



CHANGES TO KOALA MANAGEMENT PLAN FOR KINGS FOREST DEVELOPMENT APPROVED

8 May 2019

The Independent Planning Commission has approved changes to the koala management plan for a 4500-lot residential development on the state's far north coast.

Property 28 Pty Ltd has sought to implement a new Koala Plan of Management (KPoM) and amend the conditions of approval for its Kings Forest Residential Subdivision about 15km south of Tweed Heads. The proposed changes include:

- reducing to eight hectares the amount of koala habitat to be cleared on the development site
- changing a condition of approval to require the planting of 27ha of koala food trees in Cudgen Nature Reserve or another approved location
- increasing the width of the east-west wildlife corridor from 50m to 100m
- increasing the proposed on-site offsets from 54.71 to 62.51 ha
- increasing the total number of koala food trees from 20,578 to 76,411 and increasing the proportion of koala habitat from 74% to 95%, and
- amending the fencing details and providing seven koala culvert crossings and one "cattle grid" to manage koala movements across the site.

The Department of Planning & Environment referred the matter to the Commission after receiving objections from Tweed Shire Council and members of the local community.

A Panel of three Commissioners – Mr Ross Carter (Panel Chair), Professor Richard Mackay AM and Ms Catherine Hird – was appointed to determine the case.

The Commissioners met with the Applicant, Department and Council and inspected the site and surrounding locality.

They also held a public meeting at Kingscliff in March this year to listen to the community's views. Concerns raised by the local community centred around the impacts of the development on the region's diminishing koala population and koala habitat.

Following careful consideration of all the evidence and weighing the community's views, the Commission has today (Wednesday 8 May 2019) conditionally approved the new KPoM, as well as changes to the original conditions of consent.

In its Statement of Reasons for Decision, the Commission stated it has "considered representations, advice and comments provided by government agencies and the community and found that the Application, as modified, is generally consistent with the ESD principles, the Objects of the Act, and is in the public interest because it:

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- maintains the quantum of offsets required under the Project Approval;
- will ensure that koala connectivity is maintained and that suitable protection measures are in place during construction activities; and
- will result in a positive ecological outcome for koala and other wildlife.”

In making its determination, the Commission concluded:

- the proposed quantum of offsets in the revised KPOM will adequately compensate for the loss of koala habitat,
- the delivery of additional 27ha of offsets is a critical component of the koala offset package and the current obligation to physically plant out 27ha of koala food trees should be maintained,
- offsets need to be secured and planting needs to occur prior to construction certificate,
- offsets related to koala habitat or food trees should be delivered ahead of clearing works to ensure suitable offsets and habitat linkages are created and maintained during the construction phase of the Project,
- allowance should be made for the Proponent to undertake additional offset planting within the Kings Forest Development Site,
- off-set obligations discharged via a payment to Biodiversity Conservation Trust is not permissible,
- the east-west wildlife corridor should be provided to its full extent and delivered earlier as part of Stage 2 to ensure connectivity for koalas and other wildlife across the Project Site,
- it is impractical to require underpasses to be installed prior to bulk earthworks and that provision of underpasses can be delayed as it will result in a positive outcome by ensuring temporary and/or permanent fencing is in place to protect koalas and other wildlife prior to the commencement of works, provided an adaptive management approach is undertaken to ensure koala connectivity at all times, outside of daytime construction activity,
- the golf course should function as an ecological buffer and the fencing should separate the golf course from the adjacent urban areas,
- performance indicators should be framed in terms of 90% planting survival rates during ‘establishment’ period and 80% canopy cover during the ‘maintenance’ period, and that canopy species should be planted at 3m spacings,
- conditioning of a bond or bank guarantee relating to the reduction of koalas on site is unreasonable as it may not be possible to attribute a wider decline in koala numbers to the development, and
- the application is in the public interest

The Commission’s full Statement of Reasons for Decision is available here:

<https://www.ipcn.nsw.gov.au/projects/2018/12/modification-to-kings-forest-residential-subdivision-koala-plan-of-management>

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