

Evans Head NSW 2473

7 March 2016

The Director Regions, Northern  
Department of Planning and Environment  
Locked Bag 9022  
Grafton NSW 2460

**By web upload:** [planning.nsw.gov.au/proposals](http://planning.nsw.gov.au/proposals)

Dear Sir,

**Submission against Draft Master Plan – Iron Gates, Evans Head**

In neither the canons of Romantic poetry nor in the environmental bureaucracy is [sense of place] particularly respected for its own sake. That is the cost. Outsiders – the decision-makers – no longer understand specific localities in relation to their specific meanings.  
(Australian author and academic Peter Read <sup>1</sup>).

I note that a Draft Master Plan is required pursuant to State Environmental Planning Policy No 71 – Coastal Protection (SEPP 71) and that the Department of Planning and Environment (the Department) refused a waiver application for such a plan.

The Draft Master Plan currently on public exhibition until 7 March 2016 should not be approved for the following reasons:

**1. PRE-EXISTING SUBDIVISION AND DRAFT MASTER PLAN CONSTRAINTS**

The proposed development is controversial – it is contested ground – and comes with a significant amount of ‘baggage’ conveniently and disingenuously ignored by the developers’ planning consultants who prepared the Draft Master Plan, namely Planit Consulting Pty Ltd (Planit Consulting). The outstanding and fundamental legal, administrative, and due diligence issues involving the developer, related companies and the proposed development make the Draft Master Plan exercise academic. Common to the ‘old’ and the ‘new’ corporate entities is Gold Coast developer and principal shareholder Graeme Ingles.

There are four NSW Land and Environment Court (LEC) cases in which the orders and judgements stand <sup>2</sup> including orders to remediate the site <sup>3</sup> and orders in favour of the NSW Environmental Protection Authority <sup>4</sup> (EPA) due to breaches of consent or unauthorised works. The developer has fulfilled none of these orders.

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<sup>1</sup> Read, P. 1996, *Returning to Nothing: The meaning of lost places*, Cambridge University Press, Cambridge. pp. 142-143.

<sup>2</sup> Hannigans letter to Richmond Valley Council 11 November 2014. Hannigans are Richmond Valley Councils’ solicitors.

<sup>3</sup> Orders for remediation of the land (No. 40152 of 1996 [1997] NSWLEC 89 (4 July 1997); Pearlman J) include removal of bitumen roads, drain backfilling, soil erosion mitigation, soil remediation, and site revegetation.

<sup>4</sup> NSWLEC 123 (12 June 1998); Sheahan J.

The environmental impact of the unfulfilled LEC orders is this:

In summary, lack of remediation of the site following clearing and draining in 1996, together with additional clearing in 2014, is likely to have removed and damaged the habitat of a number of Threatened fauna species and damaged an Endangered Ecological Community.

(David Milledge, Landmark Ecological Services Pty Ltd, 2014 in Planit Consulting letter 23 October 2015: Draft Master Plan Annexure 1 – Flora and Fauna Assessment, unpaginated).

### **1.1 Purported site access via Iron Gates Drive illegal**

The Draft Master Plan confirms the primacy of Iron Gates Drive to provide access to the subdivision site:

The main access to the site is via Iron Gates Drive ... This roadway will be utilised as the primary access route to the site ... This connection will provide convenient vehicle access to and from the Evans Head commercial centre and surrounding areas.

(Draft Master Plan, page 23).

And again in terms of bushfire management:

Iron Gates Drive will provide as (*sic*) the primary emergency access route for the site.

(Draft Master Plan, page 31).

But, Iron Gates Drive is proscribed:

There are also [Land and Environment Court] Orders over the access road [Iron Gates Drive] preventing it from being used to access any development at Iron Gates.

(Richmond Valley Council Meeting Minutes 24 June 2014, page 55) <sup>5</sup>.

A Director of Planit Consulting, Adam Smith and the developer Mr Ingles are well aware of the situation with Iron Gates Drive because they both attended the Richmond Valley Council (RVC) development application (DA) pre-lodgment meeting in March 2014 <sup>6</sup> at which Iron Gates Drive was discussed at length:

The Court Order said the Applicant needs to get consent for the realignment of the access road. ... The Applicant acknowledges they need to deal with the road issue ... The Council advised until DA consent is granted for the realignment of Iron Gates Drive, the road can not be used to access the estate. ... Council advised the Applicant may wish to either include the road in the DA for the overall development of the estate or to submit a separate DA dealing with the specific access roads issues.

(Richmond Valley Council DA pre-lodgement meeting minutes 18 March 2014, page 2).

A subsequent RVC memorandum revealed the following information:

The GM [General Manager, John Walker] is meeting with the Planning Consultant and owner on Thursday 22.1.2015. The planning consultant has

<sup>5</sup> *Iron Gates Development – Evans Head* report, Ordinary Meeting of Council 24 June 2014 (Item 15.2, pages 50-56).

<sup>6</sup> "Minutes of pre-lodgement meeting for Planit Consulting for Lots 276 & 277 DP755624, Lots 163 & 164 DP831052 Iron Gates Drive, Evans Head, proposal for a subdivision, held in the committee room on Tuesday, 18 March 2014 at 11.10 am".

contacted me [RVC planner Stephen McCarthy] regarding the legality of the existing road and what if any approvals are required for the unapproved sections of the road that encroach on the SEPP 14 [Wetland]... it was decided that there was no clear and simple answer as to whether (*sic*) a DA is required for the access road and that councils advice to the applicant should be that he seek his own legal advice as to the legality (*sic*) of the (*sic*) road access.... however the Court orders indicate a designated DA is required [for Iron Gates Drive].

(Richmond Valley Council memorandum 21 January 2015).

In addition, the developers' engineering consultants Hyder Consulting Pty. Ltd, confirm that Iron Gates Drive is an issue:

Iron Gates Drive is subject to a separate approval.

(Draft Master Plan Annexure 2 – Engineering Impact Assessment, page 1).

But there has been no DA lodged for Iron Gates Drive, which RVC GIS maps confirm encroaches on SEPP 14 – Coastal Wetlands<sup>7</sup>. In the meantime, RVC do not upkeep Iron Gates Drive as their sign attests (Figure 1). According to Roads and Maritime Services<sup>8</sup> such sign was “erected under court direction to indicate that the road [Iron Gates Drive] was not maintained by Council beyond that point”. Moreover, “Council has **never** accepted the constructed features [of Iron gates Drive] as Council assets”<sup>9</sup> (Emphasis added).



**Figure 1:** Richmond Valley Council sign, Iron Gates Drive, Evans Head.

Iron Gates Drive is a real problem upon which the proposed subdivision rests. Without site access the Draft Master Plan is redundant.

<sup>7</sup> “Iron Gates Drive” GIS maps prepared by RVC dated 4 December 2015 and 7 December 2015.

<sup>8</sup> Roads and Maritime Services letter dated 24 August 2015, from Mike Cush, Network General Manager NSW, file reference ML 15/06749.

<sup>9</sup> RVC letter dated 23 September 2015.

### 1.2 Alleged illegal clearing contra to the *Native Vegetation Act 2003*

The EPA, Grafton is currently actively investigating alleged illegal clearing at Iron Gates in 2014 under the *Native Vegetation Act 2003*. Regardless of the outcome, the fact that the EPA is involved does not reflect well on the corporate character of the developer bringing it into further question. Figure 2 shows an aerial photograph of a cleared area at Iron Gates adjacent to the Evans River taken on 1 June 2014.



**Figure 2:** An aerial photo of a cleared area at Iron Gates adjacent to the Evans River (1 June 2014). Note the obviousness of windrows / cocks indicating recentness (as of June 2014) of clear felling operations.

### 1.3 Ethics and trust: Corporate character

In light of the track record of this developer outlined above, it may be of little surprise that RVCs' solicitors Hannigans issued this cautionary advice to RVC:

Corporate veil

As the law has developed the corporate veil has become very thin, and Council is on notice that **the Ingles group of companies is less than a solid corporate citizen, with little or no reputable corporate character**. Council's attention is drawn to the fact that N.S.W. Planning authorities and the E.P.A. have long memories.

(Hannigans letter dated 11 November 2014). (Emphasis added).

I also note that property developers generally, along with business entities associated with the tobacco, liquor and gambling industries, are prohibited donors under the NSW *Election Funding, Expenditure and Disclosures Act 1981* and so are banned from making political donations at State or Local Government levels. Why might this be?

## 2. DEPARTMENT of PLANNING and ENVIRONMENT PROCESSES

### 2.1 Anonymity issue: Media releases 1 February 2016 and 24 February 2016

I think it is incumbent on a State Government Department to give the name of the person making a media release and not just rely on "a spokesperson for the Department of Planning and Environment said"<sup>10</sup>. But who is Mark Worley? He appears to be the author.

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<sup>10</sup> Media releases Monday, 1 February 2016 "Plans to subdivide land for 176 new homes at Evans Head to go on public exhibition" and Wednesday, 24 February 2016 "Exhibition extended for draft Master Plan at Iron Gates Drive".

## 2.2 Exhibition advertisement not impartial

The Departmental advertisement published in the Richmond River Express Examiner on Wednesday 10 February 2016 (nine days after the commencement of the exhibition period), shows bias in favour of the proposed subdivision I believe. The choice of text such as “residential release” (twice) rather than the usual “subdivision”, “The draft plan sets out to deliver a new housing opportunity ... in a way that is mindful of the important environmental cultural value of the area”, and the general tenor leaves the reader with the distinct impression that it was first, written by the developer, and second, the Draft Master Plan has already been approved by the Department. In fact, a newspaper editor had a similar view. It is all about perception.

By the way, there is no such entity as Gold Coral. I presume you are referring to Goldcoral Pty Ltd? Perhaps the Department should do its homework and not rely on a planning consultant.

## 2.3 Inappropriate Draft Master Plan consideration parameters

I note the following statements from the Department with concern:

As part of the assessment of the draft master plan, the department **will** take into consideration the NSW Government’s proposed coastal reforms, which aim to make the management of NSW coastal areas simpler and more strategic.

(Departmental media releases 1 February 2016 and 24 February 2016).<sup>11</sup>  
(Emphasis added).

In regards to the proposed coastal reforms, **it is common for assessments to be made against proposed new policies or plans** as well as existing statutory requirements. ... in this case [Iron Gates draft master plan], the proposed coastal reforms that were announced by the NSW Government in November 2015 **have been considered** when determining whether the draft Master Plan meets the requirements for public exhibition.

(Departmental email 5 February 2016).<sup>12</sup> (Emphasis added).

The Department can only apply the provisions of current laws and any future proposals cannot influence assessment of the Draft Master Plan in any way and would be of concern if they did.

I note that Clause 22 of SEPP 71 states exactly what the Minister “must take into account” in considering a draft master plan:

22 Consideration of draft master plans

(1) In considering a draft master plan, the Minister must take into account:

- (a) any written submissions made about the content of the draft master plan during the exhibition period under clause 21,
- (b) any written comments of the Natural Resources Commission, the relevant council or any of the public authorities to whom the draft plan has been submitted, that are made by the date specified under clause 21, and
- (c) the matters for consideration set out in Part 2.

I further note that there is no mention of taking into account contemplated administrative and legislative provisions in Clause 22 of SEPP 71, including within the matters for consideration

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<sup>11</sup> Media releases Monday, 1 February 2016 “Plans to subdivide land for 176 new homes at Evans Head to go on public exhibition” and Wednesday, 24 February 2016 “Exhibition extended for draft Master Plan at Iron Gates Drive”.

<sup>12</sup> Jon Stone, Regional Planning Officer – Northern Region, Tamworth.

set out in Part 2. The 'proposed coastal reforms' are just that: proposals and have no legal basis.

And for the record: The Draft Master Plan is dated July 2015 with Planit Consulting submitting it to the Department on or about 26 October 2015. At the time of preparation, submission, the public exhibition advertisement by the Department (see above), and the Departmental media releases previously referred to, the provisions of SEPP 71 applied. They still do. You cannot change the goal posts mid-game just because it fits with some agenda in there.

In any case, the draft of the proposed coastal SEPP and related maps are yet to be publicly released and will not be until "the coming months" according to Planning Minister Rob Stokes who also confirmed: "The government will not finalise the coastal reforms until the second stage [proposed coastal SEPP] of public consultation is completed".<sup>13</sup>

### **3. PLANIT CONSULTING PROCESSES**

#### **3.1 Annexures to Draft Master Plan redundant**

The eight annexures listed on the table of contents page are not actually referenced in the body of the Draft Master Plan. An interpretation of this is that their inclusion is nothing more than a blatant attempt to pad the application so that it passes the 'weight test', a ploy commonly used by some planners to inflate the corpus of their work to impress through quantity but not always quality.

#### **3.2 Confusion over the number of lots**

The Draft Master Plan variously shows the number of residential lots as "approximately 175" (page 25), 176 (page 35), or "approximately 176" (page 39). What is the correct number given the Department's media release 1 February 2016<sup>14</sup> details 176?

#### **3.3 Responses to SEPP 71 Clause 20 inadequate**

I note that Clause 20 states that a draft master plan is to "illustrate and demonstrate" certain things about a development. However, by consistently using words such as "review/ed", "discussed", "addressed" and referring the reader elsewhere in the Draft Master Plan (see pages 48 – 49) without saying anything substantive, the only thing Planit Consulting has illustrated and demonstrated is intellectual laziness. Paying lip service to the criteria is unprofessional. They should know better.

#### **3.4 Constraints and opportunities nonexistent**

While the Draft Master Plan indicates at '1.1 Introduction' and '1.2 Structure' (page 1) that the constraints and opportunities of the proposal are to be found in the plan they are not evident. This is misleading and unprofessional.

#### **3.5 Reference to RVC coastal and estuary plans omitted**

Two RVC reports considered essential, the *Evans River Estuary Management Study and Plan* (2002)<sup>15</sup> and the *Coastal Zone Management Plan for the Evans Head Coastline and Evans River Estuary* (2013)<sup>16</sup> have not been cited in the Draft Master Plan. This is a significant omission.

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<sup>13</sup> Rob Stokes, Minister for Planning. Media release Thursday, 25 February 2016 "Further consultation on NSW coastal reforms".

<sup>14</sup> "Plans to subdivide land for 176 new homes at Evans Head to go on public exhibition".

<sup>15</sup> WBM Oceanics Australia.

<sup>16</sup> Hydrosphere Consulting, Ballina.

### **3.6 Future use of residual lands not disclosed**

The Draft Master Plan states: "The land subject to the Draft Master Plan is described as Lot 163 in Deposited Plan (DP) 831052 and Lots 276 & 277 in DP 755624, Iron Gates Drive, Evans Head" (page 5). However, there is a fourth parcel of land at Iron Gates owned by the developer, that is, Lot 164 DP 831052 with an area of or about 27.86 ha. The future use of this land has not been articulated in the Draft Master Plan and should be to allay concerns and to ensure transparency.

## **4. RICHMOND VALLEY COUNCIL (RVC) PROCESSES**

### **4.1 RVC pre-empt Departmental processes**

RVC has circumvented due Departmental processes by putting the Draft Master Plan on public exhibition itself as part of the re-advertised DA <sup>17</sup> along with the Planit Consulting letter dated 23 October 2015 to the Council in which nearly five pages is devoted to addressing draft master plan matters. These fundamental breaches of due process are entirely inappropriate and unprofessional. What action has been taken by the Department to bring RVC to account?

### **4.2 RVC support questionable**

The Iron Gates DA was encouraged and supported by the RVC General Manager at the time and two local councillors with Evans Head business interests, notwithstanding the LEC / Iron Gates Drive impediments (see above). Yet it cost the Council and ratepayers over \$1M in legal expenses the last time the Iron Gates subdivision arose with the same developer Mr Ingles involved then as is now.

### **4.3 Time delay and abuse of 'stop the clock' provisions**

That RVC accepted a woefully incomplete DA back in October 2014 <sup>18</sup>, advertised and then had to readvertise it, and have abused 'stop the clock' provisions in my opinion, nearly 18 months later the thing is still in limbo. Does this not send a strong signal that something is wrong with the proposal?

### **4.4 RVC provides a \$4.3M subsidy to developer at ratepayer expense**

RVC has significantly reduced Section 64 sewer charges from \$32,437 to \$8,000 per Estimated Tenement (ET), a discount of 75.3% (rounded) or \$24,437 per ET. As a result of this profligate behaviour by the Council the Iron Gates developer saves over \$4.3 million (\$4,300,912) based on 176 residential lots. This discount will have to be paid for by ratepayers. It is considered grossly unfair for the developer to be advantaged in this way at the expense of the community. Should the Minister adopt the Draft Master Plan then RVC ratepayers would be severely penalised.

### **4.5 The Evans Head sewerage system cannot handle Iron Gates: Broadwater National Park implications**

The minutes of the Iron Gates pre-lodgement meeting 18 March 2014 (page 4) at which Adam Smith (Planit Consulting) and the developer Mr Ingles were present, state:

Sewer pump station

Council advised that the Review of Evans Head Sewerage Augmentation Strategy of May 2010 has an allowance of 100 equivalent tenements (ETs) coming out of Iron Gates already in the future strategy. If the development becomes bigger a review of the strategy will need to be conducted to accommodate any increases. The Applicant requested a copy of the document (see Attachment A).

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<sup>17</sup> Richmond River Express Examiner 4 November 2015, page 26.

<sup>18</sup> DA2015/096 27 October 2014.

The subject 'Attachment A' is the *Richmond Valley Council: Review of Evans Head Sewerage Augmentation Strategy* (2010) by GHD. This strategy confirms the 100 ET allowance for Iron Gates. Taken that the development proposal will greatly exceed that allowance, who is going to pay for the necessary augmentation in light of the section 64 subsidy (see above)? Furthermore, taken that Evans Head Sewage Treatment Plant (STP) discharges have traditionally impacted nearby Salty Lagoon in Broadwater National Park via sub-surface flow, the huge increase in population, more 'bums on seats' as a result of the Iron Gates proposal, is likely put Salty Lagoon at dire risk. Note that Salty Lagoon is right on the coast and opens to marine waters.

The expected sewage flow vectors can be represented so:  
Extra loading → STP → Salty Lagoon, Broadwater National Park → ocean impacts.

#### **4.6 RVC summary**

The Department might say that all this has naught to do with the Draft Master Plan but it is all connected. Planning processes, whether they are the Department's or RVC's, are not independent. Otherwise what is the point of the principle of integrated planning?

Besides, RVC does not appear to be at arms length from the developer and the development. Is the Department?

### **5. SITE LIVEABILITY DUBIOUS**

The Draft Master Plan confirms:

- "The land is generally sheltered from harsh winds due to the presence of surrounding vegetation" (page 8) and therefore very hot and humid in the Far North Coast summer heat due to the surrounding bush mitigating air movement.
- "This surrounding vegetation also limits views towards the site from surrounding private or public areas" (page 8) and also limits views to the outside creating a sense of isolation.
- "The eastern portion of the site is flat and features minimal grades of up to 0.5%" (page 8) so where the lots are planned is flat and uninteresting.
- "Native forest surrounds the site" (page 5) and "In accordance with Council's Bushfire Prone Land mapping, the site contains Category 1 bushfire prone vegetation and buffer zone" (page 13). So it is definitely bushfire prone. The fire risk should not be underestimated. The fire situation is exacerbated by the fact that Iron Gates Drive, the primary emergency access, is unlawful (see above).
- "The assessment determined that potential for [radioactive] contamination on the site was low" (page 17), but there is SOME contamination potential and therefore SOME risk.
- "The site has been mapped as containing Class 3 and 5 Acid Sulfate Soils areas " (page 17). Not great for the garden then, or for the kids. Or for the Evans River and estuary.
- "This presence of biting midge and mosquitos on the site at the time of testing was not greater than expected levels" (page 18), but that is relative. Mosquitos and midges are a real problem at Iron Gates – ask the locals!



- “The following plan [Figure 25] provides an illustration as to the likely future physical character of the site ... demonstrating the planned development footprint” (page 35). But Figure 25 – “Iron Gates Concept Plan” – simply demonstrates just how the lots have been squeezed in with the result that people are going to live ‘cheek by jowl’. The site density is much too high for this ‘bush estate’. Expect social problems here in this isolated spot.
- “Some land within the site, whilst not mapped as being flood prone, is located below the Q100 flood planning level. This land will require filling to achieve the necessary finished floor levels” (page 16). Too right the place is subject to stormwater inundation (see Figure 3).



**Figure 3:** Iron Gates in flood.

- “The site is located approximately 1.5km south west of the Evans Head urban footprint” (page 5) and so the proposal is essentially a satellite development geographically isolated from Evan Head proper (see Figure 4). Public transport by busses would be a must but this is yet to be organised (page 26) if possible at all.



**Figure 4:** Draft Master Plan cover showing the site distant from Evans Head itself.

- “The eastern portion of the site is flat and features ... two (2) manmade channels running from north to south that facilitate stormwater flows to the Evans River” (page 8); Figure 5 shows one of them.



**Figure 5:** Who would want to live there? Survey pegs for lots 1 – 20 on the eastern boundary of the Iron Gates site. The peg in the foreground says “Lot 1”. Crown Land / SEPP 14 – Coastal Wetlands about the eastern boundary.

## 6. MATTERS FOR CONSIDERATION

The following is relevant to the provisions of Clause 8 SEPP 71, “Matters for consideration” including Planit Consulting’s comments thereon in the Draft Master Plan.

### 6.1 Values, environmental impacts and natural resource management issues

The Department acknowledges the values of the Iron Gates site:

The site is a sensitive coastal location due to its proximity to the Evans River and the Littoral Rainforest and wetlands on the site.<sup>19</sup>

The Department recognises the environmental and cultural value of the Evans Head site, including its location on the Evans River, its native vegetation, wetlands and rainforest, as well as the places of Aboriginal cultural significance present on the land.<sup>20</sup>

And along with: “The land contains areas of remnant native vegetation and is mapped within a biodiversity value area under the *Richmond Valley Local Environmental Plan 2012*.” (Draft Master Plan, page 11), the Iron Gates site is significant both environmentally and culturally.

But my reading of the Draft Master Plan leads me to the conclusion that only lip service is to be paid to protecting the natural and cultural attributes of the site, enough to ‘tick the boxes’.

Areas of concern include:

<sup>19</sup> Exhibition advertisement: Richmond River Express Examiner, 10 February 2016, page 6.

<sup>20</sup> Media release 1 February 2016 “Plans to subdivide land for 176 new homes at Evans Head to go on public exhibition”.

- 1). The potential of Acid Sulphate Soils to impact on the Evans River particularly during construction.
- 2). While “Bio-retention areas, soakage pits and gross pollutant traps are proposed to collect and manage stormwater before leaving the site” (Draft Master Plan, page 33), what is the ultimate destination of the massive stormwater loadings the site generates – the Evans River no doubt. These discharges will have an impact.
- 3). Salty Lagoon, Broadwater National Park, would be impacted by the additional sewerage system loadings (see above).
- 4). I note that impacts on mangroves for example, are not mentioned by Planit Consulting at “(h) to protect and preserve the marine environment of New South Wales” (Draft Master Plan, page 46). It is quite ludicrous for them to state: “Development of the site will not impact upon fish, marine vegetation or estuarine habitats”. Note that they had earlier said: “The site fronts Evans River and also contains mapped wetlands and key fish habitat areas” (page 14).
- 5). “The proposal involves minor filling” <sup>21</sup>. However, the Hyder Consulting Pty Ltd report <sup>22</sup> indicates that a total of 269,426 m<sup>3</sup> of fill will be required to be imported for the proposal. Hardly “minor”. And what will be the traffic implications of large numbers of big earthmoving trucks on local roads?
- 6). With about 500 people from the subdivision plus the general public taking advantage of the proposed new riverside park, a management ‘hot spot’ will be created putting pressure on and risking the Evans River estuary, riverbank and mangroves. Concentrated and intense usage of a short stretch of the riverbank previously undisturbed and already threatened by bank erosion will also threaten upslope migration of estuarine mangroves and saltmarsh <sup>23</sup>. Bank erosion has already impacted the Gumma Garra Aboriginal site (Bundjalung National Park) at Iron Gates just across the river from the development site <sup>24</sup>.

## 6.2 Bushfire risk and management: natural and built environment

[T]his report cannot be considered as a complete report for the purpose of establishing compliance with Planning for Bushfire Protection 2006 <sup>25</sup>.

The recommendations contained herein have been made without consultation with the NSW RFS at this stage and it is recommended these findings are considered as part of the consultation process with the NSW RFS for the proposed development as a whole <sup>26</sup>.

There seems to be something lacking here. Furthermore, the trafficable width of the bridge on Iron Gates Drive (Iron Gates Drive itself unlawful; see above) is recommended to be widened (to 8m) to enhance fire fighting operations and for safety although the adjacent mangrove communities would be impacted <sup>27</sup>.

<sup>21</sup> Planit Consulting letter 23 October 2015: Draft Master Plan Annexure 1 – Flora and Fauna Assessment, unpaginated.

<sup>22</sup> Draft Master Plan Annexure 2 – Engineering Impact Assessment, page 4.

<sup>23</sup> *Coastal Zone Management Plan for the Evans Head Coastline and Evans River Estuary*, 2013.

<sup>24</sup> Ibid.

<sup>25</sup> Annexure 5 – Bushfire Impact Assessment, page 4.

<sup>26</sup> Annexure 5 – Bushfire Impact Assessment, sub-report by Bushfire Risk, Lismore, page 11.

<sup>27</sup> Ibid. See photos 5 and 6.

### 6.3 Aboriginal cultural heritage

The Project Area is within the Bandjalang People (the 'Bandjalang') Native Title claim area<sup>28</sup>.

An Aboriginal Heritage Impact Permit has yet to be granted regarding the shell midden on the site. Additionally, the seven recommendations contained in the Aboriginal Cultural Heritage Assessment (Annexure 3) need to be implemented but I do not see any commitment to do so in the Draft Master Plan.

### 6.4 Social and economic considerations and impacts

No substantive position has been articulated in the Draft Master Plan relative to social and economic impacts. The community needs to know. A further notable omission is expected traffic volumes and impacts from such a large-scale proposed development on the small coastal community of Evans Head.

In terms of European cultural significance it is worth noting: "Lands surrounding the Evans River have a notable non-indigenous history. Iron Gates was the site for the first commercial oyster farm in NSW"<sup>29</sup>.

Of significance is the fact that the developer, Mr Ingles and/or his representatives have been noticeably absent from Evans Head and have not engaged with the community here at all. There appears to be a 'conspiracy of silence' over the proposal, manufactured by RVC and Mr Ingles to deliberately avoid attention? There is not even a sign erected at the Iron Gates site.

### Conclusion

1. The Draft Master Plan exercise is academic because of the outstanding LEC matters.
2. Iron Gates Drive is fundamental for access to the proposed subdivision and for the Draft Master Plan. Without Iron Gates Drive being legal the Draft Master Plan cannot be considered. Planit Consulting should not have submitted it in the first place.
3. The corporate character of the developer is questionable.
4. Richmond Valley Council does not appear to be at arms length from the proposal.
5. The coastal character of Evans Head is under threat from such a large-scale proposed development that Iron Gates represents, and would cause irreversible damage to the very fabric of this small community forever.
6. There exists a perception of apprehended bias by the Department.
7. Some of the tactics employed by Planit Consulting, particularly significant errors of omission and shortcomings in order to subvert reality, are questionable.
8. The site is isolated, flood and fire prone and its liveability quotient is very low.
9. There are huge potential impacts on the aquatic environment of the Evans River estuary and fringing wetlands.

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<sup>28</sup> Annexure 3 – Heritage Impact Assessment, page 2.

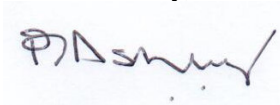
<sup>29</sup> *Evans River Estuary Management Study and Plan*, 2002: 5-13.

10. The sewerage system lacks capacity and discharges are expected to affect Salty Lagoon in Broadwater National Park, a coastal protected area.
11. There is doubt about the ability and intention of the developer to steward Aboriginal interests.
12. The developer has no social licence. There has been no engagement with the community by the developer whatsoever, and therefore no social licence exists.
13. The proposed subdivision is an inappropriate development by an inappropriate developer in an inappropriate location. The proposal should not have got to the Draft Master Plan stage in the first place, because it is built on sand, both metaphorically and literally.
14. The Minister should reject the draft master plan pursuant to Section 22(2)(c) of SEPP 71.

Please publish this submission in full in the interests of transparency and the public interest.

Please acknowledge receipt of this submission.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'P Ashley', is written over a light blue rectangular background.

Dr Peter Ashley