



KOALA KOALITION
ECONETWORK PORT STEPHENS INC.

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14 July 2023

To the General Manager, Port Stephens Council

Objection: DA 2023-216, 2 Koala Place, Boat Harbour - LOT: 271 DP: 871058

Alterations and additions to tourist and visitor accommodation (backpackers) including the establishment of hotel, cabins and dining area

Dear Sir,

KKEPS is writing to oppose this development proposal, the characteristics of which are:

- 24 x new hotel rooms
- 10 x new self contained cabins
- 24 additional dorm beds
- Main building including dining premises and retail area associated with hotel accommodation
- Proposed shed to accommodate the vehicles utilised for the 4WD tour service which operates from the site for patrons
- Retention of existing cabin accommodation (6 existing cabins, plus one self contained cabin with 28 beds) and dormitory style accommodation (24 beds)
- Decking and walkways providing connectivity
- Open air entertainment area, including stage
- Retention of existing camping sites (6 existing sites)
- A new car parking area within the site frontage, replacing the existing car park, providing 56 parking spaces, including three sets of tandem parking spaces and four disabled parking spaces.

The Pre-lodgement meeting with PSC on 2/2/22 noted "If the development is lodged as an eco-tourist facility with a capital investment value of more than \$5million, it will be regionally significant development and determined by the Regional Planning Panel." It has been estimated at \$7,744,305.22 by RICQS.

In many ways when reviewing this proposal, it seems like an over-development of the site, although there may be no maximum floorspace restriction in this regard. KKEPS hopes that the owner/proponents' careful consideration of submissions made during the exhibition period, may help them reconsider the design and cost, to reduce the impact of their proposal on the local community and biodiversity.

The Pre-lodgement meeting document advised about the existing Backpacker consent and the current allowable uses for RE2, including hotel/motel accommodation but not Backpackers, is not contiguous. This issue of permissible uses does not seem to have been addressed within the proponent's current proposal.

The 13 **site constraints** listed by PSC in the pre-lodgement meeting notes have been whittled down to just six noted in the SEE. This lack of attention to existing site constraints seems to indicate that the proponent has either failed to identify or appreciate them, and so no discussion or proposals have been done to investigate, avoid or mitigate the impact of this proposed development on the highly valued biodiversity of Boat Harbour and the surrounding area.

Council further advised at the pre-lodgement meeting that "Should a BDAR not be required, an **Ecological Assessment** should accompany the DA". The SEE report has not included any search for threatened species, including the koala, which is endangered under both State and National policy, and at a critical point in Port Stephens on its way to extinction if development planning isn't much more considerate of ecological matters than in the past. KKEPS is determined to make a difference by networking with those interested in supporting its survival. That koalas are regularly on this property, should be of great significance to the owners, who use a koala in the Melaleuca Backpackers logo.

KKEPS submits that the Statement of Environmental Effects (SEE) does not adequately address the effects of the proposal on important biodiversity present in the area. The SEE does not address sufficiently that the site is a critical link in an Endangered koala corridor, although plant species are given limited consideration in the tree arborist's report and landscape plans.

The lack of appropriate information provided in the proponent's documentation, especially in regard to impact on biodiversity, is concerning. The SEE section headed Biodiversity Conservation Act on p17 ends mid-sentence, claiming that "The site does contain land or habitat identified on the biodiversity values map, however this is not within the development footprint. Vegetation removal associated with the proposed development has been contained by the". This is very poor, disappointing and unacceptable, since readily available mapping shows how profoundly this property links to surrounding habitat.

The following KKEPS maps attempt to indicate visually the significance of the site to koalas surviving in the wild in the immediate local area of the proposed site.

This first map shows the Port Stephens Koala Hospital data for the neighbouring area (sightings are small green dots, the triangles are rescues). The motor vehicle incidents are shown as blue triangles and highlight the possibility of koala strikes where there is more traffic travelling at higher speed, as are shown by the map to be mainly along Gan Gan Rd. It is clear that koalas are resident on, or at least regularly visiting and traversing the proposed development site, and that the property provides not only a food source but an important link between areas of surviving koala habitat, despite previous clearing.

KKEPS Data Viewer

☑ Cause of Rescue ☑ Rescue Type ☑ Fate of Koala ☑ Year



Sightings and Rescues - PSKH

Koala Sightings



Koala Sightings - Heatmap



Koala Rescues

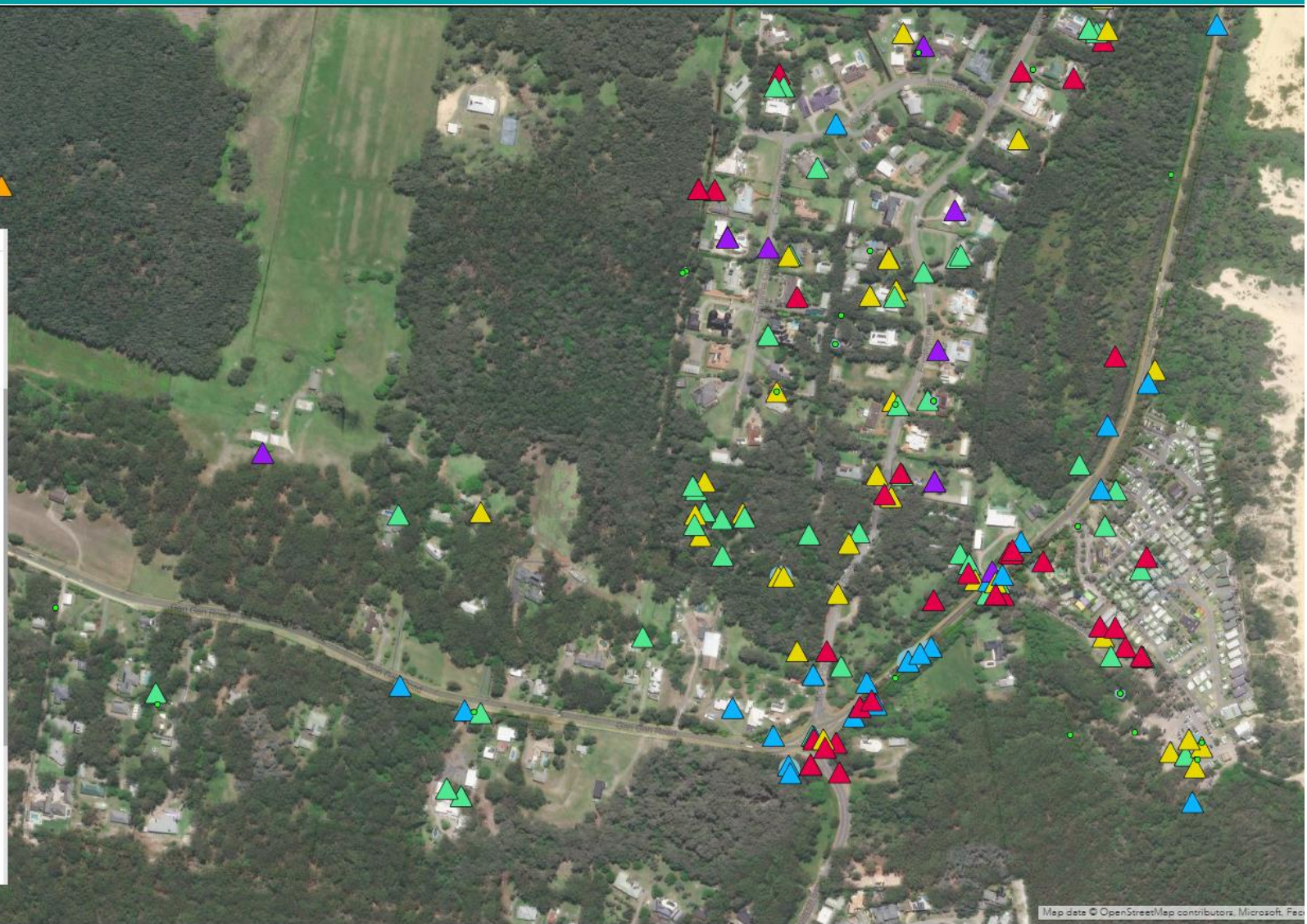
- ▲ Unsuitable Environment
- ▲ Motor Vehicle
- ▲ Other
- ▲ Disease
- ▲ Dog
- ▲ Fire

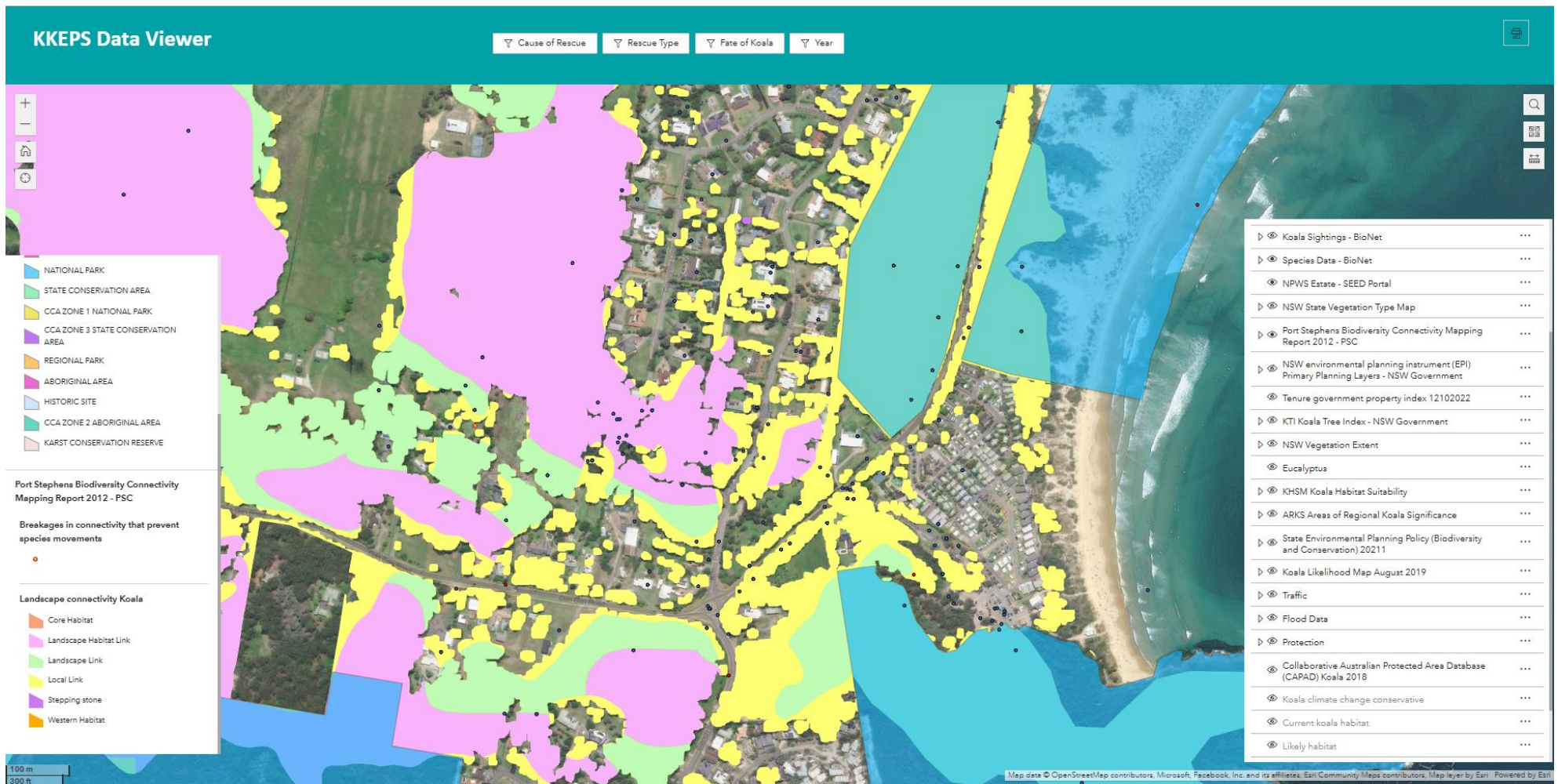
Koala Rescues - Motor Vehicle Heatmap



Koala Rescues - Disease Heatmap

100 m
300 ft





This map shows very small dark dots indicating not only koalas, but other endangered and vulnerable species, using BioNet data. Also shown is National Park estate and connecting habitat and landscape taken from the 2012 Port Stephens Biodiversity Connectivity Mapping Report. The whole area is mapped as ARKS – Area of Regional Koala Significance by NSW DPE.

Water

The SEE states that “The subject site is not located within a Drinking Water Catchment. To this effect, a referral to HW is not required under Section 51 of the HW Act”.

“The proposed development does not involve works more than 1 metre below the natural ground surface nor are the works proposed likely to lower the water table.”

KKEPS believes these statements don’t address water safety concerns sufficiently.

Hunter Water have raised significant concerns in their letter which recommends further investigation for sewer servicing capacity, a Review of Environment Factors, a hydraulic system assessment, and raises concern about trade waste discharge. These matters should be investigated prior to approval because the groundwater of this property connects to the Anna Bay sand beds and thus our drinking water catchment could be at risk of contamination or unintended drawing down.

If there is not sufficient sewerage capacity in Koala Place, there may be a significant cost to Council and therefore ratepayers to fund an upgrade. The sewerage capacity is of mounting importance since there are also development applications being considered for neighbouring properties.

If insufficient capacity exists, could the proposed development potentially cause septic flooding/run off into the water table that links to the Anna Bay sand beds and provides our drinking water?

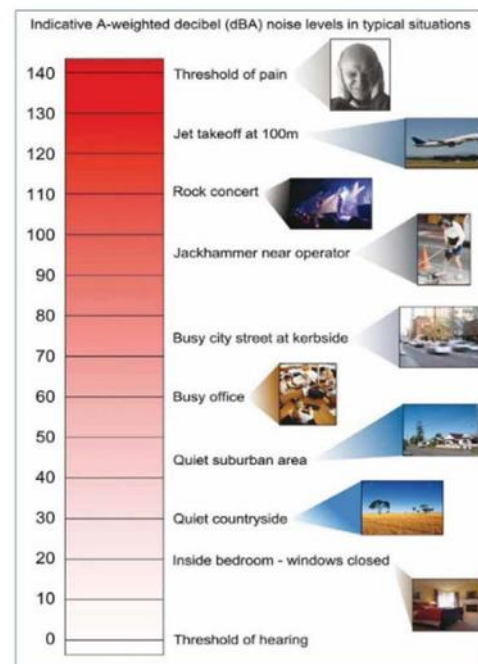
The site at 2 Koala Place is mapped as Flood prone land. Living nearby, I have seen the area under water many times after moderate to heavy rain events, making camping there impossible. Even if the construction does not use fill to build up off the ground as seems to be proposed, the additional impervious surface area of the proposal, and the lack of historical water soakage area, may cause significantly more run off to neighbouring properties, increasing their flood risk.

Noise

The “Acoustic Assessment supplied as Appendix 11, demonstrates that compliance with acceptable traffic impacts and all noise goals are expected for the development on neighbouring residences and commercial operators particularly for all operations prior to 10:00pm. It has been recommended any live music from the stage area be limited after 10:00pm and is not recommended past 12:00am. It has also been recommended the facility implement a plan of management implemented to deal with the unlikely occurrence of excessive noise emanating from the premises”. p32

It is not clear from my scrutiny of the many plans available on exhibition, exactly where the “open air entertainment area, including stage”, is to be located on the site. There is no label Stage on the master plans. The proposed location of the stage is of particular interest in considering the direct impact of noise on sensitive receptors, including

Decibel is the unit used for expressing the sound pressure level (SPL) or power level (SWL) in acoustics. The picture below indicates typical noise levels from common noise sources.



biodiversity. Modelling in Fig4.2 Stage Live Music Noise Modelling results shows 40dB noise spreading quite a distance into corridors and nearby homes when quiet countryside expects 30dB in the evening. This figure seems to indicate the stage will be at the southern extent of the site, where site plans indicate the shed and laundry will be.

This modelling shows an unacceptable extent of sound spilling out to sensitive receptors (people's homes) nearby. Noise carries upwards readily and there are many homes on the 'water tank hill' in Boat Harbour that are not considered receptors. In a quiet area, with a breeze, sound carries easily and may affect rural neighbours more than modelled as acceptable for suburban residents.



Figure 4-2 Stage Live Music Noise Modelling Results Leq(15min) dB(A)

While considering the noise generated by this proposal for a hotel/motel accommodation at 2 Koala Place, it would be remiss not to consider the combined noise generated by it and also the nearby property at 5 Koala Place known as Oasis. Oasis applied for a change of use from accommodation to a function venue that was exhibited in May 2023; just 2 months ago. The two proposals indicate they plan to operate at approximately the same times, generating double the noise, if they were both to be approved. KKEPS submits that this profound change of use in the area to allow frequent noise pollution, would be unacceptable to biodiversity and local residents.

The Oasis proposal was more considerate of the noise they appreciated would make, stating that:

- No amplified music will be permitted within the covered deck area. Amplified music only permitted in the enclosed building.
- All external windows and doors must be closed when amplified entertainment takes place.
- A marquee can be used but amplified music is prohibited in marquee after 8pm.
- Only acoustic (no amplification, bass, drums, etc) or "incidental" background music is permitted in outdoor areas after 8pm. A SPL of 70dB(A),L10 is to be measured and set at a distance of 3 metres from the speakers in outdoor areas after 8pm. Once this level is achieved, corresponding references should be assigned to the sound system controls.
- The Noise Management Plan included a Notification Letter of planned functions to the neighbours.

"A noise level of 75 dB(A) has been assumed" [for background noise] on p23 of the Melaleuca Backpackers acoustic report. It seems that this proposed Backpackers/Hotel/Motel venue plans to be noisier, for longer hours.

High level continuing noise from competing venues, possibly every night, will be very stressful and will definitely impact on the amenity of the neighbouring community. It is clear that the surrounding receptor properties mapped in Fig 2.1 are generally quiet spaces being rural and environmental zones: C1, C2, C4, R5, RE2 and RU2.

I am aware of complaints made known to me and reported to the police and Council, that unauthorised functions were held at Oasis in the past, and that noise was very problematic for the neighbours. There are local operators and residents reasonably expecting peace and quiet, especially at night.

The Acoustic report concluded that "The results of the modelling indicate compliance is expected at all residential and commercial receptors during daytime and evening and night even in the event a worst-case scenario with all items operating with the exception of R3 which is predicted to exceed night time project noise trigger levels in the event that live music is playing on the stage during night time situations.

If live music is proposed past 10:00pm, it is recommended a maximum noise level of 80dB(A) measured at 1 metre away from any speaker should not be exceeded. Live music is not recommended past 12:00am.

Other recommendations include:

- Speaker set up should be to the north-east (directed away from nearest residences)
- Where possible the bass noise component of the entertainment (125Hz and below) should be kept at low levels. This generally means that the bass guitar and drum noise should be kept down. It is, typically, the low frequency noise which is the cause of most complaints in relation to noise from entertainment venues.
- The walls and ceilings of the stage should be lined with acoustically absorbent material."

This report's conclusion supports KKEPS opinion that the outdoor stage entertainment is inappropriate for this area, and that it will affect the neighbours' rights to a quiet neighbourhood. Koala Place area was never meant for such activities, that should occur within commercially zoned locations, such as the Anna Bay town centre, where the Tavern operates, and where their stage is indoors.

KKEPS appreciates that the issue of a liquor licence is not within the scope of being approved through this application. However, social problems exist within the Anna Bay community due to alcohol and gaming that should not be exacerbated by the proponent assuming that the community would be happy with another licenced premises providing gaming as well as alcohol in the area.

Those who live on routes where inebriated people walk to reach their homes because they cannot drive safely, behave anti-socially along the way, eg vandalising letterboxes, gardens and signage. This cost is borne by the residents and council. A liquor licence application a few years ago for another bottle shop in Anna Bay village, received a lot of public opposition and was eventually refused. The proponent should not assume a licence will be issued because the community believes this will add to anti-social behaviour and not help gambling addictions at a time when there are policy discussions to reduce access to poker machines.

The Acoustic report included a figure describing typical noise levels from common sources, and assumed the area could be classified as a quiet suburban area. KKEPS would conclude that it is a quiet rural/countryside area, outside the hectic summer school holiday period. As such, the acceptable decibels expected should be less than 40dB. KKEPS therefore strongly disagrees that 80dB is an acceptable noise level in this location.

KKEPS believes noise impacts wildlife, causing a stress response that can prevent communication and breeding as well as induce disease and cause local extinctions. There are many research reports that conclude that noise does impact wildlife such as BlickleyandPatricelli_JIWLP_2010-1.pdf: Impacts of Anthropogenic Noise on Wildlife: Research Priorities for the Development of Standards and Mitigation (a 2010 article) published in the Journal of International Wildlife Law & Policy:

"[Noise] can impact wildlife species at both the individual and population levels. The types of impacts run the gamut from damage to the auditory system, the masking of sounds important to survival and reproduction, the imposition of chronic stress and associated physiological responses, startling, interference with mating, and population declines." (p. 274)

"Masking occurs when the perception of a sound is affected by the presence of background noise, with high levels of background noise decreasing the perception of a sound.¹⁹ One possible consequence of masking is a decrease in the efficacy of acoustic communication. Many animals use acoustic signals to attract and retain mates, settle territorial disputes, promote social bonding, and alert other individuals to predators. Disruption of communication can, therefore, have dramatic impacts on survival and reproduction.²⁰... Beyond interfering with communication, introduced background noise can also mask the sounds of approaching predators or prey, and increase the perception of risk from predation." (p.279)

"In addition to the acute effects of noise, animals may suffer chronic effects, including elevated stress levels and associated physiological responses. Over the short term, chronic stress can result in elevated heart rate. ²⁷ Longer term stress can be associated with the ability to resist disease, survive, and successfully reproduce.²⁸ Good measures of chronic stress come from elevated stress hormones, like corticosterone, in blood or fecal samples.²⁹" (p.280)

"The cumulative impacts of noise on individuals can manifest at the population level in various ways that can potentially range from population declines up to regional extinction. If species already threatened or endangered due to habitat loss avoid noisy areas and abandon otherwise suitable habitat because of a particular sensitivity to noise, their status becomes even more critical." (pp.280-81)

"Species vary widely in their ability to tolerate introduced noise and can exhibit very different responses to altered acoustic environments. This variability in response to noise makes generalizations about noise impacts among species and among noise sources difficult. Generalizations relevant to a single species can also be hard to make, because the ability to tolerate noise may vary with reproductive status, prior exposure to noise, and the presence of other stressors in the environment." (p.281)

While their conclusions admit wildlife responses to noise may vary, it is clear to me as a koala carer for over 13 years, that koalas do most certainly have a stress response to noise and that not only their mating, but their communication with others in their surrounding population group relies on acoustic communication.

Koalas have a hearing ability well in excess of that of humans. This is necessary so that they can find mates.

The prolonged noise of music proposed by changing the site from backpackers accommodation to a hotel/motel with an open air stage operating well into the night, will affect koalas' ability to communicate with others both to find a mate, and advertise their presence to warn off other koalas to prevent fights over territory. While not an expert in species other than koalas, I do live within 1km of the property and hear the calls made by hunting night birds such as the Endangered Powerful Owl, the 'mopoke' calls of the Boobook Owl, and the tawny frogmouth. Other calls are being made by mammals such as various species of bats and possums, and by frogs, including the endangered

wallum froglet. None of these species, and how they locate food and mates, have been given any consideration in the proposal.

The KKEPS view is supported by the article s13750-020-00202-y.pdf Evidence of the impact of noise pollution on biodiversity: a systematic map (a 2020 article on when sounds become noise) concludes that "A majority of species hear and emit sounds [13]. Sounds are often used to communicate between partners or conspecifics, or to detect prey or predators. The problem arises when sounds turn into "noise", which depends on each species (sensitivity threshold) and on the type of impact generated (e.g. disturbances, avoidance, damage). In this case, we may speak of "noise pollution". For instance, man-made sounds can mask and inhibit animal sounds and/or animal audition and it has been shown to affect communication [14], use of space [15] and reproduction [16]"

"We identified noise pollution as an emergent threat for species and ecosystems that public authorities and practitioners will have to mitigate in the coming years. Indeed, for decades, noise regulations have focused primarily on the disturbances for humans, but we expect that public policies for biodiversity conservation will start to pay more attention to this threat."

There is not yet any Australian Standard against noise affecting wildlife, but there is for lighting <https://www.dcceew.gov.au/environment/biodiversity/publications/national-light-pollution-guidelines-wildlife>. Having more buildings on this site, rather than just backpackers accommodation, will cause more frequent lighting disturbance to biodiversity. I haven't noticed any mention of lighting in the proposal documents.

Biologicalreviews2015.pdf A synthesis of two decades of research documenting the effects of noise on wildlife (a 2015 article), states "Terrestrial mammals exhibited increased stress levels and decreased reproductive efficiency at noise levels between 52 and 68 dBA SPL (re 20 µPa). Traffic noise exceeding 60 dBA SPL (re 20 µPa) impacted the vocal behaviour of male anurans and traffic noise exceeding 80 dBA SPL (re 20 µPa) reduced the foraging efficiency of gleaning bats" (p.993)

Further evidence of a stress response is given in s40850-016-0004-8.pdf Understanding the dynamics of physiological impacts of environmental stressors on Australian marsupials, focus on the koala (*Phascolarctos cinereus*) (a 2016 article by Dr Edward Narayan): "Koalas spend around 19.3 – 20 h a day resting or sleeping [172, 174] however hypervigilance has been demonstrated in response to human presence/noise [171]. The energetic cost of chronic stress impacts reproduction [12, 13], growth [7], and the immune system [7, 15] whilst hypervigilance, the relationship with proximity to suburbia (Fig. 3) creates an energy/water/thermoregulation deficit [171, 172] when unable to engage in physiological and behavioural adaptations [174]." (p.8)

It is well documented that stress can induce symptoms of the potentially fatal disease chlamydia in koalas. The more stressors, the more likely that koala will become sick. Koalas in the One Mile/Anna Bay area are already subject to stressors such as habitat clearance, vehicles, humans, dogs, aircraft as well as climate pressures such as drought impacting their hydration level.

Further evidence is provided by s10980-023-01620-2.pdf Systematic acoustic surveys inform priority conservation areas for koalas in a modified landscape (a 2023 article) states "Furthermore, higher levels of anthropogenic noise and light pollution associated with modified landscapes can alter behaviour and be a cause of chronic stress for wildlife species. This can result in reduced breeding rates or an increase in disease (Blickley and Patricelli 2010; Taylor-Brown et al. 2019)" (p. 1280). "As a species that relies heavily on vocal cues for communicating, anthropogenic noise may disrupt [koalas'] communication and the potential for social interactions." (p.1288)

The koalas' response may be to vacate the area to avoid the noise, but there is precious little safe alternative habitat for them in the area. Leaving will put them in the way of other deadly threats, such as vehicles and dogs, leading to where there is no food for them in the surrounding urban area. <https://www.science.org/content/article/blues-festival-drives-away-koalas> speaks of koalas

moving away permanently due to the noise of music. This should not be able to happen in an area of well-defined koala habitat/corridor when there is so much evidence that noise does impact koalas.

In conclusion, KKEPS agrees with the Noise Assessment report conclusion on p17 that “In circumstances where noise criteria cannot be achieved negotiation is required to evaluate the economic, social and environmental costs and benefits of the development against the noise impacts.” The benefits of the proposed development do not outweigh the impact of noise on the local community and biodiversity.

Traffic

The Traffic Impact Assessment mainly concentrates on justifying the inadequate number of car parking spaces proposed for the size of the development. Even though the current clientele may be backpackers, this proposal is for hotel/motel accommodation and KKEPS recommends it should meet minimum standards.

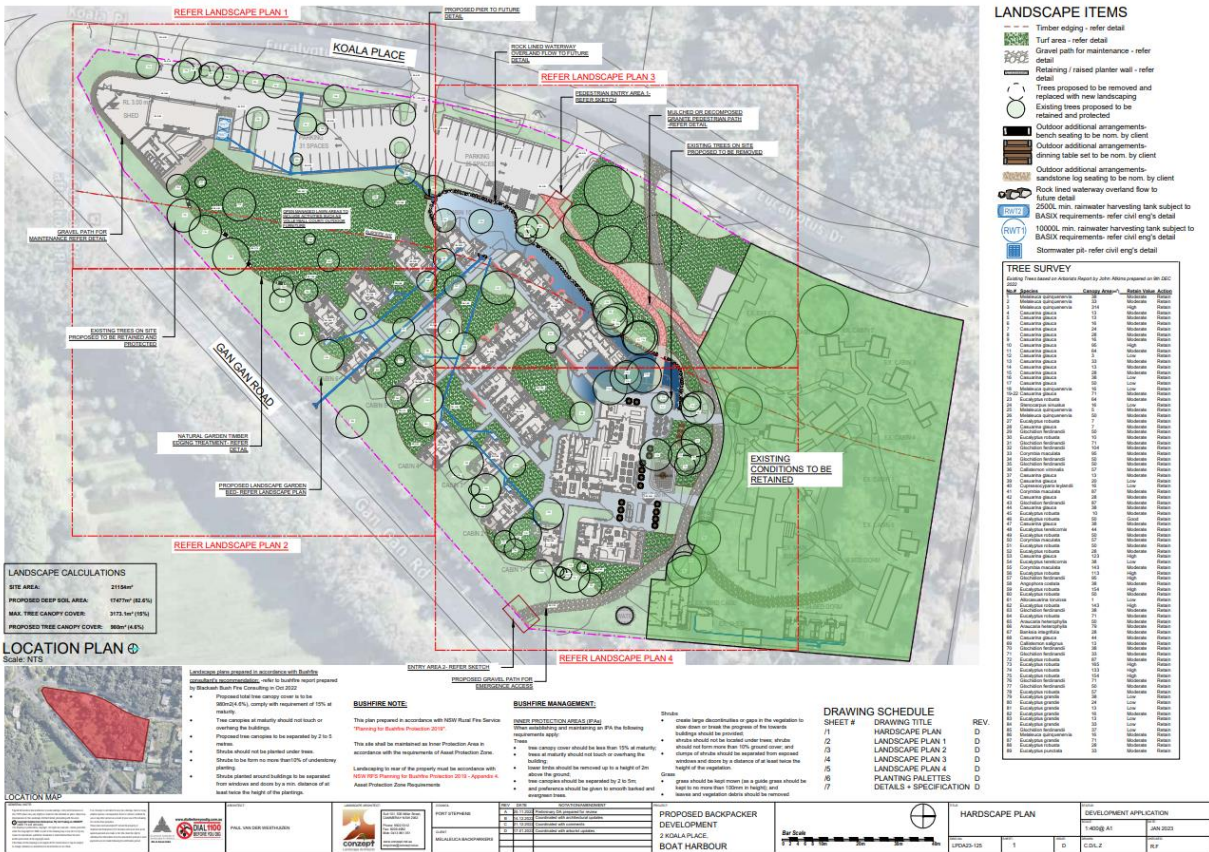
Traffic will increase around the site if the DA is approved, causing koalas and other wildlife to suffer more likely road deaths. Being permitted to operate until midnight as proposed, will create traffic as people leave, if it is approved that members of the public not staying at the site may attend events. This will lengthen the period of time when it is dangerous for wildlife to travel, and of course simultaneously reduce the time for them to travel safely to find mates or browse or search out new home territory.

While koalas can become used to the sound of cars passing by their trees without harming them, they cannot navigate across roads with safety. Their response to being caught on the road in the path of an approaching car varies from staying still in the middle of the road, to bounding across quickly. With the koalas' fur being a similar colour to the road, serious motor vehicle hits causing death will be the result. Once again, KKEPS queries the appropriateness of approving outdoor stage entertainment finishing so late at night, in a recognised koala corridor.

Design and Landscaping

It is clear from site plans, that there is a large **Pond** that extends along the carpark, and traversing most of the proposed development, including the hotel, bathhouse, reception and beyond to what may be lawns (there is no key on this Figure 3 on p16 of the SEE). Having read all the documents on exhibition, including the landscaping proposals, it is not explained whether this Pond is intended to be filled with water on all occasions, or only after rain events. Either way, it could be a mosquito breeding pond and possible health risk. Adding chemicals to prevent mosquitos breeding could be dangerous to local birds, reptiles, etc drinking from the pond.

Having a Pond designed through the middle of almost the property is an issue for koalas and other terrestrial wildlife wanting to navigate through this proposed development, when the site is already clearly documented to provide a corridor/link over cleared land through core koala habitat. The design seems to purposely funnel wildlife around the outside of the new buildings towards neighbouring roads, including the carpark. There doesn't seem to be any fauna fencing or appropriate garden design to prevent this from happening. This design and increased traffic will put koalas and other terrestrial wildlife at a higher risk of vehicle strike.



The landscape plan copied above indicates that several trees are to be removed, using both a pictorial indicator, and a box with an arrow. Removal does look minimal, which is appropriate for this location. But after reading the Arborist's report, KKEPS queries whether there are more trees to be removed than is at first apparent.

KKEPS also disputes the SEES applying "Medium value" to the Melaleuca quinquenervia trees to local koalas. The arborist report was closer to the KKEPS view that local koalas may exist exclusively on M.quin and E. robusta, but will browse on E. tereticornis and E. parramattensis and some other species opportunistically, if available. M.quin is of high value to the local koala population.

The SEE states that on p23 "The application seeks to utilise Chapter B1 of the PSC DCP and the Vegetation SEPP such that the owner can remove trees within 5m of an already council approved structure. Through the application of this to the existing approved structures, no clearing of 23 native vegetation is required that will trigger the preparation of an ecological assessment of BDAR."

"The proposal has been designed such that all trees are retained and protected where possible."

"The proposed landscape design will also increase the number of Koala food species trees and shelter trees present and landscape works will improve access for Koalas to trees present."

KKEPS questions what additional trees may need to be removed that are within 5m of an already approved structure, and where tree retention may not be possible. And while the increase of trees for koalas in landscape plans is laudable, they will take at least 5-10 years to grow to a browseable height, and the growth of most species will be affected by the high water table. It is therefore very important to keep trees designated as Medium retention value, as well as High value trees.

The Treeology report by arborist John Atkins seems thorough and is recognised as suitably assessing the value of trees on site, even though it would seem to be preferable to retain all favourite koala food trees. Only one E. tereticornis is assessed as Low value and this may be because of the health

of the tree. However, seemingly obtusely is the fact that tree 55 *Corymbia maculata* is assessed as unstable due to cracking of the trunk, but is assessed as Medium value.

The report concludes that “All trees of High retention value are to be retained”. P21 However the table of Trees listed as having High retention values on p 14 only lists 10 trees. All the others are identified as low and medium retention value. There seems to be no assurances in regard to these trees. KKEPS would like clarification about what trees are to be retained – only 10, or more?

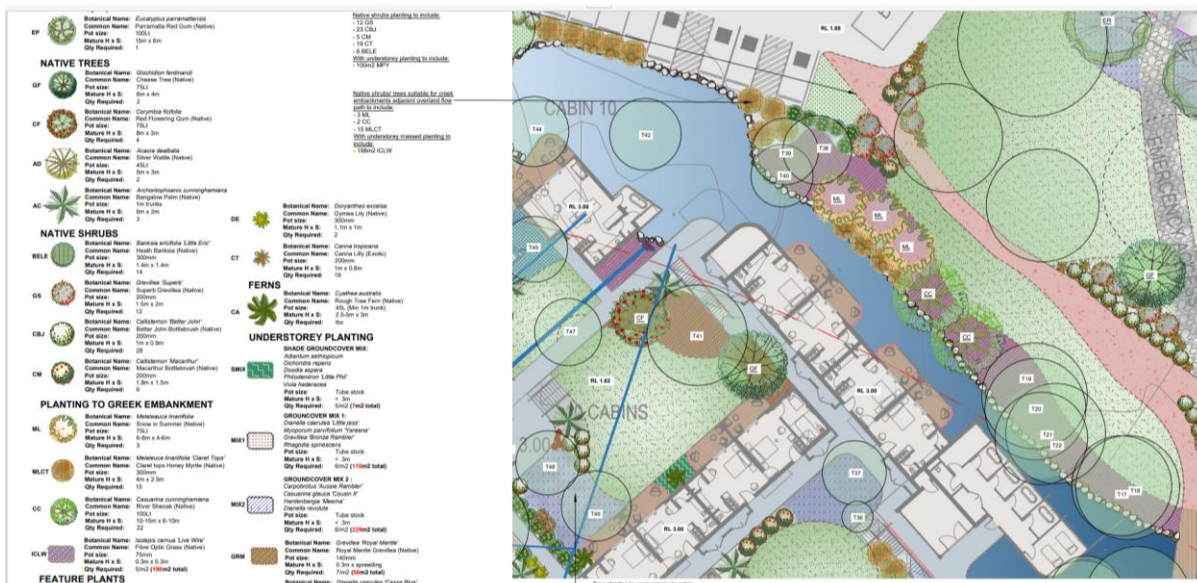
KKEPS is pleased that the arborist concluded on p21 that “the overall impact of all buildings is very low in terms of final construction” because “Services that are normally placed underground and would lead to extensive trenching are placed below walkways reducing the need for trenching and root damage is minimalised.”

KKEPS though queries the arborist report where it states that “trees 90, 91, 92 and 93 in particular may result in damage or poor structure. These trees are of Low retention value and removal rather than retention would allow car park construction and low risk afterwards” KKEPS could find no trees in the report with this numbering, which concludes at 89. However, the carpark design should be reconsidered as it is also identified as being insufficient according to Building Codes and needs wildlife corridor mitigations applied to assist with koalas crossing the site.

KKEPS supports the arborists advice that Structural Root Zones (SRZ), and Tree Protection Zone distances (TPZ) “should be set out and temporary fencing used to define these areas” during construction to prevent possible errors. KKEPS also agrees that removal of weeds under the *E. robusta* along Gan Gan Rd would enhance refuge and corridor opportunities for koalas.

KKEPS supports that the four Treeology recommendations be implemented to protect trees during construction from accidental damage by workers, their vehicles and machinery. KKEPS recommends that all staff and contractors should be informed during site induction about the Australian standard 4970 – 2009 Protection of Trees During Construction and be familiar with the KKEPS pamphlet Recognising a Sick Koala and Calling for Rescue.

KKEPS notes that “The landscape designs provided will increase the number of Koala food trees available and replace those removed for the development. The landscape plans show excellent enhancement of the zone adjacent to Gan Gan Road in particular, embracing the existing trees and improving the current planted areas with a wide range of small trees and shrubs.” P21



There is no need to plant exotics such as Canna Lilly (a garden escape weed already troublesome) mentioned in the planting guides, such as in the above figure. Cabbage palms could replace the Bangalow palm, while Kangaroo paw is unlikely to survive in the wet environment here. The [blueberry ash](#) could replace the red flowering gum which is native but not a local species of native plant.

KKEPS recommends that plant selections be refined further. KKEPS invites discussions with the proponent/owner/developer to encourage them to choose more local native plants such as are shown in the EcoNetwork Tomaree Planting guide and the KKEPS Port Stephens koala tree pamphlet.

Conclusion

KKEPS submits that the economic benefit to the owner and a small number of staff of having an open air stage, falls far short of compensating for the social and environmental impact of noise pollution in core koala habitat that links across this property. We submit that wild koalas on site could be a bigger drawcard for visitors.

The Noise (Acoustic) Assessment for this proposal does not address biodiversity impact. The impact of noise on biodiversity is far-reaching but has not been addressed in the proponent's SEE or other submitted documents.

Due to the similar impact of noise on neighbours and biodiversity, Council should consider that anyone who objected to this DA or the Oasis DA, should be considered as an objector to both.

The Traffic Impact Assessment does not address the likely effects on biodiversity, particularly vehicle strikes. KKEPS submits that the proponent should address the significant impact that is highly likely.

The carpark design should be reconsidered as it is identified as being insufficient according to Building Codes and needs wildlife corridor mitigations applied to assist with koalas crossing the site.

KKEPS recommends that the overall design layout needs reconsideration from a wildlife corridor perspective (including the extent of the Pond), prior to any approval.

KKEPS seeks clarification whether only 10 trees deemed as having high retention value by the Arborists report on p14 are to be retained. There are another 79 trees listed as Medium to Low retention value on pp15-16 that are almost all koala food or shelter trees, but it is not clear how many of these will be retained or cleared for the development.

KKEPS recommends that plant selections in landscape plans be refined to include more local native plants. Appropriate species are given in the [Habitat Planting Guide Tomaree Peninsula – EcoNetwork Port Stephens \(econetworkps.org\)](#) and the KKEPS Port Stephens koala tree pamphlet.

KKEPS supports that the four Treeology recommendations be implemented to protect trees during construction from accidental damage by workers, their vehicles and machinery. KKEPS recommends that all staff and contractors should be informed during mandatory site induction about the Australian standard 4970 – 2009 Protection of Trees During Construction, and that they be given the attached KKEPS pamphlet Recognising a sick koala and calling for rescue.

KKEPS questions the safety and practicality of approving such a large development and locating large numbers of people on this site, who apparently have few vehicles but rely on public transport, without having due regard to the bushfire rating and need for emergency exit. The proponent should address safety concerns including evacuation plans for patrons prior to approval.

KKEPS is opposed to this proposal because it will have an unacceptable impact on biodiversity. It will be detrimental, particularly in the short term during construction, and in the long term due to unsuitable design. The development will prevent koalas from traversing the property easily, pushing them onto the local roads and into the path of vehicles.

Furthermore, the negative economic impact on other operators has not been addressed in regard to the impact of noise pollution on their accommodation and the likely ensuing reduction of bookings. This proposal will impact on the neighbouring operators' ability to provide a quiet location for their guests.

Further, the social impact of this proposed development, especially from a noise perspective, on the neighbouring residents has not been given sufficient consideration. The proposal, if approved, will impact on many other residents' serenity of lifestyle and their enjoyment of biodiversity too.

The social impact of having another gaming and alcohol premises in Anna Bay has not been addressed in the documentation, but the success of gaining a licence may be heavily weighted in the overall predicted budget and impact on the success of the venture.

KKEPS submits that this Development Application should be refused because overall it is not in the public interest, and because of the impact it will have on the already listed as endangered koala, and the impact on other endangered and vulnerable species in the vicinity.

Yours sincerely,

Carmel Northwood
Convenor

Separate attachments:

1. Koala Trees of Port Stephens
2. Recognising a sick koala and calling for rescue

Should these attachments not be forwarded to the proponent, we invite them to contact KKEPS. We welcome the opportunity to liaise with developers to strive for better outcomes for the Endangered koala in Port Stephens.

