COUNCIL ASSESSMENT REPORT

|  |  |
| --- | --- |
| **Panel Reference** | **PPS-2014NTH020** |
| **DA Number** | **DA2015/0096** |
| **LGA** | **Richmond Valley Council** |
| **Proposed Development** | **Concept Integrated Development Application**Stage 1 –* Subdivision of land to create 147 lots - including 135 residential lots (Lots 1 to 135), 4 public reserves (Lots 139 to 142), 1 sewer pump station lot (Lot 144), 1 drainage reserve lot (Lot 143), 3 Super Lots (Lots 145 to 147), 1 residue lot (Lot 138) and 2 rainforest lots (Lots 136 & 137)
* Embellishment of the proposed public reserves adjacent to the Evans River
* Upgrading of Iron Gates Drive, including vegetation clearing work
* Subdivision works for Stages 1 and 2 including, but not limited to: clearing and earthworks, roadworks and drainage, sewer and water supply (including service connections to Stage 1 lots and Stage 2 lots) and electricity and communications (including service connections to Stage 1 lots and Stage 2 lots)

Stage 2 – Subject to a further Development Application* Subdivision of the Super Lots (Lots 145 to 147) to create 40 residential lots (Lots 148 to 187) (no subdivision work is required for Stage 2 as all subdivision infrastructure will be provided within Stage 1)
 |
| **Street Address** | **240 Iron Gates Drive Evans Head** |
| **Applicant/Owner** | Goldcoral Pty Ltd |
| **Date of DA lodgement** | 27 October 2014 |
| **Total number of Submissions** **Number of Unique Objections** | * Submissions objecting to the DA
	+ 656 public submissions
	+ 947 petition signatories and
	+ 23 ‘postcard’ submissions
* Submissions supporting the DA – 249
 |
| **Recommendation** | **As per independent assessment report** |
| **Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011****and now****Schedule 6 of the SEPP (Planning Systems) 2021)** | **8 Coastal Subdivision**(1) Development within the coastal zone for the purposes of subdivision for the following kind—(b) subdivision of land for residential purposes into more than 100 lots, if the land—(ii) is wholly or partly in a sensitive coastal location. |
| **List of all relevant s4.15(1)(a) matters** | Environmental Planning Instruments-* Richmond Valley Local Environmental Plan 2012
* State Environmental Planning Policy No 14 – Coastal Wetlands (as saved)
* State Environmental Planning Policy No 44 – Koala Habitat Protection (as saved)
* State Environmental Planning Policy (State and Regional Development) 2011 (as saved)
* State Environmental Planning Policy (Infrastructure) 2007 (as saved)
* State Environmental Planning Policy No 55 – Remediation of Land (as saved)
* State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
* State Environmental Planning Policy No 71 – Coastal Protection (as saved)
* State Environmental Planning Policy (Biodiversity and Conservation) 2021
* State Environmental Planning Policy (Rural Land) 2008 (as saved)

development control plan-* Richmond Valley Development Control Plan 2012 (as saved)

regulations-* Environmental Planning and Assessment Regulation 2000 (as saved) – clause 92
 |
| **List all documents submitted with this report for the Panel’s consideration** | Development Application documents -* September 2019 Amended Application *(note the application and all amendments lodged prior to this amendment were comprehensively replaced with this amendment)*
	+ GOL Revised SEE Subdivision July 2019
	+ Appendix 1-1 Site Analysis Plan & Design Response Plan
	+ Appendix 1-2 Subdivision Plans Cadastre
	+ Appendix 1-3 Subdivision Plans, Air Photo Overlay
	+ Appendix 1-4 Subdivision Plans, Zone Overlay
	+ Appendix 1-5 Engineering Plans, Iron Gates Drive
	+ Appendix 2 Revised ESCIR (Engineering Services and Civil Infrast Report)
	+ Appendix 3 Revised Consolidated Bushfire Report
	+ Appendix 4 Bushfire Assessment, Additional Information Iron Gates Dr
	+ Appendix 4 Updated Bushfire APZ Plan
	+ Appendix 5 Terrestrial Flora and Fauna Assessment
	+ Appendix 6 Amended Ecological Assessment
	+ Appendix 7 Statement of Landscape Intent
	+ Appendix 8 Cultural Heritage Assessment
	+ Appendix 9 Letters of Legal Advice
	+ Appendix 10 Contour Level & Detail Survey
	+ Appendix 11 SEPP14 Coastal Wetlands Map
	+ Appendix 12 Biting Insect Impact Assessment
	+ Appendix 13 Demolition Plan
	+ Appendix 14 Authority for DAC Planning to act for Goldcoral
	+ Appendix 15 Email and letter from Crown Lands
	+ Appendix 16 Email from RVC re water reserve
	+ Appendix 17 Original Planit Plan of Subdivision & Zoning Plan
	+ Appendix 18 Social & Economic Impact Assessment (SEIA)
	+ Appendix 19 Evans Head Aerodrome OLS (Obstacle Limitation Surface)
	+ Appendix 20 Evans Head Aerodrome ANEF (Australian Noise Exposure Forecast)
	+ Appendix 21 Crime Prevention through Environmental Design (CPTED)
	+ Appendix 22 Waterfront Layout Plan
	+ Appendix 23 Development Application Form
* July 2020 Further Amendments to the September 2019 Amended Application
	+ GOL Cover Letter to RVC
	+ Amended Plans of Proposed Subdivision
	+ Amended Foreshore Embellishment Plans
	+ Stormwater Management Plan for Iron Gates Drive
* July 2021 Concept DA variation/amendment
	+ GOL Cover Letter to RVC
	+ GOL Concept Proposal Outline Report
	+ DAC Email 20210726 Concept DA Amendment submission
	+ Appendix 1 Concept Proposal
	+ Appendix 2 Plan of Proposed Subdivision
	+ Appendix 3 Response to submissions
	+ Appendix 4 Revised Draft Master Plan
	+ Appendix 5 Email and letter from Crown Lands
	+ Appendix 6 Plan of Proposed Subdivision (POPS) with Bushfire APZs and building envelopes
	+ Appendix 7 Letter of Legal Advice

Independent Consultant’s Assessment Report of DA2015/0096-* DA Assessment Report – 30 June 2022 including the following attachments-
	+ Attach 1 Copy of the review report 2 Feb 2019
	+ Attach 2a Copy of DPE Assessment Report (24 August 2021) to NRPP Briefing
	+ Attach 2b Copy of NRPP minutes 13 Sept 2021
	+ Attach 3a Concept DA subdivision plans – Stage 1
	+ Attach 3b Stage 2 subdivision plans
	+ Attach 4 Copy of survey plans
	+ Attach 5a Map location of photographs
	+ Attach 5b Iron Gates Photographs
	+ Attach 6 Summary of Issues raised in submissions from the public
	+ Attach 7a Copy submissions from Govt Exhibition 4
	+ Attach 7b Copy submissions from Govt Exhibition 5
	+ Attach 8 Copy of Internal referral comments
	+ Attach 9 Copy of Legal advices
	+ Attach 10 Copy of correspondence calculation of credits for direct and indirect environmental impacts
	+ Attach 11 Copy of article from the Sydney Morning Herald 9 July 2021 re bushfires
 |
| **Clause 4.6 requests** | Nil |
| **Summary of key submissions** | * Legal matters
* Social Impact
* Economic Impact
* Aboriginal Cultural Heritage
* Acid Sulfate Soils and groundwater
* Biodiversity
* Bushfire
* Flooding
* Land Contamination
* Riparian zone and Fishery – Evans River
* Roads and traffic generation
* Infrastructure – water supply and sewerage
* Infrastructure – stormwater drainage
* Infrastructure – electricity and telecommunications
* Land Use Planning – design of subdivision
* Land Use Planning – physical impact to land
* Land Use Planning – buffers
* Climate Change
* Impacts from Evans Head aerodrome operations and RAAF Bombing Range operations
* Biting Insects
* SEPP14 Coastal Wetlands
* Coastal Management
 |
| **Report prepared by** | **Assessment Report and Recommendations by Malcolm Scott (Town Planner Consultant MPIA)** |
| **Report date** | 30 June 2022 |
| **Summary of s4.15 matters**Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | **No** |
| **Legislative clauses requiring consent authority satisfaction**Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP* | **Yes** |
| **Clause 4.6 Exceptions to development standards**If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | **Not applicable** |
| **Special Infrastructure Contributions**Does the DA require Special Infrastructure Contributions conditions (S7.24)?*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions* | **Not applicable** |
| **Conditions**Have draft conditions been provided to the applicant for comment?*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council’s recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report* | **No** |