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Dear Madam

Kings Forest Project Application MP08 /0194 MOD 4 – Response to Submissions - Revised KOALA PLAN OF MANAGEMENT

In August 2017, Council made a submission to the Department of Planning and Environment (DP&E) in relation to the Kings Forest Project Approval Modification 4 which sought approval for a revised Koala Plan of Management (KPoM) and substantive changes to the conditions of approval. Council's submission concluded that the proposed amendments were fundamentally inconsistent with the State conditions of approval, and that if approved would see a worse outcome for koalas.

Subsequently, Council provided technical commentary on the draft revised (KPoM) for Kings Forest dated May 2018. This draft revised KPOM was regarded as a substantial step forward but there remained a number of important technical issues that needed to be addressed.

This report considers a further revision of the draft revised KPoM (October 2018) arising from the weight of previous public submissions and considerable ongoing discussion among Council, State Agencies and the proponent. Many of the residual issues identified in the review of the May 2018 version have now been included but there remain a number substantive issues which unless addressed will affect the ability of the revised KPOM to be effectively implemented consistent with the existing conditions of approval.

Please note: The following comments are based on the amended KPOM itself. Due to time constraints the James Warren Response to Submissions (RTS) has not been reviewed in totality. A very quick review between the Response to Submissions and the KPOM indicates there may be anomalies between the two. For example in the RTS the proponent accepted Council's suggestion to modify culvert crossing 5 to make it suitable as an underpass but in the KPOM itself the proponent makes a contrary statement. Similarly, the proponent rejected Council's submission to provide an escape mechanism in the fencing in the case of fire, but this is now included in the KPOM. These examples are of little consequence as the following comments are based on the KPoM itself, but please be aware of these possible anomalies when undertaking your assessment of the project.

Substantive issues that should be addressed prior to approval are summarised as follows:

- The 27ha offsite offset requirement is mentioned but has insufficient detail to satisfy Project Condition 45 as requested by DP&E.
- The timing of the commencement of the new E-W corridor is proposed to be delayed until the final stages of the project (Stage 6). Concept Plan Condition C28 requires that commencement should be at Stage 2 (i.e. with Precinct 6; see p73, Table 10).
- The management of retained koala habitat remains very heavily weighted to the later stages of the project which may not commence for decades (e.g. 156ha of 206ha in the last stage; see p73, Table 10). This is contrary to the Project Condition A13 which requires all conservation lands to be managed from commencement of the project.
- The proposal to install permanent fauna exclusion fencing on the inside of the Ecological Buffer in the “Cudgen paddock” (see middle diagram on Fig 28; see also Fig 40B) is inconsistent with the ecological buffer requirements of the Kings Forest Major Projects SEPP and the Concept Plan which contemplated koalas using the proposed Golf Course which would act as a buffer. The fauna exclusion fencing should encompass the golf course itself.
- The draft revised KPOM continues to state that underpass number 5 over Blacks Creek “is unlikely to provide underpass opportunities for koalas” (p82; October 2018). It is recommended that the bridge abutments be set back 2m on either side of the banks as shown for the Culvert 9 cross-section (Fig 30C).
- The draft revised KPOM (October 2018) now acknowledges all relevant environmental management plans (see Table 1, p7) but does not identify specific issues related to koala management that should be addressed in these related plans. This is inconsistent with Concept Plan Condition C2 which requires all environmental management plans to consider each other.
- There are conflicting definitions in the draft revised KPOM (October 2018) relating to commencement of the project which affect the timing of various works under the Plan. Council maintains that on ground works should not commence until all relevant environmental management plans have been revised, updated and approved in accordance with Concept Plan Condition B7 and Project Condition A13, but no objection is raised to activities such as monitoring or manual weed control that will not adversely affect the environment.
- Project Condition 39 requires performance criteria for implementation actions to be tied to “establishment” and “maintenance period” phases of management. Establishment and maintenance period performance criteria are only included for Appendix 6. To facilitate the operation of Project Conditions 49 and 50 (which require independent environmental audits and the administration of the environmental bond respectively) it is necessary that such criteria are included for all mitigation actions identified in the Plan.
- Concept Plan Condition C2(3)(f) requires consideration of the need for off-leash dog areas at Kings Forest. Consistent with previous advice, Council requires a suitable area within the development envelope to be identified.
- The provision in the draft revised KPOM (October 2018, p89) that the proponent nominates a representative to sit on the Tweed Coast Koala Management Committee (p89) is not supported. However, Council is open to options for

keeping lines of communication open and would welcome periodic representations to the Koala Management Committee to discuss issues of mutual concern.

- The protocols for injured koalas need to involve Friends of the Koala (FOK) who are the only licenced koala care group in the region.
- The text on p73 could be interpreted to mean that the proponent may choose to forfeit the environmental bond (Project Condition 50) rather than continuing to meet the establishment or maintenance requirements thus allowing them to proceed to the next stage of the development. This is contrary to Concept Plan Condition B7 and Project Condition A13 which both require the proponent to continue to implement all environmental management plans from the commencement of the project.
- The “Contingency and Offset Strategy” covers a wide range of issues, but is very unclear as to its triggers, operation and consequences. The detailed comments make numerous suggestions regarding this issue.
- It is recommended that Appendix 6 which addresses rehabilitation specifications should focus on offsets only. The detailed comments provide explicit guidance on appropriate performance indicators, performance criteria and corrective actions for the koala offset plantings.

Therefore, Council objects to the KPOM (October 2018) in its current format and request that the Department of Planning & Environment request amendments to the plan as discussed in the following review before the matter is reported for determination by the Independent Planning Assessment Commission.

DETAILED COMMENTARY FOR DP&E CONSIDERATION

In August 2017, Council made a submission to the Department of Planning and Environment (DP&E) in relation to the Kings forest Project Approval Modification 4 which sought approval for a revised Koala Plan of Management (KPOM) and amendments to various associated State conditions of approval. The proposed changes involved:

- removing the requirement to plant koala food trees on a 27 hectare parcel of land within the Cudgen Nature Reserve;
- only partially implementing the proposed E-W corridor;
- changes to the location of other koala habitat offsets within the environmental protection areas and ecological buffers on the site;
- changes timing to allow offsetting and other works to proceed without triggering the commencement of the proposed KPOM; and
- removing the requirement for fauna exclusion fencing and underpasses for roads through environmental areas and amend the timing for the construction of this infrastructure.

Council's view at the time was that the proposed amendments were fundamentally inconsistent with the State conditions of approval, and that if approved would see a worse outcome for koalas.

In addition to Council and other Agency comments, a large number of public submissions were received by the Department, the vast majority of which opposed the proposed changes. Subsequently, the DP&E commissioned an independent review (Ecological Australia consultants) of the proposal which identified many of the same issues raised by Council and others.

In response to the weight of submissions and the views of the DP&E, the proponent revised the proposed draft KPOM in May 2018. Council provided comments on this version in July 2018 and although many of the main issues had been addressed there were still numerous issues that required attention.

This report considers a further revision of the draft revised KPOM (October 2018) arising from the previous version (May 2018) and considerable ongoing discussion among Council, State Agencies and the proponent.

Koala habitat offset areas

Project Condition 45 of the State approval includes a package of measures designed to offset the loss of koala habitat on the site. This offset strategy required the planting of koala food trees (and associated habitat restoration) in the following locations:

- 27ha offsite at Cudgen Nature Reserve
- the onsite creation of a new east-west corridor (6 to 11ha depending on precise location)
- 54.9ha onsite for the planting of koala food trees.

July 2018 Comments

The draft revised KPOM (May 2018) was considered largely consistent with Project Condition 45 and proposed:

- the restoration of 27ha offsite at Cudgen Nature Reserve (although details are yet to be determined)
- The establishment of a new east-west corridor involving 6.26ha of new koala habitat
- The onsite creation of 55.52ha of koala habitat

In relation to the proposed offset of 27ha at Cudgen Nature Reserve it was recommended that this proceed as soon as practical. If for whatever reason this condition is not achievable, it was recommended that the offset be required within a Koala Activity Precinct or a Koala Linkage Precinct as specified in the Tweed Coast Koala Plan of Management, preferably as close to Kings Forest as possible.

October 2018 Comments

The draft revised KPOM (July 2018) remains largely consistent with Project Condition 45 however the following points are noted.

The restoration of 27ha offsite at Cudgen Nature Reserve is acknowledged in the draft revised KPOM (October 2018; p24) where it is stated that the “restoration of additional land offsite is still under negotiation with OEH”. This approach is inconsistent with:

- a. the requirements of Project Condition 45(a) itself which specifically requires the 27ha offsite restoration to be included in the revised KPOM; and
- b. further directions to the proponent issued by DP&E (email of 11 Sept 2018) to address this issue as part of the KPOM.

In relation to (b) above Council's recommendation of July 2018 remains relevant and under Project Approval (Condition 45) should be addressed prior to Construction Certificate:

In relation to the proposed offset of 27ha at Cudgen Nature Reserve it is recommended that this proceed as soon as practical. If for whatever reason this condition is not achievable, it is recommended that the offset be required within a Koala Activity Precinct or a Koala Linkage Precinct as specified in the Tweed Coast Koala Plan of Management, preferably as close to Kings Forest as possible.

Project Condition 45(c) requires the onsite planting of 54.9 ha for koala habitat offsets. The draft revised KPOM (October 2018) proposes planting of 62.51ha (see Table 9 and Fig 20) which exceeds the requirement under Project Condition 45(c).

Location of onsite koala offsets

Although the proposed amendment (Mod 4, May 2017) identified some 56ha of land to offset for koalas, the proponent's vegetation mapping indicated that much of this was existing native vegetation and as such needed to be retained under other conditions of the approval.

July 2018 Comments

The draft revised KPOM (May 2018) appeared to have addressed this issue by reviewing their original mapping and excluding areas dominated by native vegetation. This approach was supported however Council had not had the benefit of verifying the proposed location of the proposed offset areas. It was recommended that these offset areas were verified prior to approval.

October 2018 Comments

To verify that the proposed onsite koala offset areas were located on in cleared or highly modified areas of the site and were suitable for re-establishment of koala habitat a site inspection was carried out on 2 August 2018. The meeting was attended by representatives from DP&E, OEH, LEDA, JWA Consultants and Council.

As a result of the meeting:

1. Council is now confident that all sites proposed for koala offsets are highly disturbed and suitable for koala offsets.
2. It was suggested to the proponent (onsite and DP&E email of 11 Sept 2018) to eliminate small polygons (<1000m²) and slivers (say less than 10m wide) for all proposed koala offset areas. It is understood that this has been done but Council has not been able to check this.

The type of koala habitat created

Under the proposed amendment (Mod4, May 2017) much of the proposed koala offsets involved the recreation of a number of different vegetation communities regarded as "secondary" rather than "primary" koala habitat. Council recommended that all koala offsets should be "primary" koala habitat which should comprise at least 50% of preferred koala food trees in the canopy.

July 2018 Comments

The draft revised KPOM (May 2018) continued to propose the re-creation of "secondary" habitat on the basis that this most accurately replicates the likely pre-clearing vegetation composition. However, the proposed planting mix was weighted in favour preferred koala food trees. For example, that the proposed "primary" habitat

consists 70% preferred koala food trees in the canopy and 30% preferred koala food trees are proposed in the canopy for the majority of the “secondary” koala habitat.

It was recommended that two types of primary koala habitat were created, one dominated by forest red gum (*E. tereticornis*) in the drier parts and the site and the other dominated by swamp mahogany (*E. robusta*) in lower lying sites.

The draft revised KPOM (May 2018) proposed planting of canopy trees at 5m spacings (1 per 25m²). In the natural situation the canopy trees of these coastal forests will occur at densities of around 3m spacings. It was recommended canopy species are planted at 3m spacings and the number of small trees and shrubs is halved from 8 to 4 per 25m². This was to ensure more rapid canopy development, including more koala food trees and less ongoing maintenance without increasing the overall number plants.

October 2018 Comments

As a result of discussions between the agencies (including Council), the proponent and their consultants, the revised KPOM (October 2108) now adopts an approach which is broadly consistent with Council’s previous recommendations:

1. Almost all koala offset areas will now support “primary” (65.5 of 68.8ha) rather than “secondary” koala habitat (3.3ha of 68.8ha). Primary koala habitat will consist of 50 -70% koala food trees in the canopy.
2. This was achieved by favouring the use of the preferred koala food trees forest red gum in the drier sites and swamp mahogany in the moister sites. Further comments on the use of forest red gum are provided separately below.
3. Additionally, the planting density for canopy trees (including preferred koala food trees) has been increased from 1 per 25m² to 1 per 9m². As noted above this should ensure more rapid canopy development, and less ongoing maintenance. Based on existing levels of unassisted native regeneration at Kings Forest it was agreed that understorey development will occur through natural recruitment providing there is careful management of weeds in the koala offset areas.

New east - west wildlife corridor

Concept Plan Condition B4 requires the creation of a “fully revegetated east-west wildlife corridor generally 100m wide (with a minimum of 50 metres at any one point) along the southern boundary of Precincts 6 and 10.

The proposed amendment (Mod 4, May 2017) sought to reduce the width of this corridor to 50m.

July 2018 Comments

The draft revised KPOM (May 2018) was largely consistent with Concept Plan Condition B4.

October 2018 Comments

The draft revised KPOM (October 2018) remains largely consistent with Concept Plan Condition B4.

However, in relation to the establishment of the east–west corridor it is noted that the draft revised KPOM (October 2018) does not anticipate the relevant works to commence until Stage 6 which is associated with Precinct 10 (see Table 10, p 73). This appears to be inconsistent with Concept Plan Condition C28 which suggests that commencement should be at Stage 2 (i.e. Precinct 6 under Table 10):

C28 East West Wildlife Corridors

The development application for subdivision in Precinct 6, 7, 9 or 10 (whichever occurs first) must include a detailed Management Plan to include the precise location, restoration methodology, schedule and timing of works to be undertaken, maintenance and monitoring schedule, completion criteria and a mechanism for long-term protection of the new southern east-west corridor as required by term B4 of this approval.

Fencing and underpasses

The existing Project Approval Condition 46 sets out a number of requirements relating to fauna fencing and underpasses.

The proposed amendment (Mod 4, May 2017) did not demonstrate fencing and underpasses plans that would effectively keep koalas from entering the development zone and dogs from accessing environmental areas as required by the conditions of consent.

July 2018 Comments

The draft revised KPOM (May 2018) adequately addressed this issue both during construction and in the longer term subject to clarification of the following issues:

1. The indicative locations of a number of fauna underpasses were shown on Fig 30A of the draft revised KPOM (May 2018) and indicative cross-sections for these structures were illustrated on Figs 30C and 30D. However, it was not clear which sections apply to which of the numbered underpasses on Fig 30A. Without this information it was not possible to adequately comment on their likely suitability.
2. The draft revised KPOM (p68; May 2018) mentioned that underpass number 5 over Blacks Creek was “unlikely to provide underpass opportunities for koalas”. To address this issue it was recommended that the bridge abutments be set back 2m on either side of the banks as shown on the cross-section illustrated at the bottom of Fig 30C.
3. Further clarification was needed on how the permanent fencing proposed for the “Cudgen paddock” (see middle diagram on Fig 28) will adequately address the requirement for a 50m ecological buffer in this location. It was understood that the original Concept Plan contemplated koalas using the proposed Golf Course which would act as a buffer. If this was no longer to occur, a hard barrier to terrestrial fauna at the inside of the Ecological Buffer may not function as intended. It was recommended that consideration be given to locating the permanent fencing on the inner protection zone (30m) with the Golf Course extending into the 20m outer protection zone of the Ecological Buffer. This was the case elsewhere on the development site (see top diagram on Fig 28). Alternatively, fauna exclusion fencing could encompass the golf course itself.
4. Further consideration is needed in relation to bushfire management. In relation to fauna exclusion fencing it was suggested that gates or lift up panels to allow fauna to escape in the event of uncontrolled wildfire could be installed.

October 2018 Comments

1. Recent amendments to Figs 30C and 30D now make it clear which sections apply to which of the numbered underpasses on Fig 30A. The design of these structures appear appropriate subject to the following points.
2. The draft revised KPOM (p82; October 2018) continues to state that the underpass number 5 over Blacks Creek “is unlikely to provide underpass

opportunities for koalas”. The previous recommendation of July 2018 is reiterated; that the bridge abutments be set back 2m on either side of the banks as shown for the Culvert 9 cross-section (Fig 30C). This will allow two underpasses - one dual purpose (drainage and low flow fauna access) and one permanent dry passage - for both north-south roads that traverse the East-West Corridor.

3. The proposal to install permanent fencing on the inside of the Ecological Buffer in the “Cudgen paddock” (see middle diagram on Fig 28; see also Fig 40B) is inconsistent the ecological buffer requirements of the Kings Forest Major Projects SEPP and is not supported. It is understood that the original Concept Plan contemplated koalas using the proposed Golf Course which would act as a buffer. To be consistent with the Concept Plan the fauna exclusion fencing should encompass the golf course itself. If this is no longer the intention, it is recommended that consideration be given to locating the permanent fencing on the inner protection zone (30m) with the Golf Course extending into the 20m outer protection zone of the Ecological Buffer. This is the case elsewhere on the development site (see top diagram on Fig 28).
4. The revised proposal (p81) to allow the locked gates placed at 100m intervals to be opened to allow fauna to escape in the event of a bushfire is supported.
5. The description of the Kings Forest Parkway underpass and “stormwater chamber” (p82, paras 2-4) requires further clarification.

Management of existing koala habitat

Concept Plan Condition C2 requires the ongoing management of all existing habitat. Under the proposed amendment (Mod 4, May 2017) the KPOM made no reference to the ongoing management of some 183ha of existing koala habitat on the Kings Forest site.

July 2018 Comments

The draft revised KPOM (May 2018) acknowledged this issue and made reference to the relevant precinct specific Vegetation Management Plans. It was noted that the Vegetation Management Plans were yet to be revised and approved in accordance with the conditions of consent.

October 2018 Comments

The draft revised KPOM (October 2018) continues to acknowledge this issue and makes reference to the precinct specific Vegetation Management Plans which are yet to be revised and approved.

Notwithstanding the need to manage the retained koala habitat, it is noted that the staging of management of the retained habitat remains very heavily weighted to the later stages of the project which may not commence for many years (or even decades). In particular, it appears that 156ha (of 206ha; see Table 10, p73) of retained koala habitat is not proposed for active management until the very final stages of the development. This approach is not supported.

While it is acceptable to stage the offsetting to ensure it keeps ahead of the clearing impacts, it is considered that the obligation to manage existing retained habitat should commence with the commencement of the project which extends to the entire site (not just Precinct 1 and 5). This is the intent of Project Approval Condition A13 which is in the following terms:

Management and Maintenance of Environmental Lands

- A13. The proponent is responsible for the management of all Potential Council Land and Future OEH Land for conservation purposes and the implementation of all establishment period and maintenance period works specified in all Environmental Management Plans from the date of the commencement of the project, or at another time directed by the Secretary, until such time that an agreement is reached with OEH and /or Tweed Shire Council regarding the dedication of that land.

Note: For the purpose of this condition, commencement is taken to mean any physical works including clearing vegetation, the use of heavy duty equipment for the purpose of breaking ground for bulk earthworks, or infrastructure for the proposed project.

It is therefore recommended that the proposed staging of retained habitat be removed from Table 10 and the KPOM be revised to ensure that the management of all existing retained habitat commences with the project itself.

Related environmental management plans

There are a large number of environmental management plans covering a range of issues (koalas, threatened species, buffer management, bushfire, feral animals, weeds etc) which form part of the approval conditions. Concept Plan Condition C2 requires all relevant plans to be revised and updated on each application and for all plans to work together without negatively impacting each other.

Under the proposed amendment (Mod 4, May 2017) the KPOM did not reference or properly consider these other plans.

July 2018 Comments

The draft revised KPOM (May 2018) explicitly acknowledged the need to reconcile and update all relevant environmental management plans. Notwithstanding there were a few issues that required further clarification:

1. The draft revised KPOM (May 2018) acknowledged the importance of the issue of bushfire management to the Tweed Coast koala population and provides some additional useful information but still did not provide a clear basis to guide the revision the Bushfire Management Plan. It was recommended that the fire management and mitigation measures of the draft revised KPOM (May 2018) be reviewed on the basis of the following two documents which have been specifically prepared to address bushfire issues in koala habitat on the Tweed Coast: (1) Tweed Coast Koala Fire Management Plan and (2) Hazard Reduction Burn Guidelines for Koala Habitat on the Tweed Coast (both available on <http://www.tweed.nsw.gov.au/Koalas>). The draft revised KPOM should identify all key bushfire management issues related to the Kings Forest site and provide clear bushfire management objectives to guide the revision of the Bushfire Management Plan. It was also recommended the draft revised KPOM (May 2018) should require the Bushfire Management Plan to adopt the management approaches contained in these documents. The revised Bushfire Management Plan should also be consistent with the Far North Coast Bushfire Risk Management Plan (<https://www.tweed.nsw.gov.au/BushFiresAndPermits>) which also identifies koalas as a key ecological asset and provides recommended management treatments.
2. There was no reference to Feral Animal Management Plan in the implementation section relating to dogs (section 10.10). It was recommended that similar guidance to above be provided in the draft revised KPOM (May

2018) to identify specific issues and dog management objectives to inform the revision of the Feral Animal Management Plan.

3. A number of relevant management plans were not referred to in the list of relevant management plans in Section 2.4 of the draft revised KPOM (May 2018). These included the Bushfire Management Plan, Golf Course Management Plan, Construction Environmental Management Plan, and the Summary of Management Plans.

October 2018 Comments

The draft revised KPOM (October 2018) now acknowledges all relevant environmental management plans (see Table 1, p7). For the most part, Table 1 simply reproduces the objectives of the relevant plans. While this information is useful it could probably be condensed and is repetitive in that the same objectives are repeated for similar management plans that cover different groups of precincts. This could be addressed by simply outlining the scope of the individual plans grouped over all precincts (e.g. all Weed Management Plans together).

More importantly, the main purpose of addressing the related plans is to show (in accordance with Concept Plan Condition C2) how the draft revised KPOM informs the content of the other related plans which are yet to be revised. In particular there is a need to identify specific issues related to koala management that should be addressed in these related plans.

For example, in relation to the Vegetation Management Plans there are at least two obvious considerations arising from the KPOM:

- The management of koala compensatory habitat areas shown on Fig 20 should favour preferred koala food trees as described in Section 10. 5 and Appendix 6.
- The management of retained koala habitat should maintain and improve overall habitat integrity consistent with the relevant vegetation community in accordance with Section 10.4 and Appendix 6 (however it is recommended below that Appendix 6 is revised to apply to compensatory habitat only).

It is recommended that the KPOM is revised accordingly to provide clear guidance on any koala specific issues required to inform the preparation of the related environmental management plans.

Conditions of approval

Before the proposed KPOM can be approved it needs to be reconciled against all relevant State and Commonwealth conditions of approval. Under the proposed amendment (Mod4, May 2017), the KPOM did not acknowledge the relevant conditions and the link between the conditions and the content of the KPOM.

July 2018 Comments

The draft revised KPOM (May 2018) acknowledged both State and Commonwealth conditions of approval and provides links to the relevant sections of the draft revised KPOM. Notwithstanding there were a few issues that require further clarification:

1. Numerous State conditions of approval were not been included in the reconciliation tables and are relevant to the preparation or ongoing implementation of the draft revised KPOM.
2. Additional provisions in the draft revised KPOM may be necessary to ensure that the plan responds to all relevant conditions. For example, requirements under Project Condition 49 for environment audit reports should be included in

the draft revised KPOM. In the case of conditions directed to related environmental management plans, it may be appropriate to simply refer to sections 2.4 and 2.5 of the draft revised KPOM.

3. Also the timing/staging of the state conditions needed to be included in the reconciliations tables (e.g. prior to construction certificate for bulk earthworks). Without this information the scope and relevance is not clear.

October 2018 Comments

Table 2 of the draft revised KPOM (October 2018) identifies relevant consent conditions and directs readers to the appropriate sections of the plan. This approach is supported although there are a number of outstanding issues:

1. Concept Plan Condition B7- Implementation of Environmental Management Plans and Project Condition 149 – Dedication of Land to OEH should be included for completeness. Concept Plan Condition B7 is identical to Project Condition A13. It is recommended that B7 is included in Table 1 of the draft revised KPOM and A13 is listed in Table 2 with a cross-reference to B7. Project Condition 149 which is similar to Concept Plan Condition C3 could be addressed in the same way.
2. Concept Plan Condition B3 – Further Protection of Heathland should be included with acknowledgment that overlaps with koala offsets with heathland have been minimised. This note should also be also included against Project Conditions 45(1)(d) and 41(1) and (2).
3. Concept Plan Condition B5 – Dedication of Land to Tweed Shire Council should also be included noting that the KPOM includes environmental lands and ecological buffers that may be dedicated to Council in accordance with Concept Plan Condition B5. This is already mentioned in Section 10.6 of the Plan.
4. The response in Table 2 in relation to Project Condition A13 refers only to the transfer of land into public ownership but the main issue is implementation of the environmental management plans on commencement of the project. This should be acknowledged.

Timing and sequencing of koala habitat offsets

Under the proposed amendment (Mod4, May 2017) the proponent was seeking amendments which would allow habitat creation, offsetting and potentially some vegetation clearing without triggering the commencement of the environmental management plans, in this case, the proposed KPOM.

July 2018 Comments

The draft revised KPOM (May 2018) still appeared to seek this outcome.

Council maintained that such works should not commence until all relevant environmental management plans have been revised and updated in accordance with the conditions of consent. Given the complexity of the approval it is difficult to be sure that such works will not impact on other environmental requirements. As noted previously Concept Plan Condition C2, requires that all environmental management plans work together and Project Conditions 39 to 48 require these plans to be revised and endorsed prior to the issue of a construction certificate for bulk earthworks.

Notwithstanding, no objection was raised to activities such as monitoring or manual weed control that will not adversely affect the environment.

In relation to the staging of offsets, Council previously recommended that offsetting to occur in stages associated with precinct-specific bulk earthworks such that the offsets are established:

1. prior to the impact (clearing) being allowed to occur; and
2. in proportion the overall offset ratio (i.e. area of total offset area : total impact area).

The draft revised KPOM (May 2018) did not adopt this approach and seeks only to ensure that offsets for a developed precinct must be “substantially established” prior to commencing on the next (see section 10.5.5). This potentially allows the offsets to fall behind the impact. It was recommended that the staging of offsets is revised in accordance with the principles above.

October 2018 Comments

1. As noted, Council maintains that on ground works should not commence until all relevant environmental management plans have been revised and updated in accordance with the conditions of consent. However, no objection is raised to activities such as monitoring or manual weed control that will not adversely affect the environment.

The draft revised KPOM (October 2018) proposes using the following definition of ‘commencement’ which is derived from the EPBC approval and reproduced in the draft revised KPOM (see p65) as:

Commencement of construction means any preparatory works, excluding preliminary works, required to be undertaken including clearing vegetation, the erection of any onsite temporary structures and the use of heavy duty equipment for the purpose of breaking the ground for bulk earthworks, buildings or infrastructure for the proposed action. Preliminary Works include:

- a) *Minor physical disturbance necessary to undertake pre-clearance surveys, to establish monitoring programs, for geotechnical investigations or associated with mobilisation of plant, equipment, materials, machinery or personnel;*
- b) *Surveying or the construction of boreholes;*
- c) *Works associated with maintenance of the subject site including chopper rolling and weed management;*
- d) *Works necessary for rehabilitation including construction of frog ponds, installation of monitoring devices and necessary access tracks; and*
- e) *Other activities that are necessary for commencement that are associated with mobilisation of plant and equipment materials machinery and personnel prior to start of development only if such activities will have no adverse impact on Matters of National Environmental Significance only if the proponent has notified the Department in writing before an activity is undertaken.*

However, State Concept Plan Condition B7 and Project Condition A13 define “commencement” as:

- A13. The proponent is responsible for the management of all Potential Council Land and Future OEH Land for conservation purposes and the implementation of all establishment period and maintenance period

works specified in all Environmental Management Plans from the date of the commencement of the project, or at another time directed by the Secretary, until such time that an agreement is reached with OEH and /or Tweed Shire Council regarding the dedication of that land.

Note: For the purpose of this condition, commencement is taken to mean any physical works including clearing vegetation, the use of heavy duty equipment for the purpose of breaking ground for bulk earthworks, or infrastructure for the proposed project.

The concern here is that if the EPBC definition of “commencement” prevails this may allow rehabilitation works without triggering the revision, approval, issue of a construction certificate and implementation of the relevant environmental management plans as required by CP Conditions B7 Project Approval Conditions A13, 39-48.

On the other hand, the following statement on p67 of the draft revised KPOM (October 2018) suggests that the proponent is expecting to complete the related management plans prior to commencing on ground works:

All management plans relevant to the creation of the compensatory habitat will need to be amended and approved prior to any “preliminary” management actions occurring on the site i.e. habitat creation, offset areas, monitoring programs, surveys, etc.

It is recommended that this issue is clarified prior to the approval of the draft revised KPOM.

2. In relation to the staging of the koala habitat offsets, the draft revised KPOM now ensures that the offsets are staged to ensure that the offsetting commences in advance of any clearing.

Establishment and maintenance periods

The conditions of the project approval specifically define the “establishment period” and “maintenance period” (see definitions) and Project Condition 39 requires performance criteria, completion criteria, monitoring and a schedule of works which are tied to these phases of management. The purpose of this is to facilitate the operation of Project Conditions 49 and 50 which require independent environmental audits and the administration the environmental bond respectively.

July 2018 Comments

The draft revised KPOM (May 2018) contained much of the information necessary but was not structured to reflect the implementation of the plan in terms of the “establishment period” and the “maintenance period” as required by the conditions of approval. It was recommended that the draft revised KPOM was reviewed accordingly.

October 2018 Comments

The draft revised KPOM (October 2018) only appears to have addressed the establishment and maintenance period performance criteria for Appendix 6.

It is recommended that such criteria are included for all mitigation actions such as those summarised in Table 11, 12 and 13. For example, in relation to fencing infrastructure, its construction would constitute the establishment period while its ongoing management would be a maintenance period action.

It is also noted that the draft revised KPoM (October 2018) also uses the term “substantially established” which derives from the EPBC approval and is defined only in relation the koala offset plantings (see p73):

“Substantial establishment” of the Koala habitat plantings means “the plantings have progressed beyond the need for intensive maintenance e.g. weed control, watering etc. and are clearly established by way of persisting through a recognised growth period and a suitably qualified horticultural/environmental specialist has provided a short report confirming that the plantings are established.”

While this term appears to have the same broad meaning as the “establishment period” under the State approval (at least for the purposes of the koala offset plantings) it is important to note that this definition cannot be regarded as a performance criteria sufficient to satisfy the State conditions of approval. Performance criteria should be specific and measurable.

For example in Appendix 6 the establishment period performance criteria for the indicator “Establishment of native cover within regeneration areas” is given as “Planted trees substantially established”. In this case it is recommended that the establishment period performance criteria should be “> 80% canopy cover of native trees > 2.5m”. Similarly the corresponding maintenance performance criteria (which is the long-term objective) should be something along the lines of: *Maintenance of canopy cover allowing for natural canopy development (e.g. self-thinning) within the scope of the appropriate vegetation community benchmarks.*

Additional recommendations in relation to the performance criteria and corrective actions specified in Appendix 6 are provided separately below.

Dedication of land

July 2018 Comments

Section 10.6 of the draft revised KPOM (May 2018) contained a map (Figure 23) showing lands proposed to be dedicated to Council in accordance Concept Plan Condition B5.

The map covered the same areas previously agreed (email correspondence to DAC, 25 July 2017) between the proponent and Council but differs substantially with respect the staging of the proposed dedications.

It was recommended that Figure 23 is either deleted or amended in consultation with Council consistent with the previously agreed map which was also to include:

1. The new E-W Corridor; and
2. a note on the plan that acknowledges that the timing of any dedication will need to occur in accordance with the terms of agreement referred to under Concept Plan Condition B7 and Project Condition A13 which will need to involve:
 - a. satisfactory completion of all relevant establishment period performance criteria for the area(s) associated with the precinct, as detailed in each relevant environmental management plan; and
 - b. satisfactory arrangements to fund the ongoing maintenance of the areas associated with the relevant precinct.

October 2018 Comments

Figure 23 of the draft revised KPoM of May 2018 has been removed the October version of the KPoM. This map still needs to be amended in accordance with Concept Plan Condition B5.

Background information in the draft revised KPOM

Concept Plan Condition C2 requires that the KPOM is updated to reflect contemporary data/literature on koala management.

July 2018 Comments

Some of the background information in the draft revised KPOM was considered somewhat outdated, particularly in relation to the full suite of management actions undertaken in accordance with Council's Tweed Coast Koala Plan of Management (see <http://www.tweed.nsw.gov.au/Koalas>). It was recommended that the draft revised KPOM be reviewed to update the background information acknowledging the contemporary management of koalas and their habitat on the Tweed Coast.

October 2018 Comments

Considerable work has been done to update some of the background information in the draft revised KPoM (October 2018). However the current Plan still contains considerable extraneous information which reflects the historical development of the Plan rather than simply providing enough relevant information to support its contemporary provisions. Additionally, there are numerous examples where the consideration of impacts are include in the mitigation sections and vice versa. Some recommended revisions aimed at streamlining and improving readability are addressed under the "specific issues" subheading below.

Off-leash dog areas

Concept Plan Condition C2(3)(f) requires consideration of the need for off-leash dog areas at Kings Forest

July 2018 Comments

The following statement was made on p70 of the draft revised KPOM (May 2018):

It is not intended to provide any off-leash dog exercise area within Kings Forest. Such areas are provided by Council at South Kingscliff beach, South Fingal/Kingscliff beach, South Cabarita beach, Corowa Park and Turnock Park. The provision of an off-leash dog exercise area within the western parts of Kings Forest may be considered in future Project. Applications/Development Applications in relation to residential subdivision of that part of the property.

Council's draft Open Space Strategy recommends negotiation with developers for an off leash area in Kings Forest, to be included as part of casual open space. The draft Guideline for dog areas public open space recommended the following provision standards for off leash areas:

- one off leash area in each precinct with a population of greater than 3000 people.

Kings Forest sits in the precinct of Mid Coast – Casuarina (id. Profile precincts), there is currently no off leash area in this precinct. Considering the size of the expected population, an off leash area is recommended in accordance with the criteria within the draft guidelines, which states that an off leash is not to be located within an area identified as 'high risk' for Tweed Coast koalas or within a Koala Activity Precinct of the Tweed Coast Comprehensive Koala Plan of Management.

Given the development will be enclaved it will not be identified as 'high risk' for koalas and therefore off leash area is allowable and required. It was recommended that the draft reviewed KPOM identify the best location for off leash areas.

It was recommended that the draft revised KPOM be revised to indicate that if Council identify that an off leash dog area is required in the future, that the suitable location of the area is determined well away from any koala habitat and not in any ecological buffer.

October 2018 Comments

It is recommended that a suitable location, well away from any koala habitat and not in any ecological buffer, be identified for an off-leash dog exercise area and this be incorporated into the draft revised KPOM prior to approval.

Revised Conditions of Consent

Council has not reviewed the conditions but will be happy to review any conditions the Department may consider necessary.

Tweed Coast Koala Management Committee

The suggestion that the proponent nominate a representative to sit on the Tweed Coast Koala Management Committee (p89) is not supported. The Kings forest KPOM is an individual plan under the TCCKPOM and operates independently. Additionally, the terms of reference for the Committee does not allow representatives nominated by third parties. However, Council is open to ideas about keeping lines of communication open and would welcome periodic representations to the Koala Management Committee to discuss issues of mutual concern.

Protocols for injured koalas

This needs to involve Friends of the Koala (FOK) who are the only licenced care group in the region. Injured koalas should be immediately reported to FOK (via their 24hr hotline 0266221233) and their advice followed regarding treatment options. FOK should also be notified of any dead koalas, with a post mortem examination to be undertaken by an appropriately qualified person at the expense of the proponent.

Plant Community Types (PCTs)

PCT code allocations for vegetation communities need to be reviewed as many do not occur on the far north coast. It is recommended that equivalent PCTs should only be quoted where there is a clear equivalent. In cases where the PCT is unclear this should also be noted.

Forest Red Gum

As noted above the draft revised KPOM (October 2018) now proposes the use of forest red gum (a known preferred koala food tree on the Tweed Coast) on drier parts of the site in place of scribbly gum which is not a preferred koala food tree.

This is commendable however, the draft revised KPOM (October 2018) incorrectly states that "Sandy soils generally do not support forest red gum communities and groundwater modelling also suggests the area may not be suitable for this species." (see p68 and p183). Forest red gum is found extensively on sand substrates on the Tweed Coast and elsewhere in the bioregion. Examples occur at West Tweed, South Tweed, Chinderah, and Pottsville.

In relation to the groundwater modelling, Council is not aware of any analysis that links changes in groundwater conditions as a result of the development to the occurrence of specific species or vegetation communities. Rather there is a

qualitative presumption (which we agree with; see section 10.12, p85) that species such a swamp mahogany which is often found in dune swales and directly adjacent to wetlands would do better lower lying areas than more elevated areas where scribbly gum was more common. Similar qualitative observations across the broader Tweed Coast area, also suggest the forest red gum will tolerate drier areas and provide significantly better outcomes for koalas. It is recommended that these statements are removed from the KPoM.

Council does not accept the argument to abandon forest red gum as proposed in Appendix 6 if it does not initially survive. This is because as noted above, forest red gum is found extensively on sand substrates in the Tweed Coast and is likely to survive better than scribbly gum which seems to have narrower and poorly understood habitat requirements and is not performing particularly well where they have been planted at Kings Forest. More importantly, there may be many reasons why there may be initial failure of any species, not the least of which may be lack of follow up by the proponent. It is recommended that the specific references to forest red gum are deleted and that an additional “Corrective Action” be included to cover the more general case that a species performs poorly (see recommended wording below under the “Appendix 6 – Rehabilitation Specifications” subheading).

Environmental management bond

The text on p73 regarding compliance around created habitat could be interpreted to mean that the proponent may choose to forfeit the environmental bond (Project Condition 50) rather than continuing to meet the establishment or maintenance requirements thus allowing them to proceed to the next stage of the development. Irrespective of the bond requirements (under Project Condition 50), Concept Plan Condition B7 and A13 both require the proponent to continue to implement all environmental management plans from the commencement of the project:

Management and Maintenance of Environmental Lands

A13. The proponent is responsible for the management of all Potential Council Land and Future OEH Land for conservation purposes and the implementation of all establishment period and maintenance period works specified in all Environmental Management Plans from the date of the commencement of the project, or at another time directed by the Secretary, until such time that an agreement is reached with OEH and /or Tweed Shire Council regarding the dedication of that land.

Note: For the purpose of this condition, commencement is taken to mean any physical works including clearing vegetation, the use of heavy duty equipment for the purpose of breaking ground for bulk earthworks, or infrastructure for the proposed project.

It is therefore recommended that the KPoM be amended to clarify this issue.

Contingency Strategy

Section 13 provides details of a “Contingency and Offset Strategy” which covers a wide range of issues, however is very unclear as to its triggers, operation and consequences. This “strategy” originated from a requirement under the EPBC Condition 10 which was to be triggered if the koala offset plantings failed. If this is the case there needs to be a clear trigger. Table 14 within the “Contingency and Offset Strategy” covers many issues and extends well beyond addressing failed offset plantings.

In relation to an acceptable trigger there a number of key performance indicators relevant to the creation of koala offset habitat are included in Appendix 6 (see comments below on revising Appendix 6) that should be considered. It is suggested, in particular, that if seedling survival and native canopy cover establishment period performance criteria (Appendix 6, revised as below) cannot be met despite concerted adaptive management responses (“corrective actions” in Appendix 6) over a minimum of seven years, there may be a case for triggering a contingency. This could involve addressing the offset requirements in another location, on or close to the site, or perhaps by means of another mechanism to benefit the Tweed Coast koala population.

The strategy therefore needs to clearly define the “trigger” and describe the contingency and how it is to be implemented. It is further suggested that this “contingency” strategy be highlighted in Section 10.5 which deals with koala habitat offsets, renamed to Offset Contingency Strategy and included in a separate appendix.

It is further recommended that much of the content of Table 14 could be incorporated in Section 11, Tables 11, 12 and 13 which addresses overall implementation of the KPoM. Similarly, in relation to Section 13.2.3 (Thresholds and Corrective Actions) these may also be better placed in the implementation tables (Tables 11, 12 and 13).

Costings

Current costings do not include many issues. Examples include the cost of managing retained habitat, bushfire, feral animals, community engagement etc. If these issues are to be covered in related environmental management plans this needs to be clearly noted in Section 5

Appendix 6 – Rehabilitation Specifications

It is suggested that Appendix 6 should focus on offsets only and be included in main text (rather than an appendix). In relation to Table 6, there seems to be some confusion regarding the difference between “establishment” and “maintenance” periods. On confining the table to offsets only, the following performance indicators are suggested:

- seedling survival
- native canopy cover
- weed presence
- shrubs and ground cover recruitment
- infrastructure

In relation to seedling survival Council does not accept the argument to abandon forest red gum if it does not initially survive. As noted elsewhere this is because forest red gum is found extensively on sand substrates in the Tweed and elsewhere in the bioregion and is likely to survive better than scribbly gum which seems to have narrower and poorly understood habitat requirements and is not performing particularly well where they have been planted at Kings Forest. More importantly, there may be many reasons why there may be initial failure of any species, not the least of which would be lack of follow up by the proponent. To deal with this it is recommended that an additional “Corrective Action” be included to cover the more general case where a species performs poorly viz:

Adjustment to the species composition of an individual species (or species at particular sites) consistently fail (>80%) after 3 years of replacement and monitoring.

In relation to native canopy cover the following criteria are suggested:

- Establishment period performance criteria - *>80% canopy cover of native trees >2.5m*
- Maintenance period performance criteria – *Maintenance of native canopy cover as per establishment period or changes due to natural canopy development (e.g. self-thinning).*

For shrubs and groundcovers (which were to recruit naturally) the following is suggested:

- Establishment period performance criteria:
 - Composition - *25% of a comparable PCT*
 - Structure – *50% of a comparable PCT*
 - Function - *25% of a comparable PCT*
- Maintenance period performance criteria - *Maintenance or gain in vegetation integrity scores (i.e. combined composition, structure, function).*

Thus, to move into the maintenance period (i.e. in-perpetuity management regime) the proponent would need to successfully meet establishment period performance criteria for all five indicators. Based on Council's experience planting of koala food trees in similar situations on the Tweed Coast these requirements are not considered onerous.

In relation the "Rehabilitation Monitoring" section of Appendix 6 it is recommended that a photographic record (based on consistent photo points) is kept and reported for each plot and monitoring period.

As noted above (see "Forest Red Gum" subsection), Council does not accept the argument to abandon forest red gum as proposed in Appendix 6 if it does not initially survive. This is because as noted above forest red gum is found extensively on sand substrates in the Tweed Coast and is likely to survive better than scribbly gum which seems to have narrower and poorly understood habitat requirements and is not performing particularly well where they have been planted at Kings Forest. More importantly, there may be many reasons why there may be initial failure of any species, not the least of which may be lack of follow up by the proponent. It is recommended that the specific references to forest red gum are deleted (e.g. p170 second dot point; p183 last para and Table 6) and that an additional "Corrective Action" be included to cover the more general case that a species performs poorly:

Adjustment to the species composition of an individual species (or species at particular sites) consistently fail (>80%) after 3 years of replacement and monitoring.

Appendix 7 – Koala Monitoring

The approach taken to koala monitoring in Appendix 7 is supported. It is noted that it is proposed to monitor the use of underpasses using sand traps with possibility of using camera traps (see p190). It is suggested that camera traps would be preferable as they will yield more accurate information for less effort.

Specific Issues

- P5 – "Councillors" not "Administrators"
- P6 – rename 2.4 to "Related Environmental Management Plans"

- P6 – replace text under 2.4 to:

Concept Plan Condition C2 requires that related environmental management plans work together and do not negatively impact on each other.

The following environmental management plans address aspects of koala management and should be read in conjunction with this plan:

- <Plan 1>
- <Plan 2>
- <Plan 3>
- etc

Appendix X provides further details on the scope of each related environmental management plan and identifies specific koala related issues that need to be addressed in the required revision of these plans.

- P6 – move Section 2.4 to after existing Section 2.5
- P13 – delete first 2 paragraphs – see comments above around the need to clarify timing issues
- P13 – delete “Approach” from section title
- P13, first para Sect 2.6 – replace “follows” with “adopts”
- P14 – the lengthy compliance tables (Tables 2 - 4) would be better placed in an appendix. See additional comments above regarding some residual issues with the compliance tables
- P34, Section 4.3 – SEPP 14 and SEPP 26 no longer exist – please update throughout the document to reflect the new titles under SEPP Coastal Management. Also, the SEPP mapping in Figs 3 and 4 is no longer current and should be updated with the contemporary mapping which has recently undergone extensive review.
- P39 – TSC Act has been repealed. Replace all references to Biodiversity Conservation Act 2016.
- P40, second para – delete – 190ha of 255ha (71% of 358ha, Table 5) of available koala habitat at Kings Forest is not insignificant as implied by the sentence.
- P40, third par – delete – not relevant, koalas are a landscape species and there is a comprehensive management plan (TCCKPoM) involving all stakeholders in place.
- P41, section 6.3.4 – should include recent activity surveys within Kings Forest (2015, 2018)
- P42, section 6.4.1, para 2 – replace with the following:
In 2015 koala activity remained widespread throughout the study area, however substantially less of the available habitat is currently occupied by resident koala populations than was reported in 2011 (Tweed Shire Council 2015a). The apparent decline was most notable in the north of the study area, between Kings Forest and Koala Beach, while activity levels and the distribution of resident populations appeared stable between Koala Beach and Black Rocks. Preliminary results from the resurvey of the same sites in 2018 do not indicate any further decline (M Hopkins, TSC pers. com.).

- P42, section 6.4.1 - delete paras 3, 5 and 6. They don't add much to the issue of koala activity and the last para (6) regarding the proposed mitigation at Kings Forest is not in the right place and if it was, would need to be balanced against a large body of existing koala mitigation works already carried out elsewhere on the Tweed coast.
- P46 – All PCT allocations need to be reviewed and omitted if there is no clear equivalent at this time. For example, PCT 690 is restricted to the central and southern NSW north coast, extending north only as far as Coffs Harbour. Also the same vegetation community is allocated to PCT 693 on Figure 8.
- P48 - replace last sentence with:
This area is recognised as a koala linkage Precinct in the TCCCKPoM and as such is considered a priority for habitat embellishment in the future.
- P49 – replace last sentence with:
It is expected that all corridor habitat will be managed by either the NSW Office of Environment and Heritage or Tweed Shire Council in the long term.
- P50 – delete first sentence
- P50, second sentence – need to note that over-browsing, bell miner dieback are not relevant to the site.
- P51, section 8.3 – should highlight potential habitat degradation due to earthworks, drainage and fill for agriculture and urban development.
- P54 section 8.9 – rename to “Climate Change” and acknowledge that probably the greatest threat to koalas from climate change on the Tweed Coast is sea level induced changes to water tables and salinity intrusion affecting existing koala habitat.
- P54 section 8.11 – delete section – not relevant to the site
- P54 section 8.12 – delete section – not relevant to the site
- P57 first sentence – replace “koalas” with “koalas and their habitat”
- P57 second last sentence – figure 10 does not show the staging of habitat removal. Delete or reword.
- P59 – section 9.3.1 dot point 3 – increased fire risk arises from many factors – vandalism is just one. Please clarify.
- P59 section 9.3.2 – There has been no consideration or analysis of potential groundwater impacts on existing koala habitat. If the groundwater models suggest no change to groundwater in these areas the KPoM should say so. It would be useful to include a map in the KPoM showing predicted groundwater changes.
- P60, section 9.3.3 – This section should focus on road strike impacts arising from the development. At present there is no mention of traffic generated within the development or on the local road network as a result of the additional population which the development will accommodate. This needs to be acknowledged with references to later sections of the KPoM which describe the measures taken to mitigate these impacts. It is appropriate to mention the existing road kill hotspots but the level of detail is not required – especially in the absence of discussion of the potential impact of the development itself. It is suggested that paragraphs 4, 6 and 7 are deleted.

- P61, section 9.3.4 – include deliberate ignitions in first sentence. The KPoM also need to mention of list the full suite of factors that affect the risk of fire to koalas at Kings Forest (not just issues with pine). Some other relevant factors include fuel levels, access for fire control and hazard reduction, location and management of asset protection zones, and fire breaks, community preparedness and education, measures to allow koalas to avoid fire (e.g. gates), issues around managing fire dependent native vegetation close to an urban population, pre-burn koala surveys etc etc.
- P64 last para – delete. It is implicitly assumed that the proponent will comply with the conditions of approval.
- P65 footnotes – see comments above on providing some clarification the timing and sequencing issues.
- P66, section 10.4 – delete first para – this is to do with impacts and should be in Section 9.
- P66, section 10.4 – second para – include a reference to Fig 19 which shows these areas. Appendix 6 – is focused more on offset habitat creation and does not really address the management of existing habitat. It is suggested the implementation details and performance criteria for the management of existing habitat is contained within the relevant vegetation management plans. The main work of Section 10.4 should be to identify what needs to be done to maintain and improve existing koala habitat on the site and this should feed into the other related plans.
- P68, step 2, dot point 3 - EPBC approval of 2015 also required no overlaps. This should be acknowledged.
- P68, last para – replace “TVMS 306” with “TVMS 304”. Also PCTs need review as noted above. Again PCT 1136 does not occur on the north coast.
- P69 last sentence of second last para - delete. As noted elsewhere, forest red gum is found extensively on sand substrates on the Tweed Coast and the groundwater modelling does not suggest that forest red gum is an unsuitable species for the site.
- P72, section 10.5.4 last sentence – delete. The offset ratio expressed via the number of trees is a bit misleading as the offset was calculated on the basis of area of habitat.
- P73 – see previous comments on the “Establishment and maintenance periods” and “Environmental management bond”
- P75 first sentence – after “(BushfireSafe 2012)” insert “is being revised to”
- P75 third sentence – delete – SOS not relevant to this KPoM
- P75 forth para, last sentence - Inconsistent. Golf course fencing plan (see fig 40b) prevents koalas from accessing the golf course as originally intended.
- P77 forth para, first sentence – replace “is considered” with “has since been agreed by TSC, OEH and DP&E”
- P77 forth para, second sentence to forth para, second sentence – delete, not relevant
- P77 last para first sentence – include TCCKPoM which also provides for “exclusion”

- Fig 28 – location permanent fauna exclusion fencing on the inside of the ecological buffer is not supported (see separate comments above under “Fencing and underpasses” subheading.
- P83 section 10.9.5 – grids may deter koalas from accessing the urban area but are an ineffective deterrent to dogs who simply walk across the bars. Should consider temporary gates to be kept closed at night and when work is not taking place.
- P84 - forth para – see comments under “Off-leash dog areas” subheading.
- P84 - second last para – need a cross reference to the feral animal management plan.
- P85 – section 10.11 – need to mention Friends of Koala here as the relevant licenced koala care organisation.
- P86 section 10.14, first sentence - replace “Tweed Shire Council have prepared” with “In 2015 Tweed Shire Council adopted”
- P86 section 10.14, second sentence – delete.
- P86 section 10.14, second para - move to Section 10.11
- P86 section 10.14, Third para - replace with:
Consistent with the TCCKPoM, a Koala Management Committee (KMC) has been formed to ensure broad community representation and inter-agency involvement in the processes of implementation and recovery.
- P86 last para – delete. Not necessary.
- P89 section 10.15.2 – delete. See comments above under “Tweed Coast Koala Management Committee” subheading.
- P90 Section 10.16.3 - See comments above under “See comments above under “Timing and sequencing of koala habitat offsets” subheading.
- P91 section 11.2 - See comments above under “See comments above under “Protocols for injured koalas” subheading.
- P93-107 Tables 11 to 13 – It should be clear which management actions are establishment period and which relate to the maintenance period.
- P109 section 12.4 – koala monitoring by the proponent should continue until the land until such time as the land is dedicated. Concept Plan Condition B7 and Project Condition A13 ensure that the proponent is responsible for implementation of all environmental management plans while in their ownership. This includes monitoring. Please amend.
- P110 Section 12.6 dot point 2 – what is the “benchmark” – 50% occupancy? Please clarify.
- P124, third last dot point – replace with the following:
Whether or not the observed decline is due to development impacts or part of a more general trend affecting the Tweed Coast koala population as described by Phillips et al. (2011) and the NSW Scientific Committee (2016). It is considered that if the proponent remains compliant with the conditions of approval and approved management strategies relevant to koalas (i.e. this KPoM and related environmental management plans) they should not be held responsible for any local declines in the koala population.

Council would welcome the opportunity to discuss these comments with the proponent and the DP&E to assist the progression of this matter.

If you have any queries regarding the above, please do not hesitate to contact Council's Mark Kingston on 02 6670 2593.

Yours faithfully

Nov 15 2018 4:44 PM

X *Vincent Connell* ✓
Vince Connell
cosign

Vince Connell
DIRECTOR PLANNING AND REGULATION