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## CBBRA submission re Kings Forest amendments 4

The CBBRA object to the following amendments proposed to the Kings Forest development as it is in essence creating many more hazards for the declining koala population in the area. The amendments in total represent a complete disregard for the koalas and the environment. These modifications *do not* satisfy the approval conditions of NSW Dept of Planning 2017 *nor* the EPBC Act Determination 2015.

The CBBRA require the proponent to fulfil their obligations to the environment as outlined in the original project.

Our reasons in detail are as follows.

### **Project Approval A13: Management & Maintenance of Environmental Lands**

It is completely unacceptable that this project redefines the commencement point of the project. Re defining what is identified as the commencement point means it fails to meet its obligations to protect flora and fauna from the precise moment the company starts anything on the site or leading to the site. The first footstep on the site should be the commencement period. A strict definition is: "Commencement (being) any physical works including clearing vegetation, the use of heavy duty equipment for the purpose of breaking the ground for bulk earthworks, or infrastructure for the proposed project" – known as "Preliminary Works." It is ludicrous to try to define it as sometime later in the site management time. Environmental management must be the first step. To delay it means the sensitive environment maybe damaged immediately and as the areas have not even been surveyed the damage may not be picked up. Plans must be proactive not reactive.

## **Concept Plan Approval C2: Management Plans**

The CBBRA require the proponent to provide the required detailed management plans before this amendment is given any consideration.

It is clearly important for any project to provide sufficient details in their plans to ensure compliance with the rules protecting the environment are followed. Obscure, and vague suggestions are insufficient and suggest there is cause for concern about planned non

                    Their planned actions and time frames need to be provided now. Currently it is difficult to assess how management strategies interact and it is therefore further difficult to judge their nature as complementary or conflict with each other.

These plans must be declared and specified as they would provide relevant information for authorities to make a confident judgement about the merits or problems with the amendment.

## **Project Approval 3: Environmental Offset Areas**

The CBBRA require the rejection of the amendment request and the maintenance of the current Existing Condition 3: (At present the proponent is required to survey, mark and maintain the boundaries of future environmental lands prior to commencement of any physical works including preliminary works.) This protects the valuable conservation site from the risk of haphazard and inappropriate boundary creep. Such sensitive land must be protected by ensuring the boundary is established immediately thus protecting against improper clearing and other possible problems. We require that the original condition 3 remain in place.

## **Concept Plan Approval B4: East-West Wildlife Corridor**

The main problem with this amendment is that at best the corridor is only 50m wide and not continuous across the Kings Forest site towards the Eviron Rd koala corridor. This original condition requires a "fully revegetated east West -wildlife corridor generally 100 metres wide (with a minimum of 50 metres at any one point)" between the existing central corridor and vegetation to the NW. Corridors are a proven method of assisting with protecting koala populations. Any attempt to reduce or eliminate them is unacceptable and would lead to a decline in koala numbers.

## **Project Approval 45: Koala Plan of Management**

The CBBRA require the proponent to provide offset planting of koala food trees throughout the 27 ha area in Cudgen Nature Reserve.

It is unconscionable that this invasive, environmentally challenging development reduces the replacement of koala food trees in the area surrounding the residential area. There are so few koalas left in the Tweed region and to further remove primary habitat food trees and not increase the wider area with more food that would attract them to live and breed in the area surrounding human development indicates a lack of regard for the environment. Since there is little room within the residential area for these food trees it is very

important that more are planted in the surrounding lands as is required in the current plans. There are numerous reports that explain the need for offsite planting. This requirement is so apparent it underlines the unacceptable nature of the proponent's :  
The impact of this proposed deletion of the 27 ha coupled with the reduction of the compensatory onsite planting from 71 to 56 ha will reduce the overall compensatory planting by 46% which is a huge reduction in the mitigating measures that the existing conditions require.

Our association demands that every proposed habitat planting in the original conditions be adhered to. Furthermore this offset planting should be done immediately.

#### **7.4 Koala Plan of Management (condition 45 of the Stage 1)**

The Proponent seeks to change the timing of planting Koala food trees from one month of the revised KPoM being approved to the time of commencement of bulk earthworks in each relevant stage. Both Council and the community objected to the proposed modification.

The timing of planting of koala food trees is critical for the protection of the small koala population. It is vital that planting koala food trees across the site begins immediately or at the latest within one month of the revised KPoM approval. Several Dept. of Planning reports explain the need for this offsite-planting requirement. It is a result of previously proposed onsite koala habitat areas *overlapping and conflicting* with areas of a different vegetation type i.e. heath and acid frog habitat. These reports also disapprove of proposals to plant in areas that are already regenerating naturally and would not benefit from planting. Offsite planting sites are a strategic response to such anomalies.

Since the schedule for bulk earthworks has not yet been submitted nor approved it cannot be modified. Even if it had been approved The CBBRA reject this as a damaging concept unsuitable for protecting the koala population.

#### **Project Approval 46: Koala Infrastructure**

Human occupation of this site and the associated activity (cars, dogs etc.) are a direct cause of koala deaths. It is important that the original requirements for fences on both sides of the roads, and underpasses are strictly adhered to. Cattle grids are an unacceptable replacement for underpasses nor are they a suitable replacement for fencing on both sides of the road. Cattle grids are untested as an option to control car speeds, dog roaming and koala access.

The Proponents request is vague and : anti environmental sustainability. The amendment wording appears to provide for fences and underpasses but it is not specific enough to ensure fences on both sides of the road are erected and that effective underpasses are constructed. There isn't any valid explanation for omitting fencing 'on both sides' of roads. The Proponent's stated reason for changing this wording is because "to exclude Koalas from urban areas...fencing on both sides of the road is not required nor are Koala underpasses." This is not an explanation but a wish to save .

This amendment should be rejected because it completely contravenes Project Approval conditions.

In summary the CBBRA asks that the department of planning carefully reviews the proposed change to ensure the existing requirement for fencing and underpasses is clearly specified.

### **Project Approval 147: Koala Plan of Management**

In this amendment the proponent has deleted the requirement to install "calming devices" as part of preliminary works. It is obvious this would cause koala deaths during construction. Calming devices must be installed before preliminary works begin.

The CBBRA require the Department of Planning to scrutinise these amendments and reject them as unsatisfactory for environmental protection.

The CBBRA has no allegiance to or membership of, any political party.

Yours faithfully

( NOT FOR PUBLICATION - use the CBBRA name as I represent  
their views.)  
Secretary CBBRA