

Biolink - Summary of Submissions
Draft Ballina Shire Council Comprehensive Koala Plan of Management
(CKPoM)

February 2016

Submissions were received from the following:

1. **Scott SMITH and Xia Ping DENG**
2. **Land & Fire Assessments Pty Ltd**
3. **NSW Farmers**
4. **[REDACTED]**
5. **Maria Matthes**
6. **Timber NSW**
7. **Wardell and District Progress Association**
8. **NSW Department of Primary Industries**
9. **Lisa McDermott**
10. **NSW Office of Environment & Heritage**
11. **David and Pauline Charley**
12. **Janet Gray**

Key points and suggested responses for each submission are summarised below.

1. **SCOTT SMITH AND XIA PING DENG**

The key points in the submission include:

- A. The respondents purchased property at 442 Coolgardie Road, Coolgardie in November 2013 with no indication of the CKPoM in the S149 certificate or contract documents. Pursuant to S149 the submitter argues that Council had an obligation to provide such information as it has implications for future use of the land.

Response: Preparation of the CKPoM by BSC was initiated after the respondents acquired the property.

Recommendation: No change to draft CKPoM required.

- B. Concerned that the draft CKPoM will severely impact upon their ability to conduct PNF activities in accordance with an approved Property Vegetation Plan (PNF-PVP-05193) issued by the EPA on 13 August 2015.

Response: The CKPoM cannot be retro-actively applied in instances where an approved PVP is already in place.

Recommendation: No change to draft CKPoM required.

- C. The respondent argues that the CKPoM will take away landowner rights, add to costs for additional approvals, and cause grief and heartache for which the submitters would be seeking compensation.

Response: An intention of the CKPoM is to provide for a balance between future development and land use activities and the provisions of SEPP 44 for koala conservation and in doing so, provide greater certainty for property owners and reduce the need for individual koala assessments in areas where the CKPoM or its processes have identified the presence of CKH.

Recommendation: No change to draft CKPoM required.

- D. Concerned that there is no mention of EPA and forestry industry involvement in preparing the draft CKPoM or in the Project Reference Group and believe that the draft plan fails to present a balanced view.

Response: SEPP 44 encourages Local Governments to take on the responsibilities of preparing CKPoMs. State Government departments with responsibilities for land use planning and approvals as well as key stakeholders groups were invited to provide input and comment on the draft CKPoM.

Recommendation: No change to draft CKPoM required.

- E. Concerned that despite a statement in the acknowledgements section of the CKPoM indicating that rural landowners have been separately engaged as a group, the submitters were not invited to be involved.

Response: Farming interests were represented on the working group by the NSW Farmers Federation and it was widely communicated that BSC was in the process of preparing a draft CKPoM. Briefing sessions were also promoted and held for key stakeholders including the rural community. Stakeholder groups and individuals were always welcome to provide input or to express their interest throughout the panning process.

Recommendation: No change to draft CKPoM required.

- F. Concerned with respect to a statement on Page 2 of the draft CKPoM indicating that farmers and the rural industry were provided opportunities for input prior to exhibition.

Response: Response to E (above) refers.

Recommendation: No change to draft CKPoM required.

- G. Question the role of the CKPoM in relation to forestry given that the PNF requirements include koala provisions.

Response: The objectives of SEPP 44 can only be achieved in a meaningful way by taking a comprehensive approach that seeks to ensure all matters identified as having the potential to affect ongoing survival and recovery of koala populations within the area subject to a CKPoM are taken into consideration and adequately addressed. The identification of CKH consistent with SEPP 44 (through a CKPoM) is arguably a very important contribution for guiding ongoing land use, providing certainty to property owners, reducing the need for individual property assessments, and ensuring compatibility with the SEPP.

Recommendation: No change to draft CKPoM required.

- H. Maintains that it is too broad-brushed to include adjoining land in Clause (2) of Appendix 3 (page 71).

Response: The need to consider potential impacts on koalas and koala habitat as a result of proposed development activities on land that adjoins E1, E2, E3, W1 or W2 zoned lands is necessary and defensible on the basis that some proposals could result in significant impacts that may extend onto adjoining landholdings. Nonetheless it is acknowledged that the term 'adjoining' could be better defined in the CKPoM.

Recommendation: That the following wording be included in the draft CKPoM: *"In this context, 'adjoining' is defined as any property that shares a common boundary (or part thereof) with the property in question."*

- I. Request that their property be excluded from the CKPoM.

Response: It would not be appropriate to exclude individual properties from the provisions of the CKPoM if they are within the Ballina LGA. The implications of the CKPoM for each property will depend upon the features and location of the property and the nature of proposed future land uses.

Recommendation: No change to draft CKPoM required.

2. LAND & FIRE ASSESSMENTS PTY LTD

The key points in the submission include:

- A. Commends BSC for Chapter 4 in particular in attempting to provide a framework for management activities to complement regulatory provisions.

Response: Noted.

Recommendation: No change to draft CKPoM required.

- B. Serious concerns regarding the definition of Core Koala Habitat (CKH) in Chapter 3, which they argue is inconsistent with SEPP 44 and proposed inclusion within an LEP would have significant implications for future allowable development.

Response: SEPP 44 relies upon the presence of Potential Koala Habitat in the first instance to trigger the next step of investigating for CKH. However, CKH can also include largely cleared landscapes where there is evidence of a resident koala population, which can include evidence of breeding females, or recent koala sightings or historical records of koalas for the location. Hence, the draft CKPoM definition for CKH is consistent with SEPP 44.

Recommendation: No change to draft CKPoM required.

- C. Questions why Core Koala Habitat would not be identified on the plateau given that 37-41% of the population occurs on the plateau according to page 8 of the CKPoM.

Response: The draft CKPoM specifies that windbreaks on the Alstonville Plateau (AP) and areas of East Ballina have not been classified as CKH for the following reasons, despite being identified in some instances as PKH and having evidence that they have supported koalas for at least 3 koala generations:

- Windbreaks on the AP are typically exempt from clearing regulation due to their location, function and occurrence on agricultural lands.
- The East Ballina population is very small, approximately 3 or 4 individuals. This is unlikely to be sustainable without support and the population's ability to persist over the longer term in this area remains unclear.

Despite these circumstances, koalas in the Plateau Koala Management Precinct (KMP) and the East Ballina KMP are focal areas for the draft CKPoM. CKH may be identified for proposed development sites within these precincts based on standard investigations (as per Appendix 2 of the draft CKPoM) that are required by the applicable development assessment framework.

Recommendation: No change to draft CKPoM required.

- D. Notes that no landowners or rural industry group from the SKMP region were included in the CKPoM Reference Group.

Response: There was no intention to specifically exclude landowners or rural industry groups from the SKMP. NSW Farmers were invited onto the Project Reference Group by BSC in order to represent the interests of the local rural community.

Recommendation: No change to draft CKPoM required.

- E. Recommends against ratifying the CKH definition as proposed by the CKPoM until after the RMS assessment for the southern section of the Ballina Shire has been released.

Response: The RMS report has no direct bearing on the classification of CKH with respect to the BSC draft CKPoM.

Recommendation: No change to draft CKPoM required.

- F. States that references on page 26 of the draft CKPoM to Figure 1 and Figure 6 are not correct and do not show the extent of Preferred Koala Habitat (PKH) within the Important Population boundary and believes that the draft CKPoM incorrectly equates PKH with CKH.

Response: The reason and justification for equating PKH with CKH in the case of the SKMP has been explained in the draft CKPoM.

Recommendation:

1. Change the reference in the draft CKPoM from Figure 1 to Figure 2 on page 26.

2. Add to the dictionary definition for Core Koala Habitat: "*In the case of the SKMP, mapped areas of Preferred Koala Habitat were determined to meet the criteria for designation as Core Koala Habitat in accordance with SEPP 44.*"

- G. Concerned about the use of existing vegetation mapping undertaken by Council staff as it is not available for review and if comparable to the standard LEP mapping has been found to be seriously deficient.

Response: The vegetation mapping has been updated and will continue to be refined over time.

Recommendation: No change to draft CKPoM required.

- H. Concerned about the inclusion of blackwood (*Acacia melanoxylon*) as a secondary/supplementary koala food tree species, which the submitter believes is an anomaly associated with PKFT species listed for other LGAs, such as within

the Lismore KPoM. The submitters believe the presence of this species as a sub-dominant in the tallest stratum will trigger classification of CKH under the draft CKPoM.

Response: Acknowledged. Inclusion of Blackwood as a secondary/supplementary koala food tree species is incorrect.

Recommendation: The list of secondary/supplementary koala food tree species within the draft CKPoM to be amended (corrected version supplied to Council).

- I. Maintain that the definition for PKH in the Dictionary of the CKPoM is inconsistent with that provided in Table 3 and if the Dictionary definition is used they argue that even more vegetation would be classified as CKH.

Response: Acknowledged.

Recommendations: Ensure definitions for PKH and CKH are consistent with Table 3 of draft CKPoM as amended.

- J. Note a perceived inconsistency in the definition of a 'tree' according to the dictionary (i.e. > 300mm circumference) and Table 1 of Appendix 4 (i.e. > 250mm diameter at breast height). Also argue there should be consistency in references to the standard height a tree is measured (i.e. standard for dbh measurement of 1.3m above ground level).

Response: Agree that the definitions should be consistent throughout the draft CKPoM.

Recommendation: The draft CKPoM to ensure 250 mm diameter at breast height references are consistently applied throughout the draft CKPoM as well as references to the appropriate standard height by which this is measured.

- K. Concerned that details of Appendix 4, Table 1 are unclear. Several specific examples and questions were raised in relation to compensatory habitat and offset ratios. Including:

- If an area of 'preferred koala habitat' is to be removed, what rate of planting would be utilised to establish the compensatory area?
- According to Table 1, we are given ratio of between 1:10 and 1:20 for 'habitat' replacement. What constitutes 'habitat'? Are a couple of secondary food trees occurring in a 500m² area (for instance) considered habitat? And if so would 10ha of habitat (1:20 ratio in SKMP) be required to offset such clearing?
- Is there not an offset ratio for the removal of 'preferred koala food trees' in the Southern KMP as there is for the East Ballina and Plateau KMP?
- What is the offset ratio for 'preferred koala food trees' >250mm dbh removed in non-core koala habitat?

- Does the provision relating to disallowing the clearing of trees >250 mm dbh in core koala habitat relate to ‘all’ tree species including non-native or does it relate to preferred koala food trees only?

Response: Table 1 in Appendix 4 will be amended to address and clarify these concerns.

Recommendation: Amend Table 1 in Appendix 4 to read as follows:

Impact on:	Preferred Koala Food Trees – Southern KMP	Preferred Koala Food Trees – East Ballina and Plateau KMP
Offset ratio (onsite)	1:15	<100mm – 1:10 >100 - 250mm – 1:15
Offset ratio (offsite)	1:20	<100mm – 1:15 >100 - 250mm – 1:20

Note: Clearing of Preferred Koala Food Trees over 250mm diameter at breast height is not permitted.

- L. General comment that many key points are not clear within the draft CKPoM including i) Figure 4 should also denote that PKH within the SKMP is also classified as CKH, ii) use of the word ‘interim’ in relation to Figure 4, iii) incorrect reference to Section 5 on page 73, iv) implications for the village of Wardell, v) lack of detail regarding how to identify a Koala Movement Corridor.

Response: These matters are noted. The Wardell Village will not be treated differently from any other village within the SKMP.

Recommendation:

1. The caption for Figure 4a needs to be reworded to read “Proximate Distribution of Primary and Secondary Koala Habitat Classes (collectively known as Preferred Koala Habitat) across Ballina LGA.”
 2. Replace reference to ‘Section 5’ on page 73 with ‘Appendix 3’.
 3. Replace the dictionary definition for koala movement corridor on page 51 of the draft CKPoM with “For the purposes of the draft CKPoM, a Koala Movement Corridor is defined as any area of Preferred Koala Habitat, any area of forest or woodland that contains Preferred Koala Food Trees, or any other area that contains evidence of koala activity (scats) that may include scattered trees in a mainly cleared landscape.”
- M. Concerned that ratifying the CKPoM would be premature prior to release of the RMS report.

Response: The RMS report and the CKPoM will remain separate documents with different objectives.

Recommendation: No change to draft CKPoM required.

3. NSW FARMERS

The key points in the submission include:

- A. Maintain that there should be no requirement for a DA for any activity on land involved in food or fibre production.

Response: The draft CKPoM does not intend to impose added restrictions on ongoing agricultural land use practices (nor can it do so), but does need to address considerations in relation to future rural activities and in instances where a development application was required that would involve clearing of koala habitat and/or the imposition of additional threats to koala populations.

Recommendation: No change to draft CKPoM required.

- B. Concerned that creating koala habitat areas may also increase habitat for wild dogs.

Response: While there is no evidence that wild dog predation is a significant issue for koalas in the Ballina LGA, wild dog populations would continue to be subject to ongoing monitoring and management practices where considered necessary based on documented evidence.

Recommendation: No change to draft CKPoM required.

- C. Concerned that there appears to be areas included in the habitat mapping that involve properties where the owners/managers were not consulted and suggests that photographic evidence should be required to confirm koala presence rather than relying on scats.

Response: Surveys were not completed on private property without property owner/manager consent. The habitat assessment and rating methodology underpinning the draft CKPoM does not require surveys on each individual property, but is a systematic approach involving surveys on a regular grid pattern that is designed specifically for detecting evidence of use by koalas. Koala scats (pellets) can be readily distinguished with high confidence from those of other species by experienced ecologists. The SAT methodology allows for characterization of the level and significance of habitat use by koalas that cannot be ascertained from individual koala sightings.

Recommendation: No change to draft CKPoM required.

- D. Proposed that the draft CKPoM should either identify the 'threats from agriculture' in S1.7 or remove reference to 'agriculture' from the plan.

Response: Section 1.7 of the draft CKPoM specifies that threatening processes with respect to koala populations in Ballina Shire Council LGA that are associated with agricultural activities including private native forestry (amongst a range of other noted activities) pertain to clearing of koala habitat. We do not believe that this statement warrants further explicit clarification.

Recommendation: No change to draft CKPoM required.

- E. Questions how PNF provides a threat.

Response: PNF can provide a threat to koalas by removing, disturbing and fragmenting koala habitat *via* the removal of preferred food tree species such as Tallowood and by potentially resulting in injury or death to koalas during logging activities.

Recommendation: No change to draft CKPoM required.

- F. Requested inclusion of road names on maps in S1.9 page 13 for clarification.

Response: The inclusion of road names on Figure 2 on page 13 of the draft CKPoM is considered likely to render the figure more difficult to interpret and unnecessary given the existing inclusion of place names.

Recommendation: No change to draft CKPoM required.

- G. Requested clarification of the term 'Alstonville Plateau' on page 19.

Response: The draft CKPoM clearly describes and maps the Plateau Koala Management Precinct in section 3.4.2 (pages 32 and 33).

Recommendation: No change to draft CKPoM required.

- H. Asked what Koala Planning Area means.

Response: Koala Planning Area means the land to which the draft CKPoM applies as described and mapped (see Figure 3) within the draft CKPoM.

Recommendation: Replace the current definition for '*Koala Planning Area*' in the dictionary section with the above definition.

- I. Requested further explanation for Figure 4a in S3.1.

Response: Figure 4 and 4a in Section 3.1 delineate Preferred Koala Habitat which is described and defined within this section.

Recommendation: No change to draft CKPoM required.

- J. Requested further explanation of the first three dot points on page 28 if being used to justify need for the draft CKPoM.

Response: These dot points were intended to outline key findings from the Koala Habitat Study that underpins the draft CKPoM.

Recommendation: No change to draft CKPoM required.

- K. Questions the relevance of S3.3 of the draft CKPoM.

Response: Section 3.3 of the draft CKPoM explains why CKH has not been identified with respect to windbreaks on the Alstonville Plateau and in East Ballina despite the presence of PKFTs and koalas.

Recommendation: No change to draft CKPoM required.

- L. Suggests adding 'were predominantly planted on properties engaged in horticulture' in line 5 of S3.4.2 on page 32.

Response: Amendment supported.

Recommendation: Amend line 5 of Section 3.4.2 on page 32 by inserting "...were predominantly planted on properties engaged in horticulture during...".

- M. Suggests that action #16 on page 42 may no longer be relevant given release of the E Zone Review.

Response: This is considered an appropriate action of the draft CKPoM in order to brief the Minister and the responsible Department.

Recommendation: No change to draft CKPoM required.

- N. Recommends clarification of matters relating to bushfire management in action #42 on page 49 such as use of cool or hot burns in hazard reductions.

Response: These matters would be addressed through proposed action 42c - development of best practice guidelines in relation to koala habitat by local bushfire brigades.

Recommendation: No change to draft CKPoM required.

4. [REDACTED]

The key points in the submission include:

- A. Concerned about regulatory frameworks to be imposed on landholders by the CKPoM and the contradiction of Council support for the freeway and requested an overview of the full extent of proposed regulatory amendments affecting landholders.

Response: BSC officers to contact the submitter to arrange for briefing in response to this request.

Recommendation: No change to draft CKPoM required.

- B. Would like to know what landholders were consulted as the submitter is not aware of any in her area.

Response: BSC officers to follow-up.

Recommendation: No change to draft CKPoM required.

- C. Uncertain if a final CKPoM might be endorsed prior to considering public comment.

Response: The final CKPoM will not be endorsed by BSC until public comments have been fully considered.

Recommendation: No change to draft CKPoM required.

- D. Questions how constructing a freeway through the SKMP could be consistent with the vision to provide a long-term future for koalas in the area and asks if Council has pre-empted the scientific report to be released by RMS.

Response: The draft CKPoM notes the plans for provision for the Stage 10 - Highway Upgrade route as indicated by RMS, however this is not a matter that the draft CKPoM is able to influence.

Recommendation: No change to draft CKPoM required.

- E. Raised concerns regarding lack of previous consultation with community members such as herself and requests that all documents relevant to the planning process be made publicly available.

Response: Noted.

Recommendation: No change to draft CKPoM required.

- F. The submitter asks for whom koalas would be promoted as an economic asset.

Response: The intention of the draft CKPoM in proposing to promote koalas would be to benefit koala conservation programs and the broader community through tourism investment, rather than to benefit any specific interest groups.

Recommendation: No change to draft CKPoM required.

- G. Indicated that she finds it difficult to have any confidence in the CKPoM given the proposed highway upgrade through the SKMP at the behest of RMS/Wardell Progress Association/ BSC.

Response: Noted.

Recommendation: No change to draft CKPoM required.

- H. Believes that the CKPoM needs to be discussed at national level given the presence of a nationally significant koala population and proposes that public comment be extended beyond the boundaries of the shire.

Response: The Commonwealth EPBC Act referral process provides an opportunity for public consultation at a national level in relation to the proposed Stage 10 Pacific Highway (PH) Upgrade involving the SKMP.

Recommendation: No change to draft CKPoM required.

- I. Questions how BSC will ensure connectivity structures across the proposed Stage 10 PH Upgrade are effectively utilized by koalas and emphasizes the importance of referring to research that indicates such structures do not work for koalas.

Response: With respect to the planned Stage 10 PH Upgrade, the Commonwealth Minister for the Environment has directed RMS to undertake additional detailed investigations into potential impacts on koalas and koala habitat connectivity in relation to the SKMP.

Recommendation: No change to draft CKPoM required.

- J. Questions if BSC have started replanting koala habitat trees in accordance with the CKPoM offset provisions for quarry sites in Wardell?

Response: Once the CKPoM has been finalized and adopted, the offset provisions will apply to future development applications and approvals that are triggered by the CKPoM.

Recommendation: No change to draft CKPoM required.

- K. Questions why infrastructure development is approved in habitat areas when cane fields are available, given the CKPoM requirement for offsets to only be engaged after all other options have been explored.

Response: In relation to the planned Stage 10 PH Upgrade, the impacts on koalas and koala habitat are currently being considered by the NSW Government and the Commonwealth Government. Once the CKPoM has been finalized and adopted it will guide the assessment, design and approval process for subsequent infrastructure proposals as well as urban and industrial development activities.

Recommendation: No change to draft CKPoM required.

- L. Would like to nominate her property at Meerschaum Vale as a potential pilot site for habitat restoration activities and requests information on what opportunities the CKPoM will provide to landholders with high conservation value properties adjacent to the planned Stage 10 PH Upgrade in terms of conservation and offset agreements.

Response: BSC officers to follow-up.

Recommendation: No change to draft CKPoM required.

- M. Agrees with proposed action 34 on page 47 in relation to domestic dog management within the koala planning area.

Response: Noted.

Recommendation: No change to draft CKPoM required.

- N. With respect to proposed actions #44 and #45 the submitter asks if BSC will support the goal of several Meerschaum Vale landholders to establish eco-tourism ventures, given the expected disruption associated with the proposed Stage 10 PH Upgrade.

Response: BSC officers to follow-up.

Recommendation: No change to draft CKPoM required.

- O. The submitter is extremely concerned that if the planned Stage 10 PH Upgrade proceeds there will no point in having the CKPoM due to bisecting a major source population and the added risk to the koala population. Stresses her opinion that the CKPoM needs to reflect the national voice and not just the Ballina demographic.

Response: The broader community have an opportunity to submit their views on the Stage 10 PH Upgrade to the Commonwealth Minister for the Environment

who will be assessing the potential impacts of the proposed upgrade on the koala population.

Recommendation: No change to draft CKPoM required.

5. **MARIA MATTHES**

The key points in the submission include:

- A. Overall the plan is supported.

Response: Noted.

Recommendation: No change to draft CKPoM required.

- B. The CKPoM would benefit from a more expansive and detailed list of actions and some further discussions of why the actions are necessary. Can include actions pending funding and could be the responsibility of whoever can obtain funding in partnership with BSC (could use symbol to identify these actions).

Response: BSC are encouraged to discuss with the respondent potential ways for these suggestions to be addressed in conjunction with the Koala Advisory Committee. However, it is considered that the inclusion of a more expansive list of actions might potentially warrant a further exhibition period and would potentially extend the timeframe for approval and adoption of the CKPoM.

Recommendation: No change to draft CKPoM required.

- C. Recommends liaising with RMS and considering the data contained in the content of their Ballina Koala Plan and associated koala studies before finalizing the CKPoM.

Response: The broader issues that are required to be addressed by the CKPoM cannot be delayed. At this point in time the RMS study has consolidated and supported the conclusions of the Ballina Koala Study and the draft CKPoM.

Recommendation: No change to draft CKPoM required.

- D. The CKPoM should recognise the need for unoccupied and new habitat to be available for population expansion and poor times such as drought, heat waves, fire, and insect defoliation. Note that insect defoliation over summer of Forest Red Gums in wet hot years is a serious issue with a high proportion of known food trees being 50-100% defoliated over the summer period.

Response: This will be noted specifically in the revised CKPoM. However, the draft CKPoM does recognise this through requirements for habitat offsets,

incorporation of some cleared areas within the defined CKH, and encouraging voluntary habitat restoration and connectivity programs on private lands.

Recommendation: In Section 1.7 on page 8 of the draft CKPoM – dot point 6 Insert “Defoliation of Preferred Koala Food Trees under extreme climatic conditions.”

- E. Core Koala Habitat - by the definition in SEPP 44, will be where breeding occurs (mothers and joeys). However, mapping it takes away the dynamic use of the landscape by the koalas. If habitat is temporarily unsuitable, mothers with joeys will have to use alternative habitat that may be outside their usual home range. In which case the alternative habitat could also be considered core. A way to deal with the changes in the population and habitat use over time would improve the chances of population persistence. In addition, the use of the mapping could be changed with increasing knowledge from RMS studies.

Response: This point is acknowledged. The methodology applied for delineating CKH within the SKMP takes into account the dynamic nature of koala habitat and proposes that all PKH be recognized as CKH. The mapping is not considered likely to change as a result of the RMS studies.

Recommendation: No change to draft CKPoM required.

- F. Need for replacement-recruitment trees as a large number of koala feed trees and shelter trees (*Lophostemon* species and Blackbutts) are infested with termites and over the long term these will die and not be available as food trees.

Response: Noted. Actions 18, 19 and 21 of the draft CKPoM aim to enhance and restore koala habitat and the potential need to replace koala food and shelter trees in affected locations will be addressed through the koala habitat restoration program.

Recommendation: No change to draft CKPoM required.

- G. Unsure about the tourism side of things. It has its benefits but the reason the population in its source does well is that it doesn't have strange people looking at them all the time. Occasionally not a problem but lots of people talking, with loud expressions of excitement, and not listening to instructions, increased vehicles, would not be good for the population. Not opposed but would need greater consideration.

Response: Noted. These matters will be taken into consideration when investigating the feasibility of koala-based ecotourism programs.

Recommendation: No change to draft CKPoM required.

- H. Should state somewhere that apart from windbreak trees, all plantings should be from local provenance seed and the 4 key food trees and support trees. Add as an appendix.

Response: Agreed.

Recommendation: Add a principle on page 75 to stipulate that “Koala offset plantings should only use stock propagated from local provenance seed.”

- I. Management Actions:

- a) Regulatory Processes - would benefit from a checklist for council officers doing infrastructure works such as roadside maintenance. Infrastructure SEPP requires minimal disturbance as necessary to vegetation and soil for an exemption - this needs greater definition for council application, also expectation of EPBC Act to avoid controlled action. Could be part of Action 11.
- b) Action 18 - may have a few issues in achieving, fully supported but some Council staff appear to have different opinion. This may require speed limit reductions, signage to allow for management of habitat for koalas.
- c) Action 32 - needs more consideration of actions for Wardell Road, existing Pacific Highway and Bruxner Highway as key hotspots for vehicle strike, needs revamp of Ballina Councils roadside vegetation management plan, and needs a positive outcome (reducing speed of Bagotville Road) that enables council to manage the road in a way that is conducive to koala habitat protection not destruction. Also high priority.
- d) Action 37 - should be an on-going study, as more samples collected, captures and research is undertaken.
- e) Around Actions 40-42 include an action for the community to be involved in fire for biodiversity conservation and hazard reduction works that are beneficial to the koala population.
- f) Actions 43-44 - see comments above.
- g) I feel that it is urgent that there is weed control, dog control and revegetation as priority 1 ASAP actions with large costs associated, through grants.
- h) \$\$ underestimated for many actions e.g., weeds, monitoring, research, dog control.
- i) Other research actions necessary to improve understanding of population.
- j) Other actions could be included considering points raised above.
- k) Also there doesn't appear to be anything to do with climate change and this should be addressed somewhere in the plan - for tree planting, for nutrient changes and suitability of trees.

Response: Many of these suggestions can be taken into consideration during the implementation phase in conjunction with existing proposed actions.

Recommendation:

- a) Insert a new Management Action under Regulatory Processes – “Create a spatial layer that shows the location of all PKFTs within Council Road reserves for use by BSC officers when planning and undertaking road upgrades and maintenance works.”
 - b) Noted – unsure of best way to resolve, relay to KAC.
 - c) Agree change to Priority 1. Matters relating to the Pacific Highway and the Bruxner Highway are matters for RMS rather than the draft CKPoM. Toolbox proposed by this action could potentially accommodate the matters raised by the respondent. Amend item b) of Action 32 to say “in consultation with the KAC, develop.....”
 - d) This work has now been completed in conjunction with the RMS study.
 - e) Add an action part d) in A42 to read “Engage with the broader community in matters relating to fire management and hazard reduction in relation to koala conservation.”
 - f) No change.
 - g) Change Action 19 to Priority 1. Dog management already addressed through A36.
 - h) The draft CKPoM notes that these actions are subject to availability of funding and actions for specific sites.
 - i) Under Action 45 insert a new sub-heading titled “Research” and add MA 46 “To encourage ongoing research into the koala population in the Ballina Shire – ongoing – Priority 2 – As funds become available – liaison with SCU and FoK regarding research to enhance koala information and contribute research knowledge for ongoing population management.
 - j) No further change.
 - k) Add action under the new Research sub-heading to “Investigate climate change effects and integrate new knowledge into koala conservation planning.”
- J. In *executive summary* para 2 specify domestic and wild dogs, and fire management as focus of plan. Also consider having disease and stress management, habitat availability and carrying capacity as focuses of the plan.

Response: The Executive Summary is intended to be broad and specific details are provided within the body of the draft CKPoM.

Recommendation: No change to draft CKPoM required.

- K. In *vision* include an additional vision that the plan encourages a proactive and active community.

Response: Noted.

Recommendation: In item b) on page 4, replace the word “support” with “enable engagement by”.

- L. Table 1 - area of habitat, extent of occurrence and area of occupancy need to also consider points 4 and 6 above for having available habitat in poor times, loss of trees etc.

Response: This is not considered necessary given that these parameters have been determined on the basis of available koala records obtained over several koala generations.

Recommendation: No change to draft CKPoM required.

- M. In *Important Population* check if the boundary has changed. May be useful to have a couple of categories.

Response: The IP boundary has not changed for the purposes of the draft CKPoM, but can always be modified in conjunction with future amendments.

Recommendation: No change to draft CKPoM required.

- N. In *Statutory Context - SEPP 44* include something to do with the infrastructure SEPP overriding the Koala SEPP, but the EPBC Act overrides the Infrastructure SEPP.

Response: Noted.

Recommendation: On page 15 of the draft CKPoM, 2nd paragraph to be amended by adding an additional sentence that reads "The EPBC Act has the capacity to override State legislation in some instances."

- O. Table 3 categorisations don't really fit with the Ballina population which is acknowledged on the following page. Therefore, this Table should be revised or qualified.

Response: Noted.

Recommendation: The sentence in the 3rd paragraph on page 25 that begins with "The population is adapted to...." be deleted.

- P. In offsets appendix - the NSW Govt and Feds may have signed an agreement that defers Federal offsets in NSW to the NSW offsets policy.

Response: Noted.

Recommendation: BSC to check if this is the case and to make note of this in the draft CKPoM if confirmed to be the case.

6. TIMBER NSW

The key points in the submission include:

- A. Support a CKPoM that is focused on management of key threats to koalas (as per S1.7) and suggest inclusion of weeds (e.g., camphor laurel and lantana) as they can restrict koala movement and affect fire behaviour and food availability.

Response: Noted. These species are not listed as key threatening processes for koalas in conjunction with the TSC Act or the EPBC Act. Camphor laurel is sometimes used by koalas.

Recommendation: No change to draft CKPoM required.

- B. Does not accept that PNF should be included on the list of threats and the inclusion of an unsupported statement to this effect on page 11 is viewed as unscientific and unwarranted. Table 2 on page 9 does not contain evidence of adverse impacts of PNF on koalas. The industry supports action against any operator that fails to comply with licence conditions. Recent publication by Lunney et al. 2015 has found the koala populations in areas subject to regular timber harvesting for over 100 years near Coffs Harbour are stable. Timber harvesting creates regrowth forests which are viewed as providing an essential food source for koalas. It is important to distinguish between selective timber harvesting and land clearing for urban development and roads.

Response: It is logical and justifiable to recognise that timber harvesting activities have the potential to significantly impact koala populations where they result in substantial losses to preferred koala food and shelter resources and habitat disturbance. It is acknowledged that some forestry activities are likely to result in greater impacts than others, depending upon factors such as the scale and duration of the operation, tree species impacted, location of the site, and the harvesting practices. The categories in Table 2 are generic and not intended to be specific.

Recommendation: No change to draft CKPoM required.

- C. Timber NSW note that the Ballina LEP EP zoning provides for environmental protection at a strategic level and consider that this could be more clearly communicated.

Response: Noted. The intention of this comment is unclear.

Recommendation: BSC seek clarification on this matter before amending the draft CKPoM.

- D. While the draft CKPoM acknowledges the role of the NVA in regulating PNF operations it does not recognise the comprehensive nature of the regulation nor the comprehensive environmental protection that it provides (refer to PNF CoP

for Northern NSW) and also the KCoP developed by the NSW Forest Industries Taskforce in 2014.

Response: The intention of this part of the draft CKPoM is simply to provide an overview of the existing statutory framework rather than to provide a detailed appraisal of all subordinate legislation and policy. The current statement within the draft CKPoM is considered adequate and consistent with the level of detailed provided with respect to other relevant legislation.

Recommendation: No change to draft CKPoM required.

- E. Confused by definition of Core Koala Habitat in the draft CKPoM for purposes of triggering SEPP 44. Concerned that BSC is applying an overly liberal interpretation of the definition (see page 26) based on undisclosed data and linking logic that is not transparent. Strongly recommend that it be subject to independent expert assessment with findings made publicly available.

Response: There are a number of criteria by which Core Koala Habitat (CKH) can be identified. Paragraph 3 of Section 3.2 on page 26 has been redrafted to clarify the procedures by which CKH can be identified concordant with the definition in SEPP 44. The changes effected to paragraph 4 are indicated in the annotated draft CKPoM.

Recommendation: Amendments to be made to the draft CKPoM as detailed above.

- F. Note that BSC did not consult with NSW DPI and suggest that Council access this rich source of knowledge and expertise in ecologically sustainable management of forests and threatened species.

Response: NSW DPI have provided a submission on the draft CKPoM.

Recommendation: No change to draft CKPoM required.

7. WARDELL AND DISTRICT PROGRESS ASSOCIATION

The key points in the submission include:

- A. The identification and mapping of koala habitat and classification of CKH should be updated based on the more comprehensive RMS research (2015) for the Southern Precinct prior to adoption of the final CKPoM.

Response: Noted. This matter has been addressed in submissions above.

Recommendation: No change to draft CKPoM required.

- B. Unclear about the impacts on the existing Wardell village in terms of development of existing blocks which may fall on land identified as CKH e.g., granny flats, building extensions, pools. Does offset planting apply to these areas?

Response: Development applications that require consent from Ballina Shire Council that fall within an area of designated CKH would be required to undertake an assessment in accordance with the requirements of the CKPoM and the Ballina DCP 2012. Offsets may be required if PKFTs would need to be removed.

Recommendation: No change to draft CKPoM required.

- C. Unclear about the impact on land identified as CKH in Wardell village – particularly areas identified as future urban release areas in the Wardell Draft Strategic Plan.

Response: Refer to response above. BSC to follow-up to arrange a briefing.

Recommendation: No change to draft CKPoM required.

- D. Would like to see clear definition on the types of trees. Are introduced species and non-native trees subject to the Plan's Guidelines?

Response: The definition for "tree" is provided in the definitions section as is the definition for "preferred koala food tree".

Recommendation: No change to draft CKPoM required.

8. NSW DEPARTMENT OF PRIMARY INDUSTRIES

The key points in the submission include:

- A. Note that Action 15 of the draft CKPoM proposes engaging with the Minister and the responsible department with regards to PNF to request that PNF not be approved in areas of Core Koala Habitat in Ballina Shire. However, DPI maintain that A15 appears unnecessary given that the NVA 2003 provides the appropriate pathway for approving the management of native vegetation in NSW including PNF (with EPA as the relevant consent authority) and that forestry operations are not permitted in areas of CKH as defined by SEPP 44.

Response: The proposed engagement with the Minister and the responsible department is considered necessary in order to ensure that the extent of designated and adopted CKH areas are clearly communicated and understood. There are issues associated with the uptake of CKH within government agencies and this warrants specific communication and engagement.

Recommendation: No change to draft CKPoM required.

- B. Concerned that the definition for CKH adopted for the draft CKPoM may be too broad and may include land based on tree cover that does not actually have a resident koala population. It is suggested that the CKPoM adhere to the legal definition of CKH in order to maintain a consistent approach to development consent across the Shire including the approach applied by EPA when assessing PNF applications.

Response: BSC is confident that the approach adopted for defining CKH for the draft CKPoM is consistent with SEPP 44 and would provide greater certainty for those wishing to consider potential PNF and would avoid the need for unnecessary survey costs by individual landowners in designated CKH areas.

Recommendation: No change to draft CKPoM required.

- C. DPI raised concerns about statements in the draft CKPoM regarding the threats posed to koalas by PNF. They point to legislative changes that have progressively introduced a regulatory process for PNF similar to that for Crown forestry operations including PNF PVPs to ensure outcomes are improved or maintained. PNF operations are required to be conducted in accordance with standards set out in the Code of Practice which include prescriptions for koalas. They maintain that forestry operations do not result in clearing of timber, but instead maintain a multi-age forest structure across the landscape. The DPI maintain that there is anecdotal evidence suggesting that timber harvesting and regeneration maintains a structure of young trees preferred for feeding by koalas. Healthy populations of koalas thrive in coastal and inland forests that have been subject to timber harvesting for >150 yrs.

Response: The legislative framework for PNF activities is acknowledged. However, the identification of CKH consistent with SEPP 44 requirements via a CKPoM would assist that process by negating the need for individual property assessments to identify CKH. The claim that koala populations are thriving in coastal and inland forests that have been subject to long-term harvesting seems at odds with the Vulnerable listing for koalas throughout NSW under both State and Commonwealth legislation.

Recommendation: No change to draft CKPoM required.

- D. DPI note that the BLEP 2012 requires development consent for forestry in many non-urban zones. This is viewed as an error and DPI suggest that it be corrected in order to avoid confusion for landholders in relation to PNF activities where EPA is the consent authority.

Response: This was not detailed in the draft CKPoM.

Recommendation: No change to draft CKPoM required.

- E. DPI believes that PNF should continue to be regulated by NSW government legislation and policy and holds that Koala Management Plans introduced by Councils should not complicate, interfere with or seek to influence this process.

Response: Noted. However, the objectives of SEPP 44 can only be achieved in a meaningful way by taking a comprehensive approach that seeks to ensure all matters identified as having the potential to affect ongoing survival and recovery of koala populations within the area subject to the CKPoM are taken into consideration and adequately addressed. The identification of CKH consistent with SEPP 44 (through a CKPoM) is arguably a very important contribution towards guiding ongoing land use, providing certainty to property owners, reducing the need for individual property assessments, and ensuring compatibility with SEPP 44.

Recommendation: No change to draft CKPoM required.

9. LISA McDERMOTT

The key points in the submission include:

- A. States that we are so lucky to have koalas and yet many people don't even know they occur in Ballina especially the remaining few koalas in East Ballina. Suggestions are as follows:
- Seek funding to create an enormous sanctuary in South Ballina to protect this main population of koalas and rare biodiversity for future generations with an adjacent rehabilitation centre for sick and injured koalas, a fire-safe shelter and a tourist education centre - similar to that proposed for Coffs Harbour - www.koalapark.org.au. The centre could have a weed buffer around it to protect the pristine forests from weeds.
 - The centre could allow visitors into a section where they can walk up wooden pathways into the trees to view koalas (where appropriate).
 - Tourist shop could sell koala paraphernalia, educational DVDs and some proceeds could go towards Friends of the Koala Carers and koala related research. Donations could be collected for FoK.
 - The sanctuary could be connected by corridors of trees to other koala areas to enable movement of koalas necessary for genetic diversity (and breeding males require unoccupied territory).
 - Perhaps the sanctuary or corridors could be connected to a larger Koala National Park (as China has for their Pandas) throughout NSW to the Victorian and QLD borders.
 - The sanctuary, park and corridors should be nationally recognised reserves protected into perpetuity.
 - Tourist income could help with funding.

Response: Noted. A range of supportive suggestions for consideration by the proposed Koala Advisory Group to be established to monitor the implementation of the CKPoM.

Recommendation: No change to draft CKPoM required.

- B. Koala Sanctuary and Tourist Education Centre - States that a plan to stabilise the human population should be an integral part of saving our remaining biodiversity. This can be accomplished by reducing our high immigration rate and making our foreign aid priority to help poorer nations with family planning and education to empower women. (Less immigration would lower our enormous infrastructure costs as well.) Then there shouldn't be further conflict from forestry, agriculture, roads and urban development to clear and fragment any more of their wildlife habitat to provide for human expansion / consumption.

Response: These issues cannot be addressed by the draft CKPoM.

Recommendation: No change to draft CKPoM required.

- C. Forest fire protection - Perhaps the installation of large water reservoirs and fire-fighting equipment in strategic areas to treat bush fires (more frequent fires predicted due to climate warming) including fire-proof safe shelters for koalas to escape to (?), solar powered fire sensors in areas to alert fire departments. Research into fire prevention strategies especially around the coastal heath areas prone to fire next to koala habitat. This could include signage, education, burn off buffers, call for volunteers. Perhaps more water bombing aircraft.

Response: Noted. These matters concerning how best to deal with fire risks in relation to koalas will be components of Action 42 of the draft CKPoM involving consultation with the Rural Fire Service and the Bushfire Risk Management Committee to update the Bushfire Risk Management Plan for Ballina LGA and prepare best practice fire management guidelines in relation to koala habitat. There is a North Coast Fire and Biodiversity Consortium that focuses on best practice fire management measures for conservation of koalas and biodiversity.

Recommendation: No change to draft CKPoM required.

- D. Education & extension of koala habitat:
- Articles in local papers and letters to landholders regarding the loss of original koala habitat in Alstonville resulting in the dependence of koalas on wind break trees; seeking landholders assistance with planting food and shelter trees, training their dogs and protecting corridors and borders.

- Friends of the Koalas Care Centre leaf collectors require more Forest Red Gum (and leaf collectors).
- Information for real estate agents to assist buyers seeking property near koala habitat about koala protection requirements and the habitat restoration program. Conservation minded property seekers would love to buy land near koala habitat and plant forests for them. Advertising could attract such people – how would you like a forest of koalas? Grants to assist landholders especially to replace weeds on farms with koala food and shelter trees with a priority on areas that encourage koala habitat away from busy roads.
- Camphor laurel trees could be replaced with preferred koala trees.
- Massive tree plantings conducted in the cooler weather to save water evaporation and tree survival.
- It would help if the Council had a regulatory role (extension of authority to protect biodiversity heritage) to ensure protection of koalas in these areas e.g., an accredited person to oversee any clearing and ensure that cleared or dying trees are replaced.
- Revisit mapped vegetation labeled “Unknown habitat” to check if koala habitat should be protected in these areas.
- Research the little known East Ballina koala population and extend this as a reserve.
- Invite property owners to donate land for koalas in their will: Public land for koalas (or for biodiversity) as part of a National Koala Park Reserve. Especially to landholders adjoining koala habitat and East Ballina’s koalas. A few suitable properties could also become tourist parks to (possibly) view koalas.
- Widespread education about koalas in Ballina shire e.g. articles by the council, Friends of Koalas and wildlife carers in local papers as well as youtube documentaries. FoK put out a great newsletter on their website called Treetops but not many people know about it.

Response: Noted. A further range of constructive suggestions for consideration by the proposed Koala Advisory Group to be established to monitor the implementation of the CKPoM.

Recommendation: No change to draft CKPoM required.

E. Koala safety:

- Compulsory dog obedience certificate course to prevent nuisance behaviour. If owners can demonstrate that their dogs will not attack wildlife and obey certain commands, they could obtain a Dog Safe Certificate. Others would have to pay for a course to have their dog trained by an accredited professional dog trainer. The trainer must have experience rehabilitating problem dogs and training owners (like the Dog Whisperer, Cesar Millan - on DVDs).

- Higher fines for owners who allow their dogs to stray or cause a nuisance.
- Wardell is an area where unrestrained or roaming dogs have been a problem.
- Letters sent to dog owners in areas where koalas are located advising of the new Dog Obedience Certificate requirement and information regarding fines for attacks on wildlife.
- Fines are a necessary deterrent and the only way to get some people to abide by the law and more signs to educate people.
- “Koalas Cross Here” Signs are helpful but there is a need for more effective measures - perhaps road underpasses and overpasses and blinking light signs that flash “slow down” when drivers go beyond the speed limit. Lights could be the shape of a koala image too.

Response: These suggestions will be raised for consideration by the proposed Koala Advisory Group to be established to monitor the implementation of the CKPoM. Some of the above suggestions could be achieved in conjunction with proposed actions within the draft CKPoM.

Recommendation: No change to draft CKPoM required.

F. Section 10 of the Pacific Highway Upgrade:

- Fully explore alternatives to the proposed western diversion.
- The current route is not acceptable as it would endanger and fragment the south Ballina koala population and prime koala habitat land (medium to high nutrient value capable of supporting many koalas). A more direct route, widening the highway with bypasses at Wardell and Broadwater would be safer.
- We should follow the precautionary principle plus it shouldn't be necessary for the highway to divert west. For generations, people have assumed the highway would one day be widened – not deviate through core koala habitat (approx. 70% of Ballina's koala population)
- We must retain this habitat to ensure a self-sustaining population especially as mortality rates there already are up to 20% per annum – 50% due to dog attacks and vehicle strikes.

Response: The investigations and planning for the Stage 10 PH Upgrade is the responsibility of the State Department of Roads & Maritime Services and is separate from the CKPoM process.

Recommendation: No change to draft CKPoM required.

- G. The koala is under serious threat from the proposed highway deviation, dogs, cars, Chlamydia (disease caused as a result of the other threats) and human population growth. I would like to see the Council, working with other levels of government, remove these threats and make Ballina a Koala Safe Shire.

Response: Noted.

Recommendation: No change to draft CKPoM required.

10. NSW OFFICE OF ENVIRONMENT & HERITAGE

The key points in the submission include:

- A. Recommends the CKPoM propose that CKH should be zoned E2 Environmental Conservation.

Response: Noted. This request is consistent with the approach being taken by the draft CKPoM in terms of the area occupied by the Important Population.

Recommendation: No change to draft CKPoM required.

- B. Recommends inserting additional provisions into the draft CKPoM DCP amendments including the following and offers to assist BSC in refining these criteria:

- a) Information required to be submitted with DAs;
- b) Guidelines and survey standards for koala habitat assessment including requirements for ongoing monitoring;
- c) Guidelines for koala habitat restoration; and
- d) Guidelines to minimise the impact on koalas regarding the location of building envelopes and infrastructure, traffic management, domestic pet ownership, landscaping, swimming pools and fence construction.

Response: Survey standards b) and reporting requirements a) are already provided in Appendix 2 of the draft CKPoM which also addresses monitoring requirements. Recommendation c) would be addressed in conjunction with proposed Action 14 in the draft CKPoM, further clarified within the Action statement. Recommendation d) will be addressed in conjunction with amended action 3 below.

Recommendation:

1. Amend Action 14 to read, "In consultation with NSW OEH, develop and implement guidelines for the restoration and/or provision of new or compensatory habitat on public or private land."

2. Amend Action3 to read, “Identify appropriate performance indicators and establish a regular monitoring program to inform on the efficacy of development control measures and assess the status of the koala population.”

C. Recommends the inclusion of “Performance Criteria for Planning Proposals” within identified CKH and PKH areas with the aim to minimise direct and indirect impacts of development on CKH, PKH and habitat connectivity. Information required to support PPs should include an investigation in accordance with Appendix 2 of the CKPoM.

Response: Noted.

Recommendation: Add an additional dot point in Table 6 (Reporting Requirements) of Appendix 2 requiring a signed statement by the author of the report indicating how the development control provisions and objectives of the CKPoM have been met.

D. Supports proposed amendments to the current Ballina DCP (2012) and Ballina LEP (2012) to reinforce consideration of koalas and koala habitat in relation to development.

Response: Noted.

Recommendation: No change to draft CKPoM required.

E. Requests correction of errors including:

- References on pages 11 & 12 to the Stage 10 PH Upgrade as being a consideration in the CKPoM, whereas given that this is a SSI development it is not subject to SEPP 44.
- The statement on page 14 “A DA on land that supports core.....of Management is in place”. SEPP 44 only applies to land that (i) has an area of more than 1 hectare, or (ii) has, together with any....”.

Response: In regards to point 1 above, no errors were observed on pages 11 and 12 of the draft CKPoM. In regards to point 2 above, this will be clarified as per below.

Recommendation: Add to the start of the statement above on page 14 “Subject to the exclusion provisions of SEPP 44 in so far as they relate to the size of the land holding, a DA on land....”

F. Requests clarification on points including:

- Areas referred to on page 18 as meeting criteria for PKH or CKH that are not contained in a koala planning area, have not been identified.
- Consistency in referring to 5 or 4 yearly reviews.

- Habitat linking areas to be used as potential movement corridors.

Response: In regards to point 1 above, the last paragraph of Section 2.2 refers. In relation to point 2 above, relevant changes will be incorporated into Table 4 (Schedule of Management Actions), Action 3 to address this matter. In relation to point 3 above, Koala Movement Corridors have been redefined in the definitions section.

Recommendation: Amend Table 4, Action 3 on page 38 to indicate that the koala monitoring program would be developed and implemented within 2 years following adoption of the CKPoM, with the planned return interval amended from 'Four yearly' to 'Five yearly'.

- G. Requested an opportunity to provide further comment on the revised draft CKPoM.

Response: Noted.

Recommendation: No change to draft CKPoM required.

11. D. & P. CHARLEY

Note: This is a lengthy submission which in parts demonstrates a lack of objectivity and a disrespect of BSC officers and others engaged in the preparation of the draft CKPoM. These considerations detract from the intent of the public exhibition process and serve to diminish the professionalism of the overall submission.

The key points in the submission include:

- A. Serious concerns in relation to the background data and findings of the earlier Koala Habitat and Population Assessment (Biolink 2013) claiming that the work is too dependent upon activity models and population estimates and not what they consider to be the reality. Argue that there should be proper counts and population monitoring.

Response: Noted. These concerns fail to appreciate the scientific rigor, support and widespread application and validation of the methodologies applied for the purposes of assessing the habitat and population status within the Ballina LGA.

Recommendation: No change to draft CKPoM required.

- B. Concerned that local landowners were not included in the BSKP Reference Group and suggest this may have been a deliberate attempt to exclude the true stakeholders from having input.

Response: Noted.

Recommendation: No change to draft CKPoM required.

- C. Concerned that the Alstonville Plateau (AP) does not feature more prominently and is not included in the identified “Important Population” area. They claim that the AP population is as important as that of the SKMP, which they believe are not separate populations. They feel the definition for an IP under the EPBC Act is too broad and is essentially meaningless. They question how the IP boundary was defined with precision based on the field survey effort and koala activity mapping/modelling, which they feel has produced several anomalies. They also raise concerns about the need for a population boundary line which they fear will lead to focusing of all management actions inside the IP area. They see the inclusion of cleared areas within the IP area as a denial of rights of affected landowners (the real stakeholders). Question if use of the term “notional” IP boundary suggest that it is likely to change.

Response: The reasons for this approach are clearly explained in the draft CKPoM as is the process for identification of the IP boundary. The importance of the AP and East Ballina populations is recognized and addressed within the draft CKPoM. The inclusion of some cleared or mainly cleared parcels of land within areas of generational persistence reflects the use of such areas as part of the territories of resident koalas and for dispersal of young koalas within an established population. The term “notional” was used to indicate that the IP boundary was based on the best available information, whilst allowing for possible future changes when new information becomes available.

Recommendation: Amend the caption for Figure 2 to read “Notional Boundaries of...”.

- D. States that reference to 300 koalas on page 9 is not correct as it should read 344 koalas, which they argue then impacts upon estimates of losses from anthropogenic causes. The respondents feel there is too much emphasis on impacts from dogs.

Response: This will be clarified in the draft CKPoM. Section 1.7 of the draft CKPoM outlines threats to koalas in Ballina Shire and identifies disease, vehicle strike and dog attack as the three prominent identified causes of known koala mortality. Hence, it is appropriate that dog management is addressed within the Schedule of Management Actions within the draft CKPoM.

Recommendation: Change references to the koala population size throughout the draft CKPoM to “285-380”.

- E. Concerned that Figure 4 on page 22 shows a large area of “Other” vegetation that has been mapped as koala habitat.

Response: Noted. This matter has been addressed in response to other submissions.

Recommendation: No further change to draft CKPoM required.

- F. Concerned that BSC have declined to provide access to digital GIS layers to check vegetation mapping.

Response: Noted.

Recommendation: No change to draft CKPoM required.

- G. Concerned that CKH has been defined in a manner that is inconsistent with SEPP 44 and that CKH on the Alstonville Plateau and in East Ballina has been totally ignored, with the focus on the SKMP. Concerned that the CKH designation within the SKMP will have significant implications for landowners and would restrict and remove landowner rights. Feel that it is unfair that landowners outside the IP boundary would be able to do as they like on their land regardless of possible presence of koala habitat.

Response: BSC is confident that the designation of CKH for the draft CKPoM is consistent with SEPP 44. Properties within the Koala Planning Area adopted for the purposes of the draft CKPoM that are outside the IP boundary will be required to undertake standard assessments (in accordance with Appendix 2) for the presence of Potential and Core Koala Habitat in conjunction with future development applications. These requirements are proposed to be incorporated into the Ballina DCP.

Recommendation: No change to draft CKPoM required.

- H. Maintain that the detailed assessments in the southern section of Ballina Shire may provide significant information to assist the draft CKPoM. Hence, they feel that the draft CKPoM should not be finalised prior to release of the RMS studies.

Response: The RMS report has consolidated and confirmed earlier assessments for this population.

Recommendation: No change to draft CKPoM required.

- I. Argue that the baseline data and models for koala habitat and koala populations within the Ballina Shire are inadequate as a foundation for developing planning regulations.

Response: The methodology employed for the purposes of assessing koala habitat use and koala populations within Ballina Shire has been published within peer-reviewed scientific literature and together with the RG-bSAT methodology has been formally recognized and promoted within the Commonwealth EPBC Act referral guidelines for the vulnerable koala as one of a number of suitable/recommended indirect survey methods for the koala.

Recommendation: No change to draft CKPoM required.

- J. Stipulate that the definitions for Primary and Secondary koala food trees and habitat categorisations need to be consistent with SEPP 44.

Response: The methodology used to identify preferred (i.e. primary and secondary) koala food tree species for the draft CKPoM is consistent with the provisions of SEPP 44.

Recommendation: No change to draft CKPoM required.

- K. Note that a reference on page 26 to Figure 1 in relation to PKH and the IP boundary is incorrect.

Response: Noted. This has been addressed in response to submission above.

Recommendation: No change to draft CKPoM required.

- L. Maintain that there is no evidence to support the claim on page 28 that the SKMP has been a significant source population for regional recovery over the past 60 years. They argue that this assertion is based on limited koala records and models rather than reality.

Response: This is not the case. The Ballina Shire Koala Habitat and Population Assessment (2013) reached this conclusion following detailed analysis of koala records for the LGA and was able to establish the long-term persistence over more than 6 consecutive koala generations of an important source population of koalas extending south along the Blackwall Range from Uralba/Lynwood through Coolgardie and into lowland habitat around Bagotville, Meerschaum Vale and Wardell. The analysis indicated that this koala population was present during the middle decades of the 20th century when those in adjoining Lismore and Byron LGAs were yet to become established. Hence, the valid evidence-based assertion that this population may be a regionally significant source population from which other populations in the broader area have originated.

Recommendation: No change to draft CKPoM required.

- M. Very concerned that Section 3.3 again shifts the focus of the draft CKPoM away from CKH and important koala populations (estimated to comprise ~ 41% of the Ballina Shire koala population) to the SKMP. Believe that the inconsistent treatment of CKH conflicts with SEPP 44. They argue that all areas that meet the criteria should be classed as CKH in the draft CKPoM and should be identified as KMPs with specific regulations. They feel that the plan gives up on the East Ballina koala population and maintain that small populations must not be ignored.

Response: The draft CKPoM does not give up on koalas outside the SKMP. However, because the extent of CKH within areas outside of the SKMP are less certain, the draft CKPoM instead requires standard individual assessments for Potential and Core Koala Habitat in these areas in accordance with the requirements of SEPP 44. If identified as present, the draft CKPoM planning provisions for CKH will be required to be followed in conjunction with development proposals.

Recommendation: No change to draft CKPoM required.

- N. Feel that the existing vegetation mapping that has been used for identifying koala habitat is inadequate and often incorrect.

Response: The best available vegetation mapping was used for the purposes of koala habitat mapping following review and refinement. It is not possible for LGA-scale vegetation mapping to be 100% correct and future updates will be incorporated in conjunction with the monitoring program for the draft CKPoM.

Recommendation: No change to draft CKPoM required.

- O. Concerned that linkages mentioned on page 29 have not been identified and mapped.

Response: Linkage areas will be identified and refined over time in conjunction with implementation of the final CKPoM following adoption. This will occur as a voluntary process in collaboration with participating landowners.

Recommendation: No change to draft CKPoM required.

- P. Concerned that point d) on page 30 in relation to the broader landscape may mean taking away landowner rights and planting tree corridors on currently cleared lands.

Response: The draft CKPoM does not propose to mandate tree plantings on private lands. It is envisaged that habitat and linkage restoration projects on private landholdings would occur on a voluntary and collaborative manner, or in conjunction with future koala habitat offset requirements.

Recommendation: No change to draft CKPoM required.

- Q. Argue that disease is the main threat and question how the figure of ~ 20% annual koala mortality within the SKMP due to dog attacks and vehicle strike has been derived.

Response: This figure has been derived from analysis of the FoK database of koala reports received over the past 24 years, which has provided a substantial dataset for examination.

Recommendation: No change to draft CKPoM required.

- R. Asks how the SKMP boundary has been determined and argues that there should be more justification for excluding the AP population, which they consider are not disjunct.

Response: This has been discussed and justified in the draft CKPoM indicating the CKPoM does not have the ability to influence the outcomes in relation to windrows on agricultural lands on the Plateau and instead seeks a bipartisan approach.

Recommendation: No change to draft CKPoM required.

- S. Claim that tallowwood and forest red gums are more native to the AP than the species proposed to be planted by BSC.

Response: Consideration of other potential eucalypt species is required in order to replace koala habitat values whilst avoiding future needs to remove large Tallowwood (in particular) from windrow sites.

Recommendation: No change to draft CKPoM required.

- T. Feel that the Management Activities section lacks the necessary detail.

Response: A deliberate intention of the Management Activities section of the draft CKPoM was to ensure the planned actions remain clear and concise.

Recommendation: No change to draft CKPoM required.

- U. Concerned that the Advisory Group is not defined (Point 1 on page 38) and is likely to again exclude the landholders.

Response: The planned Koala Advisory Group would be established by invitation within the first year of the CKPoM adoption. BSC would manage this process and would ensure that membership was invited broadly across key stakeholders.

Recommendation: No change to draft CKPoM required.

- V. Concerned that population monitoring will be based on current modelled estimates rather than real counts and that adoption of this action after 4 or 5 years will be too late.

Response: The surveys employed for the Koala Habitat and Population Assessment (2013) that underpin the draft CKPoM involved peer-reviewed standard and repeatable methodology that provides a sound basis for future

monitoring programs. Monitoring at intervals less than that prescribed in the draft CKPoM would be impractical and inefficient at Shire-wide scale.

Recommendation: No change to draft CKPoM required.

- W. Concerned that the draft CKPoM proposes to amend the Ballina LEP based on modelling and questionable vegetation mapping. Believe that every patch of vegetation should be checked to ensure that it meets the SEPP 44 requirements for CKH designation. Mapping must be correct when it will result in loss of property rights and land values.

Response: The designated CKH will need to be endorsed by the State Government prior to adoption of the CKPoM in accordance with SEPP 44. BSC is confident that the CKH designation is consistent with the requirements of SEPP 44.

Recommendation: No change to draft CKPoM required.

- X. Asks what compensation is being offered to landholders where corridors are proposed (see page 41 Action 14).

Response: Delivery of compensatory habitat on private or public lands as referred to in Action 14 would be funded by an applicant that proposes an activity or development that triggers the requirement for compensatory offsets.

Recommendation: No change to draft CKPoM required.

- Y. Astounded by Action 15 (page 42) which would potentially preclude PNF activities from mapped CKH areas. Suggests that legal proceedings would be initiated in response to this action.

Response: Existing legislation and policy already preclude PNF from CKH areas. The designation of CKH by the draft CKPoM provides clarity and certainty to landowners and negates the need for individual assessments for Potential and Core Koala Habitat that would otherwise need to be funded by the landowner.

Recommendation: No change to draft CKPoM required.

- Z. States that details and maps are needed for proposed Action 19 (page 42)

Response: The mapping and associated details would be produced as a result of this action within 3 years of CKPoM adoption.

Recommendation: No change to draft CKPoM required.

- AA. Suggests that landowners need to be advised by BSC of future constraints on land use should they support koala habitat restoration programs on their land.

Response: Noted and supported. BSC officers will discuss potential future implications with supportive landowners.

Recommendation: No change to draft CKPoM required.

- BB. Claims to have been falsely advised in a letter received from BSC that the CKPoM would have no impact on the submitter's property.

Response: Noted.

Recommendation: No change to draft CKPoM required.

- CC. Questions if proposed Action 30 (page 45) refers to all rural lands or only those on the Alstonville Plateau.

Response: The action stipulates that it is specific to rural industries on the Plateau.

Recommendation: No change to draft CKPoM required.

- DD. Questions the focus on dogs (Action 34, page 47) and suggests that more needs to be done in regards to disease and vehicles.

Response: Noted. However, the actions to address dog management issues are considered appropriately proportioned. Actions are already proposed in relation to vehicles and welfare.

Recommendation: No change to draft CKPoM required.

- EE. Questions the need for the proposed genetic study (Action 37, page 48).

Response: This work has been essentially completed as part of the RMS study.

Recommendation: No change to draft CKPoM required.

- FF. Asserts that Action 39 (page 48) should begin with BSC staff.

Response: Noted.

Recommendation: No change to draft CKPoM required.

- GG. In relation to Action 40 (page 49) argues that GIS layers should be made available to all interested people not just a select few.

Response: Noted.

Recommendation: No change to draft CKPoM required.

HH. Believes the definition of “tree” is inconsistent throughout the draft CKPoM.

Response: Acknowledged.

Recommendations: These inconsistencies have already been addressed in conjunction with matters raised in previous submissions. The metrics relating to Preferred Koala Food Trees and their measurement have been standardized throughout the draft CKPoM.

II. Questions whether the definition for “development” in the draft CKPoM means that any development or activity will need to be assessed.

Response: The definition in the draft CKPoM specifies that the meaning is the same as that defined by the EP&A Act 1979.

Recommendation: No change to draft CKPoM required.

JJ. Serious concerns in regard to the “Preferred Koala Habitat” table as it captures all vegetation including weed species and other vegetation.

Response: The PKH table has been revised.

Recommendation: No further change to draft CKPoM required.

KK. Questions the inclusion of *Acacia melanoxyton* as a PKFT species.

Response: This species has been removed from the list of PKFTs.

Recommendation: No further change to draft CKPoM required.

LL. Notes that the dictionary definition for the “Preferred Koala Habitat” is inconsistent with Table 3 (page 24).

Response: Agreed. This has been corrected.

Recommendation: No further change to draft CKPoM required.

MM. Concerned about use of the SAT and RG-bSAT methodology which the submitters believe should be defined in detail and which they believe have serious problems.

Response: The SAT methodology has been published in peer-reviewed scientific literature and together with the RG-bSAT methodology has been formally recognized and promoted within the Commonwealth EPBC Act referral

guidelines for the vulnerable koala as one of a number of suitable/recommended indirect survey methods for the koala.

Recommendation: No change to draft CKPoM required.

NN. Questions whether a “suitably qualified person” includes a BSC officer.

Response: The definition simply states that a BSC officer may meet the criteria to be considered a suitably qualified person and are not excluded from possible qualification.

Recommendation: No change to draft CKPoM required.

OO. Concerned that the definition for “tree” needs to exclude introduced species and non-koala food trees.

Response: Agreed. Amendments have been enacted to the definition of Preferred Koala Food Tree and throughout the draft CKPoM.

Recommendation: No further change to draft CKPoM required.

PP. Concerned that the definition for “tree protection zone” means that buffer zones will apply around all trees including introduced species and shade trees in paddocks.

Response: This is not the intention of the draft CKPoM and does not warrant further clarification.

Recommendation: No change to draft CKPoM required.

QQ. Questions if the reference to the Phillips, Hopkins and Warnken (2011) paper as submitted to WR is correct and up-to-date.

Response: Noted.

Recommendation: Amend reference to confirm submitted to the journal titled “Landscape and Urban Planning”.

RR. Proposes use of other methods such as repeated saturation spotlighting of an area as the only way to determine koala numbers and use of a site.

Response: This suggestion is not consistent with the scientific literature and widely-accepted standards. Spotlighting can be a useful survey method, but does not provide greater certainty when deriving koala population estimates and requires substantial increases in survey effort, costs and risks in order to achieve statistically acceptable confidence levels. The population estimates derived from the day-time surveys at SAT survey sites are based on fixed-radius searches for

koalas and are not based on the faecal pellet survey results and associated activity levels.

Recommendation: No change to draft CKPoM required.

- SS. The submitter expresses a range of concerns in regard to Appendix 4 of the draft CKPoM “Basis for Offset Provisions” including the proposed use of different offset ratios for different KMPs and perceived extreme values as reflected in Table 1. Maintains that these provisions are designed to close down all agriculture and penalise private landholders and will take up huge areas of land. Questions what the offset requirements would be for removal of just a few scattered secondary food trees across 1 ha (as an example) and what offset ratios would apply in non-core koala habitat areas. Also concerned that the prohibition on clearing trees above 250mm bhdob within CKH appears to apply to all tree species including non-natives.

Response: Justification and explanation for the proposed application of different offset ratios for each of the different KMPs is provided in Appendix 4. The offset provisions are informed by those contained within adopted CKPoMs for sections of Lismore and Tweed LGAs. The offset requirements for removing individual preferred koala food trees within CKH areas are as per Table 1 of Appendix 4 (which has now been amended).

Recommendation: No further change to draft CKPoM required.

12. JANET GRAY

The key points in the submission include:

- A. States that the submitter’s property at Duck Creek Mountain Road, Alstonville does not contain any koala habitat or eucalypts and is adjacent to the old highway and near the new highway. The submitter does not wish to have the property zoned for koala habitat protection. Submitter is concerned that the property appears to have been captured within the edge of the Important Population boundary and would like the land removed from the proposed area for EP zoning. Concerned that inclusion of the property would have repercussions for future rezoning proposals for the property and a negative impact on resale values.

Response: Noted. BSC officers to follow up with the submitter. There is no proposal to rezone this property for koala habitat protection. The submitter has indicated she would be happy for Council staff to inspect the property.

Recommendation: No change to draft CKPoM required.