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Tuesday March 11, 2014

To: [Ray.Lawlor@planning.nsw.gov.au](mailto:Ray.Lawlor@planning.nsw.gov.au)

**Re: Modification Request – Concept Plan (MP06\_0318MOD 4) and Stage 1 Project Approval (MP08\_0194 MOD 2).** Residential Development, Kings Forest, Kingscliff

Dear Mr Lawlor,

I would like to object to this application for modifications to the Kings Forest development approval. It is obvious to me that the developer aims to undermine the environmental protections put in place by professionals in various fields from both local and state governments and ratified in "Modification of Ministers Approval" (2013).

Following are my objections to the suggested modifications in the document entitled "Modification of Major Project Approval Number 08\_0194 MOD 2". I refer to section 5 entitled "PROPOSED MODIFICATIONS".

#### **5.12 Koala Plan Of Management**

First I would like to object to the proponent's request to delay planting of koala trees. As you are aware the Tweed Coast Koala 's have been declared endangered and the population is at a critically low level so drastic measures are needed to protect this remnant population and habitat.

Planting koala food trees will not compensate for the loss of feed trees as a result of this development but it will help. It will be many years before these trees mature and can be useful as Koala feed trees and so these trees should be planted as soon as possible. Postponing planting to coincide with certain earthworks (potentially years ahead) is simply ridiculous *especially as* the proponent has offered no valid justification for it.

#### **5.15 Bond for Environmental Restoration Works**

I object to the proponent's suggestion that the developers should not be required to lodge a bond to ensure environmental protection measures are met.

Condition 50 currently calls for a financial bond to be lodged with Tweed Shire Council to ensure that all environmental management plans are implemented.

The proponent wants this entire condition *deleted* on the grounds that it does not provide for a refund. However section (b) of the condition clearly outlines the provision of a "refund". This refutes the proponents consequent argument that this bond would somehow be illegal and once again calls into question their genuine commitment to environmental outcomes.

#### **5.1 Definitions.**

I object to the proponent's wishes to replace the definition "*Land to be dedicated to Council as identified on the Council Dedicated Land Plan*" with the wording "**Potential Council Land as identified on the Potential Council Land Plan**". The proponent's aim of this change is obviously to allow, at some time in the future, the proponent to renege on dedicating this land to Council. This dedication of land to the TSC was obviously designed to protect environmentally significant areas and there is no reason to change this.

#### **5.4 Land to be Dedicated to Office of Environment and Heritage (OEH)**

I object to the proponent's wishes to amend the definition of land to be dedicated to NPWS currently entitled "*Offset area*" they would prefer to refer to it as "**Future OEH land**". The developers are suggesting that such land was *not compensation* for development but something they offered "voluntarily". As I understand,

the offset area is an attempt to compensate for some of the detrimental affects of this development and was an important consideration in gaining the development approval. This was an essential consideration in the original approval and it was not “voluntary”. Voluntary also brings in an element of doubt about having to fulfil environmental agreements.

## **5.2 and 5.3 Establishment & Maintenance Periods**

I object to the proponent's wish to *delete altogether* any reference to an ongoing "Maintenance Period" which will negate their responsibility for ongoing maintenance. Who then will maintain these environmental works?

## **5.6 - Management & Maintenance of Environmental Lands**

I object to the proponents attempt to delay the start of environmental management works. The current approval requires the proponent to implement management and maintenance in accordance with Environmental Management Plans (EMPs) on lands to be dedicated to both Council and NWPS and to do so **as soon as those plans are available**.

The environmental management should start as soon as the relevant plans are ready as this will help to reduce the long term impact of this development on habitat and ecosystems.

## **5.11 Baseline Monitoring**

I object to the request to delay *baseline reporting* on the relevant EMPs until **"3 month prior to the commencement of bulk earthworks"**. *It is obvious that* baseline monitoring and reporting should start when the EMP begin to be implemented. If the EPM works and baseline monitoring is satisfactory then earthworks can be considered for approval – not before then.

## **5.14 Environmental Audit Reports**

I object to the proponent's requests that approval for further stages *no longer be contingent* on compliance with environmental audits which monitor *compliance with any of the relevant environmental management plans*. It seems obvious to me that if environmental conditions are not met further stages should not be approved and by removing this requirement the developer has more opportunity not to comply to requirements – which I'm sure is the aim of this change.

## **CONCLUSION**

In the conclusion the proponent justifies the modifications with a general reference to the projects proceeding "in an efficient, viable and timely manner" and the suggesting that the Environmental Assessment accompanying their original concept plan approval is adequate. I disagree with both these suggestions as the environmental assessment has already been proved inadequate and “efficient, viable and timely manner” considers only the developer's plans and profits and no other impacts.

I strongly object to *all* of the modifications outlined here for the reasons already stated.

These modifications obviously negate many of the environmental measures called for in the document "Modification of Ministers Approval" (2013) and so should not be accepted. As you are aware the conditions in this 2013 document are fair, expertly researched and justified considering the highly sensitive nature of the development site and so it would be expected that these established conditions be accepted and implemented by the developer.

Regards,

Kay Bolton

Resident of Tweed