVEL DATUM

AHD

LEVEL ORIGIN

-

CONTOUR INTERVAL

-

COMPUTER FILE

BRJD6396-100-33-17

DRAWN

CGW

DATE

23/03/2020

CHECKED

CMJ

DATE

23/03/2020

APPROVED

CGW

DATE

23/03/2020

PLAN NUMBER

SHEET 2 OF 2
BRJD6396.100-013









REV
i

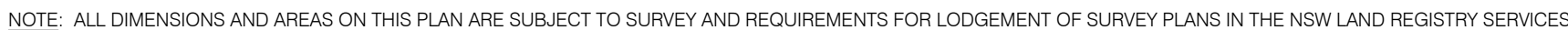
NOTE: ALL DIMENSIONS AND AREAS ON THIS PLAN ARE SUBJECT TO SURVEY AND REQUIREMENTS FOR LODGEMENT OF SURVEY PLANS IN THE NSW LAND REGISTRY SERVICES

©LANDPARTNERS 2020

Lot Table	
Lot	Area
71	607 m ²
72	608 m ²
73	682 m ²
74	766 m ²
75	600 m ²
76	600 m ²
77	600 m ²
78	600 m ²
79	600 m ²
80	601 m ²
81	601 m ²
82	601 m ²
83	601 m ²
84	608 m ²
85	614 m ²
86	634 m ²
87	696 m ²
88	602 m ²
89	602 m ²
90	602 m ²
91	859 m ²
92	856 m ²
93	603 m ²
94	603 m ²
95	954 m ²
96	616 m ²
97	663 m ²
98	657 m ²
99	602 m ²
100	723 m ²
101	605 m ²
102	609 m ²
103	620 m ²
104	714 m ²
105	602 m ²
106	604 m ²
107	602 m ²
108	602 m ²
109	602 m ²
110	602 m ²
111	601 m ²
112	600 m ²
113	600 m ²
114	600 m ²
115	608 m ²
116	601 m ²
117	602 m ²
118	600 m ²
119	601 m ²
120	600 m ²
121	600 m ²
122	647 m ²
123	619 m ²
124	603 m ²
125	600 m ²
126	646 m ²
127	661 m ²
128	626 m ²
129	600 m ²
130	639 m ²
131	602 m ²
132	602 m ²
133	600 m ²
134	618 m ²
135	623 m ²
136	604 m ²
137	602 m ²
138	600 m ²
139	600 m ²
140	600 m ²

LEGEND:









	SITE BOUNDARY
	PROPOSED EASEMENT
	ZONE - E1 - National Parks and Nature Reserves
	ZONE - E2 - Environmental Conservation
	ZONE - E3 - Environmental Management
	ZONE - RU1 - Primary Production
	ZONE - R1 - Low-Medium Density Residential
	ZONE - W1 - Natural Waterways

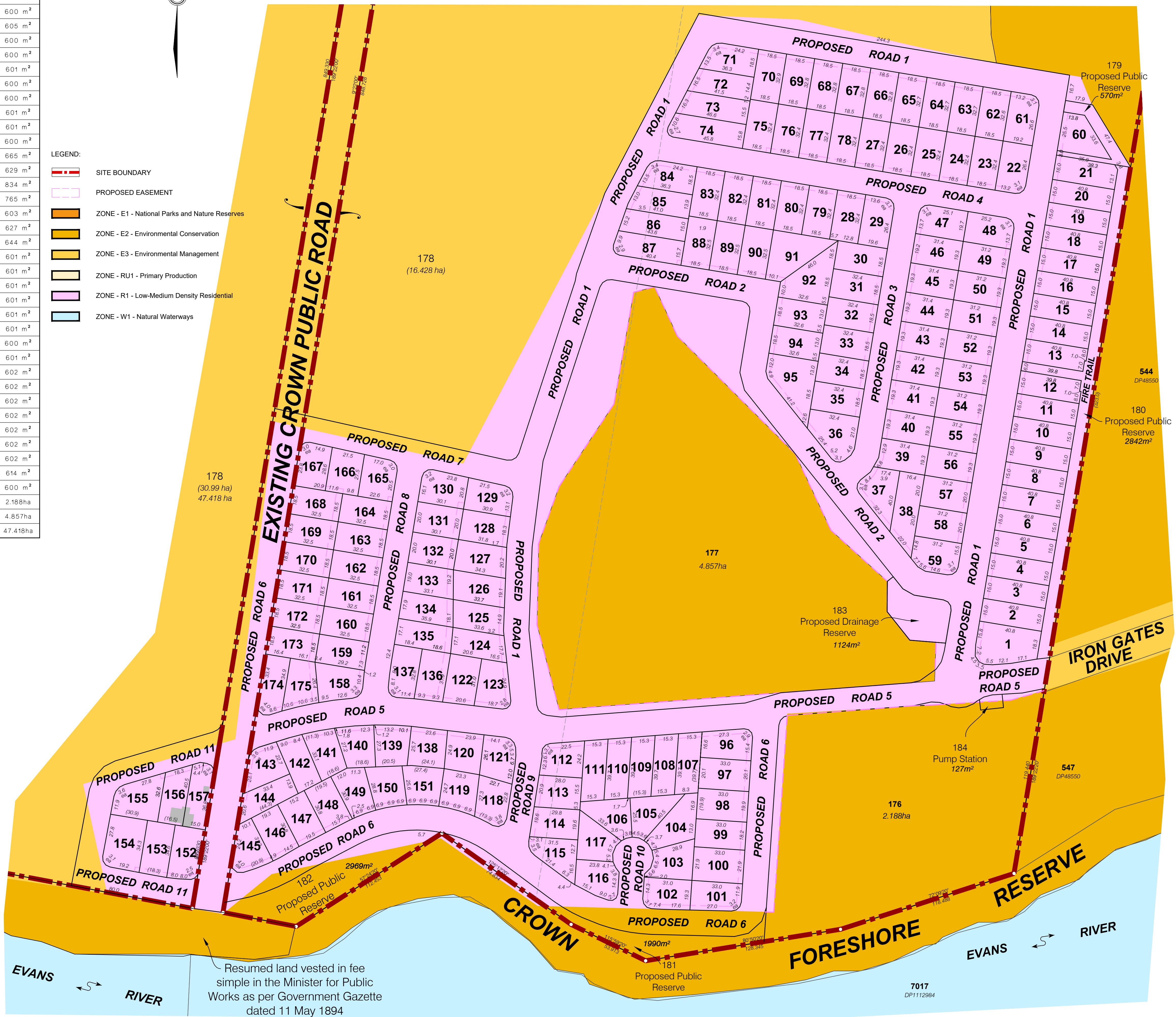
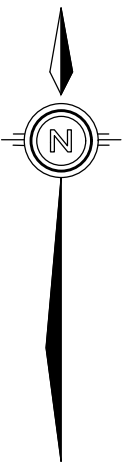


©LANDPARTNERS 2021

Lot Table	
Lot	Area
71	607 m ²
72	608 m ²
73	682 m ²
74	766 m ²
75	600 m ²
76	600 m ²
77	600 m ²
78	600 m ²
79	600 m ²
80	601 m ²
81	601 m ²
82	601 m ²
83	601 m ²
84	608 m ²
85	614 m ²
86	634 m ²
87	696 m ²
88	602 m ²
89	602 m ²
90	602 m ²
91	859 m ²
92	856 m ²
93	603 m ²
94	603 m ²
95	954 m ²
96	616 m ²
97	663 m ²
98	657 m ²
99	602 m ²
100	723 m ²
101	605 m ²
102	609 m ²
103	620 m ²
104	714 m ²
105	602 m ²
106	604 m ²
107	602 m ²
108	602 m ²
109	602 m ²
110	602 m ²
111	601 m ²
112	600 m ²
113	600 m ²
114	600 m ²
115	608 m ²
116	601 m ²
117	602 m ²
118	600 m ²
119	601 m ²
120	600 m ²
121	600 m ²
122	647 m ²
123	619 m ²
124	603 m ²
125	600 m ²
126	646 m ²
127	661 m ²
128	626 m ²
129	600 m ²
130	639 m ²
131	602 m ²
132	602 m ²
133	600 m ²
134	618 m ²
135	623 m ²
136	604 m ²
137	602 m ²
138	600 m ²
139	600 m ²
140	600 m ²

LEGEND:

	SITE BOUNDARY
	PROPOSED EASEMENT
	ZONE - E1 - National Parks and Nature Reserves
	ZONE - E2 - Environmental Conservation
	ZONE - E3 - Environmental Management
	ZONE - RU1 - Primary Production
	ZONE - R1 - Low-Medium Density Residential
	ZONE - W1 - Natural Waterways



CLIENT

GOLDCORAL
PTY LTD

PROJECT

PROPOSED SUBDIVISION OF
LOTS 276 & 277 ON DP755624,
LOT 163 ON DP831052, CROWN PUBLIC
ROAD RESERVE (BETWEEN LOT 163
DP831052 AND LOT 276 DP755624) AND
CROWN FORESHORE RESERVE
(ADJACENT TO EVANS RIVER)

LOCAL AUTHORITY

RICHMOND VALLEY

NOTES

(i) This plan was prepared for the purpose and exclusive use of GOLDCORAL PTY LTD to accompany an application to RICHMOND VALLEY for approval to reconfigure the land described in this plan and is not to be used for any other purpose or by any other person or corporation.
LandPartners Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (ii) or (iii) hereof.

(ii) The dimensions, areas, number of lots, size and location of improvements & flood information (if shown) are approximate only and may vary.

(iii) This plan may not be copied unless these notes are included.

LOTS	TOTAL AREA
Residential Lots (175)	16.883ha
Residue Lots (3)	54.463ha
Public Reserves (4)	0.8379ha
Drainage Reserve (1)	0.1124ha
Pump station lot (1)	0.0127ha
TOTAL	72.309ha

ADDITIONAL NOTES

SCALE BAR

0

5

10

20

30

50

80m

SCALE 1:1250 @ A1

LANDPARTNERS

built environment consultants

Brisbane Office
Level 1 - C200R8
18 Little Cribb Street,
Milton Qld 4054
PO Box 1389
Milton Qld 4064

p: (07) 3842 1000
f: (07) 3842 1001
e: info@landpartners.com.au
w: www.landpartners.com.au

bsi.

ISO
9001
Quality
Management

BSI
REGISTERED

LEVEL DATUM

AHD

LEVEL ORIGIN

-

CONTOUR INTERVAL

-

COMPUTER FILE

BRJD6396-100-33-17

DRAWN

CGW

DATE

23/03/2020

CHECKED

CMJ

DATE

23/03/2020

APPROVED

CGW

DATE

23/03/2020

PLAN NUMBER

SHEET 2 OF 2

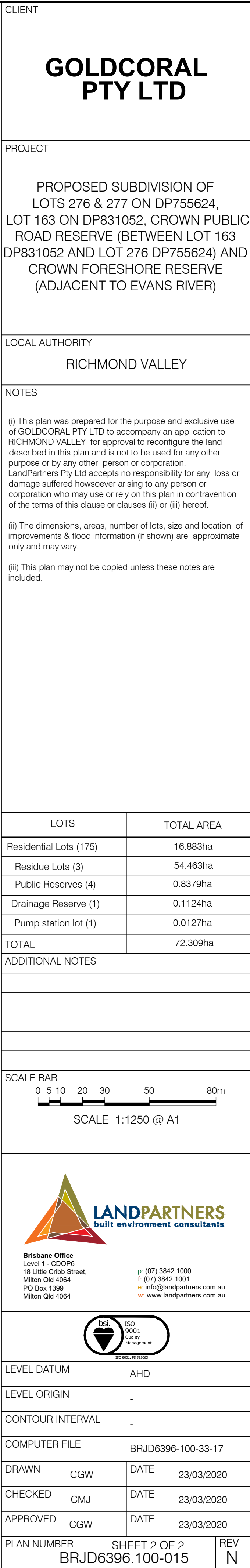
BRJD6396.100-014

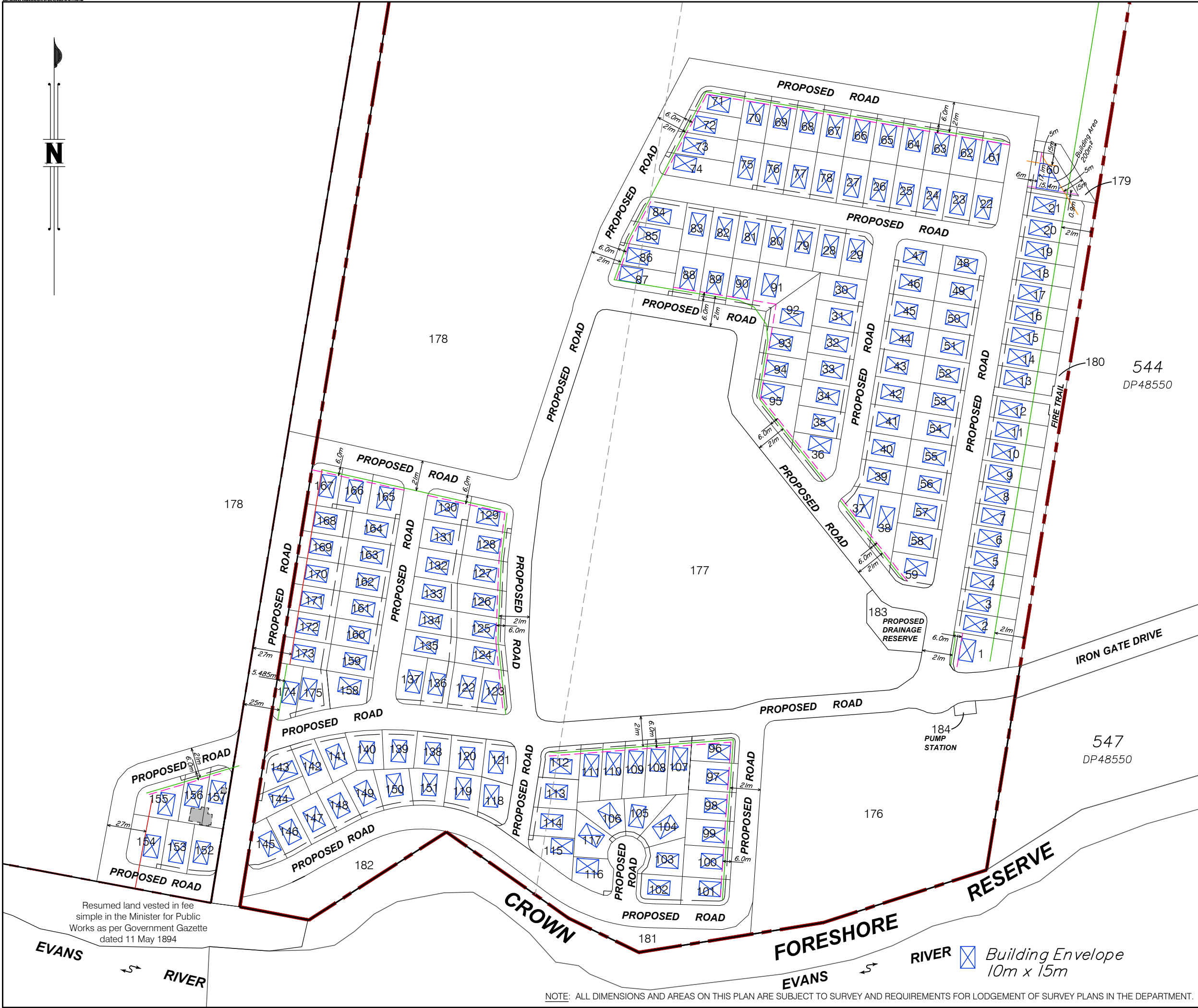
REV

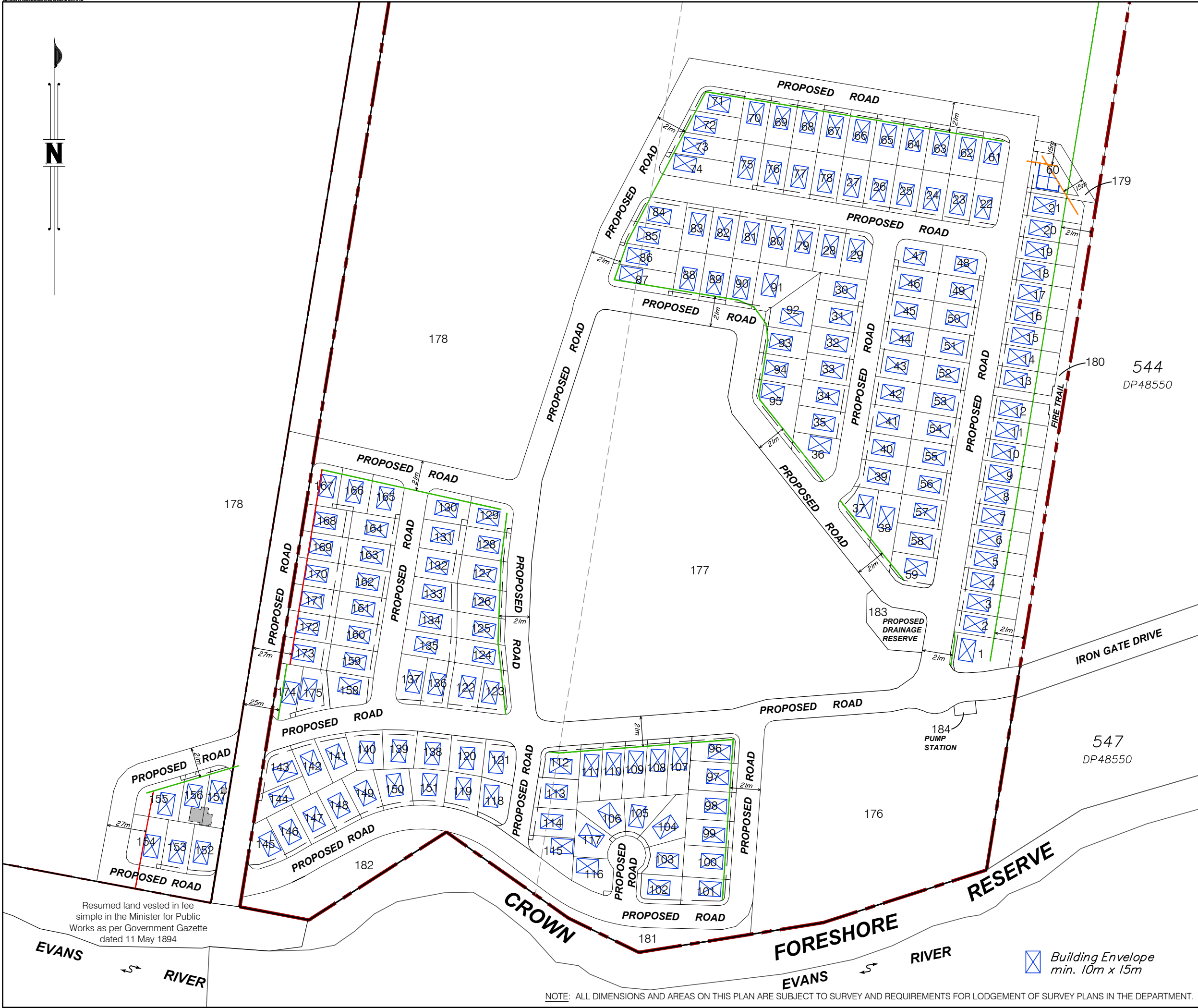
P

Lot Table	
Lot	Area
141	600 m ²
142	600 m ²
143	605 m ²
144	600 m ²
145	600 m ²
146	601 m ²
147	600 m ²
148	600 m ²
149	601 m ²
150	601 m ²
151	600 m ²
152	665 m ²
153	629 m ²
154	834 m ²
155	765 m ²
156	603 m ²
157	627 m ²
158	644 m ²
159	601 m ²
160	601 m ²
161	601 m ²
162	601 m ²
163	601 m ²
164	601 m ²
165	600 m ²
166	601 m ²
167	602 m ²
168	602 m ²
169	602 m ²
170	602 m ²
171	602 m ²
172	602 m ²
173	602 m ²
174	614 m ²
175	600 m ²
176	2.188ha
177	4.857ha
178	47.418ha

Plan view of proposed road layout. ROAD 5 is shown with stationing from 174 to 184. ROAD 6 and ROAD 7 are also indicated. A scale bar shows 0 to 80 meters. The scale is 1:1250 @ A1.







CLIENT

GOLDCORAL PTY LTD

PROJECT

BUSHFIRE SETBACK PLAN OVER PROPOSED SUBDIVISION OF LOTS 276 & 277 ON DP755624, LOT 163 ON DP831052, CROWN PUBLIC ROAD RESERVE (BETWEEN LOT 163 DP831052 AND LOT 276 DP755624) AND CROWN FORESHORE RESERVE (ADJACENT TO EVANS RIVER)

LOCAL AUTHORITY

RICHMOND VALLEY

NOTES

(i) This plan was prepared for the purpose and exclusive use of GOLDCORAL PTY LTD to accompany an application to RICHMOND VALLEY for approval to reconfigure the land described in this plan and is not to be used for any other purpose or by any other person or corporation.

LandPartners Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (ii), or (iii) hereof.

(ii) The dimensions, areas, number of lots, size and location of improvements & flood information (if shown) are approximate only and may vary.

(iii) This plan may not be copied unless these notes are included.

STAGE	No. OF LOTS	NEW ROAD	AREA OF PARK	TOTAL AREA
-	-	-	-	-
TOTAL				

SCALE BAR

50m

0

50

100m

SCALE 1:2500 @ A3

LANDPARTNERS

built environment consultants

Brisbane Office

Level 1 - CDOP6

18 Little Cribb Street,

Milton Qld 4064

PO Box 1399

Milton Qld 4064

p: (07) 3842 1000

f: (07) 3842 1001

e: info@landpartners.com.au

w: www.landpartners.com.au

bsi.

ISO 9001

Quality Management

ISO 9001: FS 535863

LEVEL DATUM	NA
LEVEL ORIGIN	NA
CONTOUR INTERVAL	NA
DRAWN	CGW
DATE	23/03/2020
CHECKED	MEA
DATE	23/03/2020
APPROVED	CGW
DATE	23/03/2020
UDN	SHEET 1 OF 1
BRJD6396-100-45-2	



ANNEXURE 8 Roads & Maritime Services Submission to DA2015/0096

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants



Transport Roads & Maritime Services

File No: NTH15/00084/03
Your Ref: DA2015/0096

The General Manager
Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

Attention: Andy Edwards
council@richmondvalley.nsw.gov.au

Dear Sir,

**Re: Development Referral – Iron Gates Subdivision of 184 lots, DA2015/0096
240 Iron Gates Drive, Evans Head.**

I refer to your letter dated 26 September 2019 requesting comment from Roads and Maritime Services in relation to the abovementioned development application.

Roles and Responsibilities

The key interests for Roads and Maritime are the safety and efficiency of the road network, traffic management, the integrity of infrastructure and the integration of land use and transport.

Iron Gates Drive is not a classified road. It is a public (local) road under the *Roads Act 1993* (Roads Act) and Richmond Valley Council (Council) is the roads authority for this road. Council is responsible for setting standards and determining priorities. In accordance with Section 138 of the *Roads Act 1993* Council's approval is required prior to works being undertaken on this road. Roads and Maritime's concurrence is not required for unclassified roads.

Roads and Maritime Advice

Roads and Maritime has reviewed the referred information and provides the following comments to assist the consent authority in making a determination. It is noted that the Joint Regional Planning Panel is the determining authority.

1. Reference is made to previous correspondence from Roads and Maritime dated 1 March 2016. In particular, the following comment is still considered relevant: *'... the residential proposal is of a scale, and located such, that traffic generation will likely have a minimal impact on road network efficiency, [however], the road safety impacts of the proposal should be considered...'*
2. It was recommended in our previous advice that a Traffic Impact Assessment (TIA) be provided. While we note that traffic and road infrastructure is addressed in the Engineering Services & Civil Infrastructure Report, the Report does not address a number of factors that would be included in a TIA, such as:
 - The total impact of the existing and proposed development on the road network with consideration for a 10 year horizon.
 - The volume and distribution of traffic generated.
 - Intersection sight distances at key intersections.
 - Details of proposed improvements to road intersections with consideration for the current Austroads Guidelines, Australian Standards and Roads and Maritime Supplements.
 - Traffic Management for construction and operational phases of the proposed development.
 - Impact on public transport (public and school bus routes) and consideration for alternative transport modes such as walking and cycling.
 - Pedestrian, cycle and vehicle safety should be the main focus of management of the road network supporting the proposal.

Should Council decide to see further traffic assessment as part of this application (or any subsequent staging of the development), the TIA should take into account the key issues relevant to the scale of this proposal as set out in Table 2.1 of the Roads and Traffic Authority's current 'Guide to Traffic Generating Developments'. It is recommended that current traffic data be used.

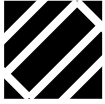
3. The impact of construction traffic on the roads identified as part of the haulage route should be considered; particularly truck movements associated with delivery of fill to the site. It is noted that the Regional road – the Woodburn to Evans Head Road is part of the haulage route. The potential for damage to these roads should be considered and provisions put in place to address any such impact.
4. Roads and Maritime would support Council requesting a Driver's Code of Conduct for haulage operators, to address road safety issues on the key haulage route/s. Any Code of Conduct could include, but not be limited to:
 - a. A map of the primary haulage routes highlighting critical locations.
 - b. Safety initiatives for haulage through residential areas and/or school zones.
 - c. An induction process for vehicle operators and regular toolbox meetings.
 - d. A complaint resolution and disciplinary procedure.
 - e. Any community consultation measures proposed for peak haulage periods.

Upon determination of the application it would be appreciated if Council could forward a copy of the approval for our records. If you have any further enquiries regarding the above comments please do not hesitate to contact Cheryl Sisson, Development Assessment Officer on (02) 6640 1362 or via email at: development.northern@rms.nsw.gov.au

Yours faithfully,



Matt Adams
Manager Land Use Assessment, Northern
18 October 2019





**ANNEXURE 9 Amended Evans River Foreshore Embellishment Plan – Land Partners Pty Ltd,
19 March 2020**

DAC Planning Pty Ltd

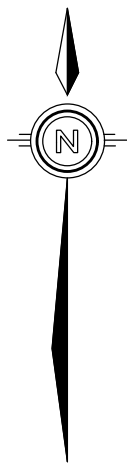
A.C.N. 093 157 165

Town Planning & Development Consultants



CLIENT		
GOLDCORAL PTY LTD		
PROJECT		
PROPOSED SUBDIVISION OF LOTS 276 & 277 ON DP755624, LOT 163 ON DP831052, CROWN PUBLIC ROAD RESERVE (BETWEEN LOT 163 DP831052 AND LOT 276 DP755624) AND CROWN FORESHORE RESERVE (ADJACENT TO EVANS RIVER)		
LOCAL AUTHORITY		
RICHMOND VALLEY		
NOTES		
(i) This plan was prepared for the purpose and exclusive use of THE INGLES GROUP to accompany an application to RICHMOND VALLEY for approval to reconfigure the land described in this plan and is not to be used for any other purpose or by any other person or corporation. LandPartners Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (ii) or (iii) hereof.		
(ii) The dimensions, areas, number of lots, size and location of improvements & flood information (if shown) are approximate only and may vary.		
(iii) This plan may not be copied unless these notes are included.		
Aerial Photography sourced from Nearmap 17-03-2020. Date of photography - 03/07/2012		
LOTS	TOTAL AREA	
Residential Lots (175)	16.884ha	
Residue Lots (3)	54.463ha	
Public Reserves (4)	0.8366ha	
Drainage Reserve (1)	0.1124ha	
Pump station lot (1)	0.0127ha	
TOTAL	72.309ha	
ADDITIONAL NOTES		
SCALE BAR		
10m 0 20 40m		
SCALE 1:750 @ A1		
 Brisbane Office Level 1 - CDOPI 15 Little Crab Street, Milton Qld 4054 PO Box 1399 Milton Qld 4054 p: (07) 3842 1000 f: (07) 3842 1001 e: info@landpartners.com.au w: www.landpartners.com.au		
		
LEVEL DATUM		
AHD		
LEVEL ORIGIN		
-		
CONTOUR INTERVAL		
-		
COMPUTER FILE		
BRJD6396-100-50-2		
DRAWN	DATE	
CGW	19/03/2020	
CHECKED	DATE	
MEA	19/03/2020	
APPROVED	DATE	
CGW	19/03/2020	
PLAN NUMBER	SHEET 1 OF 4	REV
BRJD6396-100-50		2

NOTE: ALL DIMENSIONS AND AREAS ON THIS PLAN ARE SUBJECT TO SURVEY AND REQUIREMENTS FOR LODGEMENT OF SURVEY PLANS IN THE NSW LAND REGISTRY SERVICES



Resumed land vested in fee simple in the Minister for Public Works as per Government Gazette dated 11 May 1894

LEGEND

- DISTURBED COMMUNITIES- OPEN Paddock/CLEARED LAND
- DISTURBED COMMUNITIES- ACACIA REGROWTH
- EUCALYPT FOREST- CORYMBIA INTERMEDIA, E. PLANCHONIANA, E. TERETICORNIS, E. SIGNATA & OTHER EUCALYPTS
- EUCALYPT FOREST- E. TERETICORNIS
- LITTORAL RAINFOREST

Source: Figure 4, Terrestrial Flora and Fauna Assessment, JWA July 2019.

CLIENT

GOLDCORAL PTY LTD

PROJECT

PROPOSED SUBDIVISION OF LOTS 276 & 277 ON DP755624, LOT 163 ON DP831052, CROWN PUBLIC ROAD RESERVE (BETWEEN LOT 163 DP831052 AND LOT 276 DP755624) AND CROWN FORESHORE RESERVE (ADJACENT TO EVANS RIVER)

LOCAL AUTHORITY

RICHMOND VALLEY

NOTES

(i) This plan was prepared for the purpose and exclusive use of THE INGLES GROUP to accompany an application to RICHMOND VALLEY for approval to reconfigure the land described in this plan and is not to be used for any other purpose or by any other person or corporation. LandPartners Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (ii) or (iii) hereof.

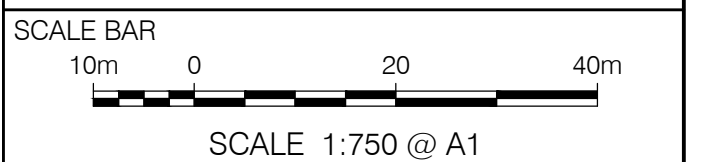
(ii) The dimensions, areas, number of lots, size and location of improvements & flood information (if shown) are approximate only and may vary.

(iii) This plan may not be copied unless these notes are included.

Aerial Photography sourced from Nearmap 17-03-2020.
Date of photography - 03/07/2012

LOTS	TOTAL AREA
Residential Lots (175)	16.884ha
Residue Lots (3)	54.463ha
Public Reserves (4)	0.8366ha
Drainage Reserve (1)	0.1124ha
Pump station lot (1)	0.0127ha
TOTAL	72.309ha

ADDITIONAL NOTES



Brisbane Office
Level 1 - CDOPI
15 Little Creek Street,
Milton Qld 4064
PO Box 1399
Milton Qld 4064

p: (07) 3842 1000
f: (07) 3842 1001
e: info@landpartners.com.au
w: www.landpartners.com.au



LEVEL DATUM

AHD

LEVEL ORIGIN

CONTOUR INTERVAL

COMPUTER FILE BRJD6396-100-50-2

DRAWN CGW DATE 19/03/2020

CHECKED MEA DATE 19/03/2020

APPROVED CGW DATE 19/03/2020

PLAN NUMBER SHEET 2 OF 4
BRJD6396-100-50

REV 2

NOTE: ALL DIMENSIONS AND AREAS ON THIS PLAN ARE SUBJECT TO SURVEY AND REQUIREMENTS FOR LODGEMENT OF SURVEY PLANS IN THE NSW LAND REGISTRY SERVICES



**GOLDCORAL
PTY LTD**

PROPOSED SUBDIVISION OF
LOTS 276 & 277 ON DP755624,
LOT 163 ON DP831052, CROWN PUBLIC
ROAD RESERVE (BETWEEN LOT 163
DP831052 AND LOT 276 DP755624) AND
CROWN FORESHORE RESERVE
(ADJACENT TO EVANS RIVER)

RICHMOND VALLEY

(i) This plan was prepared for the purpose and exclusive use of THE INGLES GROUP to accompany an application to RICHMOND VALLEY for approval to reconfigure the land described in this plan and is not to be used for any other purpose or by any other person or corporation. LandPartners Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (ii) or (iii) hereof.

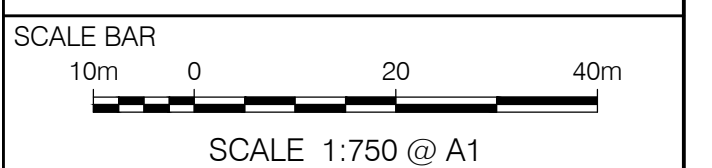
(ii) The dimensions, areas, number of lots, size and location of improvements & flood information (if shown) are approximate only and may vary.

(iii) This plan may not be copied unless these notes are included.

Aerial Photography sourced from
Nearmap 17-03-2020.
Date of photography - 03/07/2012

LOTS	TOTAL AREA
Residential Lots (175)	16.884ha
Residue Lots (3)	54.463ha
Public Reserves (4)	0.8366ha
Drainage Reserve (1)	0.1124ha
Pump station lot (1)	0.0127ha
TOTAL	72.309ha

ADDITIONAL NOTES



Brisbane Office
Level 1 - CDOP6
18 Little Cribb Street,
Milton Qld 4064
PO Box 1399
Milton Qld 4064

(07) 3842 1000
(07) 3842 1001
info@landpartners.com.au
www.landpartners.com.au



AHD

3RJD6396-100-50-2

DATE 19/03/2020

DATE 19/03/2020

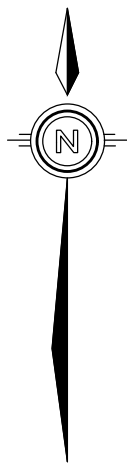
DATE 19/03/2020

PLAN NUMBER	SHEET 3 OF 4	REVISION
BRJD6396-100-50		

V	W
---	---

NOTE: ALL DIMENSIONS AND AREAS ON THIS PLAN ARE SUBJECT TO SURVEY AND REQUIREMENTS FOR LODGEMENT OF SURVEY PLANS IN THE NSW LAND REGISTRY SERVICES

ANDPARTNERS 2020



Resumed land vested in fee simple in the Minister for Public Works as per Government Gazette dated 11 May 1894

LEGEND

SHELL MIDDEN AREA

AMENITIES BUILDING

SHelter AND PICNIC AREA

PLAYGROUND

BOARDWALK ACROSS SWALE

2.0m PATH

TURFED BIO SWALE

LEGEND

- DISTURBED COMMUNITIES- OPEN Paddock/CLEARED LAND
- DISTURBED COMMUNITIES- ACACIA REGROWTH
- EUCALYPT FOREST- CORYMBIA INTERMEDIA, E.PLANCHONIANA, E.TERETICORNIS, E.SIGNATA & OTHER EUCALYPTS
- EUCALYPT FOREST- E.TERETICORNIS
- LITTORAL RAINFOREST

Source: Figure 4, Terrestrial Flora and Fauna Assessment, JWA July 2019.

CLIENT

GOLDCORAL PTY LTD

PROJECT

PROPOSED SUBDIVISION OF LOTS 276 & 277 ON DP755624, LOT 163 ON DP831052, CROWN PUBLIC ROAD RESERVE (BETWEEN LOT 163 DP831052 AND LOT 276 DP755624) AND CROWN FORESHORE RESERVE (ADJACENT TO EVANS RIVER)

LOCAL AUTHORITY

RICHMOND VALLEY

NOTES

(i) This plan was prepared for the purpose and exclusive use of THE INGLES GROUP to accompany an application to RICHMOND VALLEY for approval to reconfigure the land described in this plan and is not to be used for any other purpose or by any other person or corporation. LandPartners Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan in contravention of the terms of this clause or clauses (ii) or (iii) hereof.

(ii) The dimensions, areas, number of lots, size and location of improvements & flood information (if shown) are approximate only and may vary.

(iii) This plan may not be copied unless these notes are included.

Aerial Photography sourced from Nearmap 17-03-2020.
Date of photography - 03/07/2012

LOTS	TOTAL AREA
Residential Lots (175)	16.884ha
Residue Lots (3)	54.463ha
Public Reserves (4)	0.8366ha
Drainage Reserve (1)	0.1124ha
Pump station lot (1)	0.0127ha
TOTAL	72.309ha

ADDITIONAL NOTES

SCALE BAR
10m 0 20 40m

SCALE 1:750 @ A1



Brisbane Office
Level 1 - CDOPI
15 Little Crab Street,
Milton Qld 4064
PO Box 1399
Milton Qld 4064

p: (07) 3842 1000
f: (07) 3842 1001
e: info@landpartners.com.au
w: www.landpartners.com.au



LEVEL DATUM

AHD

LEVEL ORIGIN

CONTOUR INTERVAL

COMPUTER FILE BRJD6396-100-50-2

DRAWN CGW DATE 19/03/2020

CHECKED MEA DATE 19/03/2020

APPROVED CGW DATE 19/03/2020

PLAN NUMBER SHEET 4 OF 4
BRJD6396-100-50 REV 2

NOTE: ALL DIMENSIONS AND AREAS ON THIS PLAN ARE SUBJECT TO SURVEY AND REQUIREMENTS FOR LODGEMENT OF SURVEY PLANS IN THE NSW LAND REGISTRY SERVICES



ANNEXURE 10 DoPIE (BCD) Letter Dated 20 November 2019 Regarding Ecology and Offsets

DAC Planning Pty Ltd

A.C.N. 093 157 165

Town Planning & Development Consultants



Our Ref: DOC19/997718
Your Ref: Draft Master Plan Re-exhibition

Director, Northern Region
Planning and Assessment Group
Locked Bag 9022
Grafton NSW 2460

Attention: Mr Jon Stone

Dear Mr Gray

RE: Re- exhibition of Draft Master Plan – Iron Gates Residential Release – Evans Head

Thank you for your letter dated 5 November 2019 about the re-exhibition of the Draft Master Plan for the Iron Gates development at Evans Head, seeking comments from the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the Department of Planning, Industry and Environment. I appreciate the opportunity to provide input.

The BCD was formerly part of the Office of Environment and Heritage, but now forms part of a Group that has responsibilities relating to biodiversity (including threatened species and ecological communities, or their habitats), Aboriginal cultural heritage, National Parks and Wildlife Service estate, climate change, sustainability, flooding, coastal and estuary matters.

We have reviewed the Draft Master Plan and its appendices, which include our correspondence that identifies a suitable biodiversity offset for the proposed development. As such, we have no issues to raise about the Draft Master Plan for the proposed development.

However, we note that there is no single document which compiles all the environmental management and biodiversity offsets proposed in a clear summary. For example, our agreement to the biodiversity offsets for the Iron Gates development is located at Attachment 7 of the Terrestrial Flora and Fauna Assessment which is Appendix 5 of the SEE, whilst our agreement to the biodiversity offsets for the road reserve leading into the Iron Gates development is located at Appendix 7 of the Amended Ecological Assessment which is Appendix 6 of the SEE.

Following the exhibition period, we would be happy to assist in reviewing any conditions or approval documents to ensure the intent of our discussions and correspondence with the council and the proponent is appropriately articulated.

Please be advised that we have received a request from the Richmond Valley Council for General Terms of Approval for Aboriginal cultural heritage and will be providing our response to this under separate cover, once we have received the public submission from the council.

If you have any questions about this advice, please do not hesitate to contact me at dimitri.young@environment.nsw.gov.au or 6659 8272.

Yours sincerely

Dimitri Young 20 November 2019

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation