



Our Ref: DOC17/367267
Your Ref: Tosha Falls Draft Plan of Management

General Manager
Ballina Shire Council
PO Box 450
Ballina NSW 2478

Attention: Ms Jessica Saad

Dear Mr Hickey

Re: Agency Comments on the Draft Tosha Falls Plan of Management

Thank you for your letter dated 30 June 2017 about the public exhibition of the Draft Tosha Falls Plan of Management seeking agency comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input.

The OEH commends Ballina Shire Council on drafting this Plan for Tosha Falls. We recognise that the Plan represents a positive step in the long-term management of this significant natural resource. We also support the recognition of the values provided by Tosha Falls, and the opportunities it presents in connecting people with nature.

We acknowledge that Tosha Falls, located in association with Lot 1 DP 853747, is part of the Alstonville Sewerage Treatment Plant owned by the council, and classified as Operational land under the *Local Government Act 1993*. We note that this primary function and classification has been considered on review of the *Tosha Falls Plan of Management Part A & Part B, prepared by Mike Sviki's Planning, dated 8 June 2017 (Plan)*. In preparing the comments below we also refer to our previous preliminary advice on Tosha falls dated 31 January 2017 (OEH Jan 17).

We advise that the Plan's content and actions appear to be realistic in addressing the key management issues associated with the public access issues at Tosha Falls. Overall, we support the actions outlined in the Plan. We suggest a few minor changes to the structure, and content of the Plan, which may assist in aligning the Plan's objectives, and reporting framework. To this end, the OEH, recommends:

1. Reviewing s4 Values of the Management Area, to change the section headings so they better align values with the listed objectives in s1.1, and assist in providing consistency between Plans (Killen falls), monitoring and reporting. We suggest setting out s4 to contain headings such as; Landform (s4.1), Biodiversity (s4.2), Heritage (s4.3), Aboriginal heritage (s4.4), Recreation (s4.5) and creating a new section for Education and Scientific.
2. Reviewing s4.2 Vegetation and Habitat, to:
 - a. include an updated assessment of the biodiversity values (species, populations, and their habitat) present at Tosha falls and Maguires Creek. The Plan has only limited information on

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the biodiversity values present so more detailed information should be used to inform, and support the Plan. We also note that establishing a baseline value for biodiversity is essential, if monitoring and reporting is to align with the Plan's Biodiversity objectives (s1.1 points 4 and 5).

- b. recognise the current achievements of the vegetation management plan (Ecological 2007) no matter how minimal, and provide detail on the recovery of the ecological community to date. We note that the Plan refers to 'Big Scrub', and highlight that this plant community is often recognised as "Lowland Rainforest" which is listed under the *Threatened Species Conservation Act 1995* (and the forthcoming *Biodiversity Conservation Act 2016*) and the *Environmental Protection and Biodiversity Conservation Act 1999*. Therefore, the restoration of this ecological community has significant implications for the Plan's objectives. A revision of the 'Tosha Falls Vegetation Management Plan (VMP) prepared by Ecological, dated 2007' as proposed, should re-align the performance criteria, monitoring and reporting to support the objectives and the works proposed as part of the Plan. The VMP should also consider, as part of the rainforest restoration, all the registered and proposed easements.
 - c. address recovery plans, or recovery actions associated with threatened flora and fauna where appropriate, and summarise the threatening processes which will be addressed by the actions listed in the Plan (OEH Jan 17 2(d)). We advise that these recovery actions will also align with the Plan's objectives for biodiversity (s1.1 points 4 and 5), and could be used as part of the Plan's monitoring and reporting framework.
 - d. reference the aquatic ecological values associated with Tosha falls and Maguires Creek in consultation with Department of Primary Industries – Fisheries, and potential threatened aquatic species under the *Fisheries Management Act 1994*.
3. Including in s4.4 Aboriginal Heritage, as advised in OEH Jan 17 (1a), the Aboriginal cultural values in consultation with the Jali Local Aboriginal Land Council and local aboriginal knowledge holders. The OEH requests that the local Aboriginal community be given the time necessary to provide input to this Plan and inform the management of Tosha Falls.
 4. Including in s6.1 Summary of Strategies and Actions, possible additional actions to:
 - a. develop/actively seek partnerships with private land owners adjacent Tosha Falls, to support restoration and connectivity between rainforest remnants, and improve riparian condition.
 - b. rezone Tosha Falls and its associated riparian buffer to E2 Environmental Conservation under the Ballina Local Environment Plan 2012, if the opportunity arises, in recognition of the values present.
 5. Including in s6.2 Monitoring, more specific information on what aspects of the Plan will be monitored to measure performance and delivery. We advise that both key biodiversity, and Aboriginal cultural heritage performance measures should be included as part of the monitoring framework.

If you have any further questions about this issue, Ms Rachel Binskin, Regional Operations Officer Officer, Regional Operations, OEH, can be contacted on 6659 8247 or at Rachel.binskin@environment.nsw.gov.au.

Yours sincerely

 7 August 2017

DIMITRI YOUNG
Senior Team Leader Planning, North East
Regional Operations

Contact officer: RACHEL BINSKIN
6659 8247

SDS Civil Enterprises

461 Hinterland Way, Knockcrow NSW 2477

3 August 2017

The General Manager
PO Box 450
BALLINA NSW 2478

Attention: Ms Jessica Saad

RE: Submission To Tosha Falls Draft Management Plan

Please find following a formal submission to the Tosha Falls Draft Management Plan at Alstonville on behalf of Mr Roach, property owner of Lot 2 DP 620552 at Alstonville.

Council is commended on the preparation of the Tosha Falls Draft Management Plan so as to provide clarity on the direction of how the Tosha Falls and surrounds can be actively managed to the improvement of community accessibility and creating a destination / attraction of an existing long held natural feature.

This submission supports the adoption of Option 1, being the creation of an integrated walking track from Lumley Park through to Tosha Falls and then to Johnstons Road. This Option 1 provides for a long term view as to the management of not only the Tosha Falls itself but integrates the incoming creek and riparian forest into a cohesive public reserve that would enhance Alstonville as a destination.

It is raised that the proposal as nominated within the exhibited document (ie for access to Tosha Falls via only Johnstons Road) would not sufficiently address the desire of people to traverse to the falls from the southern direction (ie Alstonville) on foot. Thereby incorporation of Option 1 as the preferred management of access would provide for such opportunity and limit the occurrence of trespass matters as raised within the management plan.

Yours sincerely



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Civil Engineer

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Jessica Saad

From: liam cornish-teal <liamctea@gmail.com>
Sent: Thursday, 27 July 2017 3:09 PM
To: Jessica Saad
Subject: Tosha and Killen Falls Draft Management Plans - commercial activity

Hello Jessica.

I am writing to you (and please point me in the right direction if im writing to the wrong person) about commercial activities permit for Tosha and Killen. Concerning the activity of swimming and the concern of water quality.

I have recently applied for an "eco tourism permit" and have found out its on hold due to my request for swimming. And i would just like to point out a few points that i hope would allow my permit to be processed.

- Firstly i have grown up going to all swimming holes around the area (Tosha, Killen, Dalwood, Marom, ect.) And i have never had any illness or problem in my 20+ years of visits. On the other hand have also surfed my whole life in the area and can recall a couple of ear aches after surfing around Ballina river mouth. So from my experience the water there is cleaner then alot of places that are fine for public to swim at including the whole Richmond river.

- Secondly i have had a tight waiver written up that any patron wanting to swim must sign. This waiver covers everything from illness/sickness to injury/death.

- I can advise all patrons to swim with there head above water and (obviously) not to drink the water.

- I am extremely fond of these places and love to show off our beautiful and diverse area. While always respecting the area and anyone else in it. I have travelled the world and these kind of tours are the ones that always open my eyes to how amazing and individual every location is. And there is so much more to our area then just the coast.

- My groups will be a maximum of 13 (usually less) and i always have a bag and take any rubbish we find (leave every place more beautiful then you found it). I have a current Bronze medallion and senior first aid.

- While in the area i stop at local shops to grab snacks for my guests and see towns that most tourist never visit.

I am really eager to start my operations and i want everything to be legal and in place. So i urge you to consider my points.

Thanks you very much for your time.
Liam Cornish-Teal

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Feedback for Documents on Exhibition

Response 20 of 20

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Custom 2:	N/A	Custom 3:	N/A

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1. Name of exhibited document you want to make comment on.

Tosha Falls Management Plan

2. Your name (anonymous submissions may be disregarded by Council)

Kathryn Bland

3. Phone number (optional)

4. Email (confirmation of your email address is required to provide feedback from Council)

gemin2871@hotmail.com

5. Having read the document, is it easy to read and understand?

Yes

6. Please provide any suggestions for improvement.

Public amenities e.g. Toilet

7. Do you support the overall objectives and content of the document?

Yes

8. Please provide further comments if you wish.

It's a beautiful area and the general public, I'm sure, would love to be able to access it.

9. If you wish your feedback to remain confidential please provide reasons for this.

[No Answer Entered]

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9 July 2017

Ms Jessica Saad
Property Officer
Strategic and Community Facilities Group
Ballina Shire Council

By email: jessicas@ballina.nsw.gov.au

Re: Draft Management Plan for Tosha Falls, Alstonville

Dear Ms Saad,

We thank you for your letter of 28 June 2017 advising of the public exhibition of the Draft Management Plan for Tosha Falls, which we have read with interest.

We wish to compliment Council for understanding the need for this process. We also thank the consultant, Mr Mike Svikis, for thoroughly examining the issues involved and outlining options and strategies to address the various problems, including those faced by ourselves, as neighbours.

As we have previously corresponded at length with Council on this matter, and do not wish to take issue with the draft report, we will make our response as succinct as possible. We would, of course, be happy to further discuss any relevant issues should this be thought useful.

As the draft report observes (Part A, page 16) -

“Observations of the neighbours suggest that the level of trespass is at times regular and highly disruptive to the peaceful enjoyment of private land.

“The trespass access points are all from public land or road reserves that are poorly fenced and signposted. Past attempts to do both have been subject to vandalism. The trespass has been reported by neighbours to local Police, but this has not resulted in any obvious reduction in trespass.”

We endorse these comments, highlighting as they do the three key recommendations aimed at reducing, and hopefully eliminating, trespass and anti-social behaviour on or near private land in the vicinity of Tosha Falls.

These key recommendations are -

- Suitable fencing
- Appropriate signage, and
- A communications strategy (more than just a fact-sheet) to inform the community (both broader and local) about approved and disallowed access to the Falls site.

The current lack of these actions contributes to the negative impact upon us, and were raised in our earlier correspondence. We continue to advocate for them.

Our key concerns about access and trespass relate to the lower end of Kim Court and the north-western corner of Tanamera drainage reserve, both of which abut our property as well as that of the Prendergasts' land.

As the report notes -

“Many of the trespassers are children or teenagers, and the paths they choose are insensitive to the privacy of those that live near the falls or near to the key trespass access points. Observations of the neighbours suggest that the level of trespass is at times regular and highly disruptive to the peaceful enjoyment of private land.”

As identified, both of these current access points require proper fencing. The former site has a Council sign (which would require re-wording), albeit it is often dislodged, while the latter has no signage at all.

In conclusion, we support the key remedial actions listed in the report that relate to the illegal access points adjoining or close to our property. We urge and would appreciate Council's moving to undertake the recommended works as soon as practicable.

As ever, we thank Council for giving due consideration to this submission.

Yours faithfully
(Signed)

Robin Osborne (Mr)

Grainne O'Brien (Ms)

Cc Mayor David Wright, Ballina 'C' Ward Councillors