

From: [Anthony Tavella](#)
To: [Jon Stone](#)
Subject: FW: Webform submission from: Draft Master Plan for the Iron Gates Residential Release at Evans Head
Date: Friday, 6 December 2019 4:15:53 PM

From: noreply@feedback.planningportal.nsw.gov.au
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Sent: Friday, 6 December 2019 2:29 PM
To: DPE PS ePlanning Exhibitions Mailbox <eplanning.exhibitions@planning.nsw.gov.au>
Subject: Webform submission from: Draft Master Plan for the Iron Gates Residential Release at Evans Head

Submitted on Fri, 06/12/2019 - 14:28

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: [REDACTED]

Submission file: [webform_submission:values:submission_file]

Submission: I call on NSW Planning to reject in its entirety the Iron Gates Development based on the following reasons: 1. Richmond Valley Council has already spent \$944,000 in legal fees from 1999-January 2009, assuming by 2019 well in excess of \$1 million dollars in ratepayer funds. The waste of our money on this unsustainable development needs to end. 2. Environmental concerns Koala - is a threatened species, who are losing natural habitat specifically in the Evans/Woodburn/Broadwater region as a result of land clearing for the highway, Iron Gates will displace and remove critical natural corridor that allows the koala & other species to migrate. The recent Bush Fires has accelerating the destruction of native habitat for the koala and other native species proceeding the tragic Rappville & Bora Ridge fires. Koala droppings were found on the perimeter of the proposed development site, a reasonable person knowing Koala's move to find specific eucalypt trees to feed on would think they would move within the site boundary to source the specific trees they eat that are established within the proposed development site. The terrestrial flora & fauna assessment report doesn't address the impact of domestic dogs, cats & vehicle speed on the native animals that inhabit the area. A Species Impact Statement (SIS) should be done because of the significant impact on the koala & 6 other threatened species. A decision in the Land & Environment Court indicated the failure to complete the Flora Impact Statement (now SIS) in a previous application. Seems incompetent not to include this report in the application. There appear to be shortcomings in the applied methodology Planit used & JWC referenced in the report that assesses the flora & fauna native to the area. My basic understanding is that the assessment of the Koala SEPP 44 (koala habitat protection) sits outside the BAM methodology which JWC used. The offset arrangement doesn't appear to be a formalised through a legislative framework, I question whether it can be used formally at all since this application is being lodged the BAM method applies to the Biodiversity Conservation

Act 2016, this application appears to be lodged under the Threatened Species Conservation Act. JWC should have used the BioBanking Assessment Methodology (BBAM) rather than the BAM method. The period of time the Terrestrial Flora & Fauna report was actually onsite at Iron Gates to record data & make the assessment appears to be 2 days, in my uneducated opinion this is not a reasonable amount of time for anyone to accurately assess animal behaviour, as there is no time accounted to allow assessment of seasonal migration of species. The report states "offset in accordance with requirements of the Biodiversity Offsets Scheme (i.e. under the current Biodiversity Conservation Act 2016)." My basic research indicates that the credit offsets can be determined by investing in 'planting' trees in an area, not inside the region the application is approved in. This again demonstrates the incompetence and lack of respect for the environment. I can't see an Offset Policy for Richmond Valley Council, Byron Bay has 10: 1 for trees of high conservation significance. Before the council sends the application to the NRPP, the council should be environmentally responsible and appoint an independent party to conduct a more accurate, robust survey over a period of time that allows for seasonal migration to naturally occur and be recorded.

3. River Health & Sewerage The State of the River report that indicates the health of the river is considered low quality. The shape increase to population and infrastructure build, runoff into the system will further deteriorate the river health. There was a recorded ecoli breakout this recently. "Poor swimming sites were "susceptible to faecal pollution and microbial water quality [was] not always suitable for swimming", stated the 2015-2016 report. "During June 2015, a sewage overflow discharged to the Evans River, upstream of the sampling site," it continued." Further Richmond Valley Council were fined \$8,000 issued by the NSW Environment Protection Authority for taking too long to report 12.7 kilolitres of raw sewage from the Evans Head sewage plant that had polluted Evans River in March. At the time, the EPA referred to "a similar incident in March 2014 in which Council failed to immediately notify the EPA of a system failure at the Evans Head Waste Water Treatment Plant, resulting in an Official Caution being issued by the EPA". Sourced Northern Star Article 2016. A former Richmond Valley employee stated that the STP system was upgraded within the last 10 years and it is at capacity - if the STP loses power sewerage will overflow into the Evans Head River within 15-45 mins of downtime. If this goes ahead what is the council's investment plan to upgrade the STP facility? This shockingly occurred after the Richmond Valley Council invested \$11.7M in a newly designed STP that has proven on more than one occasion to over flow into the river. An additional 175 blocks of land equating to 222 dwellings will obviously increase the risk & possible instance of overflow if the right infrastructure is not built to support the population growth. In addition, the council spent a reported \$11,000 on a launch event to open the facility, it seems a poor use of rate payers money to celebrate a system that was not innovative in its design to recycle water or to future proof capacity against the future population growth. It appears the developer is receiving a major discount on sewerage costs. Why is the developer receiving a generous discount on the sewerage treatment costs? This doesn't make sense, when it seems based on the above information if the development did go ahead, the money could be invested in upgrading the STP facility? Directly impacted by continued deterioration of the river system is the endangered Pygmy Perch, it is noted the site was only surveyed by JWC for 2 days, this doesn't seem like a reasonably responsible period of time to make a robust assessment and accurate reporting of the Pygmy Perch data.

4. Traffic Traffic movements along the West end of Cedar Street are around 100 movements a day, the area is quiet and there is not a lot of noise, which is appreciated. With Wattle St the only access point to the new development, traffic will significantly increase. The increase in traffic will have an impact on the road infrastructure on Wattle Street, Iron Gates Drive and all connecting streets to Wattle St, it will also increase noise and pedestrians will be at risk from the 1600+ car movements daily. The pedestrian access on

Iron Gates is destroyed and people who enjoy walking to the river are forced to walk on the road due to the footpath being overgrown. This will pose significant risk to the community. 5.

Economic – At the Evans Head Business Chamber of commerce meeting G. Ingles indicated more jobs for locals in the construction phase & beyond. If we look to recent examples of development works carried out within Evans Head by council & private citizens it's easy to assess that this is a misrepresentation of what is likely to occur. I draw your attention to the recent upgrade outside the Evans Head Surf Club, an investment of rate payers funds were given to out of town developers to complete the project. I now draw your attention to new house builds on the airport side of Currajong Street, signs on every block indicate Metricon Homes or Gold Coral homes – out of town businesses, the reality of this benefit the developer referred to seems most likely to be untrue. Housing affordability – at the same meeting, G Ingles was asked what percentage of land would be offered through a partnership with a NFP organisation to provide affordable housing for the most vulnerable people in our community, in the event he destroys the town, environment and cultural heritage to make \$50M+ surely he should be willing to work with a NFP to help those suffering from displacement due to the cash grab for rent that we've see through the highway construction period. If this development does go ahead I call on the council to apply a policy to enforce the developer to work on an affordable housing strategy. He's response at the meeting to this idea was disappointing "it's a Government issue" and "no he wouldn't" be supporting a housing affordability strategy. To the claim the blocks of land which were advertised on Ray White Byron Bay website in 2016 listed the blocks of land at \$265,000 – It seems the developer did not engage local real estate agents to list the blocks further evidence the economic benefit to the community is going to businesses outside the town. To the claim the developer G Ingles was not aware of the listing, at the Evans Head Business Chamber meeting he contradicted himself and he was aware of the listing, the advertisement wouldn't have been published without the businesses consent. To the claim the land will offer affordable housing for our community – at the same meeting he indicated land prices would be \$400-\$450K after being pressed for an indication by an attendee, so in fact land & house packages will be circa \$650k-\$700K putting them out of reach for locals, with the majority being sold to out of town wealth and a large portion likely used for 8 weeks of the year during the holidays. From my view the economic impact report hasn't allowed for accurate calculations without accounting for the rent v holiday home v holiday let variables. In 2006 this land was zoned R5 Large Lot Residential Land. The land is now zoned R1 that allows minimum block sizes of 600 sq. m. Very profitable change of zoning for the developer. Why was the property rezoned? 6. No Public Consultation This point will be brief – G Ingles has shown he has no respect for local people, made NO effort to call an open public meeting to present the plans and work in consultation with the broader community. 7. Cultural Heritage The descendants of Uncle Laurie, the first native title claimant on the Iron Gates area were not consulted in the lead up to the DA. My understanding is the mob who were consulted held a majority of Traditional Owners who are located outside of Evans Head. Decedents of Uncle Laurie who had a hand shake deal with G Ingles in the late 80's to avoid specific areas of cultural significance including middens and Scarred trees. I have seen video evidence of the Uncle Laurie talking to camera about the agreement, with bulldozers in the background, he indicates how far the dozers were supposed to be from the Scarred Trees and that 3 of 8 had been cleared. Appalling footage which I'm happy to share with the council. Further disrespect shown by the developer towards our Traditional Owners. We are at a significant time in history – bush fires ravish the land, Uluru has stopped people climbing on it, let's be cultural & environmental leaders and work with the Traditional Owners respectfully. 6. Developer Conduct From my research I understand the EDO acting for Alan Oshlack won a landmark Land & Environment court decision in 1996 after it was

proved Graeme Ingles as the sole director of Iron Gates Pty Ltd breached the terms of the DA approval. At the time, Iron Gates Pty Ltd was court ordered to remediate the land at an estimated \$2M in cost to the developer, and his DA was revoked. The council should & the community demand to know how the ownership of the property was not liquidated to remediate the land as the court ordered? The same person is Director of the current developing company (Goldcoral Pty Ltd) as the now deregistered Iron Gates Developments Pty Ltd and Iron Gates Pty Ltd. Land and Environment Court orders for remediation have not been undertaken, as previous company entities have gone into liquidation and eventually deregistered. If something goes wrong with this development what guarantee is there that Goldcoral Pty Ltd will meet its liabilities and obligations? Other issues I've identified:

- I called to make a doctors appointment in July – they were not taking new patients & I was forced to sit it out and hope my illness went away. A highly dangerous situation if I was an older resident.
- This is effectively a micro suburb isolating the community from the rest of the town.
- Traffic and danger to kids living in close proximity to Wattle Street
- IGA is already at capacity with long line waits and often empty shelves
- If the water quality is further degraded, fishing in the Evans River from river mouth to Iron Gates may become a thing of the past. Fish stocks are likely to further decline. Fishing is a vital part of the history of Evans Head and a major Tourism asset today.
- Fire risk: Iron Gates Development is surrounded by bushland & forest. We are entering a new era of bush fire risk. We should be wary of approving satellite developments in the centre of bushland and forest - it puts people and firefighters lives at risk. I don't think the bush fire report accounts for recent cataphoric bush fire emergencies we've seen at Rappville & Bora Ridge.
- The developer is responsible for building or recycling the roads within Iron Gates. Who will pay for repair and upgrade to current roads in Evans Head that will have extra traffic, including trucks bringing in at least 65,000 cubic meters of fill?
- Additional traffic past the school will increase risk I'm appalled that the voice of our Aboriginal women was not reported, consulted or considered in the cultural heritage report. The age of men talking for women is long over, it's 2019!

URL: <https://pp.planningportal.nsw.gov.au/draftplans/exhibition/iron-gates>