

August 4, 2017

Attention: The Secretary of the NSW Departments of Planning & Environment

Re: MODIFICATION TO KINGS FOREST APPROVAL NO. 08_0194 (MOD4)

Lodged via the website:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8334

Please find below my submission re the proposed Modification to the Proposed Development at Kings Forest. I believe that the proposed modification should be rejected.

I am an active member of the Landcare group "Friends of Cudgen Nature Reserve". As an educator I have also been involved in bringing school groups into the Reserve on tree planting excursions, and in inviting Koala Care experts in to school to speak about the regions Koalas. I am a concerned community member who believes that this modification will seriously harm the already fragile environment of the Tweed Coast.

OVERVIEW: I refer to my submission to the previous stage of approval, below. Approval was eventually given in light of submissions such as this. Further modification now should be rejected.

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The NSW Dept of Planning,

The Hon. Mr B. Hazzard,

Dear Sir,

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

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4. As per recent public comments I agree that the timing /planning of the development is crucial to minimize the impact on the CNR. I agree the native fauna fencing (paid for by the developer) should be in place before any commencement of land clearing and earthworks. The fencing needs to be the best available durable fencing to exclude Koalas from the residential portion of the development. The native fauna fence should be along the entire boundary to the Nature Reserve for the residential area (excluding Cudgen Paddock as noted above which should not be developed).
5. The planned added planting of compensatory habitat of Koala Feed trees should be planted prior to any clearing of the residential area (after removal of pine trees and the like). The planting needs detailed planning so that the plantings are successful, the specific tree for the soil type, topography, soil moisture content etc needs careful consideration. The ongoing maintenance/monitoring for min 3 years needs to be included in the costs set aside by the developer. Including replanting of lost/damaged/dead trees. Understory vegetation in addition to just canopy trees needs to be included in any planting."

This is typical of concerns raised at previous stages of approval. The developer has a history of gaining approval, then seeking further approvals in order to cut costs and/or create extra "value".

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Specific Concerns:

1. Project Approval Condition A13: Management & Maintenance of Environmental Lands

The Proponent requests to change the definition of “preliminary works” to include vegetation clearing, using heavy-duty equipment start ground works, commence access tracks, and start rehabilitation works.

*Also, they propose to change *t*The Project Approval Condition 3: Environmental Offset Areas of delaying the survey work (pegging of boundaries etc) of the environmentally sensitive areas until they commence excavation works.*

Wildlife will not survive the major works which would now happen well in advance, possibly years, of environmental works. Where would the wildlife go in the meantime?

The standing conditions should not be changed.

2. Project Approval Condition 45: Koala Plan of Management

The Proponent seeks to make several changes by adopting a new Koala Plan of Management (KPoM).

The complete removal of the offsite planting of 27 ha of koala habitat in Cudgen Nature Reserve (CNR) is proposed. This change is particularly disturbing, in that we have been working to assist in the reserve’s rehabilitation. The CNR has many areas still degraded & disturbed from previous land use including the part of the reserve that was a banana plantation. Previous approval for Kings Forest was conditional on this environmental offset, which should be maintained.

The planting of Koala trees MUST occur before the wide scale clearing of the development area. The timing of the plantings should not be changed, as it would spell the death knell for Koalas in the wider area.

The size of the compensatory koala habitat planting should not be reduced (from approx. 70ha to 56ha). Firstly, the 71ha figure was considered a minimum before. Secondly, approval for the development was conditional on the higher figure.

The Koala Plan of Management is not a document to amend in favour of the developer.

3. Concept Plan Approval B4: East-West Wildlife Corridor

The Proponent in the existing conditions was to provide a second E/W wildlife corridor in addition to the existing central E/W corridor.

This condition noted it as:

“A fully revegetated east-west corridor generally 100metres wide (with a minimum of 50 metres at any one point)”

The second E/W Corridor should remain as per the existing condition and should be a minimum width of 100m as originally intended. It should not be as proposed by the revised KPoM, which indicated the corridor being at its maximum 50m wide and disjointed and does not connect to the other Koala corridor.

4. Project Approval 46: Koala Infrastructure *the Proponent seeks to modify this condition in respect to roads that pass through environmental zones.*

- *They ask to: Delete reference to roads “requiring fencing on both sides” and merely refer to “fencing”*

- They seek to change the reference to fauna underpasses “installed at sufficient intervals to allow unimpeded movement by ...koalas across roads” by removing the reference to “across roads”
- Also, they suggest that in some locations to use cattle grids instead of fauna underpasses

If this change is approved Koalas will be in direct contact with roads. This is not a plan to manage Koalas, rather it places roads in direct intersection with Koala corridors, with no fencing or underpasses. Cattle grids will not separate dogs from Koala area and from the Nature Reserve in particular.

Again, previous approval was conditional on some protection measures, which at the time I thought were insufficient. Now, to remove fencing and other protection measures endangers not only Koalas but all wildlife in the vicinity.

5. Project Approval 147: Koala Plan of Management

The Proponent seeks to remove use of “calming devices” during preliminary works.

To review the KPoM, to take away measures to protect Koalas, by taking away “calming measures” is both cynical and counter intuitive. Approval should not be given to “water down” let alone remove calming measures during development.

In conclusion, I ask that the NSW Department of Environment & Planning reject the sections of the proposed modification of the Kings Forest previous conditions of approval as outlined above.

Yours Sincerely,



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