

11/03/2019
Re Mod 4

— MARION RIORDAN — EARTH LEARNING

I understand that we're here to discuss the merits of this modification to the Kings Forest DA

I will address the merits in writing separately.

Today I want to focus mainly on the PROCESS of this development application.

I've been following this since 2010 - and I see a clear pattern emerging

I want to start with a reminder of SEPP 44:

"Conservation & management of Koala habitat ... so that koalas are free to roam across their present range & reverse the trend of population decline"

In 2011 I was among many calling for a Dog Ban.

In the absence of a total Dog Ban we compromised with adequate koala fencing around ALL urban areas to prevent contact between dogs and koalas. However the draft KPoM of 2012:

- It offered fencing on roads that had gaps and dubious, untested grids
- It planned to remove 32,000 m2 of forest habitat
- It had bushfire plans that only focussed on asset protection
- Its ecological buffers were being encroached by asset protection zones
- It did not have a formalised E-W wildlife corridor
- It had offset planting 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

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 reasonable controls & conditions that were already in place.

It sought to revise wording so that all of the following became ambiguous and uncertain:

- Environmental Offset areas
- Environmental Management Plans
- Environmental Baseline monitoring
- The Bond insuring environmental restoration
- The timing for dedication of environmental lands to OEH & TSC

In 2017 we saw a similar attempt but from a different Angle

Rather than continuing the consultation process with State planning 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 & underpasses
- Inadequate KPoM

- Inadequate timing for compensatory plantings
- Inadequate co-ordination of all environmental plans

At this stage – so far down in proceedings - this was an even bigger step backwards than version 2014

2018 Saw the FIRST major step forward in environmental compliance

After a fair degree of consultation & revision we got a result with the following positives:

- Increased koala habitat plantings, primary food tree weightings and planting density
- Accuracy of vegetation mapping for plantings across the site
- Alignment with other environmental management plans - in particular the critically important **bushfire management plan**
- Revised timing of compensatory habitat to allay loss of biodiversity

Today though, there remain some problem areas that involve:

- The provision of Koala fencing and underpasses on haulage roads whilst early landscaping works proceed
- Golf course fencing that will isolate patches of koala habitat and block access to what was designed as a “Koala corridor” way back in 2011

This clearly contravenes the aims of SEPP 44 - described earlier.

Significantly – the issue (spectre) of the 27 ha of offset plantings that was to occur OFFSITE continues to haunt us.

The proponent sought to remove this *altogether* in 2017. It described this condition as both “onerous” and “unreasonable”. This does not sound like its going to be on top of his/the “To Do’ list anytime soon. This must be legally secured and in place *before approval goes any further*.

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 onto more and more compromises. Eventually leading to a result that does not serve the community, the environment or the resident wildlife.

You may have seen a recent article in the Sydney Morning Herald on the KF issue. It refers to Frank Sartor’s memoir of his time as planning minister.

Sartor describes this very same developer as being “very persistent” in trying to persuade government departments on all levels to bend assessments in his favour – until – as he puts it - “someone blinks”.

The result being inappropriate rezoning and development for regional areas in particular.

What struck me was the similarity to the Kings Forest process

But we have now come a long way - many people & community groups have already compromised on the ideal & preferred controls.

Now we are near the finish post I urge the IPC to give serious consideration to the comments on the remaining environmental issues & to understand there is no more room for compromise

Do NOT be ones “who blink”.