

27 February 2019

Ms Sandra Hinchey  
Director  
Webber Architects  
sandra@webberarchitects.com

Dear Sandra

**Ecology response - Port Stephens Council**  
**Our Ref: Matter 28416**

Please find below Biosis' response to the Port Stephens Council comments on the previously supplied response to submissions document. Our response is highlighted as red font. We trust this information is sufficient for your purposes.

Please contact me if you have any enquiries.

Yours sincerely



Renae Baker  
Senior Ecologist

## Comments

- The applicant was requested to provide additional detail on the indirect impact of the altered hydrological regime on the wetland. A neutral or beneficial approach for water quality was also recommended. This was supported by Hunter Water's submission (July). Whilst not adequately addressed in the Biodiversity Development Assessment Report (BDAR), Appendix 8, Section 3.7 of the RtS provided a more detailed response. A revised Stormwater Management Plan was prepared which provides sufficiently more detail for the assessment. Provided Hunter Water and Council Engineers are satisfied with this response.

**This has been addressed.**

- Any future CEMP should ensure consistency between the Arboriculture Impact Assessment Report prepared by Joseph Pidutti Consulting Arborist and the trees identified for retention by Biosis. Any inconsistency and additional hollow bearing tree or koala feed trees to be removed should be locally offset on site; with preference to salvage of the hollow and reinstatement in a tree outside the impact area or where not salvageable that 2 nest boxes for every hollow lost be provided. Any additional koala feed trees that may need to be removed should be offset on site outside the impact area with an offset ratio consistent with Council's Tree Technical Specification 2014.

**Add this requirement to the CEMP.**

- The EIS (pg 28) states that the BDAR (Appendix 21) found the results of these assessments have determined that the development will be consistent with the objectives of the Port Stephens Council Comprehensive Koala Plan of Management (CKPoM) and therefore with SEPP No. 44, provided the recommended safeguards are implemented. The offsetting requirements under the CKPoM are different to the NSW OEH offsetting requirements supported by separate legislation. The development according to the SEARS is required to comply with both. Compliance with one will not necessarily infer compliance with the other. Koala feed tree offsets should be provided in accordance with the Port Stephens Tree Technical Specification 2014.

**Add this requirement and offset calculation of feed tree removal, once confirmed, to CEMP.**

- Whilst the development has been offset to the satisfaction of NSW OEH, Council is only requesting that any hollows removed be salvaged and replaced into trees within the vegetated areas to be retained or that they be replaced with nest boxes to help alleviate impacts on the local/ site level. This would not add significant cost nor time to the project and given the use of the site would also add to its educational value.

**Add this requirement to the CEMP.**

- Whilst it is acknowledged that the offsets liabilities will be met; it is recommended that as a first option to discharge the biodiversity offset obligations that the retirement of credits from the subject site be undertaken to provide a permanent conservation measure for the remaining vegetation. This would help provide a funding source for the long term management of the vegetation onsite. Council's recognises there is no obligation and as such with all comments is provided as a recommendation.

## Assessment

**Table 1 Biosis response to Council assessment**

Recommendation	Review
<p>That the Environmental Impact Statement should consider the Wattagan to Stockton Green Corridor identified in the Lower Hunter Regional Strategy 2031 and Hunter Regional Strategy 2036</p>	<p>This response was provided in regard to the EIS not the BDAR.</p> <p>Nothing required.</p>
<p>Consider in additional detail the indirect impacts of altered hydrological regime on the wetland listed under State Environmental Planning Policy No. 14 Wetlands. A neutral or beneficial approach should be recommended; the current recommendation that any discharge ... is not of a substantially difference volume relative to the pre-development regime is insufficient</p>	<p>Whilst inadequately addressed in the response by Biosis in Appendix 8 of the Response to Submissions Report (2019) a more detailed response in Section 3.7 has been provided. A revised Stormwater Management Plan was prepared which provides sufficiently more detail for the assessment. Provided Hunter Water and Council Engineers are satisfied with this response. This has been addressed.</p> <p>Nothing required.</p>
<p>Consider any potential existence of groundwater dependant ecosystems onsite, the potential indirect impacts of the development on the groundwater/vegetation interactions and any possible minimise or mitigate any possible impacts.</p>	<p>Addressed.</p> <p>Nothing required.</p>
<p>Consider the findings of the Arboricultural Impact Assessment Report prepared by Joseph Pidutti Consulting Aborist.</p>	<p>This comment should be addressed in the CEMP. It was more addressed at ensuring consistency between trees to be removed and retained during construction.</p> <p>See above – add to CEMP.</p>
<p>Consider the importance of the koala corridor to the Anna Bay hub as an area of 6 generational persistence.</p>	<p>Whilst the BDAR is a way for impacts to be identified and offset appropriately and NSW OEH considers the offset package provided as suitable; the BDAR addressed the requirements in accordance with the NSW Biodiversity Conservation Act and does not necessarily address SEPP 44 and the requirements of the PS Comprehensive Koala Plan of Management. The EIS (pg 28) states that The Biodiversity Development Assessment Report (Appendix 21) found the results of these assessments have determined that the development will be consistent with the objectives of the Port Stephens Council Comprehensive Koala Plan of Management (CKPoM) and therefore with SEPP No. 44, provided the recommended safeguards are implemented.</p> <p>The offsetting requirements under the CKPoM are different to the NSW OEH offsetting requirements supported by separate legislation. The development according to the SEARS is required to comply with both. Compliance with one will not necessarily infer compliance with the other. Koala feed tree offsets should be provided in accordance with the Port Stephens Tree Technical Specification 2014.</p> <p>See above – add offset calculation of feed tree removal, once confirmed, to CEMP.</p>

<p>Have the rationale in table 9 amended to consider species habitat preferences and foraging behaviour and provide improved justification. For some species little justification has been provided whereas for others there is significant justification.</p>	<p>Whilst NSW OEH have not requested any information in this regard the inconsistency should still be acknowledged.</p> <p>The inconsistency is acknowledged. No additional species are required to be addressed. No amendments made.</p>
<p>Provide improved justification for why no significant impact assessment has been undertaken for other species listed under the <i>Commonwealth Environmental Protection and Biodiversity Conservation Act 1999</i>.</p>	<p>Acknowledged due to the previous short timeframe for review this was overlooked. However the applicant should use EPBC Act referral guidelines for the vulnerable koala 2014 when conducting assessments not just the significant impact criteria.</p> <p>The Koala referral guidelines were used within the Koala SIC assessment. Grey-headed Flying-fox was assessed, no other EPBC species were considered to have the potential to be impacted based on our knowledge of the locally-occurring species, the results of surveys and the habitat preference assessments.</p>
<p>All habitat trees are retained where possible and where not possible compensatory nest boxes should be considered in accordance with Council's Technical Specification Tree 2014. Nest boxes should be suitable for a similar species to that which would have utilised the hollows (bat species).</p>	<p>Whilst the development has been offset to the satisfaction of NSW OEH. Council is only requesting that any hollows removed be salvaged and replaced into trees within the vegetated areas to be retained or that they be replaced with nest boxes to help alleviate impacts on the local/ site level. This would not add significant cost nor time to the project and given the use of the site would also add to its educational value.</p> <p>See above – ensure requirement included in CEMP.</p>
<p>All preferred koala feed trees be retained where possible and where removed offset at a ratio consistent with Port Stephens Council's Technical Specification – Trees 2014.</p>	<p>See earlier response.</p> <p>See above.</p>
<p>That a 10 metre fully revegetated buffer be maintains along the waterway traversing the southern section of the subject land and that the management of the riparian buffer be consistent with the <i>Controlled activities on waterfront land – guidelines for riparian corridors on waterfront land</i> prepared by the NSW Office of Water and dated 2012.</p>	<p>Section 3.10.3 has clarified that a 10m fully vegetated buffer will be provided, consistent with the <i>Controlled activities on waterfront land – guidelines for riparian corridors on waterfront land</i> prepared by the NSW Office of Water and dated 2012. This response has addressed this consideration.</p> <p>Nothing required.</p>
<p>That a construction environmental management plan be prepared in accordance with NSW Government <i>Guideline for the Preparation of Environmental Management Plans</i> and include the recommended minimisation and mitigation measures in the Biodiversity Development Assessment Report prepared by Biosis and dated 2018. This should include the Ecological Management Plan/ Vegetation Management Plan as identified by Biosis, 2018; and be prepared in accordance with the <i>Guidelines for vegetation management plans on waterfront land</i> prepared by NSW Office of Water and dated 2012 and Port Stephens Council Technical Specification – Vegetation 2014. The Vegetation Management Plan should consider the requirements of the Bushfire Assessment Report prepared by Newcastle Bushfire Consulting including</p>	<p>This was provided as advice only. Any plans of management should include monitoring schedules; particularly for the koala.</p> <p>Noted. Ensure included in all EMPs for the site.</p>

delineation of management zones. Any plans of management should include monitoring schedules; particularly for the koala.

**Any offsetting proposal will reviewed and approved by the Biodiversity Conservation Trust and is not included in the scope of these recommendations. However; it is recommended that as a first option to discharge the biodiversity offset obligations that the retirement of credits from the subject site be undertaken to provide a permanent conservation measure for the remaining vegetation.**

Whilst it is acknowledged that the offsets have been achieved; NSW OEH look at a regional based scale which can often result in a compromise of local onsite values which would be preferable to preserve. This was provided as a recommendation as previously acknowledged Council has no authority over the offset arrangements. This would help to protect the important ecological values present onsite.

Nothing required – for proponent to consider.