

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 Byrill Creek or the values of Clarrie Hall dam.

5. Lack of Marine Protection

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

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

6. Flooding and Sea Level Rise

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

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

7. Sustainability

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

8. Housing Affordability

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

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

9. Lack of Faith in the Planning Processes

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

Signature: _____ Date: _____

Printed Name: _____

Address: _____