



RESPONSE TO SUBMISSIONS REPORT

MAJOR PROJECT APPLICATION NO. 08_0194

**KINGS FOREST STAGE 1
SUBDIVISION AND BULK EARTHWORKS**

PREPARED FOR:

PROJECT 28 PTY LTD

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RESPONSE TO SUBMISSIONS REPORT

MAJOR PROJECT APPLICATION NO. 08_0194 KINGS FOREST STAGE 1 – SUBDIVISION AND GOLF COURSE

1.0 INTRODUCTION AND BACKGROUND

Darryl Anderson Consulting Pty Ltd has been commissioned by Project 28 Pty Ltd to prepare a Response to Submissions Report in respect of the Kings Forest Stage 1 Project Application.

On 10 November 2006, State Environmental Planning Policy (Major Projects) 2005 Amendment No. 10 (Kings Forest) was published in Government Gazette No. 135 pursuant to which part of Kings Forest was rezoned but the majority remained in a 2(c) Urban Expansion zone.

Subsequently, following approval of Concept Plan No. 06_0318 for Kings Forest, zoning amendments were undertaken by way of a State Environmental Planning Policy (Major Development) 2005 Amendment which came into effect on 10 September 2010.

On 19 August 2010, Concept Plan Approval No. 06_0138 was issued for Kings Forest for the carrying out of the following:

- ♦ Residential development for approximately 4500 dwellings;
- ♦ Town centre and neighbourhood centre for future retail and commercial uses;
- ♦ Community and education facilities;
- ♦ Employment land;
- ♦ Golf course;
- ♦ Open space;
- ♦ Wildlife corridors;
- ♦ Protection and rehabilitation of environmentally sensitive land;
- ♦ Utility services infrastructure;
- ♦ Water management areas and lake; and
- ♦ Roads and pedestrian and bicycle paths.

Subsequently, the Concept Plan was modified (Modification No. 1) on 22 December 2010. The modification involved minor amendments to the Concept Plan as detailed in Section 4 of the Environmental Assessment Report for MP08_0194.

On 23 December 2010 the Director General of the Department of Planning and Infrastructure issued amended Director General's Environmental Assessment Requirements in respect of Major Project Application No. 08_0194 being an application for:

- ♦ Subdivision to create new lots for future development;
- ♦ Construction of the entrance road to the site and associated intersection works on Tweed Coast Road;
- ♦ Alignment and construction of the proposed Kings Forest Parkway from Tweed Coast Road via Precincts 4/5 through to the western side of the site, as well as the alignment of the two proposed roads through State Environmental Planning Policy No. 14 areas to access the southern (Cudgen Paddock) area;
- ♦ Rural retail development to the east of Tweed Coast Road and access arrangements to this part of the site;
- ♦ Construction works for the first stage (Precinct 5) of urban development; and
- ♦ Bulk earthworks across the site.

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The Project Application was lodged in November 2011 and that application proposed the following key elements:

- ♦ Subdivision to create new lots for future development;
- ♦ Bulk earthworks across the site;
- ♦ Road works comprising:
 - construction of the entrance road into the site and associated intersection works on Tweed Coast Road;
 - alignment and construction of the proposed Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western precincts; and
 - alignment and part construction of two proposed roads through SEPP 14 areas to access the southern precincts;
- ♦ Development of 2,126m² of floor space for rural retail development and access arrangements within Precinct 1;
- ♦ Construction of subdivision and infrastructure works along the Kings Forest Parkway and within Precincts 1 and 5;
- ♦ Maintenance of the existing east-west agricultural drainage channel in the SEPP 14 wetlands within the central part of the site; and
- ♦ The Plan of Development for Precinct 5.

The Project Application also includes the dedication, in due course, of land to the NSW National Parks and Wildlife Service and Tweed Shire Council (see Section 3.9 of the Environmental Assessment Report, Volume 1), subject to entering into a Voluntary Planning Agreement.

Insofar as the subdivision component is concerned, the application proposes the creation of 8 master lots (Lots 1 to 8) and further subdivision of proposed Lot 2 into 410 lots which will yield approximately 442 dwellings, being Precinct 5.

2.0 SUBMISSIONS RECEIVED

During the public exhibition period (December 2011 to January 2012) 302 public submissions and 10 agency submissions were received. Agency submissions were received from:

- ♦ Department of Planning and Infrastructure, (including Ecological Australia Pty Ltd)
- ♦ Tweed Shire Council
- ♦ Environmental Protection Authority
- ♦ Department of Primary Industries
- ♦ Roads and Maritime Services
- ♦ Rural Fire Service
- ♦ Essential Energy
- ♦ NSW Finance and Services (Housing and Property Group)
- ♦ NSW Trade and Investment (Mineral Resources Branch)
- ♦ NSW Office of Water

The purpose of this Submissions Report is to identify intended actions to address the key issues raised in each submission. Meetings will then be arranged with the Department of Planning and Infrastructure, Tweed Shire Council and other relevant State Agencies to discuss the intended actions and agree on outcomes. Following these meetings, a Preferred Project Report will be compiled to address the changes to the proposal including Amended Layout Plans and Specialist Reports.

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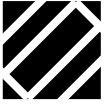
3.0 STATE AGENCY SUBMISSIONS

Key issues raised by State Agencies have been identified following an assessment of the submissions. Those key issues are summarised in the table at **Annexure A**, together with a response identifying the action proposed by Project 28 Pty Ltd to address each issue.

4.0 PUBLIC SUBMISSIONS

Key issues raised in the 302 public submissions have been identified following an assessment of the submissions. Many of the issues raised in the public submissions have also been raised by State Agencies and are therefore adequately addressed in the table at **Annexure A**.

Those key public issues not addressed in the table at **Annexure A** are summarised in the table at **Annexure B**, together with a response identifying the action proposed by Project 28 Pty Ltd to address each issue.



ANNEXURE A State Agency Submissions Response Table

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ANNEXURE A

Kings Forest Project Application No. MP08_0194			
Leda's Response to Submissions received during Exhibition Period			
REFERRAL AGENCIES (SUMMARY)			
Date	3 May 2012		
Line No	Referral/ Page No	Agency and Summary of Issue	Response To Submission
7		<u>DoP</u>	
8		DGR 1.1 Consistency with the Instrument of Approval and Development Code	
9	1	Concept plan term of approval B1 Koala Plan of Management and C2 Management Plans - see detailed comments under DGR 9	
10	1	B2 requires a draft outline of a flora and fauna monitoring report	Draft outline of Flora and Fauna Monitoring Report to be provided with the Preferred Project Report (PPR).
11	1	B3 requires the protection of Heathland for the full 50m of the ecological buffer in certain parts of the site	Road in Precinct 7 will be realigned and removed from buffer.
12	1	B4 requires details of east-west wildlife corridors to be submitted prior to determination of Stage 1	A corridor is not warranted and this will be supported by a Corridor Assessment to accompany the PPR. See comments also at Item 74 .
13	1	C1 requires the Plan of Development (PoD) to be consistent with the Kings Forest Development Code	Plan of Development will be amended to be consistent with Kings Forest Development Code.
14	1	C4 requires a plan showing possible locations of affordable housing in the various precincts	Plan will be provided showing possible locations, but affordable housing will only be provided subject to NRAS funding.
15	1	C17 requires further survey for the square-stemmed spike rush within precincts 13, 14 and 16 to be carried out in the appropriate season	Surveys for this species have been completed multiple times between 2009-2011. This species has not been recorded on the subject site since the Australia Koala Foundation (AKF) record in 2005. It is possible that the species was originally misidentified or that the species no longer occurs. In view of the above no further surveys will be undertaken.
16	1	C20 requires all future development applications proposing development within either ecological or agricultural buffer to demonstrate that clauses 7 or 8 of the MD SEPP have been addressed	The layout of Precinct 5 will be amended such that no infrastructure is contained within the ecological buffers other than a shallow stormwater bio-swale will be located within the outer 20m of the buffer. In addition the asset protection zone will be located clear of the ecological buffer. The koala fence will be relocated to the boundary of the road reserve and the outer 20M buffer. In respect of Precinct 1 the building layout will be amended to enable the asset protection zone (APZ) to be located clear of the outer 20m of the ecological buffer. The issue urban development in the Golf Course buffer including earthworks, etc. is acknowledged particularly in the context of Clause 7 of the SEPP rezoning amendment for Kings Forest. Further mapping of existing heath areas will be undertaken and a review of the earthworks staging will be undertaken to minimise potential impacts on heath vegetation. Earthworks within the golf course 50m buffer will be removed where "heath is to be naturally regenerated". Otherwise, it is intended to retain the existing layout and development proposals within buffers with the exception of Precinct 5.
17	1	Agricultural Buffers Precinct 1	The buildings within Precinct 1 are to be reconsidered to address the EEC and APZ requirements. Gilbert and Sutherland to demonstrate proposed agricultural buffers are adequate. These issues will be addressed in the PPR.
18	2	Ecological Buffers Precincts 1, 2 and 5	See comments at Item 16.
19		DGR 2 Subdivision Design, Layout and Desired Future Character	
20	2	DGR 2.2 See above for concerns about the Plan of Development	As for Item 13.
21	2	DGR 2.5 Further negotiations are required with council to resolve a number of long term asset maintenance issues	A Voluntary Planning Agreement (VPA) is to be negotiated with Tweed Shire Council (TSC) with principles to accompany the PPR addressing ownership, timing, embellishment, maintenance, etc.
22	2	DGR 2.6 Affordable Housing - Please provide an update on the progress of the NRAS funding application	NRAS funding (Round 4) for Kings Forest was unsuccessful. Plan will be provided showing possible locations, but affordable housing will only be provided subject to NRAS funding.
23	2	DGR 2.7 Open Space Network - Further negotiation with council is required concerning layout and maintenance of Open Space	The PPR will include a Parkland Hierarchy Plan addressing compliance with TDCP2008, Section A5 and justifying inconsistencies.
24		DGR 4 Infrastructure Provision	
25	2	DGR 4.1 Substation should ideally be located outside of any environmental protection areas and on land above the 1 in 100 year ARI flood level	Negotiations with Essential Energy to locate the substation in Precinct 2 are being undertaken and the matter will be further addressed in the PPR.
26		DGR 5 Traffic and Access	
27	2	DGR 5.5 Further details are required on how the acoustic fence is to be maintained in the long term	Details of the acoustic fence maintenance arrangements will be included in the VPA.
28	3	DGR 5.6 The department is not convinced that road grids and unspecified traffic calming measures on Kings Forest Parkway and Cudgen Paddock Access Roads are appropriate measures to ensure safe wildlife passage between habitat areas	Review of the use of the grids and/or fencing will be addressed in the PPR.
29	3	DGR 5.7 No specific detail has been provided on how safe fish passage will be maintained by SEPP 14 road crossings	Road crossings within SEPP 14 wetlands to be designed to maximise fish passage, in accordance with DPI Guidelines (Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings). Provision will be incorporated in the PPR and the final Statement of Commitments (SOC) to provide for detailed designs to accompany the Construction Certificate Application.
30		DGR 6 Hazard Management and Mitigation	
31	3	DGR 6.1 Contamination - Further assessment in accordance with SEPP 55 is required	Gilbert and Sutherland to consult TSC and address the issue in the PPR.
32	3	DGR 6.3 Bushfire - The vegetation to the east of Precinct 5 has been assessed by the RFS as 'Forest'. This will have implications for the width of asset protection zones along this perimeter and/or the construction standards for future dwelling under AS 3959-2009	Vegetation categories to be reviewed and APZ requirements addressed in the PPR based on the revised Precinct 5 layout.

ANNEXURE A

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33	3	The department generally considers that outer asset protection zones are acceptable within ecological buffers but inner asset protection zones are not compatible with the intent of ecological buffers and should be provided outside the buffer	See response to Items 16 and 32 .
34	3	The department require that asset protection zone widths and locations to be finalised prior to determination. Building lines or envelopes are to be provided for all lots along the bushfire hazard interface in order for appropriate asset protection zones / building construction standards to be calculated	See response to Items 16 and 32 . The southern part of Precinct 5 will include a fire trail of sufficient width to address construction standards.
35		DGR 6.5 Flooding - The notation on the Precinct 5 Plan of Development that states that there are no flood prone lots is incorrect, please amend	A note will be included on relevant documents that Precinct 5 lots will be at or above the design flood level but below the probable maximum flood level.
36		DGR 7 Water Cycle Management	
37	3	DGR 7.1 The department supports council's request for the installation of a treatment basin at the outlet of the low flow pipe, for containment on contaminants prior to discharge to Blacks Creek	Relevant plans will be amended to include final treatment facilities with details to be provided in the PPR.
38	3	The department also supports council's request for further assessment of the potential impacts of the residual stormwater pollutants, particularly sediment and nutrients entering Blacks Creek and the connected estuarine system	As for Item 37 .
39		<u>Integrated Water Cycle Management Plan</u>	
40	3	Provide clarification of terms used on Drawing No. 10468.3.6 'Vegetated Swales' and 'Bioretention Trenches'	The term bioretention swale is used in the drawing, and these devices are the same as the bioretention trenches described in the text. This issue will be clarified in the PPR.
41	3	Provide further discussion on the relative pollutant removal efficiencies of these different systems and the space that each requires	Further detail can be added to the revised IWCM report. This issue will be clarified in the PPR.
42	4	Will there be enough stormwater discharge from the eastern catchment for groundwater recharge (See 4.1.5 Groundwater Management Plan)?	The groundwater modelling demonstrates sufficient recharge based on recharge into the swale from the eastern catchment only. This issue will be clarified in the PPR.
43	4	DGR 7.2 Erosion and Sediment Control - The department requires further detailed plans showing the sequence of earthworks and maximum exposed areas	The earthworks staging drawings will be broken down into a more detailed set of drawings showing the sequencing of earthworks. This issue will be addressed in the PPR.
44	4	Further details of specific management measures for works within and adjacent to SEPP 14 wetlands are to be provided for review	G&S to add further text to ESCP to address works within and adjacent to SEPP 14 wetlands, in consultation with JWA. The majority of work within and adjacent to the SEPP14 Wetlands proposed during the Stage 1 are bulk earthworks and the specific management measures would be related to erosion and sedimentation control. This issue will be further addressed in the PPR.
45	4	DGR 7.4 Groundwater Impacts - Please provide missing Drawing 10468.6.2	The missing drawing will be attached to the PPR.
46	4	DGR 7.6 Existing Drainage Lines - Adequate impact assessment of the proposed drainage maintenance on Blacks Creek has not been provided	The Drainage Maintenance Management Plan will be revised to address Agency submissions and this will be included in the PPR.
47	4	Please review the Drainage Management Plan, and make any consequential amendments to other reports, in light of the submissions made by the NSW Office of Water, the Department of Primary Industries - Fisheries and the EPA	As for Item 46 . Also see comments at Item 44 .
48		DGR 9 Flora and Fauna	
49	4	DGR 9.3 further specific detail is required on how wetland habitats are to be protected during bulk earthworks	See comments at Item 44 .
50	4	DGR 9.4 Biodiversity Management Plans - The management plans lack the detail that project level plans require	More detailed assessment of proposed impact and rehabilitation areas and more comprehensive and accurate Management Plans will accompany the PPR.
51	4	A major deficiency in the EA and all the biodiversity management plans is a lack of detail on timelines for implementation of recommended works and measurable performance and completion criteria	Whilst the reports do not have a section specifically addressing the timing of works, each management procedure is generally discussed as occurring prior to commencement of construction/bulk earthworks or on completion of construction/bulk earthworks. Further, it is understood that the Site Management Plan refers to the relevant management plans to be adhered to at relevant stages of the development. In relation to performance and completion criteria, the relevant management plans have specific section dealing with these matters. This issue will be further addressed in the PPR and further details can be provided at the Construction Certificate stage by way of a SOC.
52	4	The department require that a monitoring report be submitted with the PPR in order to address the above deficiencies. A more comprehensive Site Based Management Plan may fulfil this requirement, as suggested below	The Site Based Management Plan will be revised to reflect monitoring requirements recommended by JWA and this will be provided with the PPR.
53		Feral animal control plan	
54	4	Further discussion of control options is required	Further discussions will be undertaken with the NPWS and a revised Feral Animal Control Plan will accompany the PPR.
55	5	Further discussion of control options and a coordinated control program with neighbours, such as the NPWS is required	As for Item 54 .
56	5	These inadequacies have previously been made in the Director-General's Report on the concept plan	As for Item 54 .
57	5	Gambusia should be added as a threat	Gambusia will be added to the FAMP and this issue will be addressed in the PPR.
58	5	Weed Control Plan / Vegetation Management Plan	All fairly minor amendments to the report but will require more detailed site specific assessments as mentioned above (in response to DGR 9.4)

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			This issue will be addressed in the PPR.
59	5	Threatened Species Management Plan	The information requested would require more detailed assessment of each individual area of proposed rehabilitation/habitat restoration including soil assessments. The Threatened Species Management Plan included a summary of proposed Acid frog (Wallum froglet & Wallum sedge frog) compensatory habitat works however deferred the completion of the Wallum Froglet Compensatory Habitat Plan (WFCHP) till after the completion of earthworks. The level of detail DoP are requesting now would be covered by the WFCHP and would require the completion of similar management plans for all other Threatened species recorded on the site. This issue will be further addressed in the PPR.
60	5	Koala Plan of Management	We disagree that the references used are dated - they range from 1979 - 2011. Monitoring, timeframes and performance criteria were deferred to the preparation of the Annual Flora & Fauna Monitoring Report (Condition B2). This report will be provided with the PPR, or the KPOM updated to include such Appropriate provisions will be included in the PPR.
61	6	Site Based Management Plan	The SBMP can be revised to condense related sections and provide further detail on performance criteria and monitoring requirements. The SBMP will be reviewed and revised as necessary to be consistent with the DECC document "Improving the environmental management of NSW Golf Courses". Appropriate provisions will be included in the PPR.
62		DGR 10 Earthworks	
63	6	Figure 2 of the EA and the Scope of Works Plan at Appendix H are inconsistent	Amended drawings will be provided with the PPR.
64		The department requires further detailed plans showing the sequence of earthworks and maximum exposed areas	Detailed plans will be provided with the PPR.
65		Plans submitted for earthworks in Precinct 4 are not sufficiently detailed for Project level approval	Clarify with DOPI what further detail is required. Detail will accompany the Construction Certificate Application.
66		Further details are required of the proposed recipient location of fill from Precinct 5 (and Precinct 4 if further details are provided) to enable movement of fill from Precinct 5	See response to Item 64 .
67		Further discussion is required on how the bulk earthworks across the rest of the site is intended to be undertaken	See response to Item 64 .
68		AS 3798-2007 Guidelines for earthworks for commercial and residential development should be referenced	Plans and reports will be amended to refer to AS3798-2007.
69			
70		00. DoP / Eco Logical Australia Pty Ltd (ELA)	
71			
72		Review of Koala and Threatened Species Management Measures for Stage 1 of the Kings Forest Residential Development	
73		This review is divided into relevant headings / issues and structured as follows:	
74	1	Wildlife Corridors and the Safe Passage of Wildlife	See response at Items 12, 28, 29 and 59 .
75	4	Endangered Ecological Communities (EECs)	EEC's on the site being vegetation communities, it is common sense they would be addressed in the "Vegetation" Management Plan rather than the "Threatened Species" Management Plan. The TSMP clearly states in the objectives that it relates to Flora & Fauna. The VMP clearly states in its objectives that it includes EEC's. This issue will be further addressed in the PPR. The ELA report clearly has not researched the location of proposed roads through the central SEPP 14 wetlands and is unaware of the discussions/negotiations that occurred to arrive at the final alignment that was approved as part of the Concept Approval. The location of the road in question avoids the majority of significantly vegetation by utilising and existing cleared/regrowth corridor in this area. This issue will be further addressed in the PPR. The electricity substation will be relocated subject to negotiations with Essential Energy. It is understood that the EPA, & therefore ELA in their faithful repetition of EPA comments, may be referring to dated vegetation mapping in relation to Littoral rainforest EEC. No Littoral rainforest EEC was mapped within the MP's that accompanied the Stage 1 application. This issue will be further addressed in the PPR. Precinct 1 APZ will be located outside of the 50m buffer.
76	5	Threatened Flora	The 5 additional species mentioned have not been recorded on the subject site despite numerous and detailed assessments of the subject site by a multitude of botanical experts spanning over the last 20+ years. No further assessment of flora species that "may potentially occur" on the subject site is considered necessary. In any event, the species mentioned would likely benefit from the proposed habitat retention, enhancement and recreation measures proposed. This issue will be further addressed in the PPR. The fact that the Recovery Plan for the Green-leaved rose walnut is incorrectly referenced does not affect the content of the TSMP in any way. This issue will be further addressed in the PPR.

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			<p>JWA are more than qualified and experienced to identify specimens of Phaius australis should they occur and are well aware that other species of Phaius occur in Australia. This issue will be further addressed in the PPR.</p> <p>It is agreed that the propagation of additional stems of the Stinking cryptocarya would be desirable. This issue will be further addressed in the PPR.</p> <p>ELA provide no argument/evidence/further comments as to why the proposed 10m buffer to the White yiel yiel "seems inadequate". This issue will be further addressed in the PPR.</p> <p>ELA note that there "is some inconsistency in the management actions between the different species". This is a bizarre statement. Management actions for different species will obviously differ based on the specific requirements of each species, their position in the landscape, potential threats etc. etc. etc. This issue will be further addressed in the PPR.</p> <p>The ELA report mentions Arthraxon hispidus in one paragraph of the report when discussing the need for a detailed survey of vegetation areas on site prior to clearing. This is the only mention of this species in the entire report. This species has not been recorded from the subject site despite numerous detailed surveys discussed above. There are only six (6) records of this species in the entire Tweed LGA, the nearest of which occurs near Hastings Point, approximately 5km south of the subject site. This issue will be further addressed in the PPR.</p>
77	6	Threatened Fauna	<p>There may have been an error in the EAR in relation to numbers of Threatened species recorded and considered a possible occurrence on the site. There is also an error in the ELA report. The TSMP's deal with 16 Threatened fauna species total, not the stated 15. The ELA report states that the banning of cats is mentioned in the TSMP but not how this will be achieved. The ELA report states that EAR does state how it will be achieved and that they support the proposal. We are unable to understand the ELA issue. The ELA report refers to the requirement to provide an Annual Monitoring Report. Refer to response above for Condition B2. The ELA report notes a discrepancy between the monitoring proposal within the TSMP (5 years) and the SBMP (6 months). These issues will be further addressed in the PPR.</p>
78	7	Ecological Buffer Zones	Issues relating to development within ecological buffers are discussed at Item 16 and will be addressed in the PPR.
79	9	Vegetation Management Plan	<p>The first 7 comments/recommendations are fairly specific and could be conditioned. This issue will be further addressed in the PPR/revised SOC.</p> <p>It is difficult to determine which Figure 9 ELA is referring to when they mention "the VMP". There were three VMP's prepared for three different sections of the site. In any event, all VMP's are relevant to all vegetated areas. Figures showing regeneration/revegetation are specific to those areas shown. Weed control will be completed throughout remaining areas. This issue will be further addressed in the PPR.</p> <p>There is potentially an error in our Figure 10 (Precinct 1 & 5 VMP). The correct precinct boundary has been used however an error has been made when identifying/overlying heath regeneration areas (ie. the boundaries of these areas were not updated with the last layout change). This issue will be addressed in the PPR.</p> <p>JWA utilised LandPartners management zones which were included in the VMP approved as part of the Concept Approval. We don't see the issue if the boundaries of the Management Zones don't follow the vegetation boundaries. The Management Zones do not cover all vegetated areas as these management zones identify areas requiring site species works. As discussed above, weed control will be completed throughout all vegetated areas. This issue will be further addressed in the PPR.</p> <p>The next 2 points deal with erosion and sediment control. These issues will be further addressed in the PPR.</p>
80	10	Weed Management Plan	<p>Two brief points that could be conditioned. This issue will be further addressed in the PPR/revised SOC.</p>
81	10	Koala Plan of Management (KPoM)	<p>The report is Titled "Kings Forest Stage 1 Project Application: Koala Plan of Management", a detailed description of the proposed Stage 1 works is provided in Section 1.5, and the scope of works depicted in Figure 8. We are not sure how much clearer the "lands to which the KPoM applies" can be described. This issue will be further addressed in the PPR.</p> <p>The provision of any future plans/amendments should be conditioned. This issue will be further addressed in the PPR/revised SOC.</p> <p>The ELA report states that "a detailed CV as provided in Appendix 2 (19 of 88 pages of the document) is not required (or relevant to) a KPoM". It is not clear how this statement fits the brief of an independent review "outlining the potential deficiencies in the project application documentation regarding the proponent's proposed methods to manage impacts....". This issue will be further addressed in the PPR.</p>

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	<p>The ELA report is contradictory stating on one hand that the KPoM has not considered the relationship between food tree species and soil landscapes on the site have not been considered, and on the other hand noting that the KPoM mentions up to 30 species may be preferred by the Koala but mentioning that an exhaustive list of 100 species is provided in the NSW Recovery Plan. There is no way that, with consideration of the soil landscape on the subject site, that 100 potential food tree species would be relevant, particularly given the list within the Recovery Plan covers tree species occurring throughout all of NSW.</p> <p>This issue will be further addressed in the PPR.</p> <p>Again the ELA report is contradictory in stating that the references relied upon are dated, and then offering additional references from 2002 & 1990??</p> <p>This issue will be further addressed in the PPR.</p> <p>Issues relating to the transfer of land to public ownership are not well written and do not make sense. In any event, it is hard to see how this issue relates to the objective of the report.</p> <p>This issue will be further addressed in the PPR/revised SOC and/or VPA.</p> <p>It is disagreed that the proposed 5 year monitoring period would not be sufficient to cover all construction works. The KPoM is for Stage 1 works only. It is also considered that sufficient detail is contained on the monitoring to be undertaken. Further detailed methodologies would be included within the Annual Koala Monitoring Reports (AKMRs).</p> <p>This issue will be further addressed in the PPR/revised SOC.</p> <p>The ELA report suggests that floppy-top fencing should be used without providing justification as to why, then states that no justification is provided for the fencing proposed. More than adequate details and justification for the proposed fencing are provided and the particular type of fencing proposed has been utilised extensively in the northern NSW and south-east Qld regions. Interestingly, in a latter section of the report when discussing the DRAFT Tweed Coast Comprehensive Koala Plan of Management (CKPoM), ELA state that the fencing design proposed at Kings Forest " appears to be consistent with a design effective at koala exclusion purposes". JWA agree with the ELA statement that the entire EPZ between precinct 4 & 7 should be fenced.</p> <p>This issue will be further addressed in the PPR including a review of fencing requirement between Precincts 4 and 7.</p> <p>The future fencing requirements for later stages of development would be subject to assessment at such time that the future DA's are prepared.</p> <p>This issue will be further addressed in the PPR/revised SOC.</p> <p>Agreed that proposed underpasses should contain "furniture". This could be conditioned.</p> <p>This issue will be further addressed in the PPR/revised SOC.</p> <p>It was never intended that funding of maintenance covered by KPoM.</p> <p>This issue will be further addressed in the PPR/VPA.</p> <p>The grid leading into the western precincts would be temporary as future fencing of habitat areas in the western precincts would preclude the requirement for this particular grid.</p> <p>This issue will be further addressed in the PPR.</p> <p>Refer above regarding east-west corridor.</p> <p>See Items 12 and 74.</p> <p>Fire Management not covered by KPoM, but will be addressed in the PPR.</p> <p>Question of the integration of fire management requirements with ecological requirements within the ecological buffers will be addressed in the PPR.</p> <p>No roads through Koala habitat areas are proposed during Stage 1 works (i.e. earthworks only). Traffic calming devices etc. would be the subject of future KPoM's.</p> <p>This issue will be further addressed in the PPR.</p> <p>All relevant previous surveys are referenced and a reference list provided.</p> <p>This issue will be further addressed in the PPR.</p> <p>The comments provided in the ELA report on dogs shows an obvious misunderstanding of the proposed Koala management objectives and procedures on the site. The entire philosophy of the KPoM revolves around the need to separate Koalas and dogs. Koalas will be restricted to suitable habitat areas, and dogs will not have any access to these habitat areas. "Roaming domestic dogs" will not be able to access Koala habitat. Similarly "Koalas entering properties with dogs" will not occur.</p> <p>This issue will be further addressed in the PPR.</p> <p>It is considered that sufficient detail is provided in the KPoM, in combination with relevant TSMP's and VMP's, to adequately direct tree planting.</p> <p>This issue will be further addressed in the PPR.</p> <p>As previously discussed funding of maintenance not covered by KPoM but will be addressed in the PPR.</p> <p>This issue will be further addressed in the VPA/revised SOC.</p> <p>Proposed dog prohibitions within the DRAFT CKPoM are not relevant to the site or the current application.</p> <p>This issue will be further addressed in the PPR.</p> <p>See comments above.</p>

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			Consideration will be given to proposed habitat restoration works on the Kings Forest site being completed by Council and funded by the developer. This issue will be further addressed in the PPR/VPA.
82	14	Acid Frog Compensatory Habitat Plan	<p>The Wallum froglet is the focus of the plan as this species is widespread across the site. The Wallum sedge frog has been recorded in a few isolated locations only. A brief synopsis of the habitat requirements of both species is provided. More detail will be provided in the WFCHP to be prepared at the DA stage.</p> <p>This issue will be further addressed in the PPR.</p> <p>The Ecosense (2005) report is referenced as this plan was implemented as part of the Tugun Bypass and has been successful at recreating habitat for both species.</p> <p>This issue will be further addressed in the PPR.</p> <p>JWA are well aware of the definition of "wallum". It is unclear why this definition has been provided by ELA.</p> <p>This issue will be further addressed in the PPR.</p> <p>There is no requirement in the plan to show vegetation mapping, numerous overlays on soil type, acid sulphate soils, aerial photography were provided.</p> <p>This issue will be further addressed in the PPR.</p> <p>A summary of the existing values/features of each of the 14 proposed compensatory habitat areas (including photographs) was provided. Detailed assessments of each site will be completed as part of the WFCHP. It is agreed that melon-holes may not be required in all areas subject to the detailed assessment.</p> <p>This issue will be further addressed in the PPR.</p> <p>It is agreed that recreating the correct substrates in areas subject to earthworks will be a challenge however it has been completed successfully in the past at Tugun Bypass.</p> <p>This issue will be further addressed in the PPR.</p> <p>Obviously breeding habitat does not currently occur in all proposed compensatory habitat areas. The entire philosophy of the plan revolves around creating additional breeding habitat in these areas.</p> <p>This issue will be further addressed in the PPR.</p> <p>Specific measures have been detailed in numerous management plans to ensure pollution of proposed compensatory habitat areas within the golf course does not occur.</p> <p>This issue will be further addressed in the PPR.</p> <p>JWA disagree that there is no evidence to suggest that dense planting of sedges will assist in the prevention of mosquito breeding.</p> <p>This issue will be further addressed in the PPR.</p> <p>The ELA report states that the reference to the Tugun Bypass habitat is incorrect as melon-holes are proposed at Kings Forest instead of larger ponds, then lists a number of benefits of melon holes???</p> <p>This issue will be further addressed in the PPR.</p>
83	16	Feral Animal Management Plan	<p>Consultation with LHPA during feral animal control works could be conditioned.</p> <p>This issue will be further addressed in the PPR/revised SOC.</p> <p>As clearly stated in the in the FAMP neither the rabbit nor the Indian (Common) myna occur in significant numbers at the Kings Forest site. Hence, specific control measures are not required.</p> <p>This issue will be further addressed in the PPR/revised SOC.</p> <p>Control of Gambusia as it relates to the Wallum froglet and Wallum sedge frog would be subject to the WFCHP when prepared at the DA stage.</p> <p>This issue will be further addressed in the PPR/revised SOC.</p> <p>Accidental trapping of native frog species during light trapping would be the subject of monitoring during the trapping.</p> <p>This issue will be further addressed in the PPR/revised SOC.</p> <p>It is agreed that if successful, light trapping should be included as part of the "regularly (sic.) maintenance regime for the golf course".</p> <p>This issue will be further addressed in the PPR/revised SOC.</p> <p>Installation of furniture at fauna underpasses is agreed. This could be conditioned.</p> <p>This issue will be further addressed in the PPR/revised SOC.</p>
84	18	Drainage Maintenance and impacts to threatened species habitat	<p>Based on the submissions from various departments, the proposal will be revised, removing the need to maintain Blacks Creek in the manner assessed in the drain maintenance management plan. This will avoid impacts to species within the SEPP14.</p> <p>This issue will be further addressed in the PPR.</p>
85	20	Erosion and Sediment Control Plan (Gilbert & Sutherland, 2011)	<p>The ESCP will be revised to identify water quality monitoring locations and specific management practices for works within or adjacent to the SEPP 14 wetlands.</p> <p>This issue will be further addressed in the PPR.</p>

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86	21	Site Based Management Plan (SBMP)	The SBMP will be revised to condense related sections and provide further detail on performance criteria and monitoring requirements. Ecological aspects will be revised to reflect any amendments to the Threatened Species Management Plan and Koala Plan of Management. This issue will be further addressed in the PPR.
87			
88		01. Tweed Shire Council	
89		TSC Summary Points	
90		Engineering:	
91		· Ensuring the provision of stormwater treatment at all urban drainage outlets;	See response to specific issues below.
92		· Long term hydraulic operation of Blacks Creek and associated modelling;	See response to specific issues below.
93		· Concept stormwater management for Precinct 4 to verify bulk earthworks plans;	See response to specific issues below.
94		· Lack of impact assessment for fill importation from external sources under the bulk earthworks concept plans;	See response to specific issues below.
95		· Traffic modelling and the subsequent intersection designs with Tweed Coast Road;	See response to specific issues below.
96		· Road widths and bus accessibility within Precinct 5;	See response to specific issues below.
97		· Lack of detail on engineering plans for on street parking, footpaths and cycle ways.	This issue will be further addressed in the revised SOC. Details will be submitted with the Construction Certificate Application Plans.
98		Open Space:	
99		· Splitting the Kings Forest structured open space into two locations;	See comments at Item 22 regarding DGR 2.7 and the open space network.
100		· Ongoing maintenance for public open space areas.	Details of timing, embellishment and maintenance will be included in the VPA to be negotiated with Council.
101		Planning / Urban Design:	
102		· Accessibility (walk ability) to the town centre;	This issue will be further addressed in the PPR.
103		Approval process for Precinct 1 - rural retail development;	This issue will be further addressed in the PPR. A Part 4 Development Application will be required for the use of the proposed buildings.
104		· Visual implications of acoustic fences;	See comments at Item 27 .
105		· Lack of detail on the plans of development and design guidelines to demonstrate compliance with the Kings Forest Code.	See response at Item 147 .
106		Ecological and Natural Resource Management Issues:	
107		· Dedication of environmental land to Tweed Shire Council;	See response at Item 99 .
108		· Long term management of environmental open space;	See comments at Item 27 .
109		· Timing and content of Voluntary Planning Agreements for managing open space;	A VPA will be negotiated with TSC.
110		· Land uses contained within ecological buffers;	See comments at Item 16 .
111		· Protection of Heathland;	See comments at Item 16 .
112		· Clearing of littoral rainforest within Precinct 1;	See comments at Item 16 .
113		· Conflicting rehabilitation and re-vegetation objectives;	See comments at Item 16 .
114		· Koala management;	See comments at Item 16 .
115		· Bushfire management;	A VPA will be negotiated with TSC to address management and ownership of the APZ, ecological buffers, etc.
116		· Management plan implementation;	This issue will be addressed in the revised SOC and PPR.
117		· Water quality in Cudgen Creek;	These issues are addressed elsewhere in this response.
118		· East west wildlife corridor;	
119		· Wallum Froglet habitat compensation; and	
120		· Monitoring and evaluation.	This issue will be addressed in the revised SOC.
121		The main issues are:	
122	28 - 30	Flooding	The flood modelling will be revisited on the basis that Blacks Creek will be an unmaintained creek with future growth and details will accompany the PPR including any consequential amendments to the subdivision layout and specialist reports and plans.
123	30 - 32	Stormwater Precinct 5	See comments at Item 37 .
124	32	Stormwater Precinct 1	Music Modelling will be submitted with the PPR.

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125	32 & 33	Stormwater Kings Forest Parkway	Council require access to the proposed Bio filtration/ Stormwater reticulation along the median on Kings Forest Parkway. This can be set up during the initial earthworks stages. Council proposes that this is conditioned with the PPR. Engineer to liaise with TSC on form of access track. This issue will be addressed in the revised SOC.
126	33	Stormwater Blacks Creek	See comments elsewhere.
127	33 & 34	Stormwater Ecological Considerations	See comments elsewhere.
128	34 - 37	Bulk Earthworks	This issue will be addressed in the revised SOC and PPR. In summary, it is proposed to submit a Haulage Management Plan prior to importation commencing based on a potential source of fill and a likely haul route and traffic volumes to be addressed in the PPR.
129	35	Bulk Earthworks & Import of Fill	See comments at Item 128 .
130	37	Cut Batters	Mortons Urban Solutions Design Batters do not exceed 1V:2H. We believe that Council officers have made an error in scale. This matter to be clarified with TSC and addressed in the PPR.
131	37	Fill Batters	See comments at Item 130 .
132	37	Engineering Drawings	A1 drawings will be provided with the PPR.
133	37	Future Maintenance	Amended drawings will be included in the PPR.
134	37 - 42	Traffic and Access	
135	38 - 40	Traffic and Access - Intersection with Tweed Coast Road	A Revised Traffic Report will accompany the PPR.
136	40 - 42	Traffic and Access - Precinct 5	
137	40 - 42	Precinct 5: Additional Road (Connection Roads 11 & 12. Garbage Vehicle Access)	The plan of development will be modified to provide a roundabout at the intersection of Roads 8 and 19. This issue will be addressed in the PPR.
138	40	Precinct 5: Potential Bus Route	The plan of development will be modified to provide more pedestrian connectivity and to reduce walking distance to within 400 metres for at least 90% of lots . This issue will be addressed in the PPR.
139	40	Precinct 5: Bus Zones	CRG to liaise with Transit Australia Group regarding future bus routes. Section A5.4.9 of TDCP2008, Section A5 – Subdivision Manual requires bus stops at 300m to 400m intervals (Page A5-41).
140	40	Precinct 5: School Bus Consultation	CRG to liaise with Transit Australia Group and address this issue in the PPR.
141	40	Precinct 5: Kings Forest Parkway Cross Sections	Long sections and cross sections to be provided with the PPR.
142	41	Precinct 5: Acoustic Fence Layout	Relevant plans and reports will be amended with the PPR to delete gaps in the acoustic fence.
143	41	Precinct 5: Footpaths	Amendments for the footpaths will be included in the PPR.
144	41	Precinct 5: Cycle ways	Mortons to provide location and sections of cycleway on PPR Plans.
145	41	Precinct 5: Road Cross Sections (Roads 9, 10, 23 & 27)	Mortons to provide sections and chainages on plans to accompany the PPR.
146	41	Precinct 5: Horizontal Road Alignment	Mortons to provide information on plans denoting curve radius. Swept paths in various critical locations can be provided. To be included with the PPR.
147	42	Precinct 5: Plans of Development	Amended Plan of Development will accompany the PPR.
148	42	Water and Sewer Infrastructure	Review
149	42	Sewer and Water Report	An amended Water and Sewer Report will be submitted with the PPR.
150	42	Existing Sewer System & Description	As above.
151	43	Sewer Flow Estimates	As for Item 149 .
152	43	Sewer Strategy	As for Item 149 .
153	44	Water Strategy	This issue will be addressed in the revised SOC.
154	44	Sewer Reticulation	Amended plans will accompany the PPR.
155	44	Sewer Pump Stations	Amended design will be submitted with the PPR.
156	45	Water Reticulation	This issue will be addressed in the revised SOC.
157	45	Subdivision Plan	A separate lot for a sewer pump station will be included in the amended layout plan to accompany the PPR.
158	45	Existing Council 600mm diameter trunk water main	More detailed drawings will accompany the PPR.
159	45	Integrated Water Management Plan	The revised SOC will address the requirement for a Management Plan.
160	46	Rainwater Tank Sizes	Amended Kings Forest Development Code and Design Guidelines will accompany the PPR.

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161	46 - 49	Open Space and Recreation	
162	46	Open Space and Recreation: Concept Plan Amendment - Structured Open Space	See comments at Item 22 .
163	48	Open Space and Recreation: Access to Depot Road Sports Fields	Access to the sports fields from Depot Road will cease once Kings Forest Parkway is commissioned (2 Lanes only). New access will be provided through Precinct 4.
164	48	Open Space and Recreation - Precinct 5	See comments at Item 22 . A VPA will be negotiated to address the maintenance, timing and embellishment levels of open space.
165	49	Open Space and Recreation - Precinct 1	TSC have no issue.
166	49	Open Space and Recreation - General	This is a matter of detail which should be addressed in the Construction Certificate Application. An appropriate provision has been included in the revised SOC.
167	50	Acid Sulfate Soil (ASS) and Groundwater Assessment	See detailed comments below.
168	50	Acid Sulfate Soil (ASS) and Groundwater Assessment	See detailed comments below.
169	50	Land Contamination	See detailed comments below.
170	52	Drainage Maintenance Management Plan	See detailed comments below.
171	52	Waste Management	A Waste Management Plan will be provided with the Preferred Project Report.
172	53	Building Code of Australia	Kings Forest Development Code to be amended to refer to AS3959-2009 as part of the PPR.
173	53	Affordable Housing	See comments at Item 22 .
174	54	Precinct 1 - Rural Retail Development - Suitability	A Development Application for an alternate use will be lodged if necessary.
175	55	Fencing/Signage at the Entrance to Kings Forest - Visual Impacts	An integrated response from the Traffic Engineers and Landscape Consultants will be included in the PPR. A VPA will be negotiated in relation to management and maintenance of the proposed entry signage and statements within the road reserves.
176	55	Acoustic Fencing along Kings Forest Parkway - Visual Impacts	Paths will be widened to accommodate landscaping mound and plantings. This issue will be addressed in the PPR.
177	56	Plan of Development Precinct 5 - Details on Plans	Development control details will be deleted from the Plan of Development.
178	56	Plan of Development Precinct 5 - Minimum Lot Dimensions	Relevant lots will be amended to comply.
179	56	Plan of Development Precinct 5 - Building Height Limits	A response will be provided in the PPR.
180	56	Plan of Development Precinct 5 - On Street Parking	An On Street Parking Plan will be prepared and provided for Precinct 5 to accompany the PPR.
181	57	Plan of Development Precinct 5 - Terrace Dwellings	This issue will be addressed in the PPR.
182	58	Stage 1 Project Application Design Guidelines	DFA to amend Kings Forest Design Guidelines for Precinct 5 and include with the PPR.
183	58	Kings Forest Development Code Road Cross Sections	This issue will be addressed in the PPR. CRG/MUS to clarify which document prevails as part of PPR.
184	58	Kings Forest Development Code - Updates	Kings Forest Development Code to be updated by DFA.
185	58	Design Review Panel	A Design Review Panel will be established. This issue will be addressed in the PPR.
186	59	Amendment to the Concept Plan - Precinct 4 - The Proposed Town Centre	No substantial change is proposed to the town centre as part of the Concept Plan amendment. This issue will be addressed in the PPR.
187	59	Amendment to the Concept Plan - Condition C13 - Geotechnical	A response will be provided in the PPR including advice from the project Geotechnical Consultants Cardno Bowler.
188	59	Precinct 12 - Adjoining Allotment	A provision will be included in the revised SOC requiring future Development Applications over Precinct 12 to investigate a road link to Lot 77.
189	59	Operation of the SEPP 2005 and the LEP 2006	Agree with approach of TSC and DOPI.
190	60	S94 Contributions	TSC request to cap the # of lots to 1,267 until the Tweed Coast Road duplication from Chinderah to Casuarina should be rejected. TRCP (Road Contributions) have been received by TSC for many years for developments in the immediate area including "Casuarina and Salt". In addition the Kings Forest development will contribute approx \$7,440 per lot in TRCP contributions which equates to approx \$33.5M at the current TRCP contribution over the life of the project. The fact that TSC have not included this upgrade in its current 5 year budget is not the responsibility of Leda. This issue will be addressed in the PPR including compliance with current Section 94 Contribution Plans.
191	61	Essential Energy - Zone Substation	Negotiations are continuing with Essential Energy to locate the substation in Precinct 2.
192	62 - 66	Review of Ecological Matters and Relevant Management Plans	
193	62	Dedication of Environmental Lands	This issue will be addressed in a VPA and revised SOC.
194		Long Term Management of Environmental Open Space	As above.
195		Voluntary Planning Agreements	As above.
196	63	Ecological Buffers	See comments at Item 16 .

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197	63	Protection of Heathland	See comments Item 16 .
198	63	Clearing of Littoral Rainforest	TSC may be referring to dated vegetation mapping in relation to Littoral rainforest EEC. No Littoral rainforest EEC was mapped within the MP's that accompanied the Stage 1 application. To be addressed in PPR.
199	64	Conflicting Rehabilitation and Revegetation Objectives	The relevant MP's clearly and precisely state that some areas will be utilised for more than one rehabilitation purpose (i.e. koala trees in combination with frog habitat etc.) and how this is to be achieved. To be addressed in PPR.
200	64	Koala Management	Additional fencing will be considered as part of the amended KPoM. This issue will be addressed in the PPR. There is no need to ban dogs. Dogs & Koalas will not come into contact. That is the whole point of the fencing plan that Council & the Koala advisory group have shown support for. To be addressed in PPR. Further detail may be required in the KPoM on the proposed bushfire management measures & the specific treatment of proposed Koala food tree areas within and adjacent to APZ's. To be addressed in PPR. It was determined (and an argument provided) during preparation of the KPoM that the east-west corridor would not benefit the local Koala population. The KPoM includes a statement that the merits of an east-west corridor would be re-assessed at the DA stage. However, it may be necessary to complete a Corridor Assessment now to provide more details on the requirements or otherwise of this corridor. To be addressed in PPR. Details of traffic calming devices are not required at this stage as these roads will not be constructed as part of the Stage 1 works (bulk earthworks only). As previously discussed, an alternative to the grid proposal is to just completely fence along both sides of both roads that traverse Koala habitat (i.e. through the SEPP 14 wetlands to the Golf Course precinct) and provide underpasses. This would get rid of the grids, traffic calming devices and reduced speed limits required in future KPoM's. This alternative appears to be preferred/supported by Council. The fencing of the western road to the GC through the SEPP 14 wetlands does present issues in peak flow periods. To be addressed in PPR.
201	64	Bushfire Management	To be addressed in PPR by way of an Integrated Bushfire Management Plan and Koala Management Plan.
202	65	Management Plan Implementation	Should be linked to Subdivision Certificate release - need Implementation Table and Statement of Commitments. To be addressed in PPR and revised SOC.
203	65	Water Quality in Cudgen Creek	The IWCM demonstrates that water quality discharged from the site under the treated developed case is not substantially worse than the pre-developed case, except possibly for nitrogen, and meets Council's deemed to comply requirements. Regardless, monitoring points may be established within Cudgen Creek, where access allows, to identify potential impacts to Cudgen Creek and Cudgen Lake. These monitoring points will be added to the revised SBMP as discussed above. To be addressed in PPR.
204	65	East-West Wildlife Corridor	To be addressed in PPR. See previous comments at Item 200 .
205	66	Wallum Frog Habitat Compensation	Council suggest the proposal is "largely experimental" and fail to recognise that a similar project was undertaken during the Tugun Bypass and has been shown to be successful. This issue to be addressed in PPR.
206	66	Monitoring and Evaluation	See response at Item 10 .
207	66	Matters of National Environmental Significance	See previous comments regarding investigating the littoral rainforest.
208	67	Statement of Commitments	Following agreement on the Response to Submissions Report, a Revised Statement of Commitments will be included in the Preferred Project Report. VPAs will be negotiated with TSC prior to the issue of a Subdivision Certificate to address land dedications. This issue will be addressed in PPR/revised SOC.
209	68	Bushfire Asset Protection Zones	See previous comments re amendments to Precincts 1 and 5 layouts. This issue will be further addressed in PPR.
210	68	Staging of the Development Page 68 of TSC Submission	Construction and Staging Plan to be provided with Statement of Commitments and PPR. See comments at Item 43 and proposed VPA.
211	69	Long-term Management and Maintenance	These issues will be addressed in proposed VPA.
212	70	Ownership and Control	These issues will be addressed in proposed VPA.
213	70	Management and Maintenance Funding	These issues will be addressed in proposed VPA.
214	70	Public Access	These issues will be addressed in proposed VPA.

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215	71	Revegetation and Rehabilitation Works	These issues will be addressed in proposed VPA.
216	71	Bushfire Management	These issues will be addressed in proposed VPA.
217	72	Landscaping	These issues will be addressed in proposed VPA.
218	72	Planning Agreements	A VPA is proposed to be negotiated with DECC and TSC to address issues relating to the transfer of land maintenance, monitoring, rehabilitation, timing, etc.
219	72	Safe Passage of Wildlife	May require additional fencing as discussed previously. To be addressed in PPR. Comments in relation to timing of fencing, lockable gates and fencing along Tweed Coast Road are considered valid. However, any replacement of fencing along Tweed Coast Road should not be the responsibility of Leda. To be addressed in PPR. See comments above in relation to traffic calming devices, alternative to grids, and no need to ban dogs. To be addressed in PPR.
220	73	· Fencing	To be addressed in PPR.
221		· Lockable Gates	To be addressed in PPR.
222		· Tweed Coast Road Fencing	To be addressed in PPR.
223		· Traffic Calming Devices	To be addressed in PPR.
224	74	Fish Passage	Road crossings within SEPP 14 wetlands to be designed to maximise fish passage, in accordance with DPI Guidelines (Why do Fish Need to Cross the Road? Fish Passage Requirements for Waterway Crossings). Further additional detail with CC application. To be addressed in PPR.
225	75	Bushfire Risk Assessment	See comments in relation to Items 16 and 32 .
226	76	Integrated Water Cycle Management	The IWCM shall be revised to incorporate an assessment of the receiving environment and potential impacts to the receiving waters. This will be provided in support of the PPR. To be addressed in PPR.
227	77	Erosion and Sedimentation Controls	Further consideration can be given to the long term of likely site disturbance, which will influence maintenance provisions. Council's water quality data will be reviewed and if appropriate, performance criteria for receiving waters will be established and included in the ESCP. To be addressed in PPR.
228	78	Stormwater Management	The IWCM will be revised to incorporate an assessment of the receiving environment and potential impacts to the receiving waters. Council's water quality data will be reviewed and if appropriate, performance criteria for receiving waters will be established and included in the SWMP & SBMP. This will be provided in support of the PPR. To be addressed in PPR.
229	78	Downstream Flora and Fauna Habitats	See comments at Item 228 .
230	79	Surface and Groundwater Hydrology	Groundwater issues have been considered in detail by NOW & responses to their submission are provided in Items 414 and 415 .
231	79	Groundwater Assessment and Monitoring	Groundwater issues have been considered in detail by NOW & responses to their submission are provided in Items 414 and 415 .
232	79	Overall Water Management	The SBMP & OWMP will be reviewed and revised as necessary to be consistent with the DECC document "Improving the environmental management of NSW Golf Courses". Water quality monitoring locations and criteria will be incorporated as discussed above. To be addressed in the PPR.
233	81	Cats	Further discussion required with DoP re Condition C9 to enable the keeping of cats.
234	81	Riparian Corridors	See previous comments re buffers.
235	81	Wetlands	See previous comments re buffers.
236	82	Management Plans	Issues mainly revolve around Council's unwillingness to take on maintenance/monitoring, etc. responsibilities after 5 years. To be addressed in the PPR/VPA.
237	82	Koala Plan of Management	To be addressed in the PPR.
238	84	Other Plans of Management	All management plans, particularly the SBMP will be revised to be consistent with any amendments to the TSMP, KPoM and other plans that are amended in support of the PPR. To be addressed in the PPR. Major issues in relation to the timing of management actions. Council also requesting that all management actions be costed and the person responsible nominated. All seems to stem back to the fact that Council want no maintenance responsibilities. To be addressed in the PPR/VPA.

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			It is common sense that the Management Plans relevant to Stage 1 would commence when construction commences. A sentence along these lines can be added to the MP's to satisfy Council or a similar sentence could be (and usually is) included in the Conditions of Approval. To be addressed in the PPR/VPA. Some inconsistencies noted between MP's & Bushfire APZ's. To be addressed in the PPR.
239	84	Golf Course Management Plan	The Golf Course Management Plan provisions will be integrated into the SBMP. To be addressed in the PPR.
240	85	Maintenance Period	Link to Subdivision Certificate and Implementation Table by way of SOC - may need to include in VPA. To be addressed in the PPR/revised SOC.
241	85	Measurable Performance Criteria	Issues in relation to performance criteria would need to be resolved through detailed assessments of all proposed rehab areas (i.e. baseline surveys). To be addressed in the PPR.
242	86	Completion Criteria	TSC support noted.
243	87	Review of Koala Plan of Management and Offsets	See comments above on KPoM & east-west corridor.
244	89	Koala Plan of Management - Data, Monitoring, Koala Habitat, Additional Measures	TSC's CKPOM is not relevant to this project. This issue to be further addressed in the PPR.
245	93	Koala Plan of Management - Dogs	See CPA Condition C2(2) an absolute ban is considered to be unreasonable. See Concept Plan Approval Condition C2(2). An absolute ban on dogs is considered to be unreasonable. This issue to be further addressed in the PPR. TSC proposed alternative to grids has merit. Would also remove the need to ban dogs (as stated by TSC on page 95 of their submission). See previous response at Item 200 re grids and fencing of habitat areas. This issue to be further addressed in the PPR.
246	95	Koala Plan of Management - Revegetation, Tree Removal, Dogs, Road Design	The 5 year monitoring & maintenance timeframe is relevant to Stage 1 works only. It is true that most precincts will not be developed for many years. Stage specific MP's will be prepared for each relevant future DA. To be addressed in the PPR. Agreed that Scribbly gum should be added to the Koala feed tree species list in the KPoM. To be addressed in the PPR. Removal of Koala food trees from buffers - refer to above comments on ecological buffers. To be addressed in the PPR.
247	95	Revegetation and Rehabilitation Measures	See comments at Item 246.
248	96	No Removal of Koala Food Trees	<ul style="list-style-type: none"> It is unclear which areas "dominated by identified koala food trees" TSC are referring to as being removed from the Precinct 1 & 5 buffers. Very small areas of paperbark forest (0.1ha) and regenerating Scribbly gum forest (0.03ha) will be removed however the Koala food trees listed for the site within the KPoM do not occur in these particular areas. Similarly, it is unclear which areas "dominated by identified koala food trees" TSC are referring to as being removed from the remaining ecological buffers. Very small areas of Mixed wet/dry coastal heathland to shrubland - with scattered Scribbly gum (0.11ha), Swamp mahogany open forest (0.01ha), Regenerating Swamp mahogany forest and Regenerating Scribbly gum forest with heath (0.09ha) will be removed however the listed Koala food trees for the site do not occur in these particular areas. Council have suggested that Scribbly gum should be added to the list of Koala food trees on the site and whilst there may be a removal of some scribbly gums from the site this is considered to be extremely minor in relation to the habitat available on the site and the additional habitat proposed to be established. Council's "conservative" estimate of 3,600 koala food trees within the 3.27ha of vegetation to be removed is far from conservative and is unequivocally wrong. Koala food trees spaced at 3m centres over a 3.27ha area would likely be the highest density ever recorded. Any amended KPoM will include a count of Scribbly gum to be removed.
249	96	Obligations Regarding Dogs	See previous comments in relation to banning dogs at Item 200 .
250	97	Koala Plan of Management - Sightings, Dog Exclusion, Education, Koala Injury	
251	97	Procedures for Koalas Sighted in Construction or Urban Areas	TSC suggest that measures for operational phase stated in the KPoM need to also be included in the SBMP. The SBMP is for the construction phase only? To be addressed in the PPR.

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252	97	Specification for any Off-Leash Dog Exercise Areas	Contradictory statement that "the presence of dogs on the site is not supported" when Page 95 provides "a possible alternative to the banning of dogs". To be addressed in the PPR. Timing of fencing can be conditioned. To be addressed in the PPR and revised SOC.
253	98	Koala Awareness and Education Measures	Liaison with other groups re scope and resourcing, etc. would be at the discretion of Leda. To be addressed in the PPR.
254	98	Reporting of Koala Deaths and Injuries	To be addressed in the PPR/revised Statement of Commitments based on identified organisations.
255	99	Vegetation Management Plan	
256	99	Short, Medium and Long Term Habitat Rehabilitation Measures	Issues relate to using LandPartners work units (as approved with the Concept Plan) as well as having to identify additional works outside these areas. See previous comments. Issues raised regarding Council not wanting to pay for long-term management. This issue will be addressed in the PPR and proposed VPA.
257	99	Revegetation and Regeneration	See previous comments regarding Koala food trees and heath in combination.
258	99	Rehabilitation of Creeks and Drainage Lines	Not included in the VMP as none proposed. May need to include now in relation to Blacks Creek. To be addressed in the PPR.
259	100	Monitoring of Water Quality and Vegetation Health in Buffers and Environmental Areas	Water quality monitoring in waters directly affected by runoff from the site is proposed. Monitoring locations will be identified in the PPR. The inclusion of Water quality monitoring within a "Vegetation" Management Plan makes no sense. Water quality monitoring should be the subject of a specific plan prepared by a suitably qualified firm. To be addressed in the PPR.
260	100	Monitoring of Vegetation Health Performance Criteria	See previous comments.
261	100	Monitoring Impacts on Cudgen Nature Reserve	The multitude of MP's prepared for the Stage 1 application are considered more than adequate to monitor potential impacts within the vicinity of the Cudgen Nature Reserve. It is considered that any monitoring within the CNR should not be the responsibility of the proponent. To be addressed in the PPR.
262	100	Feral Animal Management Plan	The FAMP was specifically prepared using the LandPartners plan that was approved with the Concept Plan. The TSC comments in relation to the literature available that was not utilised are noted, however there would not likely be any major changes to the outcomes of the Plan. To be addressed in the PPR. Targeted surveys of Feral animals would not likely identify any additional feral animal species on the site. To be addressed in the PPR. Only species included in the Approved LandPartners plan where addressed. It was not considered necessary to amend the list of feral animals within an already approved plan. To be addressed in the PPR. Only management techniques/control options included in the Approved LandPartners plan where addressed. It was not considered necessary to amend the management techniques/control options within an already approved plan. To be addressed in the PPR.
263	101	Aim	See previous comments at Item 262 .
264	101	Review of Relevant Literature	The aim of the Feral Animal Management Plan follows that of the Approved plan prepared for the Concept Application. As stated by DGR 9.11 it was required to "Provide an update to the Feral Animal Management Plan....". This does not suggest a change to the aims or objectives of the plan. This issue will be addressed in the PPR.
265	101	Feral Animal Assessment	See previous comments at Item 262 .
266	102	Assessment of Possible Control Techniques	See previous comments at Item 262 .
267	103	Section 4.3 to 4.6 - Species Specific Techniques	See previous comments at Item 262 .
268	103	Constraints to the Implementation	See previous comments at Item 262 .
269	104	Recommended Control Options	See previous comments at Item 262 .
270	105	Implementation and Monitoring	See previous comments at Item 262 .
271	106	Wallum Frog Habitat Compensation	See previous comments at Items 59 and 82 . To be addressed in the PPR.
272	108	Square Stemmed Spike Rush	See previous comments at Item 15 .

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273	108	Wallum Frog Habitat on Proposed Golf Course	Noted.
274	108	Golf Course Management Plan	Noted.
275	109	Annual Flora and Fauna Monitoring Report	See previous comments at Item 10 .
276	110	Further Protection of Heathland	See previous comments at Item 16 . All areas of proposed heath retention/regeneration occur in either Environmental Protection Zones or Ecological buffers and will be dedicated to either NPWS or TSC. This is considered more than adequate to ensure their long-term protection. Furthermore, provisions of both Weed Management Plans and Vegetation Management Plans will ensure these areas are appropriately restored and managed.
277	112	East-West Wildlife Corridors	See previous comments at Item 200 .
278	113	Development within Ecological and Agricultural Buffers	To be addressed in the PPR.
279	113	Ecological Buffers	See above.
280	115	Precinct 1	See previous comments at Item 16 .
281	116	Precinct 5	See previous comments at Item 16 – Precinct 5 layout will be amended to remove infrastructure from the ecological buffer other than a bioretention basin in the outer 20m.
282	117	Kings Forest Parkway	No issue raised.
283	117	Roads to Southern Precincts	No issue raised.
284	117	Other Precincts	See previous comments regarding ecological buffers adjacent to the golf course and in other precincts.
285	119	Proposed Amendments to Concept Plan Condition C2	The proposed amendments to Condition C2 are intended to provide greater certainty and flexibility in terms of what application require Management Plans and when those Plans are required. This issue will be further addressed in the PPR.
286	120	Additional Comments on the Revised KPOM (Appendix N)	Amendments to the KPOM will be addressed in the PPR.
287			
288		02. NSW EPA	Generally the EPA issue are the same as TSC but will of course need to be addressed individually
289			
290		<i>Attachment 1: Recommended Amendments to the Proposal</i>	
291	2	Ecological Buffer Zones	
292	2	1	See previous comments at Item 16 .
293	2	2	See previous comments at Item 16 .
294	2	3	See previous comments at Item 16 .
295	2	4	See previous comments at Item 16 .
296	2	Koala Plan of Management	See previous comments regarding the KPOM and Item 200 .
297	2	East-West Corridor	See previous comments regarding the east-west corridor at Item 200 .
298	2	Impacts on Acid Frog Species	Noted.
299			
300		<i>Attachment 2: Recommended Conditions of Approval</i>	
301	3	Nature Reserve Impacts and Management	See responses to attachment 3 below.
302	3	Vegetation Management Plan	See responses to attachment 3 below.
303	3	Bushfire Risk Management Plan	See previous comments at Items 32 – 34 .
304	3	Drainage Management Plan	The DMMP shall be revised to reflect changes to the proposed management regime for Blacks Creek (ie minimal impact to reflect natural regime) which will address this issue. To be addressed in the PPR.
305	3	Stormwater Management	See comments above in response to Council's submission.
306	3	Aboriginal Cultural Heritage Issues	See comments below.
307	3	1	See comments below.
308	3	2	See comments below.
309	4	3	See comments below.
310	4	4	See comments below.

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311	4	5	See comments below.
312	4	6	See comments below.
313			See comments below.
314		<i>Attachment 3: Assessment of Proposal</i>	See comments below.
315		1. BIODIVERSITY ISSUES	
316	5	Introduction	
317	5	Use of Ecological Buffers for Development	See previous comments at Item 16 .
318	7	Bio-Retention Swale in the Ecological Buffer Zone	The bioretention swale has been repositioned to ensure that a minimum 30m inner buffer is provided. The swale does not impact upon any ecological values as the existing vegetation in the buffer is pasture for cattle grazing. The swale in this location provides an important function in recharging the groundwater adjacent to the Cudgen Nature Reserve. This issue will be further addressed in the PPR. See previous comments regarding the drainage swale. The location of the swale within the EBZ has been based on the results of an assessment of values to be impacted - none. This issue will be further addressed in the PPR.
319	7	Koala Plan of Management	There is no requirement to acknowledge the Koala Advisory Group or the DRAFT CKPoM in the Kings Forest KPoM. The Kings Forest KPoM was required to be prepared in accordance with the provision of SEPP 44 because a shire-wide KPoM was not in existence. This issue will be further addressed in the PPR.
320	8	KPoM Performance Criteria and Objectives	See previous comments regarding timing, baseline studies/Annual Flora & Fauna Monitoring Report. Also raised as an issue is the responsibility for long-term maintenance (ie. who pays). This issue will be further addressed in the PPR.
321	8	Consistency of Commitments	See previous comments regarding koala trees & heath in combination. Referencing other MP's in the KPoM rather than continually regurgitating what is already detailed elsewhere is considered to be an appropriate approach. It is noted in the introduction of the KPoM that it must be read in conjunction with a list of other MP's. This issue will be further addressed in the PPR.
322	9	Koala Observations and Incidents	This issue will be addressed in the PPR by way of the Annual Monitoring Report.
323	9	Koala Fencing	This issue is addressed in previous comments at Item 200 .
324	10	Domestic Dogs	This issue is addressed in previous comments at Item 200 .
325	11	Koala Food Trees / Habitat Enhancement	Refer to previous comments of references utilised.
326	11	Removal of East-West Corridors	See previous comments regarding the east-west corridor in Item 200 .
327	11	Acid Frog Compensatory Habitat	The proposal is referred to as "experimental" however, as previously mentioned, a similar project during the Tugun Bypass has been shown to be successful. It is unclear which proposed compensatory habitat areas are "well known as core breeding habitat". These areas were selected on the basis that they do not currently represent core habitat. The majority are currently comprised of grazing land, areas recently harvested of slash pine, or areas of regenerating native vegetation requiring significant assisted regeneration. See previous comments, this issue will be addressed in the PPR.
328		Impacts on Cudgen Nature Reserve	
329	12	Dedication of Land to NPWS	This issue will be addressed in the proposed VPA.
330	12	Electricity Substation	See previous comments at Item 25 .
331	13	Precinct 1&5 Vegetation Management Plan	See previous comments regarding the detail of the VMP's. (in response to DGR 9.4). More detailed assessment would be particularly relevant to any areas to be dedicated to the CNR. The more detailed assessments would include: identification & mapping of weed infestations, re-mapping/ground-truthing 2005 vegetation mapping, an assessment of restoration potential of each proposed rehab area, collection of baseline data from existing vegetation communities to allow the preparation of site-specific revegetation species lists and relevant performance criteria. Numerous impact assessments have been completed at the subject site during rezoning and the Concept application. The VMP is required to identify how potential impacts will be mitigated, not complete another assessment of potential impacts. This issue will be addressed in the PPR. It is disagreed that koala trees & heath are inconsistent. The requirement that revegetation works should mimic natural communities that would have occurred in each proposed work area is not an unreasonable requirement. This issue will be addressed in the PPR. The recommendations contained in Attachment 3 of the EPA Submission (Pages 13 - 15) will be addressed in the PPR and revised SOC.
332	15	Bushfire Risk Management Plan	See previous comments at Items 32 - 34 .

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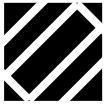
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REFERRAL AGENCIES (SUMMARY)			
Date	3 May 2012		
Line No	Referral/ Page No	Agency and Summary of Issue	Response To Submission
333	16	Legislative Bushfire Management Responsibilities	See previous comments at Items 32 - 34.
334	16	Vegetation Classification and Assessed Bushfire Attack Category	See previous comments at Items 32- 34.
335	16	Landform Assessment	See previous comments at Items 32 - 34.
336	17	Asset Protection Zones	See previous comments at Items 32 - 34.
337	17	Fire Fighting Infrastructure	See previous comments at Items 32 - 34.
338	17	Buffer / APZ / Drainage	APZs for Precinct 5 will be located outside of the ecological buffer. This issue will be further addressed in the PPR.
339	17	Maintenance of Existing Drainage Lines (Blacks Creek)	The maintenance requirements for Blacks Creek have been reconsidered and a revised DMMP will be provided in the PPR, addressing EPA's comments.
340	19	2. FLOODING AND COASTAL MANAGEMENT ISSUES	The flood modelling is being revised to reflect the proposal to avoid/minimise maintenance within Black's Creek. This issue will be further addressed in the PPR.
341		3. ABORIGINAL CULTURAL HERITAGE ISSUES	
342	19	Overview	See comments below.
343	19	Keeping Place	EPA Recommendations EPA Everick Recommended Response
344	20	Aboriginal Site Registration	1. Continued Consultation This recommendation is consistent with the CHMP. Consultation with the Aboriginal stakeholders should continue over an appropriate keeping place. Six monthly project updates are required.
345	20	Legislative Requirements	2. Monitoring This is a condition of the CHMP. Monitoring kits should be prepared. If Stage 1 works require monitoring, appropriate persons should be identified. 3. Find procedure The find procedure proposed by EPA contradicts Evericks CHMP. CHMP allows for immediate clearance of sites with a density of less than 5 artefacts per m2. EPA is recommending stop work and consultation for all finds, regardless of size. Everick should consult with DPI and EPA and establish legal position. The CHMP clearance strategy is very important to having a workable system, as there is a high potential for low density scatters of Aboriginal objects to be located in many parts of Kings Forest. 4. Human remains procedure This recommendation is consistent with the CHMP. 5. Impacts to CH to be negotiated in accordance with CHMP This recommendation is consistent with the CHMP. This is reasonable. Monitoring Kits to include an OEH Aboriginal Site Impact Recording Form. 6. Inductions This recommendation is consistent with the CHMP. These issues will be further addressed in the PPR/ revised SOC.
346			
347		<u>03. NSW Department of Primary Industries</u>	
348			
349	1	Fisheries NSW	The proposed maintenance regime for Blacks Creek is to be substantially revised, to address multiple submissions raising these concerns. This will address most of DPI Fisheries' concerns and will be detailed in the PPR. This issue will be addressed in the PPR.
350	1	Policy for Dredging and Reclamation	As above.
351	2	Policy for Minimising Water Pollution	As above.
352	2	Policy for Snag (Large Woody Debris) Management	As above.
353	2	Agricultural NSW	See previous comments at Item 16.
354			
355		<u>04. NSW Roads & Maritime Services</u>	
356			
357	1	Impact Upon the Safety and Efficiency of the State Classified Road Networks	SIDRA modelling indicates that the proposed priority controlled (Give Way) intersection will operate satisfactorily until 2018 with 500 residential lots. This issue will be further addressed in the PPR.
358	1	Funding Mechanism for all Future Infrastructure Upgrades to the Surrounding Road Network	See previous response to TSC issues at Item 190.

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359	1	Alternate Connection to Cudgen Road	No alternate connection to Cudgen Road is proposed or feasible. The Kings Forest Concept Plan provides for a link road from the Tweed Coast Road to Duranbah Road. Duranbah Road links with Cudgen Road. This issue will be further addressed in the PPR.
360	2	Further Traffic Assessment to Determine Signalisation of Intersection	SIDRA analysis of the Tweed Coast Road / Kings Forest Parkway intersection has revealed that it will operate satisfactorily with 500 lots until 2018. It is therefore recommended that a Traffic Assessment be conducted at that time in accordance with RMS requirements to determine if traffic signals are warranted. This issue will be addressed in the PPR.
361			
362		05. NSW Rural Fire Service	
363			
364		RURAL RETAIL DEVELOPMENT AND ACCESS TO PRECINCT 1	
365	1	Asset Protection Zone	Asset Protection Zones for Precinct 1 have been approved by the NSW RFS. See previous comments. These issues will be addressed in the PPR and revised SOC.
366		1	
367	1	Water and Utilities	Water and utilities for Precinct 1 have been approved by the NSW Rural Fire Service. These issues will be addressed in the PPR and revised SOC.
368		2	
369	2	Access	Access for Precinct 1 has been approved by the NSW Rural Fire Service. These issues will be addressed in the PPR and revised SOC.
370		3	
371	2	Design and Construction	The Bushfire Attack Levels (BAL) and construction standard for precinct 1 shall be assessed and nominated when a Bushfire Hazard Management Plan is prepared to support development applications to erect buildings for precinct 1 in accordance with section 79BA of the EP&A Act. These issues will be addressed in the PPR and revised SOC.
372		4	See comments above.
373		5	See comments above.
374		6	See comments above.
375		7	See comments above.
376	2	Landscaping	The landscaping recommendation outlined within the original bushfire report by Bushfire safe (Aust) 2010 complies with the landscaping recommendations outlined in Planning for Bushfire Protection 2006. Landscaping of open space and residential precincts will address the principles set out in Appendix 5 of the NSW Rural Fire Service, Planning for Bushfire Protection, 2006 in regards to vegetation choice, species selection, location, management and maintenance. These issues will be addressed in the PPR and revised SOC.
377		8	
378		SUBDIVISION, ROAD WORKS AND INFRASTRUCTURE WORKS WITHIN PRECINCT 5	
379	2&3	Asset Protection Zones	The BRMP will use forest classification when readdressing bushfire protection measures. Vegetation classification shall be reassessed using Keith 2004 'desert Dunes to Ocean Shores' as described in Planning for Bushfire Protection 2006 and appropriate APZs identified to comply with relevant construction standard. The Bushfire Attack Levels (BAL) for Individual lots shall be assessed and nominated when a Bushfire Hazard Management Plan is prepared to support development applications to erect dwellings on the approved allotments, in accordance with Section 79BA of the EP&A Act. These issues will be addressed in the PPR.
380		9	See comments above.
381		10	See comments above.
382		11	See comments above.
383	3	Water and Utilities	This issue will be addressed in the PPR and revised SOC.
384		12	See comments above.
385	3&4	Access	This issue will be addressed in the PPR and revised SOC.
386		13	See comments above.

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REFERRAL AGENCIES (SUMMARY)			
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387		14	See comments above.
388		15	See comments above.
389		a)	See comments above.
390		b)	See comments above.
391		c)	See comments above.
392		d)	See comments above.
393			
394		06. Essential Energy	
395			
396	1	Power Line Corridor Dedication	This issue will be addressed in the PPR including the creation of any necessary easement subject to negotiations with Essential Energy and NPWS.
397	1	Suitable Location for an Electricity Substation	See previous comments in relation to relocation of the substation to Precinct 2 (Item 25).
398			
399		07. NSW Finance & Services (Housing & Property Group)	
400			
401	3	Affordability for the Very Low to Low Income Earners	See response at Item 22.
402	3	Greater Diversity of Dwelling Sizes	
403	3	Hill PDA - Affordable Housing	
404	3	Voluntary Planning Agreement	
405	3	NRAS Application	
406	3	Centre for Affordable Housing	
407			
408		08. NSW Trade & Investment - Mineral Resources Branch	
409			
410	1	No Mineral Resources Issues Arising	Noted.
411			
412		09. NSW Office of Water	
413		Recommended conditions of approval (to be read in conjunction with full response)	
414	2	The applicant to prepare a Surface Water Management Plan in consultation with and to the satisfaction of the NSW Office of Water prior to the commencement of works	This issue will be addressed in the PPR and revised SOC.
415	2	The applicant to prepare a Groundwater Management Plan in consultation with and to the satisfaction of the NSW Office of Water prior to commencement of works	This issue will be addressed in the PPR and revised SOC.
416	3	The applicant to prepare an Erosion and Sediment Control Plan to the satisfaction of the NSW Office of Water prior to commencement of works	This issue will be addressed in the PPR and revised SOC.
417	3	It is recommended that the applicant prepare an Acid Sulfate Soil Management Plan to the satisfaction of the NSW Office of Water	An ASSMP has been prepared and was submitted with the ASSA. The ASSMP has been prepared in accordance with industry best practice. It is unclear from the submission whether NOW have reviewed the ASSMP. This issue will be addressed in the PPR.
418	4	The applicant to obtain the relevant licences under the <i>Water Act 1912</i> and the <i>Water Management Act 2000</i> (whichever is relevant at the time application is made) for all activities that intercept or extract groundwater and surface water prior to commencement of these activities	Licence applications will be lodged as required for activities intercepting groundwater. This issue will be addressed in the PPR and revised SOC.
419	5	The applicant must ensure all monitoring bores and works that intersect groundwater are licensed with the NSW Office of Water. All Form A's association with the bores must be submitted to the NSW Office of Water	This issue will be addressed in the PPR.
420	5	The applicant must ensure that infiltration / constructed detention basins, ponds, wetlands, diversion channels and Bioretention are constructed with an impermeable liner to prevent direct infiltration to the groundwater table	Bioretention devices that are the subject of this project application do not infiltrate directly to groundwater and licences should not be necessary. This issue will be addressed in the PPR and revised SOC.



ANNEXURE B Public Submissions Response Table

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Town Planning & Development Consultants

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PUBLIC SUBMISSIONS RECEIVED DURING EXHIBITION PERIOD	
MAIN AND COMMON ISSUES	
Date: 03/05/2012	
Submitters (Public and Groups)	
ISSUE AND RESPONSE	
1	<ul style="list-style-type: none"> • The Bushfire Risk Management Plan to include ecological considerations <p>Response: This issue is addressed in response to the Agency Submissions.</p>
2	<ul style="list-style-type: none"> • The Asset Protection Zones should not be included within Ecological Buffers <p>Response: This issue is addressed in response to the Agency Submissions.</p>
3	<ul style="list-style-type: none"> • The Asset Protection Zones should not be included within Ecological Buffers <p>Response: This issue is addressed in response to the Agency Submissions.</p>
4	<ul style="list-style-type: none"> • Self sufficient in water, with tanks and recycling mandatory <p>Response: The proposed development will be connected to Tweed Shire Council's reticulated water supply scheme and in addition all residential buildings will be provided with rainwater tanks in accordance with BASIX requirements. Recycling of treated effluent is not proposed, in accordance with TSC's Water Supply Demand Management Strategy.</p>
5	<ul style="list-style-type: none"> • Enormous financial, ecological and loss of amenity and basic infrastructure <p>Response: Kings Forest has been planned for urban development since the early 1990s. Numerous ecological investigations have been undertaken in relation to the site's natural values and an urban footprint has been resolved by way of the 2006 rezoning and 2010 Concept Plan Approval. All necessary infrastructure within the development will be funded by the developer and contributions will be paid towards community facilities and other engineering infrastructure in accordance with normal requirements.</p>

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PUBLIC SUBMISSIONS RECEIVED DURING EXHIBITION PERIOD	
MAIN AND COMMON ISSUES	
Date: 03/05/2012	
Submitters (Public and Groups)	
ISSUE AND RESPONSE	
6	<ul style="list-style-type: none"> Funding for ecological maintenance should be provided by the developer in perpetuity <p>Response: It is unreasonable to require any developer to fund ecological maintenance in perpetuity. Clearly, ongoing operational costs should be met by the community by way of normal rates and charges levied under the Local Government Act or a special rate as applies to the Koala Beach Estate.</p>
7	<ul style="list-style-type: none"> The developer should fund the Department of Environment and Heritage or Council to provide an environmental compliance officer as required <p>Response: For the reasons discussed in relation to Item 6, this is an onerous and unreasonable requirement. Funding for an Environmental Compliance Officer should be obtained from normal rate revenue or a special rate.</p>
8	<ul style="list-style-type: none"> Investigation into claims of illegal clearing adjacent to Kings Forest <p>Response: This matter is not relevant to the Response to Submissions Report or Project Application generally.</p>
9	<ul style="list-style-type: none"> Staging of the dedication of environmental protection land to Tweed Shire Council and NPWS <p>Response: This issue is addressed in response to the Agency Submissions.</p>
10	<ul style="list-style-type: none"> The 50m ecological buffer zones should be increased and must not serve multiple uses <p>Response: A 50m ecological buffer is the accepted standard for separating conservation areas and urban footprints. In addition, Clause 7 of the State Environmental Planning Policy (Major Development) 2005 Amendment for Kings Forest enables development to occur in environmental buffers subject to meeting certain criteria. The extent of proposed encroachments has been reduced by effectively removing all infrastructure from the Precinct 5 ecological buffers with the exception of a bioretention swale in the outer 20m. Justification for development within the buffers on other parts of Kings Forest will be address in the PPR and VPA.</p>

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MAIN AND COMMON ISSUES	
Date: 03/05/2012	
Submitters (Public and Groups)	
ISSUE AND RESPONSE	
11	<ul style="list-style-type: none"> Concern that the urban nature of this housing scheme ie its size, numbers and smallness of its housing plots gives rise to a density of development incompatible with the conservation and preservation of the existing koala colony <p>Response: The density and mix of housing types is consistent with contemporary urban planning principles of providing urban choice and optimising yields from urban land to provide more affordable housing, efficiency of infrastructure and housing choice. Densities have been established by the rezoning and approval of the Concept Plan and the Project Application is generally consistent with these documents.</p>
12	<ul style="list-style-type: none"> Reduction of width of agricultural buffers is a concern <p>Response: This issue is addressed in response to the Agency Submissions.</p>
13	<ul style="list-style-type: none"> Treatment of acid sulphate soils and stormwater drainage water quality needs to be monitored 6-monthly, particularly in the receiving waters of Blacks Creek <p>Response: This issue is addressed in response to the Agency Submissions.</p>
14	<ul style="list-style-type: none"> A negative impact on the adjoining Cudgen Creek and Cudgen Lake <p>Response: This issue is addressed in response to the Agency Submissions.</p>
15	<ul style="list-style-type: none"> The EA does not consider impacts from drainage on marine ecology in Cudgen Creek and Cudgen Lake <p>Response: This issue is addressed in response to the Agency Submissions.</p>
16	<ul style="list-style-type: none"> Flooding and Sea Level Rise <p>Response: This issue is addressed in response to the Agency Submissions.</p>

ANNEXURE B

KINGS FOREST PROJECT APPLICATION NO. 08_0194	
PUBLIC SUBMISSIONS RECEIVED DURING EXHIBITION PERIOD	
MAIN AND COMMON ISSUES	
Date: 03/05/2012	
Submitters (Public and Groups)	
ISSUE AND RESPONSE	
17	<ul style="list-style-type: none"> ♦ Domestic cats and dogs should be banned <p>Response: This issue is addressed in response to the Agency Submissions.</p>
18	<ul style="list-style-type: none"> ♦ Buffer fencing needs to be in place before earthworks commence <p>Response: This issue is addressed in response to the Agency Submissions.</p>
19	<ul style="list-style-type: none"> ♦ Maintenance future of the fauna / buffer fencing <p>Response: This issue is addressed in response to the Agency Submissions.</p>
20	<ul style="list-style-type: none"> ♦ Failure to protect biodiversity of the area <p>Response: This issue is addressed in response to the Agency Submissions.</p>
21	<ul style="list-style-type: none"> ♦ Impact must be assessed on the World Heritage values of key fauna species <p>Response: This issue is addressed in response to the Agency Submissions.</p>
22	<ul style="list-style-type: none"> ♦ Monitoring to achieve stated outcomes should be carried out in perpetuity <p>Response: For the reasons discussed in response to Items 5 and 6, it is unreasonable for any developer to fund ongoing monitoring in perpetuity. This should be funded by way of normal rate income or a special rate.</p>

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Submitters (Public and Groups)	
ISSUE AND RESPONSE	
23	<ul style="list-style-type: none"> Ecological rehabilitation across the whole site should be undertaken in the immediate term, not staged as development progresses <p>Response: It is unreasonable and unsustainable to require rehabilitation over the whole site prior in the immediate term rather than on a staged basis because of the financial and operational costs of carrying out the work and maintaining and managing it until such time as actual subdivision works commence in a particular sector.</p>
24	<ul style="list-style-type: none"> The Koala Plan of Management (KPoM) fails to protect the remaining 144 coastal koalas. The current KPoM does not prohibit dog breeds. Developer needs to set aside funds to establish a Management Committee to ensure koala protection and a rate levy to maintain it <p>Response: For the reasons discussed in relation to Items 5 and 6 it is unreasonable to expect the developer to fund a Management Committee in relation to Koala protection. A rate levy for this purpose is considered to be the most appropriate option.</p>
25	<ul style="list-style-type: none"> Environmental Management Plans are lacking description of species proposed for regeneration and revegetation <p>Response: This issue is addressed in response to the Agency Submissions.</p>
26	<ul style="list-style-type: none"> Roads without fencing have 40 kmh speed limits and effective speed controls such as speed humps <p>Response: It is proposed that Koalas will be excluded from the urban road network and by fencing therefore a 40kph limit is not required.</p>
27	<ul style="list-style-type: none"> Removal of Littoral Rainforest which is a state and federally listed Endangered Ecological Community <p>Response: This issue is addressed in response to the Agency Submissions.</p>
28	<ul style="list-style-type: none"> Lack of biodiversity protection <p>Response: This issue is addressed in response to the Agency Submissions.</p>

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ISSUE AND RESPONSE	
29	<ul style="list-style-type: none"> 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 included in all works with all relevant 'bodies' communication and integrating work plans <p>Response: This issue is addressed in response to the Agency Submissions.</p>
30	<ul style="list-style-type: none"> 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 <p>Response: This issue is addressed in response to the Agency Submissions.</p>
31	<ul style="list-style-type: none"> The planned added planting of compensatory habitat of koala food trees should be planted prior to any clearing of the residential area (after removal of pine trees and the like) <p>Response: For the reasons discussed in response to Item 23, it is not financially or operationally feasible to undertake added plantings of Koala habitat over the whole of the residential area until such time as each of those areas is developed.</p>
32	<ul style="list-style-type: none"> The Weed, Vegetation and Threatened Species (Flora) Management Plans and relevant parts of the Koala Management Plan should be integrated in to a Habitat Restoration Plan <p>Response: This issue is addressed in response to the Agency Submissions.</p>
33	<ul style="list-style-type: none"> Multiple issues with the KPOM <p>Response: This issue is addressed in response to the Agency Submissions.</p>

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Submitters (Public and Groups)	
ISSUE AND RESPONSE	
34	<ul style="list-style-type: none"> ♦ The current Koala Plan of Management fails in its aim of protecting koalas <p>Response: This issue is addressed in response to the Agency Submissions.</p>
35	<ul style="list-style-type: none"> ♦ Retaining and enhancing core koala habitat must be an immediate priority <p>Response: This issue is addressed in response to the Agency Submissions.</p>
36	<ul style="list-style-type: none"> ♦ 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) <p>Response: Appropriate fencing will extend around the perimeter of the site abutting the Cudgen Nature Reserve and other environmental protection areas.</p>
37	<ul style="list-style-type: none"> ♦ Developer to set aside funds to establish a Management Committee to ensure koala protection is enforced <p>Response: For the reasons discussed in response to Items 5, 6, and 24 it is unreasonable for a developer to fund a Management Committee in perpetuity. This is appropriately funded by rates revenue.</p>
38	<ul style="list-style-type: none"> ♦ 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 <p>Response: This issue is addressed in response to the Agency Submissions.</p>
39	<ul style="list-style-type: none"> ♦ All existing vegetation in ecological buffers should be retained. Fill should be gained from elsewhere or if within buffers should be from non-vegetated area. Revegetation should focus on expanding areas of existing native vegetation <p>Response: This issue is addressed in response to the Agency Submissions.</p>

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ISSUE AND RESPONSE	
40	<ul style="list-style-type: none"> ♦ Earthwork and Land Clearing affect the whole ecology <p>Response: This issue is addressed in response to the Agency Submissions.</p>
41	<ul style="list-style-type: none"> ♦ Upgrade and maintain drain under Old Bogangar Road <p>Response: It is unreasonable to require the developer to upgrade the drain as it has sufficient capacity to meet the hydrological and traffic requirements generated by the proposed development. In addition, maintenance of the drain in perpetuity is the responsibility of the local authority in accordance with normal practice.</p>
42	<ul style="list-style-type: none"> ♦ All residential lots should be above flood level <p>Response: This issue is addressed in response to the Agency Submissions.</p>
43	<ul style="list-style-type: none"> ♦ Flooding and sea level rise <p>Response: This issue is addressed in response to the Agency Submissions.</p>