

**KINGS FOREST – PROJECT 28 PTY LTD  
MP08\_0194 (MOD4) KPOM**

**IPC MEETING 18 FEBRUARY 2019**

**PREPARED BY DAC PLANNING PTY LTD**

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## **BACKGROUND HISTORY**

### **1.0 SITE DETAILS**

Kings Forest is located on the Far North Coast of NSW in the Tweed Local Government Area. The site is approximately 3 kilometres south of Kingscliff and approximately 1 kilometre east of the Pacific Ocean.

Having an area of approximately 880 hectares, the Kings Forest site is bounded by the Tweed Coast Road in the east and Duranbah Road in the west.

### **2.0 ZONING HISTORY**

Kings Forest was originally rezoned for Urban purposes in 1989.

On 10 November 2006, the original zones were rationalised by State Environmental Planning Policy (Major Project) 2005 Amendment No. 10 (Kings Forest) (SEPPMP10).

On 10 September 2010, the Kings Forest SEPP(MP)2005 Amendment 10 was amended (Amendment No. 1). Amendment No. 1 retains essentially the same zoning footprint as the original SEPP(MP)2005 Amendment 10 rezoning.

### **3.0 KINGS FOREST CONCEPT PLAN NO. 06\_0318**

On 19 August 2010, the Kings Forest Concept Plan No. CP06\_0318 was approved by the Minister for Planning, pursuant to Part 3A of the Environmental Planning and Assessment Act, 1979 (as amended). Part 3A has been repealed, however savings provisions apply for existing approvals.

The Concept Plan has been modified on six occasions, most recently on 24 May 2018.

CP06\_0318 (as modified) approves the following development:

- ♦ *Residential development for approximately 4500 dwellings;*
- ♦ *Town Centre and neighbourhood centre for future retail and commercial uses;*
- ♦ *community and education facilities;*
- ♦ *employment land;*
- ♦ *a golf course;*
- ♦ *open space;*
- ♦ *wildlife corridors;*
- ♦ *protection and rehabilitation of environmentally sensitive land;*

- ♦ *utility services infrastructure;*
- ♦ *water management areas and lake; and*
- ♦ *roads and pedestrian and bicycle paths.*

In summary, the Concept Plan identifies an urban development footprint of approximately 437 hectares and anticipates a yield of approximately 4500 dwellings.

#### **4.0 KINGS FOREST STAGE I MAJOR PROJECT APPROVAL NO. MP08\_0194**

In pursuance of the approved Concept Plan, on 11 August 2013 the Planning and Assessment Commission issued Major Project Approval No. 08\_0194 for Kings Forest Stage 1. The Approval has been modified on five previous occasions.

The key elements of the Approval include:

*Kings Forest Residential Subdivision Stage 1 Bulk Earthworks, Roadworks and Subdivision of Precinct 5, including:*

- *subdivision of the site into ten development lots in 4 stages;*
- *bulk earthworks across the site;*
- *roadworks comprising:*
  - *construction of the entrance road and associated intersection works with Tweed Coast Road;*
  - *construction of the Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western site precincts; and*
  - *construction of two roads providing access to the southern site precincts;*
- *Plan of Development for Precinct 5;*
- *development of 998 sqm of floorspace for a service station and food and drink premises and access arrangements to Precinct 1;*
- *construction of subdivision and infrastructure works along Kings Forest Parkway and within Precincts 1 and 5;*
- *subdivision of Precinct 5 into 376 residential lots comprising:*
  - *one townhouse lot (7,860sqm)*
  - *37 terrace house lots (minimum lot size 150sqm)*
  - *25 duplexes (minimum lot size 450sqm)*
  - *192 zero lot dwellings (minimum lot size 240sqm)*
  - *121 traditional detached dwellings (minimum lot size 400sqm)*

#### **5.0 COMMONWEALTH ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT, 1999**

The Kings Forest Stage 1 project triggered a requirement for approval under the CEPBC Act.

On 21 May 2015, the Commonwealth Department of Environment issued Approval No. 2012/6328 under the CEPBC Act for Kings Forest Residential Development at Kingscliff, NSW.

#### **6.0 KINGS FOREST STAGE 1 MP08\_0194 (MOD4)**

Some of the CEPBC Act Approval conditions are inconsistent with the conditions attached to MP08\_0194.

An application to modify MP08\_0194 (MOD4) was lodged with the Department of Planning and Environment (DoPE) on 5 August 2015 to reconcile the inconsistencies between the conditions.

Following initial assessment, the Department advised that it was not prepared to support the Modification Application and requested that MOD4 be withdrawn on the basis that a fresh MOD4 would be lodged together with a revised Koala Plan of Management (KPOM) as a means of addressing the inconsistencies between the two Approvals. The original MOD4 was withdrawn on 16 March 2017.

Condition 45 of MP08\_0194 (as modified) requires a revised KPOM to be submitted prior to the issue of any Construction Certificate for subdivision works.

In pursuance of Condition 45, and as requested by the Department, a revised KPOM and revised MOD4 were lodged with the Department on 17 March 2017. The revised MOD4 sought amendment of Conditions A13, 3, 45, 46 and 147 to achieve consistency with the revised KPOM.

Following assessment of the revised KPOM and consultations with State Agencies and the community, in December 2017 DAC Planning Pty Ltd prepared and submitted a Response to Submissions Report (RTS) addressing the key issues raised by the Agencies and the community. The RTS included a further revised KPOM (JWA Pty Ltd, 19 December 2017, Version 11).

Following further consultations with State Agencies and the community, further issues were raised, as a result of which a number of responses were submitted to the Department, including revised KPOMs.

On 4 October 2018, Project 28 Pty Ltd submitted a RTS Addendum (JWA Pty Ltd, 4 October 2018) and a further revised KPOM (Version 16, 4 October 2018).

It is this KPOM (Version 16) which is the subject of the Department's Part 3A, Section 75W Assessment Report (MP08\_0194 MOD4) dated December 2018 and recommended conditions of approval to the IPC.

## **7.0 STRATEGIC CONTEXT**

The Far North Coast Regional Strategy 2006-31 (adopted on 17 January 2007) indicates that in 2006 there were 34,650 existing dwellings within the Tweed Local Government Area and to meet population growth forecasts an additional 19,100 dwellings would be required by 2031.

This Strategy has been replaced by the North Coast Regional Plan 2036 which came into force in March 2017. The Plan forecasts a projected population for the Tweed Local Government Area of 115,350 persons and the projected total number of dwellings required will be 56,050.

Kings Forest is nominated in both strategic documents as an Urban Growth Area and its development will contribute approximately 4500 dwellings towards the projected requirements.

Kings Forest plays a key role in delivering the Strategy outcomes and therefore, it is critically important that the amended conditions imposed, following approval of MOD4, are reasonable and relevant to enable a viable project to proceed.

Construction Certificates have been prepared for infrastructure and bulk earthworks however they cannot be approved until prerequisite conditions are complied with which includes, in particular, approval of the revised KPOM.

## **8.0 SUMMARY AND CONCLUSIONS**

On 11 February 2019, a Report was prepared by JWA (Version 7, 11 February 2019) and was forwarded to the IPC on that date. A revised Report was forwarded to the IPC on 18 February 2019. The Report addresses those recommended conditions which are problematic to the proponent and requests amendment to those conditions for the reasons stated in the Report.