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## Sandra Fatarella - KINGS FOREST Stage 1 Subdivision Submission

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**From:** "Gary Opit" <garyopit@gmail.com>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 21/01/2012 2:48 PM  
**Subject:** KINGS FOREST Stage 1 Subdivision Submission  
**Attachments:** KINGS FOREST Stage 1 Subdivision Submission.docx

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Dear Sir / Madam

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

Yours faithfully

Gary Opit

PO Box 383 Brunswick Heads, NSW 2483

Phone: 66805466

Email: garyopit@gmail.com

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](mailto: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.
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 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.

Signature \_\_\_\_\_ Gary Opit \_\_\_\_\_

Printed Name \_\_\_\_\_ Gary Opit \_\_\_\_\_

Address \_\_\_\_\_ PO Box 383 Brunswick Heads NSW 2483 \_\_\_\_\_

Date \_\_\_\_\_ 21 January 2012 \_\_\_\_\_



**Sandra Fatarella - Fwd: Submission within the next 4 days to save koalas at Kings Forest.**

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**From:** Ri Fraser <rifraser@westnet.com.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 21/01/2012 3:46 PM  
**Subject:** Fwd: Submission within the next 4 days to save koalas at Kings Forest.

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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](mailto:plan_comment@planning.nsw.gov.au)

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

Dear Sir/Madam

I wish to object to this inappropriate 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.
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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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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.

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Signature \_\_\_\_\_ Ri



Fraser \_\_\_\_\_  
Printed Name \_\_\_\_ Ri \_\_\_\_\_  
Fraser \_\_\_\_\_  
Address \_13 Jarrah Cr., Ocean \_\_\_\_\_  
Shores \_\_\_\_\_  
Date \_\_\_\_ 21-01- \_\_\_\_\_  
2012 \_\_\_\_\_

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

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**From:** "Bernadette & Martin" <bern.martin@bigpond.com>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 21/01/2012 4:41 PM  
**Subject:** Re: KINGS FOREST Stage 1 Subdivision and Bulk Earthworks Application No. 08\_0194  
**CC:** <office@hazzard.minister.nsw.gov.au>

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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](mailto:plan_comment@planning.nsw.gov.au)

Minister for Planning The Honourable Brad Hazzard  
[office@hazzard.minister.nsw.gov.au](mailto: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 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.
- 1.3Cattle grids must be demonstrated to be foolproof from dogs, and koala underpasses immune from sea level rise and flooding.
- 1.4The 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.
- 1.6Roads 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.
- 1.7Planning for Bushfire must include planning for protection of the environment.
- 1.8Monitoring to achieve stated outcomes should be carried out in perpetuity and performance criteria applied to rehabilitation plans particularly tree growth targets.
- 1.9Ecological rehabilitation across the whole site should be undertaken in the immediate term, not staged as development progresses.
- 1.10Funding 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.

Yours sincerely,

Signature:

Martin Munz  
601 Limpinwood Rd  
LIMPINWOOD  
NSW 2484





## Sandra Fatarella - Kings Forest - submission

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**From:** Menkit Prince <earthlove@essentialoilcookbook.com>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 22/01/2012 2:06 AM  
**Subject:** Kings Forest - submission  
**CC:** Menkit Prince <earthlove@essentialoilcookbook.com>

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Attention:  
 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

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

- 1) The Cudgen Nature Reserve Plan of Management advises....

### 2.2.4 Flora values

Cudgen Nature Reserve supports 15 distinct vegetation associations, described below, many of which are poorly represented in other reserves. The vegetation associations range from coastal floodplain and estuarine wetland, floodplain forest, littoral rainforest, heathland, mangrove and dune vegetation communities (NPWS, 1989; Murray, 1989; Pressey and Griffith, 1987; Griffith, 1993).

A total of 10 nationally listed rare and threatened plants (ROTAP) species occur in the Reserve, 2 classified as endangered, 2 vulnerable and 6 rare (NPWS, 1995). Another 4 species are rare in NSW and 2 regionally uncommon in upper north-east NSW. Eight plant species in the Reserve are recognised under the *Threatened Species Conservation Act 1995*, 4 as endangered (Schedule 1) and 4 as vulnerable (Schedule 2).

### 2.2.5 Fauna values

The Reserve is of regional and state significance for the conservation of native fauna. A fauna survey conducted in the Reserve by Milledge (1988) identified 137 vertebrate species, including 10 amphibian, 9 reptile, 98 bird and 20 mammal species. Examples of threatened and regionally significant species include the wallum sedge frog, wallum froglet, wompoo fruit dove, glossy black cockatoo, red-tailed black cockatoo, barred cuckoo-shrike, osprey, long-nosed potoroo, greater glider, eastern little mastiff bat, yellow-bellied sheath-tailed bat and the pink-tongued skink. Nineteen species identified as threatened under the *Threatened Species Conservation Act* are known to occur in or near the Reserve (see Appendix 1)

Since those early studies the following actions have continued at the Kings Forest site:



- agricultural clearing by the previous owner to Leda Properties Pty Ltd in 2003,
- the continued practice by the present owner,
- extended grazing rights by Tweed Shire Council to the Kings Forest site present owners and
- a noticed failure of an up-dated study of flora and fauna species within the Cudgen Nature Reserve.

What remains of the once significant flora and fauna at the Kings Forest site is but a shadow of its former environmental state.

Why is there no benchmark for the monitoring of flora and fauna species at Kings Forest site, given its state significance? This clearly needs to be done before this application is approved and there needs to be accountability by the developer as it pertains to the Threatened Species Conservation Act.

2) There needs to be a MORATORIUM on this development until the issue of the illegal clearing at Blacks Creek in June 2011 is remedied in full.

Sincerely,  
Menkit Prince  
PO Box 3410  
Uki NSW 2484

89

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

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**From:** "David Conder" <david.conder@bigpond.com>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 22/01/2012 8:56 AM  
**Subject:** Submission - KINGS FOREST Stage 1 Subdivision and Bulk Earthworks - Application No. 08\_0194

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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

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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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Submitted by email from:

David Conder  
64 McPhail Avenue, Kingscliff, 2487

22 January 2012

Dup. of (29)

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

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**From:** "David Conder" <david.conder@bigpond.com>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 22/01/2012 9:20 AM  
**Subject:** Submission - KINGS FOREST Stage 1: Subdivision and Bulk Earthworks - Application No. 08\_0194

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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.

Submitted by email from

David Conder

64 mcPhail Avenue

22 January 2012



Dup. of (89)

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

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**From:** "David Conder" <david.conder@bigpond.com>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 22/01/2012 9:20 AM  
**Subject:** Submission - KINGS FOREST Stage 1 Subdivision and Bulk Earthworks - Application No. 08\_0194

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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

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 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.

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.

Submitted by email from

David Conder



64 McPhail Avenue, Kingscliff, 2487

22 January 2012

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**Sandra Fatarella - Submission re Kings Forest Development Application number :08\_0194**

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**From:** Trish Mann <trishmann7@gmail.com>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 22/01/2012 11:57 AM  
**Subject:** Submission re Kings Forest Development Application number :08\_0194

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Date: 20 – 01 – 2012

**Submission re Kings Forest Development Application number :08\_0194**

Environmental Management Plan for Kings Forest Estate

Dear Sir / Madam,

I am respectfully opposed to the Environmental Assessment (EA) of this development which I believe does not consider the impact in regard to protecting endangered Koala's and other threatened species.

The Environmental Management Plan (POM) for Kings Forest Estate relies on koala-proof fencing to prevent car carnage and dog attacks however it will be inadequate to stop dogs entering through vehicle access areas, fence holes over time etc.

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)

Some worthwhile dog management practices include :

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

The current proposed POM for this application fails to include the above.

Current scientific evidence shows that any dog bite can kill koala and dog saliva has been proven to be a deadly toxin to koalas which reinforces the point made by the Tweed Shire Council in 2009 (Reports – Item 9)

that '*dogs and koalas must not mix*'.

Dog management practices have 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.

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.

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

The golf course management plan is not consistent with the POM 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 PoM 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.

I believe the Kings Forest development will have a negative impact on threatened species in this area most notably the koala population and I would ask the Director General to require the proponent to revise their EA to address these important matters.

Thanking you in anticipation,

Trish & Ernst Mann

16 Greenvale Crt Burringbar

0266771943

(91)

**Sandra Fatarella - Kings Forest Satge one Appl # 08\_0194**

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**From:** "sledge47" <sledge47@bigpond.com>  
**To:** "Brad Hazzard" <office@hazzard.minister.nsw.gov.au>  
**Date:** 22/01/2012 1:49 PM  
**Subject:** Kings Forest Satge one Appl # 08\_0194  
**CC:** <plan\_comment@planning.nsw.gov.au>

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Scott Sledge  
50 Gabal Road  
Lillian Rock NSW 2480  
22 November 2012

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](mailto:plan_comment@planning.nsw.gov.au)  
And  
Minister for Planning The Honourable Brad Hazzard  
[office@hazzard.minister.nsw.gov.au](mailto: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 currently serve as Vice President of the Kingscliff Ratepayers and Progress Assoc.  
I object to the Kings Forest development on the following grounds and seek an extension until end of February and improved community consultation.

Please take particular note of my additions to #1 and #6:

#1 :No dogs should be allowed in new developments near koala populations and planting of koala food trees must take place BEFORE any building commences.

#6 :The Concept Plan for Kings Forest was facilitated by the now-disgraced Planning Minister in the waning days of the hugely unpopular former government. There is every reason to review and revise this hugely overcrowded housing estate which will have a negative effect on existing residents and amenities. We can hardly find a car park in Kingscliff as it is following recent coastal developments. The lifestyle of existing ratepayers should not be sacrificed to benefit a developer : there is no social justice in this situation. The employment of builders will be temporary while the 15,000 new tenants/residents will have to compete with locals for scant existing jobs, unless a new industry is established. There is also the question of why this developers is allowed to abrogate the Council rules which govern every other development in the Shire.

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:*

- 1.2 A 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.
- 1.11 The developer should fund the Department of Environment and Heritage or Council to provide an environmental compliance officer as required.

Yours sincerely,

Please forward to the Planning Minister for his attention



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**Sandra Fatarella - Kings Forest, Tweed**

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**From:** Jules Lewin <juleslewin@gmail.com>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 22/01/2012 8:53 PM  
**Subject:** Kings Forest, Tweed

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Dear Sir/Madam,

The iconic Tweed Coast Koalas are proudly displayed on the header of the home page of Council's website. The population has, as whole, been decimated over the past twenty or thirty years, and the remnant koala population in Kings Forest deserves every protection we can give them.

I respect the advice of koala experts such as Dr Steve Phillips (Biolink), Currumbin Wildlife Sanctuary and Tweed Team Koala. I have read the submission by Team Koala and I fully endorse their position.

Yes to koalas, no to dogs.

Regards  
Jules Lewin  
77 Wallaby Ct  
Stokers Siding NSW 2484.

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Sandra Fatarella - Kings Forest Development Application number :08\_0194

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**From:** "Sonia Trichter" <strichte@bigpond.net.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 22/01/2012 9:01 PM  
**Subject:** Kings Forest Development Application number :08\_0194

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## **"The endangered koala population can be saved if dogs are banned from the new housing 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.

Regards  
Sonia Trichter,  
President,  
Friends of the Pound (Tweed) Inc.



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**Sandra Fatarella - Submission - Kings Forest Development Application number 08 0194**

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**From:** "susieheader" <dog.on@bigpond.com>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 22/01/2012 9:18 PM  
**Subject:** Submission - Kings Forest Development Application number 08 0194

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**20th January 2012****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,

I am extremely concerned about the last surviving koalas on the Tweed Coast, and proposed developments that threaten their very existence. Every measure should be taken to make sure that the koalas of the Tweed do not become extinct.

Areas of major concern include

1. The current Koala Plan of Management fails in its aim of protecting koalas
2. Retaining and enhancing core koala habitat must be an immediate priority. No koala food trees should be felled and any tree planting should be done immediately.
3. Roads as currently planned present a high risk to wildlife including koalas and other threatened and endangered species. One proposed road even goes right through core koala habitat.
4. The golf course management plan is not consistent with the KPOM and the Threatened Species Management Plan.
5. The ownership of pet dogs should be banned altogether like the successful Koala Beach Estate in nearby Pottsville.
6. Wildlife corridors should be incorporated into the design of any development.
7. 40kph speed limits should be put in place and also speed bumps installed

I ask you to please guarantee a secure future for the local koala population of the Tweed Coast.

Yours sincerely,  
Susie Header  
122 Boormans Rd,  
Limpinwood. NSW 2484

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

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**From:** Duke Albada <duke\_albada@yahoo.com>  
**To:** "plan\_comment@planning.nsw.gov.au" <plan\_comment@planning.nsw.gov.au>  
**Date:** 20/01/2012 11:56 AM  
**Subject:** Re: KINGS FOREST Stage 1 Subdivision and Bulk Earthworks – Application No. 08\_0194

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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](mailto:plan_comment@planning.nsw.gov.au)

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.

Ms. Duke Albada  
13 Oleander ave  
Bogangar NSW 2488  
mobile + 61 0413392788  
phone + 61 02 66763235  
email [duke\\_albada@yahoo.c](mailto:duke_albada@yahoo.c)

96

**From:** "Kirsten Wunderer" <kirstenwunderer@web.de>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 20/01/2012 12:27 pm  
**Subject:** Kings Forest Stage 1 application submission

Dear Sir/Madam,

I have attached my submission objecting to the Stage 1 application of Kings Forest.

Kind regards,

Kirsten Wunderer

---

SMS schreiben mit WEB.DE FreeMail - einfach, schnell und kostenguenstig. Jetzt gleich testen! <http://f.web.de/?mc=021192>



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](mailto: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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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.

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Signature *Kirsten Winder*

Printed Name KIRSTEN WINDER

Address 13 TULIPWOOD COURT MURWILLUMBAH

Date 20-1-12



97

**Sandra Fatarella - Kings Forest Development**

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**From:** <dooley25@tpg.com.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 21/01/2012 9:31 AM  
**Subject:** Kings Forest Development

---

21 January 2012

12 Channel Place  
Kingscliff 2487

Re: Kings Forest Development

I'm more than concerned about the proposed Kings Forest development. I'm very worried the impact it will have on the surrounding environment and fauna habitats. How will the flora and fauna be protected from major earth works?

To date the developer has not indicated as to when land will become reserve. If this decision is not made before earth works commence it will all be too late. To protect flora and fauna, fencing the nature reserve must be an absolute priority, ie before any earth works commence. I quote from a newspaper article....fencing of the nature reserve should happen ahead of the development to protect fauna that try to move through the development. The fencing should be of a different specification to the developer's proposal – it needs to be floppy top cyclone fencing or the koalas will climb over it.

Is it just a coincidence that the banks of Black's Creek was illegally cleared, bull dozed by Leda contractors/workers so that it would erode and eventually have the capacity to potentially drain Kings Forest. If we pollute Black's Creek we pollute and destroy Cudgen Nature Reserve.

The Cudgen Nature Reserve is a pristine part of the Tweed region, home to god only knows how many species of flora and fauna. This area should not be put at risk so why is Kings Forest even on the agenda, if destroying this integrally beautiful heart of the region is jeopardized.

Concerned resident  
Michael Doolan

Dup. of 97.

**Sandra Fatarella - Kings Forest Submission Objection**

**From:** <dooley25@tpg.com.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 14/01/2012 9:45 AM  
**Subject:** Kings Forest Submission Objection

14 January 2012

12 Channel Place  
 Kingscliff 2487

**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. 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 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.

- 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.
- 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.
- 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 minimized by allowing only large lots of minimum 10 hectares.
- 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.
- 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).

- As such the maximum protections and precautionary principles must be applied.
- 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.
- 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.

- A Sustainability Assessment for Cudgen Lake must be provided in the exhibition documents.
- Impacts on the marine ecology of Cudgen Lake, Cudgen Ck and Blacks Ck must be provided.
- Excavation and filling should be prohibited or largely limited to limit impacts on marine ecology.
- 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.

- 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.
- 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.

Yours sincerely

M. Doolan



(98)

**Sandra Fatarella - Kings Forest Development Objection**

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**From:** <glenda25@tpg.com.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 21/01/2012 9:35 AM  
**Subject:** Kings Forest Development Objection

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21 January 2012

Re: Kings Forest Development

I'm more than concerned about the proposed Kings Forest development. I'm very worried the impact it will have on the surrounding environment and fauna habitats. How will the flora and fauna be protected from major earth works?

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Concerned resident

Glenda Doolan

Dup. of 98

**Sandra Fatarella - Submission Objection - Kings Forest, Kingscliff**

---

**From:** <dooley25@tpg.com.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 12/01/2012 9:30 AM  
**Subject:** Submission Objection - Kings Forest, Kingscliff

---

12 January 2012

12 Channel Place  
Kingscliff 2487

Dear Sir

I would like to make the following comments on the Kings Forest Plan 08\_0194 Stage 1 Project Application.

In 2005 the NSW Planning Department overrode strong and repeated recommendations from the NSW Environment Department, which wanted to remove the development from both the eastern portions and from the Cudgen Paddock to the south. The current Tweed Shire Council and Council Staff endorsed this position for the recent Concept Plan proposal but were also overridden by NSW Planning, as were the views of the largest number of community submissions in NSW history. I 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. I fear you will never be able to overcome the fundamental problems of this developments environmental footprint.

It worries us greatly that the developer has already illegally cleared vegetation adjacent to Kings Forest. They must be held accountable for their actions and prosecuted to the full extent of the law. Why does this not revoke this development application?

We believe the following additional points should be considered.

We DO NOT want a dam built at Byrrill Creek. Will Kings Forest be water self-sufficient?

As this is a diverse wildlife corridor the following need to be provided at a minimum.

- The area must prohibit dogs and cats.
- No koala habitat or food tree should be felled, this is the middle colony and largest of three remaining core koala habitat areas, on the Tweed Coast, it is vital for their survival.
- There should be overpasses, underpasses and exclusion fences and all corridors need to connect.
- Road signage, speed bumps and maximum speed limits of 40 kph.
- It must be mandatory for the developer to establish and maintain funds for a Management Committee to ensure koala protection is enforced.

The tweed shire has difficulty maintaining the roadways now. The addition of a proposed 4500 homes will place enormous pressure on the roads within the shire. The entrance to this estate combined with



the planned shopping centre will create traffic chaos and undoubtedly create 'black spots'.

I like so many others moved to this pristine environment to escape the pollution and rat race of the big city. This is a wonderful area, don't spoil it with this unnecessary estate. An estate of this size will put undue pressure on the environment, families living in the area and Tweed Shire resources.

Yours sincerely,  
G. Doolan

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](mailto:plan_comment@planning.nsw.gov.au)

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

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Signature \_\_\_\_\_ Carolyn Rifello \_\_\_\_\_

Printed Name \_\_\_\_\_ CAROLYN RIFELLO \_\_\_\_\_

Address \_\_\_\_\_ PO Box 3321 Uki NSW 2484 \_\_\_\_\_

Date \_\_\_\_\_ 15<sup>th</sup> January 2012 \_\_\_\_\_



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](mailto:plan_comment@planning.nsw.gov.au)

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

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Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_



Submission □Kings Forest Mini City Development  
Environmental Management Plan for Kings Forest Estate

Attention: Director Metropolitan and Regional Projects North

Date: 27 □12 □2011

Dear Sir or 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.

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 NES □Environment Protection Act and Biodiversity Conservation Act 1999 |

Key Issues:

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 keep koalas from vehicles but is inadequate as a way to keep out dogs.**

- 1 There is little evidence that management responses to address dog attacks on koalas has been effective thus far (Threatened Species Scientific Committee 2009)

Currently the KPOM fails to do the following:

- a Prohibit certain dog breeds
  - b Limit dog numbers
  - c Require dusk to dawn housing
- 2 Concerning koala attacks by dogs, The Friends of the Koala Inc. emphatically state that all dogs impose a deadly threat to koalas, irrespective of size.
    - a Scientific evidence shows that any dog bite can kill koalas
    - b Dog saliva has been proven to be a deadly toxin to koalas
    - c This reinforces a point made by the Tweed Shire Council in 2009 that 'dogs and koalas must not mix'.
- 3 Measures to protect core koala habitat in environmental protection zoned land will be pointless if dogs are to be allowed.

- a No koala feed trees should be felled, no matter where they are. There is evidence that koala feed trees have already been felled on the site.
  - b 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.
- 4 Under the present plan, specific road design is inadequate for the protection of koalas and their safe passage across habitat areas.
- a Under the current plan, two-lane roads are designed to go through core koala habitat and environmental protection zones
  - b 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:
    - 1b No higher than 40 kph speed limits
    - 2b Speed humps need to be placed at least every hundred metres
    - 3b Speed cameras are need to enforce prescribed speed limits
    - 4b Electronic traffic speed recorder is needed
- 5 The golf course management plan is not consistent with the KPoM and the Threatened Species Management Plan.
- a 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.
  - b Golf courses are well known corridors for feral animals and, therefore, are a danger to koalas.
  - c Koalas crossing golf courses must contend with unrestricted human sport activity.
  - d Koalas 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.

You know for a fact that Koala populations cannot survive under these conditions but you still go ahead and build these monstrosities in the name of "economic sustainability" Shame on you for the genocide of so many creatures.

Yours sincerely  
 Karen Chadwick  
 50 Blueberry Court  
 Banora Point 2486



(100)

**Sandra Fatarella - KIngs Forest Project**

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**From:** "Kim & Sue Nicholls" <kwse@bigpond.net.au>  
**To:** <plan\_comment@planning.nsw.gov.au>  
**Date:** 23/12/2011 2:51 PM  
**Subject:** KIngs Forest Project

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Dear Sir/Madam

I object to the proposal of the major development being undertaken by Leda at Kings Forest, Application no. 08\_0194, Proponent Project 28 PtyLtd.

This development will definitely kill off the second largest Koala colony in the Tweed Shire as well as other native species in this allotment. This is a haven for wildlife and flora in an area that has already been developed rapidly with building estates.

This development will also have about 10,000 people living in it once finished. This adds enormously to the amount of water that will be needed in an area that people do not want another dam because of environmental reasons and are fighting against proposals. Sewage and other waste will have to go somewhere. Where??

Economically this will boost, in the very short term, employment of locals and others who will come here for the earth moving/clearing and then building procedures. This will not last of course and this area already has a large proportion of unemployed persons. More and more businesses in this area are closing already with the world economy crisis. This may make the estate a future slum with some of the proposed blocks of land being very small and close together.

This is an area of particular beauty and it is environmentally fragile. There has been sudden growth with building estates going up in all of the coastal villages, Tweed Heads, Murwillumbah and hinterland. This Kings Forest Development will bring too many people to an area that will in the long term be just a drain on the local council and economy. Environmentally it is disastrous!!

I cannot in any way support this project. The billionaire developer in charge of Leda does not need any more money. It is GREED that is killing our world bit by bit. Where do we stop and say this is not right and will not happen??

I appeal to the NSW Government to stop this development on the grounds of environmental damages that will be caused and future economical damage to the Tweed Shire.

Thankyou, Yours faithfully, Sue Nicholls, 1151 Uriup Road, Murwillumbah, NSW 02 66727111.

I wholly support the Liberal Government.