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To: Independent Planning Commission NSW,
Re: Dope Recommendations & Applicant response Revised KPoM MP08/0194 MOD 4

Earth Learning is a well-established NFP environmental group that aims to educate the local community about the value and diversity of our regions flora & fauna. We welcome the opportunity to comment on the above

I would firstly like to commend the department (DoPE) for its role in the revised KF KPoM of Oct 2018 it is now much closer to fulfilling the original aims of the Concept Plan.

The issues that remain for Earth Learning are as follows:

P.A. 45 Offsets provided offsite

This refers to existing condition that requires project 28 to provide 27ha of koala food trees in Cudgen Nature Reserve (CNR). The DoPE proposes in modification 45A 2 to allow an alternate site for this planting within 6 months of the Construction Certificate (CC) to begin clearing & earthworks.

We think it is imperative that the site for this offset is sourced and secured prior to any clearing or earthworks.

The danger in doing otherwise is that existing vegetation including koala habitat could be cleared well before this offset is established. This is particularly so as the wording allows more than 3 years after CC for this planting to be completed.

Furthermore the proponent is requesting a much greater period of 3 years to find an alternate site – delaying the need to establish this planting by an unacceptable length of time.

The proponent is also requesting a “financial contribution” as an alternative to an actual offset. They bases this on the original intention to pay OEH for providing & maintaining the 27 ha of habitat on the original CNR site. However the methodology & maths used here is questionable and certainly cannot be transferred to an alternate site when we know nothing of the location, viability or resources that may be available at another site.

If this offset can only partially occur on CNR, as now seems the case, the proponent MUST find a site within a KAP in the TC KPoM.

Alternatively the proponent could offer to provide this planting on the Kings Forest site. Perhaps this could occur in precinct 14 – the golf course consistent with its original intention to act as a wildlife linkage area and be part of the environmental buffer.

Golf Course Fencing

In figure 40B of draft KPoM the 'fauna exclusion fencing' of the golf course is placed on the inside of the Ecological Buffer Zone. This contravenes the original Concept Plan that saw koalas and other fauna using the Golf Course and allowing it to act as a buffer. This was also to fulfil the Kings Forest Major Projects SEPP.

The Golf Course proposed at the time encompassed ecological buffers where it was anticipated wildlife would use the entire golf course area. The original intent was that the ecological buffers would "expand" into the golf course – **not** as is stated by the DoPE that the golf course "expanded" into the ecological buffer zone (in a later modification).

Furthermore the draft KPoM clearly shows koala food tree planting within the golf course. No suggestions are made on how koalas will access this habitat with fauna exclusion fencing surrounding the area. Clearly the two things are incompatible and it seems obvious that the later addition of fauna exclusion fencing is the contradiction here.

I would think the approach most consistent with the original SEPPs for this development is to leave the golf course area as a wildlife buffer - as was its original intent. Only the urban areas should be fenced off from the golf course "buffer zone" - using fauna exclusion fencing.

45A (9) Area & Type of Koala Habitat Plantings Onsite

The proponent has had substantial consultation with TSC and OEH drawing on local knowledge and expertise to finally agree on the suitable "mix" of koala habitat trees. Initial discussion around matching "pre-development" vegetation was shown to be unhelpful for the current situation (of providing preferred koala habitat). Whilst it is true that pre existing vegetation indicates what is likely to perform well the proponent also admits that soil water levels will be different in the post development environment. They are concerned about the viability of Forest Red Gum FRG plantings on the site and refer to a study confirming this. However this same study actually states that FRG species will have a fair chance of survival on the drier soils at this site. Certainly the proposed species mix will need an adjusted BAM to measure its success (due to the density & weighting of the trees) but this can be accommodated and is no grounds for adjusting the mix.

45A(8) Contingency & Offset Strategy

The proponent also argues against replacing '*every tree that fails*'. However the required contingency measures for koala habitat not meeting targets asks for the replacement of a similar area of habitat – it does not ask for tree for tree replacement. The proponent also argues that plantings be given 10 years to reach targets – this is too long a time frame to wait to redress and correct an area of failed habitat planting. A much shorter time is needed before this contingency is triggered.

Condition 46: Changes to timing of fencing and underpasses

The existing Project Approval Condition 46 requires fauna exclusion fencing and underpasses on roads traversing environmental areas to be in place **before** bulk earthworks commence.

DoPE suggests changing this to delaying the underpasses but installing the fauna fencing along these roads whilst construction works go ahead. This could mean that fencing is installed on roads traversing environmental zones well ahead of development of these areas – maybe years.

Without any provision for koala and fauna passage through or under these fences these animals will be **cut off** from their normal movement corridors and their activities severely restricted - particularly for feeding and breeding.

This could be highly detrimental and definitely contravenes SEPP44 with which this development must comply.

The proponent has suggested that this situation will not arise due to earthworks occurring on a precinct-by-precinct basis eliminating the need to use temporary roads through environmental areas. However I have not seen assurances of this in writing or in the plans for the development and it does not sound feasible that these areas will be restricted from traffic until it is time to construct permanent roads to them.

I feel strongly that the DoPE must adjust this suggested 'condition change'. If construction is to commence on the Kings Forest site then fauna exclusion fencing **and** appropriate fauna passage measures must be in place simultaneously - on roads that pass through environmental habitat areas.

To finish – Earth Learning highly recommends that the IPC take careful note of the comments by TSC environmental unit. They are well considered and researched and we agree with their conclusions.

Thankyou,
Marion Riordan
President
Earth Learning