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O/N H-1008887

**INDEPENDENT PLANNING COMMISSION**

**MEETING WITH OFFICE OF ENVIRONMENT AND HERITAGE**

**RE: MODIFICATION TO KINGS FOREST RESIDENTIAL SUBDIVISION  
KOALA PLAN OF MANAGEMENT**

**PANEL:** **ROSS CARTER  
PROF RICHARD MACKAY  
CATHERINE HIRD**

**ASSISTING PANEL:** **BRAD JAMES  
DAVID KOPPERS**

**OFFICE OF  
ENVIRONMENT  
AND HERITAGE:** **KRISTER WAERN**

**LOCATION:** **IPC OFFICES  
LEVEL 3, 201 ELIZABETH STREET  
SYDNEY, NEW SOUTH WALES**

**DATE:** **9.33 AM, FRIDAY, 29 MARCH 2019**

MR R. CARTER: Hi, Krister. I need to do an opening statement, as we have a transcript of each of our meetings, so I will just read through that and then we will commence.

5 MR K. WAERN: Okay.

MR CARTER: So good morning and welcome. Before we begin, I would like to acknowledge the traditional owners of the land on which we meet, the Gadigal People. They may be Bundjalung for you, Krister. I would also like to pay my  
10 respects to their elders past and present and to the elders from other communities who may be here today. Welcome to the meeting today. Project 28 Proprietary Limited, the proponent who is seeking approval to implement a revised Koala Plan Of Management and amend the conditions of approval for the Kings Forest Residential Subdivision. My name is Ross Carter. I am the chair of this Independent  
15 Planning Commission New South Wales panel which has been appointed to help determine this proposal. Joining me are my fellow commissioners, Professor Richard Mackay and Catherine Hird.

The other attendees at this meeting are David Koppers and Brad James from the  
20 commission secretariat. In the interests of openness and transparency and to ensure the full capture of information, today's meeting is being recorded and a full transcript will be produced and made available on the commission's website. This meeting is one of the commission's decision-making processes which will form one of several sources of information upon which the commission will base its decision. It's  
25 important for the commissioners to ask questions of attendees and to clarify issues whenever we consider it appropriate.

If you're asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing which we  
30 will then put up on our website. I request that all members here today introduce themselves before speaking for the first time and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. So if we could just begin with you just introducing yourself, Krister, that would be great.

35 MR WAERN: So Krister Waern from the Office of Environment and Heritage. I'm the Senior Operations Officer in the northeast planning team for OEH.

MR CARTER: Great. Well, thanks very much, Krister, and thanks very much for meeting with us. I understand that Brad sent through a list of questions that we put  
40 together with key headings to them. So rather than being, if you like, bound specifically by the questions, we really want to talk about each of those topic areas with the questions more as prompts.

45 MR WAERN: Okay.

MR CARTER: I guess the first area was around the 27 hectares of additional offsets in v and just a bit of an overview from your perspective of where that's up to with OEH.

5 MR WAERN: Yes, sure. So I suppose this has been a condition which has been around for a long time and I think when it was originally negotiated with the applicant and DPE and OEH, there was an area of 27 hectares in Cudgen Nature Reserve which required rehabilitation and it seemed to fit as part of a koala offset package – a package of offsets for the impacts proposed and that was drafted as one  
10 of the conditions in the consent.

I suppose that's five to 10 years back – probably more likely 10 – so things have changed over time there where National Parks and OEH hadn't been approached for a very long time and have only just recently been approached to ask how many  
15 hectares are still there. So during that long delay, the National Parks have acquired other funds to rehabilitate part of the area through various means as that's part of their core business, to make sure that their national park estate is up to scratch. So the last – I did ask the National Parks Area Manager for an estimate of the area still available for rehabilitation in there and the estimate was about eight to nine hectares.

20 MR CARTER: So I guess that then raises the question of whether or not OEH is comfortable with additional offsets to make up the 27 hectares, being a combination of offsite and onsite area, or indeed all onsite which could be one option as well.

25 MR WAERN: Yes. Yes, for sure. I think we still agree with the intent of the original condition, so we still feel that there's – that was what was part of the conservation package, that 27 hectares. Now, if only eight or nine hectares can fit in Cudgen, maybe there's other avenues to fulfil the remaining portion of that 27 hectares elsewhere, whether that's onsite or offsite.

30 MR CARTER: Right. And in terms of the proponent exploring options for identifying other sites, what – does OEH have a view on what's a reasonable timeframe for that?

35 MR WAERN: Well, considering the timeframe we've already been under, I suppose it really needs to be linked to certain works in the consent. So obviously prior to Construction Certificate being issued or something like that – some sort of trigger to ensure that the offsets are adequately dealt with upfront rather than dragging on past that CC stage.

40 MR CARTER: And just on that point, Krister, so if it was triggered prior to Construction Certificate being issued, how would you see that relating, then, to the planting establishment timing and how that might progress on that 27 hectares because I think at the moment it's linked to stages of works?

45 MR WAERN: So, sorry, the 27 hectares is linked to the stages of works; is that what you're saying?

MR CARTER: Well, the progress of planting, should that be triggered by other stages of works or should it also be triggered by – prior to Construction Certificate being issued?

5 MR WAERN: Well, for the 27 hectares, I thought that was – in the current  
condition was to be secured prior to CC, but just taking a step back about how we've  
always intended the 27 hectares, I suppose to satisfy that condition, I think OEH and  
National Parks have been of the view that that 27 hectares would be costed and there  
would be a monetary figure applied to the rehabilitation of that and then that  
10 monetary sum would be given to National Parks to implement the rehabilitation of  
that. So I suppose from the applicant's viewpoint, that would be quite a quick  
process. It would be transferring funds, basically. So we wouldn't see Leda on  
National Park estate undertaking plantings and ongoing maintenance for years and  
years. I don't think that's practical and I don't think that's the intent of the  
15 condition. The intent of the condition was to get the funds for the rehabilitation of  
that area.

MR CARTER: But now that we've got perhaps eight to nine hectares of the 27  
20 hectares on the National Parks estate, that then leaves nearly 20 hectares that might  
be on the Kings Forest land itself which might mean that they undertake the  
plantings themselves.

MR WAERN: Yes, that's right. That's right. So if that remaining 20 or so hectares  
was to be on the Kings Forest site, then I would assume that that would be triggered,  
25 as you say, along with the precincts and stages as what they've proposed along those  
lines. So it would be a successive trigger depending on where it was located on the  
site.

MR CARTER: Okay.

30

MS HIRD: So if you got the – National Parks get the money, does that mean they're  
going to immediately start planting or will there be a delay?

MR WAERN: No, National Parks would start immediately. Yes.

35

MS C. HIRD: Would start immediately. Okay. And is there some sort of form or  
process that we could put in the condition to – that says exactly what would happen?  
Do they – is there a form XYZ to fill out, or - - -

40 MR WAERN: No. I mean, these – this type of arrangement is pretty unique; I  
haven't heard of it before. So – and obviously the condition was written many, many  
years ago, but I suppose the intent here is to rehabilitate the – part of the site.

MS HIRD: Okay. Yes.

45

MR WAERN: So it would – I mean, the condition may stay the same or may specify a monetary figure if we want to delve a bit deeper into that, and then to satisfy that condition would be the funds being transferred across.

5 MS HIRD: So what I'm a little bit concerned about is that if it's going to take us  
time to establish whether it's eight or nine hectares, you know, we've got numbers of  
things. We've got 27 which is very specific and we're very non-specific about  
what's in the national park. Would it be better for us to say you must establish at  
10 least 20 hectares on their own site or some other place? I mean, it seems like this  
could go on and on and on is what I'm trying to avoid.

MR WAERN: Yes. No, look, for sure. And I suppose we've been encouraging  
Leda for many years now to engage with OEH in identifying the site and committing  
to the rehabilitation because, you never know, the next year or so maybe that eight or  
15 nine hectares – there's going to be another source coming through. So – and we've  
also encouraged the applicant to seek advice from council, seeing whether there's  
other properties that council may own which may require rehabilitation or other  
offsite and obviously on the Kings Forest site as well.

20 So the 27 hectares could be a whole package of things and numerous sites which add  
up to the 27 hectares and I know that the National Park estate when I spoke to the  
area manager there about a week ago they indicated that there was some more area,  
maybe in the order of five to 10 hectares, on another national park which needs  
rehabilitation but just noting that that was on the western side of the highway so it  
25 wasn't part of the core koala habitat area which was preferenced by Tweed Council.  
So – but, look, that's another possibility there. But I suppose – yes, the applicant  
probably needs to start exploring these things to see how they can figure out those 27  
hectares.

30 MR CARTER: Okay. Thanks, Krister. And just in terms of koala food trees, the  
panel has been thinking about ways in which we can move to a slightly less complex  
way of driving that planting, and I – where our thinking had got to was that the koala  
food tree areas were all about koala food trees, so complicating it with conditions  
that related to quality of groundcover, etcetera, might not be appropriate, that really  
35 looking at an establishment phase that looked to a success rate of plantings of an  
appropriate mix. So it's forest red gum, tallowwood and swamp mahogany I think is  
the three.

40 So an establishment phase that aimed at 90 or 95 per cent tree survival and then a  
maintenance phase that required management of those areas to a percentage canopy  
cover in the longer term would be an outcomes-based approach to koala food trees.  
But I guess we just wanted to tease out a couple of issues about whether or not  
shrubs and groundcover are important for koala habitat as well as the food trees and  
45 whether the approach that we're thinking about would be one that OEH would be  
comfortable with. We understand that providing weeding is undertaken, that  
groundcovers are likely to naturally repopulate those areas over time, so just your  
thoughts on that.

MR WAERN: Yes. No, look, I've been liaising with Tweed Council over the last couple of years about this issue and I think we agree we need a very simple monitoring program. I know that Tweed Council are wanting to have more of a higher density of koala food tree plantings in those areas. Obviously those areas will be ultimately handed over to council for long-term management. So we agreed with that approach. We agree with the natural succession of the understory and ground layer that will eventually come on. There probably still needs to be some parameters around that, that if it doesn't come on, then there will need to be some supplementary planting of those elements as well. but we generally agree with the focus on the canopy, getting the canopy density up and the preferred koala food trees being the dominant plantings.

MR CARTER: Okay. So – because the density issue – while council was asking for a higher density of planting, our understanding was that as you move to a maintenance phase and canopy cover becomes the determinant, the density, if you like, will self-select to whatever is a sustainable density that provides that kind of canopy cover. Is that - - -

MR WAERN: Yes, that's right.

MR CARTER: Okay.

MR WAERN: And even the species selection – you know, if there's – I mean, over time, the veg community, which will be protected in perpetuity, will find its own natural selection of species as well from surrounding sources, so really all we're doing here is kicking it off in a certain direction and it will end up taking its own form over time.

MR CARTER: And maintenance will require, if you like, replacement planting if there's – if the canopy cover gets below a certain level over time.

MR WAERN: Yes.

MR CARTER: And so just back to your point on potentially having some requirement around supplementary groundcover planting. I assume in the maintenance phase once you've got, if you like, a stable canopy cover and if there hasn't been a natural succession – is that, sort of, where you are - - -

MR WAERN: Yes. I think there will have to be a bit of an interim process there where the restoration ecologist and some sort of monitoring report – whether that's an annual report – will pick up on these things to say, well, potentially, the groundcover in a certain area hasn't responded effectively and that may trigger some actions of supplementary planting in those areas.

MR CARTER: Okay. We might – we will turn our minds to that, but at first blush, it sounds a little difficult to prescribe in a consent condition.

MS HIRD: Yes.

MR CARTER: So - - -

5 MS HIRD: Yes.

MR WAERN: Okay.

10 MR CARTER: If you have any thoughts on how that might work and – after the meeting that you could shoot through to us, Krister, that would be appreciated, as well.

MR WAERN: Okay. No worries.

15 MS HIRD: What comes to mind with me is if you've got all these dwellings going in there and people are planting exotic species in their gardens, then the shrub cover is going to be influenced by that or – I don't understand the – how that's going to – I mean, if they were to all plant natives or something, I suppose that wouldn't be an issue, but do you know anything about that? It's - - -

20

MR WAERN: Well, I suppose these areas are going to be managed areas. Whether they're National Park or council reserves, they will be managed forever - - -

MS HIRD: Yes. Okay. Yes.

25

MR WAERN: - - - so I would have thought that even after Leda hand over the areas, then they will be managed by council and, you know, weeds and everything else will be – you know, if the canopy dies back in certain areas or whatever it is. So they are constantly managed areas. So I think that will be okay over time.

30

MS HIRD: Okay.

35 MR CARTER: All right. And, look, the issue around koala movement – and I guess the main issue that we're grappling with there is the koala fencing of the golf course. So just if you've got any – OEH has got any views on that in terms of both access of koalas to potentially plantings that we understood were going to be in the golf course area, but also in terms of movement through the site.

40 MR WAERN: Yes. Look, I think reading back through some of the documents, I think OEH were of the view that the golf course would form part of the koala area and there would be natural corridor functions for that to link other National Park reserves and council reserves. So I think the intent from us was that that would be included in the koala movement areas and then the fencing would be more to – in between the golf course and the residential area to restrict those sort of things. Is that  
45 still the case?

MR CARTER: Well, the proponent has put forward a different view on that and the panel is just considering the – you know, the different dimensions to that question at the moment. So we're interested in OEHs view.

5 MR WAERN: Yes. I think – I mean, obviously, that would be a better outcome for koalas and biodiversity in general to have that open rather than fencing off the golf course.

10 MR CARTER: Okay. Is there any – Catherine, did you have any other areas in the - - -

MS HIRD: It was - - -

15 MR CARTER: - - - crossing issue that - - -

MS HIRD: It was to do with the fencing – are we going to go into fencing in another section?

20 MR CARTER: Yes. Yes – no – if you wanted to do that now .....

MS HIRD: It was just – I think they're proposing an adaptive approach to fencing, so that during when these roads have to be put through areas, they will close them off during the – gates off during the night so that people can't access this road which allows the koalas to move across the roads at night-time, I assume. So I was just  
25 wanting to know a bit more about koalas and whether – what would cause them to want to go out there during the daytime when works were being undertaken.

30 MR WAERN: Yes. I mean, I'm not a koala expert by any means but my – I mean, my understanding – obviously, the koalas move more at dusk and dawn and at night, however, when they're more stressed or there's food or water shortages - - -

MS HIRD: Yes.

35 MR WAERN: - - - or even dog or cat or noises – whatever – then they can move during the day. Yes. Sorry. That's probably about – all I've got to say about that one.

MS HIRD: That's all right. No. It's just - - -

40 MR CARTER: So one of the, I guess, staging issues that was coming up was that clearly there's requirements for a range of underpasses to be in place in the final state for the site, but there was quite a lot of concern raised about whether construction and construction fencing and activity would, if you like, precede the permanent  
45 establishment of those underpasses and, I guess, you know, the panel have been thinking about whether having a general outcome of maintaining koala movement and access at night at all times.



So, if you like, when construction is taking place for safety for what other reason, fencing might be required, but that that should be done and perhaps in a way that at night gates could be left open or arrangements made so that the koalas would have free passage overnight. I'm not sure how attractive going through construction zones  
5 may or may not be, but I guess that kind of concept was one we had been thinking about. Does OEH have a view on how that might work?

MR WAERN: Yes. Look, I think I – I mean, OEH would agree with the intent of having that availability for koalas to move through at night rather than having the  
10 construction area permanently shut off. So I think there would definitely be a benefit there or potential benefit for the koalas if there was something like that implemented, for sure.

MR CARTER: Okay. I think that covers those issues. We've had a couple of  
15 issues raised about forest red gum viability and, I guess, palatability under stress because of phenolics and those sorts of issues, but where our thinking had gone on that was that if there was a general requirement for the plantings to occur of a mix of forest red gum, tallowwood and swamp mahogany and an outcome-based approach to both density planting and canopy cover over time, that that would, I guess, push  
20 the proponent into making sure they were matching species to appropriate soil and groundwater conditions and if they got that wrong, you would assume that they would have a lack of success in particular areas of the planting and they would have to replant them with a different species mix. Did OEH have anything to add around that, sort of, issue of the appropriateness of forest red gums and their viability on the  
25 site or does that, kind of, concept deal with that?

MR WAERN: Yes. Look, I think that concept does deal with it. I suppose it's a generally flat site, so there are going to be, you know, certain contours, and there's going to be changing in contours and hydrology through construction, as well. So  
30 these areas, you know, could change over time, I suppose. But, in saying that, I think the proposed mix of species and diversity, ongoing management and natural recruitment of species over time in those areas will hopefully adapt to those changes over time. So yes, it may be an issue initially with some plants perhaps not surviving as well, but that would have to be an adaptive process, I suppose, with a restoration ecologist guiding that work and guiding what to replant in those areas.  
35

MR CARTER: Okay. Catherine, did you – I'm sort of trying to stick to the general areas of the questions.

40 MS HIRD: That's right, yes.

MR CARTER: If I've missed things that - - -

MS HIRD: Well, the – no, no. I'm just – I think we're rising – yes. So - - -  
45

PROF R. MACKAY: It's Richard, Krister. Just jumping back to the 27 hectares.

MR WAERN: Yes.

PROF MACKAY: Exactly what process has to happen for that eight or nine hectares to be locked in? So, like, does the applicant enter into a covenant with the  
5 Park Service or – like, assuming consent was issued tomorrow and they wanted to get on with it as quickly as possible, exactly what would happen to allow that money to come across to the park service?

MR WAERN: Well, I suppose the first step there would be to agree on what that –  
10 and I suppose we haven't – we haven't engaged – or the applicant hasn't engaged with us to try and figure that bit out yet, and I suppose due to the long timeframes we haven't allocated the resources to come up with that figure, either. So – but ultimately there will need to be some sort of assessment about what the cost of that rehabilitation is for whatever area it may be, and then obviously getting agreement  
15 from the applicant on that.

PROF MACKAY: Yes. But, Krister, if I may, just – but what I'm really asking about is the process.

20 MR WAERN: Yes.

PROF MACKAY: So do they write to you saying, "We would like to give you some money to rehabilitate eight hectares, how much," or do they – is there a – you know, I mean, I – it's not – like, is there a form of agreement or – what – like – okay,  
25 we've all agreed it's going to happen and we appreciate there has to be a costing, but what's – what I'm asking about is the mechanism to make it so that we can frame a condition to deliver that mechanism.

MR WAERN: Yes. No, sure, sure. Well, I mean, the way the condition is written  
30 at the moment is a little bit - - -

MS HIRD: Vague.

MR WAERN: - - - loose, I suppose. So ideally the condition would state the  
35 monetary figure. I think that would be the easiest, rather than having a potentially protracted negotiation outside of the conditions. So that would be my first preference, I suppose. Short of that, then, yes, the applicant would come to OEH and request costings for the eight or nine hectares at - - -

40 PROF MACKAY: Yes, but what – what I'm asking – that's – is the legal mechanism. Is it a conservation agreement? Is it a - - -

MR WAERN: No, no. No, no, it would be - - -

45 PROF MACKAY: A contractor - - -

MR WAERN: It'd be the conditions of consent.

MR CARTER: Well, I suppose, Kris, because the condition may be one that looks at the proponent having to demonstrate that they have secured 27 hectares in various forms, because they may secure it on their own site or some other sites.

5 MR WAERN: Yes.

MR CARTER: If the eight hectares was part of that, what form of instrument would be, if you like, a legally recognisable trigger that that was locked in, even if – you know, because I don't think the timeframe in which – where there's a consent  
10 authority have got to consider the conditions would allow for costings and all of that to occur.

MR WAERN: Yes.

15 MR CARTER: So it would really be, if you like, what sort of instrument would give confidence that, prior to a construction certificate being issued, the proponent had adequately demonstrated that they had locked the 27 hectares in and, of that, if they did go down the path of the eight hectares, what sort of instrument might be in place between the proponent and OEHL that would – or National Parks that would give  
20 confidence that that was going to happen, I guess?

MR WAERN: Yes. No, look, I suppose we would be reluctant, perhaps, to delve into a planning agreement, due to the costs and length of time that that takes to generate. I suppose could a condition say something to the effect that, prior to CC,  
25 the eight or nine hectares nominated by OEHL should be secured by funds being transferred to National Parks and Wildlife. I mean, I think it would be easier in a condition rather than deferring those things to a planning agreement. But – I mean, what are you – I mean, is there any other mechanism which could do that?

30 MR CARTER: Well, I guess we're – yes, we're asking – and I suppose it could – you know, you could imagine it could take the form of a contract or something of that nature that, I suppose, the outcome is an instrument that would be legally binding so that the community and the department as the regulator of the consent would have confidence that the requirement was being complied with. So, look, if –  
35 perhaps if you could have a bit of a chat to National Parks, as well, just on what kind of forms these things have taken in the past so that we don't end up potentially with a – you know, if we look at potentially wording that condition, we don't end up with something that doesn't reflect the way these things are delivered.

40 MR WAERN: Yes. Okay. All right. Well, maybe I can provide some more advice around that.

MS HIRD: Yes.

45 MR WAERN: I will have a chat to National Parks and we can get back to you on that one.

MS HIRD: Can - - -

MR CARTER: Yes. Thanks, Kris - - -

5 MS HIRD: Can we be specific – sorry to interrupt. Can we be specific on that there is eight or nine hectares? Because, again, I think it would be nice to be able to put some numbers on things.

10 MR WAERN: Yes, sure. Sure. Yes. So if National Parks were in a position to cost that area, is that a figure which is useful?

15 PROF MACKAY: It's Richard, Krister. I think we're yet to form a final view on whether what we might require is just 27 hectares, which could be Cudgen Nature Reserve onsite, other contiguous lands, or a combination, or whether we're actually going to specify a specific recipe that says it must be eight hectares in Cudgen and up to so much on site and – you know? So – certainly it can't help if the Park Service is in a position – if you can't but help if the Park Service is in a position to say, "Look, there is 8.6 hectares available and that will cost this much money."

20 MR WAERN: Yes.

PROF MACKAY: That would certainly be very helpful to us.

25 MS HIRD: Yes, yes.

MR WAERN: Yes.

30 PROF MACKAY: But we may not commit to the specific recipe on how that offset has to be configured.

35 MR WAERN: Sure, sure. I suppose the other thing to consider there, that – and maybe this goes to what you were trying to get out previously with the planning agreement or something – some sort of agreement there, because obviously the CC being issued, that's not a given. That could be six months. It could be 10 years. So I suppose in some sort of agreement we're expecting National Parks and Wildlife to have that area ready to go depending on when Leda are issued with their CC.

PROF MACKAY: Yes.

40 MR WAERN: So I suppose that's a timing issue which could be a problem.

45 PROF MACKAY: Well, yes. I think also conceptually our – you know, our desire would be that, insofar as offsets or a koala habitat or koala food sources are being provided, that the upside and the opportunity for the koalas is provided before the impacts of the development proceeding, and I'm appreciating that that's a staged process. It might be a lovely thing for the park service to have the money in the bank, but it's not real good for the koalas until the trees are planted.

MS HIRD: Yes.

MR WAERN: Sure, yes.

5 MR CARTER: Yes. Yes. And I guess that sort of goes to also, you know, making  
sure that our conditions focus on the outcome as much as possible, rather than being  
too proscriptive, given that things might change over time. If you prescribe  
something that in five years time is no longer available for other reasons, you don't  
10 want to then miss out, if you like, on getting the entirety of the 27 hectares. So we're  
sort of putting our minds to, well, how might that conditioning work.

MS HIRD: Yes, yes.

15 MR CARTER: And I guess the point about the eight hectares is, if it does end up  
forming part of the 27, how will we know in a way or how will the regulator of the  
consent know in a way that they can be satisfied that the condition's been complied  
with.

20 MR WAERN: Yes. No, sure, sure.

MR CARTER: Yes.

25 MR WAERN: I know that a few years back when we looked at this condition with  
DPE I think we generally agreed that for the applicant to satisfy that condition, 27  
hectares of rehabilitation, although there may not be 27 hectares at Cudgen Nature  
Reserve, that the 27 hectare condition could be costed and put as a monetary value,  
making that condition a bit easier to comply with, and then that – obviously that  
monetary value would then be up to DPE, perhaps OEH and Tweed Council about  
30 how best to get koala outcomes for that money. But that was as few years ago.

MR CARTER: Okay. So thanks for that. Richard, did you have any other areas  
you wanted to explore with Krister?

35 PROF MACKAY: I don't think so. I think I'm comfortable with all that. I'm  
conscious there are some things in this list of questions we haven't got to, but I'm not  
sure we - - -

MS HIRD: Well, some of them get solved - - -

40 PROF MACKAY: Well - - -

MS HIRD: - - - by the concept - - -

PROF MACKAY: Yes.

45 MS HIRD: - - - that we're going – the adaptive management process.

PROF MACKAY: Yes.

MS HIRD: So a lot of them were going from there. And the main other issue is timing and the timing relates to the discussion we've just had, as well as the times  
5 that things are going to take to get planted because there's quite a lot of difference  
between the proponent's view and Tweed Council's view on how long things should  
take. And I think that's – and the other issue was this – the role of the shrubs, I  
think. And – I mean, again, that's an adaptive management thing, but maybe if  
you've got some further information on how we might handle – it concerns me that  
10 we've got such a dense plantation style of planting. I've just been in a forest recently  
with a bigger ..... and there are no shrubs underneath, you know, it's just leaves. So I  
was really wanting to know how important that shrub canopy was to the survival of  
koalas, I suppose.

15 MR WAERN: Well – I mean, I think – I mean, the end goal is to create a vegetation  
community - - -

MS HIRD: That's right. Yes.

20 MR WAERN: - - - which has - - -

MS HIRD: Yes.

MR WAERN: - - - which has structure - - -

25 MS HIRD: Yes.

MR WAERN: - - - groundcover, mid-storey, over-storey but I think generally  
through – when you're starting with a very cleared area like this, you do – the first  
30 step is – my understanding is to get the canopy up.

MS HIRD: Yes.

MR WAERN: And then over time, that natural succession of that site, other  
35 structural elements will develop over time - - -

MS HIRD: But that might take a lot longer than 10 years, might it not?

40 MR WAERN: It could, yes.

PROF MACKAY: I think – Krister, it's Richard again. The question there is if we  
go about it in this sequence, which is a denser planting of the food source trees up  
front to establish the canopy and then rely on colonisation to get the under-storey, in  
that period when there is no under-storey, does that adversely affect koala movement  
45 on the ground?

MR WAERN: Look, I probably couldn't answer that question. All I could say is that the priority is to get the koala food trees up and, I suppose, secondary to that would be the groundcovers and the shrub layer, which will eventually come anyway once you get that canopy up and natural thinning starts to occur and that veg  
5 community starts having that succession. So I don't really see any other way of doing it rather than – I suppose we probably support Tweed Council's view about how to - - -

10 PROF MACKAY: Right.

MR WAERN: - - - rehabilitate it.

PROF MACKAY: Okay.

15 MR CARTER: Okay.

MS HIRD: So I think the only one that was worth teasing out a little bit more is we – I asked the question earlier about what would cause a koala to move across a busy roadway or a construction site during the day.

20 MR WAERN: Yes.

MS HIRD: I did take up on your point that they moved in dusk and dawn, so maybe there's some times that we might have to put in a condition of consent? I don't  
25 know. I mean, again, we haven't formed a view on it. And whether to be a bit extra careful during extremely dry periods when koalas might come out seeking water that's being used to wash down the roads or whatever? I don't know, but I'm just saying if you've got any ideas of some conditions, without being too onerous or specific, that might be in addition to just simply gating them off during the daytime.

30 MR WAERN: Yes. Okay. Well, I'm happy to chat to a few colleagues internally and try and get back to you on that one.

MR CARTER: Okay. Thanks, Krister. Well .....

35 MS HIRD: I think .....

MR CARTER: All right. Look, I – unless Brad or David have any follow-up questions?

40 MR B. JAMES: No, nothing from me.

MR D. KOPPERS: No, I've got nothing.

45 MR CARTER: All right. Well, thank you very much, Krister. That was very helpful. And, on that note, I will call the meeting to a close. If there is any follow-up, sort of, information, if you could liaise directly with Brad on that - - -

MR WAERN: Yes.

MR CARTER: - - - that would be great.

5 MR WAERN: Okay. No worries at all.

MR CARTER: Okay. Thanks very much.

10 MR WAERN: Thank you. Bye.

MR CARTER: Bye.

**RECORDING CONCLUDED**

**[10.14 am]**