Attention:

The Director Metropolitan and Regional Projects North Major Projects Assessment Dept of Planning

Dept of Planning GPO Box 39

Sydney, NSW 2001

Email: plan comment@planning.nsw.gov.au

And

Minister for Planning The Honourable Brad Hazzard

office@hazzard.minister.nsw.gov.au

Re: KINGS FOREST Stage 1 Subdivision and Bulk Earthworks

Application No. 08_0194

Submission of Objection & Request from the Planning Minister for Full Inquiry and Referral to UNESCO

Dear Sir / Madam,

I object to the Kings Forest development on the following grounds

1. Failure to protect biodiversity of the area.

The Tweed having the highest concentration of threatened species in Australia. In particular rainforest birds migrate in the winter months to the coastal lowlands where they can find flowering flora species to supplement their diet. The coastal forests should not be interfered with as these forests ensure the survival of hinterland species some of which have been already been driven to extinction. The double eyed fig parrot for instance. Impact must be assessed on the World Heritage values of key fauna species due to their reliance on the coastal lowlands as integral food sources in the winter, identified as Sibling World Heritage areas (Office of Environment and Heritage).

2. Failure to protect Koala habitat.

Ecologists predict that the Koala population of 140 individuals in the Kings Forest area will become extinct within the next 10 years if this development proceeds.

The following developer plans are pathetically inadequate.

- a. That fencing Koalas out or dogs and cats in is a solution is a joke
- b. That roads through Koala habitat are not threatening is a joke
- c. That planting Koala food trees, hardwood species that take 50 years to mature, to augment their habitat is a joke.
- d. That noise from human activity such as hundreds of lawnmowers and brushcutters for instance isn flooring to stress the koala and cause their demise is a joke.

3. Failure to implement a NO DOGS policy.

The Koala Beach estate at nearby Pottsville has already successfully applied a no dogs policy which has not in any way limited the sales of home sites. The type of people that should be living in a sensitive ecological area and Koala habitat should be those with caretaker stewardship responsibilities and therefore would have no need for preditary pets. I would also like to see a ban on cats too. Allowing selective dog breeds should not be an option either.



4. Failure to implement recycled water infrastructure

There are no substantial water saving initiatives in place at Kings Forest.

Water Sensitive Urban Design (WSUD) has not been incorporated into the plans. No storm water harvesting, no water recycling, or dual reticulation is planned despite neighbouring Shires (Gold Coast, Ballina & Rous Water) incorporating these principles into new developments

Despite the numerous Federal Policies on water sensitive urban developments WSUD, National Water Initiative (NWI), National Water Security Plan for Cities & Towns, Stormwater Harvesting & Reuse, Green Precincts Program, Water Smart Australia, COAG-Council of all Governments, the Kings Forest development does not implement any of these initiaves.

The lack of recycled water infrastructure is contributing to the need for a second dam and necessitating further major destruction of hinterland World Heritage complimentary areas, wildlife corridors and critical habitat.

5. Failure to provide for adequate buffer zones.

The 50m ecological buffer zones should be increased and must **not** serve multiple uses such as fire buffers, golf courses, bike or walking trails etc,due to the extreme sensitivity of the ecological values of the site.

6. Failure to address the impact of runoff and soil migration.

Impact should be further assessed on Key Fish Habitats of the Cudgen Creek, identified for a Marine Protected Area in 1999, which will take the flow of the main drainage channel, and the increased nutrients from urban areas, including nearly 1 million cubic metres of fill, as well as impacts on the severely stressed Cudgen Lake Nature Reserve, also identified as a State Significant Coastal Lake.

7. Failure to provide ongoing ecological maintenance.

Funding for ecological maintenance should be provided by the developer in perpetuity including for any contingency plans. A bond should be placed on the development in perpetuity that would provide for compensation in case these management plans fail and should be made responsible for the ongoing viability of the Koala at whatever that cost may be.

For the above reasons I would like to see this development either abandoned or scaled down to a level that is ecologically less damaging and less demanding upon Council infrastructure without the need for Tweed ratepayer funded bailout in the future.

Yours Sincerely

Peter Symons

564 Byrrill Creek Rd UKI 2484

70)

Sandra Fatarella - Our koalas must be allowed to live on in safety

From:

Lee Robertson < leola.robbo@yahoo.com>

To:

"plan_comment@planning.nsw.gov.au" <plan_comment@planning.nsw.gov.au>

Date:

23/01/2012 12:44 PM

Subject: Our koalas must be allowed to live on in safety

Please consider the banning of dogs in the proposed Kings Park estate. When our family was considering relocation to this area, we deliberately 'bypassed' Koala Beach, Pottsville, as we had 2 x cats & a dog for pets. We found & purchased a suitable home for 'us all' in Pottsville & are very happy here.

Alternatively, there are many families who have chosen Koala Beach Estate for their homes, people who do not have cats/dogs for pets. This choice has worked well in our town, & I can see no reason for it not to work elsewhere, just as successfully.

Please consider the plight of our koalas, before it is too late.

With thanks.

Leola Robertson



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

SUBMISSION

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

Dear Sir/Madam

I object to the Kings Forest development on the following grounds and seek an extension until end of February and improved community consultation.

I would like to make the following comments regarding 5 key issues of the Kings Forest Stage 1 Plan.

1. The current Koala Plan Of Management fails in its aim of protecting koalas

- Fencing: fences have 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.
- **Dogs:** All dogs must be banned no matter what size, age or breed there is no such thing as a koala-friendly dog□
- This 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.

The Friends of the Koala Inc. state that □ Scientific evidence shows that any dog bite can kill koalas as dog saliva has been proven to be a deadly toxin to koalas. □

2. Retaining and enhancing core koala habitat must be an immediate priority

- 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. Roads as currently planned present a high risk to wildlife including koalas and other threatened and endangered species

- There is a need for overpasses for wildlife on roads, not just underpasses, including exclusion fencing.
- Road signage is needed to advise motorists to slow down for wildlife.
- No higher than 40 kph speed limits
- Speed humps need to be placed at least every hundred metres
- Speed cameras are needed to enforce prescribed speed limits
- Electronic traffic speed recorder is needed

4. The current plans for the golf course present a threat to threatened and endangered species

- Currently the plan has the koala migration path crossing the golf course centre
- Koalas and other wildlife that cross golf courses will be under threat from attack by feral animals, unrestricted human sport activity and toxic pesticides which are often commonly used
- The golf course should not use toxic organophosphate pesticides □ instead use only organic non-toxic pesticides.

5. Water-saving initiatives need to be in place i.e:-

- 20,000L water tanks,
- stormwater harvesting,
- dual water reticulation
- water recycling

I request a full inquiry into this development as well as referral to UNESCO for impact on World Heritage values of the Calderais coastal lowlands.

Yours sincerely,

Carolyn Latham PO BOX 1130 (1/36 Sutherland Street) Kingscliff 2487 The Director Metropolitan and Regional Projects North Major Projects Assessment Dept of Planning GPO Box 39 Sydney, NSW 2001

Re: 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. The Director General requires that information in the Environmental Assessment Report (EAR) not be misleading. However, there are too many inconsistencies, inadequate explanations and variances with the EAR 2011. There must either be a new EAR or an amended application.

- 2. Cudgen Lake (a State Significant Coastal Lake), Cudgen Nature Reserve, Cudgen Creek system (nominated marine protected areas) and Blacks Creek need an Ecological Health Study (EHS) urgently before any earthworks drainage enters the Cudgen Marine System. There needs to be a Sustainability Assessment and Management Strategy prepared. There needs to be a referral to UNESCO for the impacts of this development on World Heritage values of the Caldera's coastal lowlands which are integral food sources in winter. Cudgen waterways provide significant feeding and breeding habitat for many water bird species including threatened species. Tweed already has the highest concentration of threatened species in Australia which is why resumption of Kings Forest should be seriously considered.
- 3. The development footprint of this project is too large considering the high level of biodiversity, threatened species and endangered ecological communities at risk. The community needs till at least end of February to understand the issues and there needs to be public consultation by both the developer and state planning.
- 4. The Cudgen Paddock and eastern side were assessed by NSW Dept Environment officers in the 2005 zoning, council staff and councillors for the Concept Plan 2009 and other ecologists who all agreed this was the minimum area needed to maintain biodiversity. A golf course encourages feral species, further threatening native species in Cudgen Nature Reserve. No development is the best plan.
- 5. The Koala Plan of Management (KPOM) fails to protect the remaining 144 coastal koalas, already on the brink of extinction (Koala Habitat Study 2011). It does not ensure adequate connectivity and safe passage of koalas, proving that the land should never have been rezoned. There needs to be a full enquiry into the failure to back zone recommended by the Woodward Investigation of 2005.

Locking koalas out is a barrier to their movement on the site, contrary to the Concept KPOM. There is no proof that cattle grids deter dogs. Who will bear the expense of fence maintenance? There is no such thing as a koala-friendly dog and one bite will kill a koala. The scent of a dog disturbs native species.

The current KPOM does not prohibit dog breeds, numbers or require dusk-to-dawn housing. It relies on the residents to enforce the KPOM when there should be an on-site environmental compliance officer from DEH or council.

If this development was Koala Beach style (no dogs, no visitor dogs, speed bumps every 100m, 40km speed limit) with speed cameras, electronic speed recorders,

underpasses/overpasses and exclusion fencing near roads. no koala trees felled, new koala tree plantings beginning immediately, no roads intersecting koala corridors or environmental protection zones and the golf course used no neurotoxic, carcinogenic organophosphates, and follow procedures developed by the award winning Cabarita Beach Sports Club. Unless all dogs are banned from the site and the roads are koala-friendly, there is no point planting koala trees throughout, only to entice them to their deaths. Developer needs to set aside funds to establish a Management Committee to ensure koala protection and a rate levy to maintain it. Because this application is impacting matters of National Environmental Significance (NES), the EAR needs to be revised.

- 6. This application should be deferred until the government rules on the developer's recent unauthorized recent clearing and draining of parts of Cudgen Nature Reserve adjacent to Kings Forest.
- 7. There are inadequate details in the Drainage Plan of Management for Precinct 5 in the event of heavy stormwater events. There needs to be a main drainage system for bulk earthworks immediately constructed. Blacks Creek needs a marine study of the ecosystem and water quality. A new Drainage POM is needed in order to improve the water quality of Blacks Creek now that the main use has changed from agriculture to residential development.
- 8. Kings Forest cattle dip site (containing unsafe levels of asbestos/arsenic) must be remediated before bulk earthworks begin at Precinct 11. Contaminated material must be removed from Kings Forest site.
- 9. Existing agricultural land use rights should no longer apply once earthwork activity begins for residential/commercial use.
- 10. Treatment of acid sulphate soils and stormwater drainage water quality needs to be monitored 6-monthly, particularly in the receiving waters of Black's Creek. The results should be publically available.
- 11. The Water Sensitive Cities project (WSC) embraces stormwater harvesting, flood management, recycling and reuse programs, rainwater harvesting and water use efficiency programs. If Kings Forest adopted the National Water Initiative's WSC strategies it would save Tweed Shire from having to build a dam at Byrrill Creek, impacting the 45 threatened species of fauna there.
- 12. Environmental Management Plans are lacking description of species proposed for regeneration and revegetation. Will there be independent monitoring? What quantity, type, location, timing and quality of compensatory plantings will be done and by whom. Re-establishing native vegetation in areas of cut could make the soil hostile to plant growth and hydrology. There needs to be funding into perpetuity by the developer for ecological maintenance with a bond placed. There are no new details in the Weed Management Plan. There needs to be a survey of weed cover undertaken now and results published for public view prior to approval.
- 13. Regarding dedication of land to NPWS, who supervises and pays for rehabilitation works? Regarding dedication of land for Environmental Protection areas to council, will this take place prior to construction or prior to the end of construction?
- 14. Ecological buffer zones need to be more than 50m and should not serve human use as well (bike/walking trails etc). There needs to be an analysis of impacts in buffer zones due to land changes.

Sincerely yours,

Mikah Fausch 43a Cabarita Road, Bogangar NSW 2488

Dup. of (72)

The Director Metropolitan and Regional Projects North Major Projects Assessment Dept of Planning GPO Box 39 Sydney, NSW 2001

Dear Madam or Sir,

I am most concerned about issues relating to the KINGS FOREST Stage 1 Subdivision and Bulk Earthworks - Application No. 08_0194.

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 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 trust of the community has already been shaken by the developer's recent clearing of melaleuca and littoral trees 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 or 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 is 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 eastwest 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.

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.

There is currently no provision for storm-water harvesting, which I suggest would provide an effective supply of grey-water for the sub-division, and would also minimise runoff of domestic chemicals into Cudgen Lake and the Cudgen Creek system.

Sincerely yours, Mikah Fausch 43a Cabarita Road, Bogangar NSW 2488

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Dear Madam or Sir.

I am most concerned about issues relating to the KINGS FOREST Stage 1 Subdivision and Bulk Earthworks - Application No. 08 0194.

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.

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.

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.

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.

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.

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

Koala Plan of Management (KPoM)

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General Points

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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.

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.

There is currently no provision for storm-water harvesting, which I suggest would provide an effective supply of grey-water for the sub-division, and would also minimise runoff of domestic chemicals into Cudgen Lake and the Cudgen Creek system.

Sincerely yours, Mikah Fausch 43a Cabarita Road, Bogangar NSW 2488

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

From:

Jan Heald <janheald9@hotmail.com>

To:

<plan_comment@planning.nsw.gov.au>

Date:

23/01/2012 4:14 PM

Subject:

Submission Re: KINGS FOREST Stage 1 Subdivision and Bulk Earthworks

Application No. 08_0194

Re: KINGS FOREST Stage 1 Subdivision and Bulk Earthworks

Application No. 08 0194

Submission of Objection

Dear Sir / Madam,

I object to the Kings Forest development on the following grounds and seek an extension until end of February and improved community consultation.

I also request a full inquiry into this development as well as referral to UNESCO for impact on World Heritage values of the Caldera's coastal lowlands.

- 1. Failure to protect biodiversity of the area, in light of estimated only 144 Tweed Coastal Koalas (see further details below), and Tweed having the highest concentration of threatened species in Australia. Resumption should be seriously considered in context of the value the community place on Tweed's natural environment (Community Strategic Plan 2010).
- 2. Enormous financial, ecological and loss of amenity and basic infrastructure consequences are foreseeable for the development in the longer term due to inevitable impacts from sea level rise in this extreme low lying floodplain 94% of the site between.

Provision for human and ecological adaption and retreat must be catered for under a worst case scenario post the year 2100. The developer must be held responsible for future rectification required rather than the taxpayer.

Resumption should be considered now before these costs become exponential.

- 3. Impact must be assessed on the World Heritage values of key fauna species due to their reliance on the coastal lowlands as integral food sources in the winter, identified as 'Sibling' World Heritage areas (Office of Environment and Heritage).
- 4. Lack of recycled water infrastructure largely contributing to the need for a new dam and necessitating further major destruction of hinterland World Heritage complimentary areas and values must be considered.
- 5. Impact should be further assessed on Key Fish Habitats of the Cudgen Creek, identified for a Marine Protected Area in 1999, which will take the flow of the main drainage channel,

and the increased nutrients from urban areas, including nearly 1 million cubic metres of fill, as well as impacts on the severely stressed Cudgen Lake Nature Reserve, also identified as a State Significant Coastal Lake.

6 .Erosion of public confidence in the planning process must be rectified that has resulted from lack of effective consultation, the voiding of significant Council planning standards, perceived conflicts of interest due to developer donations, the failure to back zone as recommended in the Woodward Investigation 2005, and the history of lack of prosecution for unauthorised works.

1. (Continued) Failure to Protect Koalas and other biodiversity

The Kings Forest development has historically failed to apply the basic principles of landscape ecology and again attempts to continue this practice with this new application despite very disturbing new data on the likely extinction of Tweed coast Koalas.

The sensitive eastern side and southern Cudgen Paddock areas were accepted by NSW Department of Environment officers in the 2005 zoning, and Council staff and Councillors for the Concept Plan in 2009, as well as by numerous other ecologists, as the minimum areas required to maintain biodiversity, but so far has been disregarded by NSW Planning. The inappropriateness of this development footprint has become strikingly apparent with the Council's latest reports of the Tweed Coast Koalas, already on the brink of extinction (Koala Habitat Study 2011).

1.1 The development footprint needs to be rectified or there is little likelihood of success for any form of Koala Plan of Management or biodiversity preservation.

Failing the above:

- 1.2A Full analysis of this new approach for koala proof fencing the entire development must be demonstrated, particularly the impacts of the fence on other species, and how the situation will be managed if the koala fence is shown to be undesirable, or fails in the future. The burden of fence maintenance funding must be borne by the developer.
- 1.3 Cattle grids must be demonstrated to be foolproof from dogs, and koala underpasses immune from sea level rise and flooding.
- 1.4 The 50m ecological buffer zones should be increased and must not serve multiple uses such as fire buffers, the full length of roads, golf courses, bike or walking trails etc, other than that which is unavoidable, due to extreme sensitivity of the ecological values of the site.
- 1.5 'No dogs policy' must be applied as even the scent of dogs will disturb wildlife in the adjacent Cudgen Nature Reserve, and any management techniques such as fencing etc are subject to political will, resource vulnerabilities and other human variables.
- 1.6 Roads should be restricted to 40km with mandatory speed bumps as demonstrated to be the only effective means of speed reduction as in Koala Beach Estate.

- 1.7 Planning for Bushfire must include planning for protection of the environment.
- 1.8 Monitoring to achieve stated outcomes should be carried out in perpetuity and performance criteria applied to rehabilitation plans particularly tree growth targets.
- 1.9 Ecological rehabilitation across the whole site should be undertaken in the immediate term, not staged as development progresses.
- 1.10 Funding for ecological maintenance should be provided by the developer in perpetuity including for any contingency plans. A bond should be placed on the development in perpetuity that would provide for compensation in case these management plans fail.
- 1.11The developer should fund the Department of Environment and Heritage or Council to provide an environmental compliance officer as required.

Sincerely, Jan Heald
Secretary, Australian Wildlife Protection Council
11 North Ave, Mt Evelyn
Victoria 3796



Sandra Fatarella - Koalas

From: Kate Poole <megmac55@gmail.com>

To: <plan_comment@planning.nsw.gov.au>

Date: 23/01/2012 4:26 PM

Subject: Koalas

To whom it may concern.

I am saying NO to any dogs being allowed in any new development at Kings Forest.

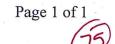
Fences must be built to properly protect Koalas

In fact I am saying NO to Kings Forest development

It isn't development, it's just the opposite in this instance

Do the right thing and forget about \$\$\$.

Meg Mackey



Sandra Fatarella - Attention: Director - Metropolitan and Regional Projects North

Date: 23/01/2012 5:10 PM

Subject: Attention: Director - Metropolitan and Regional Projects North

Re: Kings Forest Kingscliff Application no 08_0194

We face increasing concern over the poorly planned and rampant development in our shire. We believe that, generally speaking, it concentrates on a perceived immediate need, with scant regard for the future or the natural environment, simply seeking to maximise profit. We see Kings Forest as just such a development and object to it strongly in its current form. We hereby list our main objections, and offer some proposals that may make the development more sustainable.

- 1) Kings Forest is home to one of the last, and possibly the most significant, koala population in the Northern Rivers. The current plan fails to give these iconic creatures the protection they urgently need and deserve. Communities such as Koala Beach show that humans and koalas can co-exist under certain conditions. The first condition must be to place a total ban on dogs (perhaps with the sole exception of guide dogs). Also, a means must be found of keep marauding dogs and other predators out of the precinct. Any kind of barrier as such, would require maintenance. The ongoing cost of this to be the responsibility of the landowners. For example, the Council could impose an annual levy on all affected persons. Knowledge of, and agreement to, such a commitment must be a condition of sale. Secondly, vehicle movement must be restricted to a minimum of 40kpm. This can be achieved by the strategic placements of speed bumps. Thirdly, the 50mtr ecological buffer zone is inadequate and should be at least doubled. Moreover buffer zones should only be open to foot traffic and not serve multiple purposes such as golf courses, parks or roads. Wildlife corridors must be connected and not fragmented.
- 2) This development will place an enormous amount of pressure on the infrastructure of Tweed Shire Council. Some of this pressure can be alleviated by the application of water saving initiatives such as 20,000L water tanks, stormwater harvesting and dual reticulation. Again this must be a point of sale stipulation.
- 3) Much of the development site is on low lying land with close proximity to the ocean. The uncertainty of if and when and by how much the sea levels will rise makes it a risky venture. This alone should be enough to halt the development. However, should it go ahead, we propose that original and subsequent purchasers are bound by a legal document that states they are aware of the threat and, if they suffer loss from inundation by water from any source, they will not seek compensation from any source. Such an undertaking must be a condition of sale. Alternately, we propose resumption of said site now, at taxpayer expense, and keep the ecological amenity in (what is left of) its natural state for all to benefit and greatly enhance the Cudgen Nature Reserve.

We do not think that developer contributions are necessarily the best option to fund management costs. It is likely that neither the developer nor the company will be around in the long term. To demonstrate this point we draw your attention to Salt, a nearby development. Salt has recently gone into liquidation. This point also brings into question the economic viability of the Kings Forest project. However, as the development is likely to go ahead in some form we are looking for the best outcome in the circumstances. If prospective buyers are made aware of obligations and pitfalls at point of sale there is less likelihood of future disputes. We trust you will take our comments into consideration in making any recommendations.

Max and Heather Barnard 22 Golden Links Drive MURWILLUMBAH NSW 2484

Sandra Fatarella - koalas and council



From:

Josette Lagardere <josettelagardere@yahoo.com.au>

To:

"plan_comment@planning.nsw.gov.au" <plan comment@planning.nsw.gov.au>

Date:

23/01/2012 6:16 PM Subject: koalas and council

its about time to take action and help save and preserve our koala population for future generations... only you our elected council have a chance to do this....proper fencing and dealing with dogs is a start.. maybe somewhere down the line a cap can be put on population growth and save the area we all live in and keep our rural out look...we all live in a beautiful area and don't need to destroy what we have... please think hard on this new developement and remember your here to make decision for the tweed people.....we all put our faith in you......josette lagardere of tweedheads



Sandra Fatarella - Kings Forest devpmt. Tweedshire.

From: "Mike Styles" < Michael.styles1@three.com.au>

Date: 23/01/2012 6:52 PM

Subject: Kings Forest devpmt. Tweedshire.

Dear sir,we are seriously concerned that the urban nature of this housing scheme ie,it,s size,numbers and smallness of its housing plots gives rise to a density of development incompatible with the conservation and preservation of the existing koala colony. The lack of provision within the plans to adequately take account of the survival of this threatened species is woeful in the extreme but it is something that you are able to,and must address if conservation in NSW is to be meaningful. We therefore ask you to visit the lack of adequate provisions in the plan to ensure the survival of the Koalas-one proviso of which would be to ban ownership of dogs on the estate-as at Koala Beach, Pottsville and prohibit the removal of existing Koala food trees. Mr & Mrs Styles.

Sandra Fatarella - Submission - Kings Forest, Kingscliff - 08_0194 Stage 1 Project Application and Minor Modification to the Concept Plan (MOD 2)

From: "Ashley Baldry" <ashley@corriabaldry.com.au>

To: <Plan_comment@planning.nsw.gov.au>

Date: 23/01/2012 7:31 PM

Subject: Submission - Kings Forest, Kingscliff - 08_0194 Stage 1 Project Application and Minor

Modification to the Concept Plan (MOD 2)

Dear Sir or Madam,

I am writing to OBJECT to the proposed development at Kings Forest, Kingscliff on the following grounds:

1. The Koala Plan of Management

The current plans are inadequate and do not protect the last 144 Koalas in the Tweed.

2. Impacts on flora and fauna

Development should enhance existing habitat rather than provide compensatory habitat

3. Long term management and maintenance of environmental areas and open space.

All EA and recommendations included in the Koala, vegetation, weed, landscaping and buffer management plans should be consistent and there should be no duplication or overlap. There should be an integrated implementation table included in all works with all relevant 'bodies' communicating and integrating work plans.

4. Flooding

A major tributary of Cudgen 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 a likelihood that during a flood Cabarita/Bogangar would face more severe floods because waters will not clear as quickly through Cudgen Lake because of Kings Forest waters...

5. Access to the nature reserve

There needs to be a long term management plan and financial provision by the developer for environmentally sustainable visitor infrastructure.

6. Traffic

Further planning of traffic routes are needed to protect the environment. Lower speed limits need to be designated (40K), especially through green zones. I suggest traffic routes are diverted around high Koala habitat areas

7. Weed invasion

Large high density population areas near a Nature Reserve create a new weed source.

8. Housing density

The number of houses proposed is far too large for this environmentally sensitive area. House block sizes are miniscule and do not provide affordable housing for low income families.

Water saving initiatives

The Tweed region currently faces a major issue with its water resources and future population growth.

10. Aboriginal Heritage

Local knowledge claims there are 16 sites significant to the Aboriginal people of the region in this development footprint.

11. Illegal clearing actions by 'Leda' people

An urgent and thorough investigation into the illegal clearing adjacent to Kings Forest must be made, and the culprit be prosecuted to the full extent of the law. Should this prove to be the developer, or their representative, license to build in the region should be suspended. Such actions must receive severe penalties lest all our remaining natural environment be treated so cavalierly and criminally simply in the name of progress and profits.

12. Social impact on Cabarita Beach/Bogangar

The size of this development along with other proposed developments in the area, including a 230 site caravan park and 37+ lot residential development in the Cabarita South Precinct, will have a detrimental cumulative effect on the social amenity of Cabarita Beach/Bogangar.

Regards,

Mr Ashley Baldry 19 Grasstree Circuit Bogangar NSW 2488

Mob: 0418 673 089



Sandra Fatarella - Kings Forest submission

From:

"Shane Cassady" <mcgarry@hotkey.net.au>

To:

<plan_comment@planning.nsw.gov.au>

Date:

23/01/2012 10:34 PM

Subject:

Kings Forest submission

Attachments: kingsforestsub.jpeg; kingsforestsub2.jpeg

Attn: NSW Planning

Please find the attached 2 page document as my objection to Stage 1: Subdivision and Bulk Earthworks -

Application No 08 194

Please contact me immediately if there is any problem reading or submitting my objection by the due date please contact me on 0417 586 827.

Yours sincerely, Shane Cassady

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

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.

 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.

 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.
- 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: 23/6	01/12
Printed Name: SHANE CASSADY	
Address: 125 RIVER ST. MURWILLUMBAY	NSW 2484



From:

Howard <recycle@qld.chariot.net.au> <plan comment@planning.nsw.gov.au>

To: Date:

23/01/2012 10:36 pm

Subject:

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:-

- Unauthorised Clearing and Drainage works of Blacks Creek
 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
 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

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- iv. Stormwater quality targets should achieve 'no net water pollution' from the site.

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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.

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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. 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.

Howard N.Pittaway

Dup of (80)

From:

Howard <recycle@qld.chariot.net.au> <plan comment@planning.nsw.gov.au>

To: Date:

23/01/2012 10:39 pm

Subject:

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

08_0194

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 or 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 is 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.

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 Coouncil. 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.

Howard N.Pittaway

Dy. of (30)

From:

Howard <recycle@qld.chariot.net.au> <plan comment@planning.nsw.gov.au>

To: Date:

23/01/2012 10:41 pm

Subject:

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

08_0194

Re: 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. The Director General requires that information in the Environmental Assessment Report (EAR) not be misleading. However, there are too many inconsistencies, inadequate explanations and variances with the EAR 2011. There must either be a new EAR or an amended application.
- 2. Cudgen Lake (a State Significant Coastal Lake), Cudgen Nature Reserve, Cudgen Creek system (nominated marine protected areas) and Blacks Creek need an Ecological Health Study (EHS) urgently before any earthworks drainage enters the Cudgen Marine System. There needs to be a Sustainability Assessment and Management Strategy prepared. There needs to be a referral to UNESCO for the impacts of this development on World Heritage values of the Caldera's coastal lowlands which are integral food sources in winter. Cudgen waterways provide significant feeding and breeding habitat for many water bird species including threatened species. Tweed already has the highest concentration of threatened species in Australia which is why resumption of Kings Forest should be seriously considered.
- 3. The development footprint of this project is too large considering the high level of biodiversity, threatened species and endangered ecological communities at risk. The community needs till at least end of February to understand the issues and there needs to be public consultation by both the developer and state planning.
- 4. The Cudgen Paddock and eastern side were assessed by NSW Dept Environment officers in the 2005 zoning, council staff and councillors for the Concept Plan 2009 and other ecologists who all agreed this was the minimum area needed to maintain biodiversity. A golf course encourages feral species, further threatening native species in Cudgen Nature Reserve. No development is the best plan.
- 5. The Koala Plan of Management (KPOM) fails to protect the remaining 144 coastal koalas, already on the brink of extinction (Koala Habitat Study 2011). It does not ensure adequate connectivity and safe passage of koalas, proving that the land should never have been rezoned. There needs to be a full enquiry into the failure to back zone recommended by the Woodward Investigation of 2005.

Locking koalas out is a barrier to their movement on the site, contrary to the Concept KPOM. There is no proof that cattle grids deter dogs. Who will bear the expense of fence maintenance? There is no such thing as a koala-friendly dog and one bite will kill a koala. The scent of a dog disturbs native species. The current KPOM does not prohibit dog breeds, numbers or require dusk-to-dawn housing. It relies on the residents to enforce the KPOM when there should be an on-site environmental compliance officer from DEH or council. If this development was Koala Beach style (no dogs, no visitor dogs, speed bumps every 100m, 40km speed limit) with speed cameras, electronic speed recorders, underpasses/overpasses and exclusion fencing near

roads. no koala trees felled, new koala tree plantings beginning immediately, no roads intersecting koala corridors or environmental protection zones and the golf course used no neurotoxic, carcinogenic organophosphates, it would be better. Unless all dogs are banned from the site and the roads are koala-friendly, there is no point planting koala trees throughout, only to entice them to their deaths. Developer needs to set aside funds to establish a Management Committee to ensure koala protection and a rate levy to maintain it. Because this application is impacting matters of National Environmental Significance (NES), the EAR needs to be revised.

- 6. This application should be deferred until the government rules on the developer's recent unauthorized recent clearing and draining of parts of Cudgen Nature Reserve adjacent to Kings Forest.
- 7. There are inadequate details in the Drainage Plan of Management for Precinct 5 in the event of heavy stormwater events. There needs to be a main drainage system for bulk earthworks immediately constructed. Blacks Creek needs a marine study of the ecosystem and water quality. A new Drainage POM is needed in order to improve the water quality of Blacks Creek now that the main use has changed from agriculture to residential development.
- 8. Kings Forest cattle dip site (containing unsafe levels of asbestos/arsenic) must be remediated before bulk earthworks begin at Precinct 11. Contaminated material must be removed from Kings Forest site.
- 9. Existing agricultural land use rights should no longer apply once earthwork activity begins for residential/commercial use.
- 10. Treatment of acid sulphate soils and stormwater drainage water quality needs to be monitored 6- monthly, particularly in the receiving waters of Black's Creek. The results should be publically available.
- 11. The Water Sensitive Cities project (WSC) embraces stormwater harvesting, flood management, recycling and reuse programs, rainwater harvesting and water use efficiency programs. If Kings Forest adopted the National Water Initiative's WSC strategies it would save Tweed Shire from having to build a dam at Byrrill Creek, impacting the 45 threatened species of fauna there.
- 12. Environmental Management Plans are lacking description of species proposed for regeneration and revegetation. Will there be independent monitoring? What quantity, type, location, timing and quality of compensatory plantings will be done and by whom. Re-establishing native vegetation in areas of cut could make the soil hostile to plant growth and hydrology. There needs to be funding into perpetuity by the developer for ecological maintenance with a bond placed. There are no new details in the Weed Management Plan. There needs to be a survey of weed cover undertaken now and results published for public view prior to approval.
- 13. Regarding dedication of land to NPWS, who supervises and pays for rehabilitation works? Regarding dedication of land for Environmental Protection areas to council, will this take place prior to construction or prior to the end of construction?
- 14. Ecological buffer zones need to be more than 50m and should not serve human use as well (bike/walking trails etc). There needs to be an analysis of impacts in buffer zones due to land changes.

Howard N.Pittaway



Sandra Fatarella - Re: Kings Forest Stage 1: Subdivision; Bulk Earthworks Application no. 08 0194

From:

"debbie d" <debbie.davis4@bigpond.com>

To:

<plan comment@planning.nsw.gov.au>, <office@hazzard.minister.nsw.gov.au>

Date:

23/01/2012 10:39 PM

Subject: Re: Kings Forest Stage 1: Subdivision; Bulk Earthworks Application no. 08 0194

Director Metropolitan & Regional Projects North Major Projects Assessment Department of Planning

Re: Kings Forest Stage 1: Subdivision; Bulk Earthworks Application no. 08 0194

Tweed shire has been identified as one of Australia's 8 national iconic landscapes. The region supports the highest concentration of threatened flora and fauna in Australia including 55 plant and 17 fauna species. Within its borders exists the greatest degree of biodiversity in Australia, much of which exists in almost pristine conditions in the Kings Forest and Cobaki areas.

Cudgen Nature Reserve and its surrounds form part of the largest remnant of native vegetation on the Tweed Coast and are of significance at local, regional and State levels for their natural values, coastal landscapes and provision of significant habitat for native wildlife.

Unfortunately these are the areas planned not for conservation of this precious resource but for development, one of which is the proposed Kings Forest Estate. Worse, the developments planned are on a massive scale hitherto unseen in the Tweed, which is no stranger to inappropriate development and habitat destruction.

These massive planned "Greenfields" developments at Kings Forest, Cobaki and Terranora constitute a major threat to the biodiversity of Tweed Shire and thereby to that of Australia as a whole. The Kings Forest and Cobaki estates, if allowed to proceed according to the developer's wishes, will be in the most ecologically sensitive areas of the region and have the potential to cause irreversible ecological damage.

For any project of this magnitude, conservation of biological diversity must be a fundamental consideration. This is where the planning should start, i.e. how to get people living in the area with minimal impact to its ecological values. This has been ignored by the applicantwhose aim seems to be to jam as many dwellings into the

area as possible with only token gestures toward environmental integrity.

I wish to object to Stage 1 of the above application (Kings Forest) on the following grounds:

1. Insufficient detail of proposed earthworks DGR2.4:

The proposed development is located adjacent to land of high conservation value including Cudgen Nature reserve, Cudgen Creek, Endangered Ecological Communities (EEC) and SEPP14 wetlands as well as koala habitat. Where are the detailed plans showing how irreversible damage will be avoided and the integrity of these areas maintained?

The massive scale of this development requires that environmental assessments by the Department of Planning (DoP) examine every kind of environmental impact which could result. The applicant must show conclusively how negative impact will be avoided on waterways, threatened ecological communities and native flora and fauna as a result of the earthworks. This must happen PRIOR to any approval of Stage 1. If the developer cannot provide adequate planning measures, such approval must be withheld until the developer is able to comply.

Also of concern is the intention of the developer not only to move massive amounts of earth within the proposed development area, but to bring in fill from outside (the region? the State?). What will this mean in terms of exotic weed and insect infestation in an area of such sensitivity?

2. Insufficient detail on dedication of land to Council; DGR 2.4:

Lands to be dedicated for Environmental Protection must be dedicated and transferred to Council in their CURRENT condition PRIOR to commencement of earthworks.

3. Long term input and maintenance of environmental areas and open space. DGR 2.5, DGR 9.4:

This has been inadequately addressed by the applicant. There must be no overlap of buffer management plans and these must be consistent. Revegetation and restoration must be in ecologically appropriate locations, not merely in locations convenient to the applicant. There must be clear guidelines and timeframes by which the applicant will have measures for management in place. The Office of Environment and Heritage (OEH) and Tweed Shire council (TSC) must be involved in planning of schedules.

Ecological buffer zones must not serve multiple uses or be subjected to earthworks. Roads are not ecological buffer zones, nor are golf courses or bike/walking trails.

Asset Protection Zones must not be included within biological buffers. An independent consultant, not one chosen by the developer, should monitor results of all plantings.

Given the sensitive nature of the area to be developed it is essential that the maximum precautionary principles and protection be applied.

1. Inadequate protection of koalas and habitat. DGRs 9.5 – 9.9:

Koalas are arguably the most iconic native Australian mammal and enjoy a high public profile. It would be an international scandal if they were allowed to become extinct in the Tweed because of poor management and Government indifference.

The new Koala Plan of Management (KPoM) fails to protect Tweed coastal koalas which, are now seriously threatened according to the Tweed Council's 2011 koala habitat study.

It is unacceptable that the Kings Forest development should endanger further the largest and most significant colony left in the Tweed.

It is also unacceptable that the developer's concept plan was approved BEFORE the Tweed Council Koala habitat study was released. It is incumbent upon the Government to rectify this by decreasing the development footprint. This should be done by excluding the sensitive areas of the Cudgen paddock and Eastern Portions, as previously advocated for by Council and officers of the former NSW Department of the Environment.

Even if development is not completely excluded in these sensitive areas, the majority of lots can be redistributed away from them and the impact significantly minimised by allowing only large lots of 10Ha or more. Overall, the numbers of dwellings must be scaled back to represent an ecologically sustainable project. Residential areas should not be adjacent to koala habitat or to the Cudgen Nature Reserve. A buffer zone is required.

The concept plan claims to be able to maintain free ranging ability of koalas in these sensitive areas – this has been used to justify the development of these areas. However, the proposed fencing will curtail such free movement for koalas. What such fencing will mean for other ground-dwelling fauna (wallabies and bandicoots, for example) has not even been considered. Also not addressed is the issue of who will be maintaining these fences.

Cattle grids are also ineffective for keeping dogs out. There should be no dogs permitted, either as resident or visitor, on this estate. As a wildlife carer I have seen too often the result of an encounter between a dog and a koala.

Cars and koalas are a disastrous combination. Why then has a road been planned to cut through koala habitat? This must not be permitted. There must be a 40kpm speed limit throughout the estate, with speed bumps to ensure compliance.

Insufficient numbers of koala food trees are to be planted. Who is to be responsible for the monitoring and maintenance of these? They must not be planted in heathland or littoral rainforest. Preferred food trees MUST be retained.

This emphasises the need for monitoring by an independent consultant, as mentioned in point 3.

Unauthorised clearing and drainage works of Blacks Creek.

The exhibition of this developer should be deferred so that the public can include comments on impacts to the area of recent unauthorised clearing and drainage works of melaleuca forest adjacent to Blacks Creek and in Cudgen Nature Reserve SEPP14 wetlands adjacent to Kings Forest. Littoral Rainforest is recognised Federally as well as by State as Endangered Ecological Community.

This illegal activity is an indication to the community that the developer lacks integrity and cannot be trusted. It demonstrates that the developer will go to whatever lengths necessary to get the project up and running regardless of the ecological consequences and environmental cost.

Clearly an onsite compliance officer is required for every stage of this development.

1. The Kings Forest plan does not embrace any of the sustainable programs for water conservation or recycling.

Where are the plans for rainwater harvesting (anything less than 10,000L tank for per household is inadequate) stormwater harvesting, flood management, recycling and water efficiency programs? Does the developer believe this area will not experience flooding and will somehow be immune to effects of projected inevitable sea level rise, despite 94% of the site being 0-10m above present day sea level? If this development is to go ahead it must undertake strategies including recycled water for toilets and gardens, as well as those mentioned above.

2. Lack of marine protection

Cudgen Nature Reserve including the lake is classified as a Marine Protected Area and the lake as a State Significant Coastal Lake. A sustainability assessment, deemed urgent by the Department of Water and Energy in the concept plan, has not been undertaken. Why?

A sustainability assessment for Cudgen Lake including impacts on marine ecology MUST be provided. This lake is considered to have high conservation value. It was once renowned as a nursery for fish and prawns but poor management has resulted in fish kills and severe acid sulphate effluent degradation of water quality. It is imperative that the Cudgen Lake Catchment Rehabilitation Project's goal to mitigate the impact of acid discharges is not compromised by development activities of the Kings Forest Estate.

Excavation and filling must be prohibited in this area to limit impacts on marine ecology.

Stormwater quality targets are essential: there must be no net water pollution from the development site into this area.

The Cudgen Nature Reserve is vital to the Tweed Green Belt and must be maintained as such.

The Cudgen Paddock is recognised as an area of high conservation value and its most sensitive areas should be reserved.

The community needs to be sure that the DoP will fulfil its obligation and ensure that this proposed development will not impact negatively on the waterways, iconic vegetation, threatened species and communities in and surrounding the Kings Forest area. 4,500 dwellings in this area are unsustainable. Mistakes made will have catastrophic consequences for the whole region. We have already learned what the developer's attitude is to native vegetation. It is essential for the Government to exercise strict control and enforce stringent conditions to any works carried out in this most sensitive area by this developer.

Sincerely Debbie Davis



January 23, 2012

Re: Request for extension to submit expert reports to Kings Forest Stage 1 public exhibition process.

Dear Mr Brent Devine,

The Caldera Environment Centre seeks your permission to lodge a late submission including several consultants' reports.

Unfortunately it has not been possible to meet the submission deadline for these reports, despite the extension provided until 25 January, as this exhibition period has coincided with the Christmas and New Year holiday break. The scale and complexity of the documents has precluded any hope for a timely analysis (a total of 98 environmental reports are listed on the Department of Planning website).

The reports expected to be submitted include:

- 1. An ecological assessment by Dr Dave Milledge
- 2. A water quality assessment by Australian Wetlands
- 3. A marine assessment by Mr Marshall Chang
- 4. A hydrology assessment by Mr Max Winders

It is expected that these reports would be submitted within two weeks of the deadline. I hope this is acceptable and would appreciate your response to this request.

Yours sincerely,

Samuel K. Dawson BAS (Hons)

Secretary, Caldera Environment Centre



Sandra Fatarella - Kings Forrest

From:

"Jacqueline" <jgartrell@primus.com.au>

To:

<plan_comment@planning.nsw.gov.au>

Date:

24/01/2012 7:39 AM

Subject:

Kings Forrest

Attachments: Kings Forest.rtf; kings forest pg 2.jpg

Attached please find my comments on the Kings Forrest Project,

Jacqueline Gartrell 1/94 Overall Drive Pottsville NSW 2489 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 extremes weather creation in this large training in the longer term.

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

oustamanning

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

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

stage by providing at least 10% low income affordable housing rather than just rely on grants or later agreements.

Erosion of public confidence due to lack of effective consultation, the obviously inadequate biodiversity protection for this internationally significant environment, developer donations and the

Signature (_

Printed Name:

dides 94 OVERALL L

PRTREC

Ports 11LLE, NSW 2X



From:

To:

Date:

Subject: Attachments: "Gary Opit" <garyopit@gmail.com>
<plan_comment@planning.nsw.gov.au>
21/01/2012 2:52 pm
KINGS FOREST Stage 1 Subdivision Submission
KINGS FOREST Stage 1 Subdivision Submission.docx

Dear Sir / Madam,

Please find enclosed within this attachment a submission on the KINGS FOREST Stage 1 Subdivision.

Regards,

Carmel Daoud

PO Box 383 Brunswick Heads, NSW 2483

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

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

- 1. The Director General requires that information in the Environmental Assessment Report (EAR) not be misleading. However, there are too many inconsistencies, inadequate explanations and variances with the EAR 2011. There must either be a new EAR or an amended application.
- 2. Cudgen Lake (a State Significant Coastal Lake), Cudgen Nature Reserve, Cudgen Creek system (nominated marine protected areas) and Blacks Creek need an Ecological Health Study (EHS) urgently before any earthworks drainage enters the Cudgen Marine System. There needs to be a Sustainability Assessment and Management Strategy prepared. There needs to be a referral to UNESCO for the impacts of this development on World Heritage values of the Caldera's coastal lowlands which are integral food sources in winter. Cudgen waterways provide significant feeding and breeding habitat for many water bird species including threatened species. Tweed already has the highest concentration of threatened species in Australia which is why resumption of Kings Forest should be seriously considered.
- 3. The development footprint of this project is too large considering the high level of biodiversity, threatened species and endangered ecological communities at risk. The community needs till at least end of February to understand the issues and there needs to be public consultation by both the developer and state planning.
- 4. The Cudgen Paddock and eastern side were assessed by NSW Dept Environment officers in the 2005 zoning, council staff and councillors for the Concept Plan 2009 and other ecologists who all agreed this was the minimum area needed to maintain biodiversity. A golf course encourages feral species, further threatening native species in Cudgen Nature Reserve. No development is the best plan.
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connectivity and safe passage of koalas, proving that the land should never have been rezoned. There needs to be a full enquiry into the failure to back zone recommended by the Woodward Investigation of 2005.

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SignatureCarmel Daoud				, a
Printed Name Carmel Daoud	4.			
Address _PO Box 383 Brunswick Head	ls NSW	7 2483		
Date21 January 2012			 # #	8