

Response to Supplementary Questions

Portfolio Committee No. 7 – Planning and Environment
Koala populations and habitat in NSW
Hearing, Friday 25 October 2019

Question 1: *Given that Conditions 8-10 of the EPBC Approval 2015/7599 (Mt Gilead) refer to requirements with respect to the CEMP and the Chair's questions at the Campbelltown hearing referred to the Koala Management Plan required by Condition 7 (including regular monetary contributions over 5 years), please confirm the following:*

- a. *Has Lendlease prepared and submitted a Koala Management Plan in compliance with Condition 7 in addition to the preparation of a CEMP in compliance with Conditions 8-10?***
- b. *Can you provide a copy of the KPM?***

The requirement for Lendlease to prepare a Koala Management Plan was made by the Federal Government as a condition of their Commonwealth *Environmental Protection Biodiversity Conservation Act, 1999* (EPBC Act) approval.

Unfortunately, Council was not a party to, nor had any involvement in the Commonwealth approval process (as this occurred directly between the developer and the Department of the Environment and Energy); and there was no requirement made for the KPM to be submitted to Council. The committee would therefore be best placed to direct this enquiry to the DEE and/or Lendlease.

Question 2: *Lendlease stated that they were prepared to put a couple of overpasses in at their development, where would these overpasses be constructed?*

In 2017, Council commissioned Dr Steve Phillips to investigate the presence of koala habitat and the extent of utilisation of this habitat by koalas in the South Campbelltown area. Dr Phillips prepared an independent report outlining his findings and making recommendations for best-practice planning and design outcomes for the area, including any future upgrades to Appin Road (Phillips, 2018). This report clearly identifies the recommended locations for overpass structures to be constructed along Appin Road (refer to Figure 4 *in* Phillips, 2018).

This was followed up by a secondary study by Dr Steve Phillips, commissioned by Council; to further explore connectivity and model habitat patches and identify the least-cost dispersal pathways for koalas in the LGA, with a particular focus on South Campbelltown (Appendix G *in* Biolink, 2018). The findings of the study provided further support for the requirement for east-west corridor connections across Appin Road to maintain connectivity between the Nepean and Georges River koala populations; and emphasised the need for road crossing structures (eg overpasses/ underpasses) to be built specifically in the vicinity of the Beulah Biobanking site and the Mallaty Creek corridor.

Question 3: Why does Council require KPoMs for small developments but not for larger ones such as the Lendlease Gilead development?

The requirement for landowners to prepare an Individual Koala Plan of Management (IKPOM) comes under NSW State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP44); and is related to the size of the property (being > 1 hectare) and presence of core koala habitat; as defined under Part 2, Clause 9 of SEPP 44.

As outlined at the Parliamentary Inquiry, the Gilead development went through the NSW Governments biocertification process. This process effectively assesses threatened species upfront, and under this process, there is no requirement for the applicant to undertake any further NSW threatened species assessment as part of the development assessment process (which would usually include consideration of the provisions of the NSW *Threatened Species Conservation Act, 1995* and SEPP44). Therefore, the legislative planning framework process does not allow Council to request the preparation of an IKPOM under SEPP 44 from proponents that have opted to proceed down the NSW biocertification route.

Council's Comprehensive Koala Plan of Management (CKPOM) was prepared to meet the requirements of SEPP 44, and therefore (as above) the provisions of this plan do not need to be considered in State government biocertification applications. Notwithstanding this, the intent to biocertify Mt Gilead was formally acknowledged on 22 November 2016 via a Council resolution to proceed with the biocertification application for Gilead Site 1; which preceded the development and subsequent submission of Council's draft CKPOM to the DPIE for approval, on the 23 December 2016.

I can also confirm that Council's Natural Asset Corridor policy (a matter that was also raised at the Parliamentary Inquiry in relation to this line of enquiry) - was endorsed by Council at its Ordinary Meeting on the 28 November 2017; of which the biocertification application process for Mt Gilead is also noted to precede.

Although DPIE approval of our CKPOM remains outstanding; the draft revised CKPOM was adopted as a Council policy position at Council's Ordinary Meeting on 10 July 2018 - to ensure the provisions of the plan were continued to be recognised at a local scale in lieu of the outstanding approval by DPIE.

Question 4: Does Campbelltown Council have a vision for Koala Tourism beyond, CKPoM?

a. What is Campbelltown Council's plans for a Koala hospital & Sanctuary?

Council has investigated the feasibility of developing a koala care program for the Greater Macarthur region. This theme was raised at the Greater Macarthur Koala Partnership Forum, hosted by Council on the 6 March, 2019. The Forum was established as a result of a notice of motion from Councillors, and built on Council's long-term commitment to koala care and conservation in the region, and a number of industry and community koala experts were engaged to present on the key issues and threats affecting the long-term viability of koalas in the Greater Macarthur region.

A total of fifty-four people attended the Forum with representation from a range of stakeholder groups including Campbelltown and Wollondilly Council Mayors and councillors, State and Commonwealth local members, State and Commonwealth government agencies, community advocacy groups, researchers and scientists, veterinarians, developers and landowners. The

theme of the Forum was 'Local Issues, Collaborative Solutions', to recognise that while the issues relating to the care and conservation of koalas are regional specific, the actions required to address these issues are the responsibility of a broad range of stakeholders; both within and outside the Greater Macarthur region.

An Outcomes report was prepared on the Forum, and Council considered the findings at the Ordinary Council Meeting on Tuesday 11 June, 2019¹. This report included post-forum feedback received from specialist University of Sydney (USYD) veterinarian, Dr David Phalen of the Koala Health Hub (KHH) in relation to the opportunities for the establishment of local facilities and feasibility of a new koala hospital (Appendix G of the Outcomes report).

Since this time, Council has also been made aware that a developer located predominately in the Wollondilly Shire Local Government Area (LGA), has been working with local wildlife rehabilitation groups, namely WIRES, and Wollondilly Council to identify a suitable area to locate and establish a koala rehabilitation centre and hospital in the Greater Macarthur region – in the vicinity of the Wilton or Appin township.

b. What access will be made available to ongoing supply of Koala Feed Trees and from where where will they be sourced?

A lack of access to koala food resources, or 'browse', was first flagged with Council as an issue for local veterinarians working at the USYD KHH in Camden, back in 2014. Since this time, Council has prioritised the planting of preferred koala food tree species (PKFTs), and undertaken a number of community tree planting activities and events with the aim of serving the additional purpose of creating an arboretum of koala food trees.

The intention of this work is to, over time, and across various Council Reserves, provide much needed koala browse feed, which can be harvested by local veterinarians and wildlife carers alike.

To date, these initiatives have included:

- planting of 1,000 trees: Koala Walk Reserve, Ingleburn (National Tree Day, 2019)
- planting of 25 PKFTs: Council Officers and local residents at Stromlo Reserve, Ruse (Local offset plantings, 2018)
- planting of 500 trees: Koala food tree planting day organised in conjunction with the Campbelltown Catholic Club Do Something Day at Pinaroo Reserve, Bradbury (2018)
- planting of 1000 trees: Koala food tree planting day organised in conjunction with local wildlife care and advocacy groups held at Thomas Acres Reserve, Ambarvale (National Tree Day, 2018)
- planting 1500 trees: Koala food tree planting day organised as part of a collaborative grant project with GS-LLS titled 'Mitigating key threats to Campbelltown's koala population' held at Noorumba Reserve, Rosemeadow (National Tree Day, 2017)

¹ <https://www.campbelltown.nsw.gov.au/files/assets/public/document-resources/councilcouncillors/businesspapers/2019/11-june/attachment1toitem8.8reportfromcouncilsconsultantcontainingtheoutcomesreportforthegreatermacarthurpartnershipforum.pdf>

- planting of 100 trees: Restoration of core koala habitat as part of a collaborative grant project with the Federal Government's Green Army to help improve Quirk Reserve, Bradbury (National Tree Day, 2016)
- planting of 650 trees: Rehabilitation of core koala habitat as part of a collaborative grant project with GS-LLS Menangle Creek Riparian Restoration Project held at Noorumba Reserve, Rosemeadow (2015-2016)
- planting of 500 trees: Koala food tree planting day, organised as part of a collaborative grant project with Greater Sydney Local Land Services (GS-LLS) Improving Urban Koala Habitat Linkages and Community Stewardship held adjacent to Georges River Road in Airds, Smiths Creek Reserve (National Tree Day, 2015) (Figure 2).

Figure 2: PKFT planting site at Georges River Road, Airds (Left) 2015 and (Right) 2018



Furthermore, wildlife care and rescue groups are licenced as fauna rehabilitation groups under the NSW National Parks and Wildlife Services (NPWS). Eligibility and the maintaining of registration requires volunteers to adhere to relevant policies and legislation in the rehabilitation and care of native wildlife. A key part of the licencing is that carers are authorised to harvest native vegetation on public lands that exist within and around the Campbelltown LGA, to use as food resources for sick and/or injured wildlife in care.

In addition to the embellishment of peri-urban Council Reserves with PKFTs for this purpose; wildlife carers in Campbelltown are fortunate by way of their authority under the NPWS registration, in that they are able to access extensive areas of native vegetation along the Georges River and Dharawal National Park, which serve as an endless supply of harvesting opportunities for koala browse.

Council has also been working to assist koala carers with the disposal of organic waste arising from their carer duties, by providing an extra 240L garden organics bin free of charge to registered koala carers residing in the Campbelltown LGA².

² <https://www.campbelltown.nsw.gov.au/files/assets/public/document-resources/councilcouncillors/businesspapers/2018/13-november/councilmeetingagenda13november2018.pdf>

c. What are the mechanisms for ongoing funding, and what is the public & tourist access potential for these sanctuaries?

The location of Council's koala food tree planting sites (as described above in 4b) occur across Council Reserves throughout the LGA. Although these areas are not identified as 'sanctuaries' per se, the planting locations occur in areas of Council-owned lands that are readily accessible to the public. Locations for planting were prioritised in areas that overlap with koala habitat, and sites were nominated based on accessibility, in providing carers with 24-hour access to the harvesting and collection of browse to meet the needs of the koalas they may have in care at the time.

Question 5: Where have Council's koala credit biobank funds from Noorumba been spent?

a. Can we see an itemized list of the revenue generated and expenses incurred?

The funds (\$87,500) from the sale of the koala credits generated from the Noorumba Reserve Biobank site at Rosemeadow have been placed in an internal Biodiversity Fund account. These funds were sourced from the sale of 250 koala credits (as a single transaction) and has not yet been spent.

The money in this account is being set aside for future use by Council's Natural Areas team, as guided by the Council's Biodiversity Fund Guidelines; such as acquiring lands for biodiversity conservation and future biobanking.

Question 6: Why did Campbelltown Council allow the Koala biobanks on Gilead to be zoned Public Recreation and Rural?

a. Does Council see this as offering Koalas the best regulatory protections? How do these compare to the CKPoM?

To date, two Biobank sites have been established in association with Gilead Stage 1 to assist with meeting offset obligations for impacted ecological communities and impacts to koala habitat. These sites comprise the Noorumba-Mount Gilead Biobanking site (which does not incorporate Council owned land within Noorumba Reserve), and the Macarthur-Onslow Mt Gilead Biobank Site. An application will also be made to establish a third biobank site over the proposed Council Reserve/Conservation Area within Mt Gilead Stage 1 which will not generate any koala credits.

Biobanking Agreements are registered on the land title, and can only be modified or removed with consent from the Minister for Energy and Environment. The obligation to protect and manage land in perpetuity in accordance with the Biobank Agreement is binding for both current and future land owners, as are the annual reporting requirements to demonstrate compliance with the Agreement. As such Biobank Agreements afford a high level of protection to Biobank sites irrespective of the land use zone that applies to the land. Such agreements are therefore considered to be an appropriate conservation mechanism.

Nevertheless, in acknowledgement of community concerns about the land use zones that currently apply to the proposed and established biobank sites, a planning proposal has been lodged on behalf of Lendlease that seeks to rezone the proposed and existing Biobank sites to

E2 Environmental Conservation. This planning proposal will be considered by the Campbelltown Local Planning Panel in November 2019, and by Council in early 2020.

Question 7: *Why is Campbelltown Council enabling Lendlease to use a dedicated park in their Gilead development for their showroom?*

a. *How does this benchmark against the CKPoM?*

Council has resolved to seek a Gateway Determination for a planning proposal that would enable the temporary use of a future Community Hub for a sales and information centre on land zoned RE1 Public recreation. Temporary use of the Community Hub (to be constructed by lendlease) for a sales office would be an appropriate use of the facility, given that at the time of construction there would be few residents within the estate. This use would be temporary and would cease use upon registration of the 1200th lot, whereby the Community Hub would be transferred to Council's ownership as per the existing voluntary planning agreement.

This is standard practice for new residential development areas to temporarily locate their sales centres in public recreation areas; while residential lots are in the process of being sold and registered (as these areas would typically get little-to-no use until residents have physically moved into the area). The marketing events of Lendlease during this period typically form a program of events to raise awareness of the estate and are generally to a high standard.

Sincerely,

Fletcher Rayner
Executive Manager
Urban Release and Engagement