

## Sandra Anderson

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**Subject:** FW: HPE CM: RE: DA2015/0096 - Proposed Urban Subdivision at Lot 163 DP 831052, Lots 276 & 277 DP755624 and Crown Road Reserves/Foreshore Reserves, Iron Gates, Evans Head - DAC File No. GOL 16/174

**Attachments:** DOC15 111255 Response to Richmond Valley Council - DA 2015.096 Iron Gates subdivision.pdf; nla.news-article222337519.3.pdf

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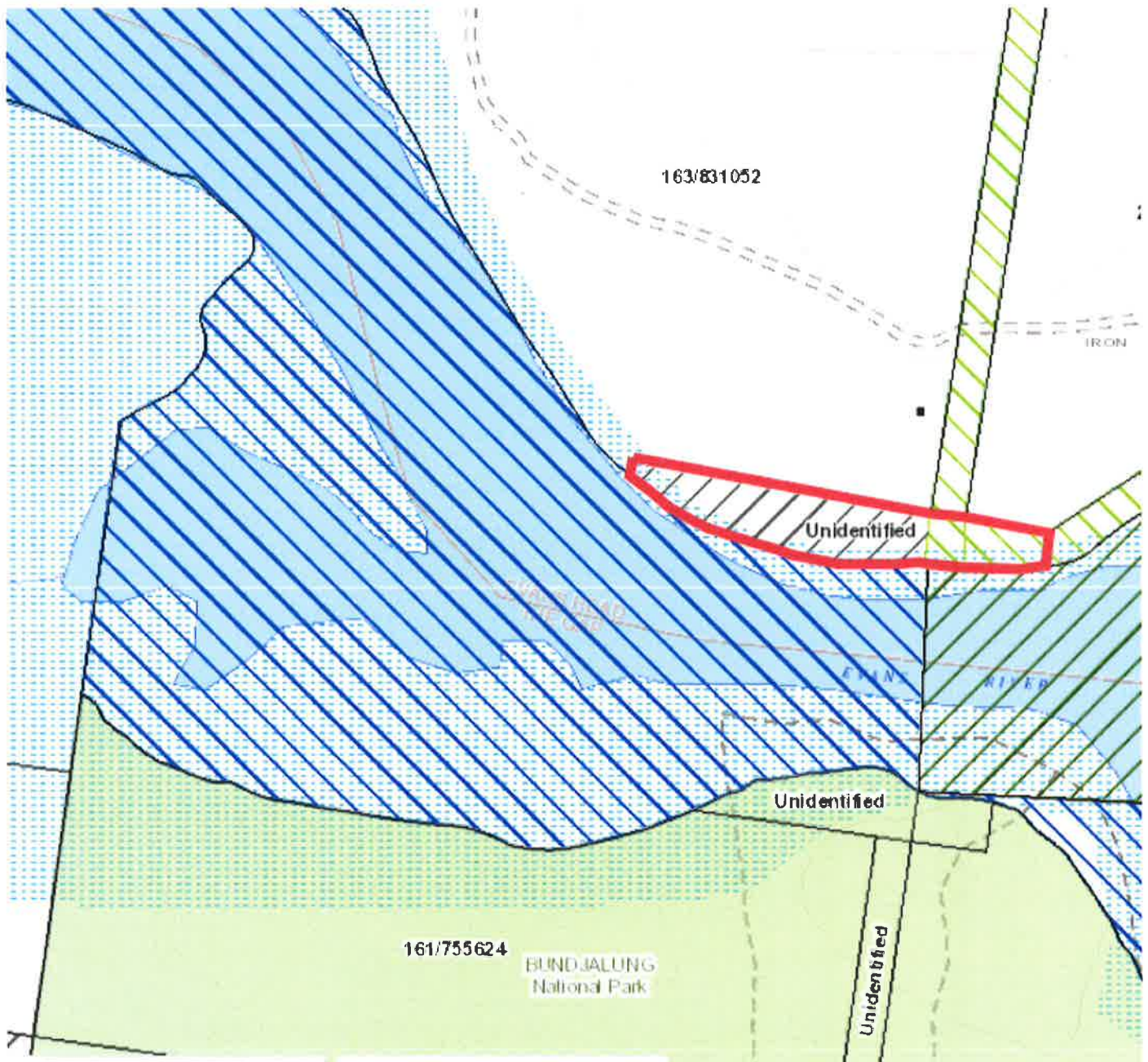
**From:** Peter Baumann [mailto:peter.baumann@crownland.nsw.gov.au]  
**Sent:** Friday, 29 March 2019 4:33 PM  
**To:** Jenny – Secretary to Darryl Anderson  
**Subject:** RE: HPE CM: RE: DA2015/0096 - Proposed Urban Subdivision at Lot 163 DP 831052, Lots 276 & 277 DP755624 and Crown Road Reserves/Foreshore Reserves, Iron Gates, Evans Head - DAC File No. GOL 16/174

Hi Darryl

Sorry I missed your call on Thursday and also apologies for the extended delay in getting back to you regarding this matter.

The initial response of the department to the Iron Gates development proposal by Planit was based on misleading land status records which showed a Crown road along the bank of the river in front of Lot 163 DP 831052 and Lots 276 & 277 DP 755624.

I have conferred with my colleague who looked into the land status anomalies in collaboration with Mike Perkins of Richmond Valley Council. Investigation of historic records confirms the resumption of the land shown by red outline on the diagram below under the Public Works Act 1888 in connection with "Drainage Works at Tuckombil Creek" as per notification in the Government Gazette Friday 11 May 1894 Folio 3086 (copy attached).



The area shown by red outline on the above diagram is an interpretation of the gazette description based on cadastral boundaries shown on the digital cadastral database. According to our status branch the extent of the Crown roads should be 47.775metres east of the western boundary of Portion 276. The Crown road should not be shown west of this point.

The resumed land was vested in fee simple in the Minister for Public Works as Constructing Authority in accordance with the gazette notification.

It is noted that Richmond River County Council now owns the Tuckombil Canal component of the original drainage project and may therefore be able to clarify current ownership and control of the red outline area.

With respect to the Crown road on the balance of the foreshore, the concerns raised in our initial submission (copy attached) remain relevant;

1. Capacity of the proposed foreshore offset area including the existing public lands to function as an effective environmental buffer, and
2. Future management of the proposed foreshore offset area

It would be our preference that the foreshore Crown road be transferred to Council control to facilitate future integrated management of the foreshore reserve area.

It will aid our consideration of land owners consent to lodgement if the above points are effectively addressed in the DA.

Please don't hesitate to contact me if your need any further assistance with this matter.

Regards

Peter

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**From:** Jenny – Secretary to Darryl Anderson <[jenny@dacplanning.com.au](mailto:jenny@dacplanning.com.au)>  
**Sent:** Thursday, 21 March 2019 1:51 PM  
**To:** Peter Baumann <[peter.baumann@crowmland.nsw.gov.au](mailto:peter.baumann@crowmland.nsw.gov.au)>  
**Cc:** Graeme Ingles <[graeme@inglesgroup.com.au](mailto:graeme@inglesgroup.com.au)>  
**Subject:** HPE CM: RE: DA2015/0096 - Proposed Urban Subdivision at Lot 163 DP 831052, Lots 276 & 277 DP755624 and Crown Road Reserves/Foreshore Reserves, Iron Gates, Evans Head - DAC File No. GOL 16/174

Hi Peter

Could you please advise when we might have a response to the email below?

Regards

DARRYL ANDERSON  
Director/Principal Town Planner  
0438 233 611



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Our Ref: 15/00855  
Your Ref:

24 February 2014

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

Attention: Stephen McCarthy

Dear Sir

**Re: DA No: 2015.096 Iron Gates subdivision – Lot 163 DP 831052, Lots 276 & 277 DP 7555624 at Evans Head**

Thank you for referring the above development proposal to Crown Lands for comment.

A Crown Public road separates Lot 163 DP 831052 from Lot 276 DP 7555624 and also runs along the foreshore of the Evans River on the southern boundary of Lot 163 DP 831052 and Lots 276 & 277 DP 7555624. The subject roads are held under Enclosure Permit 40019 issued to the Goldcoral Pty Ltd the owner of the adjoining lands.

The proposed development envelope incorporates use of the Crown Public road network which raises a number of issues;

The southern half of the Crown road separating Lot 163 from Lot 276 is proposed to be constructed as part of the road network servicing the proposed subdivision. Crown Lands requires that all Crown roads to be constructed are transferred to Council control pursuant to Section 151 – Roads Act 1993 on approval of the development.

It is noted that the constructed Crown road will terminate at the Crown road reserve on the bank of the Evans River. The Crown foreshore road provides public access to the river and has significant recreational and environmental values. Enhanced public access to the river in this part of the estuary will be a major feature of the proposed development with provision of foreshore recreational opportunities for prospective residents as well as the wider community.

The subdivision design utilises the Crown road as a buffer zone between the residential development and the Evans River, particularly the component on the southern side of Iron Gates Road. It is also noted that the cultural heritage assessment has identified a midden within the road reserve.

In our view the DA does not adequately address the anticipated pressure of public foreshore use and the potential impacts this may have on the capacity of the Crown road to be an effective environmental buffer to the estuary. It is considered that the area of open space designed as Lot 183 does not contribute sufficient offset to the foreshore Crown road reserve and estuary and should be expanded to provide a larger area that has the capacity to function both as a sustainable environmental buffer and a passive foreshore recreation area in line with public expectations and the level of usage anticipated in the DA.

It should be noted Crown Lands has not provided owners consent to lodgement of the development application in so far as the Crown roads are involved.

Future management of the foreshore road reserve has not been effectively addressed with the DA stating that consent to landscaping works by the Crown can be a condition of consent. In the short term there are no problems in principle with incorporating the Crown road reserve in an environmental management plan covering the proposed open space and environmental offset areas. However it may be preferable to consider how best the proposed open space, environmental retention areas and foreshore Crown road can be managed in a more integrated basis into the future.

Options for the future of the foreshore road reserve include retention as public road reserve and managed under the Roads Act 1993, either maintained as a Crown public road or under Council control. Alternatively the road could be closed and set aside as a public reserve managed under the Crown Lands Act 1989 or closed and purchased by the developer to be subsequently dedicated to Council for management under the Local Government Act 1993 in conjunction with the other proposed open space and environmental offsets.

If you require any further clarification or assistance with this matter please don't hesitate to contact me by telephone: (02) 66429201.

Yours sincerely



Peter Baumann  
Natural Resource Management Project Officer  
Crown Lands Grafton