

5 December 2019

**The Director, Northern Region, Planning and Assessments,
Department of Planning, Industry and Environment.**

Lodged via website

Please accept my feedback in relation to the Draft Master Plan for the Iron Gates Residential Release at Evans Head, Richmond Valley Council.

I do not support this development proceeding. I do not believe the assessments provided for consideration are satisfactory. I believe there are significant deficits in the Draft Master Plan concerning how the Development proposes to deal with the impact on sensitive coastal areas, the Evans River, surrounding littoral rainforest and wetlands. The Cultural Heritage assessment is inadequate and the proposed development poses a direct threat to places of Aboriginal cultural heritage.

Overall this proposal is located in a sensitive area of land and seeks to build far too densely concentrated housing. It will generate ongoing costs to the local government and ratepayers. It is unsafe from a Fire Safety perspective. The one road in and out is unsafe in times of natural emergencies and is questionable as to its current legal status. The proposed development will damage current tourism industry operations through the damage to the site and the adjacent Evans River. These concerns have not been adequately addressed in the Draft Master Plan proposal.

Section 8: Matters for consideration

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

- Inadequate Traffic and Parking Assessment of Visitors to the Foreshore Areas. The traffic report submitted in support of the proposal provides an indication of the number of vehicle trips per day that the proposal will result in as well as whether the proposed roads (including Iron Gates Drive) can cope. However, there has been no mention in the traffic report of taking into consideration visitors to the foreshore reserve areas once these areas are opened up to the public.
- There is no modelling on the expected number of visitors to the area. Likewise, there is no detailed assessment on how the proposed roads will cope with the extra traffic.

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

- Up to 240 homes in a small space, will be cramped and not allow for interesting neighbourhood design – block sizes should be larger
- Small block (600m² min.) R1 Residential is not suitable for placing in E3 and E2 Environmental Zones, there will be inevitable land use conflicts between the housing estate and adjoining areas. This will adversely affect, fauna, flora, marine environment and Defence use of air space.
- This is a satellite suburb. It is isolated from Evans Head and there are no proposed undertakings to address this isolation by the Development Proposal. This will lead to significant adverse social impacts.
- The proposal fails on the basis of an inadequate site analysis that properly identifies the unique characteristics of the site. This is further confirmed by the lodgement of the DA ahead of the SEPP 71 Master Plan for the site being endorsed by DPIE.
- Whilst it is acknowledged that the site is currently zoned R1 General Residential under RVLEP, the site is affected by numerous constraints that make its suitability questionable. The site should not have been granted this zoning. Despite the zoning, there is a strong case that the site should not be developed as proposed.
- The reasons for this are numerous, the site is surrounded by E3 Environmental Management and E2 Environmental Conservation zones under RVLEP (including a pocket of E2 - Environmental Conservation zone within the site). The site is also surrounded by bushfire prone land and the only access road into or out of the proposed subdivision can be cut off not only by bushfires, but by flood waters for extended periods.
- Further, parts of the site are also subject to coastal wetland protection and seven threatened fauna species have been identified on the site. Both the site and the locality are significant to the local indigenous Bandjalang People within the Bundjalung Nation.

“(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,”

- A 6.25m high retaining wall is proposed on the western side of Proposed Road 6 given the significant level difference associated with proposed excavation between the R1 General Residential zone and the E2 Environmental Conservation zone under RVLEP.
- Even with the wall being vegetated, it would still be visually excessive and out of character with the Environmental Conservation zone adjacent. The wall would most likely be planted with exotic species that would be suitable for the Richmond Birdwing Butterfly. However, this would still be inconsistent with the existing native vegetation as well as the native vegetation that is proposed to be cleared for the development.

- The retaining wall will be visible from various aspects, including across the river in the Bundjalung National Park and will disrupt visitor enjoyment of the landscape.

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

- The lot sizes proposed for the development appear to comply with the RVLEP requirement for a minimum 600m² per lot. However, the vast majority of the lots only barely comply.
- 46 or (26%) of the residential lots are the absolute minimum permissible 600m² lot size, and a further 96 lots (or 55%) of the lots between 601 - 620m². Overall the majority of the residential lots (or 81%) are 620m² or less.
- If the subdivision is approved with the lot sizes proposed it is considered the development will appear dense in contrast to the surrounding 'natural' areas and the small lots will limit the types of dwellings that can be built leaving little opportunity for good architectural design and diversity.

"(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,

(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

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

- The original 2014 Flora and Fauna Assessment prepared by Planit Consulting has been merely repackaged and updated in places by a different firm of Environmental Consultants, JWA Pty Ltd. It is neither current nor adequate in the coverage of issues.
- It is suggested that much of the data collected for the original report may be out of date due to the ensuing 5 years of regrowth. Evidence of Koala activity was also noted, so a proper assessment under State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) should also be undertaken
- If the Department is prepared to accept this 'rehashed' report, the very minimum would be to have the JWA/Planit Assessment reviewed by a Flora and Fauna specialist as the issues involved are complex and require specialist review.
- Dogs and cats, as well as land clearance will kill our native animals.
- Precious plants will be lost.
- Endangered species will lose habitat.
- The corridor between Broadwater and Bundjalung National Parks will be disrupted.
- No provisions has been made for habitat protection or preservation of a wildlife corridor during the construction phase which was a breach from the original DA.

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

- The Cultural Heritage Assessment is not adequate in scope, depth or detail. The Custodians of this land have not been properly consulted and two key groups oppose this development and have not had their objections considered in the Application.
- The Revised Aboriginal Cultural Heritage Assessment prepared by Everick Heritage dated July 2019 has not involved Aboriginal women during the course of the assessment of this proposal and does not properly acknowledge the importance of ‘cultural landscape’ to the local Aboriginal people. The report does not resolve some differences among a small group of individuals it interviewed some years ago.
- The site is sacred and one of the few remaining sites of its type in NSW.
- There has been destructive work done on this site and no one has been held accountable.
- Scarred trees, grave markers of warriors have been destroyed.
- This area is a birthplace of the Bundjalung Nation.
- No Aboriginal women have been consulted in the heritage assessment.

“(m) likely impacts of development on the water quality of coastal waterbodies,”

- The absence of on-site detention of storm water and effective decontamination will lead to aggravated flooding during adverse weather events and increased contamination of the Evans River. This will adversely affect the recreational use of the Evans River.
- The river is fragile and already under pressure. Poor water quality rating in NSW State of the Beaches 2018-2019 (www.environment.nsw.gov.au).
- More pollution from insecticides, fertilisers, run off will end up in the Evans River. The River has a noticeable decline in the quantity and size of fish and yabbies for recreational fishers over recent years. The River cannot accommodate the pollution from the Development phase and ongoing residential phase.
- The development would disrupt the current natural experience of travelling up the Evans River. It would remove a rare natural riverbank landscape and replace it with vistas of densely constructed housing.

20 Preparation of master plans

“(2) A draft master plan is to illustrate and demonstrate, where relevant, proposals for the following:”

The Draft Master Plan has only paid cursory attention to Section 20 (Preparation of master plans) requirements. The Draft Master Plan fails to “illustrate and demonstrate” the requirements of Section 20. In failure to provide an adequate explanation of the Section 20 requirements the Draft Master Plan should be rejected. I am surprised that the Department accepted this draft master plan with this clear deficit.

Without any detailed responses from the planning consultant re clause 20, a respondent is limited in their capacity to critique or challenge the Draft Master Plan. On these grounds the Draft Master Plan is patently incomplete and should be rejected.

Additional matters of public concern:

The development’s problematic history and perception of ethical concerns

I believe this draft master plan should be considered in light of the long, difficult and complex history of Mr Ingles’ attempts to develop the Iron Gates. The history involves a complex array of corporate entities. The history also involves various local council configurations.

Development on this site has been controversial from the Ministerial residential zoning decision back in 1983 to the current consideration of DA 2015/0096 under Richmond Valley Council. A considerable number of community members have had concerns over local Council’s apparent support for, and promotion of, this development.

In recent weeks many local residents have raised concerns about RVC’s apparent support for this development, some are astounded that Council entertains this development application, others are worried about the leniency this DA has enjoyed in terms of period of time from lodgement to exhibition. DA 2015/0096 appears to have enjoyed unusual privileges including the amount of time it has been allowed to keep this DA active. Also of concern is the exhibition of the DA prior to the conclusion of the consideration of a Draft Master Plan.

From Me-Ling Pty Ltd.’s original development application in 1988 to the present day, the various development companies proposing to develop this site do not appear to have conducted their actions with suitable levels of integrity. Despite orders from the NSW Land and Environment Court the relevant corporate entities went into liquidation and did not conduct the court ordered remediation or pay fines for polluting the Evans River. The land was not sold to pay for the court ordered remediation.

The frequent movement of the ownership of Lots 163 and 164 DP 831052 and Lots 276 and 277 DP 755624 may have been technically, legally in order. That does not mean that residents perceive that a just outcome has been achieved in relation to past actions by the developers of this site. If this DA and associated Master Plan is approved, many who object to it are likely to feel that an inappropriate gain has been achieved on the back of morally (even if not technically legally) questionable activities. If that perception becomes widespread I anticipate there will be community

disquiet. This disquiet may lead to calls for an independent review of the complex history of actions taken by the relevant Ministers, local Council entities and the various development companies.

The adverse impact on the village lifestyle of Evans Head

In Evans Head the simplicity of the village lifestyle, the relaxed behaviours of residents and the quiet times are all significant assets. Other, more developed, locations are available within a short drive for people who wish to live in busier, more populous towns. Evans Head has adapted to the regular influx of tourists and successful businesses and services are well adapted to the ebb and flow of patronage levels. This ebb and flow provides times of entertaining bustle and for lovely periods of peace and tranquillity, an experience many of our visitors seek out and value.

Large, comparatively rapid, shifts in the housing stock in Evans Head will jeopardise the village character. If we start a rapid expansion, there will undoubtedly be calls to continue expansion at ever increasing levels. I can reasonably imagine that Mr Graeme Ingles will be calling for further rezoning of his remaining land shortly after any approval of DA 2015/0096. Even the increases in housing and population forecast by this Development proposal alone, represents is far too many, far too fast. Evans would not absorb these increases and retain its current character.

The impact on the experience of visiting Evans Head

Once we lose our village atmosphere, the tranquil way of life and relaxed community experience, it will be impossible to restore it. Our current visitors will go off in search of the “Evans Head Experience”, elsewhere.

Evans Head tourism businesses will have to compete with Yamba, Lennox Head and Byron Bay for their visitors. We are not well positioned to be very successful in that competition. This development will adversely affect the current visitor base and challenge our tourism industry.

Conclusion

I believe the Proposed Iron Gates development does not satisfy the aims of the **State Environmental Planning Policy No 71—Coastal Protection**. I also contend that the proposal does not satisfy ongoing broader public policy goals of appropriate development in natural, environmental, recreational or economic terms. This proposal, in its current form will damage social, environmental and heritage assets, be an ongoing burden to local government and ratepayers, damage the local tourism industry and fail to provide a satisfactory local economic return.

Yours faithfully,

Ian Rankin