



Our ref: 0217793

14 May 2021

The General Manager
Port Stephens Council
PO BOX 42
RAYMOND TERRACE NSW 2224

Lodged Via NSW Planning Portal

CC: Ryan.Falkenmire@portstephens.nsw.gov.au

ATTENTION: RYAN FALKENMIRE – PRINCIPAL DEVELOPMENT PLANNER

Dear Ryan,

**SECTION 55 REQUEST TO AMEND CONCEPT DA SIS & VMP FOR CLARIFICATION PURPOSES
CONCEPT DA 16-2018-772-1 FOR KINGS HILL DEVELOPMENTS**

**Lot 41 DP1037411 & Lot 4821 DP852073
3221 PACIFIC HIGHWAY, KINGS HILL**

On behalf of Kings Hill Developments (KHD), and in accordance with section 55 of the Environmental Planning and Assessment Regulations 2000 (as amended), I write to request Council's agreement to a small number of minor amendments to the Species Impact Statement (SIS) and Vegetation Management Plan (VMP) that accompany the Concept Development Application ('**Concept DA**') before it is determined.

The importance of the proposed amendments became apparent during Local VPA negotiations with Council, during which time a need for greater clarity around the proposed sequencing of site preparation works was identified.

The minor amendments proposed involve the SIS and VMP, and include (see **Attachment A**):

- clarification as to the vegetation clearing procedure under Stage 1 of the Concept DA; and
- to account for clearing works required to establish the koala fence at the edge of the proposed Conservation Area within Lot 4821 DP852073, the area of clearing in each Phase needs to be adjusted. The proposed amendment only involves a reapportionment of the area to be cleared within each Phase, so the total area of clearing remains unchanged.

The amendments do not impact the conclusions or recommendations of the SIS and do not otherwise alter the proposed Stage 1 of the Concept DA.

The VMP is proposed to be amended to align with the requested amendments in the SIS, but a provision is also included to enable a 'performance target' reporting process (see **Attachment B**). In short, the evaluation of performance targets is separate to the annual monitoring process, where the works performed for any given development stage relative to performance targets is to be provided for Council's review and satisfaction prior to progression onto subsequent development stages.

The proposed amendments are minor and only amend the Concept DA to the extent highlighted in yellow (SIS) or Document Tracked (VMP) in the **attached** extracts (while the non-highlighted content is unaltered extracts provided for context). Full copies of the SIS and VMP, amended per the attachments, are enclosed.

There are no amendments required in relation to the BMP.

KHD appreciates Council consideration of the proposed amendments, which are aimed at avoiding unintended or perverse development outcomes. In turn, it is hoped that Council will agree in writing that this request has merit, and the proposed amendments are warranted prior to the determination of the Concept DA.

Should you require any additional information please do not hesitate to contact me on 4948 4322 or email jason@jwplanning.com.au.

Yours faithfully,

JW PLANNING PTY LTD

A handwritten signature in black ink, appearing to be 'JW', with a long horizontal line extending to the right.

Jason Wasiak
DIRECTOR – PRINCIPAL URBAN PLANNER
Bach. Urban & Regional Planning (U.N.E)
Assoc. Dip. Eng (LESD) (H.I.T)

ATTACHMENT A
Revised SIS extracts

2 CONTEXTUAL INFORMATION

2.2 Description of the Proposal, Subject Site and Study Area

2.2.1.3 Site Preparation Sequence

The Phased site preparation sequence, as shown in **Figure 2.6**, is detailed in **Table 2.5**.

Table 2.1 Site Preparation Sequence: Project Phasing

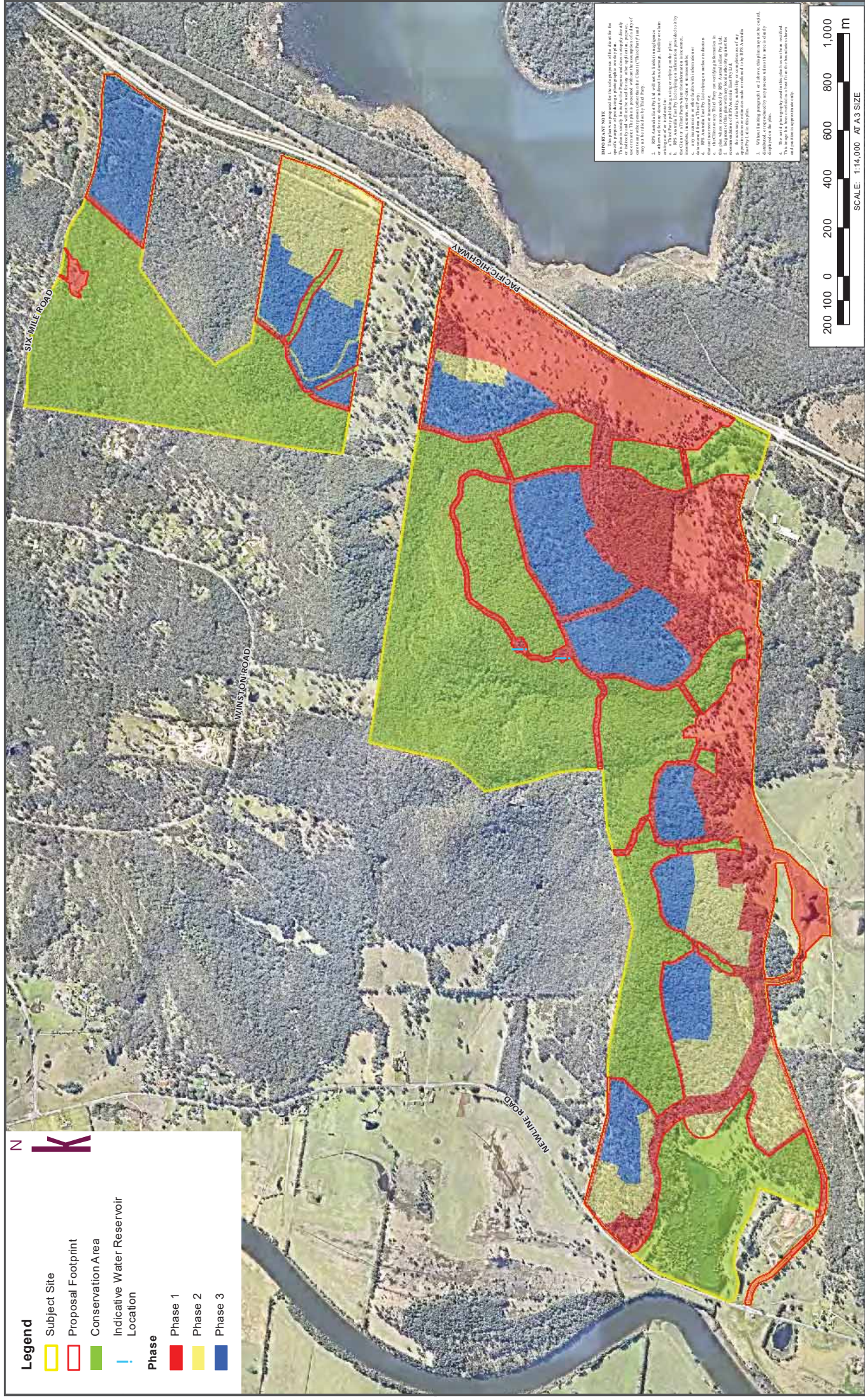
Phase	Objective	Notional Timeframe (years)	Land Area (ha)	Non- vegetated land (ha)	Native Vegetation Cover (ha)	
					Retained	Removed
0	Implement mitigation measures to generate ecological benefit within the Conservation Area prior to Phase 1-3 impacts	-2 to 1	244.25 ¹	13.06 ²	231.19 12.38 ³	-
1	Focused site preparation works on relatively low biodiversity value (i.e. cleared to partially cleared lands, vegetation with low condition)	1 to 3	131.97	56.09	6.63 ⁴	75.88 79.01
2	Progressive site preparation works occurring within areas of increasing biodiversity value	3 to 8	52.09	3.38	-	48.71 47.86
3	Finalisation of site preparation works within areas of higher biodiversity value	8 +	88.85	1.30	-	87.55 85.27

¹ Incorporates E2 lands (**Figure 1.2**), impact avoidance areas (**Figure 2.5**), cleared lands and areas of water

² Includes treeless cleared lands (12.38 ha) that are subject to revegetation works and farms dams (0.68 ha), which are to be retained

³ Represents area of revegetation works of non-vegetated lands contained within the Conservation Area

⁴ Revegetation of detention basins within Proposal footprint

[illegible]

TITLE : FIGURE 2.6: SITE PREPARATION SEQUENCE

LOCATION : KINGS HILL

DATUM:GDA 1994

DATE: 5/12/2020

DATE: 5/12/2020
PURPOSE: ECOLOGY

VERSION (PLAN BY): BA3 (mark aitkens)

J:\JOBS\1306\1304-30 Raymond Terrace\10 - Drafting\A\cgis Map Documents\EG colReport3. SIS\2020\1204 SIS
 Supplemental\A\1304-30 Figure 2 6a Site Preparation Sequence B A3 2020\1204.mxd

CLIENT: PM NO 1 PTY LIMITED
JOB REF: PR130430

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)
Unit 2A, 45 Fitzroy Street, Carrington, NSW, Australia, 2294 PO Box 120, Carrington, NSW, 2294

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2.2.1.5 Vegetation Clearing Sequencing and Procedure

- Step 3: Complete native and exotic vegetation removal with the exception of trees deemed suitable by an arborist and bushfire consultant for inclusion in urban landscape, subject to compatibility with engineered structures. Consideration should be given to the integration of suitable tree species into the urban landscape. Soil and erosion management procedures are to be applied in this step to ensure satisfactory water quality standards at the catchment scale, with specific details of these management specifications to be provided in the approved subdivision works certificate for the corresponding construction activities. Manage harm to fauna through observance of preclearance surveys and clearing supervision.

This vegetation clearing sequence and procedure outlined above does not preclude the carrying out of initial development enabled by the State Planning Agreement (i.e. initial east west road link and associated early stages of subdivision) to the extent that it remains within the areas of Phase 1. A more detailed prescription for these clearing procedures is provided in the VMP (see **Appendix D**).

To avoid doubt, Step 3 in any phase can only occur to the extent that consent is granted for development within that phase, thereby preventing indiscriminate clearing (note: Step 2 may proceed to Step 3 without other areas of the same Phase completing Step 2). This requires the satisfactory completion of Steps 1 and 2, each having the purpose of minimising impacts over time on affected species.

Notwithstanding, Step 1 can occur at any time in any phase where consistent with regulated biosecurity obligations. To ensure impact minimisation, Step 2 of Phase 2 cannot proceed until Step 3 of Phase 1 is completed for all areas contained within Phase 1 (i.e. a process facilitating the movement of fauna into adjoining vegetation). Similarly, Step 2 of Phase 3 cannot proceed until Step 3 of Phase 2 is completed.

5 ASSESSMENT OF LIKELY IMPACTS ON THE THREATENED SPECIES AND POPULATIONS

5.1 Assessment of Likely Impacts

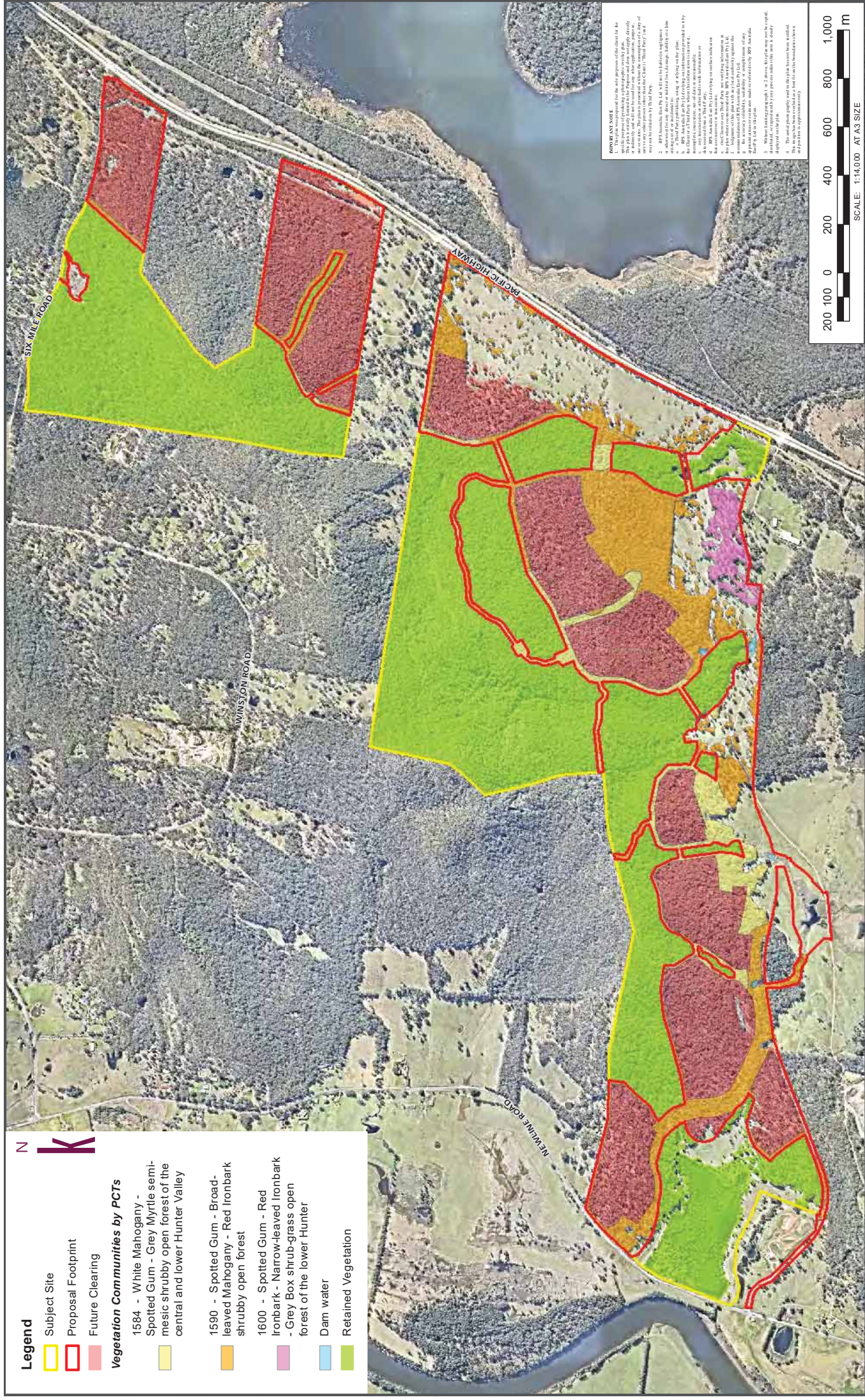
5.1.1 Direct Impacts of the Proposal

5.1.1.1 Vegetation communities

Native vegetation/ habitat retention and loss arising from the Proposal is shown in **Figure 5.1** and **Table 5.1**.

Table 5.1 PCT Area (ha) by Phase (Impact) and Protection (Conservation Area)

PCT	Condition	Impact Area (ha)	Conservation Area (ha)
Phase 1 (1-3 years)			
783 Coastal freshwater swamps of the Sydney Basin Bioregion	moderate good high	-	9.21
1525 Sandpaper Fig - Whalebone Tree warm temperate rainforest	moderate good high	-	2.42
1230 Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion	moderate good poor	-	0.15
1584 White Mahogany - Spotted Gum - Grey Myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley	moderate good high	47.67 18.04	101.51
1590 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	moderate good high	47.56 50.32	108.83
1590 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	moderate good medium	-	2.15
1590 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	moderate good poor	5.50	0.38
1600 Spotted Gum - Red Ironbark - Narrow-leaved Ironbark - Grey Box shrub-grass open forest of the lower Hunter	moderate good medium	5.15	1.05
1728 Swamp Oak - Prickly Paperbark - Tall Sedge swamp forest on coastal lowlands of the Central Coast and Lower North Coast	moderate good poor	-	5.49
Sub Total		75.88 79.01	231.19
Phase 2 (>3-8 years)			
1584 White Mahogany - Spotted Gum - Grey Myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley	moderate good high	10.51	-
1590 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	moderate good high	38.20 37.35	-
Sub Total		48.71 47.86	
Phase 3 (>8 + years)			
1584 White Mahogany - Spotted Gum - Grey Myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley	moderate good high	49.76 19.39	-
1590 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	moderate good high	67.79 65.88	-
Sub Total		87.55 85.27	
Total		212.14	231.19



TITLE : FIGURE 5.2: NATIVE VEGETATION AND HABITAT LOSS: PHASE 1

LOCATION : KINGS HILL

DATUM:GDA 1994

DATUM:GDA 1994
PROJECTION: GDA 1994 MGA Zone 56

DATE: 5/12/2020
PURPOSE: ECOL

DATE: 5/12/2020

PURPOSE: ECOLOGY

VERSION (PLAN BY): D A3 (mark aitkens)

PATH: J:\J0BS\1130k\11304\30 Raymond Terrace\10 - Drafting\Arcgis Map Documents\EcolReport3_SIS\20201204 SIS Sunbeam enter\1304_30 Figure 5.2a Native Vegetation and Habitat Loss PHASE 1 A A 3_20201204.mxd

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PR130430

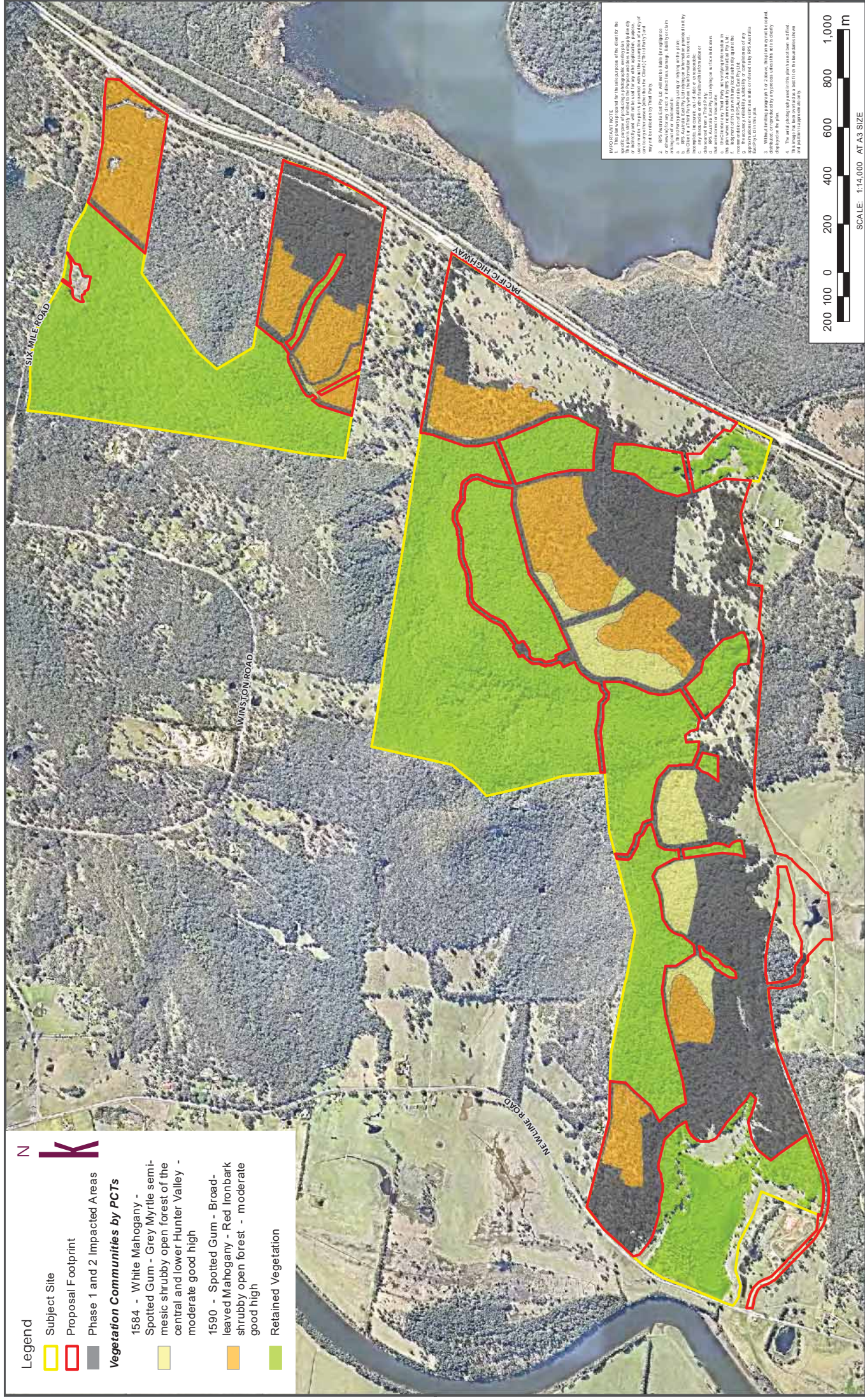
PR130430

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TITLE : FIGURE 5.4: NATIVE VEGETATION AND HABITAT LOSS: PHASE 3

LOCATION : KINGS HILL

DATUM:GDA 1994

DATE: 5/12/2020

DATUM: GDA 1994
 DATE: 5/12/2020
 PROJECTION: GDA 1994 MGA Zone 56
 PURPOSE: ECOLOGY

VERSION (PLAN BY): BA3 (mark allkens)

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J:\UOBS\130k\130430 Raymond Terrace\10 - Drafting\Arcgis Map Documents\EcoReport3_SIS20201204 SS
Supplemental\130430 Figure 5_4a Native Vegetation and Habitat Loss PHASE 3 A3 20201204.mxd

CLIENT: PM NO 1 PTY LIMITED
JOB REF: PR130430

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5.1.1.2 Threatened Species

The Proposal would directly impact the habitat of subject species assessed in **Section 4.4**. The impact area calculated for each subject species reflects an intersect of the Proposal and individual subject species mapping provided in **Section 4.4** and is provided in **Table 5.2**.

Table 5.2 Threatened Species Habitat Area Estimates: Impact Area and Conservation Area

Species	Habitat Description	Habitat mapping method	Impact Area (ha)			Conservation Area (ha) ⁵
			Phase 1	Phase 2	Phase 3	Total
Red Helmet Orchid	Occupied habitat	Area of extent (i.e. 30 m buffer to each plant)	1.52	0.00	3.14	4.66
Small Water-ribbons	Occupied habitat	Area of extent (i.e. 30 m buffer to each plant)	0.08	0.00	0.00	0.08
Taree Rustyhood Orchid	Occupied habitat	Area of extent (i.e. 30 m buffer to each plant)	0.85	0.28	0.28	1.41
Glossy-black Cockatoo	Foraging habitat	Area of <i>Allocasuarina</i> spp.	0.00	19.08	10.75	29.83
Brown Treecreeper	Foraging and breeding habitat	Extent of PCTs 1230, 1584, 1590 ⁶ , 1600	70.38 71.71	48.71	87.55 86.22	206.64 214.07
Varied Sittella	Foraging and breeding habitat	Extent of PCTs 1230, 1584, 1590 ⁶ , 1600	70.38 71.71	48.71	87.55 86.22	206.64 214.07
Little Lorikeet	Foraging and breeding habitat	Extent of PCTs 1230, 1584, 1590, 1600	70.38 77.21	48.71	87.55 86.22	212.14 214.07
Grey-crowned Babbler	Foraging and breeding habitat	Extent of occupied habitat	9.74	13.17	9.30	32.21
White-bellied Sea-Eagle	Foraging and breeding habitat	250 m radius from nest tree	3.23	3.48	2.97	9.68
Square-tailed Kite	Foraging and breeding habitat	Extent of PCTs 1230, 1584, 1590, 1600	70.38 77.21	48.71	87.55 86.22	212.14 214.07
Osprey	Breeding habitat	Extent of PCTs 783, 1230, 1728	0.00	0.00	0.00	0.00
Magpie Goose	Foraging and breeding habitat	Extent of PCTs 783, 1230, 1728	0.00	0.00	0.00	0.00
Australian Bittern	Foraging and breeding habitat	Extent of PCTs 783, 1230, 1728	0.00	0.00	0.00	0.00
Black Bittern	Foraging and breeding habitat	Extent of PCTs 783, 1230, 1728	0.00	0.00	0.00	0.00
Dusky Woodswallow	Foraging and breeding habitat	Extent of PCTs 1230, 1584, 1590, 1600, 1728	70.38	48.71	87.55	212.14
						219.56

⁵ Excludes likely benefit from revegetation works of 19.30 ha for Koala, Grey-headed Flying Fox, Squirrel Glider, Little Lorikeet, Grey-crowned Babbler, Regent Honeyeater and Swift Parrot

⁶ Excludes vegetation mapped as moderate good poor condition (i.e. isolated *Melaleuca* spp. in areas of exotic grassland)

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Species	Habitat Description	Habitat mapping method	Impact Area (ha)				Conservation Area (ha) ⁵
			Phase 1	Phase 2	Phase 3	Total	
Black-necked Stork	Foraging and breeding habitat	Extent of PCTs 783, 1230, 1728	77.21	0.00	0.00	86.22	14.85
Powerful Owl	Foraging and breeding habitat	Extent of PCTs 1230, 1525, 1584, 1590 ⁶ , 1600	70.38 71.71	48.71	87.55 86.22	206.64	216.49
Masked Owl	Foraging and breeding habitat	Extent of PCTs 1230, 1525, 1584, 1590 ⁶ , 1600	70.38 71.71	48.71	87.55 86.22	206.64	216.49
Regent Honeyeater	Foraging habitat	Extent of PCTs 1230, 1584, 1590, 1600	70.38 77.21	48.71	87.55 86.22	212.14	214.07
Swift Parrot	Foraging habitat	Extent of PCTs 1230, 1584, 1590, 1600	70.38 77.21	48.71	87.55 86.22	212.14	214.07
Scarlet Robin	Foraging and breeding habitat	Extent of PCTs 1584, 1590 ⁶ , 1600	70.38 71.71	48.71	87.55 86.22	206.64	213.92
Squirrel Glider	Foraging and breeding habitat	Extent of PCTs 1230, 1584, 1590 ⁶ , 1600	70.38 71.71	48.71	87.55 86.22	206.64	214.07
Koala	Foraging and breeding habitat	As per BioLink (2019b)	59.79	32.41	59.03	152.00	189.46
Brush-tailed Phascogale	Foraging only habitat	Area of rough-barked trees with low hollows	22.94	19.34	18.01	60.49	55.38
	Foraging and breeding habitat	Area of rough-barked trees with high hollows	44.96	29.26	69.11	143.11	161.11
Spotted-tailed Quoll	Foraging and breeding habitat	Extent of PCTs 1230, 1525, 1584, 1590 ⁶ , 1600	70.38 71.71	48.71	87.55 86.22	206.64	216.49
Grey-headed Flying-fox	Foraging habitat	Extent of PCTs 1230, 1525, 1584, 1590, 1600 <i>Bi-monthly phenology (feed tree modelling)</i>	70.38 71.71	48.71	87.55 86.22	212.14	216.49
		• December – January	46.46	38.54	77.65	162.65	166.81
		• February – March	32.77	20.83	36.55	90.76	72.30
		• April – May	58.61	28.62	68.85	156.08	178.39
		• June – July	58.61	28.62	68.85	156.08	178.39
		• August – September	63.40	32.85	71.48	167.73	187.95
		• October – November	51.69	39.93	73.38	165.00	176.76
Eastern Bentwing-bat	Foraging habitat	Extent of PCTs 1230, 1525, 1584, 1590, 1600	70.38 71.71	48.71	87.55 86.22	212.14	216.49
Little Bentwing-bat	Foraging habitat	Extent of PCTs 1230, 1525, 1584, 1590, 1600	70.38 71.71	48.71	87.55 86.22	212.14	216.49

REPORT

Species	Habitat Description	Habitat mapping method	Impact Area (ha)			Conservation Area (ha) ⁵
			Phase 1	Phase 2	Phase 3	Total
Eastern Freetail-bat	Foraging and breeding habitat	Extent of PCTs 1230, 1584	17.67	10.51	19.76	47.94
Greater Broad-nosed Bat	Foraging and breeding habitat	Extent of PCTs 1230, 1584	17.67	10.51	19.76	47.94
Yellow-bellied Sheath-tail Bat	Foraging and breeding habitat	Extent of PCTs 1590, 1600	58.21	38.20	67.79	164.20
Eastern False Pipistrelle	Foraging and breeding habitat	Extent of PCTs 1525, 1584	17.67	10.51	19.76	47.94
Southern Myotis	Foraging habitat	Extent of PCT 783	0.00	0.00	0.00	0.00
	Breeding habitat	Native vegetation within 200m of PCT 783	4.92	5.45	1.21	11.58
Green and Golden Bell Frog	Foraging and breeding habitat	Extent of PCTs 783, 1230, 1728	0.00	0.00	0.00	0.00
Wallum Froglet	Foraging and breeding habitat	Extent of PCTs 783, 1230, 1728	0.00	0.00	0.00	0.00

7 AMELIORATIVE MEASURES

Table 7.1 Overview of Site Preparation Phases

Proposal Phases	Objective	Time (years)	Vegetation Change ⁷ (ha)
Phase 0: Pre-construction habitat restoration and enhancement works	<ul style="list-style-type: none"> Enter a Planning Agreement to secure implementation of the following Phases Commence BMP works to establish the Conservation Area (i.e. early implementation of amelioration measures) Collect baseline dataset for monitoring program Initiate research compensatory measure 	-2 to 1	- 0.00 + 11.23 (Area A) + 3.27 (Area B)
Phase 1: Construction of main east – west road connecting the Pacific Highway interchange with Newline Road plus development of areas with reduced biodiversity value	<ul style="list-style-type: none"> Minimise impacts on <i>Corybas x dowlingii</i> Performance test the efficacy of amelioration measures for Phase 1 (monitoring) Finalise establishment of Conservation Area by completing the BMP Continue research compensatory measure Deliver compensatory measures for the Koala, Brush-tailed Phascogale, Large Forest Owls, <i>Pterostylis chaetophora</i>, <i>Corybas x dowlingii</i> and <i>Maundia triglochinos</i> 	1 to 3	- 79.01 + 0.53 (Area A) + 1.81 (Area B) + 2.46 (Area C)
Phase 2: Selective construction of development areas with reduced biodiversity value	<ul style="list-style-type: none"> Minimise impacts on <i>Corybas x dowlingii</i> Finalise arrangements for the in-perpetuity conservation of the Conservation Area Performance test the efficacy of amelioration measures Conclude research compensatory measure 	>3 to 8	- 47.86
Phase 3: Construction of residual approved development areas	<ul style="list-style-type: none"> Maintain mitigation measures and monitoring program Performance test the efficacy of amelioration measures 	>8 +	- 85.27

⁷ Native vegetation gain relates to the revegetation of lands currently void of a tree canopy

Table 7.2 Effect of Proposal on PCTs

PCT	Existing Condition ⁸	Impact Area (ha)	Conservation Area (ha)
Phase 1 (1-3 years)			
783 Coastal freshwater swamps of the Sydney Basin Bioregion	moderate good high	-	9.21
1525 Sandpaper Fig - Whalebone Tree warm temperate rainforest	moderate good high	-	2.42
1230 Swamp Mahogany swamp forest on coastal lowlands of the NSW North Coast Bioregion and northern Sydney Basin Bioregion	moderate good poor	-	0.15
1584 White Mahogany - Spotted Gum - Grey Myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley	moderate good high	47.67 18.04	101.51
1590 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	moderate good high	47.56 50.32	108.83
1590 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	moderate good medium	-	2.15
1590 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	moderate good poor	5.50	0.38
1600 Spotted Gum - Red Ironbark - Narrow-leaved Ironbark - Grey Box shrub-grass open forest of the lower Hunter	moderate good medium	5.16	1.05
1728 Swamp Oak - Prickly Paperbark - Tall Sedge swamp forest on coastal lowlands of the Central Coast and Lower North Coast	moderate good poor	-	5.49
Sub Total		75.88 79.01	231.19 ⁹
Phase 2 (>3-8 years)			
1584 White Mahogany - Spotted Gum - Grey Myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley	moderate good high	10.51	-
1590 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	moderate good high	38.20 37.35	-
Sub Total		48.71 47.86	-
Phase 3 (>8 + years)			
1584 White Mahogany - Spotted Gum - Grey Myrtle semi-mesic shrubby open forest of the central and lower Hunter Valley	moderate good high	49.76 19.39	-
1590 Spotted Gum - Broad-leaved Mahogany - Red Ironbark shrubby open forest	moderate good high	67.79 65.88	-
Sub Total		87.55 85.27	-
Total		212.14	231.19

⁸ Refer to definitions in OEH (2014)⁹ 19.30 ha of proposed revegetation works are additional yielding a conservation area of at least 250.49 ha

ATTACHMENT B
Extract of VMP Revisions

1 INTRODUCTION

This Vegetation Management Plan (VMP) has been prepared to accompany a Concept Development Application for subdivision comprising stage 1 subdivision works (initial site preparation works) ('the Proposal') on land legally described Lot 41 DP 1037411 and Lot 4821 DP 852073, 3221 Pacific Highway and 35 Six Mile Road, Kings Hill (the 'subject site'). The subject site forms part of the Kings Hill Urban Release Area (KHURA), which is zoned and endorsed by local and State governments to enable a mix of urban development and environmental outcomes.

The KHURA has been the subject of considerable environmental assessment since 2003, culminating most recently in an extensive biodiversity assessment and Species Impact Statement (SIS) (RPS 2020a) for the subject site [that is, land owned by Kings Hill Developments Pty Ltd (KHD)]. This VMP has been prepared based on the recommendations within the abovementioned SIS and consequently, is intended to guide the management of initial site preparation works. For the purposes of this document:

- Urban areas proposed by the Concept DA within the subject site are referred to as the 'Impact Area';
- Environmental areas proposed by the Concept DA within the subject site are referred to as 'Conservation Areas'; and
- Site Preparation Works are subdivision works proposed in the Impact Area, including activities such as progressive vegetation modification and/or removal, resource harvesting, weed and pest management, earthworks, drainage and erosion management, and bushfire protection works. Such works may also support activities detailed in the Biodiversity Management Plan (BMP) prepared for the adjoining Conservation Area (e.g. resource recovery and establishment of new tracks).

This VMP pertains to the 'Management Area' as shown in **Figure 1** as divided by three phases of initial site preparation as shown in **Figure 2**.

1.1 Need for a VMP

A VMP is required under Section D14.33 of the Port Stephens Development Control Plan (DCP) 2014 where vegetation is to be impacted. The removal and/or modification of vegetation is proposed as part of the Stage 1 site preparation works, and such works are to be managed in accordance with this VMP. The duration of the proposed site preparation works is expected to be 8+ years, as outlined in **Table 1** and **Figure 2**.

Table 1: VMP Implementation by Proposal Phase

Proposal Phase	VMP Focus	Time (years)
Pre-construction Site Preparation works	<ul style="list-style-type: none">• Perform weed management works in key areas to supplement management activities in the adjoining Conservation Area, as per the BMP, notably in the western half of the management area where heavy woody weed invasions occur	-2 to 0
Phase 1: Construction of main east – west road connecting the Pacific Highway interchange with Newline Road plus development areas of reduced biodiversity value adjacent to these roads	<ul style="list-style-type: none">• <u>Continue the management of weed</u> Implement a coordinated stepwise clearing procedure that aims minimises biodiversity harm through gradual sensitive clearing actions• Provide mechanisms for the salvaging of habitat for use in the Conservation Area, or salvage of other natural resources such as timber, native plants, bushrock etc.	0 to 3
Phase 2: Selective construction of development areas with reduced biodiversity value	<ul style="list-style-type: none">• Continue implementation of the stepwise clearing procedure to minimise biodiversity harm through gradual sensitive clearing actions• Support the ongoing protection of biodiversity values within the Conservation Area through continued suppression of weed species, sensitive vegetation clearing and management of fauna displaced by clearing works	>3 to 8
Phase 3: Construction of residual approved development areas		>8 +

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Continue the management of weed and other items under Phase 0

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- Provide adequate time for impact mitigation measures to be established in [or at the interface with (e.g. fencing)] the Conservation Area; and
- Minimise impact intensity on native flora and fauna in lieu of a future complete clearing event (i.e. minimise the temporal effects by delaying the clearing of important habitat thereby provide opportunity for displaced fauna to gradually relocate to improved habitat in the adjoining Conservation Area).
- Provide an opportunity for the recovery of habitat resources for use in mitigation works performed within the Conservation Area (i.e. recover logs, bushrock, and natural hollows); and
- Provide separation between the bushfire threat and development through the construction of bushfire Asset Protection Zones (APZ) for all staged clearing and development as outlined in Section 3.2.1 “Staged Development” of Planning for Bushfire Protection 2018.

The prescription for partial vegetation removal is to meet the following specifications:

- Maintenance of all retained vegetation to an APZ standard to ensure radiant heat exposure < 29kW/m² towards residential development and < 10kW/m² towards Special Fire Protection Purpose Developments;
- Retention of Preferred Koala Feed Trees (PKFT) with a diameter at breast height (dbh) of 300 mm or more; and
- Retention of hollow-bearing trees and/or other tree species deemed suitable by an arborist and bushfire consultant for inclusion in urban landscapes to enhance visual amenity and provide foraging and roosting habitat for species adapted to urban landscapes.

The partially cleared state is, at all times, required to demonstrate sufficient landform stability (e.g. negligible evidence of erosion) to maintain satisfactory water quality standards at the catchment scale.

- Step 3: Complete native and exotic vegetation removal with the exception of trees deemed suitable by an arborist and bushfire consultant for inclusion in urban landscape, subject to compatibility with engineered structures. Consideration should be given to the integration of suitable tree species into the urban landscape. Soil and erosion management procedures are to be applied in this step to ensure satisfactory water quality standards at the catchment scale, with specific details of these management specifications to be provided in the approved subdivision works certificate for the corresponding construction activities. Manage harm to fauna through observance of preclearance surveys and clearing supervision (for further details to refer to **Appendix A**).

To avoid doubt, Step 3 in any phase can only occur to the extent that consent is granted for development within that phase, thereby preventing indiscriminate clearing ([note: Step 2 may proceed to Step 3 without other areas of the same Phase completing Step 2](#)). This requires the satisfactory completion of Steps 1 and 2, each having the purpose of minimising impacts over time on affected species.

Notwithstanding, Step 1 can occur at any time in any phase where consistent with regulated biosecurity obligations. To ensure impact minimisation, Step 2 of Phase 2 cannot proceed until Step 3 of Phase 1 is completed for all areas contained within Phase 1 (i.e. a process facilitating the movement of fauna into adjoining vegetation). Similarly, Step 2 of Phase 3 cannot proceed until Step 3 of Phase 2 is completed.

A specification guideline for each of these steps is provided in **Section 3**. Pre-clearance and clearing supervision to minimise harm on fauna in Step 3 is described in **Section 8**.

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1.4 Roles and Responsibilities

Six key roles responsible for the implementation of this VMP are outlined in **Table 2**.

2.5 Tracks and Trails

The Management and Conservation Areas comprise existing tracks that are to be maintained to allow for management purposes. These existing tracks are shown in **Figure 7**. Tracks are also proposed in the Conservation Area where an allowance of 2.4 ha is provided [for](#) the establishment [of](#) these tracks. The extent of proposed tracks is shown in **Figure 8**. All tracks and trails, existing or proposed, have been assigned on of the following classifications, as shown in **Figure 9**:

- Category 1;
- Category 7;
- Category 9; and
- Dormant.

The specifications for each of these classifications is provided in Table 11 of the BMP (RPS 2020b).

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3.2.2.2 Habitat Salvaging

Habitat enhancement works proposed within the Conservation Area are to be installed in accordance with specifications in the BMP. The clearing that forms part of this VMP is to be complimentary to these enhancement works to the extent where salvage works are required to aid in the acquisition of habitat features necessary for these outcomes. Materials to be salvaged during partial clearing works include natural hollows and logs.

3.2.2.2.1 Natural Hollows

The harvesting of natural hollows will rely heavily on site based decisions made by the Project Ecologist at the time of partial clearing works. The Project ecologist will identify suitable trees capable of being cut into shorter sections for refurbishment into natural hollows. Cut lengths will vary and will take into consideration the portability of the final product, knowing that manual handling will be integral to the relocation and installation of the hollow elsewhere in the Conservation Area. Collaboration with the Project Arborist is required to manage hollow sizing as manual handling limitations are likely to apply.

Salvageable natural hollows are to be harvested during Phase 1 clearing works. The process is to follow the BMP specifications as indicated below:

- Natural hollows are to be identified under the direction of the Project Ecologist and Project Arborist as part of early pre-clearance works. Candidate trees are to be marked in the field with a tree number and recorded using GPS;
- Pre-clearance surveys and clearance supervision is to be performed under the direction of the Project Ecologist for identified trees. Fauna salvaged from these works are to be processed in accordance with procedure outlined in Appendix A of the BMP.
- Salvaged hollows will be inspected by the Project Ecologist and Project Arborist for suitability. Selected hollows are to be cut to size, sealed on the base and preserved with linseed oil and stored for installation works; and
- Offcuts and hollow logs will also be preserved for ground logs.

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Hollows are to be placed in the Conservation Area as per the guidance provided in the BMP.

3.2.2.2.2 Fallen Logs

Fallen logs are to be harvested from trees felled during this stage of the clearing process. Tree stems are to be acquired and translocated to the Conservation Area for emplacement in accordance with the BMP.

As detailed in the BMP, the total sawn log length to be installed within the Conservation Area during Phase 1 works has an annual target of 1,000 m (assuming ~1,000 m of log length is installed through selective thinning practices). Fallen logs will be identified and prepared by the Project Forester.

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The specifications for these logs are as follows:

- Minimum 100 mm diameter for the entire log length; and
- Minimum 1 m cut lengths with average log length being 2 – 5 m.

Logs are to be placed in the Conservation Area as per the guidance provided in the BMP.

3.2.2.3 Resource Recovery

Selective timber felling (for mobile milling of fence posts etc), native plant and bushrock recovery for reuse in landscaping within the KHURA. Felled timber is to be assessed for sustainable reuse options whether they be on site (e.g. mulching for soil management) or offsite for use in local industry.

4 MANAGEMENT ZONES

4.1 Zones and Objectives

Vegetation Management Zones (VMZs) 1, 2 and 3, as shown in **Figure 7**, reflect the Proposal phasing and have the purpose of partitioning management effort according to need and timeframes. The fourth VMZ, which overlaps parts of the preceding VMZs makes allowance for the implementation of revegetation works following the completion of site preparation works. These are described in **Table 8**.

Table 8: VMZ Descriptors and Objectives

VMZ	Descriptor	Objectives
1	Phase 1	<p><u>Implement Step 1 of vegetation clearing procedure throughout the management area (i.e. all VMZs).</u></p> <p><u>Complete Step 2 of vegetation clearing procedure in accordance with, and only to the extent of, any relevant Subdivision Works Certificate.</u></p> <p><u>Complete Step 3 of the vegetation clearing procedure, as required and only after the completion of Steps 1 and 2, and in accordance with, and only to the extent of any relevant Subdivision Works Certificate.</u></p> <p><u>Note: Step 2 may proceed to Step 3 without other areas of the same Phase completing Step 2.</u></p>
2	Phase 2	<p><u>Continue implementation of Step 1 of vegetation clearing procedure throughout the remaining parts of the management area.</u></p> <p>Only upon completion of all vegetated areas of Phase 1:</p> <ul style="list-style-type: none"> <u>Complete Step 2 of vegetation clearing procedure in accordance with, and only to the extent of, any relevant Subdivision Works Certificate.</u> <u>Complete Step 3 of the vegetation clearing procedure, as required and only after the completion of Steps 1 and 2, and in accordance with, and only to the extent of any relevant Subdivision Works Certificate.</u> <p><u>Note: Step 2 may proceed to Step 3 without other areas of the same Phase completing Step 2.</u></p>
3	Phase 3	<p><u>Continue implementation of Step 1 of vegetation clearing procedure throughout the remaining parts of the management area.</u></p> <p><u>Only upon completion of all vegetated areas of Phase 2:</u></p> <ul style="list-style-type: none"> <u>Complete step 2 of vegetation clearing procedure in accordance with, and only to the extent of, any relevant Subdivision Works Certificate.</u> <u>Complete step 3 of the vegetation clearing procedure, as required and only after the completion of Steps 1 and 2, and in accordance with, and only to the extent of any relevant Subdivision Works Certificate.</u> <p><u>Note: Step 2 may proceed to Step 3 without other areas of the same Phase completing Step 2.</u></p>
4	Revegetation	Revegetate detention basins with high value preferred Koala feed tree species

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4.2 Performance Targets

Performance targets are outlined in **Table 9**.

Table 9: VMZ Performance Targets by Phase

VMZ	Phase 1 (1-3 years)	Phase 2 (3-8 years)	Phase 3 (8+ years)
1	<ul style="list-style-type: none">• <u>Comply with stepwise vegetation clearing specification</u>• No rubbish in VMZ• Erosion managed• Salvage ~1,000 natural hollows• Salvage ~3,000 m logs• Revegetate identified detention basins with winter and spring nectar species (e.g. Swamp Mahogany)	<ul style="list-style-type: none">• Detention basins are revegetated with winter and spring nectar species (e.g. Swamp Mahogany) for species such as the Grey-headed Flying Fox• <u>Unsuccessful plantings replaced</u>	<ul style="list-style-type: none">• <u>Revegetated landscapes comprise high value winter nectar feed trees for species such as the Grey-headed Flying Fox</u>
2	<ul style="list-style-type: none">• <u>Complete step 1 of clearing procedure by end of Phase 1</u>• No rubbish in VMZ• Erosion managed	<ul style="list-style-type: none">• <u>Comply with stepwise vegetation clearing specification</u>• No rubbish in VMZ• Erosion managed	<ul style="list-style-type: none">• <u>No rubbish in VMZ</u>• <u>Erosion managed</u>
3	<ul style="list-style-type: none">• <u>Maintain weed management</u>• No rubbish in VMZ• Erosion managed	<ul style="list-style-type: none">• <u>Complete Step 1 of clearing procedure by end of Phase 2</u>• Implement bushfire threat management measures• No rubbish in VMZ• Erosion managed	<ul style="list-style-type: none">• <u>Comply with stepwise vegetation clearing specification</u>• <u>No rubbish in VMZ</u>• <u>Erosion managed</u>

The above performance targets do not prevent the early implementation of management actions such as rubbish removal, sediment and erosion control measures, weed management, pest management, track maintenance and sourcing of plant propagules for revegetation works.

The satisfaction of these performance targets is to be determined through the monitoring and reporting process specified in **Section 6**.

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<#>Erosion measures in place where weeds removed

<#>Install temporary fencing to delineate boundary between VMZ 1 and 2

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Table 11: Management Actions: Construction

Action	Responsibility	Performance Criteria	Timing	Corrective Actions
Protection of surrounding vegetation	Project Ecologist	Evidence of presence during vegetation removal by supplying before and after photos of vegetation being cleared, fencing and tree protection measures, in accompaniment of a summary letter	Phase 1, 2 and 3 during vegetation clearing	If damage occurs to vegetation outside prescribed vegetation clearing areas, offset replanting will be required on a 1:1 ratio
<i>Phytophthora cinnamomi</i> spread prevention/control measures	Construction Contractors	Prior to heavy machinery entering and leaving site, clean down protocols must occur	Phase 1, 2 and 3 Before and after vegetation clearing	Machinery not to leave site until clean procedure conducted
Six monthly reports prepared	Project Ecologist	Six monthly reports to be submitted to Council and Certifying Authority verifying all works have been carried out in accordance with this VMP	Every six months until completion of the approved development	Immediate site visit to ensure VMP has been complied with, followed by report

Table 12: Management Actions: Primary Weed Control

Action	Responsibility	Performance Criteria	Timing	Corrective Actions
Removal of weeds, particularly WoNS/Priority weeds from all VMZs	VMC	Weed cover to be reduced by 25%	As required and during periods of active growth	Continue primary weed control
Physical removal of <i>Eichhornia crassipes</i> (Water Hyacinth) from all VMZs	VMC	100% removal	Phase 1	Continue primary weed control

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Table 13: Management Actions: Secondary Weed Control

Action	Responsibility	Performance Criteria	Timing	Corrective Actions
Consolidation of weed control for woody weeds for the VMZs	VMC	Weed cover to be reduced to 50%	Phase 1 during periods of active growth	Revert back to primary weed control measures
Consolidation of non-woody weed control from all VMZs	VMC	Weed cover to be reduced to 50%	Phase 1 during periods of active growth	Revert back to primary weed control measures

REPORT

In regards to larger woody weed species and infestations, felling and digging up the roots can be dangerous, expensive, time consuming and could potentially increase erosion. Where practical the application of herbicides should only be carried out by qualified personnel and the use of chemicals should be kept to a minimum. Care should also be taken when implementing chemical spraying techniques near waterways and environmentally sensitive areas.

The use of more environmentally-friendly herbicides such as "Roundup Biactive ®" should be used when working within or adjacent to riparian areas (particularly towards the most western aspect of the site near the wetlands). Herbicides should not be applied immediately prior to rain occurring. This reduces the effectiveness of the herbicide and poses the risk that the herbicide could be transported by runoff into local creek lines and waterways.

Herbicide use can have the advantage of reduced management effort (i.e. cost) compared to physically removal, particularly for large infestations of weeds. In this respect, it is considered that the use of herbicides is warranted in the following circumstances:

- There are small areas of dense weeds with few or no native plants to protect;
- There are large areas of weeds;
- The weeds are growing too rapidly for physical removal; and
- The receiving environment is tolerant of herbicide applications with respect to indirect impacts on non-target species such as threatened plant species.

It is important to plan herbicide control of target species according to a weeding calendar that recognises the weed's life form and seasonality (i.e. flowering, fruiting and seed set).

Herbicide application shall be limited to the following techniques. Always remember to read the product label and any relevant permit before using any herbicide.

- Cut-stump and poison (cut and dab) (suitable for Lantana);
- Stem injection;
- Stem-scrape or frilling and poison;
- Basal bark painting; and
- Selective spot-spraying (suitable for herbaceous weeds, grasses and saplings of woody weeds).

5.1.6 Erosion Control and Stabilisation Works

Care should be taken when removing weeds and all bare soils should be covered using jute matting, seeded biodegradable sprayed cover material or mulch and replanted as soon as possible. This will assist in retention of the existing soil structure and lessen the likelihood of water and bank erosion. The matting will require planting of locally occurring species for long term bank stability.

5.2 Salvaged Habitat

5.2.1 Natural Hollows

Salvageable natural hollows are to be harvested from the impact area during Phase 1 clearing works. An estimated 1,000 natural hollows are to be salvaged from this area. The process is to be generally in accordance with the following process:

- Natural hollows are to be identified under the direction of the Project Ecologist and Project Arborist as part of early pre-clearance works. Candidate trees are to be marked in the field with a tree number and recorded using GPS;

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REPORT

- Pre-clearance surveys and clearance supervision is to be performed under the direction of the Project Ecologist for identified trees. Fauna salvaged from these works are to be processed in accordance with procedure outlined in Appendix A of the BMP.
- Salvaged hollows will be inspected by the Project Ecologist and Project Arborist for suitability. Selected hollows are to be cut to size, sealed on the base and preserved with linseed oil and stored for installation works;
- Offcuts and hollow logs will also be preserved for ground logs; and
- Hollows will be attached to trees under the direction of the Project Ecologist and Project Arborist.

5.2.2 Fallen Logs

A total sawn log length of ~3,000 m is to be salvaged during Phase 1 works assuming ~1,000 m of log length is installed in the Conservation Area through selective thinning practices. Fallen logs will be identified and prepared by the Project Forester. The specifications for these logs are as follows:

- Minimum 100 mm diameter for the entire log length; and
- Minimum 1 m cut lengths with average log length being 2 – 5 m.

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5.3 Revegetation

Revegetation is designed to strategically benefit tree canopy folivores such as the Koala and nectivorous Grey-headed Flying Fox. Additionally, understorey planting to encourage the vegetation to trend towards representative PCTs will also occur in VMZ 1. Plant species relevant to these habitat enrichment actions are outlined in **Section 5.3.1**.

Revegetation works are expected to generate high value habitat for the Koala and Grey-headed Flying Fox. Supplementary benefits for Large Forest Owls are also expected where revegetation works are designed to benefit the Koala (i.e. high nutrient value foliage will also benefit preferred Powerful Owl prey species such as Brush-tailed Possum).

The revegetation prescription is to generally follow the principles outlined in *Silvicultural guidelines: Private Native Forestry Code of Practice* (DECC 2008), bearing in mind that the key revegetation objective is the rapid establishment of a tree canopy for foliage biomass production. This approach also reflects prescriptions that predicate the predicted minimum seven-year timeframe to ecological benefit as observed by Kavanagh and Stanton (2012).

Revegetation works will also enrich riparian areas and corridors, particularly in the western parts of the Conservation Area. Coastal Wetland 803 will be significantly enhanced by revegetation works, ultimately aiming to contribute to increased function and condition of the wetland.

5.3.1 Plant Species and densities

Table 18 outlines the relevant plant species required for enrichment of koala habitat and revegetation for PCT development throughout VMZ 1. Additionally, plant species recommended for use in landscape planting within the development footprint are contained in **Table 18**. **Figure 8** displays all areas subject to revegetation actions as required by this VMP.

5.4 Maintenance

5.4.1 Plant Replacement

In areas where plants have been completely removed (i.e. as a result of vandalism or accidental damage) or where rehabilitation has failed, been damaged or is suffering from pests and/or disease, replanting should be undertaken in appropriate mild seasonal conditions.

Plants lost or damaged should be replaced to maintain a minimum of 95% survival rate of the original planted stock and recommended plant densities. Initial and careful consideration of the health of tube stock prior to its purchase should negate stock losses. Where weeds are removed, plantings should be undertaken at the VMC's (or other qualified persons) discretion. Plants should be replaced at the size originally specified and in accordance with all planting methods as previously described.

5.4.2 Irrigation

Watering of seedlings should be continued as required until all plants are established. Weather and site conditions will determine the frequency of watering for plants over the maintenance period to enhance establishment and survival rates. Moisture levels and plant health should be monitored weekly during drier periods.

Watering should be undertaken early morning or late afternoon to avoid the hottest part of the day and minimise water loss.

5.4.3 Pests and Diseases

All plants must be monitored for pests and disease during all other management actions on site for a period of 8+ years. Plants significantly affected by pests or disease must be removed, disposed of offsite and replaced. [Vigilance](#) must be used to detect Myrtle Rust. At the completion of monitoring for pests and disease prescribed by this VMP, further monitoring will be outlined in the BMP (RPS 2020b).

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6 MONITORING AND REPORTING

Regular monitoring and inspection work performed by the Project Ecologist and/ or Landholder is an integral part of implementing the VMP. Monitoring methods, frequency and timing are outlined below.

6.1 Annual Monitoring

6.1.1 Methods

6.1.1.1 Weed Monitoring

The per cent cover of weed species is to be measured using the point intercept method for a 50 m long transect. The presence of a weed species is to be measured at every metre along the 50 m transect with the result multiplied by two to produce a score out of 100 (i.e. per cent). Data generated from annual monitoring events will be compared with baseline data. Compliance with performance targets and completion criteria is to be determined from this comparison.

6.1.1.2 Photo Monitoring

The progressive photo monitoring will provide an indication of the success or failure of any areas of rehabilitation conducted in accordance with this VMP. They will enable contractors to adjust rehabilitation works accordingly to enhance the quality of retained vegetation further and provide required information for ongoing monitoring reports.

Photo monitoring will be performed by the VMC and supplied to the Project Ecologist for review during annual monitoring works performed by the Project Ecologist. Photos supplied are to be date stamped together with location (GPS) and bearing for central view in photo. Purpose of photo is to be provided (e.g. removal of Lantana). Photos taken by the Project Ecologist at nominated monitoring points are also required.

6.1.2 Locations

The location of these monitoring points is provided in **Figure 9**.

6.1.3 Frequency

A minimum of two monitoring events are to be performed annually (e.g. September and March) to inform management activities.

6.1.4 Reporting

An annual monitoring report issued at least one month before the end of any financial year is to be provided to Port Stephens Council to describe VMP performance for a period of 8+ years, from the issue of a Subdivision Works Certificate. The monitoring reports will:

- Report on the progress of the revegetation works;
- Success of weed management;
- Discuss any problems encountered in implementing the VMP; and
- Recommended adaptive management response for the forthcoming management period.

In relation to the revegetation areas, reporting will include:

- Estimates of weed cover / abundance;
- Documentation of plant death (from planted individuals) and measures for replacements; and

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6.2 Performance Targets

The evaluation of performance targets is separate to the annual monitoring process with the timing of these works linked to development staging. VMP Compliance for any given development stage is to be determined by an evaluation of the performance targets specified in **Table 9**. A report detailing the works performed for any given development stage and contribution to the performance targets specified in **Table 9** is to be provided for Council's review and satisfaction prior to progression onto subsequent development stages.

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