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TRANSCRIPT OF PROCEEDINGS

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INDEPENDENT PLANNING COMMISSION

PUBLIC MEETING

**RE: MODIFICATION TO KINGS FOREST RESIDENTIAL SUBDIVISION
KOALA PLAN OF MANAGEMENT**

**PANEL: ROSS CARTER
PROF RICHARD MACKAY
CATHERINE HIRD**

**ASSISTING PANEL: MR BRAD JAMES
DAVID KOPPERS**

**LOCATION: MANTRA ON SALT BEACH, THE PAVILLION ROOM
GUNNAMATTA AVENUE
KINGSCLIFF, NEW SOUTH WALES**

DATE: 10.01 AM, TUESDAY, 12 MARCH 2019

MR R. CARTER: All right. Good morning, ladies and gentlemen. We might get underway. We will start with an opening statement before we move in to the speakers. So good morning. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet. I would also like to pay my
5 respects to their elders past and present and to the elders from other communities who may be here today.

Welcome to this public meeting on the proposed modification from Project 28 Proprietary Limited, the proponent, who is seeking approval to implement a revised
10 Koala Plan of Management and amend the conditions of approval for the Kings Forest residential subdivision. My name is Ross Carter. I'm the chair of this Independent Planning Commission New South Wales Panel which has been appointed to help determine this proposal.

15 Joining me are my fellow Commissioners Professor Richard Mackay and Catherine Hird. From the Commission's Secretariat are David Koppers and Brad James. Before I continue, I should state all appointed Commissioners must make an annual declaration of interest, identifying potential conflicts with their appointed role. For
20 the record, we are unaware of any conflicts in relation to our determination of the proposed modification. You can find additional information on the way we manage potential conflicts in our policy paper, which is available on the IPCN website. In the interests of openness and transparency, today's meeting is being recorded and a full transcript will be produced and made available on the Commission's website.

25 **The meeting purpose**

This public meeting gives us the opportunity to hear your views on the assessment report prepared by the Department of Planning and Environment before we determine the modification.

30 **What is the IPC and what role do we play?**

The Independent Planning Commission of New South Wales was established by the New South Wales Government on 1 March 2018 as an independent statutory body operating separately to the Department of Planning and Environment. The
35 Commission plays an important role in strengthening transparency and independence in the decision-making processes for major development and land use planning in New South Wales.

The key functions of the Commission include to determine State Significant Development applications, conduct public hearings for development applications and
40 other matters, provide independent expert advice on any other planning and development matter when requested by the Minister for Planning or Planning Secretary.

The Commission is an independent consent authority for State Significant Development application and provides an additional level of scrutiny where there are more than 25 public objections, reportable public donations or objections by the relevant local council. The Commission is not involved in the Department's assessment of this project, the preparation of their report or any findings within it.

Where are we up to?

So this meeting is one part of our decision-making process. We have also been briefed by the Department and have met with the proponent. Transcripts of these meetings are available on our website. After today's meeting, we may convene with relevant stakeholders if clarification or additional information is required on matters raised. Records of all meetings will be included in our determination report, which will be published to the IPCN website. A site inspection will take place this afternoon at the project site. A summary of any questions asked and answers given at the site inspection will be available on the Commission's website.

Written submissions

The Commission has received a number of written submissions in relation to the Kings Forest Koala Plan of Management modification which the Commissioners have reviewed. These written submissions will be made available on our website. The Commissioners have also reviewed the written submissions received by the Department of Planning and Environment which are published on the Department's website. The Commission will continue to accept written submissions in relation to the project until 5 pm on 19 March 2019. Anyone can send written submissions or comments to the Commission before that time.

So you can do so by sending your submissions or comments to the Commission by email – that's ipcn@ipcn.nsw.gov.au or by post – Independent Planning Commission New South Wales, Level 3, 201 Elizabeth Street, Sydney, New South Wales, 2000. Following today's meetings, we will endeavour to determine the development application as soon as possible, however there may be delays if we find the need for additional information.

The ground rules for today

Before we hear from our first registered speaker, I would like to lay these ground rules that we expect everyone taking part in today's meeting to follow. The hearing today is not a debate. We will not take questions from the floor and we will not permit interjections. Our aim is to provide the maximum opportunity for people to speak and be heard by the Commission. We ask that the speakers today refrain from making offensive, threatening or defamatory statements as per our guidelines available on our website. Many people find public speaking very difficult. Though you may not agree with everything you hear today, each speaker has the right to be treated with respect and heard in silence. Today's focus is public consultation. Our

panel is here to listen, not to comment. We may ask questions or seek clarification but this is usually unnecessary. It will be most beneficial if your presentation is focused on the issues of concern to you.

- 5 It is important that everyone registered to speak receives a fair share of time. I will enforce the timekeeping rules and as chair, I reserve the right to allow additional time if I consider it appropriate. A warning bell will sound one minute before the speaker's allotted time is up and again when it runs out. Please respect these time limits. Though we will strive to stick to our schedule today, speakers sometimes
10 don't show or decide not to speak. If you know someone will not be attending, please advise either Brad James or David Koppers. If you would like to project something onto the screen, please give it to Brad James before your presentation. If you have a copy of your presentation, it would be appreciated if you would provide a copy to the Secretariat after you speak. Please note any information given to us
15 may be made public. The Commissioner's privacy statement governs our approach to your information. If you would like a copy of our privacy statement, you can obtain one from the Secretariat or from our website.

- I would also like to inform everyone here today that in accordance with the
20 Commission's guidelines, no alcohol is permitted to be brought into this venue and anyone who does will be asked to leave the venue. Finally, I would ask that everyone present please turn their mobile phones to silent. Thank you. And I will now call the first speaker. So Reg Van Rij from Leda Holdings – ready?

- 25 MR R. VAN RIJ:

MR CARTER: Yes. Thanks, Reg.

- MR VAN RIJ: Thank you, Mr Chairman. When I applied to speak, I wasn't, of
30 course, expecting that there would be nearly 30 people applying to do so and, on reflection, I've decided that your valuable time today would be best served by me yielding my time to the rest of the people on the floor. Through you, Mr Chairman, thank you.

- 35 MR CARTER: Right. Thanks, Reg. So David Norris from the Northern Rivers Guardians.

MR D. NORRIS: Good morning, Panel. Good morning, Panel.

- 40 MR CARTER: Good morning.

- MR NORRIS: Good morning, everybody. Thank you for allowing me to have a say here today. I'm from – I'm representing Northern Rivers Guardians, a local
45 community group within the northern rivers. I have concerns about condition 45A(2)(b) of the proposed modification. I believe the modification must be amended to specify that the location of the 27 hectares of koala food tree offset planting is to be identified and secured through legally binding agreements before any on-ground

vegetation clearing or construction works commence at the site. Also all koala food tree offset planning should be finalised and ready for implementation prior to clearing or construction works commencing.

- 5 If the offset location is not secured and the planting planning is not finalised prior to clearing or construction commencing, a situation may arise where unforeseen complications could delay the offset process even though on-ground construction has commenced. Complications could result in lengthy delays, making it difficult to secure suitable offset land as it will become less available as time goes by. This
10 could severely disadvantage the Tweed coast koala population.

My second concern is with condition 46(1)(c). I believe that this condition should be amended such that any roads through the environmental protection areas of the site must include fauna underpasses installed at intervals sufficient to allow unimpeded
15 movement of wildlife including koalas. Fencing and underpasses within environmental protection areas must be installed prior to the commencement of vegetation clearing and bulk earthworks at the site. This is necessary as there will be long periods of time between the various stages of works at the site and the installation of fencing only will impede koala and other wildlife movement within
20 the wildlife corridors of the site.

And my third concern is that the proposal should include permanent fauna exclusion fencing – sorry – the proposal to include permanent fauna exclusion fencing within the ecological buffer surrounding the golf course is inconsistent with the Kings
25 Forest Major Projects SEPP and the concept plan because it will exclude wildlife, including koalas, from traversing the golf course which forms part of the ecological buffer and wildlife corridor. You can't call a golf course an ecological buffer if the wildlife can't access it.

30 The wildlife exclusion fencing must be positioned between the residential areas and the golf course rather than between the golf course and the environment protection zone. There are no factors in the history of the Kings Forest development application that would not allow the fauna fencing to be placed at the boundary of the residential area rather than at the edge of the environmental protection zone. They're my
35 concerns. And thank you very much for hearing me.

MR CARTER: Thanks, David. Is Jenny Hayes from Team Koala Incorporated?

40 MS J. HAYES: Thank you to Mr Ross Carter, Ms Catherine Hird and Professor Richard Mackay this morning for coming to listen to the community's views. What a great number of communities do we have here today. We have Team Koala, we have Northern Rivers Guardians, we have Friends of the Koala, we have BirdLife Northern Rivers, we have Friends of Cudgen Nature Reserve, Australian Koala Foundation, Caldera Environment Centre and even the Surf Life Saving Foundation.
45

And I guess this is what is so special about our community is that there's so many wonderful community groups working together. We are such a strong community

5 group and we're so binding. BirdLife Northern Rivers working with Team Koala to protect and endangered bird, Friends of Cudgen Nature Reserve working with Team Koala tree planting – our social networks within our communities are strong because we are always helping each other out in some way. Tightly knit community groups means everything to us.

10 This is, in fact, the fifth time we've been asked for views since 2009 and the answer is the same every single time. If you want to develop Kings Forest, home to one of Tweed coast's largest and most vital koala colonies, then please do so but in a koala-friendly way. At no point are we going to say, "Don't worry about our koalas. We don't care about them, anyway" no matter how many times we're asked. In 2011 and 2012, approximately 3000 submissions; 2014, approximately 1500 submissions; in 2017, 2007 not formal letters, written submissions. How can we forget the 2017 koala awareness walk when 300 people just lined the streets, with businesses coming out and hugging us and beeping the horns and say, "Go, Team Koala." We're certainly a wonderful community group working with other community groups.

20 Alas, Modification 2014. Condition A13 – the vegetation timing was unacceptable as it needed to be ahead of time. Condition 37 – baseline monitoring was inadequate. Condition 50 – the proponent wanted to cancel the bond for restoration works and the timing of offsets was inadequate. Condition 49 – audits were needed by someone independent. And then the bomb dropped – the modification in 2017. A13 – tried to remove the 27 hectares of offsite plantings originally planned for Cudgen Nature Reserve. The Office of Environment and Heritage stated:

25 *...the proposed modification is inconsistent with the state conditions of approval and provide a poor outcome for diversity –*

30 reduced koala habitat offsets, overlapping of offsets, a large proportion of secondary rather than primary habitat within offsets, a proposed reduction in the site of the east-west wildlife corridor and – which did not provide any habitat linkage. It is not like the existences of vital koala colonies was hidden from developers. In The Sydney Morning Herald on 8 November 2004 - - -

35 MR CARTER: Sorry. Can you just move the microphone - - -

MS HAYES: Can you hear me - - -

40 MR CARTER: - - - a little bit away, Jenny? It's - - -

MS HAYES: Mr - - -

PROF R. MACKAY: It's the microphone.

45 MR CARTER: It's the microphone, yes – just - - -

MS HAYES: Mr Reg Van Rij was quoted as saying, quote, it could all turn out to be “a very expensive koala park” in the Cudgen Paddock. The community has been very generous and fair. We haven’t dressed up in koala suits and harassed politicians or laid down in front of bulldozers. We have formed groups, like Team Koala, to
5 consult experts and work out a way to have both. We have done the right thing and objected well before any bulldozers arrive.

In 2010, the concept plan was approved – sounded good – general but vague – but we finally had an agreement for the area to be developed in a way that would have
10 the least impact and give our koalas some hope of surviving. It is how the proponent has put it into practice with project approvals. The proponent took out full page advertisements – 2011 – to show how important it was to increase Cudgen Nature Reserve and we trusted them. Yes, we thought, our koalas have a chance. So they
15 took out the full page advertisements like this in an effort to have the community back a koala-friendly development.

After all, our group has never tried to stop the development. We’ve only ever wanted the same thing – koala-friendly development. Ladies and gentlemen, what is
20 koala-friendly development? First of all, we have the golf course through here. There’s going to be urban areas through here. And to fence – and in the beginning, we were horrified there was going to be a golf course. And then we accepted it on the proviso that the golf course would be an area for the corridor for the koalas to move through, a buffer zone.

We thought, well, it’s not the best but, okay, we will accept it – 2010 – let it be a
25 buffer zone. These are the three things that in the 2018, which has much improved from 2017 – we’re very happy that it is much improved – but there are three things that need to be changed. So well done to the developer for moving forward; we really appreciate that, but this – these three things are really, really important.

30 Putting a fence around the golf course and not around the urban areas is suicidal. It’s suicidal for our beautiful, precious koalas who are now on endangered status, because to put a fence around the golf course means no movement through, through one area to another, up to their east-west corridor. So fencing around the golf course
35 is suicidal for them. We have to let them move. Koalas don’t sit in a tree. They don’t sit in the tree. They have to move. They have to have corridors. They have to go and find their mate. They have to have food to eat, and there are food trees in the golf course; they’re going to be planted inside the golf course. Why cut them off?

40 Next thing very, very important is the fencing and underpasses. Can I move up? Fencing and underpasses. If this – this is going to be the haulage roads through here and if we haulage trucks coming through, and temporary fencing which could be there for decades – a long time – how are the koalas going to move from this area
45 into this area? They can’t. They’ll be cut off. How are they going to move from this area to this area? They can’t. The essence of the survival of our koalas is based on movement and corridors. That’s the only way they’re going to survive.

To put temporary fencing through here; suicidal. So what one can do is underpasses be built so the koalas can move through. For a koala to have – to be cut off in our beautiful environmental zones is disastrous; absolutely disastrous. These are koala records of the yellow dots, quite a way back, and, as you can see, this is where they were. Aha. This is the underpasses which can be built. So here we have the road; here we have the underpasses – and I'm sure everyone here has actually been through an underpass – and the records show that the koalas do use them. They do work, and it is possible.

10 The next issue is the planting of the 27 hectares. It has to be secured before anything – before the construction certification; before any earthworks. This 27 hectares is vital; is absolutely vital to be secured before anything – before this is signed off. I cannot stress the 27 hectares is everything. It is everything. And if these three things don't happen properly – the golf course; the fencing and the underpasses; the
15 planting of the 27 hectares – it is goodbye to our koalas. That's how important it is. So 2018 much more improved. Fantastic effort on everyone's behalf, including the developer. Fantastic. But the thing is, it's like without these three things it just won't work. That's how important it is.

20 Not allowing the koalas to use the golf course as a buffer zone; not having an underpass in Precinct 14, and not having something secured in place for the 27 hectares so important. If we don't have those things it is not a koala friendly development. Had the project approval aligned with the concept plan of 2010 the development could have been built years ago. Instead, there's been an attempt to
25 keep on having modifications, particularly in 2014, 2017, and the whole thing keeps dragging on and hence this meeting.

There has been a definite improvement in 2018 but unless we get it right, particularly those three points mentioned earlier, there will be no hope for our koalas. Please
30 understand that our koalas have not become less threatened, or less valuable; they have actually had their protection increased. They have been declared endangered by the Scientific Committee years ago.

So we say, once again, thank you for asking. We have not changed. We want the
35 best possible outcome for our Tweed Coast koalas. The conditions previously agreed on when consent was granted in 2010 are the minimum – and I repeat – minimum standards. Every single political party is running on koala protection in the upcoming state election for the Tweed. That should give you some idea of their importance to the ordinary people.

40 This explains, for the golf course, if you have fencing, that's going to leave them out of the golf course. This is not a good idea. This is a death knell for our beautiful Tweed Coast koalas. This is the one to use. Let them have the buffer zone. Let them have an area to go to. Please don't let's cut them off.

45 Being just an ordinary school teacher, and accepting an Australian Day Award on behalf of Team Koala for koala protection, all I can do is appeal to you, sitting on

this panel, to take this task of relaying the community's view very seriously, as I am sure you will. Thank you for your time.

5 MR CARTER: Thanks Jenny. Linda Brannian from BirdLife Northern Rivers, and the battery in this is about to die. Brad.

MR B. JAMES: Yes.

10 MS BRANNIAN: Good morning. That sounds good. I am Linda Brannian, convener of BirdLife Northern Rivers and deputy convener of BirdLife Northern New South Wales, landowner in the Tweed for over 20 years. BirdLife Northern Rivers is a community group comprising local people concerned with the protection of native birds and their habitats.

15 We are a branch of BirdLife Australia, the nation's largest bird conservation organisation with a voice for Australia's birdlife for well over a century. BirdLife Northern Rivers has been active in the Tweed for 20 years. Our members are recreational birdwatchers, citizen scientists, and strong advocates for birds and their habitats, illustrated by my speaking to you today.

20 As I speak for our current members and supporters I also speak for future residents of the Kings Forest community. Today people want to live with wildlife, illustrated by the rapid uptake in such programs as Land for Wildlife and Backyard Habitat for Wildlife; both programs delivered by Tweed Shire Council and available to residents of Kings Forest. People want birds around them, as demonstrated by the high level of participation in our annual Aussie Backyard Bird Count and Birds in Backyard program.

25 There is now compelling evidence in the scientific literature that the loss of nature interactions has negative impacts on human health and wellbeing; physical, mental and social wellbeing. Humans need and want wildlife around them. I'm here to have my say. Our members want the Koala Plan of Management and a comprehensive offset package for Kings Forest to protect our endangered Tweed Coast koalas at Kings Forest. Furthermore, with measures I will outline, the plan will also protect other wildlife; all needed for human wellbeing.

35 I now draw your attention to the summary of changes to Koala Plan of Management MOD4 in table 3, page 10. We support those changes in the column labelled Proposal As Amended by the RtS Addendum, the far right column. Important items are planting of 100 metre east-west corridor specifying a minimum of seven fauna underpasses, figures now numbers specified for total offset habitat primary and secondary food trees. For the Koala Plan of Management to work and for this community to keep its koala wildlife interactions fauna underpasses must be built before construction commences.

45 Entrance roads through environmental protection zones must run over fauna underpasses. These underpasses must be maintained in perpetuity and be designed

using best practices for koalas in 2019. They're also important for several local species of ground dwelling birds. Do not fence wildlife out of the Cudgen Paddock to be the golf course. It is to be part of a wildlife corridor. The 27 hectare offset planting, see it secured through binding legal arrangement before any construction commences, an important addition to bird habitat as well. The 100 metre wide east-west corridor planting will be important to birds. Wider corridors support more bird species particularly encouraging forest specialists that don't live in our suburban gardens to move through and potentially visit residents' backyards.

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10 Corridors need to be wide enough to remove edge effects. The Kings Forest environment protection zone and accompanying buffers are very important. They will hold garden birds during construction and facilitate their being available to move into and through backyard habitats. Native remnants specialists, urban generalists and forest specialists will all benefit from the design of the Koala Plan of

15 Management. Your determination to approve this Koala Plan of Management with modifications mentioned today will result in an innovative community of premium value as future Kings Forest and Tweed Coast residents will benefit from the wildlife corridors, agricultural and ecological buffers and environment protection areas. Wildlife need habitat and people need wildlife. Thank you.

20 MR CARTER: Thanks Linda. And Susie Header from Animal Justice Party New South Wales.

25 MS S. HEADER: Thank you. As the Animal Justice Party candidate for Tweed, I am delighted to be here today and thank the organisers for this opportunity to present my views about the Kings Forest residential subdivision. My name is Susie Header, and I have lived in the Northern Rivers area for 25 years, and I own land in the area, and been involved with animal and environmental organisations for decades. I have spoken with a number of concentrated stakeholders, and I have spent time reviewing

30 the documented history surrounding this proposed subdivision which dates back many years and from the outset including mapping area errors.

During the public exhibition of the modification request between June and August 2017, 1647 of the 1664 submissions lodged were, in fact, objections. This is very strong result. Tweed Council subjected and Office of Environment and Heritage also raised valid and legitimate concerns. The request for modification and supporting information submitted by the applicant raises many concerns and still does not instil adequate or sufficient confidence although some progress has been made in achieving environmental protections. This site includes approximately 32 hectares of primary and 181 hectares of secondary koala habitat including support for our endangered koala population as listed under the Biodiversity Conservation Act 2016, and is meant to comprise of 144 individuals, but that number is to be questioned.

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45 We really don't know if there is a viable population left. The New South Wales Recovery Plan confirms the loss and degradation of habitat as the most significant threat facing koala populations. It is apparent that the main areas of concerns revolve around three key areas, and I would like to add my voice to that. It is very obvious

that the offset planting of 27 hectares of koala food trees is unclear and unresolved. Legally binding agreements which satisfy all stakeholders must be secured. Prior to the commencement of any construction all entrance roads through environmental protection zones must have underpasses. Our koalas need to move through areas.

5

If fencing only is installed koalas and other wildlife will be cut off from their natural corridors. The Cudgen Paddock Golf Course was also intended to form part of the wildlife corridor. Fencing this golf course would prevent koalas from accessing their food trees. Fencing should instead be secured around the urban areas which abut the golf course to enable unimpeded access for koalas and native wildlife. This has been a condition of approval from the earliest Director-General's environmental assessments. We need 100 metre corridors and not 50 metre corridors. Environmental management plans must be approved before any vegetation clearing occurs, and the approval of the Koala Plan of Management does not override this requirement.

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The offset site to be provided – the offsets are to be provided offsite specifically the 27 hectare of koala food trees to be originally planted in Cudgen Nature Reserve. The applicant, has, however, still not approached either council or other relevant authorities to discuss an alternative site as a contingency in the event the site does not suit all of the 27 hectare offset. It is imperative that a site is secured for this 27 hectare offset before any construction commences. This condition of approval has been in place since the earliest approvals for the project which require dedications of lands to Tweed Shire Council and OEH from 2011 to 2013.

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In planning the matters the onus must be on the applicant to provide sufficient information to demonstrate how they would monitor, avoid, minimise, mitigate and manage all identified known and all potential risks and impacts. In the case of the Kings Forest subdivision a cautionary approach is essential. The area has suffered fires, and koala numbers at this point in time are a best guess. Our threatened, endangered and seriously at risk koalas and other wildlife cannot afford for us to get this wrong. Soon their depleted populations will fall below a threshold which will not enable us to sustain any populations. We simply can't afford to lose any more of these precious and unique species or the habitat which they are totally dependent on.

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The koalas are endangered. We need to listen to the experts. When considering any development modification where nature, natural sources or animals are likely to be impacted we should always be guided by the precautionary principle and err on the side of caution. We need our koalas. We all love our koalas in the community. And please, we need to do everything in our power to make sure that we can have them into the future for future generations and for our tourist industry as well. Thank you.

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MR CARTER: Thanks, Susie. Stuart Ball from the Surfrider Foundation Australia.

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MR S. BALL: Thank you, and thank you for the opportunity to speak. By way of introduction the Surfrider Foundation of Australia is part of a worldwide organisation dedicated to the protection of waves and beaches through conservation, activism,

research and education by local coasts or communities in 18 countries. Well-known life members include world champion surfers such as Kelly Slater who was on the board of directors in the USA, Tom Curren who moved to France and formed the group over there in Europe, Barton Lynch who's on the board of directors in
5 Australia, and other world champions such as Stephanie Gilmore, Mick Fanning and Joel Parkinson. They're all life members of the group.

In Australia other life members including Dean Morrison, a professional surfer, Gordon Merchant from Billabong and comedian, TV host and radio personality
10 Wendy Harmer. Membership includes people from all walks of life including lawyers, accountants, scientists, teachers, tradespeople and other beach users. Our submission includes our belief that the minimum number of koalas exist on the beautiful Tweed Coast, to ensure the adequate gene pool that is diverse enough to ensure long-term survival of the species. We can't afford to lose any koalas and
15 they, therefore, need vigorous protection. To secure that minimum gene pool it's imperative that koalas are free to roam safely to interbreed.

The golf course was to act as a buffer zone in the Regional 2010 Concept Plan. We need the said – to secure the said 27 hectares, and this is of serious concern. For the
20 koala survival and wildlife welfare it's imperative that a site is secured for the 27 hectares before any construction commences. The proposal to fence the golf course is a serious problem as well. Wildlife need to access food trees on the golf course. Rather, it makes sense to place fencing around urban areas. This allows unimpeded access for wildlife to the proposed golf course and it's a very important buffer zone.

Further, if only temporary fencing is built on the haulage roads in precincts 12 to 14 and no underpasses are provided, then wildlife will be cut off from their natural
25 corridors. I hope we approach this cautious and careful enough to make sure the future of our grandchildren and their grandchildren are considered, that future tourism flourishes as people from all over the world can visit the Tweed and
30 experience wildlife as we can today. As the saying goes, the whole world is watching. I look forward to letting members in New York, California, Tokyo, France and Brazil and Australia find out that we have done the right thing by our wildlife and for the benefit of local tourism and people the world over and into the
35 future. Thank you very much.

MR CARTER: Thanks, Stuart. Marion Riordan from Earth Learning Incorporated.

MS M. RIORDAN: Thanks very much, Panel. I will just introduce myself. Marion
40 Riordan. I'm representing a group called Earth Learning Incorporated. We're an environmental education group here on the Tweed and we are basically educating people to the biodiversity and importance of the biodiversity of this area. Over the many years, I've been involved with various groups and spoke for myself. And what
45 I wanted to say from the outset is I understand that we're here today to discuss the merits of this modification to the Kings Forest DA, however, I will address these merits in writing separately. Today, I want to focus mainly on the process of this

domestic violence. It's one I've been following since 2010. And I see a clear pattern emerging. I will start with a reminder of SEPP 44 which says:

5 *...conservation and management of koala habitat needs to be such so that koalas are free to roam across their present range and reverse the trend of population decline –*

10 in 2011, I was among many calling for a dog ban. In the absence of a dog ban, we compromised with adequate koala fencing around all urban areas to prevent contact between dogs and koalas, however, the Draft Koala Plan of Management of 2012 offered fencing on roads that had gaps and dubious untested grids. It planned to remove 32,000 square metres of forest habitat. It had bushfire plans that only focused on asset protection. Its ecological buffers were being encroached by our SEPP protection zones. It did not have a formalised east-west wildlife corridor. And 15 it had offset plantings unreviewed by independent experts. By 2014, we were presented with a major shift in the wrong direction. This, to me, was a real show of colours by the proponent.

20 It is true that greater detail was now given for the implementation of project approvals, however, as they say, the devil is often found in the detail and in 2014, this was clearly the case. It thwarted concept plan conditions and environmental safeguards at every turn. It was an attempt to shirk responsible – sorry – to shirk reasonable controls and conditions that were already by then in place. It sought to revise wording so that all of the following became ambiguous and uncertain: 25 environmental offset areas, environmental management plans, environmental baseline monitoring, the bond of – for ensuring environmental restoration, the timing and dedication of environment lands to OEH and Tweed Shire Council.

30 In 2017, we saw a similar attempt but from a different angle. Rather than continuing the consultation process with state bodies and various government departments, the proponent used a Commonwealth EPBC determination to argue that the conditions of approval needed to be adjusted. We should read the word “adjusted” to mean weakened or avoided altogether. These adjustments included reduced or non-genuine habitat offsets, inadequate wildlife corridors, inadequate fencing and 35 underpasses, inadequate Koala Plan of Management, inadequate timing for compensatory plantings and inadequate coordination of all environmental plans. And this stage, so far down in proceedings, this was an even bigger step backward than version 2014.

40 2018 saw the first major step forward in environmental compliance. After a fair degree of consultation and revision on this MOD, we got a result with the following positives: increased koala habitat plantings, primary food tree weightings and planting densities, accuracy of vegetation mapping for plantings across the site, alignment with other environmental management plans, in particular, the critically 45 important Bushfire Management Plan. We got revised timing of compensatory habitat to allay a loss of biodiversity. Today, though, there remain some problem areas that involve, as you have heard, the provision of koala fencing and underpasses

on haulage roads, golf course fencing that will isolate patches of koala habitat that was designed as a koala corridor back in 2011. These clearly contravene the aims of SEPP 44 which I described earlier.

5 Significantly, the issue of the 27 hectares of offset planting that was to occur off-site continues to haunt us. The proponent sought to remove this altogether in 2017. It described the condition then as both onerous and unreasonable. This does not sound like it's going to be on the top of his to do list at any time soon. This must be legally secured and in place before the approval goes any further. All in all – getting back to
10 what I was starting off saying in the process, all in all, the pattern that emerges is one of a developer using a process of one step forward and two steps back to gradually wear down compliance bodies into more and more compromises eventually leading to a result that does not serve the community, the environment or the resident wildlife.

15 You may have seen a recent article in The Sydney Morning Herald on the King Forest issue. It referred to Frank Sartor's memoir of his time as Planning Minister. Sartor describes the very same developer as being very persistent in trying to persuade government departments on all levels to bend assessments in his favour
20 until, as he puts it, someone blinks, the result being inappropriate rezoning and development for regional areas, in particular.

MR CARTER: Can you wind up now

25 MS RIORDAN: I will finish very soon. What struck me – sorry. What struck me was the similarity to the Kings Forest process. But, by now, we have come a long way. Many people and community groups have already compromised on the ideal and preferred controls. Now we are near the finish post, I urge the IPC to give consideration to the comments on the remaining environment issues and to
30 understand there is no more room to compromise. Do not be the ones who blink.

MR CARTER: Thanks, Marion. And John McDonagh from Friends of Cudgen Nature Reserve.

35 MR J. McDONAGH: Good morning, Panel. Good morning, everybody. I'm speaking in reference to the modification – this Modification Number 4 in relationship to the Kings Forest Koala Plan of Management. I'm the president of Friends of Cudgen Nature Reserve. Our group was founded in about 1998 and we've been involved – and as an incorporated association, we've been involved in
40 numerous rehabilitation works as a group and in conjunction with other parties, including the Tweed Shire Council, National Parks, Conservation Volunteers Australia. We've also facilitated plantings with local school groups. And one of our objectives is to create educational opportunities and advance the environmental consciousness in the local community.

45 We have currently 26 financial members and work with volunteers on a regular basis from other landcare groups and members of the community. For example, last

weekend, one of the earlier speakers mentioned, we organised and facilitated a community plan to get the Koala Beach section of Cudgen Nature Reserve, planting 500 koala habitat trees, with the assistance of 25 volunteers, including local residents, landcare and Team Koala members. We've had experience in planting
5 koala habitats on several sites within Cudgen Nature Reserve over those years, including four sites – one along Clothiers Creek Road on the edge of Round Mountain, another one on the other side, Slip Rails Road, and also at the local – at the one we did last Saturday at the new Koala Beach site, lot 919.

10 We've planted approximately 6000 koala primary, secondary habitat trees over that time. We've also been directly involved with organising labour and publicity and planting for an additional 4000 trees with other groups. Friends have undertaken onsite maintenance; provided – including rubbish removal, hand weeding and herbicide weed control, on our original site in Cudgen Nature Reserve over that 18-
15 year period. The local – we've also lobbied for the increase of biodiversity and conservation of existing koala habitat by lodging submissions on impacts of the Tweed Coast koala population over that period of time.

20 For our submission today, in relation to this Koala Plan of Management, we seek additional improvements to ensure the maximum opportunity is in place to ensure the increase in koala populations in the Kings Forest site. That's what we want; an increase in population, not a decrease. That's the aim. We want to see the best outcome possible and the rehabilitation of existing koala habitat, expansion of the habitat through planting onsite and adjacent offset areas, and a reduction of onsite
25 impacts such as unleashed dogs, car strike, and barriers to the movements of koalas. That's vital.

Hence we put forward the following further considerations: (1) offsite planting of the 27 hectares: We have a sound knowledge of Cudgen Nature Reserve and
30 consider it unlikely that the 27 hectares of cleared land suitable for planting koala habitat is available within the reserve, or including the lot 919 at Koala Beach. It is essential that the offsite area is not – if not in Cudgen Nature Reserve is located within the corridor between Kings Forest and the Cudgen Nature Reserve or its close proximity. This is vital. We acknowledge that this is difficult as each location is
35 including land in private ownership. A previous project, Koala Connection, had difficulty in finding landholders agreeable to koala habitat plantings on their properties, and this would require acquisition and, therefore, may not be feasible.

We also believe it is unacceptable as an option to transfer funds to biodiversity
40 conservation trusts as an alternative, as this may – as they may not be able to find suitable offset areas. Any section of the offset component not located within Cudgen Nature Reserve in areas that will, in time, add valuable habitat for the current and future populations of the koalas in the Tweed Coast – I'd like to have more time,
45 panel, to complete my – I've only got a few more points. Thank you. So any sections of the offset component not located with Cudgen Nature Reserve need to be in areas that will, in time, add valuable habitat to the current and future populations of the koalas in the Tweed Coast. So these plantings will assist in the meeting of

objectives of the Tweed Shire Council's 2015 Tweed Coast Comprehensive Koala Plan of Management, ie:

5 *To create new koala habitat and improve existing habitat, and, hence –*
as noted in this plan –

10 *help the Tweed koala's population recover to more sustainable levels over the*
next two decades.

Cudgen Paddock

The importance of Cudgen Paddock was clearly referenced in a Tweed Shire koala study 2015:

15 *The southern cell of koalas is associated with a large area of swamp*
sclerophyll forest between Cudgen Paddock and Cudgen Lake. Active layer
use sites occur in the northwest and southwest of this cell. This cell needs to be
protected.

20 I ask for more time, panel. We submit that the compensatory land should
revegetated on the previously cleared banana land in Cudgen Nature Reserve,
estimated at approximately eight hectares, and within the remainder of Kings Forest,
specifically on the southern portion of Cudgen Paddock. The confirmation of the
location of the 27 hectares must be resolved in this modification.

25

Timing of this offsite planting

The timing of the provision of the 27 hectares must be resolved so that 27 hectares is
planted out within an appropriate timeframe, as per the DP&E assessment, within
three years of the commencement of this project.

30

Onsite koala habitat primary and secondary plantings.

35 I'll cut to the chase on this one. Basically, we support the two primary species being
planted on this site; swamp mahogany and forest red gum. There's been some
discussions that they may not be suitable, but they are suitable, or forest red gum is
suitable to be planted on sandy soils, as per Tweed Shire Council's submission.
These two species have been successfully planted in a range of conditions by our
group and we've also planted other species as well.

40 The timing of the onsite plantings: As per the Department of Planning assessments
report, page 26, it is imperative that the koala offset be delivered, including plantings
ahead of further site clearance. There is no point in providing compensatory habitat

after the existing koala habitat is removed. The plantings need to have reached suitable size before clearing commences, example, the establishment of the east-west corridor Tweed Shire Council and LEH recommendations.

5 Golf course and fencing are wider issues re the corridor linkages. We support Team Koala's concerns in relation to the fences of the golf course. The current version of the Koala Plan of Management's fencing around the golf course, this will prevent koala movements through this area. See figure 40B. Note here, ecological report done for the Department of Planning notes that figure 22 omits the previous
10 connection that was in the previous versions of the Koala Plan of Management.

Underpasses and/or other traffic-calming devices need to be in place prior to the construction of temporary and permanent roads. Without any underpasses the koala fences will result in the koalas being cut off from their natural corridors. This is an
15 important sequencing issue. We note that this matter has been included in the proposed amendments to section 64.

Although the matter of is now deemed closed by the – by EMM, the consultant for the Department of Planning, in item 11 in their report, our group is not privy to
20 the reasons why that will adequately prevent dog crossings – would prevent dogs crossing them and, in addition, there needs to be an off dog leash offsite area provided.

The final point is the bond conferred in the contingency and offsite strategy should
25 be of an adequate amount and only be released five years after completion of the successful completion of the onsite – an onsite koala revegetation and rehabilitation works, and completion of all other proposed wildlife protection measures. The successful outcome needs to include successful ongoing maintenance of the revegetated and rehabilitated areas. And, finally, thank you for the opportunity to
30 appear at the public meeting and take a site inspection. I would also like to thank all our volunteers who have helped in our landcare work over the time. Thank you very much.

MR CARTER: Thanks, John. John, we've just got a couple of questions, if you
35 don't mind.

MR McDONAGH: Certainly.

MR CARTER: John, can I just ask if replanting within the development site would
40 meet your objectives?

MR McDONAGH: If it's on existing cleared areas. But we should also look at using any available area beforehand, in conjunction with that offsite planting within Cudgen Nature Reserve. The problem is, over the period of time – we've said this
45 thing has been going on for some time – that area has been getting smaller and smaller, because it has been planted out.

MR CARTER: Do you want to say anything?

5 PROF MACKAY: Yes. Yes, please. Thank you for that. And just to clarify: what I understood you to say is that you believe eight hectares of former banana plantation would be available - - -

MR McDONAGH: It's still - - -

10 PROF MACKAY: - - - within the reserve.

MR McDONAGH: It's still available at this present moment in time today. Approximately.

15 PROF MACKAY: And then, in relation to the additional 19 hectares that would be required, if it were – and the panel has formed no view on this at this point - - -

MR McDONAGH: Sure. Certainly.

20 PROF MACKAY: - - - but if it were provided within the development site - - -

MR McDONAGH: If it's an area that would - - -

25 PROF MACKAY: - - - in the mid proximity, that would meet what you were seeking? I mean, you outlined some other options - - -

MR McDONAGH: That's right.

PROF MACKAY: - - - but that would also achieve that?

30 MR McDONAGH: But if it's an area with the OEH and Tweed Shire Council, with their expertise – greater expertise than we have as a group – done in a way that provide – adds to the koala corridors that needed to be provided for the existing, and it will enhance the koala movement, and the koala's success rate within the Tweed Coast, yes.

35 PROF MACKAY: Thank you.

40 MR CARTER: Sorry, John. Just one further question. If the Friends of Cudgen Nature Reserve – you mentioned you'd been planting for some 18 years - - -

MR McDONAGH: Correct.

45 MR CARTER: - - - on the site. If you've got any material around the performance of that planting over that time that you could submit to the Commission we'd really appreciate that as well.

MR McDONAGH: Okay. Well, we'll look at doing that. Thank you.

MR CARTER: Thanks, John.

MR McDONAGH: Thank you.

5 MR CARTER: Roslyn Irwin from Friends of the Koala.

MS R. IRWIN: Good morning, and thanks for allowing me to speak here. I speak on behalf of Friends of the Koala which is a voluntary organisation widely acknowledged as the lead koala conservation group in the Northern Rivers. We cover the areas of Ballina, Byron Bay, Kyogle, Lismore, Richmond Valley and Tweed Local Government areas, and we're licensed by OEH to rescue, rehabilitate and release koalas to the wild.

10
15 Our mission which we've been pursuing, I guess, since 1986, a long time, is conserving koalas in recognition of the contribution that the species makes to Australia's biodiversity. In addition to our licensed activities, our core business encompasses habitat protection and regeneration, community education, advocacy and research. We maintain a regional Koala Care and Education Centre in East Lismore.

20
25 So koalas in our region are in dire straits, as I'm sure you know, and according to koala experts and reflecting our own experience on the verge of the tipping point which leads inevitably into extinction. We generally rescue about 300 koalas a year, but for the last two years it has been quite different. We rescued two years ago 429 koalas, and last year 368. Already our figures for this year are showing that we will be having somewhere around the same number of koalas to rescue. So we rescue more koalas each year than in any other koala organisation in New South Wales and possibly nationally. But generally, only 15 per cent of the koalas that we rescue are released to the wild.

30
35 The rest either die or they're euthanised. So to say this, if you – I just got a bit lost – while disease is the major direct cause of the death of the koalas that we rescue followed by car hits and dog attacks, we know that habitat loss is the core driver of the koala's march towards extinction. Koalas are attached to their ranges and their food trees. They know them well.

40 And when that habitat is removed it causes stress for the animals which in turn stimulates diseases such as Chlamydia and retrovirus which are often fatal. Although koalas are impacted by deforestation in state forests and national parks the removal of habitat for infrastructure and residential, commercial and industrial development including removal of paddock trees are a major contributor to the dire situation that were facing in the region – well, or the koalas are facing, actually.

45 In regard to proposed modification 4 of the Kings Forest Development Koala Plan of Management, first I would like to acknowledge that the Department of Planning has been keeping to the original concept plan requirements, and I sincerely hope that it will continue to do so. However, there are three issues which I'm sure you've heard

from almost everybody this morning, but I will repeat them, that cause me concern in this proposed modification.

5 The first is the issue of offset planting which is a major concern particularly bearing in mind the point I made earlier about koalas being attached to their ranges and their food trees. While offset planting sounds reasonable in reality it's likely to be on a site at some distance from the current koala food tress and ranges, and it takes years for the koalas – for the trees to grow to a height that's useful for koalas.

10 Furthermore, when their habitat has been removed koalas are on the ground much longer searching for food and are far more vulnerable to dogs, vehicles, swimming pools and either death or disease caused by stress. The chances of surviving are reduced. If there is to be offset planting then there must be a binding agreement or legal arrangement in place well before any construction commences. The second is
15 in regard to a koala's ability to move through their corridors and, in particular, move safely across roads on the development.

Experience with other developments such as Skyline Road in Lismore and recently the upgrade of the Pacific Highway from Woolgoolga to Ballina has demonstrated
20 that koalas fences on their own prevent koalas from accessing their natural corridors whereas underpasses used in conjunction with koala-proof fencing do provide that access. But again, based on experience in other places they should be constructed prior to construction certificates being issued, otherwise, koalas may be locked out from their corridors for years.

25 From an engineering perspective, it's much more efficient to install underpasses as part of the road construction. The third is the proposed fencing the Cudgen Paddock or golf course which was intended to remain as a wildlife corridor. Fencing the golf course would further impede koalas in the environmental rotation zones adjoining the
30 golf course from accessing their nature corridors where golf courses forming a natural corridor for koalas are left unfenced as in Lismore and Suffolk Park.

Koalas move freely through those corridors and delight golfers who spot them either in trees on the golf course of moving through. Indeed, golfers became – become our
35 eyes on koalas on the golf courses and contact us routinely if a koala needs to be treated for injury or disease.

Finally, whilst this huge development will impact significantly on koalas and other wildlife regardless of conditions imposed on it through the Koala Plan of
40 Management adhering to the original concept plan will to some extent mitigate against those impacts. If these proposed modifications are approved their impact on Tweed's koalas will be considerably worse and will probably end their – be the extinction of them on the Tweed Coast. Thank you for listening to me.

45 MR CARTER: Thanks, Roslyn. Geoff Reid. Is Geoff Reid here? We might come back to Geoff. Simon Dawson.

MR S. DAWSON: Good morning. My name is Simon Dawson, and on behalf of the Tweed Coast Koalas I welcome the Commission here to our beautiful Tweed Valley. In the last 50 years humans have wiped out two-thirds of the world's wildlife, that is, since 1968/69 two-thirds of the world's wildlife has been wiped out
5 by humans. Consequently, it is time to consider rights for nature that occur by our own exploitation of our earth and its wildlife. Human fulfilment and wellbeing currently relies on extracting from the earth as much as possible as opposed to contributing to the health of our planet. Modification for Kings Forest as lodged by the proponent in mid-2017 is an ultimate example of not considering the rights of
10 nature.

All the measures in that modification sought to implement conditions that were detrimental to the koala and its habitat such as reduced areas of koala habitat offsets, planting secondary koala habitat in preference to primary habitat, and it went on in a
15 similar theme. Community opposition of over 2000 objections lodged with the Department of Planning and Environment to modification 4 has resulted in this meeting here today convened by the IPC. There are three matters which have been dealt with previously by people in this address today that need attention and are part of modification of project approval.

20 Number 1, the offset planning of 27 hectares should be legally in place before the issuing of any construction certificate. Two, rows for environmental zone should be fenced and the green underpasses for koala transit put in place before the commencement of any other earthworks whatsoever. Three, the original concept
25 plan of 2010 stated, and I quote:

A golf course covering 69 hectares of land that also acts as a buffer zone between the environmental protection areas and the residential development.

30 The only fencing should be between the golf course and the residential zones thus allowing koalas and other wildlife unimpeded access to the golf course and permitting easy access to other environmental protection zones. Growth in our society and its intended destruction of wildlife habitat is the inevitable outcome of the economic model we have chosen to embrace. Many of us here today are the
35 beneficiaries of development of housing on the Tweed Coast. Initially, we were just numbers on a developer's strategic plan, then we became residents, then a community and, ultimately, the guardians of the intrinsic beauty of the Tweed Coast.

40 Consequently, we demand a strong voice of what kind of development takes place, and we do not want development that marginalises our wildlife and diminishes the social and environmental amenity of the Tweed Coast which brings me to the siting of the hospital. An article in The Sydney Morning Herald of 5 March 2019 reports that the proponent has written letters to government ministers stating he will delay commencement of Kings Forest if a taxpayer-funded public hospital is not built
45 there. Personally, I think it is outrageous such perceived threats can be made by a wealthy person of influence a few weeks before a state election.

Further, I feel the incident highlights the power differential between local residents and unelected wealthy individuals who seek to impose their will on a community as if the Tweed Coast is some part of a game of Monopoly. The siting of the public hospital has become the subject of local political intrigue with unsubstantiated
5 allegations of nepotism, incompetence, corruption and lack of transparency. There are even calls from some people for a referral to the selection process – of the process to the ICAC as the Independent Committee Against Corruption.

10 Any decision to site the hospital at Kings Forest will require amendment to the Koala Plan of Management to address changes to the concept plan and 24/7 hospital operation and associated increased traffic. The consequence could well be that the interested parties represented here today will gather once again to debate yet another fair deal for our endangered koalas. Just one more paragraph to go.

15 So 16 years after the purchase of Kings Forest by the proponent in 2003, eight years after the concept plan of 2010, we are still debating the plight of our endangered Tweed coast koalas. It is a great shame that the proponent cannot have been more magnanimous towards koalas in the first instance. Maybe the proponent will have a
20 change of heart, ditch the hospital that koalas don't want anyways and make Kings Forest a wildlife reserve. Such a decision would signal the proponent as a visionary who helped save the koalas from extinction by 2050. I commend the concept of the Bob Ell Memorial Koala Sanctuary to the Commission. Thank you.

25 MR CARTER: Thanks, Simon.

MR DAWSON: Thank you.

MR CARTER: Is Geoff Reid available? Okay. We – the next speaker was to be Sally Mitchell but Sally is unavailable. We did have a hiccup with our
30 registration. So can Tracey Lindberg present now?

MS T. LINDBERG: Good morning, everyone. Good morning, panel. Thank you for coming to this worthy cause of ours. My name is Tracey Lindberg and I've been involved with the koala folk and other nice bodies that are trying to help save our
35 community from the onslaught of development sometimes but we are not anti-development. I'm a local person, as well. And as we've covered all those fantastic points with most of the other people, I would just like to say that I was involved in 2014 changes that were put forward by the proponent and that it's sort of a continuing thing going on here, the war of attrition towards everybody, wearing all
40 the bodies down, every time we get the watering down again of more watering down or more watering down of all the restrictions that were in place at the beginning.

And here we are again in 2018, sort of, '19 now, doing more of this. And you've pretty much heard the – you know, the important structure of those changes to the
45 golf course and the fencing and all that. And so I would just like to, sort of, point out here that the proponent in this hospital that Simon was mentioning that's going to be up at Cudgen so far, as we know – he has already just suddenly gained on his estate a

5 huge proportion of income stream and popularity by having that hospital even up the road and not in Kings Forest. Suddenly, his estate is going to be worth a lot more money because straightaway he's going to have a market for retirees wanting to buy near the hospital and investors wanting to buy because he will have a rental income of all the staff that will need to be working at this hospital.

10 So his income stream and the value of his property has just escalated without him having to spend a cent. So understanding that a developer's finance, inconvenience, timing is all important, and we get that. He has just been gifted this golden nugget of the hospital. So to put these underpasses in and the costs that are going to be involved in the planting and such, he has really already been compensated for by this hospital and so that's one great advantage for him and so the financial part of him having to build these things can be, sort of, pushed aside for a minute, I think.

15 And, also, the golf course. The fencing around the golf course – you've seen how important that's going to be because it is the major corridor for the koalas to continue in all the different locations. So if a proponent here could put on a different hat and look at this as an opportunity, become the hero of the Tweed koala population because he actually owns this most valuable piece of the land on the whole of the
20 Tweed, you know, he's going to be the person that either makes the koalas survive or probably pushes them to extinction. And this golf course fencing thing, you know, he could – international – can you imagine international golfers from Japan and China and all over the world coming to a golf course because it is a sanctuary.

25 And if he has accommodation structured around this golf course in the golf club area, what an opportunity for a developer to change his thinking and make a squillion on the tourists' application here instead of worrying about these costs that are going – set-up costs for him, you know, the tunnels and the fencing and the reallocation of these areas. What a gift. You know, he has really got a gift here, and he can be the
30 hero, he really can. And he has already been gifted this money on his plate for no outcome of his own pocket. So, you know, he can be a hero here. And I think, you know, if he really thinks about it and he can just look beyond the pocket, understand that we get it's inconvenient and, you know, it is a bit of a pain having this valuable piece of land for him because he is going to be restricted by all these things, but he
35 has got a gift here, you know.

He is the holder of the population of the koala on the Tweed. He is in charge of that. And these few costs incurred to him, you know, he can be gifted the name of being the hero here if he really chooses to. And I won't go into all the other things about –
40 everyone has done because you get the point of all that, but let's look at it from a different aspect and hope the proponent does, sort of, think of it in some of these terms instead of it being a pain to actually have to consider all this timing and consequences. Let him look at it as a gift to be the hero.

45 MR CARTER: Thanks, Tracey. And Rosanda Watson.

MS R. WATSON: Thank you to the IPC Committee for the opportunity to speak. I'm just going to address the three points again. I would like to discuss them in relation to the KPoM. The original concept plan dated 2010 that was signed off by the Department's Secretary includes agreement for three things, (1) offset planting of 27 hectares of koala food and habitat trees in the Cudgen Nature Reserve, (2) entrance roads throughout environmental protection zones must have underpasses for the movement of koalas and other wildlife, (3) no fencing of the Cudgen Golf Course as this is a natural koala corridor.

10 Addressing point 1. The proponent has not yet approached the Office of Environment and Heritage or Tweed Shire Council to establish a site for the offset planting. The planting of koala food and habitat trees is necessary and required to be undertaken prior to the construction certificate being issued.

15 Addressing point 2. I ask why the project approval dated 2018 is planning to build the underpasses at the same time as the roads? This contravenes the original agreement. It is an imperative step to build the underpasses prior to construction for the safety and protection of our endangered Tweed koala population. If no underpasses are built prior to construction of the roads, this will result in koalas and wildlife being cut off from their natural corridors and habitats. And, as you've heard, this – roads are a threat, dogs a threat and disease is a threat.

20 Addressing point 3. Fencing of the golf course would remove the natural corridor for the koalas to move around causing isolation. It is my understanding this will result in causing stress and loss of habitat and the ability to find a mate. In the 2013 DGs Environmental Assessment, it states:

...no koala fencing should surround the golf course area –

30 the report describes the golf course as:

encompassing ecological buffers –

35 and it refers to the 7.86 hectares of koala food trees to be located within the proposed golf course. In summary, I am seeking adequate action on the KPoM to put in place the three necessary requirements prior to any construction work commencing. I believe there's only one chance to get this right and any further eroding of the original conditions and the concept plan cannot be undone in the future. Therefore I request that the IPC consider these three points as an imperative for action. Thank you.

40 MR CARTER: Thanks, Rosanda. Look, we may – might take a 10 minute bathroom break. There's some coffee and tea available, just outside. I'm not sure how well the milk would have fared in this morning's temperature but do help yourself. Just be cautious with that. And we will reconvene at 11.30. Thank you.

RECORDING SUSPENDED

[11.21 am]

RECORDING RESUMED

[11.42 am]

5

MR CARTER: All right. We might get underway again. So is Maxwell Banard ready? Is Maxwell outside? He's coming. There he is. Great.

- 10 MR M. BANARD: Mr Chairman, Commissioners, ladies and gentlemen, I'm pleased to be able to speak and be given the opportunity to speak. It's quite rare in my lifetime, however, I'm faced with a situation where I either do nothing or I do something, and doing something to me seems like a much better option. What we're faced with here entirely with this development is 856 hectares of it; a very large
- 15 area. When it's completed, possibly it will take 10 years, we're looking at anything up to 4500 residences provided we don't get a hospital instead. That is two and a half times of Kingscliff. So we can see from those just that general statistic there, this is huge, this is really big stuff.
- 20 To address the proposed development in the first instance I would like to make the following points that I do support the Koala Plan of Management of the Tweed Shire Council, and I support the efforts being made to save the koala by the New South Wales Government. And I'm also – and coming here today has really enlightened me that now the process of – of the public being allowed to be influencing these
- 25 types of developments is now much better. If believe that if correct procedures are implemented the koala habitat can be protected even enhanced. And we can actually have a situation where the koala can cohabit with humans to a large extent that they do.
- 30 I believe there is no need to fence the proposed golf course. I know this has been bandied around before, but these points need to be made, and I don't see anything wrong with reinforcing them and restating them. I've had a lot of experience with golf courses not only here on the – on the Tweed but in other areas. And as has been said before, wildlife is actually a talking point. It's actually quite a nice thing to go
- 35 onto a golf course and see wildlife. My experience, too, is that existing golf courses usually only have partial fencing and, in fact, I live next door to one where there's virtually no fencing at all. The only fencing there is to stop the golf balls coming out of the golf course.
- 40 The planned golf course area does have food trees, and it is also a wildlife corridor. I've been involved quite a lot in planting of trees since I've lived in this area, and I've learned that they grow very quickly, and they grow very readily so that if you plant 90 – say, for example, you plant 100 you would still have 97 growing 18
- 45 months later, so we don't lose a great deal. Also, we do see evidence of koalas in these trees when we go back to do maintenance. We see evidence. And they will only be 18 months/two years old those trees. So during construction the roads will be built. These roads need the underpasses before traffic is allowed on them. And in

regard to the 27 hectares of tree planting, I believe it is necessary they be planted within the adjoining land and within known corridors prior to any construction. Thank you.

5 MR CARTER: Thanks, Maxwell. Marie won't be speaking, so if we move on to Maria Smart.

MS M. SMART: Hi. Thank you. Hello to the panel, and hello to the audience. Well, here we go again. Another venue, another modification from the proponent,
10 number 4, in fact, and another IPC panel. Once again, as the goal posts change we as representatives of the community have to speak up to protect our endangered Tweed Coast koalas. The dictionary meaning of the word "endangered" is a species of animal or plant that is seriously at risk of extinction. Why are we here? Well, it is because we want the best version of a Koala Plan of Management to ensure their
15 survival in Kings Forest. Let's face it, the protection conditions for the koalas right from the beginning in the concept plan were comprehensive.

The component was well aware of the fragile koala habitat within Kings Forest, so the community insisting on rational adjustments to this determination to protect these
20 koalas should come as no surprise to the Commission. In fact, it should be welcomed. I have a question for the panel and to the Department of Planning and IPC. Are you aiming for success with this Koala Plan of Management of Kings Forest, or are you aiming for a show of good faith to the community and hoping that close enough is good enough, or maybe even a compromise. I feel that Planning and
25 the Commission have put in a pretty good effort.

Modification 4 put forward by the proponent in May 2017 was a devastating backwards step in koala protection for modern-day Australia. And then modification of project approval by the Commission has clawed back some koala conditions but
30 still stops short of being a successful Koala Plan of Management. I say to you all, the Commission and the planners, and that you are not there yet. There is no room for compromise. Koalas generally are on the decline through natural courses such as sickness, drought and flood. Since 2010 the koala – the situation for kolas has not improved. If anything, over time the situation has become more dire. Let's not add
35 to this human ignorance.

We are in 2019 armed with a ton of ecological knowledge. Ignorance is unacceptable as an excuse. This is about intent. So I ask again are we aiming for success with this Koala Plan of Management or is just a potential hit or miss. If the
40 Commission is serious, if the Department of Planning is serious, if the proponent is serious about protecting the koalas in Kings Forest then you must all try harder. There are some major issues with the determination that have stood out like beacons to myself and others that must be addressed and not ignored if we are to succeed. If a koala could speak and have its own voice what do you think it would say to you,
45 the Independent Planning Commission, and the audience. It would probably be something like this. Here we go.

5 Thank you to the Tweed community for standing up for me. If it wasn't for all
your thousands of objection submission on MOD4 this opportunity to speak at
a public meeting and get the KPoM just right for me would not have
eventuated. Thank you to the Department of Planning and modifications and
the Commission for stopping and listening, for not allowing MOD4 to proceed
without serious ecological investigation and consideration. But most
importantly, I say to you that KPoM in the determination is still not there yet.
There are three main points that have been missed that can ensure that my
buddies and I can survive and prosper in Kings Forest. Please don't stop now.
10 I beg you.

15 I need the 27 hectares of land secured and guaranteed to know I will have
other trees before you take mine. They were promised to me. They vagueness
and relaxed attention to the 27 hectares of my new food trees is worrying. I
cannot feed from a sapling. I need well-established trees. No tree no me. I
need underpasses on all roads before those big-haul trucks move in. Don't
block me out from travelling across my habitat which you call the EPZs. I am
a koala. I am a landscape species and I need to travel over land to survive.
Temporary fences and no underpasses, which could be up for years – decades –
20 will stop me and isolate me from travelling to meet my buddies, find a gal and
have a joey or two. Fencing and no underpasses will finish me. If you don't
change this in particular, it is highly likely I will not exist by the time the
underpasses are built. Imagine that.

25 Don't take away my ability to access Cudgen Paddock, what you call the golf
course. You had always promised me I would have this from the beginning. I
hope your memory is not faded. Cudgen Paddock is full of my buddies and
other wildlife friends, and over seven hectares of koala food trees. Don't lock
us out of our home; our habitat. Fence the development in and give me access
30 to freely cross the golf course to my food trees and to other zones. Us koalas,
we can live with humans, but humans just have to plan it better so that we can.

In summary, I would like to make it clear to the panel what I am seeking as an
informed member of this community:

- 35 (1) Good intention and firm commitment must be displayed through actions; that a
legally binding agreement is in place for the 27 hectares of offset planting, with
a timing plan for planting the trees before any bulldozing and/or construction
commences. To date, the OEH and Tweed Shire Council have not been
approached by the proponent in regards to this very important commitment.
40 Not one tree has been planted.
- (2) No temporary fencing to be erected along current haul roads to split
environmental zones and isolate koalas and wildlife; that approved underpasses
are constructed before construction certificates are issued.

5 (3) No fencing of environmental zones and buffers adjoining the golf course. The original concept plan had no fencing here. Just stick to the plan and move the proposed fencing between the urban development and the golf course, therefore giving unimpeded access by koalas and wildlife across this highly significant and sensitive habitat area.

10 As – if I could just – I won't be too much longer. I've only got a little bit. As time goes on, and many years pass, the conservation status of the koala in this country isn't improving. We can't afford trial and error; we do not have enough koalas to attempt this approach. Our Tweed Coast koalas are endangered. Without attention to detail in this KPOM it could reach the next level; critically endangered, and, if mismanaged, eventually, God forbid, extinct in the wild.

15 What legacy will we leave behind for our children; that we had the knowledge but just didn't try hard enough to sufficiently protect them? We, as a community, expect the best Koala Plan of Management in Kings Forest to protect our Tweed Coast koala, as anything less is just not good enough. Every Tweed Coast koala we save makes a difference. They are defenceless members of our community. Thank you.

20 MR CARTER: Thanks, Maria. Janet King.

25 MS KING: Good morning. Thank you for the opportunity of listening to me today. The world is watching how we treat our koalas; how we will build an overpass, an underpass; maybe even both, before the construction starts, as part of the Koala Plan of Management; how we will ensure guaranteed offset planting. It's over 100 acres. I know 27 hectares, but over 100 acres. It's a big area. So how are we ensured a guaranteed offset planting to support the Koala Plan of Management for Kings Forest; how the environment protection zones will not be blocked and divided by temporary fencing and remain traversable for the koalas to access their food trees.

30 From the Obamas to Meghan and Prince Harry, and my aunty Lynn, they all come to Australia to hold a koala. One of the deciding factors for my aunty to migrate to Australia at the age of 65 was the koalas. Aunty Lynn had made three or four trips before and each time visited koalas at Lone Pine in Brisbane, Featherdale Wildlife Park in Sydney, or Currumbin on the Gold Coast. When my mother and father
35 migrated from England with three young children we could bring only one toy: a Batman car, with all the movable parts, for my younger brother; a Sindy doll was my sister's, and for me it was a koala. That koala lasted many, many years.

On a stopover at Delhi Airport I remember three things:

40 (1) The vinyl seats in the bus to transport us from the plane to the terminal were so hot we couldn't sit down.

(2) I drank my first ever Coca Cola from a glass bottle. Had no idea what that was. And just an off-side comment: today, Coca Cola sold its first bottle of Coca Cola in 1854. I heard that on the radio this morning.

(3) The most memorable, with my koala under my arm, many, many people knew I was going to Australia. They would all say, “Are you going to Australia then?”, they would ask.

5 A second stopover in Hong Kong on the way to Australia, no hot seats, but many, many people knew I was going to Australia. “Are you going to Australia then?” more people would ask.

10 International tourists from across the world do not want to see the extinction of the koalas. It would be remiss of us to think that they had more of an interest in saving our koalas more than we in Australia have. The koala tourist dollar is invaluable. According to the Currumbin Wildlife Sanctuary, established in 1947, the koala is an iconic threatened species. 500,000 visitors each year go to the Currumbin Wildlife Sanctuary to specifically see the koalas. They are mesmerised by them.

15 In 2015 to 2016, there were 343 koala admissions for care at the Currumbin Wildlife Sanctuary. In 2017 to 2018 this admission level rose by 28.8 per cent to 424 koala admissions for care. You and I would be naïve to think that this number won’t agree – won’t increase again in 2019 to 2020. They report 11,000 admissions of various wildlife kinds for care.

20 The Koala Plan of Management in Kings Forest is in your hands. We are the voice of the koalas and all wildlife in the catchment areas of the Koala Plan of Management. We could believe international concern for koalas, and Australian wildlife, is stronger than that of our Federal, State and Local Government, land planners and developers, due to the diminishing natural bushland and wildlife corridors comprising safe environments for koalas and wildlife to traverse.

25 This is a shared responsibility. It’s in my hands; Janet King, and it’s in your hands; Ross Carter, Ms Catherine Hird, and Professor Richard Mackay; a shared responsibility for their livelihood, their wellbeing, and protection of their habitat. The koalas and wildlife cannot escape fire, cannot escape domestic animals, and cannot escape the lack of food. The world is watching how we treat our koalas. Thank you.

35 MR CARTER: Thanks, Janet. Irene Timmins.

MS TIMMINS: Good afternoon. Thank you very much for allowing me to speak to you. I am a resident of Pottsville and I have lived in the Tweed Shire for four years, originally coming from Sydney – don’t hate me – but it is a fantastic area to live. I temporarily set up in a suburb called Koala Beach Estate in Pottsville because I wanted to learn firsthand what it was like to live in an estate that was, from the onset, designed to protect koalas. There was a small colony of koalas there and the developer worked with council and ecologists, and Deborah Tabert from the Australian Koala Foundation. They designed the estate.

45

I read up about this estate. I was very impressed to find out that it actually had national recognition and was being taught in TAFE colleges, and other institutions, and being held as a model for ecological development. I thought, “This is interesting. Tweed Shire was not renowned in the past for this sort of thing, so it really impressed me. So, you know, I researched further on it and found out that National Geographic had, in fact, done an article on it and praising – praising what had been done there.

So in my plans with moving up here, I ensured that – I rented a place in the Koala Beach Estate because I thought that would be fantastic to live with koalas nearby. And I never intended to stay there. I was looking for somewhere in the Hinterland. But so impressed was I with Koala Beach Estate – what the standard of living is for me, not just for me, for families with young children. It is an absolute joy to see what living in harmony with wildlife is like. When you set the whole thing up from the beginning, you design it in such a way that it minimises the impacts to the wildlife. It enhances their corridors. It gives them all they need – their fruit trees and everything. Puts in speed limits. Prohibits cats and dogs.

Now, obviously, that puts some people off. But let me tell you there is a strong enough community of people who think that is a huge plus and who live in an estate that is extremely quiet at night except for the sound of some bush stone-curlews that are a threatened species, but I’m happy to deal with their noise. There is no neighbourhood disputes between someone’s cat coming into your place or someone’s dog setting off every other dog. Families feel safe with their children in the streets because of the speed limits that are imposed. Their children won’t be chased by dogs that are not on lead. It is – it is just such a rich, happy community.

And so I decided this is it. I’m staying here. I did not intend on living in a subdivision in Pottsville. Let me tell you. But so impressed was I by that, that I stayed. I stayed and I built a house here. And since moving here, I have found a really supportive community of people and I joined them in tree planting, in educational things to do with market stalls, to do with shopping centre handouts, educational things, and talking to the community one on one, finding out what’s important to them and there is no doubt, the koala is high priority.

In fact, one of the most – everyone smiles when you show a koala. It is a very, very positive influence. So getting back to this with the Kings Forest Estate. I was pretty shocked actually and I’m learning more and more about it – that, such a huge development was being put in what was a koala corridor. So I was not really aware of the history of what had gone on, but I was surprised to see Koala Beach – which Koala Beach works as a sanctuary. Really, I consider it a sanctuary.

Why it was not – it seemed like Kings Forest, the developer there was not as keen as – the group were – I think – were in charge of Kings Forest – to commit to such a, you know, wonderful design that really respected wildlife and I thought, “This is like – this shouldn’t be happening.” I mean, Koala Beach has been around since the early 2000s. So, you know, how come there’s no dog/cat policy? Well, apparently,

that's because that will obviously minimise the pool of people that would be interested to live in the estate and I can understand that.

5 But I could see that the intention really wasn't strong for koala protection – and the size of it, it really had me worried because this corridor is – it's their last chance. And so we're doing all we can in Koala Beach. We're planting trees. I attended a planting just last weekend with the friends of Cudgen Nature Reserve and we're trying to do it, but the corridor needs to work as a whole. So what happens up at Kings Forest is happening – is going to impact us down there. So it's really vitally
10 important – the points that everybody made clear. The 27 hectares, please, we need to secure it and we need to get planting now. The koalas require the habitat .

MR CARTER: Can you wind it up please, Irene.

15 MS TIMMINS: Now, we are having climate change impacts. They need dense habitat. They need shelter to escape the heat, not only food. Shelter is one of the important criterias. So put in the plans now. Get them going. You know, we need these forests. We need to make sure that the underpasses are there because that is of concern – definitely underpasses underneath all of the haulage roads – and we need
20 to make sure that that koala – the paddock is there for the koalas to access their trees.

Please, on behalf of the community and the many people in the general public I've spoken to at various market day shopping centres, community planting days. Every
25 body. The koala is a drawcard – is the main drawcard for – one of the main drawcards for this area and a source of great enthusiasm for many new and old residents as well as tourists alike who come to the Tweed to try and find a koala in the wild and they're asking me where to go. So I would like to tell them around Kings Forest, you know, so - - -

30 MR CARTER: Thanks, Irene. Glenn Cartwright.

MR G. CARTWRIGHT: Good afternoon all. My name is Glenn Cartwright. Special thanks to the panel today for their attendance at this vital meeting. My
35 family moved to this region six years ago and a major drawcard for us was the natural beauty of the surrounding environment. I'm not going to go on. I was going to talk about the major three components that everyone has addressed today. I think they've been wonderfully illustrated. I'm not going to go on further about those three points. We all know what they are. So I'm going to share something a little bit
40 different.

Recently, I watched a documentary that focused on Sumatran tigers. There are now only 400 of these magnificent creates roaming wild on mother earth. Their situation is catastrophic and with better management by policy-makers, their situation would
45 not be as it is today. Today, ladies and gentlemen, we have a remarkable opportunity to really make a difference. We have an opportunity to enforce conditions that will, without any doubt, aid the survival of one of Australia's iconic species. The koala cannot defend themselves. We must defend them. Thank you and good afternoon.

MR CARTER: Thanks, Glenn. Fran Hardy.

MS F. HARDY: Good afternoon and I hope everyone is having a great day. I'm really loving listening to the passion and the thoughts and the concerns behind what everyone says and I'm going to reiterate a lot of what has already been said. As you know, I'm Fran. I live in Murwillumbah which is just over more towards the Hinterland. I come over here regularly and I've chosen to try and educate myself, I guess, as a very concerned citizen about the future of this development because it is so large and it is in such a sensitive area. So my hope is that the diligent work of ecologists, community groups and activists perform to protect our koalas is not in vain.

I have tried to educate myself about the Kings Forest residential community development because such a large development on a very crucial and sensitive wildlife habitat requires a community's caring scrutiny. As I have already heard, so many speakers express some hopes and concerns – the same hopes and concerns as mine. I can only reinforce the imperative nature of giving Tweed koalas the best chance of survival through a very stringent, legally binding koala plan of management. Firstly, regarding the infrastructure of roadways being one of the most dangerous aspects of development for koalas, the KPoM recommends placing barrier fencing along pre-existing haulage roads that run through the environmental protection zones.

Fencing may help prevent koala road death, but in doing so, a new problem arises which where fencing impedes the free movement of koalas and other fauna capturing animals within small patches of the environmental protection zones. It appears the fencing of roadways would defeat the purpose of the fully accessible EPZs. I know fauna underpasses are a proven way of promoting free movement of wildlife and if engineered into roadways before any road haulage gets started, this could counter the issue of fencing barriers.

As roadway barriers could be in place for long periods, koalas could be kept apart from the other parts of the colony and divide it up into small groups. Surely, underpasses engineered and in place before the construction certificate is given must be agreed upon by the proponent for the KPM to have integrity. Secondly, the KPoM states permanent koala fencing will surround the golf course, again cutting off the free movement of koalas. There is 7.86 hectare of food trees located within the golf course itself and fencing would stop the koalas accessing the food and lessen the value of the golf course acting as an ecological buffer.

There appears a more logical and appropriate place for high protective fencing, and that would be around the residential precincts to prevent domestic animals acting as predators on protected wildlife. Lastly, to date the proponent of the 856 hectare Kings Forest Residential Development has still neglected to establish where the 27 hectare koala food tree planting offsets will go and how the stages of the planting will be progressed. The offsets must be in fully koala accessible locations and be planted out in a timely manner that will provide food for an expanded colony.

The details of the offset must be locked in legally. I would hope the proponent cannot progress any construction works until this is legally binding detail in an agreement. I believe it is these three points that will determine the ecological success or failure of the Kings Forest Project. The endangered Tweed koalas have had so many setbacks with fire, road deaths, chlamydia, dog attacks and loss of habitat. Let's not make it any tougher for them. When residential development goes into an ecologically sensitive area, it is imperative to get every step of the way right. Thank you.

10 MR CARTER: Thanks, Fran. I understand that Eva Robinson is not available but Ian Robinson is. Eva is here now.

MS E. ROBINSON: Good morning and thank you for taking the time to listen to our concerns in the community. As you no doubt guessed by my accent, I wasn't born here, and when I was first asked what I mostly associated with Australia before coming here, I immediately thought of kangaroos and koalas, of course. However, after my arrival in Australia, and in particular this wonderful area, this paradise, I was shocked to hear that the iconic koala was under real threat. As it is well documented, many koala colonies, our Tweed koalas included, face enormous challenges due to farmland clearing, housing developments, road strikes, dog attacks and disease. I therefore strongly support Team Koala's proposal for changes to the current modification number 2.

They're all critically important, but in the interest of time, I will just single out one of them that would have an immediate effect. Fencing the access road without underpasses for koalas and other wildlife would be an absolute disaster from the word go. Underpasses are essential and have to be built before any construction or fencing work starts. In general, if Team Koala's proposals are not satisfied, the remaining koalas in Kings Forest, already at barely sustainable levels, will be detrimentally separated from their food trees and their colonies. The future would indeed be very bleak for them.

However, I want to end on a positive note, I believe this is an opportunity for as the name suggests, to take a lead in the industry and to make a valuable contribution to the environment and koala management beyond merely ticking the boxes. It is also an opportunity to enhance their image by marketing these positive environmental aspects to prospective residents and the community at large, a win-win situation not only for koalas and residents alike, but also for the developer. Thank you.

40 MR CARTER: Thanks, Eva. Christopher Eaton. He can't make it. Thank you. I will move on to Janette Van Der Hoek.

MS J. VAN DER HOEK: Hello. I am a concerned resident. In mid-2017 the proponent lodged Kings Forest Project Modification 4. This document seeks to make new conditions for the development that are to the detriment to the endangered Tweed coast koalas. Through this modification, the proponent plans to amend the

timing of off our offset planting, remove fences and underpasses traversing environmental zones, plus other proposals that are hostile to our endangered koalas. Strong community objection to Modification 4 is evident by the fact that over 2000 submissions were lodged against Modification 4. Thank you to the Independent
5 Planning Commission for convening this meeting here today to consider modification of project approval.

There are at least three matters that remain unresolved: (1) the Director General's 2013 Environmental Assessment refers to 7.86 hectares of koala forest trees within
10 proposed golf course. The fencing should only be erected between the golf course and the adjournment urban area, thus allowing koalas and other wildlife unobstructed access to the golf course and the adjacent environmental protection zones. (2) roads through environmental zones must have underpasses installed before the
15 commencement of any earthwork. This will ensure koalas have access to transit through environmental zones during the long period of construction.

These underpasses must be constantly maintained. The 27 hectares – (3) – of offset planning originally planned for the Cudgen Nature Reserve is of upmost importance. Please, the site for the 27 hectares of offset planning must be secured before issuing
20 of any construction certificate. I call on the ICP to ensure all conditions approve for the Kings Forest development. First and foremost, consider the welfare of the endangered Tweed coast koalas and their habitat. Please, we need to live respectfully and sustainably. I quote Professor Tony Griffith, director of the Centre of Environmental History from the Australian National History:
25

Humans have wiped out two-thirds of the world's wildlife in just 50 years.

Thank you.

30 MR CARTER: Thanks, Janette. Hilary Singleton.

MS H. SINGLETON: Good afternoon. I always need the microphone. Just by of introduction to who I am, I'm a Minister in the Anglican Church and my parish that I'm an honorary minister at is Kingscliff. And I've lived in this region for 40 years
35 and I've ministered here as a priest for 15 years. We have all agreed today that koalas are a global icon that represent Australia. The Commonwealth Games held on the Gold Coast used a koala as its signature mascot. Millions of people around the world watched that koala, which symbolise the essence of our unique fauna. But in the harsher world of development at Kings Forest, we have no confidence that the
40 agreed strategies will be met to protect our critically endangered koalas.

Instead, we have to continually fight for them. At Kings Forest, every requirement and condition that was agreed to in the approved koala plan of management that was a key part of the development approval must be met if our koalas have any chance of
45 survival, and I might add, not just survival, but the opportunity to thrive and grow. I am part of a church group in Kingscliff that bakes cakes to raise funds so that we can raise awareness of the threats to our small koala population. We're a small group,

but we care passionately about the environment and about these koalas at Kings Forest in particular.

5 Will their future be secured or will our grandchildren have to go to a zoo to see a koala? The time and place for comprehensive binding action for their preservation is right now and it's at Kings Forest, and the three main issues which we have heard over and over again, the access roads passing through the environmental protection zones must be constructed with the underpasses, and we know why now, so that they can have safe passage to food trees. Without it, that movement will be prevented
10 resulting in starvation and death.

Similarly, again, the Cudgen paddock will have the same result. That wildlife corridor must be kept open. The koalas need an absolutely binding agreement that the 27 hectares of offset food tree planting will be identified locally, approved and
15 commenced prior to the commencement of any construction. I'm sorry to repeat it again. You might be sick of hearing it, but it is important.

We will not rest, I'm sure, all of these different members of the community that have attended today, until everything above is included in the koala plan of management.
20 We have one golden opportunity to get this right. As Tracey said, we can have a new vision of development, where developers can also become heroes in the preservation of our wildlife. Why can't we work together? We can't we step out of this adversarial process and do this in a more visionary manner for the future? It must be done. Thank you.

25 MR CARTER: Thanks, Hilary. I understand Jan Tennant can't be with us today, so
- - -

MS: got it and she just can't

30 MR:

MR CARTER: Yes. We will have - - -

35 MS: spoken – no?

MR: No.

MR CARTER: We will take – the written submission is fine.

40 MS: Okay

MR CARTER: Thank you. So Michelle MacAnally?

45 MS: She's coming but – she's just coming from work – hasn't got here yet – trying very hard.

MR CARTER: Okay. Well, is - - -

MS: She's only

5 MR CARTER: Is Geoff Reid available at all? No, Geoff hasn't made it.

MR: she's coming from

MS: She's coming from work she's not far away. She's just

10 MR CARTER: Yes. Do you know how long she will - - -

MS: She should be here now, so it's probably minutes away.

15 MR CARTER: Okay. Well, we might – she's our last speaker, so we might wait a couple of minutes and see if she can make it.

MS: she's here – she got lost – she's

20 MR CARTER: Yes.

MR: Okay. Cool

MR CARTER: If – well, if she's on her way but someone would like to read - - -

25 MR: Okay. I just

MR: No

30 MR CARTER: If she's on her way but someone would like to read Jan Tennant's submission - - -

MR: I think she's just at the car park - - -

35 MR CARTER: She's just coming - - -

MR: hopefully, two minutes

MR CARTER: If someone would like to read Jan Tennant's - - -

40 MS SMART: I will read Jan Tennant's if that's acceptable?

MR CARTER: Yes. If you're happy to read Jan's - - -

45 MS SMART: I'm fine to read yes. Okay. Well, this is the first time I've looked at it, so I will do my best. Okay. Addressing – no. Okay. So this is from Jan Tennant:

5 Firstly, it is essential that the offset planting of 27 hectares of koala food trees
be secured through binding or legal arrangement before any construction
commences. Forests and bushlands along our coastal lowlands are being
cleared at an unprecedented rate for urban development, whether it be
residential, commercial or industrial. Our coastal lowlands are a very
desirable place to live, work and play but humans are not the only ones living
here. There is great biodiversity living in fragile ecosystems such as Wallum
sedge frog. When urban development takes place, the natural environment
including all or most trees and bushes are destroyed and replaced by concrete
10 slabs, fences and roads.

15 In residential developments, the modern trend is to build McMansions that
occupy most of the block, leaving little room for grass and shrubs and definitely
no room for tall food trees. Not only do koalas and other fauna and flora lose
their habitat, but rainwater that used to soak into soil and the water table now
runs into gutters and sewerage systems, thus creating a hotter, drier
environment. All sensible 21st century urban development should retain or
plant rings of native forests and bushlands that absorb air and noise pollution,
20 protect ecosystems and be more aesthetic than the two metre high boundary
fences that are usually erected. It is important that we – government,
developers and residents – rectify past planning and development that
destroyed ecosystems for the convenience and comfort of humans by planning
and developing for the future preservation of all species.

25 It is paramount that the proponent of the urban development at Kings Forest
lead the way by abiding by the 2018 Modification of Project Approval for koala
offsets and include planting of 27 hectares of koala food trees in the Cudgen
Nature Reserve or if there is insufficient room, the balance of koala food trees
must be planted on other lands in the Koala Activity Precinct or Koala Linkage
30 Precinct in the Tweed Shire Council Local Government Area and the creation
of compensatory koala habitat in the east-west corridor and on residential
lands on-site. Has the proponent approached the Tweed Shire Council or
Office of Environment and Heritage to establish alternative sites for the offset
planting? This must be done before any construction and bulldozers move in.

35 While holding my son's mastiff – dog, that is – behind a screen door, I once
watched an adult koala that had wandered into the townhouse complex looking
for food trees, trying to walk along a gate and then reach bushes that grew
along the fence line. Koalas were designed to scale trees, not climb fences and
40 other manmade structures. It is important that any development does not fence
the koala from their food trees. It is no good providing food trees if it is too
difficult or physically impossible for the koala population to access them.
Therefore entrance roads through the environmental protection zones must
have fauna underpasses as set down in the 2018 Modification Approval.

45

Just one more paragraph:

5 Similarly, it is more logical to fence off the urban areas of the Kings Forest development and leave the golf course planned in the Cudgen Paddock unfenced as wildlife corridor. Food trees have been approved to be planted in the golf course area. The trees and well maintained grass in the golf course will enable koalas and other wildlife easy access. Fences around the residential areas will protect the wildlife from dogs and cats found in residential areas. At a high school in the Redlands area in south-east Queensland, koalas regularly wander the grounds and access the many gum trees. Their antics, especially during the mating season, provided and educational distraction for students and teachers. The koalas had easy access to the trees.

15 This is important, not only for koalas but for the other wildlife in order to survive. The developers of Kings Forest and government planning authorities have the opportunity to correct past planning mistakes in urban developments that eradicated or radically reduced native fauna and flora and thereby our biodiversity by doing offset planting of food trees and ensuring fauna underpasses and unfenced corridors are provided so that koalas and other wildlife can access their food sources. Preservation of natural vegetation within urban development is very important for the health of present generations of all species, as well as for the future generations. Sensible planning for the koala is sensible planning for all. It is too late once the damage has been done.

25 MR CARTER: Thank you. And is Michelle MacAnally with us now?

MS M. MacANALLY: Yes, yes.

30 MR CARTER: Okay. Thanks, Michelle.

MS MacANALLY: First of all, I would like to say thank you to the Independent Planning Commission to – for being here and for listening to us, concerned members of the Tweed coast community, having our last chance to speak up for what we value. I'm a Tweed coast local and I choose to live here mainly because of the beautiful natural environment that we are so lucky to have we all feel it's really special to have native species living in our area and we are especially fortunate to have rare and precious koalas living in our very own surrounds.

40 This is a unique and uncommon aspect that we all love about the Tweed coast. Koalas especially are loved and adored by all and are recognised throughout the world as an Australian iconic species; a national treasure, found nowhere else but here in Australia. We are so lucky to have these beautiful, gentle animals living in our surrounding native bushland. The fact that koalas are an endangered species means that it's imperative that we put in place clear protective measures, at the highest level, to give them any chance of survival in their natural habitat.

There are two points that I will talk about. Firstly, Cudgen Paddock, the site of the proposed golf course. In the original concept plan of 2010 the golf course was to encompass an ecological buffer zone. In 2013, 7.86 hectares of koala food trees were to be planted within this area. This has not happened. This is of great concern,
5 because koala food trees need at least five years to become established and mature enough to provide food and refuge for koalas. Koala food trees must be planted in a timely way to support the koalas.

Furthermore, in the developer's proposed modification fencing is to be placed around
10 the golf course. This proposed fencing will directly impact the koalas, as they will not be able to access their food trees but will be kept out of this area. The fencing will also greatly limit their ability to freely through their natural habitat, reducing their chances of finding a mate and reproducing. The fencing will effectively
15 diminish their chances of survival as a species. To put it bluntly; the fencing will lead to starvation of the koalas and lack of mating opportunities, resulting in the koalas dying out in this area.

The second point I will talk about is biodiversity responsibility. In the original
20 concept plan it was established that 27 hectares of offset koala food trees would be planted by the developer. To date the developer has made no attempt to approach the OEH, nor the Tweed Shire Council, to secure a binding legal arrangement to enact this agreement. This is another serious concern. This issue must be resolved before any construction begins. In short, the developer must give back to the natural
25 environment before taking the land for their own use.

We, the people of the Tweed Coast, value and love our natural environment, and koalas are a special and unique part of it. To think of our precious koalas becoming
30 extinct on our watch, and for future generations not to have the distinct privilege of having koalas in our area, is an unbearable concept. There are many committed community and school groups working very hard, and doing all they can, to highlight the importance of protecting our precious koalas. It's up to us, as a community, to speak up on behalf of the koalas to ensure that the developer will honour their agreed obligations and adhere to the conditions of the Independent Planning Commission.

35 To conclude, and to finish on a more positive note, this is a golden opportunity for the Tweed Coast to be a positive example of how environmentally responsible planning and development, in conjunction with environmental protection, can be achieved without sacrificing our precious native fauna; showing the world that development can be managed to ensure the preservation of native species. Thank
40 you very much for listening.

MR CARTER: Thanks, Michelle. That concludes the speakers for today, and
45 concludes the meeting. I just reiterate the Commission will accept submissions up until 5 pm on 19 March, either by email or to our postal address. So if anyone wants to add a written submission, or provide further information on what they have presented today, that would be most appreciated. So I'll just call the meeting to a close and thank you very much.

RECORDING CONCLUDED

[12.39 pm]