

Addendum Report

REPORTS FROM SUB-COMMITTEES/WORKING GROUPS

b60 [SUB-TCKAG] Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 4 April 2013

SUBMITTED BY: Natural Resource Management



Caring for the Environment

SUMMARY OF REPORT:

The Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 4 April 2013 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. The Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 4 April 2013 be received and noted; and

2. The Executive Management Team's recommendations be adopted as follows:

2. *LEP Update*

1. That Council notes that:

a) Clause 15(b) of *SEPP 44 Koala Habitat Protection* requires Council to: *make or amend a local environmental plan: (i) to include land identified as core koala habitat within an environmental protection zone, or (ii) to identify land that is a core koala habitat and apply special provisions to control development on that land.*

b) The Draft Tweed Coast Koala Plan of Management recommends that Council's comprehensive LEP should be reviewed to include zoning for environmental protection of all areas of remnant bushland that occur within identified core koala habitat on Tweed coast.

c) Under a Standard Instrument LEP environmental protection zoning is necessary if Council seeks to maintain its tree preservation provisions in areas of identified core koala habitat.

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- 2. Consistent with the requirements of SEPP 44 Koala Habitat Protection, Council considers the revision of Draft LEP 2012 to include, where possible, remnant bushland identified as core koala habitat on the Tweed Coast within an appropriate environmental protection zone.**

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REPORT:

The Minutes of the Tweed Coast Koala Advisory Group Committee Meeting held Tuesday 4 April 2013 are reproduced as follows for the information of Councillors.

Venue:

Canvas & Kettle Room – Murwillumbah Civic Centre.

Time:

1.30pm

Present:

Cr Katie Milne (TSC), Mark Kingston (TSC), Iain Lonsdale (TSC), Steve Jensen (DP&I), Anita Mudge (community rep), Jennifer Hayes (Team Koala Inc), Rhonda James (community rep), Ralph Kraemer (community rep), John Turbill (OEH), Lorraine Vass (Friends of Koala Inc.)

Apologies:

Sally Jacka (TSC)

Minutes of Previous Meeting:

Moved: Anita Mudge

Seconded: Ralph Kraemer

RESOLVED that the Minutes of the Tweed Coast Koala Advisory Group Committee meeting held Tuesday 26 February 2013 be accepted as a true and accurate record of the proceedings of that meeting (subject to adoption at next Council meeting).

AGENDA ITEMS:

1. Revised Draft CKPoM

At the previous meeting (26 February 2013) the Koala Advisory Group resolved that *Council staff “road test” the statutory aspects of the draft Plan and report back to the next KAG meeting.*

Accordingly, the draft Plan was circulated to senior planning staff and a half day workshop was held with to discuss Part 5 (Development Assessment and Control) and Part 6 (Compensation for Loss of Koala Habitat) of the draft Plan.

Although it was acknowledged that considerable work had gone into the preparation of the draft Plan, it was generally felt by the staff present that it was difficult to read and there was considerable scope for improvement. In addition to the need to clarify or resolve a number of specific issues, it was also agreed that further information was needed to explain the rationale behind a number of the provisions of the draft plan. These include, but are not limited to the following:

- the classification of “core koala habitat” in relation to SEPP44;
- the rationale for using cadastral, rather than ecological boundaries to define Koala Management Precincts (KMPs) and “core koala habitat”;

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- the statutory background under SEPP 44 for the recommendations relating to proposed environmental zonings;
- the rationale for enclaving provisions;
- the rationale for habitat compensation especially where there is no evidence of koalas;
- proposed provisions to retain koala habitat outside of the Development Assessment process.

Mark provided a detailed written summary of the general and specific issues raised at the workshop and these were further discussed with the KAG where it was agreed that further work was needed to refine these provisions of the draft Plan. Mark will attempt to sort out the issues raised prior to the next KAG meeting in May.

2. LEP Update

Iain advised that approximately 1500 submissions were received and Council was in the process of evaluating them for inclusion in the May Council report.

At the previous meeting (26 February 2013) the Koala Advisory Group resolved that *Council staff will consider draft recommendation regarding a Environmental Protection zoning and report to the next meeting for discussion with a view to providing a recommendation to Council on the issue.*

Consistent with this resolution the following recommendation circulated to the Koala Advisory Group prior to the meeting and resolved as follows:

RECOMMENDATION:

Moved: Rhonda James

Seconded: Lorraine Vass

1. That Council notes that:
 - a) Clause 15(b) of *SEPP 44 Koala Habitat Protection* requires Council to: *make or amend a local environmental plan: (i) to include land identified as core koala habitat within an environmental protection zone, or (ii) to identify land that is a core koala habitat and apply special provisions to control development on that land.*
 - b) The Draft Tweed Coast Koala Plan of Management recommends that Council's comprehensive LEP should be reviewed to include zoning for environmental protection of all areas of remnant bushland that occur within identified core koala habitat on Tweed coast.
 - c) Under a Standard Instrument LEP environmental protection zoning is necessary if Council seeks to maintain its tree preservation provisions in areas of identified core koala habitat.
2. Consistent with the requirements of SEPP 44 Koala Habitat Protection, Council considers the revision of Draft LEP 2012 to include, where possible, remnant bushland identified as core koala habitat on the Tweed Coast within an appropriate environmental protection zone.

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There was also further discussion on the need to be able to retain tree preservation provisions over core koala habitat over rural-zoned lands under the Standard Instrument LEP. Council staff undertook to discuss with other councils in the region and report back to the KAG.

3. Endangered Population Nomination

Mark emailed the NSW Scientific Committee to enquire if Council's nomination had been considered yet. The following reply was received from the NSW Scientific Committee:

Thank you for your email regarding the nomination of the Tweed Brunswick Coast Population. I apologise for the delay in contacting you again about your nomination. The Committee initially reviewed your nomination upon its receipt and noted that the nomination was accompanied by a number of additional reports. The Scientific Committee is a part time Committee which meets once per month. The Committee members who are reviewing your nomination and the additional reports are also finalising some other assessments for the Committee. The Committee may also decide to seek advice from organisations and individuals familiar with the Koala and/or the Tweed Brunswick population. Consequently, I regret I am unable to estimate when I will be able to advise you of the Committee's decision at the moment.

GENERAL BUSINESS:

4. Councillor Workshop

Jenny reminded the group of a previous resolution (28 August 2012) to hold a workshop with the new council (2012-2016). Although it was originally anticipated that this could be done when the draft Plan was complete, it was agreed that it would be beneficial to hold a workshop as soon as possible to provide the new Council with an update on the progress of the draft Plan.

Meeting Closed

The meeting closed at 4:00pm.

Next Meeting

Tuesday 28 May 2013 - to be confirmed.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

2. LEP Update

1. That Council notes that:

- a) **Clause 15(b) of SEPP 44 Koala Habitat Protection requires Council to: make or amend a local environmental plan: (i) to include land identified as core koala habitat within an environmental protection zone, or (ii) to identify land that is a core koala habitat and apply special provisions to control development on that land.**

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- b) The Draft Tweed Coast Koala Plan of Management recommends that Council's comprehensive LEP should be reviewed to include zoning for environmental protection of all areas of remnant bushland that occur within identified core koala habitat on Tweed coast.
 - c) Under a Standard Instrument LEP environmental protection zoning is necessary if Council seeks to maintain its tree preservation provisions in areas of identified core koala habitat.
2. Consistent with the requirements of SEPP 44 Koala Habitat Protection, Council considers the revision of Draft LEP 2012 to include, where possible, remnant bushland identified as core koala habitat on the Tweed Coast within an appropriate environmental protection zone.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice.

Terms of Reference - adopted 20 April 2010

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 4 Caring for the Environment
- 4.2 Conserve native flora and fauna and their habitats
- 4.2.1 Promote the protection of native vegetation and wildlife habitat of high conservation value, social or cultural significance in Tweed Shire

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
