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From: Cheryl & John Forrester <forries@aapt.net.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 1/18/2012 9:18 am
Subject: King's Forest.
Attachments: KF Submission2.doc; Part.002

Please consider the following. I am extremely concerned about this proposed subdivision and its effects on the local koala habitat, their population and their health and safety.

Regards,
Cheryl Forrester

Date: 20 – 12 – 2011

From: Team Koala Inc.

Submission – Kings Forest Development Application number :08_0194

Attention: Director Metropolitan and Regional Projects North

Re: Environmental Management Plan For Kings Forest Estate

Dear Sir / Madam,

Regarding the above I would like to draw your attention to possible revision of the Environmental Assessment (EA) due to the potentially important impact on matters of National Environmental Significance (NES).

The Director General's requirements pertaining to this:

Requirement 5: Consistency of this project with Environment Planning and Assessment Act 1979

Requirement 6: Consistency of project with matters of NES – (Environment Protection Act and Biodiversity Act 1999)

Key Issues:

1. The current KPoM fails in its aim of protecting koalas
2. Retaining and enhancing core koala habitat must be an immediate priority
3. Roads as currently planned present a high risk to wildlife including koalas and other threatened and endangered species
4. The current plans for the golf course present a threat to threatened and endangered species

1. The measures proposed in the current KPoM are inadequate to offset the impact of the development on existing and future koala populations. The KPoM relies solely upon a koala-proof fence to mitigate dog attacks. However, the fence has gaps for vehicle access, where cattle grids are positioned to prevent koalas leaving their protected zones. But these grids have not been tested or proven to prevent *access by dogs into koala protection zones*. Furthermore, fencing breaks down over time and this development offers no maintenance provisions.

Fencing is a good method to separate koalas from vehicles but is inadequate as a way to protect koalas from dogs.

Regarding the management of dogs to prevent koala attacks Govt senate committees have been informed that there is “ little evidence that management responses to address dog attacks on koalas has been effective thus far “ (Threatened Species Scientific Committee 2009)

Various dog management practices that are generally practised include the following:

- a Prohibit certain dog breeds
- b Limit dog numbers
- c Require dusk to dawn housing

The current proposed KPoM for this application fails to do any of these instead it relies *on a single line of defence – a fence – intending to keep dogs out and keep koalas within its boundaries.*

Regarding koala attacks by dogs, The Friends of the Koala Inc. emphatically state that “all dogs impose a deadly threat to koalas” -irrespective of size.

Furthermore: - Scientific evidence shows that any dog bite can kill koalas
- Dog saliva has been proven to be a deadly toxin to koalas

All of this reinforces the point made by the Tweed Shire Council in 2009 (Reports – Item 9) that *'dogs and koalas must not mix'*.

If this proposal was truly concerned for the continued survival of koalas on and near the property it would *ban the ownership of pet dogs altogether*.

Such an approach has been applied successfully at Koala Beach Estate – Pottsville. It was equally close to sensitive koala habitat and applied such a ban *from the outset* which is the only way such a measure can be reinforced.

2. At present this proposal transfers several hectares of land into zone 7(a) – environmental protection – included in these areas are 'core koala habitat'. But these koala habitat areas are noticeably dissected by the proposed development. Koalas instinctively roam between their areas and *must be allowed to roam in safety if they are to survive*. This proposal plans to augment their habitat by planting koala food (& other) trees to fill gaps and create contiguous corridors of protected land within and through the estate. If this is to be effective the following MUST occur:

- No koala feed trees to be felled, no matter where they are.
- Owing to the critical time left for the remaining 144 Tweed Coast koalas the planned feed tree planting needs to proceed immediately for it to be effective.
- These protected corridor zones MUST be suitably fenced to separate koalas and other wildlife from human activities.

3. Under the present plan, specific road design is inadequate for the protection of koalas and their safe passage across habitat areas.

Under the current plan, two-lane roads are designed to go through core koala habitat and environmental protection zones. If the developer is to comply with the aims of protecting koalas and maintaining their safe passage between habitat areas the following needs to apply:

- No higher than 40 kph speed limits
- Speed humps need to be placed at least every hundred metres
- Speed cameras are need to enforce prescribed speed limits
- Electronic traffic speed recorder is needed

4. The golf course management plan is not consistent with the KPOM and the Threatened Species Management Plan.

- Under the plan current koala migration paths go through the centre of the golf course - this is inconsistent with the KPOM and the Threatened Species Management Plan.
- Golf courses are well known corridors for feral animals and, therefore, a danger to koalas and other wildlife.
- Koalas and wildlife crossing golf courses must contend with unrestricted human sport activity.
- Koalas and other wildlife are under threat from inhaling pesticide fumes from poisons used on golf courses.

Conclusion:

Team Koala Inc. concludes that this development will have a negative impact on matters of National Environmental Significance and anticipates that the Director General will require the proponent to revise their EA to address these important matters.

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From: Beth McLaughlan <mclaughlan.beth@gmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 1/18/2012 3:25 pm
Subject: Kings forest - save the koalas

To whom it concerns,

I respectfully ask that strong measures are taken to protect the endangered koala population such as banning dogs from the housing estate at Kings forest.

yours truly,

Beth McLaughlan
(02) 6680 3597

Brent Devine - King's Forest

From: Arnie Armfield <arnie1311@hotmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 1/18/2012 8:35 PM
Subject: King's Forest

The King's Forest development proposed for the Tweed Shire is totally inappropriate for a number of reasons:-

1. The size of the development is way too big for a shire already struggling with population issues.
2. Water-saving issues need to be addressed.
3. The Tweed's dwindling koala population will be put under even more pressure by more people and their pets.

Yours Sincerely,

Greg Armfield

PO Box 628

Murwillumbah 2484

NSW

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Brent Devine - Kings Forest Submission

From: Mark Palmer <markpalmer001@gmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 1/18/2012 9:33 PM
Subject: Kings Forest Submission

I wish to lodge the following submission re the King's Forest Development;

I believe that In order to protect Koala population adequately the following measures are required

1. That all roads without fencing have 40 kmh speed limits and effective speed controls such as speed humps
2. That native forest areas be fenced off
3. That a total ban on the keeping of dogs of any size or breed should be imposed.

Mark Palmer BLandMgmt (Ecol Agric)
459 Blade Rd Stony Chute 2480

5th January 2012

To The Director Metropolitan and Regional Projects North

Major Projects Assessment

Dept of Planning

GPO Box 39

Sydney, NSW 2001

Minister for Planning The Honourable Brad Hazzard

From Drs Angela Rose and Peter De Wilde, Immediate Neighbours of KINGS FOREST PROPOSED DEVELOPMENT

11, Secret Lane, Kings Forest, NSW 2487. Tel 02 6674 0625, 0429 080 330

Lot 2 DP 597802

Re : Kings Forest Stage 1 Subdivision and Bulk Earthworks

Application No 08_0194

Submission of Objection & request from the Planning Minister for Full Inquiry.

Dear Sir/Madam,

We object to the Kings Forest Development on the following grounds :

We are an operating Horse Breeding Stud in Kings Forest.

The cattle grid idea is totally unsafe and risks a horse breaking his leg, ultimately causing death.

It is an extreme hazard.

We often have to load and unload horses at the junction of Secret Lane and Depot Rd onto semi trailer horse wagons, which cannot access Secret Lane.

Presently this is a safe procedure, but this will change if the development goes ahead.

How will we load our horses, how will the horse wagons turn around ?

Semitrailer access is also required for the delivery of fencing, farming equipment ,feed etc.

We have also considered relocating a house to our property and very wide access is required for this.

A cattle grid is proposed- this is totally unsafe for horses, our children on bicycles etc.

This means we effectively trapped by koala fencing and a cattle grid- unable to ride horses/lead horses out of Secret Lane. Also unable to walk or cycle out of Secret Lane.

And will the cattle grid stop koalas leaving, and dogs entering ? Where is the evidence?

We use Secret Lane/Depot Rd to access the South west of our property where we have an arena area. It is also Zoned Tourist Use- how will we access this ? We cannot access it through our property as it is protected wetlands and are not allowed to build a bridge or causeway.

We need to be able to access the SW part of our block by tractor, car and horse.

How do we access the SW corner of our block ?

The Developer has never approached us explain the intention of a cattle grid, which we feel is very poor.

The cattle grid proposed would effectively not allow us to use this part of our property on foot or with a horse.

The cattle grid will reduce the value and limit the use of our property.

We need a wide, safe and attractive entrance to our property, as exists now.

We are an established, functioning farm and should be able to continue in a free and safe and peaceful manner.

How effective is the koala fence, how high will it be ?

The traffic and work noise is going to affect us greatly- sound travels freely in a rural setting.

There will be a large amount of dust generated in earthmoving works – causing some to enter our tank drinking water, soil , grass etc.

Again, the noise will devalue our property, and also disturb us, and our horse breeding.

We live in the original farm house, with thin walls, no double glazing, and have to leave the windows open for ventilation. We will be greatly disturbed by noise.

Should the development have to go ahead, we request an acoustic barrier along our border to reduce noise.

We also request work to occur [including the passing of trucks] only Monday-Friday 9am to 5pm, with no work occurring on bank holidays.

We also require an agricultural buffer of 150m to be applied.

Presently there is very poor drainage at the junction of Depot Rd and Old Bogangar Rd- it is always blocked.

How will our area and Kings Forest Development drain, who will maintain it ?

Who will maintain the koala fencing and acoustic barriers ?

Presently the koala fencing on the Tweed Coast Rd is damaged, broken and in very bad repair.

What are the plans precisely for Precinct 2 and 3 which will neighbour us ?

Changes in soil acidity, and the introduction of weeds will affect our pasture production- good pasture is essential for us to be viable, and we work tirelessly to create and maintain this.

We have to perform weed spraying and lime spreading, this lime dust can blow onto neighbours- not ideal for a school or community centre to be next to us for their safety.

Although earmarked by Leda as pasture , our land has the highest potential to be used again for small crops/cane- as has been the case for the past 100 years !

Filling of low lying land at the development will reduce ground water levels-this causes an increase in soil acidity/subsoil acidity which will directly affect our dams and land.

Higher acidity causes weed growth for us, requiring an even greater need to apply [costly] lime.

We live in harmony with the native animals- we drive slowly and quietly ,and are lucky to be surrounded by wallabies, birds of many varieties, lizards, insects, frogs etc.

You will have had hundreds of submissions describing the uniqueness of the Kings Forest Area and the essential need to protect it. Koalas will die off, so will the rare species of other fauna and flora.

Birds [eg Black Tailed Cockatoos]will disappear- due to noise, domestic animals and loss of habitat.

Koalas need to roam freely, to breed, the traffic, noise and dogs will kill them off, and also other native animals.

Dogs are also a risk for our foals at birth, as the afterbirth can attract them.

The developer has illegally cleared land already at Blacks Creek , is a repeat offender- and has come under severe criticism from Upper House MP Cate Faehrmann, to name just one .

The argument that the development will create jobs- well maybe in the short term- but local jobs, unlikely. Where will the employment come from to bring in a bigger population ?

Many people in the Tweed already have to work in Brisbane, the Gold Coast, Lismore etc as there is a shortage of local jobs.

There is no infrastructure set up to support a massive population increase- for example, Kingscliff High School already takes 1700 students, and Council are not able to build another state school at Kings Forest ,due to lack of money. Who knows if a private school will be interested- but not everyone can afford a Private High School.

Tweed Heads Hospital is already at capacity- Maternity Wards and Medical Wards are overwhelmed.

What many new to this area do not realise is that there are no Public Outpatient Clinics at Tweed Hospital- patients have to travel to Gold Coast Hospital [if they are accepted, that is] or go to the Private Hospital at Tugun.

Murwillumbah Hospital has had its services reduced, not increased, with no Doctors covering the Maternity Unit.

We live in the bush, and any fires at our property would be devastating, especially considering the difficulty of evacuating horses and foals.

An increased population drastically increases the risk of deliberate and accidental fire starting.

Presently, we and our neighbours are vigilant and respectful of fire bans. A larger population brings in more risk of fire.

For us to move 10 mares and foals immediately is not possible.

Where will water supply come from for the proposed development ?

We ask you to please consider the issues we have raised.

We cannot tolerate a cattle grid or loss of safe access for horses and large trucks/semitrailers.

We are unhappy that the development will devalue our land, affect our farm, including the wellbeing and safety of the breeding horses, and we will lose our quiet ,peaceful environment.

We request an acoustic barrier.

We fear the fire risk, the change to air and soil quality, the noise, and the unavoidable loss of native species. Dogs and cats must be banned if it does go ahead.

Thought must be given to the ongoing maintenance once the developer leaves.

How will the development be audited and policed ? We are fearful of more illegal clearing, especially involving our agricultural buffers.

The Tweed is what it is because of rolling hills and forests, this development will ruin it.

I see there are still many unsold blocks of land at reduced prices at Salt, Casuarina and Seaside City, Koala Beach and Pottsville, so why do we need more development ?

Thankyou for your time,

A personal reply, especially addressing the cattle grid and safe access, boundaries and buffer is requested please.

Yours sincerely,

Dr Angela Rose and Dr Peter De Wilde

Schmick66@hotmail.com

11, Secret Lane, Kings Forest, NSW 2487. Tel 02 6674 0625 0429 080 330.

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

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

Dear Sir/Madam,

I hereby wish to object to this Stage 1 application for the following reasons:-

1. Unauthorised Clearing and Drainage works of Blacks Creek

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

2. Inadequate Protection of Koalas

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

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

3. Lack of Biodiversity Protection

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

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

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

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

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

4. Dams and World Heritage Corridors

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

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

5. Lack of Marine Protection

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

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

6. Flooding and Sea Level Rise

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

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

7. Sustainability

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

8. Housing Affordability

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

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

9. Lack of Faith in the Planning Processes

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

Signature:  Date: 19/01/2012

Printed Name: Helen Denning

Address: 2/26 riviera ave, tweed heads west, nsw 2485

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From: "Christopher Core" <ccore@lism.catholic.edu.au>
To: <plan_comment@planning.nsw.gov.au>
Date: 1/19/2012 7:40 pm
Subject: KINGS FOREST Stage 1 Subdivision and Bulk Earthworks - Application No. 08_0194

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

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

Dear Sir/Madam,

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

Our Group, "Friends of Cudgen Nature Reserve Landcare Group" is a volunteer Landcare organization that was formed to protect the widespread misuse of Crown lands in the Cabarita Lake / Round Mountain area under a former Trust. We, along with others lobbied for the establishment of Cudgen Nature Reserve, and have since performed regular Landcare activities throughout the Reserve. We are also lobbying for the consolidation of the existing Nature reserve by adding environmentally valuable land adjoining. It concerns us greatly that the hard won environmental protection – and enhancement – could be lost by the adoption of the Kings Forest Development as it currently stands.

Firstly, our organization would like to see the Nature Reserve consolidated along environmental zones rather than lines on a map. In this regard, there are areas of the proposed Kings Forest development that are of high ecological value and would fit in perfectly with an expanded and therefore enhanced Nature Reserve. If the developer was in for "the long haul" they would be trying to attain this, as the long term livability of the area for humans as well as flora and fauna would be enhanced by adding areas to the Nature Reserve. A particular area that stands out to be added to the Nature Reserve is the "Cudgen Paddock" area, which could be an environmental centerpiece if the developer could adapt their plan to fit in with environmental principles. There is ample evidence elsewhere as to the environmental value of this area, we would be happy to provide details if needed. A side issue as to whether the development proponent should have provided a truly independent report on this area is open to question.

Our other general concern is over the sheer scale of the proposed development. The population numbers will swamp the surrounding Reserves, Villages, Beaches and Recreational areas, putting intolerable "people pressure" on the area. The size of the forecast population is not sustainable, and to allow the development in its current form puts the consenting body in the position of applying last century's values to a changed world. The developer could still make handsome profits by reducing the "environmental footprint" of the scheme and charging a premium for quality living.

SPECIFIC CONCERNS

Our Group also have a number of specific reasons as to why the proposal in its current form should be rejected. These reasons include:

1. Dedication of lands

FCNR is generally in support of the land dedication to the Nature Reserve however the acceptance of such must not be viewed as a "green light" to the proposal.

The Timing of the handover is unclear. This is important, we see it vital that any land given to the reserve be done so before development, so that it can be fenced and protected right from the

beginning. The scale of the bulk earthworks is so massive that spill over effects onto nearby land seem inevitable. The early fencing of the Nature Reserve might mitigate against other problems. Funding of the fencing of the Nature Reserve should be at the developer's expense. There should be a fund established that caters for the ongoing maintenance of fencing, weed management and ongoing tree planting.

We would prefer more land dedicated in the Koala corridor areas, to consolidate the Nature Reserve, especially in the area known as "the Cudgen Paddock" to the south east of the Kings Forest site.

2. Watercourses. We are very concerned about drainage of the site, its impact on the Nature Reserve and the lack of hydrological detail in the current proposal. Bulk earthworks should not be allowed to commence until drainage issues are firmly solved. The apparent unintentional dredging of Black's Creek in the Nature Reserve that leads to Cudgen Creek was very unfortunate and our group sees it important that the creek be restored to its former state before the development begins. In its former state it would somewhat purify water that flows from the bulk earthworks. We draw your attention to the Director Generals Requirements, below.

"The Environmental Assessment for the Concept Plan must include:

4) Consideration of any relevant statutory or non-statutory requirements, in particular relevant provisions ofDevelopment Control Plans"

"Proposals to convert natural watercourses to artificial drains (or remove riparian vegetation or adversely affect existing aquatic habitats) will only be considered if such proposals are part of a site management plan that will result in an enhanced net environmental outcome. Such proposals also require the approval of Dept of Planning who have indicated they do not generally support conversion of natural watercourses to artificial drains."

3. Flora and Fauna

There are over 24 records for the Wallum Froglet, 13 for the Koala, 5 for the Grass Owl, 1 for the Olongburra Frog, 1 for the Endangered Bush Stone-curlew and 3 for the Long-nosed Potoroo and additionally, the identification of a Long-nosed Potoroo Population in and immediately adjacent the Cudgen Paddock.

There are no measures proposed that would save these populations. In fact, the proposed Koala management practices are poorly considered and inadequate in the extreme. The more detailed Koala Plan of Management has been completed since the original proposal, it should be applied rigorously before the concept plan is ratified and this Application approved.

For example, The Koala Plan as it stands proposes to fence off Environmental Protection areas to eliminate the threat of dog attacks on koalas, but does not make suitable provision for koalas to traverse the 4 lane carriage way, negotiate a business park and the proposed fencing to access their habitat.

Koala movements through the proposed development area are at risk. The loss of habitat (even single trees) used for feeding or refuge, roads, people, will cause disorientation, stress and likely death of native fauna. Its not just a matter of providing overpasses, fauna require large patches of vegetation without major intrusions

Roads and Traffic management policies do not take into consideration fauna movements. Also there are inadequate provisions for control of domestic animals, close to a Nature Reserve. At the very least every policy enacted at "Koala Beach" should be used in this new development, should it go ahead.

FCNR see that it is preferable to be enhancing existing habitat rather than providing compensatory habitat. Again, it is vital that the Nature Reserve be properly fenced off before the earthworks begin.

There has been no assessment of the long-term prospects for biodiversity conservation in the wider area. Cudgen Nature Reserve needs the high value components of the Kings Forest lands to achieve a viable reserve system, for example the areas of the Cudgen paddock known to have supported Koalas in the past.

4. Fencing

The policy of "removal of koalas from threats" seems flawed in both its concept and implementation. The Fencing of the design supplied is not an effective barrier to a) prevent domestic animals from entering EPZs; b) to prevent the general public from entering EPZs; c) to contain wildlife within EPZs. Floppy-top cyclone fencing is more appropriate.

Our group questions whether cattle grids will control dogs. The monitoring of this should be done by a dedicated environmental officer that is supplied by the development.

As mentioned in point 3, fencing should have priority over earthworks to protect fauna, and it should be done completely, not just in some sections.

There are inadequate buffer zones in place. The 50m buffer should be seen in the context of the extreme population density proposed. The Nature Reserve should not be the buffer, rather the development should allow buffer zones within its boundaries.

5. Flooding

A major tributary of Cudgen Creek, Blacks Creek, dissects the site, thus it is likely there will be some impact downstream due to changes in flooding caused by the development. There is also the likelihood that floodwaters will back up higher and for longer in Cudgen Lake and across the Nature Reserve's low lying areas. This could have a serious ecological impact, which has not been explored in the development proposal.

FCNR asks for a more detailed hydrological assessment. This should include provisions to ensure no runoff enters Cudgen Lake, which is already shallow and subject to siltation.

6. Access to Nature Reserve

There will be a high level of population pressure given the scale of the proposed development. The Nature Reserve should not be viewed as public open space- this should be provided for inside the development. There should be more recreational areas put aside in the development.

Our group is concerned about the impact of trailbikes. Better fencing than post and rail needed, we again ask that the Nature Reserve be fully fenced off from the public all across the Kings Forest development.

The proposal mentions a walkway from the Cudgen Paddock to Cudgen Lake, but gives no detail.

We are concerned about the implications for the long term management of such visitor infrastructure should such a track be built. Details are needed, plus funding set aside by developer prior to commencement of the project.

7. Golf Course

The Golf Course development next to a Nature Reserve, particularly with SEPP14 freshwater wetlands and several threatened species seems to be poorly considered. There is inadequate planning in the proposal to date.

FCNR is concerned with runoff of chemicals into Cudgen Creek system, and the lack of provisions for chemical control in current plan.

There is inadequate tree planting to create a Koala corridor through Golf Course. We do not see this corridor as working at all, it should be discounted as an environmental measure.

The Cudgen Paddock area has been deliberately "farmed" by slashing and other land management practices so as to make it appear as suitable for development- to now allow the development only rewards the developer for their pre-emptive efforts, and creates a precedent across the State.

8. Earthworks

We question the proposal to remove massive amounts of earth from the southern precinct to fill the northern sections so that they (just) are high enough to develop into housing, only to later require huge amounts of earth to be imported. The application should give more detail as to where this earth comes from, and the likely impact on the surrounding environment and community of large scale truck movements.

It is imperative that the Application only be allowed if there are exact measures in place to prevent the

runoff from the bulk earthworks into the Nature Reserve. The recent excavation of Blacks Creek raises questions as to runoff and siltation that are not adequately addressed in the current proposal.

9. Traffic

Given the scale and density of the Kings Forest development, our group feels that more traffic control measures should be in place.

There should be lower speed limits, especially through green zones.

In fact, diversion of traffic routes around high Koala habitat areas is preferable. An example of this is in zone 5, where land is dedicated to the Nature Reserve and then a major road (leading into/out of the Golf Course area) is run through the green area. A direction should be given that the land dedicated to the Nature Reserve be fenced and no roads be run through these areas.

10. Weeds

There will be large population areas with high density near Nature Reserve with the potential weed invasion. Control measures should be in place, there should at least be an environmental manager appointed by the development to monitor and control weeds.

Areas to be dedicated to Nature Reserve need a weed management plan and a Fund needed for ongoing maintenance program. Our group is a volunteer organisation and cannot be expected to control weeds in the new areas – some of which are highly degraded at present.

11. Tree Planting. The proposal to plant 17000 Koala food trees is welcome. However it appears that the areas designated to planting do not correspond to soil type and existing vegetation, thus they are likely to fail unless a very rigorous maintenance program is followed – eg watering. The current proposal does not indicate this, and should be amended with the inclusion of details of tree planting and the ongoing funding of the maintenance program. Also, the tree planting should occur before the bulk earthworks and the planted areas properly fenced as part of the Nature Reserve. This may save some of the endangered fauna.

In conclusion, our group asks that the development consent authority seek the advice of experts in their field before deciding how to modify the concept plan. The Koala Plan of Management and Tweed Shire Council Planning advice are two obvious areas. A much more sustainable model is achievable if sufficient control and protection measures are put in place at this stage.

Yours sincerely,

Chris Core, Sec.

Friends of Cudgen Nature Reserve Landcare Group

N.S.W. Planning & Infrastructure

23-33 Bridge Street, Sydney NSW 2000

Email: information@planning.nsw.gov.au

For Information:

N.S.W. Planning & Infrastructure [Northern Region]

Tweed Shire Council [TSC]

Murwillumbah Office Civic & Cultural Centre Tumbulgum Road Murwillumbah NSW
2484

tsc@tweed.nsw.gov.au

Councillor Barry Longland (Mayor)

blongland@tweed.nsw.gov.au

Councillor Phil Youngblutt (Deputy Mayor)

pyoungblutt@tweed.nsw.gov.au

Councillor Dot Holdom

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Councillor Joan van Lieshout

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Councillor Katie Milne

kmilne@tweed.nsw.gov.au

Councillor Warren Polglase

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Councillor Kevin Skinner

kskinner@tweed.nsw.gov.au

To Whom It May Concern:

Objection to submission for Kings Forest Development Application No: 08_0194

Dear Sir/Ma'am,

As a proponent to the above Part 3A DA 08_0194, my wife and I wish to bring to your attention the following concerns:

- ✦ Leda development on three occasions have identified that the company cannot be trusted with; protagonist action to the environment, to Tweed Shire Council [TSC] representatives and to release to the selected press, untruthful statements. This in itself is contempt to both the community and the state and local government;

- ✦ In the short term, employability of the proposed DA will be available, but the question has to be raised in the long term, will the proposed residency population in this area find suitable employment opportunities?
- ✦ The demand for real estate in the TSC area seems to be stagnant and sales seem to be at a low, especially since the government has approved long term projects within the Tweed area for residential towers. Already within the TSC, several developers have found that they cannot fulfil their DA's and have gone into default. Even the Gold Coast [GC] is finding difficulty in securing future population growth with many properties vacant and yet a less yield for employment opportunities. It's clear that the Tweed area has a diminishing 40% retiree base population [through natural attrition] which suggests that properties will significantly be available to future growth within populated areas within existing infrastructure. Why anyone would want to build out in the sticks in a bio diverse location, except to have a brand new home without any smart eco sustainable solar/water capturing for the proposed DA is beyond belief or not even accepted by the developer as part of the DA approval process;
- ✦ If you ask the residence of TSC if they want styles of living like that of the GC, the majority would say, move to the GC, there you can experience GC style of living as proposed by the developer. As residence of the TSC, the reason why we live in this part of the world is because of our biodiversity and properties that are proportionately distributed over the shire in a sprawl. No density occupation utilizing compact [in your face] dwellings as proposed by the DA. Do you see the developer living in our area and sharing our goals... no!;
- ✦ Is the infrastructure in place for a future proposed development of this size by both state and local government? Let's be serious, the community requires that the infrastructure be placed prior to any proposed completed DA. This includes; Hospital, Ambulance, Police, Roads, Marine Police, TSC Rangers and other facilities like library etc., SES, Medical staff, Aged Care, Public Transport, Light Rail to name a few, especially to consider future locations for these needs and especially larger shopping centres other than the already choked Tweed City complex which TSC wishes to enlarge and away from future populated corridors as the proposed DA to be considered... how dumb. But more importantly, why has this proposed application made no significant changes to Solar and harvesting of water sustainable community development within the DA? Why is it that us as resident's of TSC and the state, pay future taxes and rates to harness old expensive utilities that both governments could be looking at the future, in particular to a new development of many thousands of future residence; and
- ✦ Our community as a whole have admonished your government not to incorporate the Koala as a significant creature of concern that the Koala population in this area and the state is subject to critical endangerment to loss of life. The opinion of both state and local government seem to qualify our area as significant to natural biodiversity, yet the proposed DA seems to place a wedge in such a significant locality with the shire, let alone future

tourism that will see our area as a hot spot for biodiversity. With more ever increase in demand for population growth in bio diverse locations, tourists will find another location where fauna and flora is abundant. Even the GC has identified the corridors of Koala habitat as essential. Tourism is a very valued commodity and the less that we are destructive to our environment, the better this resource is for future employment.

In conclusion, Leda Holdings has no respect for our community and past developments have shown light on how they weave a web of destruction prior to development. Leda cannot be trusted and shall not be given the opportunity to go ahead with the proposed DA as it has no real future for the community as a whole, nor does it have a significant support for future savings in infrastructure concerns, taxes and rates etc. The present population of the Tweed as a whole want our area to include a core of biodiversity, we do not want to be part of the GC corridor and it would be prudent for both state and local government to consider the growth of the ageing population and what will the statistics show for properties at present on the market place for sale, if there is a depression in real estate... do the maths, check the figures before any proposed development. Remember that approval is given for towers to be populated along the corridors of Tweed Heads and South Tweed and that the infrastructure in place with the demands of future baby boomers is going to be an overload upon the different governing bodies, especially government revenue to afford such infrastructure proposal. We object to this proposal and suggest that you consider real estate that is and will be available for future generations in the Tweed community.

Respectfully,

Sue and Roger Klein & Graf

#3/48 Main Road,

FINGAL HEAD N.S.W. 2487

[e] suerog.au@gmail.com

[p] 0755130588

22nd January 2012

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

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

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

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

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

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

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

All environmental protection lands to be dedicated and transferred to Tweed Shire Council and OEHL in the early stages of the project. It is essential that these lands are transferred in their current condition prior to commencement of earthworks which could cause damage to native vegetation and function of wetlands. Alternatively should the dedications be staged there should be strict conditions and a bond to ensure that there is no clearing or degradation of these areas. There is insufficient detail on the dedication of land to Council and OEHL.

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

These two points have not been adequately addressed by the proponent.

All EA and recommendations included in the Koala, vegetation, weed, landscaping and buffer management plans should be consistent and there should be no duplication or overlap. There should be an integrated implementation table (work schedules, timing and costing) included for all related works. Planting and restoration areas should be in suitable locations and habitats, e.g. heath has very specific habitat requirements. There should be clear guidelines for the proponent to implement management of the areas over a minimum 5 year period. Tweed Shire Council and OEHL should be involved in the planning of the implementation and maintenance schedules and costings.

Measurable Performance and Completion Criteria requires review and must ensure that the proponent achieves successful outcomes within given timeframes.

Koala Plan of Management (KPoM)

Although the KPoM has been revised it still does not adequately ensure the long term protection of Koalas. The fencing of housing enclaves provides some protection from dogs and vehicles but also brings into question numerous other issues such as ability of dogs to move across grids, maintenance of fencing, barrier to movement and entrapment. The east-west corridor has been deferred to a later stage whereas it should be identified and included in the KPoM. Current road design, proposed golf course provisions and lack of east west corridor do not provide for adequate protection of Koalas. Koalas currently move through the majority of the site.

There are inconsistencies with other management plans particularly related to the planting of the Koala food trees. Plantings should not be in heathland restoration areas, within the identified Littoral Rainforest and APZs. The PoM should include a detailed implementation table as per previous point. Dogs ownership should be prohibited. The KPoM does not sufficiently address DGRs 9.5 - 9.9.

General Points

The Bushfire Risk Management Plan to include ecological considerations. The Asset Protection Zones should not be included within Ecological Buffers.

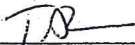
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The proponent requests ongoing maintenance of Blacks Creek within the site which includes removal of sediment. Drainage of the site relies on the flow of Blacks Creek from Kings Forest through Cudgen Nature Reserve to Cudgen Creek. Sections of the creek are within state protected wetlands. Adequate drainage through Blacks Creek is required in time of flood but the EA has not provided details of recommended cross sections.

Monitoring of the success of all plantings and restoration should be undertaken by an independent consultant. An independent environmental officer should be employed throughout the project to ensure compliance with relevant conditions of consent. Both positions to be funded by the proponent through Tweed Shire Council.

Insufficient details of proposed earthworks with likely adverse effects on hydrology and native plant communities. There are proposed cuts of up to 2m adjacent to existing native vegetation.

Signature



Printed Name :

Tina Kirchner

Address

8 Flametree Terrace, Banora Point NSW 2486

Date

32/1/12

The Director Metropolitan and Regional
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Major Projects Assessment, Dept of
Planning
GPO Box 39,
Sydney, NSW 2001
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**KINGS FOREST Stage 1: Subdivision and Bulk Earthworks - Application No.
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Dear Sir/Madam,

I hereby wish to object to this Stage 1 application for the following reasons:-

1. Unauthorised Clearing and Drainage works of Blacks Creek

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

2. Inadequate Protection of Koalas

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

- i. It is totally unacceptable for this development to put at any further risk the largest and most significant Koala colony left in the Tweed, i.e. 75 Koalas affected by this development with only 144 Koalas remaining on the Tweed Coast.
- ii. Due to the seriousness of the new information provided in the Tweed Coast Koala Habitat Study, which was only released after the Concept Plan was approved, it is incumbent on the new government to adopt the more precautionary approach of the reduced development footprint excluding the sensitive areas of the Cudgen Paddock and the Eastern portion, as previously advocated for by Council and officers of the NSW Department of Environment.
- iii. Failing the above (ii) : As no lot yields were proscribed in the Concept Approval for individual precincts, the majority these lots can be redistributed away from these sensitive areas to the west of the site and significantly minimised by allowing only large lots of minimum 1 hectare.
- iv. The claim in the Concept Plan of being able to maintain the free ranging ability of Koalas across the site was previously used to justify the development in these sensitive areas. With the proposed fencing, now acknowledged as best practice, this significantly reduces the range of the koala and accordingly serves as another reason for the footprint to be reduced.
- v. The Koala Beach model should be used as a minimum standard with no dogs, no visitor dogs, speed bumps, 40km speed limit policies etc.
- vi. The inadequacy of cattle grids in stopping dogs, the maintenance of many kilometres of fences, and the unintended consequences to other fauna of the Nature Reserve from fences and dogs is not adequately addressed.

3. Lack of Biodiversity Protection

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

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

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

- i. As such the maximum protection and precautionary principles must be applied.
- ii. Cumulative impact on the environment from coastal development must be assessed, including on the seasonal fauna of the World Heritage areas that use these coastal lowlands in winter. Referral to the Federal Government and UNESCO is essential.
- iii. The ecological buffer zones should be increased where appropriate to include important ecozones and must not serve multiple uses of fire buffers, roads, golf courses, open space, bike or walking trails, or be subjected to earthworks due to the extreme values of the site.

4. Dams and World Heritage Corridors

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

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

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

- i. A Sustainability Assessment for Cudgen Lake must be provided in the exhibition documents.
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6. Flooding and Sea Level Rise

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

- i. The primary response to flooding and sea level rise has been to fill the land and poison the weed growth in the Creek rather than adapt the development to the natural conditions.
- ii. The development must be assessed in terms of the post 2100 year viability of the development and safety of residents due to the significant size of the area likely to be

affected, as well as in light of the likely revised sea levels of 1.6m - 2m for 2100 due for release by the IPCC in 2014.

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

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

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

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Signature: TJR Date: 22/1/12

Printed Name: Tina Kirchner

Address: 8 Flame Tree Terrace, Sanger Point NSW 2486

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

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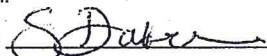
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Printed Name :

SCOTT DALTON

Address

8 FLANETREE TERRACE, BACKRA POINT NSW 2486

Date

23/1/12

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Signature: Scott Dalton Date: 23-1-12

Printed Name: SCOTT DALTON

Address: 8 FLANETREE TERRACE DANAJA POINT NSW 2486

Re: 08_0194 Stage 1 Project Application –

Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001

I SCOTT DUTTON

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

Dear Sir

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

- Golf course should use no toxic organophosphate pesticides - instead use only organic non- toxic pesticides.
- Wildlife corridors need to connect and not be fragmented
- Need overpasses for wildlife on roads, not just underpasses, including exclusion fencing
- Road signage must advise motorists to slow down for wildlife
- Speed bumps to ensure maximum speed at 50kph
- Water-saving initiatives to be in place (20,000L water tanks, stormwater harvesting, dual water reticulation, water recycling). This town must be self-sufficient or it will push TSC to build a dam at Byrrill Creek where other koala colonies and 45 threatened species currently live
- All dogs must be banned no matter what size, age or breed - there is no such thing as a 'koala-friendly dog'
- Visitors with dogs or cats also prohibited
- No koala habitat or food tree is to be felled no matter where it is located
- Koala Beach style plan
- Developer to set aside funds to establish a Management Committee to ensure koala protection is enforced
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Sincerely



(Signed)

Name: SCOTT DALTON

Address: 8 FLANETREE TERRACE
BANDERA POINT NSW 2486

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

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

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

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

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

These two points have not been adequately addressed by the proponent.

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There are inconsistencies with other management plans particularly related to the planting of the Koala food trees. Plantings should not be in heathland restoration areas, within the identified Littoral Rainforest and APZs. The PoM should include a detailed implementation table as per previous point. Dogs ownership should be prohibited. The KPOM does not sufficiently address DGRs 9.5 - 9.9.

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The proponent requests ongoing maintenance of Blacks Creek within the site which includes removal of sediment. Drainage of the site relies on the flow of Blacks Creek from Kings Forest through Cudgen Nature Reserve to Cudgen Creek. Sections of the creek are within state protected wetlands. Adequate drainage through Blacks Creek is required in time of flood but the EA has not provided details of recommended cross sections.

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Insufficient details of proposed earthworks with likely adverse effects on hydrology and native plant communities. There are proposed cuts of up to 2m adjacent to existing native vegetation.

Signature *Mark Kirchner*

Printed Name: Mark Kirchner

Address 30 Tanglewood Dr Bega NSW 2488

Date 22.1.12

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

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08_0194**

Dear Sir/Madam,

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- ii. An onsite environmental compliance officer is required to prevent these problems.

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

- i. It is totally unacceptable for this development to put at any further risk the largest and most significant Koala colony left in the Tweed, i.e. 75 Koalas affected by this development with only 144 Koalas remaining on the Tweed Coast.
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- iv. The claim in the Concept Plan of being able to maintain the free ranging ability of Koalas across the site was previously used to justify the development in these sensitive areas. With the proposed fencing, now acknowledged as best practice, this significantly reduces the range of the koala and accordingly serves as another reason for the footprint to be reduced.
- v. The Koala Beach model should be used as a minimum standard with no dogs, no visitor dogs, speed bumps, 40km speed limit policies etc.
- vi. The inadequacy of cattle grids in stopping dogs, the maintenance of many kilometres of fences, and the unintended consequences to other fauna of the Nature Reserve from fences and dogs is not adequately addressed.

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

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

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

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

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

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6. Flooding and Sea Level Rise

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

- i. The primary response to flooding and sea level rise has been to fill the land and poison the weed growth in the Creek rather than adapt the development to the natural conditions.
- ii. The development must be assessed in terms of the post 2100 year viability of the development and safety of residents due to the significant size of the area likely to be

affected, as well as in light of the likely revised sea levels of 1.6m - 2m for 2100 due for release by the IPCC in 2014.

- iii. Provision for both human and ecological adaption and retreat must be catered for under a worst case scenario pre and post the year 2100.

7. Sustainability

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

8. Housing Affordability

Tweed has the highest rate of homelessness in NSW yet the development admits that even the cheapest lots will not be affordable for even moderate income workers. The exhibition documents must include clear commitments to significantly redress affordability at this stage by providing at least 10% low income affordable housing rather than just rely on grants or later agreements.

9. Lack of Faith in the Planning Processes

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

10. Flooding impacts to the Cabarita area from modified water flows that the proposed bulk earthworks and subsequent street, housing and golf course developments will generate. Impacts to the surrounding feeder creeks, flood plain and Cudgen Lake from sediment flows not contained within the gross land disturbance precinct. This area experiences heavy rain periods in excess of 100mm inside 24 hours from regular weather events. Even the best preventative measures cannot secure all sediment in heavy rain periods. In heavy rain events Cabarita has suffered flooding making Clothiers Creek road impassable.

11. Increased traffic densities along Clothiers Creek Road will adversely impact all who live close to this road. The road runs through and along the Cudgen native reserve from Cabarita to the main Tweed Way Highway with frequent wildlife kills from vehicles. The road will require traffic mitigation planning to limit the expected thousands of additional vehicles from Kings Forest developments.

Signature: Mark Kirchner Date: 22.1.12

Printed Name: Mark Kirchner

Address: 30 Tanglewood Dr. Bogangar NSW 2488

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

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001

I Mark Kirchner

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

Dear Sir

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

- Golf course should use no toxic organophosphate pesticides - instead use only organic non- toxic pesticides.
- Wildlife corridors need to connect and not be fragmented
- Need overpasses for wildlife on roads, not just underpasses, including exclusion fencing
- Road signage must advise motorists to slow down for wildlife
- Speed bumps to ensure maximum speed at 50kph
- Water-saving initiatives to be in place (20,000L water tanks, stormwater harvesting, dual water reticulation, water recycling). This town must be self-sufficient or it will push TSC to build a dam at Byrrill Creek where other koala colonies and 45 threatened species currently live
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Sincerely

(Signed) *David Kitchener*

Name:

Address: *30 Tanglewood Dr. Bogangar NSW 2488*

Re: 08_0194 Stage 1 Project Application –

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To:

Dept of Planning
GPO Box 39
Sydney NSW 2001

I **TINA DALTON**

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Name:

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Tina Dalton

8 Flametree Terrace

Danara point NSW 2486

The Director Metropolitan and Regional Projects North
Major Projects Assessment
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Email: plancomment@planning.nsw.gov.au

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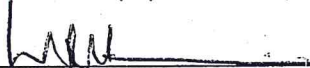
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Signature



Printed Name :

LIAM KINNEAR

Address

20 TONGUEWOOD DR

Date

BOGANGA NSW 2488

22-1-12

Dup. of (66)

The Director Metropolitan and Regional
Projects North
Major Projects Assessment, Dept of
Planning
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Printed Name: Wanda Kachner

Address: 32 TONGUEWOOD DRIVE BOHANNON
NEW 2488

Dup. of (66)

Re: 08_0194 Stage 1 Project Application -

Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001

I *Warran Kinsler*

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

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W. K.

(Signed)

Name:

WARREN KIRCHNER

Address:

30 TONGUEWOOD DRIVE

BOCANORA NSW 2488

67

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Insufficient details of proposed earthworks with likely adverse effects on hydrology and native plant communities. There are proposed cuts of up to 2m adjacent to existing native vegetation.

Signature J. H. Kirchner

Printed Name : JILL KIRCHNER

Address 30 TANGLEWOOD DR. BEENHAR NSW 2488

Date 22.1.12

Dep. of (67)

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

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

Dear Sir/Madam,

I hereby wish to object to this Stage 1 application for the following reasons:-

1. Unauthorised Clearing and Drainage works of Blacks Creek

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

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

- i. It is totally unacceptable for this development to put at any further risk the largest and most significant Koala colony left in the Tweed, i.e. 75 Koalas affected by this development with only 144 Koalas remaining on the Tweed Coast.
- ii. Due to the seriousness of the new information provided in the Tweed Coast Koala Habitat Study, which was only released after the Concept Plan was approved, it is incumbent on the new government to adopt the more precautionary approach of the reduced development footprint excluding the sensitive areas of the Cudgen Paddock and the Eastern portion, as previously advocated for by Council and officers of the NSW Department of Environment.
- iii. Failing the above (ii) : As no lot yields were proscribed in the Concept Approval for individual precincts, the majority these lots can be redistributed away from these sensitive areas to the west of the site and significantly minimised by allowing only large lots of minimum 1 hectare.
- iv. The claim in the Concept Plan of being able to maintain the free ranging ability of Koalas across the site was previously used to justify the development in these sensitive areas. With the proposed fencing, now acknowledged as best practice, this significantly reduces the range of the koala and accordingly serves as another reason for the footprint to be reduced.
- v. The Koala Beach model should be used as a minimum standard with no dogs, no visitor dogs, speed bumps, 40km speed limit policies etc.
- vi. The inadequacy of cattle grids in stopping dogs, the maintenance of many kilometres of fences, and the unintended consequences to other fauna of the Nature Reserve from fences and dogs is not adequately addressed.

3. Lack of Biodiversity Protection

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

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

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

- i. As such the maximum protection and precautionary principles must be applied.
- ii. Cumulative impact on the environmental from coastal development must be assessed, including on the seasonal fauna of the World Heritage areas that use these coastal lowlands in winter. Referral to the Federal Government and UNESCO is essential.
- iii. The ecological buffer zones should be increased where appropriate to include important ecozones and must not serve multiple uses of fire buffers, roads, golf courses, open space, bike or walking trails, or be subjected to earthworks due to the extreme values of the site.

4. Dams and World Heritage Corridors

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

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

5. Lack of Marine Protection

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

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

6. Flooding and Sea Level Rise

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

- i. The primary response to flooding and sea level rise has been to fill the land and poison the weed growth in the Creek rather than adapt the development to the natural conditions.
- ii. The development must be assessed in terms of the post 2100 year viability of the development and safety of residents due to the significant size of the area likely to be

affected, as well as in light of the likely revised sea levels of 1.6m - 2m for 2100 due for release by the IPCC in 2014.

- iii. Provision for both human and ecological adaption and retreat must be catered for under a worst case scenario pre and post the year 2100.

7. Sustainability

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

8. Housing Affordability

Tweed has the highest rate of homelessness in NSW yet the development admits that even the cheapest lots will not be affordable for even moderate income workers. The exhibition documents must include clear commitments to significantly redress affordability at this stage by providing at least 10% low income affordable housing rather than just rely on grants or later agreements.

9. Lack of Faith in the Planning Processes

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

10. Flooding impacts to the Cabarita area from modified water flows that the proposed bulk earthworks and subsequent street, housing and golf course developments will generate. Impacts to the surrounding feeder creeks, flood plain and Cudgen Lake from sediment flows not contained within the gross land disturbance precinct. This area experiences heavy rain periods in excess of 100mm inside 24 hours from regular weather events. Even the best preventative measures cannot secure all sediment in heavy rain periods. In heavy rain events Cabarita has suffered flooding making Clothiers Creek road impassable.

11. Increased traffic densities along Clothiers Creek Road will adversely impact all who live close to this road. The road runs through and along the Cudgen native reserve from Cabarita to the main Tweed Way Highway with frequent wildlife kills from vehicles. The road will require traffic mitigation planning to limit the expected thousands of additional vehicles from Kings Forest developments.

Signature: Jill Kirchner Date: 22.1.12

Printed Name: JILL KIRCHNER

Address: 30 Longwood Dr Bogangra NSW 2488

Dup. of (67)

Re: 08_0194 Stage 1 Project Application –

Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001

I *JILL KIRCHNER*

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

Dear Sir

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

- Golf course should use no toxic organophosphate pesticides - instead use only organic non- toxic pesticides.
- Wildlife corridors need to connect and not be fragmented
- Need overpasses for wildlife on roads, not just underpasses, including exclusion fencing
- Road signage must advise motorists to slow down for wildlife
- Speed bumps to ensure maximum speed at 50kph
- Water-saving initiatives to be in place (20,000L water tanks, stormwater harvesting, dual water reticulation, water recycling). This town must be self-sufficient or it will push TSC to build a dam at Byrrill Creek where other koala colonies and 45 threatened species currently live
- All dogs must be banned no matter what size, age or breed - there is no such thing as a 'koala-friendly dog'
- Visitors with dogs or cats also prohibited
- No koala habitat or food tree is to be felled no matter where it is located
- Koala Beach style plan
- Developer to set aside funds to establish a Management Committee to ensure koala protection is enforced
- Rate levy to maintain Management Committee

- An URGENT and THOROUGH investigation into claims of illegal clearing adjacent to Kings Forest must be made and, if found to be true, be prosecuted to the full extent of the law.

Sincerely

(Signed) *J. H. Kerehner*

Name:

Address: *30 Tanglewood Dr.*

Bogangaroo NSW 2488

(68)

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

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

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

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

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

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

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

All environmental protection lands to be dedicated and transferred to Tweed Shire Council and OEH in the early stages of the project. It is essential that these lands are transferred in their current condition prior to commencement of earthworks which could cause damage to native vegetation and function of wetlands. Alternatively should the dedications be staged there should be strict conditions and a bond to ensure that there is no clearing or degradation of these areas. There is insufficient detail on the dedication of land to Council and OEH.

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

These two points have not been adequately addressed by the proponent.

All EA and recommendations included in the Koala, vegetation, weed, landscaping and buffer management plans should be consistent and there should be no duplication or overlap. There should be an integrated implementation table (work schedules, timing and costing) included for all related works. Planting and restoration areas should be in suitable locations and habitats, e.g. heath has very specific habitat requirements. There should be clear guidelines for the proponent to implement management of the areas over a minimum 5 year period. Tweed Shire Council and OEH should be involved in the planning of the implementation and maintenance schedules and costings.

Measurable Performance and Completion Criteria requires review and must ensure that the proponent achieves successful outcomes within given timeframes.

Koala Plan of Management (KPOM)

Although the KPoM has been revised it still does not adequately ensure the long term protection of Koalas. The fencing of housing enclaves provides some protection from dogs and vehicles but also brings into question numerous other issues such as ability of dogs to move across grids, maintenance of fencing, barrier to movement and entrapment. The east-west corridor has been deferred to a later stage whereas it should be identified and included in the KPoM. Current road design, proposed golf course provisions and lack of east west corridor do not provide for adequate protection of Koalas. Koalas currently move through the majority of the site.

There are inconsistencies with other management plans particularly related to the planting of the Koala food trees. Plantings should not be in heathland restoration areas, within the identified Littoral Rainforest and APZs. The PoM should include a detailed implementation table as per previous point. Dogs ownership should be prohibited. The KPoM does not sufficiently address DGRs 9.5 - 9.9.

General Points

The Bushfire Risk Management Plan to include ecological considerations. The Asset Protection Zones should not be included within Ecological Buffers.

Removal of Littoral Rainforest which is a state and federally listed Endangered Ecological Community.

The proponent requests ongoing maintenance of Blacks Creek within the site which includes removal of sediment. Drainage of the site relies on the flow of Blacks Creek from Kings Forest through Cudgen Nature Reserve to Cudgen Creek. Sections of the creek are within state protected wetlands. Adequate drainage through Blacks Creek is required in time of flood but the EA has not provided details of recommended cross sections.

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Signature

Trinity Dalton

Printed Name :

Trinity Dalton

Address

8 Annemarie Terrace, Benaroya Point NSW 2486

Date

23/1/12

The Director Metropolitan and Regional
Projects North
Major Projects Assessment, Dept of
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GPO Box 39,
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Signature: Tony Dutton Date: 22/1/12

Printed Name: Tony Dutton

Address: 8 Haverhill Terrace Dorrigo NSW 2456

Dup. of (68)

Re: 08_0194 Stage 1 Project Application –

Kings Forest, Kingscliff

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001

I Timothy Dalton

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

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Sincerely,

(Signed)

Name: *Terry Dalton*

Address: *8 Flamefree Terrace Bancroft NSW 2966*