

(132)

Sandra Fatarella - FW: Kings Forest Application - Public Submission

From: "Sue Johnson" <sue.mjohnson@bigpond.com>
To: <plan_comment@planning.nsw.gov.au>,
<majorprojects@planning.nsw.gov.au>
Date: 25/01/2012 5:05 PM
Subject: FW: Kings Forest Application - Public Submission

-----Original Message-----

From: Jo Cabale [mailto:joeycab@hotmail.com]
Sent: Wednesday, 25 January 2012 3:58 PM
To: plan_comment@planning.nsw.gov.au; majorprojects@planning.nsw.gov.au
Subject: Kings Forest Application - Public Submission

Sue Johnson
56 Pimble Valley Road
Crabbes Creek
NSW 2483
Director Metropolitan & Regional Projects North
Major Projects Assessment
Department of Planning
GPO Box 39
Sydney 2001

Wednesday 25 January 2012

Dear Sir/Madam;

Re: Kings Forest Stage 1: Subdivision; Bulk Earthworks Application no. 08_0194

'Tweed Shire covers 1303 square kilometres and adjoins the NSW Local Government Areas of Byron, Lismore and Kyogle, with the NSW/Queensland border to its north where it divides the twin towns of Tweed Heads and Coolangatta. With 37 kms of natural coastline, wetlands and estuarine forests, lush pastoral and farm land, the entire basin of the Tweed River, and mountainous regions containing three world-heritage listed national parks, Tweed boasts a unique and diverse environment.

Centrepiece of the Shire is Mount Warning, where the sun first hits the Australian continent. The surrounding McPherson, Tweed, Burringbar and Nightcap ranges form the caldera of the fertile Tweed Valley. Prior to European settlement, the area was blanketed in sub-tropical forest and was home to the Nganduwal/Minjungbal people. Many of the Shire's towns and villages derive their names from the language of the local Aboriginal people. The retail, hospitality, agricultural and tourism industries are major employers, while construction, fishing, and light industry are other significant contributors to the local economy.' (Tweed Shire Council website – www.tweed.nsw.gov.au)

The Tweed Shire is promoted at the 'Green Cauldron' – an environmental oasis. It attracts international tourists and domestic visitors with its natural splendours, and residents with its natural unspoilt lifestyle. It supports the highest concentration of threatened flora and fauna in Australia and boasts the greatest degree of biodiversity in Australia, much of which exists in almost pristine conditions in the Kings Forest and Cobaki areas. This is the area which is currently under threat from a massive 4 500-

dwelling, 15 000-person development, the scale of which has never been seen in the Tweed Shire.

Cudgen Nature Reserve and the surrounding areas are considered to be part of the largest remnant of native vegetation on the Tweed Coast. They are of significant local, regional, state and national importance due to their beauty and ecological biodiversity. Surely this is an area for increased protection and vigilance to ensure its integrity and survival, not a candidate for wide-scale development with no consideration for its conservation.

We will only get one chance at putting in place appropriate guidelines for the Kings Forest Development. We must put every effort into making sure that this private development that will provide great financial benefits for a billion dollar developer will not mean catastrophe, total destruction and extinction for such a vital piece of environment, nature reserve and all the flora and fauna that access it.

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

- <!--[if !supportLists]-->1. <!--[endif]-->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 core koala habitat. It is essential that detailed plans that will ensure the integrity of these areas and avoid irreversible damage are provided by the developer before development is approved.

The massive scale of this development requires that environmental assessments by the Department of Planning (DoP) examine every kind of environmental impact that 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 unspecified outside sources. This allows the probable infestation of exotic weed and insect species into an area of high sensitivity.

- <!--[if !supportLists]-->2. <!--[endif]-->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.

- <!--[if !supportLists]-->3. <!--[endif]-->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, koala food tree plantations, fire buffers, open space, 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, and must be funded by the developer.

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

<!--[if !supportLists]-->4. <!--[endif]-->Inadequate protection of koalas and habitat.
DGRs 9.5 – 9.9:

The Report of the Senate Inquiry into Koalas, 'The Koala – saving our national icon' was tabled in Federal Parliament on 22 September 2011. It outlines the impacts by a multitude of threats upon koala populations. This report acknowledges that since the ending of the fur trade (last open season occurred in 1927), which saw the indiscriminate slaughter of millions of koalas for fur exportation, the population of koalas in Australia has drastically declined over subsequent generations. The report separates these threats into: threats to koala's habitat and threats to individuals. Threats to habitat include urban development and habitat destruction, fragmentation and disturbance. Habitat loss and land clearing is considered to be the primary causal factor in the population decline of koalas. Threats to individuals include disease, fire, motor vehicle strikes and attacks by dogs. The significant impact of disease (primarily Chlamydia and koala retrovirus) upon the population is exacerbated by the cumulative stressors of other threats imposed upon koalas, causing them to be more susceptible to disease-related conditions. All of these threats will be present during the Kings Forest development.

The Tweed Coast Koala Habitat Study (Jan 2011) established the koala population in the Tweed Coast Study Area to be approximately 144 individuals. Currently, without establishing new developments and introducing new threats, this number may fall below the minimum viable population size needed to allow long-term local population existence.

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 unacceptable and defies logic that the developer's concept plan was approved prior to the Tweed Council Koala habitat study being 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.

Development should be completely excluded in these sensitive areas, or at the very least, impacts minimised with no lot sizes being less than 10ha. 4 500 dwellings in this development is completely ecologically unsustainable and inappropriate. No residential areas should be adjacent to koala habitat or to the Cudgen Nature Reserve.

Proposed development of sensitive koala habitat areas in Kings Forest is justified by the developer because they claim to be able to maintain the ability of koalas in these areas to free-range throughout these areas. Proposed fencing will obviously impact upon the koalas ability to free-range, not to mention the effects of such fencing on other terrestrial fauna (wallabies, bandicoots, snakes, potoroos and many ground-dwelling birds) that share this habitat.

The issue of any fence maintenance has not been adequately addressed. The establishment and ongoing maintenance costs associated with erecting, regular monitoring and repairing, and weed and vegetation management on both sides must

be met by the developer and guidelines strictly adhered to and enforced. Cattle grids are not an effective means of keeping dogs out of core koala habitat. There must be a complete ban on cats and dogs in this estate, including visitors as well as residents. The result of an encounter between dogs and koalas is very well documented and has resulted in many deaths and serious injuries. Cats also present a disease risk to koalas as they transmit the toxoplasmosis bacteria through their faeces, which is deadly to koalas.

Cars and koalas are a disastrous combination. Planning to put a road that cuts through koala habitat, therefore, defies logic. This must not be permitted. There must be a 40kpm speed limit throughout the estate, with speed bumps every 100m to ensure compliance.

Leda promotes the fact that 20 000 koala food trees will be planted on the site. Using this fact as evidence that the koala population is being supported and that core koala habitat is being replaced and even enlarged upon by the developer, is preposterous. Accepting that the wild koala population in the Tweed Coast area is 144 individual animals, 20 000 koala food trees being planted as part of the development, although a seemingly large number, is ridiculously inadequate. Accepting the fact that not all these koalas would be, at any one time, utilising the area within and surrounding Kings Forest, resources must be provided to support the population that may be present. The developer must compensate for any reduction of habitat within areas of the development site. Sufficient established primary koala food trees (Forest Red Gum *Eucalyptus tereticornis*, Swamp Mahogany *E. robusta*, Tallowwood *E. microcorys* and Grey Gum *E. propinqua*) are vital for survival of the koala population.

A koala eats 10% of its body weight in leaves per day (400 – 1000g). A koala will not eat every leaf of a koala food tree available, nor will it consistently eat the leaves of a particular food tree. Feeding preference depends upon a variety of conditions, but commonly the ratio of nutrients to anti-nutrients present in the leaf. As the chemical composition of leaf varies due to species, soil type, soil salinity, available soil nutrients, climatic and weather conditions, and age of leaf, just planting food trees and considering that this act in itself is providing support for wild koalas, is not sufficient.

An overseas zoo interested in procuring a captive koala must establish a plantation of a variety of at least five or six preferred species, incorporating 500 – 1000 trees per koala, which must be planted at least four to six years before acquiring the animals. After planting, these trees must be segregated and protected until they reach a height of at least ten metres and have a closed canopy (approx 7 years of age)(2003 Jackson, S. *Australian Mammals: Biology and Captive Management*). During this time, obviously, these trees cannot be accessed as food trees for wild koalas and therefore not be considered as a measure of supporting the existence of a wild population. It must be emphasised that these figures are for captive koalas that have leaf plantations meticulously established and maintained, harvested and delivered daily to their enclosures. These animals are monitored and cared for by dedicated keepers and staff whose entire consideration is their welfare. They have access to round the clock veterinary care, are sheltered and protected from stressors, and are never exposed to such threats as cars, dogs and habitat loss. To think that wild koala populations, dealing with the stressors of encroaching and destructive development, would require habitat and access to food tree resources commensurate with captive koalas is ludicrous. It would not be unreasonable to consider doubling these numbers at least, would be a start to supporting the wild koala population that accesses the Kings Forest development site. 144 koalas, 2 000 food trees per koala = 288 000

koala food trees. Nearly 300 000 trees that would not be able to be considered to be viable sources of koala food for at least seven years.

The planting of these food trees must also not interfere with other established environmental communities and must not be planted in heathland or littoral rainforest, where introduction of these species would adversely affect existing sites. Littoral Rainforest is recognised Federally as well as by State as Endangered Ecological Community. These food trees should also not be included as part of a buffer zone between residential areas and the reserve, as encouraging koalas to move into these areas by providing food, negates its ability to 'buffer' or separate these animals from the high-density urban environment. No mention of the developer accepting full financial and manpower responsibility for the monitoring and maintenance of koala food tree plantations is contained within the plans provided by the developer.

It is also an accepted fact that wild koala populations leave areas of food trees to regenerate for periods of up to several years, where they move away and utilise other core habitat for those periods. Any development in koala habitat must provide sufficient appropriate food trees and areas to allow for this 'spelling' of useable portions of habitat.

The developer is responsible for the illegal and unauthorised clearing of a 500 metre stretch of Blacks Creek inside a protected section of the Cudgen Nature Reserve adjoining the Kings Forest development site, essentially removing approximately 100 native trees, destroying habitat, displacing innumerable fauna, draining the creek and planting exotic grasses on cleared areas. This illegal clearing improved the drainage of part of the development site and would facilitate subsequent development of those areas. Clearly, this vegetation clearing should illustrate the contempt and disregard of this developer towards protected areas and environmental issues, and should be investigated fully and penalised to the full extent of the law before any other deliberations continue in regard to the Kings Forest development.

Every stage of this development must be monitored by onsite environmental compliance officers dedicated to the adherence of the developer to guidelines, regulations and laws.

<!--[if !supportLists]-->5. <!--[endif]-->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.

<!--[if !supportLists]-->6. <!--[endif]-->Lack of marine protection

The Cudgen Nature Reserve including the lake is classified as a Marine Protected Area with the lake also being considered a State Significant Coastal Lake. Why then, has a sustainability assessment, judged to be urgent by the Department of Water and Energy in relation to the concept plan, not been undertaken.

A sustainability assessment for Cudgen Lake must be provided, including impacts on marine ecology. Already, poor management has resulted in severe effluent degradation of water quality. Cudgen Lake Catchment Rehabilitation Project's intention of mitigating acid discharges must not be jeopardised by the development of the Kings Forest development.

Therefore, excavation and filling must be prohibited in this area to limit impacts on marine ecology. Rigorous standards and infrastructure are essential to prevent water pollution and ensuring stormwater quality from the development site into Cudgen Lake, and that there should be 'no net water pollution' from the site.

The proposed Golf Course must not use any toxic organophosphate pesticides that may negatively impact the Marine Protected Area and Cudgen Lake.

The entire Cudgen Paddock and the Heathlands are recognised as areas of high conservation value and these areas should be protected with a view to maintaining biodiversity and the environmental integrity of the area.

The Tweed Shire community must be assured 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.

We will only get once chance at putting in place appropriate guidelines for the Kings Forest Development. We must put every effort into making sure that this private development that will provide great financial benefits for a billion dollar developer will not mean catastrophe, total destruction and extinction for such a vital piece of environment, nature reserve and all the flora and fauna that access it.

As we have already seen repeatedly, this developer has little regard, even contempt, for the authority of Council staff (and their views), the general public (and their concerns), the environment (and any legal protection placed upon it) and the fauna utilising this habitat. Leda has bullied and targeted Council staff who have any opinion that threatens their development plans. They have heckled and insulted concerned residents of the shire who try to protect and defend their rights as citizens of the area to have input into its development. They have illegally cleared vegetation and destroyed protected habitat with total disregard for the environment and the laws that are put in place for its protection. And they have ignored, disputed and denied issues relating to the use of the area by wildlife and the impacts their development will cause.

Leda has promoted the fact in the media that the Kings Forest development is worth \$2.2 billion. It is no secret that it will pursue any avenue that will secure maximum commercial viability of this venture, regardless of its social, ecological and environmental effects.

The guidelines put in place must be complete, strategic, comprehensive, thorough and erring on the side of caution, and above all enforceable to the full extent of the law, to a degree that any and all infringements incur maximum repercussions up to and including retraction of approval for site development. This developer is not affected by the fines already imposed, they are seen only as an added cost to the development.

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. Once approval is given, development is underway, vegetation is destroyed and fauna has been driven to localised extinction it will be too late.

I urge you to take into account all information and opinions presented in submissions from the public on this issue and to protect this vital piece of ecological habitat as the Tweed Coast's delicate treasure that it is.

Yours sincerely,
Sue Johnson

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Sandra Fatarella - Kings Forest submission, Tweed LGA

From: Fiona McCormick <fiona.mccormick55@gmail.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 26/01/2012 12:07 AM
Subject: Kings Forest submission, Tweed LGA

To the Planning Department, NSW State Government

I apologise for this hasty submission, however only heard today that submissions were being called for.

In summary: I am extremely disappointed at the lack of adherence to best environmental and social practice in this development. It falls far short of other contemporary developments in terms of water use (no dual reticulation - why not?), energy efficiency (no provision for renewable energy generation, in spite of the Northern Rivers having the highest uptake of on-roof solar in the State), public transport (where is it?) and social equity (where is the housing mix?).

Kings Forest Submission (DA Number 08_0194)

I am writing to ask that the NSW State Government insists that all new developments in the Tweed Shire meet best practice standards, starting with the proposed housing development at Kings Forest. As it has only just come to my attention I can write a submission, I will make a few points on issues that need to be addressed in considering the validity and viability of future housing developments in general and the Kings Forest development in particular.

WATER

In other rural and metropolitan areas around Australia, it is now compulsory to have dual reticulation of potable water to drinking taps and grey water to outside taps, laundry and for toilet flushing. This conserves vital drinking water, which is a positive step towards maintaining a safe and abundant water supply for the future inhabitants of the region without ruining our natural heritage by damming waterways which support unique and (in many cases critically) endangered flora and fauna.

ENERGY EFFICIENCY

While individual houses all have to meet the NSW BASIX criteria for energy efficiency, thermal comfort and water efficiency, I support the Tweed Climate Action Network call for developments (both housing and industrial) to meet emissions and efficiency standards at the macro level. To this end the use of tools such as PRECINX should be applied to the site and the recommendations for whole-of-development efficiencies must be mandated: this is surely within the charter of the Tweed Shire Council and the NSW State Government. I also support Tweed Climate Action Network's call for every opportunity for local renewable energy generation to be explored for this development and for provision for future renewable energy infrastructure, such as ensuring that the local distribution network and sub-stations at Kings Forest (and other future developments) can cope with a substantial feed-in of solar or wind electricity from on site.

TRANSPORT

On reading through this application I could find no clear cut plan for integrated public transport. By this I am referring to encouraging residents to walk or ride a bicycle to a bus or light rail stop, board the transport service and arrive at their destination in a timely fashion. In order to do this, local bus services need to be linked in with the Gold Coast rail network and the airport at Tugun and there need to be frequent services. This is particularly important for Tweed Shire residents, as the Tweed has one of the lowest average household incomes in NSW and car ownership is expensive.

Cycle and walking tracks need to be an integral part of the transport strategy for this "mini-city", as Australia is facing a growing obesity epidemic: take one look at countries with a high usage of public transport (such as Germany) and you will notice that the inhabitants are leaner. For the welfare of future generations we need to encourage incidental exercise, such as that undertaken when one walks to the bus stop.

Finally, public transport produces far less greenhouse gas emissions than private transport per passenger kilometre: looking at the Kings Forest development in regard to emissions it is obvious that very little mitigation has been planned, yet a lot could be achieved due to the density of the housing. Again I call on Tweed Shire Council and the NSW State Government to insist on best practice.

BIODIVERSITY

It is essential that we protect our fauna, and ensure that there are corridors preserved to allow for movement as the climate changes, making it easier for them to find a way to cope with increased climate variability. I endorse the recommendations made by the Tweed Shire Council in its submission with regards to biodiversity protection.

SOCIAL WELFARE AND LOW COST HOUSING

As previously mentioned, the Tweed LGA has an average annual household income which is substantially lower than the median for NSW. Every new development must allow for a proportion of affordable, simple housing. There must be a mix to allow for a range of households from those with just one adult, to those comprising several adults who choose to share, to those allowing for families with children of all ages and also housing that accommodates "empty nesters", retirees and pensioners. A large development such as Kings Forest is well placed to do this, and to incorporate facilities which have proved to foster a sense of community such as community gardens, a library, community markets and meeting places suitable for all the various age groups. It is up to Council and the State Government to ensure provision for these facilities are central to the development.

I trust that the Government and the Tweed Shire Council have already taken all this (and more) into consideration when planning to almost double the population of the Tweed over the next 20 years and that every effort will be made to ensure that Kings Forest and similar large developments do not tarnish the ability of our unique Tweed Valley to support its wildlife and biodiversity. I am particularly concerned to hear (today) that dogs are to be allowed on this estate: what is being done to protect the Tweed's last koalas?

Yours Sincerely,

Dr Fiona McCormick

P.O Box 8

Burringbar

NSW 2483

From: "Kim" <kim347@bigpond.com>
To: <plan_comment@planning.nsw.gov.au>
Date: 26/01/2012 4:52 pm
Subject: Kings Forest Submission
Attachments: Kings Forest Submission.doc

Please find enclosed submission re:
KINGS FOREST Stage 1: Subdivision and Bulk Earthworks - Application No. 08_0194

My electricity and internet stopped working due to flash flooding in the Tweed Valley yesterday so I was unable to send my submission; please accept my submission.

Warm regards,

Ms K Hollingsworth

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

Ms. K. L. Hollingsworth
347 Rowlands Creek Road
Uki NSW 2484
Email: kim347@bigpond.com
25th January 2012

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

Dear Sir/Madam,

This application should be deferred until the government prosecute's the developer for recent unauthorized clearing and draining of parts of Cudgen Nature Reserve (foreshore Black's Creek), gross environmental vandalism adjacent to Kings Forest. None of the local community believes it could have been a mistaken, this developer is a repeat offender, and this must be taken into account. The area cleared should be rehabilitated with native species with on going care and paid for by the developer.

This development company has the community afraid to speak out for fear of litigation, community consultation has been inadequate. It appears anyone in the local community who dares to speak out is targeted. Our local councillor Ms Katie Milne is suffering the ordeal as this developer is allowed to proceed despite illegal clearing and passed allegations left uninvestigated. Was our last council not sacked because of this company's involvement and then no further investigations/prosecutions were followed through?

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. The local community will never let this happen, I am just a local grandmother and I know hundreds of locals willing to do whatever it will take to stop there being a dam built at Byrrill Creek.

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.

1. A Sustainability Assessment for Cudgen Lake must be provided in the exhibition documents.
2. Impacts on the marine ecology of Cudgen Lake, Cudgen Ck and Blacks Ck must be provided.

3. Excavation and filling should be prohibited or largely limited to limit impacts on marine ecology.
4. There are inadequate details in the Drainage Plan of Management for Precinct 5 in the event of heavy storm water events. There needs to be a main drainage system for bulk earthworks immediately constructed.
5. 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.

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. Tweed Coast has recent and on going storm tide damage, **already exceeding the 2050 coastal hazard lines predicted**. I would personally not buy a house in this development and I know many others who would not purchase property on this low lying floodplain.

1. 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.
2. 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.
3. Provision for both human and ecological adaption and retreat must be catered for under a worst case scenario pre and post the year 2100.

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 Tweed Valley has the best biodiversity of anywhere in New South Wales.

"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).

1. As such the maximum protections and precautionary principles must be applied.
2. 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.

3. 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.

The Community Demands More Adequate Protection of our 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.

1. 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.
2. 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.
3. Failing the above (ii): As no lot yields were prescribed in the Concept Approval for individual precincts, the majority of 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.
4. 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 koalas and accordingly serves as another reason for the footprint to be reduced.
5. The Koala Beach model should be used as a minimum standard with **no dogs, no visitor dogs, speed bumps, 40km speed limit policies etc.**
6. 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.

Housing Affordability

Tweed has the highest rate of homelessness in NSW yet 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. Our unemployment rate is high and this development will bring more people and no continuing employment prospects after the construction phase.

The EAR has many internal inconsistencies in the description of the proposal for which approval is being sought and the measures proposed for mitigation of adverse impacts. Major parts of the environmental management plans required under the Concept Plan are inadequate.

The timing of dedication of land to NPWS remains unclear. It is also unclear who will pay for the rehabilitation works and when they are to take place. The Project Application proposes an indefinite delay in the dedication of land zoned for environmental protection to be dedicated to council, including land adjacent to proposed Lot 1 commercial development and road intersection works; an area likely to be adversely affected.

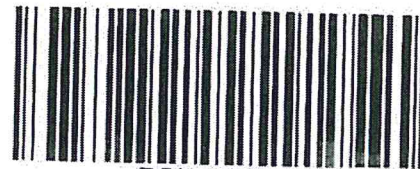
The proposed application to amend condition C2 would, if approved, create further uncertainty with regard to the scope and timing of flora and fauna rehabilitation/compensation works and related dedications of land and is likely to lead to damaging delays.

CONCLUSION

The then Labour NSW State Government should not have gone against the wishes of the community or our Tweed Shire Council Staff in approving this development in the first place. I hereby call on the current NSW State Government to hold a parliamentary inquiry into the approval process for this development. It is my submission that this development application be refused.

Yours faithfully,

Ms. Kim Hollingsworth



PCU030085

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 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-

Department of Planning
Received
25 JAN 2012
Scanning Room

west corridor has been deferred to a later stage whereas it should be identified and included in the KPoM. Current road design, proposed golf course provisions and lack of east west corridor do not provide for adequate protection of Koalas. Koalas currently move through the majority of the site.

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

General Points


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

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

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

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

Signature 
Printed Name Mitchell Gittos
Address 20 Melobaw Rd Uki
Date 15/1/12

136

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.

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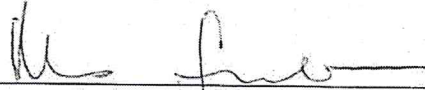
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Printed Name

KLAUS FUHRMANN

Address

20 Malabar Avenue / UKi 2484

Date

14th of January 2012

137

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Signature Irene Farnan

Printed Name Irene Farnan

Address 166 Kangaroo Creek Rd

Date Kangaroo 2489 14/1/2012

138

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Signature

Printed Name

Address

Date



La Somkhong

c/o Van Post Carens VKI - NSW 2484

14/1/12

Deadline 25 January

139

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Major Projects Assessment
Dept of Planning
GPO Box 39
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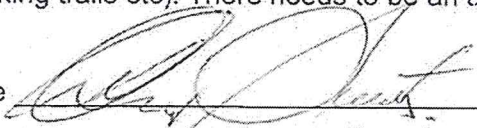
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Signature



Printed Name

WARREN LESLIE SMITH

Address

35 WILLIAMS RD CAWONGRA

Date

21 JANUARY 2012

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Signature M. J. Willis

Printed Name MARY WILLIS

Address 35 WILLIAMS ROAD WADEVILLE 2474

Date 21 January 2012

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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 Council.

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

Signature

Daniel Voynot

Printed Name

DANIELE VOYNOT-SLEDGE

Address

21/10 MOSS ST KINGSLIFF

Date

22/11/12

142

SUBMISSION

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

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001
plan_comment@planning.nsw.gov.au

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

Dear Sir/Madam

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

- Golf course should use no toxic organophosphate pesticides – instead use only organic non-toxic pesticides – Cudgen Paddock needs to be dedicated to Cudgen Nature Reserve
- wildlife corridors need to connect and not be fragmented
- overpasses for wildlife on roads, not just underpasses, including exclusion fencing
- road signage must advise motorists to slow down for wildlife
- speed bumps to ensure maximum speed at 40kph, placed every 100m
- water-saving initiatives to be in place (20,000L water tanks, stormwater harvesting, dual water reticulation, water recycling). This town must be self-sufficient or it will force TSC to build a dam at Byrrill Creek impacting koala colonies and 45 threatened species
- all dogs must be banned no matter what size, age or breed - there is no such thing as a 'koala-friendly dog'
- dogs or cats travelling with visitors to Kings Forest must also be prohibited
- no koala habitat or food tree is to be felled, no matter where it is
- Koala Beach style plan
- Developer to set aside funds to establish a Management Committee to ensure koala protection is enforced
- Rate levy to maintain Management Committee
- An URGENT and THOROUGH investigation into claims of illegal clearing adjacent to Kings Forest must be made and, if found to be true, be prosecuted to the full extent of the law.

(Signed)

Name:

Alister Coleman

Address:

16 Spring St Murchison

Other comments:

SUBMISSION

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Sincerely

(Signed)

Name:

Address:

Steve Allen

14 Terrace St

Chandlers

144

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;

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Signature

Printed Name

Address

Date

Steve Fairweather

56 McColloms RD DUNBARR

22 - 1 - 2012

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Signature 

Printed Name D. GOUNDRIE

Address 3 VIKING ST

Date KINGS CLIFF 21/1/12

Attention:
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Major Projects Assessment
Dept of Planning
GPO Box 39
Sydney, NSW 2001
Email: plan_comment@planning.nsw.gov.au

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Signature Graham Mackie

Printed Name Graham Mackie

Address 2/22 Walker Ave. 4221

Date 22-1-2012

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 Major Projects Assessment
 Dept of Planning
 GPO Box 39
 Sydney, NSW 2001
 Email: plan_comment@planning.nsw.gov.au

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Signature

Tamara Rowan

Printed Name

Tamara Rowan

Address

15 Point Ave. Beaumaris VIC 3193

Date

22/1/2012

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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 

Printed Name Alexander Rowan

Address Northcliffe N^e Crown Park

Date 17/1/2012

SUBMISSION

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

To:

Dept of Planning
GPO Box 39
Sydney NSW 2001

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

Dear Sir

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

- Golf course should use no toxic organophosphate pesticides – instead use only organic non-toxic pesticides.
- wildlife corridors need to connect and not be fragmented
- need overpasses for wildlife on roads, not just underpasses, including exclusion fencing
- road signage must advise motorists to slow down for wildlife
- speed bumps to ensure maximum speed at 50kph
- water-saving initiatives to be in place (20,000L water tanks, stormwater harvesting, dual water reticulation, water recycling). This town must be self-sufficient or it will push TSC to build a dam at Byrrill Creek where other koala colonies and 45 threatened species currently live
- all dogs must be banned no matter what size, age or breed - there is no such thing as a 'koala-friendly dog'
- visitors with dogs or cats also prohibited
- no koala habitat or food tree is to be felled, no matter where it is
- Koala Beach style plan
- Developer to set aside funds to establish a Management Committee to ensure koala protection is enforced
- Rate levy to maintain Management Committee
- an URGENT and THOROUGH investigation into claims of illegal clearing adjacent to Kings Forest must be made and, if found to be true, be prosecuted to the full extent of the law.

Sincerely

(Signed)

Name: Lisa Charlton

Address: 1/2 O'Reilly Pl., Pottsville

