



**North Coast Environment Council Inc.**

Honorary Secretary  
Jimmy Malecki

2485 Whiporie Road  
Coraki, NSW 2471

Phone (02) 6661 9156

Mobile 0401189037

email: [jimmy@jimmymalecki.com](mailto:jimmy@jimmymalecki.com)

6<sup>th</sup> March 2016

**North Coast Environment Council Submission for the  
Draft Master Plan: Iron Gates Residential Release**

The North Coast Environment Council (NCEC) welcomes the opportunity to make a submission for the Draft Master Plan: Iron Gates Residential Release. The North Coast Environment Council (NCEC) is the peak umbrella environment group on the NSW North Coast, covering the area from the Hunter to the Queensland Border and west to the New England Highway. We have numerous community member groups associated with the NCEC, many working to conserve their local environment.

The Iron Gates proposed residential release is an ongoing controversy. The name of the company has changed but the developer is the same person who was found guilty of illegal vegetation clearing by the Office of Environment and Heritage and ordered to rehabilitate the site by the Land and Environment Court. [1] The site has not been rehabilitated and to approve this Draft Master Plan for the Iron Gates Residential Release would set a very dangerous precedent condoning illegal activities and not holding him to account as the public would expect our government to do. How can the community be assured that the processes in place to protect our environment from illegal vegetation clearing are adhered to if offenders are allowed to walk away from breaking the law and not following through with orders of rehabilitation? Not only walk away from their responsibility as set forth by the rehabilitation orders but be awarded for their offences with approval of their development application under a different name. This gives the perception to the public belief that the government agencies responsible for compliance of regulations and court orders are not serious about holding offenders to account.

The proposed development contains endangered ecological communities, including littoral rainforest and freshwater coastal wetlands. The area contains numerous threatened flora and fauna including the federally listed vulnerable Koala. In the council request for more information the report by David Milledge outlines that Planit Consulting Pty Ltd states that it is considered this development will not put Koalas at risk. Roads, domestic animals such as dogs and fragmentation of habitat are major factors impacting on the vitality of our vulnerable Koala. [2]

The proposed development is also dividing the town with many people feeling it will destroy the fabric of the town and vow to blockade it if the development is allowed to proceed. [3]

What is really concerning is that the planning department is using proposed legislation under consideration through the Coastal Management Reform as a guide in deciding whether or not to approve the application. The masterplan is not only going to be assessed on legislation which has not yet come to parliament so that we have no idea what criteria they will be applying in their

assessment (for example there are three Options defining the Coastal Zone, which one are they going to use?) but more than that they are clearly indicating that they will use it as a model for future assessment processes which implies that the decision has already been made.

Current legislation should be adhered to rather than possible future legislation which would lead the community to believe that the proposed legislation is a done deal and any community and scientific submissions rendered worthless and not important. Democratic process and the right to meaningful community consultation will be weakened if proposed legislation instead of current legal legislation is used as the guide for the decision process. Is it acceptable to travel at 110 km/hour because there is a proposal to increase the allowable speed limit in a particular zone? If not, why is it acceptable to use proposed legislation as a guide for approving this development application? This is unacceptable and sets a very dangerous precedent that erodes community faith in government processes meant to protect social and environmental concerns.

The Draft Master Plan for the Iron Gates Residential Release does not adequately consider risks associated to climate change. With predicted sea level rises this development will be under threat from storm surges. We should learn from previous planning mistakes where developments have been allowed in low lying coastal areas. The threatened species and endangered ecological communities are already at increased risks due to climate change and having a significant fragmentation of the habitat with increased pressures from domestic animals, runoff, noise disturbances and traffic will place the under additional stress.

The Department of Defence has objected to the development because of its proximity to the RAAF's Evans Head Air Weapons Range. There is a land use planning conflict from noise, reflection and bird strike. On these grounds alone it should be refused. In a two-page letter, the Assistant Director of Estate Planning for the Defence Department, Marc McGowan said: 'Air weapons training at Evans Head is expected to increase in scale and density over time, towards the maximum rate of use of 70 days per year. Aircraft will be conducting bombing during day and night.

'The results of aircraft noise modelling indicate that the aircraft noise exposures from the Super Hornet compare with noise generated by busy road traffic and construction work.

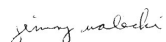
'While Defence makes every effort to minimise the effects of noise on the community, aircraft noise will never be eliminated... and residents in close proximity to Evans Head are likely to be exposed to greater amounts of aircraft noise than experienced in the last few years.'

The statement goes on to read that 'glare from reflective surfaces can affect the visibility of pilots during daylight hours, and artificial water bodies can attract additional birdlife and may expose RAAF aircraft to birdstrike, posing a risk to personnel.

'Based on the above concerns, defence does not support the proposed application.' [4]

In summary, this proposed development is inappropriate in this environmentally sensitive landscape and the North Coast Environment Council believes it should be rejected in its entirety.

Respectfully yours,



Jimmy Malecki

[1] <http://www.abc.net.au/news/2016-02-02/iron-gates-development-mockery-environmental-law/7132394>

[2] <https://majorprojects.affinitylive.com/public/5e288accce4ae8730da7b80d46f775a7/Iron%20Gates%20Residential%20Release%20Draft%20Master%20Plan%20Annexure%201-%20Part%201%20Ecological%20Assessment.pdf>

[3] <http://www.northernstar.com.au/news/tightly-held-land-parcel/2453625/>

[4] <http://www.abc.net.au/local/stories/2015/01/27/4169060.htm>