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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

The proposed development includes or is located adjacent to land of high environmental significance including Cudgen Nature Reserve, Cudgen Creek, Koala habitat, State Protected Wetlands (SEPP 14), Endangered Ecological Communities and habitat of Threatened flora and fauna.

The massive scale of the development requires that Environmental Assessment (EA) undertaken by the Department of Planning (DoP) takes into full consideration all aspects of impacts on the environment. The DoP needs to ensure that the community has full confidence that the development will have minimal impact on native flora, fauna, plant communities and waterways prior to approval of Stage 1.

The trust of the community has already been breached by recent clearing of Melaleuca forest adjacent to Blacks Creek and dredging of the creek within Cudgen Nature Reserve adjacent to the development site. This application should be deferred until there is a court decision on the unauthorised clearing and draining of Blacks Creek.

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

Staging of the dedication of environmental protection land to Tweed Shire Council or OEH throughout the project DGR 2.4.

All environmental protection lands 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. There is insufficient detail on the dedication of land to Council and OEH.

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

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 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 east-

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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.

The proponent requests ongoing maintenance of Blacks Creek within the site which includes 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.

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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

Lajos Domonkos

Address

52/62 CADELL RD. MOUNT DURRELL 2484

Date

14/11/12

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P. Carroll

Printed Name

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Tallun Tatali UK

Date

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Printed Name Zohar Moshel

Address 2 Boulder cl. Byangum

Date 14.1.11

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Signature J. Lindsay
Printed Name JUDITH LINDSAY
Address 221, Byangum Rd. 2484
Date 14-1-12

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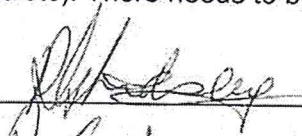
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Address 221 BYANGUM RD. MURWILLUMBAH

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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.

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 neurotoxic,

carcinogenic organophosphates, it would be better. 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. 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. 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. 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.

Signature 

Printed Name John Tolomeo

Address 118 Malabar Ave Smiths Creek 2989

Date 13-1-2012

P O Box 1544

Kingscliff NSW 2487

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001
plan_comment@planning.nsw.gov.au

Online: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2642

Dear Sir/Madam

I would like to make the following comments on the Kings Forest Stage 1 Plan.

- Golf course should use no toxic organophosphate pesticides -- instead use only organic non-toxic pesticides.
- wildlife corridors need to connect and not be fragmented
- need overpasses for wildlife on roads, not just underpasses, including exclusion fencing
- road signage must advise motorists to slow down for wildlife
- speed bumps to ensure maximum speed at 40kph, placed every 100m
- water-saving initiatives to be in place (20,000L water tanks, stormwater harvesting, dual water reticulation, water recycling). This town must be self-sufficient or it will force TSC to build a dam at Byrill Creek impacting koala colonies and 45 threatened species
- all dogs must be banned no matter what size, age or breed - there is no such thing as a 'koala-friendly dog'
- visitors with dogs or cats must also be prohibited
- no koala habitat or food tree is to be felled, no matter where it is
- Koala Beach style plan
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Joyce Hopper

Joyce Hopper

19 January 2012

198

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001
plan_comment@planning.nsw.gov.au

£
COBAKI

Online: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2642

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- all dogs must be banned no matter what size, age or breed - there is no such thing as a 'koala-friendly dog' - NO CATS ALLOWED
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- Koala Beach style plan - MINIMUM BLOCK SIZE $500m^2 - 450m^2$
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Sincerely

(Signed)

Name:

Address:

JOHN STANDING.
1/2 (70) NSW 2486
P.O. Box 868 CULAN CATTIA.

SUBMISSION

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To: THE MINISTER OF PLANNING
THE HONORABLE MR BRAD HAZZARD
Dept of Planning
GPO Box 39
Sydney NSW 2001

Online: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2642

Dear Sir

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Sincerely

(Signed)

Name:

Address:

[Handwritten Signature]
Ari Ehrlich
895 LINCOLNWOOD Rd Tyalgum
NSW 2484

SUBMISSION

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001
plan_comment@planning.nsw.gov.au

Online: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2642

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Sincerely

Nuala Wright

(Signed)

Name: NUALA WRIGHT

Address: 213, TWEED VALLEY WAY, 2484

SUBMISSION

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001
plan_comment@planning.nsw.gov.au

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Sincerely

(Signed)

Name:

Address:

Judy Murray
Tweed Arcade Wharf St Murwillumbah
2484.

SUBMISSION

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001
plan_comment@planning.nsw.gov.au

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Sincerely

(Signed)

Name:

Address:

Finola Horlin
FINOLA HORLIN

7 BALLUNA ST.
TYALGUM 2484

SUBMISSION

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001
plan_comment@planning.nsw.gov.au

Online: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2642

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Sincerely

(Signed)

Name:

Address:

P.P. Bennett
P.P. BENNETT
PO Box 65
TYALGUM 2484

SUBMISSION

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001

Online: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2642

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Sincerely

D. Francis

D. FRANCIS

1113 LIMPINWOOD RD

TYALGUM

24 84

SUBMISSION

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001
plan_comment@planning.nsw.gov.au

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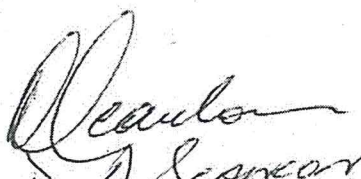
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Sincerely

(Signed)

Name:

Address:


D. D. Seaneor
PO Box 131
TALQUH
NSW 2484

206

SUBMISSION

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001

Online: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2642

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Sincerely

(Signed)

Name:

Address:

[Signature]
102 PASCOE
253 BACK CREEK RD
BACK CREEK 2484

207

SUBMISSION

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001
plan_comment@planning.nsw.gov.au

Online: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2642

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Sincerely

(Signed)

Name:

Address:


JEFF CRAMP
465 THALGUM CREEK ROAD
THALGUM NSW

2484

208

SUBMISSION

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001
plan_comment@planning.nsw.gov.au

Online: http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=2642

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Sincerely

(Signed)

Name:

Address:


Name: WENDY ELVIN
Address: 1640 Byrrill Creek Rd Tyalgum NSW 2484

209

SUBMISSION

Re: 08_0194 Stage 1 Project Application - Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001
plan_comment@planning.nsw.gov.au

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Sincerely

(Signed)

Name:

Address:

Rosealie Ann Thompson
Lot 7. Crystal Vale Estate
Pumpinbil 2454

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

The proposed development includes or is located adjacent to land of high environmental significance including Cudgen Nature Reserve, Cudgen Creek, Koala habitat, State Protected Wetlands (SEPP 14), Endangered Ecological Communities and habitat of Threatened flora and fauna.

The massive scale of the development requires that Environmental Assessment (EA) undertaken by the Department of Planning (DoP) takes into full consideration all aspects of impacts on the environment. The DoP needs to ensure that the community has full confidence that the development will have minimal impact on native flora, fauna, plant communities and waterways prior to approval of Stage 1.

The trust of the community has already been breached by recent clearing of Melaleuca forest adjacent to Blacks Creek and dredging of the creek within Cudgen Nature Reserve adjacent to the development site. This application should be deferred until there is a court decision on the unauthorised clearing and draining of Blacks Creek.

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

Staging of the dedication of environmental protection land to Tweed Shire Council or OEH throughout the project DGR 2.4.

All environmental protection lands 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. There is insufficient detail on the dedication of land to Council and OEH.

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

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 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 east-

west 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.

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Signature

Printed Name

Address

Date


GARY STAMFORD
Mt. Warning Holiday Park, 153 Mt. Warning Rd.
18/1/12 Mt. Warning

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

The proposed development includes or is located adjacent to land of high environmental significance including Cudgen Nature Reserve, Cudgen Creek, Koala habitat, State Protected Wetlands (SEPP 14), Endangered Ecological Communities and habitat of Threatened flora and fauna.

The massive scale of the development requires that Environmental Assessment (EA) undertaken by the Department of Planning (DoP) takes into full consideration all aspects of impacts on the environment. The DoP needs to ensure that the community has full confidence that the development will have minimal impact on native flora, fauna, plant communities and waterways prior to approval of Stage 1.

The trust of the community has already been breached by recent clearing of Melaleuca forest adjacent to Blacks Creek and dredging of the creek within Cudgen Nature Reserve adjacent to the development site. This application should be deferred until there is a court decision on the unauthorised clearing and draining of Blacks Creek.

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

Staging of the dedication of environmental protection land to Tweed Shire Council or OEH throughout the project DGR 2.4.

All environmental protection lands 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. There is insufficient detail on the dedication of land to Council and OEH.

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

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.

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Signature Elizabeth Jack

Printed Name ELIZABETH JACK

Address 893 LIMPINWOOD RD TYALGUM

Date 19-1-2012

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

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. Unauthorised Clearing and Drainage works of Blacks Creek

- i. The exhibition of this development should be deferred so that the public can include comment on the impacts to the development of the recent unauthorised clearing and drainage works of Black's Creek in the Cudgen Nature Reserve SEPP 14 Wetlands, adjacent to Kings Forest, including potential disturbance of Aboriginal sites
- ii. An on site environmental compliance officer is required to prevent these problems.

2. Inadequate Protection of Koalas

The new Kings Forest Koala Plan of Management (KPoM) still fails to protect the Tweed Coastal Koalas which are now in serious jeopardy according to the Tweed Coast Koala Habitat Study 2011.

- i. It is totally unacceptable for this development to put at any further risk the largest and most significant Koala colony left in the Tweed, i.e. 75 Koalas affected by this development with only 144 Koalas remaining on the Tweed Coast.
- ii. Due to the seriousness of the new information provided in the Tweed Coast Koala Habitat Study, which was only released after the Concept Plan was approved, it is incumbent on the new government to adopt the more precautionary approach of the reduced development footprint excluding the sensitive areas of the Cudgen Paddock and the Eastern portion, as previously advocated for by Council and officers of the NSW Department of Environment.
- iii. Failing the above (ii) : As no lot yields were proscribed in the Concept Approval for individual precincts, the majority these lots can be redistributed away from these sensitive areas to the west of the site and significantly minimised by allowing only large lots of minimum 10 hectares.
- iv. The claim in the Concept Plan of being able to maintain the free ranging ability of Koalas across the site was previously used to justify the development in these sensitive areas. With the proposed fencing, now acknowledged as best practice, this significantly reduces the range of the koala and accordingly serves as another reason for the footprint to be reduced.
- v. The Koala Beach model should be used as a minimum standard with no dogs, no visitor dogs, speed bumps, 40km speed limit policies etc.
- vi. The inadequacy of cattle grids in stopping dogs, the maintenance of many kilometres of fences, and the unintended consequences to other fauna of the Nature Reserve from fences and dogs is not adequately addressed.

3. Lack of Biodiversity Protection

Tweed Shire has many State, National and International significance listings, including World Heritage Areas, and is identified as one of Australia's 8 National Iconic Landscapes.

"The Cudgen Nature reserve forms part of the largest remnant of native vegetation on the Tweed Coast and is of significance on a local, regional and state level for its natural values, coastal landscapes and provision of significant habitat for native wildlife." (NPWS 1998).

This Shire already has the highest concentration of threatened species in Australia (TSC SoE).

- i. As such the maximum protections and precautionary principles must be applied.
- ii. Cumulative impact on the environmental from coastal development must be assessed, including on the seasonal fauna of the World Heritage areas that use these coastal lowlands in winter. Referral to the Federal Government and UNESCO is essential.

- iii. The ecological buffer zones should be increased where appropriate to include important ecotones and must not serve multiple uses of fire buffers, roads, golf courses, open space, bike or walking trails, or be subjected to earthworks due to the extreme values of the site.

4. Dams and World Heritage Corridors

Water Sensitive Cities project (WSC) embraces stormwater harvesting, flood management, recycling and reuse programs, rainwater harvesting and water use efficiency programs.

If Kings Forest embraced the National Water Initiative's WSC strategies more fully, including recycled water for toilets and gardens, it would assist in many ways including for the cumulative impact of potential damming of World Heritage corridor Values of Byrrill Creek or the values of Clarrie Hall dam.

5. Lack of Marine Protection

The whole Cudgen Nature Reserve including the Cudgen Lake has been classified as a Marine Protected Area. Cudgen Lake is also classified as a State Significant Coastal Lake and a Sustainability Assessment was recommended before further development approvals, and highlighted as urgent by the Department of Water and Energy in the Concept Plan, but has not eventuated.

- i. A Sustainability Assessment for Cudgen Lake must be provided in the exhibition documents.
- ii. Impacts on the marine ecology of Cudgen Lake, Cudgen Ck and Blacks Ck must be provided.
- iii. Excavation and filling should be prohibited or largely limited to limit impacts on marine ecology.
- iv. Stormwater quality targets should achieve 'no net water pollution' from the site.

6. Flooding and Sea Level Rise

With 94% of the site between 0-10m AHD enormous impacts to the ecology, the amenity and basic infrastructure are predictable in the longer term due to inevitable sea level rise and increased extreme weather events in this low lying floodplain.

- i. The primary response to flooding and sea level rise has been to fill the land and poison the weed growth in the Creek rather than adapt the development to the natural conditions.
- ii. The development must be assessed in terms of the post 2100 year viability of the development and safety of residents due to the significant size of the area likely to be affected, as well as in light of the likely revised sea levels of 1.6m - 2m for 2100 due for release by the IPCC in 2014.
- iii. Provision for both human and ecological adaption and retreat must be catered for under a worst case scenario pre and post the year 2100.

7. Sustainability

The development should aim to be carbon neutral and incorporate the full range of sustainability measures available as this will be one of the last, large Greenfield sites developed for the Tweed.

8. Housing Affordability

Tweed has the highest rate of homelessness in NSW yet the development admits that even the cheapest lots will not be affordable for even moderate income workers.

The exhibition documents must include clear commitments to significantly redress affordability at this stage by providing at least 10% low income affordable housing rather than just rely on grants or later agreements.

9. Lack of Faith in the Planning Processes

Erosion of public confidence due to lack of effective consultation, the obviously inadequate biodiversity protection for this internationally significant environment, developer donations and the new State Government's own recognition of the fundamental flaws of the Part 3A Planning Act.

Signature: 

Date: 22.1.12

Printed Name: Briannan McDonagh

Address: 20 Forest Oak Cres Gungahlin NSW 2488

213

20 1 12

The NSW Dept of Planning,

The Hon. Mr B. Hazzard,

GPO Box 39, Sydney, NSW 2001 /

plan_comment@planning.nsw.gov.au

Dear Sir,

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

The concept Plan for Kings Forest has been approved subject to recommendations from the Director General. The Concept Plan can be changed as Leda have requested some changes, we ask that you consider my submission and formulate recommendations that could improve the environmental and community outcomes from this development.

I have been personally involved in Cudgen Nature Reserve, through regular Landcare activities throughout the Reserve. I was also on the Crowns Land Committee that was precursor to the Nature Reserve. I am a 21 year resident of Bogangar and have seen many changes to the Tweed since coming here. The creation of the Nature Reserve being one of the highlights of my time in the area. During the 21 years we have seen the piecemeal erosion of the Tweed Coast Habitat with the loss of valuable re-growth native vegetation when Salt; Casuarina and Koala Beach was developed. In addition I have seen two massive fires that have severely impacted on the remaining native vegetation to the North West of Cudgen Lake and to the Nature Reserve areas of Round Mountain and private forested areas to the south of Round Mountain. At the recent Tweed Shire Council workshops the threat of fire along with habitat loss and predation by dogs and vehicle impacts as the major cause in the Tweed Coast Koala Population.

Hence I am very concerned on the detrimental impact the massive Kings Forest Development will have on the Nature Reserve and the Tweed Coast Koala population and other Tweed Coast native fauna. My specific concerns are outline below. I ask that you consider these concerns and so that the current concept plan can be modified.

1. Density – the current proposal is for lot sizes far less than the current TSC LEP. My objection is that it sets up a precedent for ongoing development in the shire so that the rural areas of the Tweed would become in fact urban ghettos. The small lot size will allow a large added population (of some 15,000 eventually) which will put a huge strain on the natural resources of the shire including the water supply, impact from stormwater run off & sedimentation issues. The issue of sewage; sustainability issues (green star rating of the housing etc) needs to be reconsidered given the enormity of the development. There is no valid reason why this developer on any other should be allowed to overrun the shires, LEP. The addition of a concentrated min city adjacent to Kingscliff is entirely inappropriate and against any valid planning principle. For example there is insufficient parking along the tweed coast for existing day visitors in summer when people want to come to the beach. There are no beaches that are patrolled all year round just over the summer period. The development should be of a much lower density allowing for native vegetation to be planted within the development and for quality lifestyle not people living in tenement housing. A total population of 1/3 would be more sustainable.
2. Loss of scenic amenity to the wider/adjoining community of such a large development. This development will change the lifestyle; social values; and even psychological well being of the existing population of the shire. Impacts of increased traffic throughout the tweed coast needs serious examination by adding 15,000 people to the roads, who will pay for the need for additional parking in the other villages etc.
3. Threat to Native Fauna by destruction of important areas of high natural value outside of the nature reserve. Specifically the "Cudgen Paddock" area, so Flora & Fauna – it has been recorded that south east of the Kings Forest area. I believe instead of including this area in the development it should be excluded and added to the Nature Reserve as part of the compensatory habitat proposed to be added to the Cudgen Nature Reserve (CNR). There is a great deal of evidence noting the environmental value of this area, I suggest that your department thoroughly re evaluate the environmental values of Cudgen Paddock as part of this review.
4. As per recent public comments I agree that the timing /planning of the development is crucial to minimize the impact on the CNR. I agree the native fauna fencing (paid for by the developer) should be in place before any commencement of land clearing and earthworks. The fencing needs to be the best available durable fencing to exclude Koalas from the residential portion of the development. The native fauna fence should be along the entire boundary to the Nature Reserve for the residential area

(excluding Cudgen Paddock as noted above which should not be developed).

5. The planned added planting of compensatory habitat of Koala Feed trees should be planted prior to any clearing of the residential area (after removal of pine trees and the like). The planting needs detailed planning so that the plantings are successful, the specific tree for the soil type, topography, soil moisture content etc needs careful consideration. The ongoing maintenance/monitoring for min 3 years needs to be included in the costs set aside by the developer. Including replanting of lost/damaged/dead trees. Understory vegetation in addition to just canopy trees needs to be included in any planting.
6. A comprehensive erosion/sediment plan needs to be enacted before any commencement of any clearing/earthworks- obviously this MUST be on land owned by the developer ANY clearing of native vegetation on the nature reserve or any crown land should cause an immediate halt to the development until the land is rehabilitated.
7. This plan needs to consider the wider impact on the stormwater /hydrological/ flood impacts of the development on the adjoining waterways and wetlands. Specifically the impact on Cudgen Lake & Cudgen Creek. There needs to be strict control measure in place so that no adverse impacts take place due to point source pollutants on the waterways or increased nutrient loadings on the waterways. Hence the proposed golf course is entirely inappropriate as the environmental impacts of nutrient run offs from fertilizers used on golf course is well known. Cudgen Lake is in a very fragile state already severely impacted by acid sulphate run off from cane drains up stream that has resulted in past in severe fish kills.
8. Any earthworks /local drainage need s to be considered in regards to the underlying soils especially any acid sulphate soils must not be disturbed by the development.
9. A large environmental bond of say \$500,000.00 should be paid up front to ensure no environmental damage is made during construction; this should include any accidental fires; clearing etc.

10. The existing damage to the Blacks creek bank done by contractors should be rehabilitated prior to any commencement of any works & paid for by the developer.
11. The area of land given over the TSC or National Parks should include a sum of money to allow rehabilitation of that land (planning, weeding, replanting, monitoring etc) & maintenance of the fauna fence for 10 years after the last stage of the development.
12. Flora & Fauna – it has been recorded that over 24 records for the Wallum Froglet, 13 for the Koala, 5 for the Grass Owl, 1 for the Olongburra Frog, 1 for the Endangered Bush Stone-curlew and 3 for the Long-nosed Potoroo and additionally, the identification of a Long-nosed Potoroo Population in and immediately adjacent the Cudgen Paddock/.

I am concerned that no plans are in place to mitigate against the impacts of the development of these native species (except the Koala Plan). The Koala Plan of Management needs further examination and the principles applied to the development. For example the issue of excluding dogs from the development needs to be reconsidered. It is my view they should be excluded in any new developments in the shire that border onto CNR. The loss of any existing large koala food trees within the site needs to be reexamined and possible retention of these trees in a viable area that can be linked to the reserve needs to be considered, This may result in need to change the subdivision house lot plans, but the benefit to the native fauna protection would outweigh the economic disadvantage to the development. In fact it would add to the marketability of the development if it became more native fauna friendly & stretches of fauna corridors to existing koala habitat trees creating existing green space within the development would be a selling point. Thus instead of needing to plant lots of trees outside the development precinct. Linking existing areas of high conservation value kept in the development to the reserve would be of far higher ecological value.

A low speed zone of 40kph should be set within the development to minimize death to native fauna.

Weed management issues that would ensue due to the development – adding all the adjoining houses and likely impact through accidental or illegal dumping of exotic weeds to areas adjoining the reserve needs

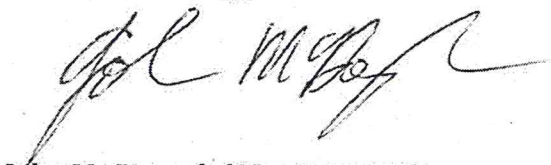
consideration. Any buffer zones/ planted vegetated areas needs to be maintained on an ongoing basis by the developer.

13. Buffer Zones – Minimum 20m buffer zones at all creek ways need to be provided for. Fire exclusion zones of areas that are kept clear of regrowth needs to be between the residential development & the areas of woodland/forest. These zones are to be on the developers land.

14. Access to the Nature Reserve – Should only be for fire trail maintenance use; management of rehabilitated areas. The Nature Reserve is not an area to be used by the public due to possible impact of weed invasion; dogs etc.

Finally please consider the above points when reconsidering this development, so that the future of the shire is not damaged irrevocably by a plan that at present seems to be for maximum economic return without due consideration for sustainable planning principles that should be foremost in the state governments mind when approving large scale developments such as Kings Forest.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Mc Donagh', with a stylized flourish at the end.

John Mc Donagh (02 66 761970)

20 Forest Oak Crescent Bogangar 2488

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

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Signature

Liam McDonagh

Printed Name

Liam McDonagh

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Date

21/1/2012

2488