

Dated:

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 my submission re the proposed Modification to the Proposed Development at Kings Forest. I have significant concerns regarding this.

I have been involved in Landcare for a number of years including working with Friends of Cudgen Nature Reserve as a volunteer. During this time, I have helped to rehabilitate the degraded areas of the Nature Reserve.

OVERVIEW:

I believe that the proponent's Modifications are inconsistent with the previously issued NSW State Government conditions of approval and hence will be a far worse outcome for Koalas and the wider environment. Therefore, the Department of Planning & Environment (DP&E) should not accept the modifications as proposed.

My Specific Concerns are:

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.

They have then also gone on to seek to have these preliminary works commence before environmental management plans are instigated. Also, they propose to change 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.**

I believe both of these changes (to Conditions A13 & 3) are ill advised & should be rejected by DP&E as they will not allow the environmentally sensitive areas to be identified or properly protected before bulk earthworks & clearing is commenced.

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). I have concerns regarding this major change, in that I believe many of the changes will reduce the benefit of the existing conditions and will in fact lessen the level of protection to Koalas and other fauna. The areas of concern re these changes are:

- a) The complete removal of the offsite planting of 27 ha of koala habitat in Cudgen Nature Reserve (CNR). This change, is particularly disturbing, in that I 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. The proposed inclusion of the 27-ha offsite planting was a very important aspect of the environmental offset to balance the adverse impact that the addition of such a large scaled development will have on the environmental health of the Tweed Coast & surrounding areas. Although there is planned fencing of sensitive areas & the like within the proposed development area, the development will degrade the environmental value of the existing

site. This degradation will be brought about by the cumulative adverse impacts of construction work, noise, dust, loss of fauna movement, increase in weed invasion, increase in predation of fauna. This degradation will decrease the Tweed Coast's biodiversity. Hence the 27-ha offset planting within the CNR MUST be maintained.

- b) Changing of the timing of koala tree planting in accordance with the revised KPoM. I am concerned that this proposal will greatly reduce the mature available Koala food trees when the development proceeds. I request that the existing requirement in the current condition be kept i.e. timing for the planting to occur within 1 month of the KPoM being approved. This is on the assumption the planting will occur well before the development proceeds. Ideally this should be a number of years in advance.
- c) Proposed changes to the areas of compensatory koala habitat planting to be per the revised KPoM 2017. This change proposed will reduce the area of habitat to be planted from 71.12 ha to 56.71 ha, this is a 20% reduction and hence should not be accepted by the DP&E. There should be nil decrease of Koala habitat planting that was earlier approved.

In summary, the proponent asks that the revised KPoM be used to justify its proposed decrease in Koala protection areas & decrease in offset planting both within & outside the development area. I suggest that their logic is flawed by relying on an unapproved heavily modified KPoM. Therefore, I ask that the proposed changes noted above be rejected and the existing conditions remain.

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)"

I believe that 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

I raise the following objections to these proposed changes:

- a) I am concerned that maps in the revised KPoM indicate roads traversing major Environmental Areas with no fencing. This includes the P12-14 areas and also the additional E/W corridor. In both these areas where the road intersects the Environmental Areas the road needs to be fenced and a fauna underpass provided at that intersection.
- b) In addition, the Environmentally sensitive areas P12-14 should have fences around these areas. Similarly, the E/W corridor should have fencing on both sides of the corridor.
- c) The proposed use of cattle grids (areas P2 (Figure 30 & area P2-14 (fig 37) of the revised KPoM are a real concern and should not be used. There is no evidence that these devices will prevent ingress of dogs into Koala Habitat areas or vice versa stop Koalas moving into areas where dogs will have access. The proponent previously refused to make the

development dog & cat free, therefore they must put adequate controls in place to prevent ingress of dogs into Koala Habitat areas.

In summary, the DP&E needs to ensure that correct mitigating measures are in place before any modifications to the approval are accepted so that Koalas are not placed in contact with either moving vehicles or dogs that will harm them.

5/. Project Approval 147: Koala Plan of Management

The Proponent seeks to remove use of “calming devices” during preliminary works. They seek to do this by using the revised KPoM as a reference – it is an unapproved & unreviewed document. This request to remove calming devices should be rejected by the DP& E. The devices are needed as a precaution during construction.

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

Name

Contact Details (email or phone no)