



**DA2015/0096 PROPOSED SUBDIVISION
AT IRON GATES DRIVE, EVANS HEAD**

**RESPONSE TO RECOMMENDED REASONS FOR REFUSAL
CONTAINED IN THE INDEPENDENT TOWN PLANNING ASSESSMENT
PREPARED BY MALCOLM SCOTT DATED 29 JUNE 2022**

PREPARED FOR:
Goldcoral Pty Ltd

PREPARED BY:
DAC Planning Pty Ltd

1 AUGUST 2022

TABLE OF CONTENTS

1.0	INTRODUCTION	3
2.0	BACKGROUND	3
3.0	RESPONSE TO RECOMMENDED REASONS FOR REFUSAL	4
3.1	Ground 1 – Biodiversity	4
3.2	Ground 2 – Koala	7
3.3	Ground 3 – Bushfire	7
3.4	Ground 4 – Aboriginal Cultural Heritage	8
3.5	Ground 5 – NSW Government Coastal Policy 1997	9
3.6	Ground 6 – State Environmental Planning Policies	9
3.6.1	Iron Gates Drive – Vegetation Removal, Designated Development	9
3.6.2	Koalas	10
3.6.3	Contamination – Lot 163 DP 831052	10
3.6.4	State Environmental Planning Policy No. 71 – Coastal Protection	11
3.6.5	Extent of Earthworks	11
3.7	Ground 7 – Richmond Valley Local Environmental Plan 2012	11
3.8	Ground 8 – Richmond Valley Development Control Plan 2012	12
3.9	Ground 9 – Public Interest and Social Impact Assessment	12
3.9.1	Public Interest	12
3.9.2	Social Impact	14

APPENDICES

APPENDIX 1	Rural Fire Service General Terms of Approval
APPENDIX 2	Heritage NSW General Terms of Approval
APPENDIX 3	Stage 1 Preliminary Contamination Assessment, Rev 8, 23 July 2019

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A.C.N. 093 157 165

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DA2015/0096 PROPOSED SUBDIVISION AT IRON GATES DRIVE, EVANS HEAD

RESPONSE TO RECOMMENDED REASONS FOR REFUSAL CONTAINED IN THE INDEPENDENT TOWN PLANNING ASSESSMENT PREPARED BY MALCOLM SCOTT DATED 29 JUNE 2022

1.0 INTRODUCTION

Goldcoral Pty Ltd has commissioned DAC Planning Pty Ltd to prepare this response to the recommended reasons for refusal contained in the Independent Town Planning Assessment prepared by Malcolm Scott dated 29 June 2022.

2.0 BACKGROUND

DA2015/0096 was originally lodged with Richmond Valley Council on 27 October 2014. Subsequently the Application has been amended, most recently on 10 September 2021 (Concept Development Application).

On 2 February 2019, Malcolm Scott (Consultant Town Planner) prepared a Peer Review Report in relation to the subject Development Application. Extracts from Section 10 of the Report are reproduced below, by way of background.

"10 DA additional information requests

RVC has formally in writing sought the provision of additional information on 4 occasions:

- ☐ 18 Nov. 2014
- ☐ 15 Dec. 2014
- ☐ 18 Dec. 2014
- ☐ 1 March 2016 and
- ☐ 7 Nov. 2018

The Applicant (Planit Consulting Pty Ltd) for the Proponent supplied a response to the RVC information requests of 18 Nov. 2014 & 15 & 18 Dec. 2014 and made the 1st amendment to the DA on 23 Oct 2015.

The Applicant (Planit Consulting Pty Ltd) for the Proponent supplied a response to the RVC information request of 1 March 2016 on 20 May 2016.

The information supplied by Planit Consulting Pty Ltd on 20 May 2016 provided a further amendment to the Engineering Services and Civil Infrastructure Report, Rev 5, 15/10/2015, prepared by Hyder Consulting Pty Ltd. This report is prepared by Arcadis Australian Pacific Pty and titled Engineering Services and Civil Infrastructure Report, Rev 6, 10/05/2016 and included a letter report dated 15/05/2016, responding to RVC's request of 1 March 2016.

The 2nd amendment to the DA by the Applicant (DAC Planning Pty Ltd) for the Proponent was not in response to an information request.

Following receipt of the 2nd amendment RVC (7 Nov. 2018) wrote to the Applicant advising it

would agree to the amendment provided the following be addressed:

- ☐ DA 2015/96 was consolidated into 1 bundle of documents
- ☐ DA form would need to be amended to include the landowners (Iron Gates Rd RVC) requests that it be obtained from RVC, not construed as support for the DA
- ☐ Payment of additional fees for advertising
- ☐ RVC reserves right to issue further stop the clock requests
- ☐ Flora and fauna assessment lodged with DA does not include consideration of biodiversity offsets for clearing of vegetation within the development and this should include the road reserve to the development

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- Land and Environment Court Orders – declaration and orders – RVC only accepts addendum in so far it only relates to proposed upgrades and vegetation along Iron Gates Dr and in no way addresses the declaration and orders
 - DA must be consistent with the adopted final version of the masterplan – once consolidated DA is lodged referrals and public notification will be undertaken
 - Preliminary appraisal of roadworks through SEPP No. 14 appear satisfactory – notes treatments rely on 50km/hr speed limit
 - Legal advice from Mills Oakley 23 Oct. 2016 considers that trimming of plants in the wetland area will not trigger the DA been designated development

RVC received the response to its letter of 7 Nov. 2018 on 19 Jan. 2019 when DAC Planning Pty Ltd lodged the 2nd / 2nd amendment to the DA with supporting documentation."

Section 1.1 of the revised Statement of Environmental Effects (SEE) dated July 2019 states that:

"This revised Development Application Form (see Appendix 23), Statement of Environmental Effects and Appendices address issues raised in Councils letter dated 18 February 2019, the letter from Malcolm Scott dated 2 February 2019 and relevant issues raised by State Agencies and in public submissions."

3.0 RESPONSE TO RECOMMENDED REASONS FOR REFUSAL

3.1 Ground 1 – Biodiversity

Appendix 5 of the SEE accompanying the revised Development Application (July 2019) comprises an amended Terrestrial Flora and Fauna Assessment (prepared by Planit Consulting, August 2014 and updated by JWA Pty Ltd, July 2019).

JWA have been operating for approximately 30 years and are expert Ecological Consultants.

Section 9.0 of the Report contains a Summary and Conclusion which is reproduced as follows:

"9.0 SUMMARY & CONCLUSIONS

Planit Consulting was commissioned by Gold Coral Pty Ltd to prepare terrestrial flora and fauna assessment report relating to the proposed residential development located at Iron Gates, Evans Head. The development footprint incorporates Part Lot 277 DP755624, Part Lot 276 DP755624 and Part Lot 163 DP831052 which is accessed by Iron Gates Road within the suburb of Evans Head. The assessment has included the following:

- *Survey, ground truthing and mapping of vegetation communities and determining conservation status reflective of reference reports and onsite condition*
- *Survey for faunal species including an assessment of the site's habitat value*
- *Survey for threatened flora species*
- *Providing an flora and fauna assessment report identifying development constraints, impacts and mitigation methods for proposed activities*
- *Addressing statutory requirements including Section 5A of the Environmental Planning and Assessment Act and the required SEPP assessments.*

JWA Pty Ltd (JWA) were subsequently engaged to amend the Planit report to accompany a revised Development Application (lodged 17th January 2019) and have now completed further amendments in response to requests for further information from Richmond Valley Council, Mr Malcolm Scott (Council's consulting Planner), and the NSW Department of Primary Industries (Fisheries). A separate Ecological Assessment report (JWA 2019) has been prepared for the proposed upgrades to Iron Gates Drive (external to the site – required to obtain a Bush Fire Safety Authority) and should be read in conjunction with this report.

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Furthermore, as it had been almost five (5) years since the previous survey work was undertaken, the Proponent engaged JWA to complete an assessment of Koala usage of the site using current best practice methods. Site surveys were completed on the 19th and 20th March 2019 by two (2) JWA ecologists utilising the Regularised Grid-based Spot Assessment Technique (RG-bSAT).

The flora survey of the study area identified four vegetation communities occurring. One Endangered Ecological Community (Littoral Rainforest) was recorded on site and had a mapped area of approximately 8.1 ha. The proposal will result in very minor impacts on Littoral rainforest. The road extension between the eastern and western residential areas of the development will necessitate minor pruning of limbs on the edges of the Littoral rainforest. Furthermore, clearing of approximately 127 m² (0.15%) of highly degraded vegetation surrounding an existing sewer pump station well will be required for the construction of a sewer pump station.

The proposal will remove the majority of Wattle from within the development footprint. The area to be removed is 6.83 ha.

The development will remove approximately 1,175 m² of Open Dry Heath and 1.16 ha of Open Dry Heath with mixed Eucalypt. We note this community is vulnerable but locally well conserved in the surrounding conservation network.

The development will require the removal of approximately 1,195 m² of Heathy Scribbly Gum for roads, bushfire requirements and lots.

In total, 92% of the land to be impacted is comprised of either disturbed/cleared areas or regrowth vegetation. As discussed in this report it is considered that these works will not have a significant environmental impact due to the highly modified nature of the areas to be affected. The clearing does not result in fragmentation or increased edge effects given the existing configuration of the remnants.

The fauna survey of the study area (and immediately adjacent areas) resulted in the recording of 74 species of bird, 8 reptiles, 5 amphibians and 26 mammals (or evidence of their previous presence). Of these species 7 (Grey Headed Flying-fox, Hoary Wattled Bat, Little Bentwing-bat, Southern Myotis, Koala, Wallum Froglet and Squirrel Glider) are scheduled under the Threatened Species Conservation Act 1995.

The assessment of current levels of Koala activity/usage over the site utilising the RG-bSAT in March 2019 identified areas of "low" level usage outside of the proposed development footprint (i.e. adjacent to the south-western corner). A small number of Koala faecal pellets were recorded under a total of three (3) trees in this portion of the site. Based on the results of this assessment it is considered that the south-western portion of the subject site may be utilised occasionally by Koalas as they traverse the locality. The results indicate that a resident/sedentary population is not currently present on the site.

An assessment against the requirements of the EPBC Act using the Principal Significant Impact Guidelines 1.1 (DEH 2006) was completed and has determined that referral to the Commonwealth for assessment under the Act is not required. With the implementation of proposed mitigation and amelioration measures the proposed action is considered unlikely to result in a significant impact on any matter of NES.

A Section 5A of the Environmental Planning and Assessment Act 1979 (the '7-Part Test of Significance') was conducted for the seven recorded fauna species to determine whether the proposal may have the potential to impact the species. Section 5A was also conducted for the recorded Endangered Ecological Community (Littoral Rainforest).

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The assessment concludes that the impacts of the proposed development are unlikely to threaten the viability of any local populations of the nominated species/communities and the proposal did not result in a significant impact. A species impact is therefore not required.

Although the proposed development does not specifically require offsets under the (now superseded) Threatened Species Conservation Act 1995 or the (current) Biodiversity Conservation Act 2016, in addition to the proposed measures to avoid and minimise ecological impacts, direct and potential indirect impacts of the development on the retained Littoral rainforest (including minor pruning/clearing works) and other native vegetation communities will be offset in accordance with requirements of the Biodiversity Offsets Scheme (i.e. under the current Biodiversity Conservation Act 2016).

The Biodiversity Offset Package (accepted by OEH) will include:

- Rehabilitation of the retained Littoral rainforest including site preparation, weed control, planting locally endemic species and fencing;
- Protection of the retained Littoral rainforest in perpetuity and continued management under a stewardship agreement (under the Biodiversity Conservation Act 2016); and
- Acquittal of remaining offset credits via payment to the Biodiversity Conservation Trust Fund.

A SEPP 44 assessment was also conducted which concludes that the site does not contain core koala habitat. A Koala Management Plan is therefore not required.

An assessment against the requirements of the Fisheries Management Act 1994 has determined that the proposed development does not constitute an integrated development. No listed Threatened species or Key Fish Habitats will be impacted, and no marine vegetation will be removed or damaged.

Whilst the Iron Gates development proposal is considered unlikely to significantly affect native flora, fauna or associated habitat, it will result in the minor loss of local habitat for native species through tree removal/vegetation removal.

In this regard recommendations have been included in this report regarding the management of works to minimize disruption to native fauna, minimize damage to retained vegetation and local weed management and revegetation to compensate for minor habitat losses."

Appendix 6 of the revised SEE comprises an amended Ecological Assessment of the Iron Gates Drive road reserve upgrade work. Section 6 of the Report contains a summary and Conclusion which is reproduced as follows:

"6 SUMMARY AND CONCLUSIONS

JWA Pty Ltd has been engaged by Goldcoral Pty Ltd to complete an Ecological Assessment of the road reserve leading into the Iron Gates Estate, Evans Head. The Subject Site covers an area of approximately 1.75 ha. Iron Gates Drive is required to be upgraded to obtain a Bush Fire Safety Authority (BFSa) issued under Section 100B of the Rural Fires Act 1997 by the Commissioner of the NSW Rural Fire Service (NSW RFS)

Seven (7) broad vegetation communities were identified in the Study Area. Three (3) Endangered Ecological Communities were recorded - Swamp sclerophyll forest on coastal floodplains of the NSW North Coast Bioregion, Littoral rainforest in the NSW North Coast, Sydney Basin and South East Corner Bioregions and Coastal Saltmarsh in the New South Wales North Coast, Sydney Basin and South East Corner Bioregions. Eighty-two (82) flora species were recorded. No threatened flora species were observed within the Study Area.

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The ecological assessment included opportunistic fauna survey and an assessment of fauna habitats. Ten (10) native bird species were recorded. No threatened fauna species were observed. However, two (2) threatened species – Grey-headed flying-fox and Little bent-wing bat - are considered likely occurrences and an additional thirty-four (34) threatened fauna species are considered possible occurrences over time due to the availability of suitable habitat.

An assessment of the corridor values of the study area has found that the study area has direct connectivity with expansive areas of native vegetation to the north including Broadwater National Park. There is also some connectivity to the south in association with the riparian zone of the Evans River. It is considered that the mosaic of habitat types occurring within the study area and adjacent areas would provide suitable dispersal habitat for all fauna groups.

The proposed road widening will result in the pruning of existing vegetation and some removal of regrowth vegetation (predominantly Hickory wattle) within the road reserve. It is expected that only a limited number of mature trees would need to be removed to accommodate the proposed road widening. No mangroves or Saltmarsh vegetation will be removed.

An assessment under the Commonwealth Environment Protection and Biodiversity Conservation Act (1999) concluded that the proposed development will not have a significant impact on any matters of National Environmental Significance. Commonwealth assessment of the proposal is not required.

A Section 5A assessment was undertaken for three (3) Endangered Ecological Communities and collectively for thirty-six (36) Threatened fauna species considered as either likely or possible occurrences over time. The assessment concluded that the impacts of the proposed development would be unlikely to result in the local extinction of any of these species. A Species Impact Statement is not required.

Attachment 9 of the Independent Town Planning Assessment Report contains documents in relation to a biodiversity offset package which has been endorsed by the Office of Environment and Heritage. In my opinion, this package will adequately address any residual biodiversity impacts.

In summary, having regard to the above, in my opinion refusal of the application on the biodiversity ground is baseless and unsubstantiated.

3.2 Ground 2 – Koala

See response above.

3.3 Ground 3 – Bushfire

Appendix 3 of the SEE (revised July 2019) contains a revised Consolidated Bushfire Report dated 12 July 2019. The Report was prepared by a BPAD Level 3 Accredited Practitioner. Section 4 of the Report contains the following Conclusion.

"Conclusion

Having reviewed the NSW Rural Fire Service document 'Planning for Bushfire Protection 2006', 'AS-3959-2009 – Construction of Buildings in Bushfire Prone Areas' and the NSW RFS 'Standards for Asset Protection Zones', it is submitted that the proposed subdivision and the bushfire protection measures outlined within this report are consistent with the relevant policy and statutory requirements that apply to bushfire prone land.

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All of the requirements set out in Clause 44 of the NSW Rural Fires Regulations 2008 have been satisfied and therefore a Bushfire Safety Authority is respectfully requested.

The proposed subdivision at Iron Gates Drive, Evans Head NSW is considered to warrant both Council's and the NSW Rural Fire Service's support."

Appendix 4 of the SEE comprises a Bushfire Assessment – Additional Information Request for Iron Gates Drive upgrade work prepared by a BPAD Level 3 Accredited Practitioner.

Section 2.7 of the Assessment contains the following Conclusion.

"2.7 CONCLUSION

In my professional opinion that the results based on the quantitative and qualitative analysis presented herein demonstrated the flame length of the vegetation types affected by the SEPP 14 wetlands, likely impacts from radiant heat flux and trees falling across Iron Gates Road are limited.

Once the remainder of Iron Gates Road is cleared to 20m in width there shall be two remaining pinch points, each approx. 60m in length. Trees in these areas are unlikely to fall into the road and if they do, it is unlikely the road shall become impassable due to the shrubby nature of the trees, climatic conditions and other factors as discussed herein.

The proposed development is integrated development requiring a Bushfire Safety Authority from the Rural Fire Service.

On 16 June 2022, the Rural Fire Service issued a Bushfire Safety Authority subject to five conditions. A copy of the Bushfire Safety Authority is attached at **Appendix 1**.

The Rural Fire Service is the peak Agency responsible for implementation of the Rural Fires Act 1997, the Rural Fires Regulation 2022 and Planning for Bushfire Protection 2006 (being the relevant Policy document in force at the date of lodgement of this Development Application).

Planning for Bushfire Protection 2019 does not apply as the Development Application was lodged prior to the 2019 version commencing on 1 March 2020.

In summary, having regard to the above, in my opinion refusal of the application on the bushfire ground is baseless and unsubstantiated.

3.4 Ground 4 – Aboriginal Cultural Heritage

Appendix 8 of the SEE (revised July 2019) comprises a revised Aboriginal Cultural Heritage Assessment Report prepared by Everick Heritage Consultants, dated July 2019. The Report addresses the residential footprint of the Iron Gates development.

Section 12 of the Report is reproduced as follows:

"12. STATEMENT OF HERITAGE IMPACT

Consultation with the Aboriginal community is ongoing. The following represents a preliminary statement of impact, to be confirmed with the Traditional Owners in the near future.

There have been conflicting views put forward by members of the Aboriginal community over the suitability of the development plans. Members of the Wilson family have generally raised substantial concerns over the development plans to date.

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Other Directors and knowledge holders of the Bandjalang have also acknowledged the impact of the Project on the cultural landscape, but are of the preliminary opinion that these impacts can be appropriately mitigated. Discussions with the Proponent over appropriate mitigation are ongoing; however, it is of note that there have been no suggestions that any negotiated outcomes would require an amendment of the proposed Lot layout.

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.

Traditional Owner representatives and Everick Archaeologists Tim Robins and Adrian Piper undertook a detailed inspection of the Project Area. This inspection identified three archaeological sites in highly disturbed contexts. Sites IG02 and IG03 will not be impacted by any activities associated with the Project. Likewise, the subsurface midden concentration in Site IG01 will be left undisturbed, while the surface expression will be subject to negotiated management practises as part of the proposed Aboriginal Heritage Impact Permit Application (AHIP). The shell scatter created by mechanical clearing around IG01 will be partially impacted under the current Development Application (Figure 8 Figure 9). This too will be managed through an AHIP."

The amended development proposal does not propose any work on the Crown foreshore reserve, on which a midden is partly located.

Part of the midden is within the development site. Heritage NSW is the peak Agency responsible for issued Aboriginal Heritage Impact Permits (AHIPs). On 1 November 2021, Heritage NSW issued General Terms of Approval for the midden, a copy of which is attached at **Appendix 2**.

Plainly, the General Terms of Approval apply to the land which is the subject of the Development Application. No work on the midden within the Crown foreshore reserve is proposed or required.

In summary, having regard to the above, in my opinion refusal of the application on the Aboriginal cultural heritage ground is baseless and unsubstantiated.

3.5 Ground 5 – NSW Government Coastal Policy 1997

Compliance with the provisions of this Policy is addressed at Section 3.3.9 of the revised SEE (July 2019) and the Concept Proposal Outline Report dated July 2021, at Section 6.1.2.

In summary, having regard to the contents of these Reports, in my opinion refusal of the application on the Coastal Policy ground is baseless and unsubstantiated.

3.6 Ground 6 – State Environmental Planning Policies

3.6.1 Iron Gates Drive – Vegetation Removal, Designated Development

A concrete pathway approximately 2m wide exists on the southern side of Iron Gates Drive from the bridge adjacent to Wattle Street to the site entry.

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The pathway is impacted by overhanging limbs because Richmond Valley Council has not maintained Iron Gates Drive.

As is the case with the Iron Gates Drive road carriageway, overhanging limbs can be lopped and trimmed within the mapped SEPP14 wetland without consent, because lopping and trimming does not involve the destruction or removal of any native plants as defined in Clause 7(4) of SEPP14.

In addition, Iron Gates Drive is a dedicated public road under the care, control and management of Richmond Valley Council. In this regard, Section 88 of the Roads Act, 1983 provides that:

"88 Tree felling

A roads authority may, despite any other Act or law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard."

3.6.2 Koalas

See response for Ground 2.

3.6.3 Contamination – Lot 163 DP 831052

Appendix 2 of the SEE (July 2019) comprises an Engineering Services and Civil Infrastructure Report (ESCIR) prepared by Arcadis dated 23 July 2019.

Appendix J of ESCIR comprises a Stage 1 Preliminary Contamination Assessment (Revision 08, 23 July 2019), a copy of which is attached at **Appendix 3**.

Figure 1 of the Assessment Report comprises a Site Locality Plan showing the development area, which does not include Lot 163 DP 831052.

As indicated on the Application Plans, residential lots are proposed to be created in the south eastern corner of Lot 163.

However, Section 3.1, Table 2 of the Contamination Assessment Report, describes the land to which the Report relates as "Lot 163 DP 831052, Lots 276 & 277 DP 755624".

The Plan of Proposed Subdivision, at Appendix A, contains a plan of the proposed development. The Plan referred to is the Plan of Proposed Subdivision prepared by Land Partners, Rev H, dated 27 June 2019. That Plan clearly shows proposed residential lots and a road in the south eastern corner of Lot 163.

Therefore, notwithstanding that Figure 1 inadvertently excludes Lot 163, the Contamination Report does in fact assess the relevant part of Lot 163 and in summary, concludes that the whole of the site which is the subject of the development is suitable for the proposed development.

In summary, having regard to the above, in my opinion refusal of the application on this ground is baseless and unsubstantiated.

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3.6.4 State Environmental Planning Policy No. 71 – Coastal Protection

It is considered that the relevant provisions of SEPP71 are adequately addressed at Section 3.3.5 of the revised SEE (July 2019) and Section 6.1.1 of the Concept Proposal Outline dated July 2021.

In relation to littoral rainforests, see comments in relation to Ground 1.

In relation to the site analysis, the site analysis at Section 5.1 of the Concept Proposal Outline dated July 2021 adequately addresses the key site opportunities and constraints.

In relation to public reserves (proposed Lots 141 and 142), Crown Lands were not prepared to approve embellishment of the Crown foreshore reserve adjacent to the Evans River.

Richmond Valley Council previously advised that additional casual open space was not required as it is a maintenance burden to Council.

In my opinion, the proposed casual open space areas which will be embellished provide adequate usable and functional casual open space for future residents of the estate.

3.6.5 Extent of Earthworks

In relation to the extent of earthworks, earthworks are proposed in the northwest corner of the site to achieve compliant road gradients. Visual impacts can be mitigated by using appropriate retaining material and landscaping and imposing appropriate conditions of consent.

In summary, having regard to the above, in my opinion refusal of the application based on Ground 6 is baseless and unsubstantiated.

3.7 Ground 7 – Richmond Valley Local Environmental Plan 2012

Relevant provisions of Richmond Valley Local Environmental Plan 2012 are adequately addressed in Section 3.4 of the SEE (July 2019).

Clause 5.10 – Heritage Conservation

See response to Ground 4.

Clause 5.16 – Biodiversity

Biodiversity is addressed in response to Ground 1.

Land use conflicts are unlikely to arise given that adjoining land to the east and south is Crown land and has ecological values and land to the north and west is owned by Goldcoral Pty Ltd (proposed Lot 138).

Clause 6.1 – Acid Sulphate Soils

Acid sulphate soils are addressed in Appendix 2 of the SEE (July 2019), at Appendix K of the ESCIR. Further groundwater and acid sulphate soil investigations are in progress by Martens Consulting Engineers in response to the Request for Further Information issued by Water NSW dated 10 May 2022.

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Clause 6.2 – Essential Services

This Clause is addressed in Appendix 2 of the SEE (July 2019) being the revised ESCIR dated 23 July 2019.

Clause 6.3 – Earthworks

This Clause is addressed generally in the SEE (July 2019) and Appendices.

Clause 6.5 – Flood Planning

This Clause is address in Section 10 and Appendix C of Appendix 2 to the SEE (July 2019) and is also addressed in Appendix 2 (Arcadis, 6 April 2022) of the Response to Submissions Report submitted by DAC Planning Pty Ltd dated 12 April 2022.

Clause 6.5 has been repealed.

Clause 6.6 – Terrestrial Biodiversity

This Clause is addressed in response to Ground 1.

Clause 6.8 – Riparian Land and Watercourses

This Clause is addressed in the SEE (July 2019) and Appendices.

Clause 6.10 – Wetlands

This Clause is adequately addresses in the SEE (July 2019) and Appendices.

In summary, having regard to the above, in my opinion refusal of the application based on Ground 7 is baseless and unsubstantiated.

3.8 Ground 8 – Richmond Valley Development Control Plan 2012

Relevant provisions of this Clause are adequately addressed in Section 3.5 of the SEE (July 2019) and Appendices.

In summary, having regard to the above, in my opinion refusal of the application based on Ground 8 is baseless and unsubstantiated.

3.9 Ground 9 – Public Interest and Social Impact Assessment

3.9.1 Public Interest

In our opinion, none of the grounds for refusal raise relevant, substantive issues that cannot be mitigated or addressed by appropriate conditions of consent.

In our view, it would be in the public interest to approve the Development Application for the following reasons:

- The subject land has been zoned for residential development for in excess of 30 years.

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- Development of the land would be consistent with the North Coast Regional Plan 2036 (the site is within the Urban Growth Area).
 - Development of the land for urban purposes would be consistent with the exhibited Draft North Coast Regional Plan 2041 (the site is within the Urban Growth Area).
 - Development of land for urban purposes would be consistent with the Richmond Valley Council Urban Land Release Strategy – Town of Evans Head, effective 1 January 2007

The Director General of the Department of Planning (as it then was) formally agreed to this Strategy on 20 June 2006. Figure 1 of the Strategy identifies the Iron Gates site as an R5 Residential Precinct.

At Table 6, the Strategy indicates that the Iron Gates site would yield 275 lots which equates to 618 persons at 2.25 persons/lot.

The R5 Precinct shown on Figure 1 of the Strategy is considerably larger than the current area zoned R1 General Residential under RVLEP2012.

DA2015/0096 (as amended) proposes the creation of 135 (Stage 1) residential lots which equates to approximately 300 to 350 persons. It is likely that some of the lots will contain dual occupancy dwellings which will further increase the range of housing available and projected population.

In summary, the proposed Master Plan and amended Development Application are consistent with this Strategy.

- Far North Coast Regional Strategy 2006-2031

This Strategy was adopted on 17 January 2007. Sheet 6 (Insert 6A) shows the Iron Gates site as an Existing Urban Footprint. The footprint is considerably larger than the current area zoned R1 General Residential under RVLEP2012.

Table 1 of the Strategy identifies a dwelling target of 9900 additional new dwellings by 2031 in the Richmond Valley Local Government Area (RVLGA).

The proposed Master Plan and amended Development Application are consistent with the Strategy in that they will deliver an additional 175 plus dwellings within the RVLGA.

- North Coast Regional Plan 2036

This Plan came into force in March 2017 and effectively replaces the Far North Coast Regional Strategy 2006 – 2031.

Figure 17 – Urban Growth Areas Map for the RVLGA identifies the Iron Gates site as an Urban Growth Area, with a footprint generally consistent with the current R1 zone footprint.

Goal 4 of the Strategy seeks to achieve greater housing choice and lifestyle options.

Direction 2.2 and Figure 10 of the Strategy indicate that the minimum housing supply required in the RVLGA is 1550 dwellings by 2036.

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DA2015/0096 is consistent with the Strategy and will contribute at least 135 (Stage 1) dwellings towards the target of 1550 dwellings by 2036.

- Richmond Valley Made 2030 Community Strategic Plan

This Plan was adopted by Council on 27 June 2017 and has been prepared by Council in accordance with the Integrated Planning and Reporting Requirements of the Local Government Act, 1993.

A key strategic goal is to significantly grow the Richmond Valley economy and a key town planning and development goal is to deliver new housing and a variety of housing options at Evans Head.

DA2015/0096 is consistent with the Plan Goals and Strategies.

- Richmond Valley Local Strategic Planning Statement Beyond 2020 Vision (May 2020)

This Statement contains a 20 year Planning Vision for the RVLGA and has been prepared in accordance with Section 3.9 of the Environmental Planning and Assessment Act, 1979 (as amended) (the Act). The statement was finalised in May 2020.

The LSPS includes, or identifies, the planning priorities for the area which are consistent with Council's Community Strategic Plan and the action required for achieving those planning priorities.

At Page 16, the Statement identifies the Iron Gates subdivision (with potentially 174 residential lots) as a potentially large development project at Evans Head.

Figure 8 of the Statement identifies the Iron Gates site as an Urban Growth Area, the configuration of which is generally consistent with the current R1 zoning footprint.

Again, DA2015/0096 is consistent with the Local Strategic Planning Statement.

In summary, in my opinion, approval of the application subject to reasonable and relevant conditions, would be consistent with the public interest.

3.9.2 Social Impact

Whilst key service providers were not directly consulted, the application has been advertised and notified on several occasions and no relevant service providers or State Agencies have made any submissions in relation to the capacity of existing services such as ambulance, fire, schools and police.

It should also be noted that an additional 135 lots (Stage 1) residential lots will generate a population of approximately 300 to 350 persons which will generate additional demand for services and improved scale economies such that the services can be provided in Evans Head on a sustainable basis.

In summary, in my opinion, refusal of the application on the social impact consultation ground is baseless and unsubstantiated.

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APPENDIX 1

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Response to Reasons for Refusal
Project No: GOL 16/174 – August 2022
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NSW RURAL FIRE SERVICE

Richmond Valley Council
Locked Bag 10
CASINO NSW 2470

Your reference: (CNR-35578) DA2015/0096
Our reference: DA-2014-03456-CL55-3

ATTENTION: Tony McAteer

Date: Thursday 16 June 2022

Dear Sir/Madam,

Integrated Development Application

s100B – Subdivision – Torrens Title Subdivision

240 IRON GATES DRIVE EVANS HEAD NSW 2473, 163//DP831052, 276//DP755624, 277//DP755624

I refer to your correspondence dated 17/02/2022 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of a subdivision certificate, all proposed road reserves, Iron Gates Drive road reserve (with the exception of SEPP17 wetland mapped areas), all Lots excluding 136, 137, 138, 141, 142 and 143 must be managed as an inner protection area (IPA). The IPA must comprise:

- Minimal fine fuel at ground level;
- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;
- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

- Lower limbs of trees removed up to a height of 2 metres above the ground.

2. At the issue of subdivision certificate, section 88B easements under the 'Conveyancing Act 1919' is to be created. The easements are to burden Lots within the 15, 21, 25 and 27 metre markings identified on the plan titled 'Bushfire Setback Plan Over Proposed Subdivision of Lots 276 & 277 on DP755627, Lot 163 on DP831052, Crown Public Road Reserve (Between Lot 163 DP831052 and Lot 276 on DP755624) and Crown Foreshore Reserve (Adjacent to Evans River)', drawing number BRJD6396-100-45-2, dated 23 March 2020. The easement is to restrict the user from the construction of any habitable building within these areas. The easement is to ensure the lot accommodates the required asset protection zones (APZs) required for the future dwelling located on the lot.

Access – Public Roads

The intent of measures is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public road access shall comply with the following requirements of section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006':

- Iron Gates Drive (and proposed road 5) from the intersection of Cherry Street to the intersection of Road 1 is to provide appropriate fog line-markings, guideposts and centreline cats-eyes to council requirements.
- Road(s) shall be two wheel drive, all weather roads.
- Urban perimeter roads are two way, with a carriageway 8 metres minimum kerb to kerb.
- The perimeter road is linked to the internal road system at an interval of no greater than 500 metres.
- Traffic management devices are constructed to facilitate unobstructed access by emergency services vehicles.
- Public roads have a cross fall not exceeding 3 degrees.
- All roads should be through roads. Dead end roads are not recommended, but if unavoidable, dead end roads are not more than 200 metres in length, incorporate a 12 metre outer radius turning circle, are clearly signposted as dead end and direct traffic away from the hazard.
- Non-perimeter road widths comply with Table 4.1 in 'Planning for Bush Fire Protection 2006'.
- Curves of roads (other than perimeter roads) are a minimum inner radius of 6 metres.
- The minimum distance between inner and outer curves is 6 metres.
- Maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient.
- There is a minimum vertical clearance to a height of 4 metres above the road at all times.
- The capacity of road surfaces and bridges is sufficient to carry fully loaded fire fighting vehicles (approximately 15 tonnes for areas with reticulated water, 28 tonnes or 9 tonnes per axle for all other areas). Bridges clearly indicate load rating.
- Public roads greater than 6.5 metres wide locate hydrants outside of parking reserves to ensure accessibility to reticulated water supply for fire suppression.
- Public roads between 6.5 metres and 8 metres wide are 'No Parking' on one side with services (hydrants) located on this side to ensure accessibility to reticulated water for fire suppression.
- Public roads directly interfacing the bush fire hazard provide roll top kerbing to the hazard side of the road.

Access – Fire Trails

The intent of measures is to provide suitable access for fire management purposes and maintenance of APZs. To achieve this, the following conditions shall apply:

4. Fire trails shall comply with the following requirements of section 4.1.3 (3) of 'Planning for Bush Fire Protection 2006':

- A minimum carriageway width of 4 metres is provided with an additional 1 metre wide strip on each side of the trail (clear of bushes and long grass).

- The trail has a maximum grade of 15 degrees if sealed and not more than 10 degrees if unsealed.
- A minimum vertical clearance of 4 metres is provided to any overhanging obstructions, including tree branches.
- The crossfall of the trail is not more than 10 degrees.
- The trail has the capacity for passing by
 - reversing bays using the access to properties to reverse fire tankers, which are 6 metres wide and 8 metres deep to any gates, with an inner minimum turning radius of 6 metres and outer minimum radius of 12 metres; and/or
 - a passing bay every 200 metres, 20 metres long by 3 metres wide, making a minimum trafficable width of 7 metres at the passing bay.
- The fire trail is accessible to fire fighters and maintained in a serviceable condition by the owner of the land.
- Appropriate drainage and erosion controls are provided.
- The fire trail system is connected to the property access road and/or to the through road system at frequent intervals of 200 metres or less.
- Fire trails do not traverse a wetlands or other land potentially subject to periodic inundation (other than a flood or storm surge).
- Gates for fire trails are provided and locked with a key/lock system authorised by the local RFS.
- Fire trail design does not adversely impact on natural hydrological flows.
- Fire trail design acts as an effective barrier to the spread of weeds and nutrients.
- Fire trail construction does not expose acid-sulphate soils.

Water and Utility Services

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

5. Water, electricity and gas must comply with the following:
 - Fire hydrant design, spacing, sizing and pressures must comply with AS2419.1. Fire hydrants must not be located within any road carriageway.
 - Ring main systems must be used for urban subdivisions with perimeter roads.
 - All aboveground water pipes external to the building must be metal including and up to any taps/outlets/fittings.
 - Electrical transmission lines should be located underground where possible.
 - Overhead electricity lines must have short pole spacing (i.e. 30 metres) except where crossing gullies, gorges or riparian areas. No tree may be closer to an electricity line than the distance set out in ISSC3 Guideline for Managing Vegetation Near Power Lines.
 - Gas must be installed and maintained as set out in the relevant standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.

General Advice - Consent Authority to Note

The recommendations are based on the documents/plans supplied via Councils referral to the NSW RFS.

- The plan titled 'Bushfire Setback Plan Over Proposed Subdivision of Lots 276 & 277 on DP755627, Lot 163 on DP831052, Crown Public Road Reserve (Between Lot 163 DP831052 and Lot 276 on DP755624) and Crown Foreshore Reserve (Adjacent to Evans River)', drawing number BRJD6396-100-45-2, dated 23 March 2020.
- The plan titled 'Plan of Proposed Subdivision - DA 2015/0096 - Stage 1 Iron Gates - Evans Head', drawing number BRJD6396.100-015, revision Q, dated 19 July 2021.
- The plan titled 'Concept Proposals for Subdivision, Clearing, Earthworks, Roadworks, Drainage, Upgrading of Iron Gates Drive, Infrastructure and Embellishment of Proposed Public Reserves - DA 2015/0096 - Stage 1 & 2 Iron Gates - Evans Head', drawing number BRJD6396.100-55, revision 1 dated 19 July 2021.
- The plan titled 'Access Road Signage & Linemarking Layout Plan sheet 1 of 2 prepared by Arcadis Australia Pacific, reference K218-AA007094-02.

- The plan titled 'Access Road Signage & Linemarking Layout Plan sheet 2 of 2 prepared by Arcadis Australia Pacific, reference K219-AA007094-02.
- The revised consolidated bush fire assessment prepared by Bushfire Risk, ref 1810DAC-b, version 3 dated 12 July 2019.
- Bush fire assessment – Additional Information Response Re: Iron Gates Drive, Evans Head NSW prepared by Melanie Jackson of Bushfire Risk Pty Ltd, version 1 dated 8 March 2017.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 09/11/2021.

For any queries regarding this correspondence, please contact Wayne Sketchley on 1300 NSW RFS.

Yours sincerely,

Alan Bawden
**Supervisor Development Assessment & Plan
Built & Natural Environment**



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision

240 IRON GATES DRIVE EVANS HEAD NSW 2473, 163//DP831052, 276//DP755624, 277//DP755624

RFS Reference: DA-2014-03456-CL55-3

Your Reference: (CNR-35578) DA2015/0096

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority DA-2014-03456-CL55-2 issued on 09/11/2021 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Alan Bawden

**Supervisor Development Assessment & Plan
Built & Natural Environment**

Thursday 16 June 2022

APPENDIX 2

DAC Planning Pty Ltd

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

Response to Reasons for Refusal
Project No: GOL 16/174 – August 2022
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DA15/0096
Iron Gates Drive, Evans Head

Mr Vaughan Madonald
General Manager
Richmond Valley Council
council@richmondvalley.nsw.gov.au
Contact email: tony.mcateer@richmondvalley.nsw.gov.au

Letter uploaded to the Concurrence and Referral (CNR) portal

Dear Mr Macdonald

**GENERAL TERMS OF APPROVAL
INTEGRATED DEVELOPMENT APPLICATION
NATIONAL PARKS AND WILDLIFE ACT 1974**

Address: 240 Iron Gates Drive, Evans Head
Proposal: Concept development application for staged residential subdivision
IDA application no: DA 2015/0096, CNR-28459, A-33246, received 17 September 2021

This letter contains our general terms of approval for those known Aboriginal sites which would require an Aboriginal Heritage Impact Permit pursuant to s.90 of the *National Parks and Wildlife Act 1974*.

We have reviewed the Aboriginal Cultural Heritage Assessment Report, dated 1 July 2019, prepared by Everick Heritage Consultants Pty Ltd and the public submissions received during the recent exhibition period. The report has identified that Aboriginal objects IG01 AHIMS ID 13-01-0204 will be impacted by the proposal.

Please note 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. Consistent with previous correspondence we have received and responded to on this matter, approval has not been sought for any harm to Aboriginal objects from the proposed subdivision and road upgrading works. Therefore, our General Terms of Approval do not authorise any harm to Aboriginal objects arising from those works.

It is important to note that Development Approval is not a requirement for an Aboriginal Heritage Impact Permit for the remediation of the disturbed midden.

Considering the above, and in accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a. The supporting documentation provided on the CNR Planning Portal to inform any approved development decision.

Please note that any modification of the above development that will result in impacts to any other Aboriginal cultural heritage must be referred to us to determine whether changes to these general terms of approval are required.

EXCEPT AS AMENDED by the following general terms of approval:

2. A s.90 [Aboriginal Heritage Impact Permit \(AHIP\)](#) for the proposed works must be sought and granted prior to the commencement of works.
3. The AHIP application must be accompanied by appropriate documentation and mapping as outlined in [Applying for an Aboriginal Heritage Impact Permit: Guide for applicants](#) (2011).
4. Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with the [Aboriginal cultural heritage consultation requirements for proponents 2010](#) (2010).
5. The AHIP application must be completed with reference to the requirements of the [Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW](#) (2011).
6. The AHIP application must include complete records satisfying the requirements of the [Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales](#) (2010).
7. Long term management of Aboriginal objects must be considered as part of the AHIP application.
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.

If you have any questions regarding these general terms of approval, please contact **Customer Strategies**, Heritage NSW, on heritagemailbox@environment.nsw.gov.au or 9873 8500 .

Yours sincerely



DR SAM HIGGS
Senior Team Leader - Northern
Aboriginal Cultural Heritage Regulation
Heritage NSW
Department of Premier and Cabinet
1 November 2021

APPENDIX 3

DAC Planning Pty Ltd

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

Response to Reasons for Refusal
Project No: GOL 16/174 – August 2022
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DA15/0096
Iron Gates Drive, Evans Head

IRON GATES RESIDENTIAL DEVELOPMENT

Revised

Engineering Services and Civil Infrastructure Report

23 JULY 2019



GOLDCORAL PTY LTD IRON GATES RESIDENTIAL DEVELOPMENT

Revised Engineering Services and Civil Infrastructure Report

Author Lachlan Prizeman

Checker Gerard Dick

Approver Gerard Dick

Report No F0002-AA007094-AAR

Date 23/07/2019

Revision Text 08

This report has been prepared for Goldcoral Pty Ltd in accordance with the terms and conditions of appointment for Iron Gates Residential Subdivision dated October 2018. 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.

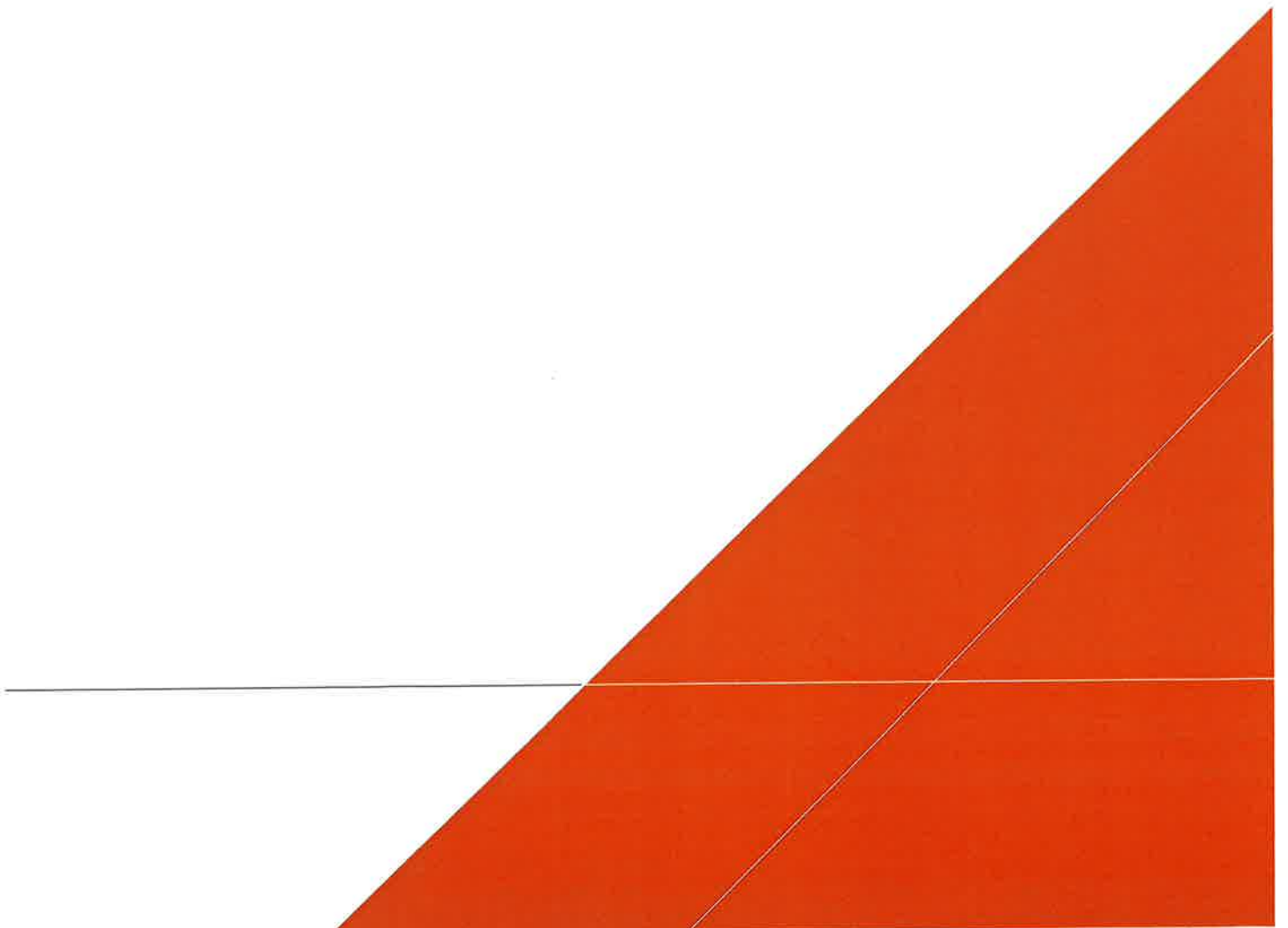
REVISIONS

Revision	Date	Description	Prepared by	Approved by
01	22/09/2014	Draft Issue	DC	BL
02	28/09/2014	Draft Issue	DC	BL
03	03/10/2014	DA Issue	DC	BL
04	21/07/2015	Amended to address Richmond Valley Council RFI	BF	BL
05	15/10/2015	Amended to include Changes to Road Cross Section	BF	BL
06	10/05/2016	Amended to Include RFI Response	DC	BL
07	1/11/2018	Revised Report	GD	GD
08	23/07/2019	Final RFI Response	LP	GD

GOLDCORAL PTY LTD STAGE 1 PRELIMINARY CONTAMINATION ASSESSMENT

Iron Gates Development – Evans Head NSW

08 JULY 2019



CONTACT

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Arcadis


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GOLDCORAL PTY LTD IRON GATES DEVELOPMENT – EVANS HEAD NSW

STAGE 1 PRELIMINARY CONTAMINATION ASSESSMENT

Author Simon Groth 

Checker Gerard Dick 

Approver Simon Groth 

Report No 10027302 – PCA – R1

Date 2/07/2019

Revision Text 01

This report has been prepared for Goldcoral Pty Ltd in accordance with the terms and conditions of appointment for Review Environmental Factors dated 16/1/12. 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
0	28/08/14	STAGE 1 PRELIMINARY CONTAMINATION ASSESSMENT	Simon Groth	Simon Groth
1	02/07/19	STAGE 1 PRELIMINARY CONTAMINATION ASSESSMENT	Simon Groth	Simon Groth

CONTENTS

EXECUTIVE SUMMARY	1
1 INTRODUCTION	2
1.1 Background	2
1.2 Site Identification	2
1.3 Objective	1
1.4 Scope of Works	1
1.5 Limitations	2
2 GEOLOGY AND HYDROLOGY	3
2.1 Geology	3
2.2 Contaminated Land Search	3
2.3 Surface Hydrology and Hydrogeology	4
2.4 Acid Sulphate Soils	4
3 SITE BACKGROUND AND HISTORICAL REVIEW	6
3.1 General Information	6
3.2 Adjoining Land Use	6
3.3 Title Searches	7
3.4 Aerial Photography	7
3.5 Summary of Site History	8
3.6 Potential areas of Concerns	8
4 SITE INSPECTION	9
5 SITE INSPECTION	10
6 CONCLUSIONS AND RECOMMENDATIONS	11

APPENDICES

APPENDIX A PROPOSED DEVELOPEMENT

APPENDIX B HISTORIC AERIAL PHOTOGRAPHS

APPENDIX C SITE INSPECTION PHOTOGRAPHS

APPENDIX D PRELIMINARY RADIATION SITE ASSESSMENT

EXECUTIVE SUMMARY

Arcadis Consulting Pty Ltd (Arcadis) has been commissioned by Goldcoral Pty Ltd to undertake a Stage 1 Preliminary Contamination Assessment (PCA) of the proposed Iron Gates residential development, Evans Head.

The scope of this study was the “development area” as detailed in the locality plan provided below. The development site is located approximately 1.7 kilometres south-west of Evans Head township. This is the area that will be directly disturbed as a result of the construction required for the development. This includes bulk earthworks, road construction and ancillary activities such as stockpile and compound sites, utility installation and access requirements, and any alterations to intersections. The purpose of the investigation was to identify high risk activities with the potential to cause substantial contamination which may have occurred or are occurring within and adjacent to the development area. Such activities may require remediation or management through construction. The investigation was undertaken in accordance with the relevant Office of Environment and Heritage (OEH) guidelines and standard industry practice.

As part of the investigation, the following was undertaken:

- A desktop review of available aerial photographs, land title certificates, contaminated sites databases, groundwater, soil and geology databases and relevant available historical reports and documentation as required; and
- A visual, non-intrusive site inspection of the proposal area.

Based on information obtained from the desktop review, potential environmental issues at the site can be summarised as follows:

- During the 1970s and early 1980s sand mining activities took place. As a result, tailings dams may have concentrated monazite separated out as part of the mining process. Monazite tailing can be responsible for elevated radiation levels and potentially causes health risks.

A site inspection was undertaken on 22 May 2014. The site visit involved identifying activities or site features that may be associated with potential contamination being present. These locations were closely inspected and reference made to the concept plan of the development works proposed. Site inspection photographs are provided in Appendix 3. No contaminating activities or evidence of contamination was identified during the site inspection.

A subsequent Preliminary Radiation Site Assessment was also undertaken by Arcadis on 17 June 2014 (Provided in Appendix D). The site visit involved identifying activities or site features that may be associated with past sand mining activities being present in areas identified in historic aerial photographs. These locations were closely inspected and reference made to the concept plan of the development works proposed.

No contaminating activities or evidence of mineral sand staining was identified during the site inspection. Surface radiation levels were also monitored on the Iron Gates site in areas where previous sand mining activities were located are all equivalent to background levels displayed at the three off site background control locations. Surface radiation levels generally varied between 0.00 uSv/Hr to 0.3 uSv/Hr. Some discrete areas displayed levels of 0.4 and 0.5 uSv/Hr however these areas are still below Action Level Criteria for dwellings.

Based on the desktop reviews and site assessment undertaken, further surface radiation level monitoring should be undertaken in areas where earthworks more than 1 metre below current surface levels during construction to determine the presence/absence of contaminated materials in the form of radioactive residues associated with sand mining activities.

1 INTRODUCTION

1.1 Background

Arcadis Consulting Pty Ltd (Arcadis) has been commissioned by Goldcoral Pty Ltd to undertake a Stage 1 Preliminary Contamination Assessment (PCA) of the proposed Iron Gates residential development, Evans Head.

The purpose of this investigation was to identify any risks and constraints to the proposal through identification of areas of potentially contaminated land. This report has been produced as a requirement of the NSW Department of Planning Director General's Requirements under Section 75F of the Environmental Planning and Assessment Act 1979. This report specifically addresses SEPP 55 – Remediation of Land.

This assessment has been carried out in accordance with the relevant guidelines entitled "Contaminated Sites – Guidelines for Consultants Reporting on Contaminated Sites" and standard industry practices outlined by the NSW Office of Environment and Heritage (OEH).

This report will:

- Identify past and present potentially contaminating activities.
- Identify potential contamination sites.
- Discuss the site condition.
- Provide a preliminary assessment of potential site contamination.
- Assess the need for further investigations.

1.2 Site Identification

The scope of this study was the "development area" as detailed in the locality plan provided below. The development site is located approximately 1.7 kilometres south-west of Evans Head township. This is the area that will be directly disturbed as a result of the construction required for the development. This includes bulk earthworks, road construction and ancillary activities such as stockpile and compound sites, utility installation and access requirements, and any alterations to intersections. The location of the proposal is illustrated in Figure 1 (A detailed locality plan with development layout is provided in Appendix 1).

1.3 Objective

The objective of this contamination investigation was to identify potential risks associated with contamination based on past and present land uses in the study area and to identify areas that may require remediation or management through construction phases.

Carrying out the Stage 1 Preliminary Contaminated Assessment will provide the Goldcoral Pty Ltd with information on potential risks associated with contamination based on past and present land uses. The process will identify where there is a contamination risk that warrant additional intrusive investigations to characterise the presence and extent of any impact on the development area. The outcomes of this Stage 1 Preliminary Contaminated Assessment will inform management actions for ongoing protection of the environment and provide baseline information to monitor future change.

1.4 Scope of Works

To achieve the above outlined objectives the following scope of works was undertaken:

- Desktop review of site history information of the proposal site and adjoining sites to identify potential areas of environmental concern. Where available, this included review of the following information sources:
 - Historical titles.
 - Historical aerial photographs (from 1953 to present, where available).
 - Previous environmental reports for the site.
 - Licences and notices (i.e. water discharge licences, hazardous materials, trade waste etc.).
 - Groundwater bore database search.
 - Publicly available records comprising topographic, geological and hydrogeological maps.
 - Trade waste plans and EPA licence (where available).
- A site walkover by an Arcadis representative; which included:
 - Identification of current activities within the study area.
 - Identification of any chemical or fuel storage areas.
 - Identification of potential sources of contamination.
 - General review of current and/or previous operations within the area of impact.
 - Identification of the current uses of adjoining properties.
 - Checking the validity of publicly available information (as listed above).
 - General description of structures, storage facilities, disposal areas etc., within the study area.
 - Checking for signs of ground contamination that are visible on the ground surface.
 - Detailing waste disposal locations along the study area.
- Preparation of a Stage 1 Preliminary Contaminated Assessment Report for the proposal.

1.5 Limitations

The results of this assessment are based on the site inspection undertaken by Arcadis personnel and specialists from accessible areas, information provided by Goldcoral Pty Ltd and publically available background information. This assessment is limited strictly to identifying typical environmental conditions associated with the study area. All environmental and contaminated land work is subject to general limitations related to the heterogeneity of the natural environment, variability of contaminant distribution and constraints imposed by the investigation methods utilised. Arcadis has performed the services in a manner consistent with the level of care and expertise exercised by members of the environmental consulting profession. No warranties expressed or implied are made. All conclusions and recommendations are the professional opinions of the Arcadis personnel and specialists involved in the project, subject to the qualifications made above. While normal assessments of data reliability have been made, Arcadis assumes no responsibility or liability for errors in any data obtained from external sources, or developments resulting from situations outside the scope of this project.

Specifically, with regard to this report, it should be noted that the scope of works carried out herein is not intended to include sufficient information to enable completion of a statutory audit of the site, and as such does not include the following:

- Any intrusive soil/groundwater sampling and analysis.
- Sampling and analysis of any emissions to air, wastewater discharges or solid and liquid wastes.

Please ensure that these limitations are understood before utilising or basing decisions on the information presented in this report.

2 GEOLOGY AND HYDROLOGY

2.1 Geology

The Australian Stratigraphic Units Database describes the Evans Head area (Evans Head Coal Measure) as Thin- to thick-bedded, crossbedded, coarse-grained quartz to sublithic arenite, thinly-bedded grey siltstone, claystone, minor coal, as partings and very thin bands. The Evans Head area belongs to the Ipswich Basin Geological Province.

Basic geological mapping of the area indicates that the Evans Head headlands are comprised of different types of sediments. These are all very recent which geologically places them at Quaternary (or more specifically Pleistocene to Holocene aged) comprising mainly sands in the beach and dune systems and silts and clays around the river estuary. Many of the Holocene aged sediments contain potential acid sulfate soils, which are common in the region. Acid sulphate soils are covered in more detail in section 2.3 of this report.

2.2 Contaminated Land Search

A contaminated land search of the NSW EPA online contaminated land record was undertaken to identify contaminated sites in the area. Results of these searches are summarised below in Table 1.

Table 1: contaminated Land search for Evans Head

Suburb/City	Site description and address	EPA initial assessment	EPA site management class
Evans Head	Bundjalung National Park Gap Road	Unclassified	The EPA is awaiting further information to progress its initial assessment of this site.
Evans Head	Evans Head Aerodrome Memorial Airport Drive	Other Industry	Based on the information made available to the EPA to date, the contamination of this site is considered by the EPA to be not significant enough to warrant regulatory intervention under the <i>Contaminated Land Management Act 1997</i> .
Evans Head	Evans Head Residential subdivision Bounded by Currajong, Woodburn, Carrabeen Streets and Tuckeroo Cres	Unclassified	Based on the information made available to the EPA to date, the contamination of this site is considered by the EPA to be not significant enough to warrant regulatory intervention under the <i>Contaminated Land Management Act 1997</i> .

2.3 Surface Hydrology and Hydrogeology

The study area bounds Evans river to the south and has wetlands to the east of the site which drain toward the Evans River to the south. An online search of the Groundwater Bores (<http://www.bom.gov.au/water/groundwater/explorer/map.shtml>) was undertaken. Through this search it was found that the closest groundwater monitoring bores are located east of the development site located in the township of Evans Head. Figure 2 below shows the location of the surrounding groundwater bores.

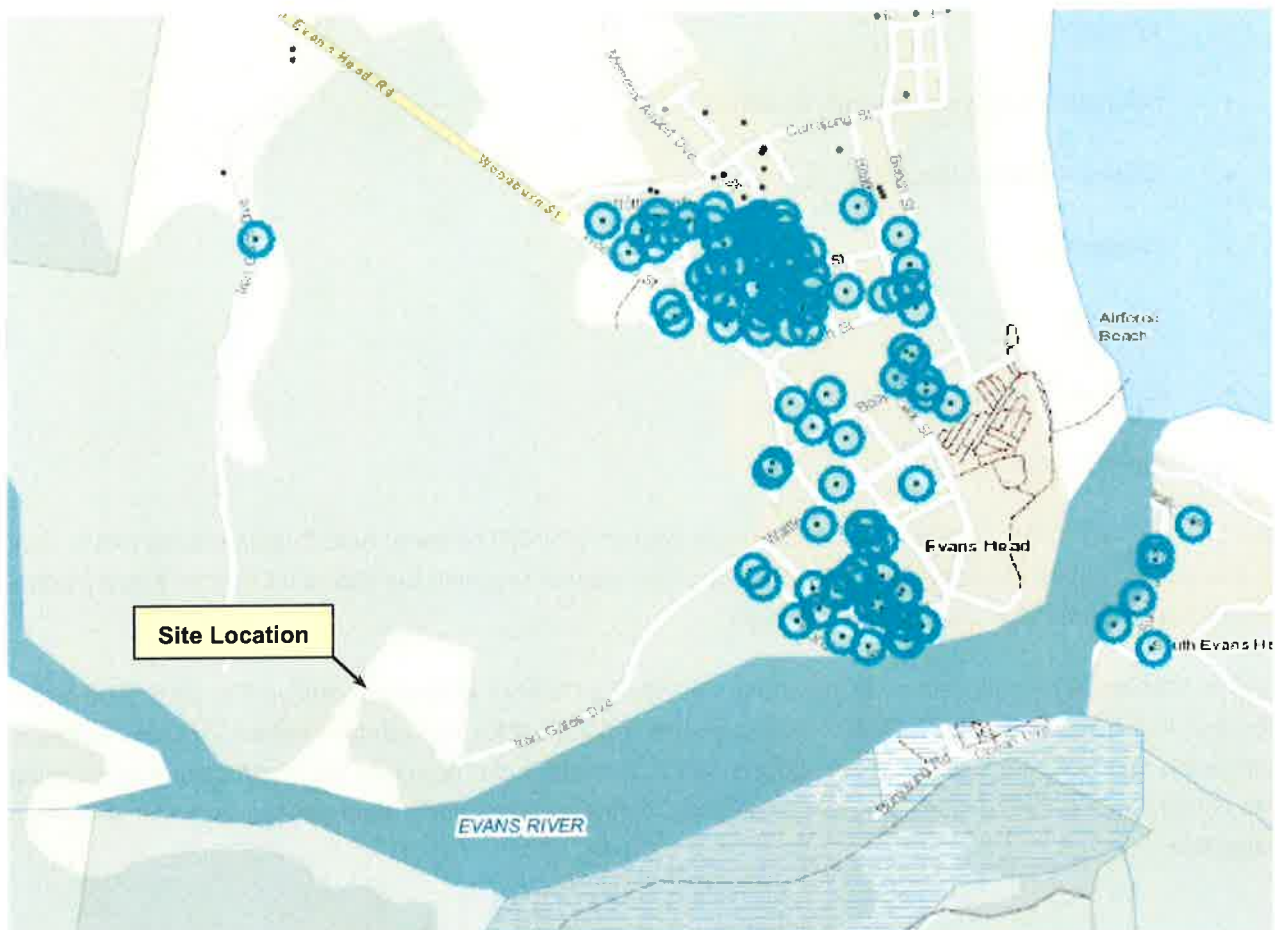


Figure 2: Map outlining locations of groundwater bores (NSW NRAtlas 2011)

Insufficient data was available for the local bores. As the elevation based on Australian Height Datum (AHD) was not provided for any of the bores the actual depth of the water table, and likelihood of there being a common groundwater system below the bores, could not be determined. Further investigation on the local aquifer depth, nature and contamination status of groundwater underneath the site was not completed during the preparation of this report.

2.4 Acid Sulphate Soils

Acid sulfate soils are acidic soil horizons or layers formed as a result of aeration of soil materials rich in iron sulphides (predominately pyrite - FeS_2). Such characteristics are likely to be found in:

- Marine and estuarine sediments of the recent (Holocene) geological age.
- Soils usually not more than five metres above mean sea level.

- Marine or estuarine settings.
- Inland environments such as:
 - River and stream channels.
 - Lakes.
 - Wetlands.
 - Seepages overlying mineralized zones.
 - Disposal basins (Evaporation).
 - Billabongs.
 - Marshes.
 - Ground water systems.
 - Sports fields.

A search of the Australian Soil Resource Information System (ASRIS) National Acid Sulphate Soils (ASS) Risk Map was carried out for the study area. The results of this search revealed the site to be located largely within a Low Probability Area with Confidence Unknown.

An acid sulphate soil Investigation was undertaken on site by Coffey Partners International in 1995. The report stated that there was no acid sulphate or acid generating potential for the samples tested. An Acid Sulphate Investigation and Soil Management Plan (F0003-10027302) has been prepared by Arcadis summarising the works undertaken on-site to date with discussions on Council mapping and recommendations moving through construction.

3 SITE BACKGROUND AND HISTORICAL REVIEW

3.1 General Information

Goldcoral Pty Ltd propose to develop the Iron Gates site into a 175 lot residential development. The proposal is located approximately 1.7 kilometres south-west of Evans Head township. Figures 1 shows the proposal in relation to its local and regional context.

Table 2: Site identification details

Site Address:	Iron Gates Road, Iron Gates
Approximate Total Area of Impact	18 Hectares
Postcode	2473
Lot and DP Numbers for site and adjacent lots	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
Local Government Area	Richmond Valley Council
Current Site Zoning	Low Medium Residential
Current Site Use	Vacant Land

3.2 Adjoining Land Use

Land use in the study area is characterised by surrounding undeveloped land zoned Non-Urban. The Proposal area is zoned under the Richmond Valley Council Local Environmental Plan (2012). This planning context is shown in Figure 3 below.

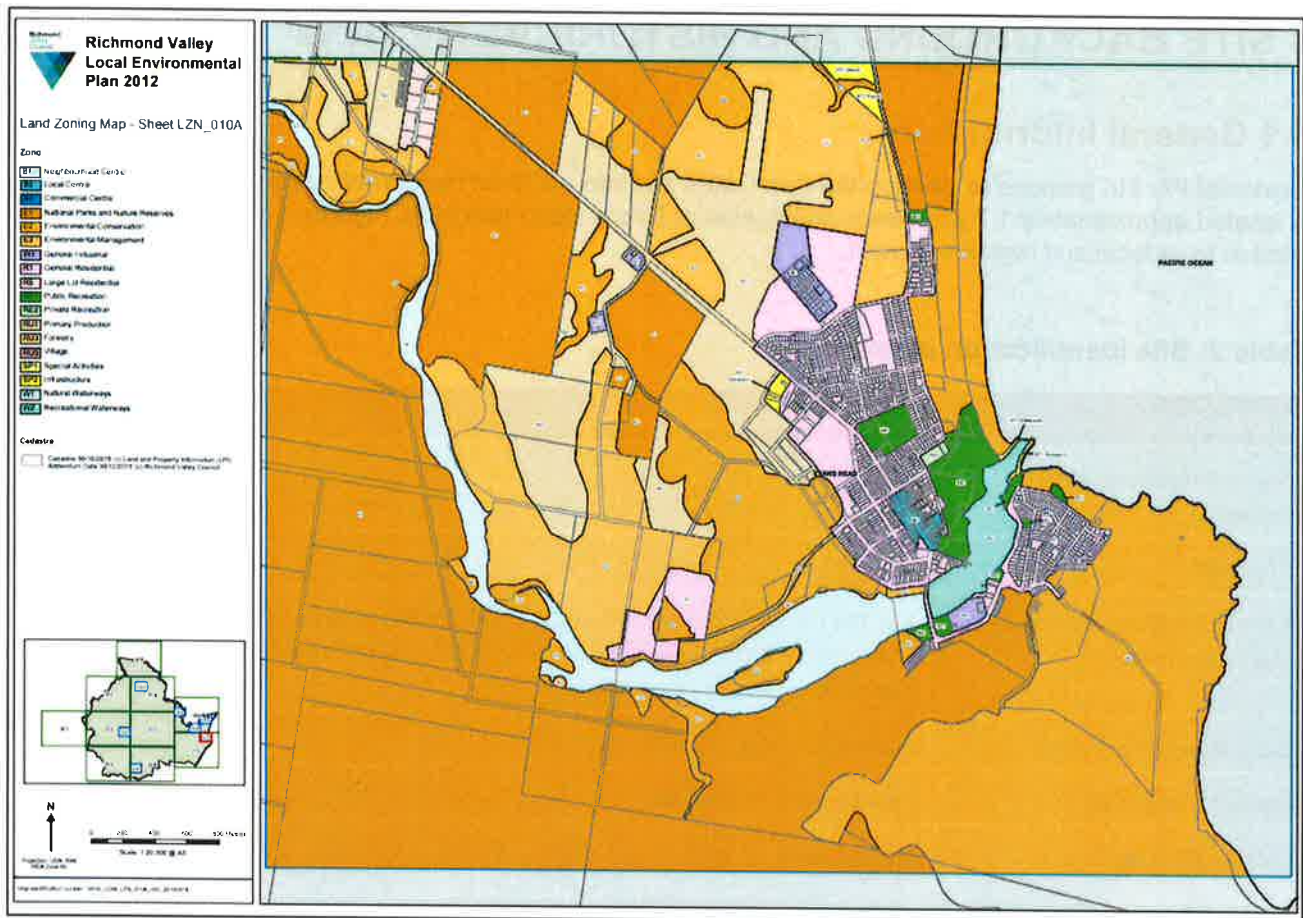


Figure 3: Richmond Valley Council Local Environmental Plan for the study area

3.3 Title Searches

Arcadis conducted a title search of “properties of interest” with the aim of tracing ownership details through a search of title records. The proposed Iron Gates development comprises of three separate properties. No historical potentially contaminating activities were identified by the historical title search.

3.4 Aerial Photography

Historical aerial photographs were obtained from the Land and Property Management Authority (LPMA). A review of the historical aerial photographs of the site is presented in the Table 1. Aerial photographs are presented in Appendix 2.

Table 1: Review of historical aerial photographs

Year	Site History Details	Potential contamination Implications
1953	Sole Dwelling with surrounding cleared land for rural use.	
1964	Sole Dwelling with surrounding cleared land for rural use.	
1971	Sole Dwelling with surrounding cleared land for rural use.	
	Eastern portion and adjacent property to the Iron Gates property has evidence of substantial sand mining activities.	Potential sand mining residues with elevated radiation levels

Year	Site History Details	Potential contamination Implications
1980	Sole Dwelling with surrounding cleared land for rural use. Sand mining activities seem to have down sized and revegetation of areas is evident.	Potential sand mining residues with elevated radiation levels
1988	Sole Dwelling with surrounding cleared land for rural use. Sand mining activities have ceased.	
1998	Sole dwelling and cleared land and constructed roads associated with the Iron Gates development.	
2001	Sole dwelling and cleared land and constructed roads associated with the Iron Gates development.	
2014	Sole dwelling and cleared land and constructed roads associated with the Iron Gates development.	

3.5 Summary of Site History

The information obtained from the site history review can be summarised as follows:

- Previous to 1971 the area was generally rural with a sole dwelling.
- There is evidence that sand mining activities were undertaken between 1965 and 1981
- Sand mining activities ceased before 1988.
- In 1996 the Iron Gates urban development was partially constructed.
- The site has remained unchanged since 1996.

3.6 Potential areas of Concerns

Based on information obtained from this site history review, it is evident that during the 1970s and early 1980s sand mining activities took place. As a result, tailings dams may have concentrated monazite and illminite separated out as part of the mining process. Monazite and illminite tailing can be responsible for elevated radiation levels and potentially causes health risks.

As a result of these findings a Preliminary Radiation Site Assessment was undertaken and comprised of:

- A preliminary site investigation, to establish whether radioactive sand residues from former mineral sand mining activities exists on the site; and
- If required, establishing the extent of soil contamination, and possible environmental, health and safety impairment risks, with a view to establishing a suitable remediation/management strategy.

The above assessment was carried out in accordance with NSW Government Department of Health – Radiation Branch publication, “No. 12 Clean-Up and Disposal of Radioactive Residues from Commercial Operations Involving Mineral Sands”.

4 SITE INSPECTION

A site inspection was undertaken by Arcadis Consulting on 22 May 2014 by Simon Groth of Arcadis Consulting. The site visit involved identifying activities or site features that may be associated with potential contamination being present. These locations were closely inspected and reference made to the concept plan of the development works proposed. Site inspection photographs are provided in Appendix 3. No contaminating activities or evidence of contamination was identified during the site inspection.

Conditions at Site Boundary

There were no visible signs of contamination or staining identified during the site inspection.

Presence of Dangerous goods, Wastes and Fill Material

No dangerous goods, wastes or fill material was identified as part of the site inspection.

Odours

There were no odours encountered on site that may indicate land contamination.

Condition of Buildings and Roads

There were no signs of contamination associated with any roads or structures on or around the site.

Further Preliminary Radiation Site Assessment

A subsequent Preliminary Radiation Site Assessment was also undertaken by Arcadis on 17 June 2014 (Provided in Appendix D). The site visit involved identifying activities or site features that may be associated with past sand mining activities being present in areas identified in historic aerial photographs. These locations were closely inspected and reference made to the concept plan of the development works proposed.

No contaminating activities or evidence of mineral sand staining was identified during the site inspection.

A surface radiation survey of the development site was also undertaken using a calibrated HPI Cypher 5000 Digital Radiation Alert Monitor to measure surface gamma radiation levels and detect and locate any areas of elevated radiation levels.

The surface radiation levels monitored on the Iron Gates site in areas where previous sand mining activities were located are all equivalent to background levels displayed at the three off site background control locations. Surface radiation levels generally varied between 0.00 uSv/Hr to 0.3 uSv/Hr. Some discrete areas displayed levels of 0.4 and 0.5 uSv/Hr however these areas are still below Action Level Criteria for dwellings.

5 FURTHER INVESTIGATIONS

Based on the desktop reviews and site assessment undertaken, further surface radiation level monitoring should be undertaken in areas where works are more than 1 metre below current surface levels during construction to determine the presence/absence of contaminated materials in the form of radioactive residues associated with sand mining activities.

6 CONCLUSIONS AND RECOMMENDATIONS

Desktop studies revealed that eastern parts of the site and the property adjacent of the Iron Gates development was subject to sandmining activities during the 1970s and early 1980s. As a result there may be potential for the existence of sand mining residues with elevated radiation levels on site that may have been associated with tailings dams from rutile separation processes.

Site investigations were undertaken and surface radiation levels monitored on the Iron Gates site in areas where previous sand mining activities were located are all equivalent to background levels displayed at the three off site background control locations. Surface radiation levels generally varied between 0.00 $\mu\text{Sv}/\text{Hr}$ to 0.3 $\mu\text{Sv}/\text{Hr}$. Some discrete areas displayed levels of 0.4 and 0.5 $\mu\text{Sv}/\text{Hr}$ however these areas are still below Action Level Criteria for dwellings.

It is recommended that further surface radiation level monitoring should be undertaken in areas where works are more than 1 metre below current surface levels during construction to determine the presence/absence of contaminated materials in the form of radioactive residues associated with sand mining activities so appropriate management strategies can developed if required.

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
(1) This plan was created for the purposes and exclusive use of the GOLDCORAL PTY LTD and is not to be used for any other purpose or for any other person or organisation.
(2) The plan shows the proposed subdivision of the land and the proposed roads and reserves. The plan is not to be used for any other purpose or for any other person or organisation.
(3) The plan shows the proposed subdivision of the land and the proposed roads and reserves. The plan is not to be used for any other purpose or for any other person or organisation.
(4) The plan shows the proposed subdivision of the land and the proposed roads and reserves. The plan is not to be used for any other purpose or for any other person or organisation.
(5) 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 884ha
Residential Lots (2)	54 463ha
Public Reserves (4)	0 836ha
Drainage Reserve (1)	0 132ha
Pump Station (1)	0 017ha
TOTAL	72 309ha

ADDITIONAL NOTES

SCALE BAR
0 10 20 30 40 50 60m

SCALE 1:250 @ A1



Richmond Office
Level 1, 100m
100m Creek Street
PO Box 100
Richmond VIC 3113
03 9347 1000
1 800 267 7001
info@landpartners.com.au
www.landpartners.com.au



LEVEL DATUM	AHD
LEVEL ORIGIN	
CONTOUR INTERVAL	
COMPUTER FILE	BRJD6396-100-33-15-COP
DRAWN	CCW DATE 27/05/2019
CHECKED	CMJ DATE 27/06/2019
APPROVED	CCW DATE 27/06/2019

PLANNING NUMBER: SHEET 2 OF 2
BRJD6396-100-013

Lot	Area
1	989 m ²
2	512 m ²
3	512 m ²
4	512 m ²
5	512 m ²
6	512 m ²
7	512 m ²
8	512 m ²
9	512 m ²
10	512 m ²
11	512 m ²
12	512 m ²
13	512 m ²
14	512 m ²
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66	512 m ²
67	512 m ²
68	512 m ²
69	512 m ²
70	512 m ²

Lot	Area
71	507 m ²
72	508 m ²
73	582 m ²
74	766 m ²
75	600 m ²
76	500 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	596 m ²
88	502 m ²
89	602 m ²
90	602 m ²
91	558 m ²
92	856 m ²
93	603 m ²
94	503 m ²
95	954 m ²
96	619 m ²
97	563 m ²
98	557 m ²
99	502 m ²
100	723 m ²
101	605 m ²
102	609 m ²
103	520 m ²
104	718 m ²
105	502 m ²
106	604 m ²
107	602 m ²
108	502 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	547 m ²
123	619 m ²
124	603 m ²
125	600 m ²
126	646 m ²
127	661 m ²
128	826 m ²
129	600 m ²
130	639 m ²
131	602 m ²
132	602 m ²
133	600 m ²
134	616 m ²
135	623 m ²
136	804 m ²
137	602 m ²
138	600 m ²
139	600 m ²
140	600 m ²

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	527 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	502 m ²
169	602 m ²
170	602 m ²
171	602 m ²
172	602 m ²
173	602 m ²
174	616 m ²
175	600 m ²
176	2 188ha
177	4 857ha
178	47 418ha

Lot	Area
179	600 m ²
180	600 m ²
181	600 m ²
182	600 m ²
183	600 m ²
184	600 m ²
185	600 m ²
186	600 m ²
187	600 m ²
188	600 m ²
189	600 m ²
190	600 m ²
191	600 m ²
192	600 m ²
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197	600 m ²
198	600 m ²
199	600 m ²
200	600 m ²

Lot	Area
201	600 m ²
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208	600 m ²
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221	600 m ²
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Lot	Area
241	600 m ²
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Lot	Area
261	600 m ²
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Lot	Area
278	600 m ²
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319	600 m ²
320	600 m ²

EXISTING CROWN PUBLIC ROAD
PROPOSED ROAD 1
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