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From: Dave Norris <norrilyn@gmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 25/01/2012 3:49 pm
Subject: Re: Submission KINGS FOREST Stage 1 Subdivision and Bulk Earthworks - Application No. 08_0194
Attachments: Submission.doc

Dear Sir/ madam
Please find attached my submission regarding KINGS FOREST Stage 1
Subdivision Application No. 08_0194

Kind regards
Dave Norris
28 Toshack Place
Pottsville 2489
Phone: 02 6676 0615
Mobile: 0413 752 450
Email: norrilyn@gmail.com

Attention:

The Director Metropolitan and Regional Projects North
Major Projects Assessment
Dept of Planning
GPO Box 39
Sydney, NSW 2001
Email: plan_comment@planning.nsw.gov.au

Re: KINGS FOREST Stage 1 Subdivision and Bulk Earthworks - Application No. 08_0194

Dear Sir/Madam

I hereby wish to object to this Stage 1 application for the following reasons:-

1. The Director General requires that information in the Environmental Assessment Report (EAR) not be misleading. However, I believe there are too many inconsistencies, inadequate explanations and variances with the EAR 2011. There must either be a new EAR or an amended application.
2. Cudgen Lake (a State Significant Coastal Lake), Cudgen Nature Reserve, Cudgen Creek system (nominated marine protected areas) and Blacks Creek need an Ecological Health Study (EHS) urgently before any earthworks drainage enters the Cudgen Marine System. There needs to be a Sustainability Assessment and Management Strategy prepared. There needs to be a referral to UNESCO for the impacts of this development on World Heritage values of the Caldera's coastal lowlands which are integral food sources in winter. Cudgen waterways provide significant feeding and breeding habitat for many water bird species including threatened species. Tweed already has the highest concentration of threatened species in Australia which is why resumption of Kings Forest should be seriously considered.
3. The development footprint of this project is too large considering the high level of biodiversity, threatened species and endangered ecological communities at risk. The community needs till at least end of February to understand the issues and there needs to be public consultation by both the developer and state planning.
4. The Cudgen Paddock and eastern side were assessed by NSW Dept Environment officers in the 2005 zoning, council staff and councillors for the Concept Plan 2009 and other ecologists. who all agreed this was the minimum area needed to maintain biodiversity. A golf course encourages feral species, further threatening native species in Cudgen Nature Reserve. No development is the best plan.
5. The Koala Plan of Management (KPOM) fails to protect the remaining 144 coastal koalas, already on the brink of extinction (Koala Habitat Study 2011). It does not ensure adequate connectivity and safe passage of koalas, proving that the land should never have been rezoned. There needs to be a full enquiry into the failure to back zone recommended by the Woodward Investigation of 2005.
. Who will bear the expense of Koala fence maintenance? There is no such thing as a koala-friendly dog and one bite could kill a koala. The scent of a dog disturbs native species. The current KPOM does not prohibit dog breeds.

I request that this development be approved Koala Beach style (no dogs, no visitor dogs, speed bumps every 100m, 40km speed limit) underpasses/overpasses and exclusion fencing near roads, no koala trees felled, new koala tree plantings beginning immediately, no roads intersecting koala corridors or environmental protection zones and the golf course use no neurotoxic, carcinogenic organophosphates.

Unless all dogs are banned from the site and the roads are koala-friendly, there is no point planting koala trees throughout, only to entice them to their deaths. I believe the developer needs to set aside funds to establish a Management Committee to ensure koala protection and a rate levy to maintain it. Because this application is impacting matters of National Environmental Significance (NES), the EAR needs to be revised.

6. This application should be deferred until the government rules on the developer's recent unauthorized recent clearing and draining of parts of Cudgen Nature Reserve adjacent to Kings Forest.

7. I believe there are inadequate details in the Drainage Plan of Management for Precinct 5 in the event of heavy stormwater events. There needs to be a main drainage system for bulk earthworks immediately constructed. Blacks Creek needs a marine study of the ecosystem and water quality. A new Drainage POM is needed in order to improve the water quality of Blacks Creek now that the main use has changed from agriculture to residential development.

8. Kings Forest cattle dip site (containing unsafe levels of asbestos/arsenic) must be remediated before bulk earthworks begin at Precinct 11. Contaminated material must be removed from Kings Forest site.

9. Existing agricultural land use rights should no longer apply once earthwork activity begins for residential/commercial use.

10. Treatment of acid sulphate soils and stormwater drainage water quality needs to be monitored 6- monthly, particularly in the receiving waters of Black's Creek. The results should be publically available.

11. The Water Sensitive Cities project (WSC) embraces stormwater harvesting, flood management, recycling and reuse programs, rainwater harvesting and water use efficiency programs. I believe that if Kings Forest adopted the National Water Initiative's WSC strategies it would save Tweed Shire from having to build a dam at Byrrill Creek, impacting the 45 threatened species of fauna there.

12. I believe Environmental Management Plans are lacking description of species proposed for regeneration and revegetation. Will there be independent monitoring? What quantity, type, location, timing and quality of compensatory plantings will be done and by whom. Re-establishing native vegetation in areas of cut could make the soil hostile to plant growth and hydrology. There needs to be funding into perpetuity by the developer for ecological maintenance with a bond placed. There are no new details in the Weed Management Plan. There needs to be a survey of weed cover undertaken now and results published for public view prior to approval.

13. Ecological buffer zones need to be more than 50m and should not serve human use as well (bike/walking trails etc). There needs to be an analysis of impacts in buffer zones due to land changes.

Signature _____



Printed Name _David
_Norris

Address _28Toshack Place Pottsville
2489

Date __25 January
2011

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From: Annette McKinley <annettermckinley@gmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 25/01/2012 3:58 pm
Subject: Kings Forest Application 08-0194 Stage 1
Attachments: Kings Forest submission 25 January 2012-1.pdf

Dear Director

Please find attached our submission on Kings Forest Application No. 08_0194.

Would you mind confirming that you have received this submission.

regards

Annette McKinley

The Director Metropolitan and Regional Projects North
Major Projects Assessment
Dept of Planning
GPO Box 39
Sydney, NSW 2001
Email: plan_comment@planning.nsw.gov.au

Submission to Project Application 08-0194 □Kings Forest
Stage 1 Subdivision and Bulk Earthworks

Annette McKinley and David Milledge
25 January 2012

We wish to make the following submission on the Project Application for Kings Forest Stage 1.

Annette McKinley is an ecologist who has worked for the past 25 years in north-eastern NSW. She was employed for four years as a Threatened Species Officer at the then Department of Environment and Conservation. She has been working as an ecological consultant for a local consultancy since 2004. She is very familiar with the Kings Forest site.

David Milledge is a fauna ecologist with over 40 years experience in field survey and research in south-eastern Australia. He holds a Masters Degree in Resource Science and has worked for Government authorities in three States and as a private consultant. He has published the results of his work widely in peer-reviewed scientific journals and in the popular literature.

We wish to state that our submission is in our personal capacities.

Regional and sub-regional context

Far North East NSW is at the centre of a biodiversity hotspot. The area, together with far south East Queensland has the second highest diversity of plant and vertebrate animal species in the continent, equal to that of Far South West WA and only exceeded by the Wet Tropics of North Queensland.

The bioregion (South East Queensland, IBRA) has the highest diversity of marsupial and microbat species, the equal highest diversity of frog species (with the Wet Tropics) and the second highest bird species diversity (below the Wet Tropics) of any of Australia's bioregions.

The area also has a high proportion of relictual and endemic species, is of national significance for over-wintering migratory and nomadic birds and fruit-bats, and the Tweed Shire has the highest number of threatened fauna species (listed under the *Threatened Species Conservation (TSC) Act*) of any LGA in NSW.

As a consequence, NSW has a national responsibility to conserve this diversity.

Currently, apart from maintaining ecosystem functioning, biodiversity conservation is focused on preventing the extinction of local populations of species. For example, this has recently been highlighted by the 2002 *Threatened Species Conservation Amendment Act* changing of the Part 5A (*EPA Act*) 8-part Test to the 7-part Test, where the emphasis is on maintaining local populations.

On the NSW North Coast lowlands populations of a number of Threatened fauna species have already been lost. These include populations of Stephens Banded Snake, the Marbled Frogmouth, Sooty Owl and Spotted-tailed Quoll. This has been primarily due to the widespread clearing of habitats associated with agricultural development that occurred last century.

Now with proliferation of urban development along the North Coast, another round of extinctions is occurring with the losses of populations of Threatened species such as the Koala and Long-nosed Potoroo. For example, the Iluka population of the Koala has recently been formally recognised as extinct.

At a sub-regional level, the Tweed Lowlands have been identified in the recently released State Government's Far North Coast Regional Conservation Plan as a Regional Conservation Priority Area. The area is already highly urbanised with only 5% formally reserved and both the Koala and Long-nosed Potoroo are identified as key species.

Kings Forest context

Development of Kings Forest has been highly contentious because overall it is of very high conservation significance and parts of the site proposed for development will severely impact on adjoining habitats of high conservation significance, including the Cudgen Nature Reserve.

The Cudgen Nature Reserve bounds Kings Forest to the south and has a partial boundary with Kings Forest in the east. The southern part of Kings Forest, sometimes referred to as the Cudgen Paddock but more accurately as the Cudgen Sandplain, links the Cudgen Nature Reserve with high quality native vegetation to the west and with the State protected wetlands to the north. Development of the Cudgen Sandplain will sever the link between these habitats and significantly reduce the long-term viability of the Cudgen Nature Reserve and other surrounding significant habitats.

The site is **crucial** for the ongoing viability of the local Koala population, which is already under extreme pressure from management of this site and adjacent development. The site is also known to provide habitat for the Cudgen Long-nosed Potoroo population, which is unlikely to survive fragmentation of this area.

Some areas of Kings Forest are already 'protected' by State Environmental Planning Policies but this has not prevented draining and destruction within these 'protected' areas.

Kings Forests natural values have been deliberately and systematically degraded over the past 15 years to the extent that the Department of Environment and Conservation

placed an Interim Protection Order (under the *National Parks and Wildlife Act 1979*) over the eastern section of the property including the Cudgen Sandplain.

Unfortunately the NSW Department of Planning has now approved a Master Plan for this site, which contradicts all the principles of Ecologically Sustainable Development, including those enunciated by the Department itself, and also the basic principles of landscape ecology. We consider approval of this Master Plan should be withdrawn and it be substantially revised to adequately protect the biodiversity conservation values of the site and adjoining lands.

We consider that the current application should be refused in its current form because of fundamental internal inconsistencies and a failure to mitigate the inevitable adverse impacts from a development which is clearly unsuitable for an area of such high biodiversity conservation value and substantially flood-prone. This is particularly the case for those areas in the east of the site adjoining or in close proximity to the Cudgen Nature Reserve.

With regard to the current application, we have reviewed the Director-General's Environmental Assessment Requirements as follows and highlight our conclusions and recommendations in bold.

General Requirement 6. Consideration of impacts, if any, on matters of National Environmental Significance under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The application lists only one matter of National Significance – the Wallum Sedge Frog but fails to mention the Long-nosed Potoroo, Grey-headed Flying-fox and Littoral Rainforest. The Long-nosed Potoroo and Grey-headed Flying-fox are listed as Vulnerable species and Littoral Rainforest is listed as a Critically Endangered Ecological Community under the *Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999*.

On page 83 of the Environmental Assessment it is noted that 0.11 ha of Littoral Rainforest will be lost. Furthermore, this area is located in an Ecological Buffer (Table 1, Appendix MM). There does not appear to have been an assessment of the loss of this area under the *EPBC Act*.

Given the significance of these species and vegetation type, their core habitats and the patch of Littoral Rainforest should be retained.

General Requirement 7. an assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management mitigation and monitoring measures to be implemented to minimise any potential impacts of the project.

DGR 2.4 Provide details of any staging that demonstrates the lots will be released in an orderly and coordinated manner.

Page 20 of the Environmental Assessment states that

□In principle, each area of Environmental Protection zoned land together with associated Ecological Buffers and any additional residual land will be dedicated to Council, subject to the terms of the VPA, once the boundary of the area to be dedicated has been determined by the approval of development applications for adjacent areas□

Environmental Protection lands should be dedicated prior to the commencement of any works, as their ecological values are already established, to enable appropriate management and protection of these areas to commence immediately and prevent any degradation from other works and optimise the mitigation of unanticipated impacts.

DGR 2.8 Provide details of landscaping in accordance with Council's open space landscape guidelines and standards.

Table 6 of the Environmental Assessment states that the □Landscape Plans for the Stage 1 works (Appendix K) demonstrate that the proposed landscape treatments, interfaces and plantings will deliver high quality and practical open space areas that are unique to the Kings Forest development but integrate with the natural surroundings□

However, the Landscape Plan includes inappropriate species that do not occur in the local area. For example, the landscaping includes Queensland species such as *Agathis robusta* and Carbeen *Eucalyptus tessellaris*, recommends Spider Lily *Crinum asiaticum* which is native to Asia instead of the local *Crinum pedunculatum*. Other inappropriate species included in the recommended plantings were *Trachelospermum*, *Callistemon citrinus*, *Barringtonia*, *Nypa* □ .□

All plantings should be strictly limited to native species that occur in or within 5km of the site.

DGR 9.4 Updates are to be provided, where relevant, for the various management plans for koalas, vegetation, threatened species, feral animals, weeds, buffers and the golf course□ ..

Koala Plan of Management (KPOM, Appendix N)

One of the most difficult issues to deal with in working through the KPOM is the KPOM's reliance on other Management Plans that will be undertaking actions to meet objectives. The KPOM should include or summarise the relevant actions from those Management Plans to avoid inconsistencies (which are widespread throughout the application) and to ensure the document is comprehensible. There are clear inconsistencies within Management Plans e.g. a proposal to plant an area with Koala feed trees (Figure 17 of Appendix MM) that has already been mapped as containing Littoral Rainforest (Figure 12 of Appendix MM). This is then inconsistent with the KPOM (Figure 14), which does not show Koala plantings in this area.

The KPOM commits to only 5 years for planting of Koala food trees and does not adequately address ongoing maintenance and monitoring of plantings, fencing and grids.

The plan should outline who will be responsible for maintaining and monitoring plantings. Funding should be provided to ensure this is ongoing.

Similarly, ongoing monitoring and maintenance of Koala fencing, underpasses and grids is essential. The KPOM refers to the Koala fencing for the Skyline Road Upgrade in Lismore Shire (Section 9.6). This fence was partially collapsed when viewed in mid 2011. Unfortunately, Koala fencing has been inadequately maintained in areas of the north coast including Tweed Shire.

Although grids may deter Koalas they do not necessarily prevent dogs from entering an area. In addition the proposed fencing at Kings Forest is not high enough to prevent larger dogs from leaping over.

Monitoring should be undertaken on a minimum fortnightly basis and funding should be available so that maintenance can be carried out immediately a problem arises. If Tweed Council is to undertake this task it should be developer-funded on an on-going basis so that the Tweed ratepayer is not left footing the bill.

The KPOM should include an implementation schedule setting out the actions (including actions from and referring back to other relevant Management Plans), detailing the management actions and responsible parties. The implementation schedule should also include a time-line, performance criteria and actions to be undertaken when criteria are not met.

The KPOM should be rewritten as it is confused, inconsistent, inadequate and does not adequately address the requirements of DGR 9.4.

DGR 9.5 Provide an update to the Koala Plan of Management (KPOM) for the site. The update should confirm that the measures identified and proposed in the KPOM to offset the impact of the development on existing and future Koala populations are adequate.

DGR 9.6 The KPOM update should take into account: contemporary data/literature on koala management the results of the monitoring of management measures operating as part of any approved stage/s, in accordance with B2 of the concept plan approval: the role of additional Koala management measures, specifically those relating to dogs.

The proposal assumes that the Koala fencing will prevent dogs from encountering Koalas in the development area and other dog control measures (aside from a ban on particular breeds) will not be necessary. As stated above, the fencing unless continually maintained will not prevent Koalas from entering the development area or dogs entering Koala habitat. The grids are likely to be ineffective. There is no detail on how the ban on particular breeds will be enforced. How will the ban deal with cross-breeds? Who will enforce the ban?

In an area of such significance for Koalas there should be a total ban on dogs in the eastern part of the Kings Forest development. Funds should be allocated to enable Council to enforce the ban in perpetuity. The development should be advertised highlighting the importance of the area to Koalas and that dogs will be prohibited.

DGR 9.10 Provide an update to the Vegetation Management Plan for the site □ □

The Vegetation Management Plan (VMP) is inadequate and is inconsistent with other plans and actions. For example, the VMP does not include information on management of Heathland, some of which has been identified as subject to ongoing weed infestations □ p. 90 of the Environmental Assessment. Detail should be provided on how weeds will be managed in these areas. The Vegetation Management Plan should be consistent with the Threatened Species Management Plan. For example, the Threatened Species Management Plan (p. 25) refers to the importance of dense plantings of sedges to protect Wallum Froglet habitat and reduce Cane Toad access. However, Cane Toad management is not mentioned in the Vegetation Management Plan. Adequate Cane Toad management is essential if negative impacts on Threatened species (*TSC Act*) from the proposal are to be avoided.

Revegetation and rehabilitation objectives are in conflict. For example, the Littoral Rainforest area has been identified as an area in which Koala food trees will be planted. The same area is selected to undertake actions that are in conflict with one another □ planting Koala trees in acid frog habitat, planting heathland and Koala food trees in the APZs. Obviously, vegetation within APZs should be fire-retardant.

There should be one plan combining Vegetation Management and Weed Management with a clear summary of all actions. The Vegetation Management must be consistent with all other Management Plans and refer to them where relevant.

Concept Plan Condition C20 Development within Ecological and Agricultural Buffers

The proponent appears to view the Ecological Buffers as convenient areas to undertake earthworks, install stormwater treatment swales, use for parking and loading of vehicles and for Asset Protection Zones. Such uses clearly do not meet the objectives for Ecological Buffers (Clause 7, Part 6, Schedule 3 of the State Environmental Planning Policy (Major Development) 2005 which include: protecting wetlands or areas of particular habitat significance and encouraging the restoration and maintenance of native vegetation and the ecological processes of land within and adjacent to wetlands or areas of particular habitat significance.

In addition, the proposal includes removing approximately 30 ha of existing native vegetation including Heathland. These areas are then to be revegetated. It is assumed that removal of the vegetation is associated with gaining fill □ Firstly, all existing vegetation should be protected □ and secondly removing material from these areas will affect the drainage, the topsoil and the soil seed bank casting doubt on whether these areas can be successfully regenerated.

Areas of Littoral Rainforest and Paperbark forest (both Endangered Ecological Communities) are to be removed as the outer 20m of the ecological buffer is also managed as an Asset Protection Zone (APZ). Heathland has been recognised as a locally rare community and important Threatened species habitat. Approximately 30 ha is to be removed from the ecological buffers!

The golf course layout is of particular concern (Appendix NN). Revegetation should be located adjacent to the existing vegetation that surrounds the Cudgen Sandplain). The current layout is contrary to basic landscape conservation principles as the fairways are located next to the existing habitat instead of close to the houses. Large contiguous blocks of vegetation with low edge/ unit area ratios are of greater ecological value than fragmented areas of vegetation. They are less susceptible to threats such as wind damage and weed invasion and they create more secure fauna habitat including from predators such as domestic and feral dogs and cats.

All existing vegetation in ecological buffers should be retained. Fill should be gained from elsewhere or if within buffers should be from non-vegetated areas. APZ's should be outside the buffer zone. Revegetation should focus on expanding areas of existing native vegetation.

As stated previously, we consider that the application should be refused in its current form as it is irrevocably inconsistent and contradictory and fails to mitigate the inevitable adverse impacts from a development that is clearly unsuitable for an area of such high conservation value as the Kings Forest estate.



Annette McKinley
David Milledge
Broken Head, NSW
annetelmckinley@gmail.com
drmilledge@gmail.com

(23)

Sandra Fatarella - Submission - 08_0194 Stage 1 Project Application - Kings Forest

From: "Michael McNamara" <mcnamara.michael7@gmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 25/01/2012 4:01 PM
Subject: Submission - 08_0194 Stage 1 Project Application - Kings Forest

Dear sir/madam

I wish to lodge a submission in relation to 08_0194 Stage 1 Project Application - Kings Forest as advertised/exhibited on the Department of Planning website.

I would like to make the following comments in relation to the application:

- The development should be cost and resource neutral for existing residents of the Tweed Shire. It should not add to the demands for infrastructure improvements or additions without meeting the full cost of those improvements/enhancements.
- The development should implement best practice water and energy conservation measures. This relates to water supply and demand for new residents as well as implementing "solar feed in" and other strategies to reduce demand on state-wide energy infrastructure.
- The protection of habitat for the colony of coastal koalas at the site should be a primary consideration in any decisions relating to this development proposal.
- The behaviour/compliance of the developer should be a pertinent consideration in whether or not to give approval to any further work.

In the light of these general comments I make the following specific submissions:

1. Tweed Shire Council should be empowered to apply sufficient "developer contributions" to recover the cost of any and all infrastructure or service provision that arises because of this development.
 - a. These contributions should not be limited by any general restrictions applied by the state government otherwise.
2. The development should incorporate the following water management strategies:
 - a. Each residence, community building or business place should have a 20,000L water tank
 - i. Where the structure has multiple residences (eg units/duplexes) or occupants the requirements could be combined to achieve economies of scale.
 - b. Water reticulation/recycling for gardens and toilets should be implemented
 - c. Storm water harvesting should be implemented
3. The development should incorporate specific measures to reduce the demand on state-wide energy infrastructure:
 - a. Each residence to have solar panels installed to "feed in" to the state-wide electricity grid
 - b. Each residence should have appropriate solar hot water systems installed
 - c. Each community structure or business place to have the above requirements.
 - d. The developer will fund these strategies in the first instance.
 - e. Any recurring cost for maintenance/operation to be met by a special rate levy on new residents/occupiers.
4. The following measures should be implemented to minimise impact on the koala habitat:
 - a. The golf course should use no toxic chemicals, including organophosphates.
 - i. Only organic non-toxic fertilisers/pesticides to be allowed.
 - b. Wildlife corridors must connect to each other and to the Cudgen Nature reserve.
 - c. The developer to fund the allocation of a National Parks and Wildlife Service employee to monitor onsite works for impact on koalas, their habitat and food trees.
 - i. This NPWS officer to have power to stop all work on the site if conditions are breached or they identify a threat to koalas, their habitat or food trees.
 - d. Overpasses be installed on all roads at regular intervals.

- e. A 40km speed limit be imposed within the development.
 - f. Road signage at regular intervals to warn motorists about risk to koalas and other wildlife.
 - g. A significant initial and ongoing annual (during construction) contribution be made by the developer to the Tweed Valley Wildlife Service to assist them to deal with the anticipated increase in injured wildlife that will come into care.
 - i. The amount of this contribution should be determined in consultation with TVWS.
 - ii. An ongoing rate levy on new residents/landholders be included for this purpose. This to be determined in consultation with TVWS.
 - h. Prohibit dogs and cats from the development, whether they be resident or visitors.
 - i. Koala habitat and food trees be protected.
 - j. The developer should fund the establishment of a Koala management committee which would focus on koala protection strategies.
 - i. Ongoing operation of this committee should be funded by an additional rate levy on new residents/landholders.
5. The developer's prior behaviour should be a pertinent matter in deciding whether or not to grant approval to this application. Their willingness/capacity to comply with existing restrictions and requirements should be taken into account here.
- a. The developer has admitted unauthorised clearing in the adjoining nature reserve.
 - b. This matter is currently subject to investigation, and potentially prosecution.
 - c. The developer's compliance with existing restrictions and requirements should be taken into account prior to the decision on approval being finalised.
 - d. If the developer has failed to comply in this regard they should not be given approval for any other development.
 - e. If approval is granted for this application the developer be required to lodge a bond of \$10 million with Tweed Shire Council or other appropriate body to cover the cost of any remedial works needed to cover any potential future breaches of restrictions/requirements.
 - f. It be made a condition of any approval that ANY breach of restrictions/requirements will void and nullify the approval, at cost to the developer.
 - g. If approval is granted the developer be held responsible for the actions of contractors and sub-contractors.

Please feel free to contact me should you need clarification or expansion of any of the points in my submission.

Yours sincerely

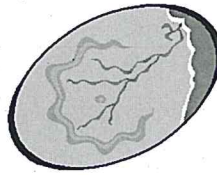
Michael McNamara
Lot 17 Warragum Drive
PUMPENBIL NSW 2484
Tel: 6679 3013
25 January 2012

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From: "Chris Roberts" <chrisrob127@iprimus.com.au>
To: <plan_comment@planning.nsw.gov.au>
CC: "Marion Riordan" <marion-riordan@bigpond.com>, "Fran O'Hara" <ohara590@r...
Date: 25/01/2012 4:06 pm
Subject: Kings Forest Stage 1 Project Application No. 08_0194
Attachments: TLI Kings Forest submission.pdf

Please find attached an objection submission from Tweed Landcare Inc concerning the Kings Forest Stage 1 Project Application No. 08_0194.

Chris Roberts
Tweed Landcare Inc.



Tweed Landcare Inc.

PO Box 42, Murwillumbah NSW 2484 • www.tweedlandcare.org.au

23 January 2012

The Director Metropolitan and Regional Projects North
Major Projects Assessment
Dept of Planning
GPO Box 39
Sydney NSW 2001
Email: plan_comment@planning.nsw.gov.au

Re: Kings Forest Stage 1 Project Application No. 08_0194

Dear Sir/Madam

I wish to object to aspects of this Project Application relating to environmental management issues. The Application falls well short of responsible and effective environmental planning and is inconsistent with many of the Director General's Requirements and Concept Plan conditions.

Our main concerns are:

- The delay in dedication of land for ecological buffers until final stages of the development; and inadequacy of management plans for these areas as well as lack of committed funding for the establishment and implementation.
- The use of the ecological buffers for conflicting purposes such as roads, bushfire Asset Protection Zones, stormwater and recreation.
- The clearing of 30ha of native vegetation, including Endangered Ecological Communities, and the inappropriate re-establishment of different vegetation types.
- Insufficient conservation of existing, and establishment of new, areas of Koala habitat. The Koala Plan of management does not effectively protect Koalas from the introduced threats of dogs, traffic, wildfires and loss of habitat. Dog bans, traffic calming and exclusion fencing are required.
- Ineffective measures to allow fauna movement in and around the development. Wildlife corridors are and specialised habitat for threatened species are insufficient.
- Inadequacy of Flora and Fauna Monitoring during and after development.

The Environmental Management Report from Tweed Shire Council addresses these and other concerns in more detail and with scientific rigour. We defer to the recommendations in their submission to address these important issues.

Yours sincerely

Chris Roberts
Tweed Landcare Inc.

chrisrob127@iprimus.com.au

07 5590 7514

125

From: Anne Densley <annedensley@gmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 25/01/2012 4:23 pm
Subject: king's forest submission
Attachments: submission.docx

Dear Sir/Madam,

Please consider my attached submission in regard to the King's Forest Stage 1 Subdivision and Bulk Earthworks-Application # 08_0194

Yours Sincerely,

Anne Densley
44 Tamarind Ave
Bogangar, NSW, 2488
0434919675

Attention: The Director Metropolitan and Regional Projects North Major Projects Assessment
Dept of Planning
GPO Box 39 Sydney, NSW 2001
Email: plan_comment@planning.nsw.gov.au

Re: KINGS FOREST Stage 1 Subdivision and Bulk Earthworks - Application No. 08_0194

Dear Sir/Madam

I hereby wish to object to this Stage 1 application for the following reasons-

1. The Director General requires that information in the Environmental Assessment Report (EAR) not be misleading. However, there are too many inconsistencies, inadequate explanations and variances with the EAR 2011. There must either be a new EAR or an amended application.
2. Cudgen Lake (a State Significant Coastal Lake), Cudgen Nature Reserve, Cudgen Creek system (nominated marine protected areas) and Blacks Creek need an Ecological Health Study (EHS) urgently before any earthworks drainage enters the Cudgen Marine System. There should be a Sustainability Assessment and Management Strategy prepared. A referral to UNESCO should be made for proper assessment of the impacts of this development on the World Heritage values of the Caldera's coastal lowlands which are integral food sources in winter. Cudgen waterways provide significant feeding and breeding habitat for many water bird species including threatened species. Tweed already has the highest concentration of threatened species in Australia. This is why a resumption of Kings Forest should be seriously considered.
3. The development footprint of this project is too large considering the high level of biodiversity, threatened species and endangered ecological communities at risk. The community needs till at least end of February to understand the issues and there needs to be public consultation by both the developer and state planning.
4. The Cudgen Paddock and eastern side were assessed by NSW Dept Environment officers in the 2005 zoning, by Council staff and councillors for the Concept Plan 2009, and by other ecologists who all agreed this was the minimum area needed to maintain biodiversity. A golf course encourages feral species, further threatening native species in Cudgen Nature Reserve. I believe no development in this sensitive area is the best plan.
5. The Koala Plan of Management (KPOM) fails to protect the remaining 144 coastal koalas, already on the brink of extinction (Koala Habitat Study 2011). It does not ensure adequate connectivity and safe passage of koalas, proving that the land should never have been rezoned. There needs to be a full enquiry into

the failure to back zone recommended by the Woodward Investigation of 2005. Locking koalas out is a barrier to their movement on the site, contrary to the Concept KPOM. There is no proof that cattle grids deter dogs. Who will bear the expense of fence maintenance? There is no such thing as a koala-friendly dog and one bite will kill a koala. The scent of a dog disturbs native species. The current KPOM does not prohibit dog breeds, numbers or require dusk-to-dawn housing. It relies on the residents to enforce the KPOM when there should be an on-site environmental compliance officer from DEH or council.

If this development was Koala Beach style (no dogs, no visitor dogs, speed bumps every 100m, 40km speed limit) with speed cameras, electronic speed recorders, underpasses/overpasses and exclusion fencing near roads, no koala trees felled, new koala tree plantings beginning immediately, no roads intersecting koala corridors or environmental protection zones and the golf course used no organophosphates, it may be viable.

Unless all dogs are banned from the site and the roads are koala-friendly, there is no point planting koala trees throughout, only to entice them to their deaths. The developer needs to set aside funds to establish a Management Committee to ensure koala protection and a rate levy to maintain it. Because this application is impacting matters of National Environmental Significance (NES), the EAR needs to be revised.

6. This application should be deferred until the government rules on the developer's recent unauthorised recent clearing and draining of parts of Cudgen Nature Reserve adjacent to Kings Forest.

7. There are inadequate details in the Drainage Plan of Management for Precinct 5 in the event of heavy stormwater events. There needs to be a main drainage system for bulk earthworks immediately constructed. Blacks Creek needs a marine study of the ecosystem and water quality. A new Drainage POM is needed in order to improve the water quality of Blacks Creek.

8. Treatment of acid sulphate soils and stormwater drainage water quality needs to be monitored 6- monthly, particularly in the receiving waters of Black's Creek. The results should be publically available.

9. Kings Forest cattle dip site (containing unsafe levels of asbestos/arsenic) must be remediated before bulk earthworks begin at Precinct 11. Contaminated material must be removed from Kings Forest site.

10. The Water Sensitive Cities project (WSC) embraces stormwater harvesting, flood management, recycling and reuse programs, rainwater harvesting and water use efficiency programs. If Kings Forest adopted the National Water Initiative's WSC strategies it would save Tweed Shire from having to build a dam at Byrrill Creek, impacting the 45 threatened species of fauna there.

12. Environmental Management Plans are lacking description of species proposed for regeneration and revegetation. Will there be independent monitoring? What quantity, type, location, timing and quality of compensatory plantings will be done and by whom? Re-establishing native vegetation in areas of cut could make the soil hostile to plant growth and hydrology. There needs to be funding into perpetuity by the developer for ecological maintenance with a bond placed. There are no new details in the Weed Management Plan. There needs to be a survey of weed cover undertaken now and results published for public view prior to approval.

13. Regarding dedication of land to NPWS, who supervises and pays for rehabilitation works? Regarding dedication of land for Environmental Protection areas to council, will this take place prior to construction or prior to the end of construction?

14. Ecological buffer zones need to be more than 50m and should not serve human use as well (bike/walking trails etc). There needs to be an analysis of impacts in buffer zones due to land changes.

Your Sincerely

Anne Densley

44 Tamarind Ave
Bogangar, NSW, 2488

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Sandra Fatarella - Kings Forest

From: Cheryl Secombe <csecombe@hotmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 25/01/2012 4:30 PM
Subject: Kings Forest

Dear Sir/Madam,

I am writing to you to express my concerns regarding many facets of the Kings Forest development. My concerns are as follows:

1. Lack of infrastructure and services for such a massive development
2. Too many houses for the size of the development, with the result being tiny house blocks and narrow streets
3. A negative environmental impact, particularly for our declining koala population (koalas were once prevalent around here - we live on

Cudgen Road - but now are rarely seen). It is beyond belief that adequate koala corridors linking bushland surrounding the development

are not in the plan

4. This development, as is, will detract from the appeal of the Tweed Valley as a tourist destination (massive developments such as this

do little to promote the beauty or natural amenity of an area). Look at Banora Point for example

5. Adverse effects on current landholders, particularly due to the increased pressure on current infrastructure
6. It will open the door for gradual urban sprawl into the best farmland in Australia, which should never be allowed by any Government
7. Finally, the very sad reality of the illegal clearing of land within the Cudgen Nature Reserve adjacent to the development site that has

been occurring for the past 18 months.

This very point alone does nothing to instill trust in the developer by the local people of this area.

Cheryl Secombe
317 Cudgen Road
Cudgen NSW 2487

(27)

From: Lyn Dickinson <diceileen@gmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 25/01/2012 4:32 pm
Subject: Submission KINGS FOREST Stage 1 Subdivision and Bulk Earthworks - Application No. 08_0194
Attachments: Submission.doc

Dear Sir/ madam
Please find attached my submission regarding KINGS FOREST Stage 1
Subdivision Application No. 08_0194

Kind regards
Lynette dickinson
28 Toshack Place
Pottsville 2489
Phone: 02 6676 0615
Mobile: 0413 752 450
Email:diceileen@gmail.com

The Director Metropolitan and Regional Projects North
Major Projects Assessment
Dept of Planning
GPO Box 39
Sydney, NSW 2001
Email: plan_comment@planning.nsw.gov.au

Re: Submission : KINGS FOREST Stage 1 Subdivision and Bulk Earthworks - Application
No. 08_0194

Dear Sir /Madam

I object to the Stage 1 application on the following grounds;

The approval should be held back until the current Tweed Shire KpoM report is finished and relevant information there in assessed by the NSW Department of Planning.

All environmental protection lands are to be dedicated and transferred to Tweed Shire Council and OEH in the early stages of the project. It is essential that these lands are transferred in their current condition prior to commencement of earthworks which could cause damage to native vegetation and function of wetlands. Alternatively should the dedications be staged there should be strict conditions and a bond to ensure that there is no clearing or degradation of these areas.

**Long term management and maintenance of environmental areas and open space
DGR 2.5. and Updates of various management plans DGR 9.4.**

I believe these two points have not been adequately addressed by the proponent. All EA and recommendations included in the Koala, vegetation, weed, landscaping and buffer management plans should be consistent and there should be no duplication or overlap. There should be an integrated implementation table (work schedules, timing and costing) included for all related works. Planting and restoration areas should be in suitable locations and habitats, e.g. heath has very specific habitat requirements. There should be clear guidelines for the proponent to implement management of the areas over a minimum 5 year period. Tweed Shire Council and OEH should be involved in the planning of the implementation and maintenance schedules and costings.

Measurable Performance and Completion Criteria requires review and must ensure that the proponent achieves successful outcomes within given timeframes.

Koala Plan of Management (KPoM)

Although the KPoM has been revised I believe is still does not adequately ensure the long term protection of Koalas. The fencing of housing enclaves provides some protection from dogs and vehicles but also brings into question numerous other issues such as ability of dogs to move across grids, maintenance of fencing, barrier to movement and entrapment.

The eastwest corridor has been deferred to a later stage whereas it should be identified and included in the KPoM. Current road design, proposed golf course provisions and lack of east west corridor do not provide for adequate protection of Koalas. Koalas currently move through the majority of the site.

I believe there are inconsistencies with other management plans particularly related to the planting of the Koala food trees. Plantings should not be in heathland restoration areas, within the identified Littoral Rainforest and APZs. The PoM should include a detailed implementation table as per previous point. **Dogs ownership should be prohibited.** I believe the KPoM does not sufficiently address DGRs 9.5 – 9.9.

General Points

The Bushfire Risk Management Plan to include ecological considerations. The Asset Protection Zones should not be included within Ecological Buffers.

Removal of Littoral Rainforest which is a state and federally listed Endangered Ecological Community.

Ongoing maintenance of Blacks Creek within the site should include removal of sediment. Drainage of the site relies on the flow of Blacks Creek from Kings Forest through Cudgen Nature Reserve to Cudgen Creek. Sections of the creek are within state protected wetlands. Adequate drainage through Blacks Creek is required in time of flood but the EA has not provided details of recommended cross sections.

Monitoring of the success of all plantings and restoration should be undertaken by an independent consultant. An independent environmental officer should be employed throughout the project to ensure compliance with relevant conditions of consent. Both positions to be funded by the proponent through Tweed Shire Council.

Insufficient details of proposed earthworks with likely adverse effects on hydrology and native plant communities. There are proposed cuts of up to 2m adjacent to existing native vegetation.

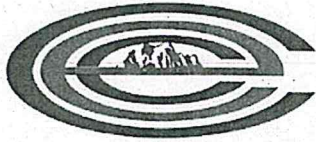
Signature  _____
Printed Name ___Lyn
Dickinson_____
Address ___28 Toshack Place Pottsville
2489_____
Date ___25 January
2011_____

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From: "Caldera Environment Centre" <caldera@calderaenvironmentcentre.org>
To: <plan_comment@planning.nsw.gov.au>
Date: 25/01/2012 4:32 pm
Subject: CEC preliminary submission
Attachments: CEC submission Kings Forest 2512012.docx

Dear Sir/Madam

Please find attached a preliminary submission from the Caldera Environment Centre. We are hoping to present a more detailed submission at a later date after the present weather conditions have eased.



Caldera Environment Centre Inc.

FOUR QUEEN STREET MURWILLUMBAH N.S.W 2484 PH: 02 - 66 721 121
PO BOX 5090 SOUTH MURWILLUMBAH N.S.W 2484

25 January, 2012

Attention Director

Submission re: Application No 08_0194 Kings Forest-Stage 1 Subdivision and Bulk Earthworks

The Caldera Environment Centre (CEC) strongly endorses the Report concerning Kings Forest (KF) prepared by Tweed Shire Council (TSC) and the submission by (former Cr.) Henry James, to the Department. We have read both documents and are in full accord with their contents.

Because of the staged nature of the planning process and the consents already granted to the Developer, we feel unjustly constrained from making some fundamental criticisms of this proposal. Nevertheless we feel compelled to go back to basics and comment on the faulty foundations of this scheme.

THE SITE

The site is ecologically significant because of its geographical location close to the coast and Cudgen Lake/Creek and its topography of an East facing slope draining from Cudgen Ridge to Cudgen Creek/Lake.

The significance of this sites location adjacent to Cudgen Nature Reserve, although ignored by the Developer, cannot be overstated.

The unique heritage of the site, although compromised by the plantations of exotic pines and subject to the relentless mowing, slashing and burning of its valuable heathlands is to be all but obliterated by the mass land movements and the reconfiguration of the site.

Bulk earth movements on the mega scale proposed and the conversion of Blacks Creek into a drain are 19th/ 20th century concepts that have no place in 2012.

For these fundamental reasons, the CEC believes the entire project is built on life-threatening and not life-affirming principles.

Rather than recognising and encouraging the natural heritage values of the site- a God given gift- the Developer has sought to maximise economic yield through a no-holds barred, burnt-earth/flat-earth, Tonka toys in the sand mentality. This infantile, unenlightened approach makes a mockery of the so-called environmental considerations mentioned and/or proposed as safeguards/constraints and remedies in the plan as outlined.

The proposed piddling pathetic corridors and buffers laugh in the face of the habitat values of the site as it was in the last decade of the last century.

Gradual degradation through a cynical and sometimes unauthorised campaign of grazing,

draining, dozing, slashing and burning has rendered much incremental damage over the past 20 years under (at least) two separate owners/ speculators.

BASIC DESIGN PHILOSOPHY

As discussed above the basic design principle is monetary not residential amenity. It is our view that the aggression and contempt shown for the site and the local community is economically as well as ecologically counter intuitive and counterproductive; it is unreasonable. Since the mid-19th century there has always been a more considered and considerate or sympathetic alternative approach to land settlement and subdivision for residential purposes. In the 21st century this approach is called Ecologically Sustainable Development (ESD). ESD is recognised as being desirable by all levels of government but there is no demonstrable recognition by Leda Development.

The abstraction of the town planning/urban design process to a configuration of tightly packed and mainly mathematically contrived mosaic of rectangular, flattish and pocket handkerchief sized allotments is reminiscent of a manufactured mobile home park. We find it a depressing and difficult to believe that contemporary Australian citizens will subject themselves to a lifetime fettered to the ball and chain of a crippling mortgage in exchange for the purgative existence of 'life' in the Kings Forest 'Estate'.

MASS EARTH MOVEMENTS

The notion of the artificial and destructive reconfiguration of any entire locale on this mega scale let alone such an ecologically significant site contiguous with Cudgen Nature Reserve, Cudgen Creek and Cudgen Lake is incomprehensible in what is supposed to be a caring and sophisticated society in 2012. It should not be necessary to point out to the Planning Department bureaucrats that life as we know it is at a turning point or indeed has gone beyond. These bulk works pose many problems associated with drainage, vehicle movements, scarred landscapes, disjunct/severed linkages for wildlife and mangled and mismatched soil types, soil profiles and fertility levels. In other words, this development will be a general and far flung impoverishment of the local landscape and ecology. We contend that it is not possible to recover from this cynical, blinkered and apocalyptic attitude of contempt and disregard.

BLACKS CREEK

The abuse of Blacks Creek is worthy of a submission in its own right. Vandalism of this daring and proportion reflects very poorly on the competence and sincerity of the N.S.W. Government. How can the riparian vegetation removal and drainage of the creek through Cudgen Nature Reserve remain unprosecuted, unpunished and unrepaired??? This is more than a rhetorical question. It gets to the heart of the Part 3A consent process and the effectiveness and political will of the current NSW Government.

There should be a moratorium on the entire consent process for the Kings Forest estate until the issue is sorted. The community has lost faith in our governance concerning natural heritage within the state generally and within the Tweed Caldera in particular.

WILDLIFE CONSERVATION/VEHICLES, CATS AND DOGS

The attempts by the Developer to remove any meaningful considerations and constraints concerning wildlife to the point where corridors and buffers are merely to tokenistic graphic hatched references on the 'master plan' is something to behold. The idea that golf courses, parks, cycle-ways and walkways can function as wildlife corridors and or buffers is an insult to our intelligence and an insult to millennia of natural evolution and indigenous flora and fauna. As at Cobaki, these proposed environmental measures (they cannot be called ecological measures) can do nothing to effectively guarantee the survival of threatened and other species indefinitely into the future.

The rapidly accelerating and pauperising coastal settlement damage is being matched by global damage such as global warming, rising and acidifying oceanic, sea and estuarine levels. This undeniable and scientifically verifiable trend has not been given sufficient weight by governments or the Departments concerned in NSW.

SUSTAINABILITY

Economic sustainability is (obviously) dependent on Ecological Sustainability. Obvious low hanging fruit could be plucked by the Developer if he was less myopic and more forward looking. Some obvious aspects of contemporary urban design which are very relevant to this proposal are:

- On-site water harvesting including roof and storm water, swales and retention ponds and on-site storage including tanks and ponds
- On-site solar, wind and even tidal power generation
- Solar orientation and solar heating/cooling considerations
- Creative landscaping with locally indigenous species
- On-site treatment and recycling of household by-products
- Etc., etc.

A local policy of no cats and dogs would go some way towards ensuring the viability of many local wildlife species including Koala, Long nosed Potaroo, grassland *Melomys* and the many amphibians extant on the site.

Yours Sincerely,

Paul HopE Hopkins
Coordinator Caldera Environment Centre

Sandra Fatarella - Kings Forest Application - Public Submission

From: Jo Cabale <joeycab@hotmail.com>
To: <plan_comment@planning.nsw.gov.au>,
<majorprojects@planning.nsw.gov.au>
Date: 25/01/2012 4:57 PM
Subject: Kings Forest Application - Public Submission

Jo Cabale
56 Pimble Valley Road
Crabbes Creek
NSW 2483

Director Metropolitan & Regional Projects North
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney 2001

Wednesday 25 January 2012

Dear Sir/Madam;

Re: Kings Forest Stage 1: Subdivision; Bulk Earthworks Application no. 08_0194

'Tweed Shire covers 1303 square kilometres and adjoins the NSW Local Government Areas of Byron, Lismore and Kyogle, with the NSW/Queensland border to its north where it divides the twin towns of Tweed Heads and Coolangatta. With 37 kms of natural coastline, wetlands and estuarine forests, lush pastoral and farm land, the entire basin of the Tweed River, and mountainous regions containing three world-heritage listed national parks, Tweed boasts a unique and diverse environment. Centrepiece of the Shire is Mount Warning, where the sun first hits the Australian continent. The surrounding McPherson, Tweed, Burringbar and Nightcap ranges form the caldera of the fertile Tweed Valley. Prior to European settlement, the area was blanketed in sub-tropical forest and was home to the Nganduwal/Minjungbal people. Many of the Shire's towns and villages derive their names from the language of the local Aboriginal people. The retail, hospitality, agricultural and tourism industries are major employers, while construction, fishing, and light industry are other significant contributors to the local economy.' (Tweed Shire Council website – www.tweed.nsw.gov.au)

The Tweed Shire is promoted at the 'Green Cauldron' – an environmental oasis. It attracts international tourists and domestic visitors with its natural splendours, and residents with its natural unspoilt lifestyle. It supports the highest concentration of threatened flora and fauna in Australia and boasts the greatest degree of biodiversity in Australia, much of which exists in almost pristine conditions in the Kings Forest and Cobaki areas. This is the area which is currently under threat from a massive 4 500-dwelling, 15 000-person development, the scale of which has never been seen in the Tweed Shire.

Cudgen Nature Reserve and the surrounding areas are considered to be part of the largest remnant of native vegetation on the Tweed Coast. They are of significant local, regional, state and national importance due to their beauty and ecological biodiversity. Surely this is an area for increased protection and vigilance to ensure its integrity and survival, not a candidate for wide-scale development with no consideration for its conservation.

We will only get one chance at putting in place appropriate guidelines for the Kings Forest Development. We must put every effort into making sure that this private development that will provide great financial benefits for a billion dollar developer will not mean catastrophe, total destruction and extinction for such a vital piece of environment, nature reserve and all the flora and fauna that access it.

I wish to object to Stage 1 of the above application (Kings Forest) on the following grounds:

<!--[if !supportLists]-->1. <!--[endif]-->Insufficient detail of proposed earthworks DGR2.4:

The proposed development is located adjacent to land of high conservation value including Cudgen Nature reserve, Cudgen Creek, Endangered Ecological Communities (EEC) and SEPP14 wetlands as well as core koala habitat. It is essential that detailed plans that will ensure the integrity of these areas and avoid irreversible damage are provided by the developer before development is approved.

The massive scale of this development requires that environmental assessments by the Department of Planning (DoP) examine every kind of environmental impact that could result. The applicant must show conclusively how negative impact will be avoided on waterways, threatened ecological communities and native flora and fauna as a result of the earthworks. This must happen PRIOR to any approval of Stage 1. If the developer cannot provide adequate planning measures, such approval must be withheld until the developer is able to comply.

Also of concern is the intention of the developer not only to move massive amounts of earth within the proposed development area, but to bring in fill from unspecified outside sources. This allows the probable infestation of exotic weed and insect species into an area of high sensitivity.

<!--[if !supportLists]-->2. <!--[endif]-->Insufficient detail on dedication of land to Council; DGR 2.4:

Lands to be dedicated for Environmental Protection must be dedicated and transferred to Council in their CURRENT condition PRIOR to commencement of earthworks.

<!--[if !supportLists]-->3. <!--[endif]-->Long term input and maintenance of environmental areas and open space. DGR 2.5, DGR 9.4:

This has been inadequately addressed by the applicant. There must be no overlap of buffer management plans and these must be consistent. Revegetation and restoration must be in ecologically appropriate locations, not merely in locations convenient to the applicant. There must be clear guidelines and timeframes by which the applicant will have measures

for management in place. The Office of Environment and Heritage (OEH) and Tweed Shire council (TSC) must be involved in planning of schedules.

Ecological buffer zones must not serve multiple uses or be subjected to earthworks. Roads are not ecological buffer zones, nor are golf courses, koala food tree plantations, fire buffers, open space, or bike/walking trails.

Asset Protection Zones must not be included within biological buffers.

An independent consultant, not one chosen by the developer, should monitor results of all plantings, and must be funded by the developer.

Given the sensitive nature of the area to be developed it is essential that the maximum precautionary principles and protection be applied.

<!--[if !supportLists]-->4. <!--[endif]-->Inadequate protection of koalas and habitat. DGRs 9.5 – 9.9:

The Report of the Senate Inquiry into Koalas, 'The Koala – saving our national icon' was tabled in Federal Parliament on 22 September 2011. It outlines the impacts by a multitude of threats upon koala populations. This report acknowledges that since the ending of the fur trade (last open season occurred in 1927), which saw the indiscriminate slaughter of millions of koalas for fur exportation, the population of koalas in Australia has drastically declined over subsequent generations. The report separates these threats into: threats to koala's habitat and threats to individuals.

Threats to habitat include urban development and habitat destruction, fragmentation and disturbance. Habitat loss and land clearing is considered to be the primary causal factor in the population decline of koalas. Threats to individuals include disease, fire, motor vehicle strikes and attacks by dogs. The significant impact of disease (primarily Chlamydia and koala retrovirus) upon the population is exacerbated by the cumulative stressors of other threats imposed upon koalas, causing them to be more susceptible to disease-related conditions. All of these threats will be present during the Kings Forest development.

The Tweed Coast Koala Habitat Study (Jan 2011) established the koala population in the Tweed Coast Study Area to be approximately 144 individuals. Currently, without establishing new developments and introducing new threats, this number may fall below the minimum viable population size needed to allow long-term local population existence.

The new Koala Plan of Management (KPoM) fails to protect Tweed coastal koalas which, are now seriously threatened according to the Tweed Council's 2011 koala habitat study. It is unacceptable that the Kings Forest development should endanger further the largest and most significant colony left in the Tweed.

It is unacceptable and defies logic that the developer's concept plan was approved prior to the Tweed Council Koala habitat study being released. It is incumbent upon the Government to rectify this by decreasing the development footprint. This should be done by excluding the sensitive areas of the Cudgen paddock and Eastern Portions, as previously advocated for by Council and officers of the former NSW Department of the Environment.

Development should be completely excluded in these sensitive areas, or at the very least, impacts minimised with no lot sizes being less than 10ha. 4 500 dwellings in this development is completely ecologically unsustainable and inappropriate. No residential areas should be adjacent to koala habitat or to the Cudgen Nature Reserve.

Proposed development of sensitive koala habitat areas in Kings Forest is justified by the developer because they claim to be able to maintain the ability of koalas in these areas to free-range throughout these areas. Proposed fencing will obviously impact upon the koalas ability to free-range, not to mention the effects of such fencing on other terrestrial fauna (wallabies, bandicoots, snakes, potoroos and many ground-dwelling birds) that share this habitat.

The issue of any fence maintenance has not been adequately addressed. The establishment and ongoing maintenance costs associated with erecting, regular monitoring and repairing, and weed and vegetation management on both sides must be met by the developer and guidelines strictly adhered to and enforced.

Cattle grids are not an effective means of keeping dogs out of core koala habitat. There must be a complete ban on cats and dogs in this estate, including visitors as well as residents. The result of an encounter between dogs and koalas is very well documented and has resulted in many deaths and serious injuries. Cats also present a disease risk to koalas as they transmit the toxoplasmosis bacteria through their faeces, which is deadly to koalas.

Cars and koalas are a disastrous combination. Planning to put a road that cuts through koala habitat, therefore, defies logic. This must not be permitted. There must be a 40kpm speed limit throughout the estate, with speed bumps every 100m to ensure compliance.

Leda promotes the fact that 20 000 koala food trees will be planted on the site. Using this fact as evidence that the koala population is being supported and that core koala habitat is being replaced and even enlarged upon by the developer, is preposterous.

Accepting that the wild koala population in the Tweed Coast area is 144 individual animals, 20 000 koala food trees being planted as part of the development, although a seemingly large number, is ridiculously inadequate. Accepting the fact that not all these koalas would be, at any one time, utilising the area within and surrounding Kings Forest, resources must be provided to support the population that may be present. The developer must compensate for any reduction of habitat within areas of the development site. Sufficient established primary koala food trees (Forest Red Gum *Eucalyptus tereticornis*, Swamp Mahogany *E. robusta*, Tallowwood *E. microcorys* and Grey Gum *E. propinqua*) are vital for survival of the koala population.

A koala eats 10% of its body weight in leaves per day (400 – 1000g). A koala will not eat every leaf of a koala food tree available, nor will it consistently eat the leaves of a particular food tree. Feeding preference depends upon a variety of conditions, but commonly the ratio of nutrients to anti-nutrients present in the leaf. As the chemical composition of leaf varies due to species, soil type, soil salinity, available soil nutrients, climatic and weather conditions, and age of leaf, just planting food trees and considering that this act in itself is providing support for wild koalas, is not sufficient.

An overseas zoo interested in procuring a captive koala must establish a plantation of a variety of at least five or six preferred species, incorporating 500 – 1000 trees per koala, which must be planted at least four to six years before acquiring the animals. After planting, these trees must be segregated and protected until they reach a height of at least ten metres and have a closed canopy (approx 7 years of age)(2003 Jackson, S. *Australian Mammals: Biology and Captive Management*). During this time, obviously, these trees cannot be accessed as food trees for wild koalas and therefore not be considered as a measure of supporting the existence of a wild population.

It must be emphasised that these figures are for captive koalas that have leaf plantations meticulously established and maintained, harvested and delivered daily to their enclosures. These animals are monitored and cared for by dedicated keepers and staff whose entire consideration is their welfare. They have access to round the clock veterinary care, are sheltered and protected from stressors, and are never exposed to such threats as cars, dogs and habitat loss. To think that wild koala populations, dealing with the stressors of encroaching and destructive development, would require habitat and access to food tree resources commensurate with captive koalas is ludicrous. It would not be unreasonable to consider doubling these numbers at least, would be a start to supporting the wild koala population that accesses the Kings Forest development site. 144 koalas, 2 000 food trees per koala = 288 000 koala food trees. Nearly 300 000 trees that would not be able to be considered to be viable sources of koala food for at least seven years.

The planting of these food trees must also not interfere with other established environmental communities and must not be planted in heathland or littoral rainforest, where introduction of these species would adversely affect existing sites. Littoral Rainforest is recognised Federally as well as by State as Endangered Ecological Community. These food trees should also not be included as part of a buffer zone between residential areas and the reserve, as encouraging koalas to move into these areas by providing food, negates its ability to 'buffer' or separate these animals from the high-density urban environment. No mention of the developer accepting full financial and manpower responsibility for the monitoring and maintenance of koala food tree plantations is contained within the plans provided by the developer.

It is also an accepted fact that wild koala populations leave areas of food trees to regenerate for periods of up to several years, where they move away and utilise other core habitat for those periods. Any development in koala habitat must provide sufficient appropriate food trees and areas to allow for this 'spelling' of useable portions of habitat.

The developer is responsible for the illegal and unauthorised clearing of a 500 metre stretch of Blacks Creek inside a protected section of the Cudgen Nature Reserve adjoining the Kings Forest development site, essentially removing approximately 100 native trees, destroying habitat, displacing innumerable fauna, draining the creek and planting exotic grasses on cleared areas. This illegal clearing improved the drainage of part of the development site and would facilitate subsequent development of those areas. Clearly, this vegetation clearing should illustrate the contempt and disregard of this developer towards protected areas and environmental issues, and should be investigated fully and penalised to the full extent of the law before any other deliberations continue in regard to the Kings Forest development.

Every stage of this development must be monitored by onsite environmental compliance

officers dedicated to the adherence of the developer to guidelines, regulations and laws.

<!--[if !supportLists]-->5. <!--[endif]-->The Kings Forest plan does not embrace any of the sustainable programs for water conservation or recycling.

Where are the plans for rainwater harvesting (anything less than 10,000L tank for per household is inadequate) stormwater harvesting, flood management, recycling and water efficiency programs? Does the developer believe this area will not experience flooding and will somehow be immune to effects of projected inevitable sea level rise, despite 94% of the site being 0 – 10m above present day sea level? If this development is to go ahead it must undertake strategies including recycled water for toilets and gardens, as well as those mentioned above.

<!--[if !supportLists]-->6. <!--[endif]-->Lack of marine protection

The Cudgen Nature Reserve including the lake is classified as a Marine Protected Area with the lake also being considered a State Significant Coastal Lake. Why then, has a sustainability assessment, judged to be urgent by the Department of Water and Energy in relation to the concept plan, not been undertaken.

A sustainability assessment for Cudgen Lake must be provided, including impacts on marine ecology. Already, poor management has resulted in severe effluent degradation of water quality. Cudgen Lake Catchment Rehabilitation Project's intention of mitigating acid discharges must not be jeopardised by the development of the Kings Forest development.

Therefore, excavation and filling must be prohibited in this area to limit impacts on marine ecology. Rigorous standards and infrastructure are essential to prevent water pollution and ensuring stormwater quality from the development site into Cudgen Lake, and that there should be 'no net water pollution' from the site.

The proposed Golf Course must not use any toxic organophosphate pesticides that may negatively impact the Marine Protected Area and Cudgen Lake.

The entire Cudgen Paddock and the Heathlands are recognised as areas of high conservation value and these areas should be protected with a view to maintaining biodiversity and the environmental integrity of the area.

The Tweed Shire community must be assured that the DoP will fulfil its obligation and ensure that this proposed development will not impact negatively on the waterways, iconic vegetation, threatened species and communities in and surrounding the Kings Forest area.

We will only get once chance at putting in place appropriate guidelines for the Kings Forest Development. We must put every effort into making sure that this private development that will provide great financial benefits for a billion dollar developer will not mean catastrophe, total destruction and extinction for such a vital piece of environment, nature reserve and all the flora and fauna that access it.

As we have already seen repeatedly, this developer has little regard, even contempt, for the authority of Council staff (and their views), the general public (and their concerns), the environment (and any legal protection placed upon it) and the fauna utilising this habitat.

Leda has bullied and targeted Council staff who have any opinion that threatens their development plans. They have heckled and insulted concerned residents of the shire who try to protect and defend their rights as citizens of the area to have input into its development. They have illegally cleared vegetation and destroyed protected habitat with total disregard for the environment and the laws that are put in place for its protection. And they have ignored, disputed and denied issues relating to the use of the area by wildlife and the impacts their development will cause.

Leda has promoted the fact in the media that the Kings Forest development is worth \$2.2 billion. It is no secret that it will pursue any avenue that will secure maximum commercial viability of this venture, regardless of its social, ecological and environmental effects.

The guidelines put in place must be complete, strategic, comprehensive, thorough and erring on the side of caution, and above all enforceable to the full extent of the law, to a degree that any and all infringements incur maximum repercussions up to and including retraction of approval for site development. This developer is not affected by the fines already imposed, they are seen only as an added cost to the development.

The Kings Forest and Cobaki estates, if allowed to proceed according to the developer's wishes, will be in the most ecologically sensitive areas of the region and have the potential to cause irreversible ecological damage. Once approval is given, development is underway, vegetation is destroyed and fauna has been driven to localised extinction it will be too late.

I urge you to take into account all information and opinions presented in submissions from the public on this issue and to protect this vital piece of ecological habitat as the Tweed Coast's delicate treasure that it is.

Yours sincerely,

Jo Cabale

From: "Sam Dawson" <dawsonsk@bigpond.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 25/01/2012 5:00 pm
Subject: Kings forest submission
Attachments: Sam submission.docx

Please find attached my submission re: King's Forest

Regards

Sam Dawson

KINGS FOREST Stage 1: Subdivision and Bulk Earthworks - Application No. 08_0194

Dear Sir/Madam,

I hereby wish to object to this Stage 1 application for the following reasons:-

General:

Timing

While I recognise the need for proponents to confirm the viability of their projects in order to expedite development, it is unfortunate that such a major proposal is set to be considered by the public over the holiday period. A time which ought to be devoted to joyful relaxation and family time is unnecessarily marred by the democratic requirement to carefully consider the proposal and submit a detailed response. This is of course nearly impossible, and fosters a feeling of cynicism in the public towards government and bureaucracy.

Scope of project

This development is a massive undertaking, and is supplied with 98 environmental reports that attempt to rationalise and explain its operations. The first point to consider here is; do you honestly expect anybody other than a professional or a retiree to have the time to seriously read every report and make comment? Again this has been recognised as a standard ploy of developers "bury the opposition in paperwork", and fosters further cynicism and contempt towards the proponent.

Unauthorised Clearing and Drainage works of Blacks Creek

The transformation of a natural watercourse into a surrogate drain for the development site is pathetic in the modern world. There are precious few of these areas left, and the actions of the proponent here demonstrate the archaic attitude that environment is expendable and can be remade to better suit human purposes. The action is amoral and illegal.

What makes matters worse is that the government is impotent in acting, LEDA is "working" with the authorities; can other criminals expect such lenient treatment as well? Perhaps next time I'm in Sydney I should take you out to lunch?

Now besides feeling cynical and contemptuous towards the developer, I am also now disenchanted with the government because they don't do *anything*.

Koalas

With only 144 Koalas left in what was once a thriving colony, it is a sad day when we can expect the extinction of a local population of an animal that is so emblematic of our nation. There was reputedly 800-1000 Koalas along the coast in the 1980s. Their blood is on your hands (and of the guys who cut the trees down too).

Wildlife Corridors

It is well established that wildlife corridors and habitat areas have minimal surface/edge relative to their volume. Golf courses, pedestrian access creates high permeability within the proposed corridors and nature areas. This will increase weed invasion and reduce the ecological values of the site. Paved surfaces, pesticide use and domestic animal faeces all

contribute further pressures to the ecology.

The Australian Ugliness

The development is ambitious in scale but mediocre in design. There is always the possibility of doing something better. Koala Beach is an example of how things can be done more intelligently and inspires hope for the future.

The current proposal comes without providing real civic spaces or any employment opportunities to new arrivals.

Water Pollution

Another issue to be considered is that of contaminants from the development polluting natural waterways and the ocean. This will not only happen during the construction phase but also be a serious problem later on once the development is completed. Pesticide runoff from urban areas is quite significant.

I hope that you will reject this proposal

Sincerely yours,

Samuel K. Dawson BAS (Hons)

From: Kathleen Riordan <kathsta@gmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 25/01/2012 5:02 pm
Subject: Kings Forest Estate Development
Attachments: Kaths Latest submission 20Jan.docx

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Kathleen Riordan
Email kathsta@gmail.com

20/01/12
Kathleen Riordan
13 Farrants Hill Rd
Condong, 2484

To : The Dept of planning.
Re : D A , 08_0194 Kings Forest Project

I write to voice my concerns over the Environmental Plan of Management offered for the development of Kings Forest. I have read the reports of Tweed Shire Council staff experts and respect their expert analysis and experience in these matters. I concur with their conclusion that this "Plan" needs serious revision and development if it is to comply with State and Federal environmental protection policies. I also understand that these environmental protection standards where a **condition** of approval for the development from the outset.

Following is a list of what I consider to be some of the most pertinent points of concern – the list is by no means comprehensive.

- ★ "Safe Passage" of wildlife through habitat areas **must be provided**
- ★ Dogs must be Totally Banned
- ★ Bushfire threats to flora & fauna must be minimised
- ★ Ecological Management Plans need serious revision
- ★ 'Corridors' & 'Buffer Zones' will become serious problems if not dealt with properly now
- ★ Koala plan of management (and all other environmental plans of management need serious revision and adjustment

★ Safe passage of wildlife

After bushfires - **roads** are the **gravest threat** to koalas therefore development areas must be **sealed off** via fencing & grids. At present the fencing plan does not seal off Precinct 5. Koalas can access roads North of the estate. Extensions are required to the fencing west of precinct 4 and in precincts 3, 7, & 8.

Fencing **MUST** be completed as soon as approval is granted.

Furthermore 40 Kph Speed Limits must be applied to roads entering environmental zones with speed humps at 200m intervals.

★ **Dogs Must Be Totally Banned**

All breeds are a proven threat to koalas – The majority of dog attacks – even "mild" ones prove to be fatal

Current plans provide only "koala fencing" they are inadequate as protection against dog intrusion & attack

This Is the **recommended method** of koala protection

Funding for extra patrols & compliance rangers to police the ban must also be provided.

Bushfire Management to protect wildlife must be provided. It must not be only aimed at protecting property. Ecological Buffer Zones **MUST NOT** contain areas that act as "Asset Protection zones"

★ Corridors & Buffer Zones

Although not in protection zones over 3,600 koala food trees are planned for removal!!!

So called Ecological Buffer Zones in precincts 1&5 (& indicated for the rest of the estate) call for the removal of 32,700 sqm of forest that is dominated by koala food trees. This is an outrage given the proponents claim to "planting 20,000" koala trees and "not a single feed tree will be removed". It is widely known that **many thousands of tree plantings are needed** to replace only one lost koala food tree!

As Council staff have wisely reported – It Is Not Acceptable to use "offsets" (like koala tree planting) to compensate for **unnecessary** environmental destruction.

Such **shortfalls** in the proponents "environmental management" call for a **review of All their offset arrangements & habitat compensations.**

This is Needed **Prior To Granting Approval.**

★ Koala Plan of Management

An Independent review of the Kpom Is required as a **condition** of approval Kpom must match latest findings on Best Koala Management. Extensive documents are now available (since 2011) on best solutions for our local koala requirements.

This involves preserving and planting typical **Local Area** Koala feed trees, finding areas for tree planting without compromising other ecological communities.

Other Plans of Management interact with this one and are similarly in need of revision – these are : Plans for Buffer Zones, Weed Management, Feral animals, Threatened species management, Vegetation management.

All of these plan lack important details regards timing, resources, costs, outputs, reviews and consultation with other informed bodies.

★ Ecological Buffers must be designed to maximize their ecological function

★ At least one East – West Wildlife Corridor was planned for in the "Approved Concept Plan" It is supposed to be a **condition** of approval for the plan. It is apparent that the proponent has now reneged on this condition and rejected all available options for this corridor.

This corridor **MUST** be considered in conjunction with Tweed Shire Council and the Dept of Planning if necessary and put in place **prior to approval** of the development.

I have broached only some of the shortcomings in the current environmental plan. There are many other areas particularly involving negative impacts on threatened fauna like the wallum froglet and the acid frog (and others) and on threatened vegetation communities like Heathland & Littoral Rainforest. As an active member of Tweed Landcare I am very concerned about such impacts.

I **STRONGLY URGE** you to accept the report of council staff on the projects shortcomings **including their recommendation for a ban on pet dogs** and to consider these shortcomings in your considerations on this project

Thankyou,

Yours truly,

Kathleen Riordan.