

CONCEPT PROPOSAL OUTLINE – PROPOSED SUBDIVISION

AT IRON GATES, EVANS HEAD
DA2015/0096

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CONCEPT PROPOSAL OUTLINE – PROPOSED SUBDIVISION

AT IRON GATES, EVANS HEAD (DA2015/0096)

1.0 BACKGROUND

On 27 October 2014 Planit Consulting Pty Ltd lodged Development Application No. 2015/0096 with Richmond Valley Council (RVC). The Application proposed a residential subdivision, subdivision infrastructure, Evans River foreshore embellishment.

On or about the same time, Planit requested the Department of Planning to waive the requirement for a Master Plan pursuant to Clause 18(2) of SEPP71. The Department declined to waive the requirement for a Master Plan.

Subsequently, Planit Consulting Pty Ltd submitted a Draft Master Plan dated July 2015 to the Department of Planning and Environment.

In July 2019, a revised DA2015/0096 and Statement of Environmental Effects for the Iron Gates subdivision was submitted to RVC (DAC Planning, revised July 2019).

In October 2019, a revised SEPP71 Master Plan was submitted to the Department of Planning, Industry and Environment (DoPIE) (DAC Planning, revised October 2019). The revised Master Plan is generally consistent with the revised Development Application (July 2019).

In March 2020, a Response to Submissions Report ((DAC Planning) in relation to the revised Master Plan was provided to the DoPIE. The Report addresses issues raised by State Agencies and members of the public during the Master Plan exhibition period.

The Plans of Proposed Subdivision (Master Plan Drawings, 23 March 2020) were also amended to address key issues.

A copy of the Response to Submissions Report is contained at **Appendix 3**.

On 27 July 2020, RVC were requested to agree to amendment of DA2015/0096 to include, inter alia, the revised Plan of Proposed Subdivision (Rev P, zone layer and other layers) dated 23 March 2020. This was required to ensure the Plan of Subdivision in the RTS was consistent with the Plan of Subdivision in the revised DA.

On 29 July 2020, Council acknowledged receipt of further amendments to the 17 September 2019 amended Development Application DA2015/0096 for the Iron Gates subdivision and upgrades to Iron Gates Drive.

Council also advised that arrangements will be made to immediately forward a copy of the further amendments to the Integrated Agencies (approval bodies) as per clause 55(3)(b), and notice of receipt will also be given to the Northern Regional Planning Panel.

On 30 August 2020, Richmond Valley Council's Strategic Land Use Planner, Mr Tony McAteer, advised (pers comm) that no further information is required in relation to the amended Development Application and preparation of the DA Assessment Report is proceeding.

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As an alternative to the requirement for the Master Plan (now a Development Control Plan), Goldcoral Pty Ltd intends to lodge a variation to DA2015/0096 under Clause 55(1) of the Environmental Planning and Assessment Regulation 2000 requesting Council to treat DA2015/0096 as a Concept Development Application under Section 4.22 of the Environmental Planning and Assessment Act 1979 (as amended).

Attached at **Appendix 7** is a legal advice from Mills Oakley dated 14 July 2021 confirming that it is open to Goldcoral to vary the Development Application as proposed and Council (NRPP) can approve the varied Application on the basis that the Concept Development Application fulfils the requirement for a Master Plan (DCP).

This Concept Proposal Outline Report should be read in conjunction with the revised Statement of Environmental Effects dated July 2019.

2.0 CONCEPT DA AS AN ALTERNATIVE TO A DEVELOPMENT CONTROL PLAN

Section 4.23 of the Environmental Planning and Assessment Act 1979 (as amended) (EPAA) is in the following terms:

"4.23 Concept development applications as alternative to DCP required by environmental planning instruments

(cf previous s 83C)

- (1) An environmental planning instrument cannot require the making of a concept development application before development is carried out.*
- (2) However, if an environmental planning instrument requires the preparation of a development control plan before any particular or kind of development is carried out on any land, that obligation may be satisfied by the making and approval of a concept development application in respect of that land.*

Note—

Section 3.44(5) also authorises the making of a development application where the relevant planning authority refuses to make, or delays making, a development control plan.

- (3) Any such concept development application is to contain the information required to be included in the development control plan by the environmental planning instrument or the regulations."*

To avoid further delays in determination of DA2015/0096 and in accordance with Clause 55 of EPAR and Section 4.22 of EPAA, Goldcoral hereby proposes a variation to DA2015/0096 as follows:

The DA will be a Concept DA pursuant to Section 4.23 (3) of the EP&A Act and will be carried out in two stages as described below:

Stage 1

1. Completion of all subdivision work for the Stage 1 and future Stage 2 lots, including but not limited to:
 - Clearing and earthworks.
 - Roadworks and drainage.
 - Sewer and water supply (including service connections to the Stage 1 lots and future Stage 2 lots).
 - Electricity and communications (including connections to the Stage 1 lots and future Stage 2 lots).
2. Embellishment of the proposed public reserves adjacent to the Evans River foreshore.

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3. Creation of:
 - 135 residential lots comprising Lots 1 to 135.
 - Creation of 4 public reserve lots comprising Lots 139 to 142.
 - Creation of 1 sewer pump station lot comprising Lot 144.
 - Creation of 1 drainage reserve lot comprising Lot 143.
 - Creation of 3 super lots (comprising Lots 145, 146, 147).
 - Creation of a residue lot (Lot 138).
 - Creation of 2 Rainforest Lots 137, & 136.
 4. Upgrading of Iron Gates Drive.

Stage 2

Subdivision of super lots 145, 146 & 147 to create 40 residential lots. No subdivision work is required for Stage 2 as all subdivision infrastructure will be provided with Stage 1.

The Concept Proposal for Staged Subdivision DA2015/0096, Stages 1 & 2, Drawing No. BRJD6396.100-55 (2 sheets), Rev 1 – LandPartners, 19 July 2021 is contained at **Appendix 1**.

Stage 2 is only shown as concept proposals. The concept proposals for the Stage 2 lot layout DA is identical to the layout on the current plans before Council (014, Rev P; 015, Rev N; 013, Rev I and 100-45-2 showing bushfire setbacks). However, the varied Development Application does not seek any approval to actually carry out the stage 2 subdivision. This will be the subject of a subsequent Development Application.

Amended Plans of Proposed Subdivision showing proposed Stage 1 are attached at **Appendix 2**. LandPartners Drawing No. 100-014.

No changes to the latest versions of the Specialist Reports are required because no changes in the ultimate layout, yield or engineering design are proposed or required. The varied application includes this Concept Proposals Outline. This Concept Proposal Outline is closely based on the draft Master Plan (revised October 2019) that was submitted to the Department, together with the Response to Submissions document.

The varied application also includes a letter from Mills Oakley dated 14 July 2021. In summary, the letter confirms that:

The requirement for a 'Master Plan' is now (as a matter of law), a requirement for a Development Control Plan that deals with the matters as set out in Clause 20(2) of SEPP 71.

The requirement for a development control plan under Clause 18(1) of SEPP 71 (as modified by the transitional provisions) may be satisfied by the grant of a development consent for concept proposals.

The Development Application can be determined by the grant of development consent — even when the Master Plan is withdrawn — provided that the application is varied as proposed.

In the circumstances of this application, the overall essence of the development remains as a residential subdivision within a generally consistent development area as already proposed in the development application.

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It would be lawful for the consent authority to agree to allow the variation under Clause 55(1) of the EPR.

The Development Application can be varied as proposed under Clause 55(1) of the EPR.

3.0 PARTICULARS SUFFICIENT TO INDICATE THE NATURE OF THE CHANGED DEVELOPMENT

The changed development differs from the one presently before the consent authority in the following key ways:

- ♦ Staging of the development has been introduced (two stages).
- ♦ The document that was previously progressed separately as a draft Master Plan has been re-cut as this Concept Proposals Outline. This document sets out the strategic basis of the development.
- ♦ No approval is sought in this current application to actually carry out Stage 2 (whereas, currently, the creation of the lots ultimately envisaged for Stage 2 are sought to be approved for actual development). The Stage 2 lots are, in Stage 1, only proposed to be created at super lots.

4.0 CONCEPT DA REQUIREMENTS

Section 4.23(3) of the EPAA requires a concept Development Application to contain the information required to be included in a Development Control Plan by and Environmental Planning Instrument. (In this case, the reference to a 'Development Control Plan' is a reference to a Master Plan, as per the Mills Oakley letter.)

Clause 20 of SEPP71 provides that a draft Master Plan (Development Control Plan) is to illustrate and demonstrate, where relevant, proposals for the following matters.

- (a) design principles drawn from an analysis of the site and its context,
- (b) desired future locality character,
- (c) the location of any development, considering the natural features of the site, including coastal processes and coastal hazards,
- (d) the scale of any development and its integration with the existing landscape,
- (e) phasing of development,
- (f) public access to and along the coastal foreshore,
- (g) pedestrian, cycle and road access and circulation networks,
- (h) subdivision pattern,
- (i) infrastructure provision,
- (j) building envelopes and built form controls,
- (k) heritage conservation,

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- (l) remediation of the site,
 - (m) provision of public facilities and services,
 - (n) provision of open space, its function and landscaping,
 - (o) conservation of water quality and use,
 - (p) conservation of animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,
 - (q) conservation of fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.

The above matters are adequately addressed in this Concept Proposals Outline.

5.0 CONCEPT PROPOSAL OUTLINE

On or about 26 October 2014, Planit Consulting submitted a Draft Master Plan to the Department of Planning and Environment for the Iron Gates residential release (Planit Consulting Pty Ltd, July 2015).

Following lengthy negotiations with the Office of Environment and Heritage (OEH) and the Department of Planning and Environment (DoPE), a revised Draft Master Plan Drawing (06/04/2018 Rev F) was provided to both Agencies. A copy of the revised Draft Master Plan Drawing is attached at **Appendix 4**. On 29 May 2018, OEH advised DoPE that:

"If the measures that Goldcoral Pty Ltd is indicating will be undertaken for the proposal in its letter of 14 May 2018 are included in the proposal and implemented, then the OEH has no further comments in relation to this proposal or the draft Master Plan."

The amended Subdivision Plans at **Appendices 1** and **2** are essentially the same layout as the Master Plan (Rev F – **Appendix 4**) agreed to by the DoPE and OEH. However, the lot numbers have changed and two additional lots are proposed (Lot 143 Drainage Reserve and Lot 144 Sewer Pump Station).

Upgrading of Iron Gates Drive to address bushfire access requirements is also proposed as part of DA2015/0096 (as amended). A Bushfire Assessment (Bushfire Risk dated 08/03/17) addressing access requirements and Engineering Plans (Arcadis, Rev 02 dated 21/08/17) showing the proposed upgrade work are contained at Appendices 4 and 1 of the revised SEE (July 2019).

Richmond Valley Council has agreed to accept a revised Development Application including the Iron Gates Drive upgrade work (see letter dated 18 February 2019). The revised Ecological Assessment at Appendix 6 of the revised SEE dated July 2019 addresses clearing impacts and includes credits for clearing of vegetation, which OEH have endorsed.

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5.1 The Site and Surrounds

5.1.1 General Summary



Figure 1 – Aerial Photograph – Source: Google Earth

The subject site is described Lot 163 DP 831052, Lots 276 and 277 DP 755624, Crown Road Reserve between Lot 163 DP 831052 and Lot 276 DP 755724 and Iron Gates Drive, Evans Head NSW. It is located west of the Evans Head town centre and accessed via Iron Gates Drive (See **Fig. 1**). The site fronts the Evans River to the south. Local native forest surrounds the site on to the north, east and west.

Part of the foreshore area south of proposed Road 6 was resumed and vested in fee simple in the Minister for Public Works in 1894 (see **Appendix 5**). No development is proposed in the resumed area.

Former subdivision works and bushfire maintenance have been undertaken on the land, which has resulted in a number of large cleared areas and informal roadways and trails. A single dwelling, shed and gravel driveway is also located in the south eastern corner of Lot 163 DP 831052. The proposed development footprint is contained largely within the cleared areas of the site.

A roadway linking the site and the Evans Head urban area exists, being Iron Gates Drive. This roadway will be utilised as the access route to the site and upgraded in order to implement a Bushfire Safety Authority. RVC has advised, in correspondence dated 18 February 2019, that council will grant owner's consent for the upgrade work on Iron Gates Drive.

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In relation to the Crown road reserve and Crown foreshore reserve adjacent to the Evans River, the NSW Department of Trade and Investment (Crown Lands) provided advice by letter dated 24 February 2014. A copy of the letter is also provided at **Appendix 5**.

The following responses are provided to the issues raised by Crown Lands:

Email 29 March 2019

1. The area shown by red outline was vested in fee simple in the Minister for Public Works.

Response

No development or use of the red edged land is proposed under DA2015/0096 as amended.

On the 9 May 2019 Richmond River County Council (now known as Rous County Council) advised as follows in relation to ownership and control of the red outlined area.

"Rous is the owner of Tuckombil Canal which is approximately 10km from this site.

It is our understanding that the parcel of land was resumed by the government for drainage works, being the widening of the natural restriction in the river known as iron gates.

We have no records of ownership or any active management or future plans of the subject parcel of land you refer to. Suggest it may be Crown land.

In our role as flood mitigation authority, we have an indirect interest in development of the subject land in that any restriction of flows by development in what is a natural restriction in the river will have a negative impact on flooding upstream."

No work is proposed which is likely to restrict flows in the Evans River.

2. Capacity of proposed foreshore offset area including public lands to function as an effective environmental buffer.

Response

The revised Plans of Proposed Subdivision propose to dedicate a public reserve (Lots 141 and 142) between the proposed road and the existing foreshore road reserve, having an area of 4959m² (in two parts). The former Lots 151 and 152 had a similar area as the currently proposed foreshore public reserve.

Richmond Valley Council (RVC) does not want any additional freehold land dedicated as public reserve beyond that proposed on the amended Plan of Proposed Subdivision at **Appendix 2**.

In summary, the revised application complies with Council's requirements for open space.

3. Future management of foreshore offset area.

Response

It is proposed that the section of Crown road to be constructed between Lots 163 and 276 be transferred to RVC in accordance with Section 152 I of the Roads Act, 1993 as amended. This can be achieved by imposing a condition of consent.

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Letter 24 February 2014

1. Enhance public access to the Evans River.

Response

A response to this issue is provided at Section 3.4 of the RTS at **Appendix 3**. In summary, no embellishment of the Crown foreshore reserve adjacent to the Evans River is proposed.

2. Future management of the foreshore road reserve.

Response

See comments above.

5.1.2 Constraints

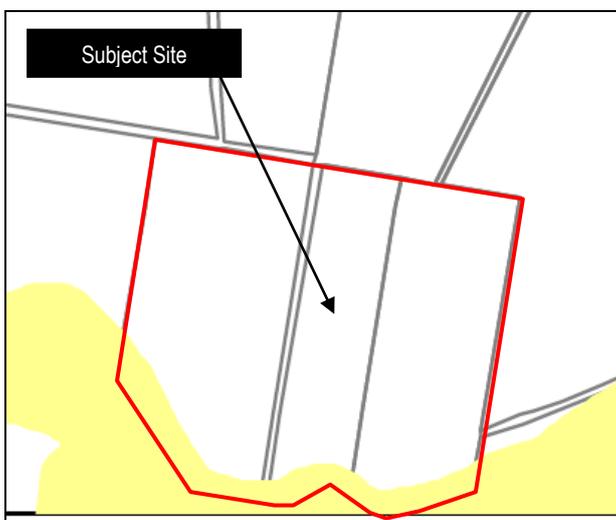


Figure 2 – Flood Prone Land Mapping – Source: RVC Mapping

Flood Prone Land

Part of the site is mapped as flood prone under Richmond Valley Council's Q100 flood level mapping (See Fig. 2). A **Flood Impact Assessment** has been carried out for the proposed development and is contained within **Annexure 5**. Appropriate flood management responses have been incorporated into the proposal.

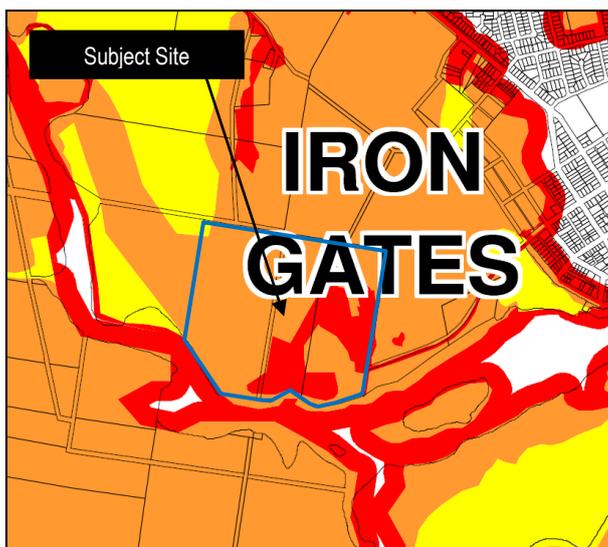


Figure 3 – Bushfire Prone Land Mapping – Source: RVC Mapping

Bushfire Prone Land

The site is identified as containing both Category 1 (shown in orange) and Category 2 (shown in yellow) bushfire prone vegetation under Richmond Valley Council's bushfire mapping (See Fig.3). Further detail citing the proposed design response to the surrounding bushfire threat has been included within **Annexure 3** of this document.

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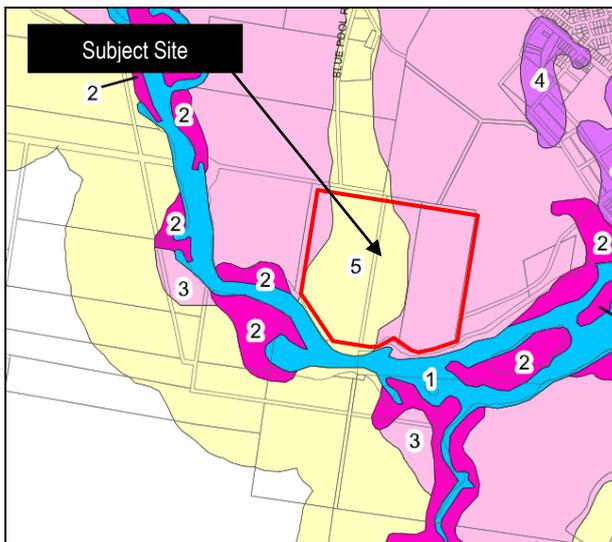


Figure 4 – Acid Sulfate Soils Mapping – Source: RVLEP2012

Acid Sulfate Soils

The site has been mapped as potentially containing Class 3 and 5 Acid Sulfate Soils (See Fig. 4).

Acid sulfate soils are addressed in Annexure 4.

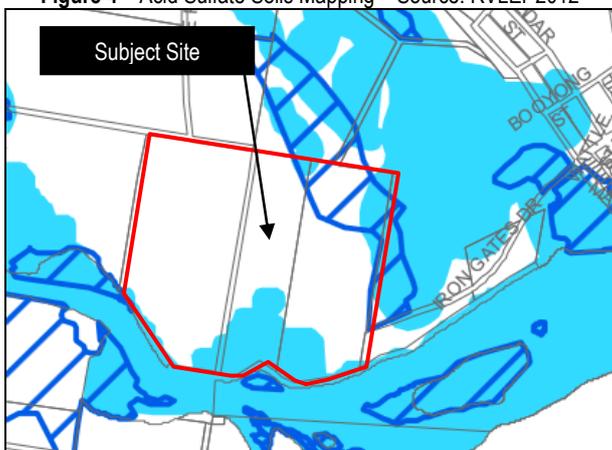


Figure 5 – Wetlands and Waterways Mapping – Source: RVLEP2012

Wetlands, Riparian Lands, Waterways and Key Fish Habitat

The site contains mapped potential fish habitat and wetland areas (See Fig. 5). An assessment of the proposal's potential impact on these waterways and wetlands has been provided within Annexures 7 and 8.

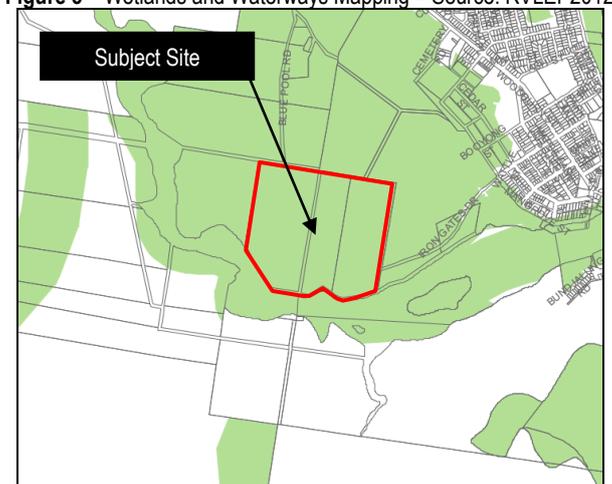


Figure 6 – Biodiversity Mapping – Source: RVLEP2012

Biodiversity

The land contains areas of remnant native vegetation and is mapped within a biodiversity value area under the Richmond Valley LEP 2012 (See Fig. 6). The proposed development footprint is contained largely within the cleared areas of the site. An assessment of the proposed development and its impact upon the biodiversity values is discussed throughout this report. A Flora and Fauna Impact Assessment has been carried out and is contained within Annexures 7 and 8.

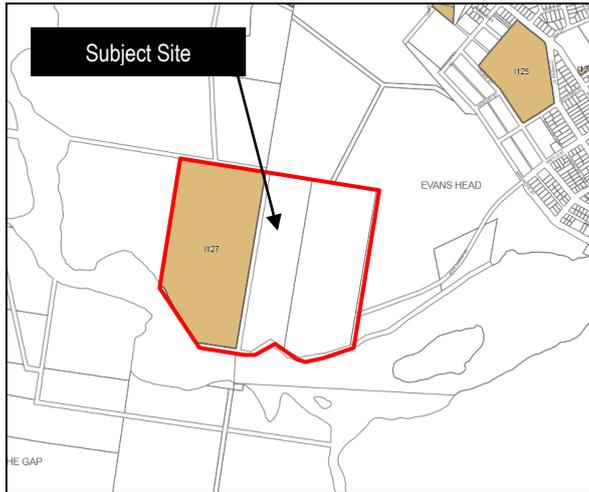


Figure 7 – Heritage Mapping – Source: RVLEP2012

Heritage

The site is identified to contain a local heritage item, being “Paddon Grave, Iron Gates (Ref No. 1127)” The site also contains a midden (See Fig. 7). A Cultural Heritage Assessment has been completed for the development and is contained at **Annexure 9**.

6.0 STATUTORY ASSESSMENT

The following provides an assessment of the proposed development in accordance with the matters under Section 4.15(1)(a) of the Environmental Planning & Assessment Act, 1979 and the relevant Council controls applying to the subject site.

6.1 State Environmental Planning Policies

6.1.1 State Environmental Planning Policy No. 71 – Coastal Protection

The site is located within the coastal zone and as such the provisions of SEPP 71 apply. As defined within the SEPP, the site is located within a sensitive coastal location as it is 100m from the mean high water mark of a sea, bay or estuary and within 100m of mapped SEPP 14 Coastal wetlands.

Clause 8 – Matters for consideration

The proposed subdivision has been designed considering the site attributes and constraints. Appropriate measures have been included in the design and will be established at construction stage to minimise potential impact on environmental and scenic values. The subdivision layout will provide new opportunities for public access to Evans River.

A review of the heads of consideration (Section 8) and other key matters listed under the SEPP has been undertaken and is provided below.

Section 8

(a) The aims of this Policy set out in clause 2,

(1) This Policy aims:

(a) To protect and manage the natural, cultural, recreational and economic attributes of the New South Wales coast, and

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Comment: The proposal seeks to subdivide land which has historically been zoned for urban purposes. All proposed residential lots are contained within the R1 General Residential land use zone boundary.

- Natural Environment

The development footprint has been mainly contained within the R1 Zoned land and on land that has been subject to land clearing and degradation in association with former subdivision works onsite.

The development footprint has been guided by a detailed flora and fauna ecological assessment, which confirmed the land suitable for urban development. Revegetation and rehabilitation works will be undertaken within proposed reserve areas to ensure environmental values are retained. Minor encroachments into the E2 and E3 zones are proposed in areas which are highly disturbed and degraded, as indicated in the Terrestrial Flora and Fauna Assessment at Appendix 5 of the revised SEE (July 2019).

An average 40m setback has been proposed to the Evans River foreshore. This area will be revegetated and maintained as public open space, promoting usability of the foreshore and visual buffering between the urban footprint.

- Cultural

A detailed Cultural Heritage Assessment has been undertaken for the site. This has included consultation with representatives of the traditional land owners and ongoing community consultation processes. The assessment identified a shell scatter / midden within the south of the site, adjoining the foreshore area. Minor works are proposed over this culturally significant site. Ongoing negotiations are being undertaken regarding the future protection and/or relocation of this shell midden. This is being considered under an Aboriginal Heritage Impact Permit application for the land.

In addition to the protection of the shell midden, the proposed setback from the foreshore area will ensure views along the river are not impeded by residential development. This will assist in protecting the traditional views towards the foreshore area.

- Recreational

As discussed above, the proposal seeks to dedicate and embellish public reserves adjacent to the river foreshore (Lots 141 and 142). These lots will be suitably embellished to promote usability and recreation activity.

Appendix 7 (Landscape Statement of Intent, 17 July 2019) of the revised SEE (July 2019) continues to apply to the site with the exception of the Evans River foreshore embellishment work shown on Figure 3.3. Under this varied proposal no work is proposed in the Crown foreshore reserve. Proposed embellishment work in the proposed public reserves (Lots 141 and 142) is shown on the plans at Annexure 9 of the RTS Report (see **Appendix 3**).

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- Economic

The proposal will provide for new housing opportunity on the Far North Coast. The proposed subdivision includes a range of residential lot types which will encourage housing diversity and lifestyle choice in the locality and achieve the objectives of the North Coast Regional Plan 2036.

(b) To protect and improve existing public access to and along coastal foreshores to the extent that this is compatible with the natural attributes of the coastal foreshore, and

Comment: Despite a road reserve currently fronting the Evans River foreshore, there is no constructed public access to the river from the site. No embellishment of the foreshore reserve is proposed. This is discussed in Section 5.2.1. An average 40m setback is proposed to this foreshore which is consistent with the NSW Office of Water requirements for development on water front land.

(c) To ensure that new opportunities for public access to and along coastal foreshores are identified and realised to the extent that this is compatible with the natural attributes of the coastal foreshore, and

Comment: See comments above.

(d) To protect and preserve Aboriginal cultural heritage, and Aboriginal places, values, customs, beliefs and traditional knowledge, and

Comment: A Cultural Heritage Assessment has been undertaken as part of the preparation of this Development Application (Appendix 8 of the revised SEE July 2019).

This assessment has concluded that the proposed subdivision is unlikely to have any detrimental impact on aboriginal cultural significance and has included a number of recommendations to ensure appropriate management during construction works.

A shell scatter was identified on the site. Subject to the support of the Bandjalang, the shell scatter will be collected and placed in a safe area within the site. An Aboriginal Heritage Impact Permit Application has been submitted (6 July 2015) to National Parks and Wildlife to undertake these works, however the permit has not been issued to date (see Appendix 8 of the revised SEE July 2019).

(e) To ensure that the visual amenity of the coast is protected, and

Comment: The proposal seeks to subdivide land which has historically been zoned for residential purposes. Future dwellings constructed on the land will be guided by the existing planning controls which prescribe maximum building height, bulk and scale provisions. An 8.5m building height requirement is applied to the whole site which will ensure any future dwelling on the land will not significantly protrude into the skyline.

As mentioned above, an average 40 meter wide setback from the Evans River waterline is provided and will be landscaped and embellished as part of the proposed works on site. These works will contribute to the protection of the natural amenity of the coastline.

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(f) To protect and preserve beach environments and beach amenity, and

Comment: The proposal will not have any impact on beach environments or beach amenity.

(g) To protect and preserve native coastal vegetation, and

Comment: Required clearing works are restricted to highly modified / previously cleared areas. A Flora and Fauna Assessment has been undertaken for the site which confirms that these clearing works will not have any significant environmental impact on flora and fauna species or their habitats.

Landscaping within road reserve and open space areas will also contribute to the existing native vegetation onsite.

(h) To protect and preserve the marine environment of New South Wales, and

Comment: The proposal does not impact upon fish, marine vegetation or estuarine habitats (see Appendices 5, 6 and 11 of the revised SEE July 2019).

(i) To protect and preserve rock platforms, and

Comment: No rock platforms will be impacted by the proposed development.

(j) To manage the coastal zone in accordance with the principles of ecologically sustainable development (within the meaning of section 6 (2) of the Protection of the Environment Administration Act 1991), and

Comment: As discussed above the proposed subdivision provides for population growth and economic development without putting the natural, cultural and heritage values of the coastal environment at risk. The proposal is in accordance with the principles of sustainable development.

(k) To ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area, and

Comment: Any future dwellings onsite will be designed in accordance with the general housing guidelines prescribed by Richmond Valley Council's LEP & DCP. These controls include provisions for building setbacks, height and bulk as well as landscaping and infrastructure provision. These controls have been prepared specific to the Richmond Valley LGA and will ensure any future building works are consistent with the natural scenic quality of the area.

(l) To encourage a strategic approach to coastal management.

Comment: The site has been historically earmarked for residential development. The proposal is consistent with the strategic planning for the area, including the North Coast Regional Plan 2036 and RVC Development Control Plan 2015.

(b) Existing public access to and along the coastal foreshore for pedestrians or persons with a disability should be retained and, where possible, public access to and along the coastal foreshore for pedestrians or persons with a disability should be improved,

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Comment: As discussed above the land fronting the Evans River Foreshore Reserve is currently privately owned, which prohibits public access. Two areas will be dedicated as public reserve and embellished.

(c) Opportunities to provide new public access to and along the coastal foreshore for pedestrians or persons with a disability,

Comment: The proposal seeks to establish a new public foreshore open space and access area. A range of public services including picnic and seating areas will be provided to promote recreation activity in this area.

(d) The suitability of development given its type, location and design and its relationship with the surrounding area,

Comment: The proposal is consistent with the relevant land use zone and development provisions. It will provide new housing opportunity on land that has historically been earmarked for this purpose. The proposal is consistent with the strategic planning for the area.

(e) Any detrimental impact that development may have on the amenity of the coastal foreshore, including any significant overshadowing of the coastal foreshore and any significant loss of views from a public place to the coastal foreshore,

Comment: As discussed in detail above, appropriate measures have been included in the design to ensure the proposed works and future land use on site will not have any detrimental impact on the amenity of the coastal foreshore. The proposed 40m average setback from the foreshore will ensure overshadowing or view losses of this natural area do not occur.

(f) The scenic qualities of the New South Wales coast, and means to protect and improve these qualities,

Comment: Similar to the comments provided above, the proposed subdivision is consistent with the provisions for residential development provided by Richmond Valley Council's LEP and DCP. Native vegetation along the Evans River foreshore will be retained and within proposed Lots 176 and 177, which will ensure the natural scenic qualities of the NSW coast are protected.

(g) Measures to conserve animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,

Comment: A Flora and Fauna Assessment has been undertaken for the site. This report confirms that by limiting the development footprint to the already cleared /low ecological value areas of the site, the proposed development will not create any significant adverse impact on terrestrial biodiversity in the locality. Proposed landscaping and revegetation works consistent with the regrowth vegetation on site will assist in maintaining and regenerating natural habitat in the area. The proposal will have minimal impact on animals and their environments.

(h) Measures to conserve fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats,

Comment: The proposal will have minimal impact on fish and marine vegetation (see Appendices 5, 6 and 11 of the revised SEE July 2019).

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(i) Existing wildlife corridors and the impact of development on these corridors,

Comment: The proposal seeks to retain vegetated corridors through the site and along the foreshore to protect wildlife movements. The Flora and Fauna Assessment confirms that the proposal will not have any detrimental impact on wildlife corridors in the area.

(j) The likely impact of coastal processes and coastal hazards on development and any likely impacts of development on coastal processes and coastal hazards,

Comment: The site is not mapped within a coastal hazard zone. Setting development appropriately back from the foreshore area will assist in minimising the risk of impact from coastal processes.

(k) Measures to reduce the potential for conflict between land-based and water-based coastal activities,

Comment: The proposal will promote land and water based activity along the coastal foreshore in an area that was previously only accessible by private property. No site specific controls are considered necessary to manage land and water based activities.

(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals,

Comment: As discussed above, a Cultural Heritage Assessment (Appendix 8 of the revised SEE July 2019) was been undertaken as part of the preparation of the Development Application. The recommendations in the report will be complied with.

(m) Likely impacts of development on the water quality of coastal waterbodies,

Comment: The proposal will have minimal impact on water quality. Appropriate measures have been proposed to manage potential water quality impacts such as bio-retention areas, seepage pits and gross pollutant traps as well as erosion and sediment control.

The supporting Engineering Assessment at Appendix 2 of the revised SEE July 2019 confirms that water quality can be appropriately managed under the revised development scenario.

(n) The conservation and preservation of items of heritage, archaeological or historic significance,

Comment: A local heritage item, being "Paddon's Grave, Iron Gates" is identified approximately 70m west of the development footprint. The Cultural Heritage Assessment confirms that the proposal will not impact this local heritage item.

(o) only in cases in which a council prepares a draft local environmental plan that applies to land to which this Policy applies, the means to encourage compact towns and cities,

Comment: The site has been zoned for residential development for approximately 25 years.

(p) Only in cases in which a development application in relation to proposed development is determined:

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(i) *The cumulative impacts of the proposed development on the environment, and*

Comment: The impacts of the proposal have been identified as short term and manageable. Significant environmental, social and economic benefits would be experienced over a longer period.

(ii) *Measures to ensure that water and energy usage by the proposed development is efficient.*

Comment: Energy saving measures will be incorporated in future dwelling designs.

Clause 14 – Public Access

The proposed development will not impact upon or prevent access to the Evans River foreshore reserve as it is wholly contained within private property. The proposed foreshore reserve/open space area (Lots 141 and 142) at the south of the development will be dedicated to Richmond Valley Council and embellished for use. Public access will be available to the Evans River frontage.

Despite a road reserve currently fronting the river foreshore, there is no opportunity for public access to the river from within the site. The proposal will establish a new public open space area fronting this foreshore. An average 40m setback is proposed to this foreshore which is consistent with the NSW Office of Water requirements for water front land development.

Clause 15 – Effluent Disposal

Reticulated sewer is accessible for the site and all of the residential allotments are to be connected to Council's sewerage network. Detail of the proposed connection is provided within Appendix 2 of the revised SEE July 2019. The proposal is compliant with Clause 15.

Clause 16 – Stormwater

The proposed subdivision layout seeks to maintain the natural drainage regime for the land. Bio-retention areas, ponds and gross pollutant traps are proposed to collect and manage stormwater from the site. Appropriate erosion and sedimentation controls will be implemented during the construction phase (see Appendix 2 of the revised SEE July 2019).

Clause 18 – Master plan required before certain consents may be granted

The proposed subdivision is located within a sensitive coastal location as defined by the SEPP. A Master Plan is required pursuant to Clause 18(1) of the Policy.

This revised Master Plan is submitted pursuant to Clause 18. Relevant matters for consideration in Clause 20 are addressed in **Table 1**.

TABLE 1 – CLAUSE 20 OF SEPP71 – COASTAL PROTECTION	
CONSIDERATION	COMMENT
20 Preparation of master plans	
(1) A draft master plan may be prepared by or on behalf of the owner or lessee of the land concerned.	This Concept Proposal Outline is an alternative to a Master Plan.

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TABLE 1 – CLAUSE 20 OF SEPP71 – COASTAL PROTECTION	
CONSIDERATION	COMMENT
<p>(2) A draft master plan is to illustrate and demonstrate, where relevant, proposals for the following:</p> <p>(a) design principles drawn from an analysis of the site and its context,</p> <p>(b) desired future locality character,</p> <p>(c) the location of any development, considering the natural features of the site, including coastal processes and coastal hazards,</p> <p>(d) the scale of any development and its integration with the existing landscape,</p> <p>(e) phasing of development,</p> <p>(f) public access to and along the coastal foreshore,</p> <p>(g) pedestrian, cycle and road access and circulation networks,</p> <p>(h) subdivision pattern,</p> <p>(i) infrastructure provision,</p> <p>(j) building envelopes and built form controls,</p> <p>(k) heritage conservation,</p> <p>(l) remediation of the site,</p> <p>(m) provision of public facilities and services,</p> <p>(n) provision of open space, its function and landscaping,</p> <p>(o) conservation of water quality and use,</p> <p>(p) conservation of animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats,</p> <p>(q) conservation of fish (within the meaning of Part 7A of the Fisheries Management Act 1994) and marine vegetation (within the meaning of that Part), and their habitats.</p>	<p>Appendix 1 of the revised SEE July 2019– Amended Subdivision Plans and Site Analysis Plan.</p> <p>The revised SEE July 2019 and Appendices and RTS Report at Appendix 3.</p> <p>The revised SEE July 2019 and Appendices and RTS Report at Appendix 3.</p> <p>The revised SEE July 2019 and Appendices and RTS Report at Appendix 3.</p> <p>See Appendices 1 and 2.</p> <p>See comments at Sections 5.1 and 6.1.</p> <p>See revised SEE July 2019.</p> <p>See Appendices 1 and 2.</p> <p>See revised SEE July 2019.</p> <p>See Appendix 6.</p> <p>See Section 6.1.1 and revised SEE July 2019.</p> <p>See revised SEE July 2019.</p> <p>See Appendix 3.</p> <p>See Appendix 3.</p> <p>See revised SEE July 2019.</p> <p>See revised SEE July 2019 and Appendix 3.</p> <p>See Appendices 5 and 6 of revised SEE July 2019.</p>

Access to the site will be provided by Iron Gates Drive and proposed streets including a new street adjoining the Evans River foreshore.

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The street will provide public vehicular and pedestrian access to the proposed foreshore public reserve (Lots 141 and 142) which will be suitably embellished and landscaped.

6.1.2 NSW Coastal Policy

The NSW Government Coastal Policy applies to the land. The proposed development is considered to be consistent with the design and locality objectives of the NSW Government Coastal Policy as discussed in this Section.

Natural Environment

Clause 1.2.5 Threatened species

See revised SEE July 2019.

Clause 1.2.7 Threatening processes

See revised SEE July 2019.

Clause 1.3.2 Non-point source of pollution

The revised Engineering Services and Civil Infrastructure Report appended to the revised SEE July 2019 addresses this issue.

Clause 1.3.7 Water quality

The revised Engineering Services and Civil Infrastructure Report appended to the revised SEE July 2019 addresses this issue.

Clause 1.3.8 Contaminated stormwater

The revised Engineering Services and Civil Infrastructure Report appended to the revised SEE July 2019 addresses this issue.

Clauses 1.4.5 & 1.4.7 Assessment of coastline development proposals

The development site is not in close proximity to the coastline and is not subject to coastal processes. No development is proposed in, or immediately adjacent to, the Evans River and potential adverse impacts have been avoided and mitigated in the design and siting of the development.

Natural Processes & climate change

Clause 2.1.3 Physical and ecological processes

Physical and ecological processes are addressed in the revised Engineering Services and Civil Infrastructure Report, the Terrestrial Flora and Fauna Assessment and the revised Ecological Assessment appended to the revised SEE July 2019.

Clause 2.1.4 Acid sulfate soils

The revised Engineering Services and Civil Infrastructure Report appended to the revised SEE July 2019 addresses this issue.

Clause 2.2.2 Sea level change

The revised Engineering Services and Civil Infrastructure Report appended to the revised SEE July 2019 addresses this issue.

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Aesthetic qualities

Clause 3.2.1 North Coast design guidelines (1989)

The proposed development is not inconsistent with the guidelines and in particular, the location principles as the development is not on a headland, ridge or foreshore and will retain existing littoral rainforests and wetlands and provide appropriate treatment of the Evans River foreshore.

Clauses 3.2.2 & 3.2.4 Design to ensure more compact, human scale towns

The site is identified in the North Coast Regional Plan 2036 for Urban development and is zoned for residential development and the proposal is therefore not inconsistent with these Clauses. The proposal is also not inconsistent with the Design and Locational Policies which are relevant to the Development Application in the context of the site location and existing zone.

Cultural heritage

Clause 4.2.3 Aboriginal heritage

Cultural heritage issues are addressed in Section 6.1.1, **Appendix 3** and the revised SEE July 2019.

7.0 CONCLUSION

As reflected in this Concept Proposal Outline, the proposal addresses all statutory and policy requirements. The proposed development is permissible, with development consent and has been designed to avoid or mitigate potential adverse impacts.

The application is considered to be a logical and appropriate approach to the development of the land having regard to relevant planning controls, the context of the surrounding area, and the circumstances of this case. On this basis Council and the NRPP are respectfully requested to approve this Concept Development Application.

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