



Coffs Harbour Greens
Coffs Harbour
NSW 2450

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To NSW Dept. of Planning,

Submission to Koala Habitat Protection Guideline

Thankyou for the opportunity to make a submission to The Koala Habitat Protection Guideline that has been develop to support the Koala Habitat Protection SEPP. I am the convener for the Coffs Harbour Greens and the following comments have been made after careful deliberation.

Koala population decline

Even before the recent fire season, all populations of Koalas except for the Coffs Harbour Bellingen population were in serious decline. The recent fire season has increased the speed of the loss of this species and has also impacted the last stable population.

There has been an 800% increase in land clearing since the Biodiversity Conservation Act (BCA) came into force (SOE). This has included large areas of Primary/Core Koala habitat. Some of this mature habitat has been replaced by seedlings less than 2m tall with decades before they will be even a poor replacement for the habitat lost. All of these perspectives were demonstrated by specialists who presented to the recent NSW Parliamentary Koala Inquiry.

The community are willing and are keen to assist the Koala through tree planting on their own and others properties. Community time and effort to plant trees and weed native bushland demonstrates the love for the Koala such as the Tree Parent program run by NPWS in Bongil Bongil NP. However, the population decline from other mechanisms far outweigh piecemeal community effort and it is obvious for NSW general public that institutional policy failure is to blame for the serious decline of koala numbers.

The distress and loss of a sense of being able to protect things we love especially when it is such an iconic species leads to apathy and distress as demonstrated by the following quote from a submission by Meg Everingham, "To be honest, I feel foolish now, looking out at the food trees we planted on our property which are now two meters tall, and which will probably never be used by Koala's. I also feel incredible grief. And I feel utterly betrayed". This was after she found out the Port Stephens Koala population has only two individuals left.

The current system has allowed mature core Koala habitat to be cleared to bare earth and a few rows of seedlings that are not maintained left as a replacement. Someone has made the decision that this is a fair offset using the *maintain or improve criteria* (BCA) which shows the regulation and decision making process are a farce and need to be changed.

Recommendations

Local Land Services Act (LLS)

- Please immediately release the Native Vegetation Regulations Map including ALL categories to be made available to the public. These maps are required to protect the Koala and have been unavailable despite the continued approval of clearing for Agriculture.
- We support the sensitive areas map including Koala habitat. In combination with self assessment where property owners are discharged of their obligation regarding threatened species, including the Koala by claiming no knowledge, koala habitat continues to be cleared. Without proper assessment, there is a clear conflict of interest for land managers trying to make money off the land. This provision should be removed.
- The Koala Inquiry made note of the impact of the Equity and Farm code and the issues seem great enough to call for a repeal and review of the impact of this code on environmental and social values but threatened species in particular.
- It is not clear who is regulating which legislative level relating to investigations of illegal tree clearing and the overlap of the LLS, BCA, the DCP and LEP for some councils. Each council was to improve the LEP tree protection measures for the BCA inception but many still have not leaving a gap in the protection of remnant koala feed trees. These trees are a vital stop over for Koalas traversing the landscape and are often the best place for the community to view Koalas in their own backyards. The impact of these encounters should not be underestimated. The approvals from the LLS seem to be a rubber stamp with most if not all applications approved and very few completing investigations into illegal clearing. The coordination of regulatory roles over different approval bodies is strongly supported. The current situation has emboldened the land managers who see a profit in illegal clearing and this is well represented in the SOE report.
- The definition of invasive native regrowth should be clarified as the large areas of this vegetation type approved for clearing (SOE) indicates a high likely hood of miss identification during the process.

Biodiversity Conservation Act and Regs (BCA)

- We support each Koala population to have each source population habitat area dedicated as an Area of Outstanding Biodiversity and mapped in the Biodiversity Values map.
- The Koala Inquiry demonstrated clearly the BCA was failing the Koala with the emphasis on offsetting and the offsetting requirements being poorly defined for protecting threatened species such as the Koala. Offsetting was designed to be a last resort but is currently used often. Development is not being designed to avoid habitat and minimisation efforts are often tokenistic.
- In the case offsetting requirements include the establishment of new plantings, it is clear that Koala populations can not use these trees in any way for many more years and the maintenance schedule for these offsets is often completely absent. The outcome of offsetting is far short of the maintain and improve objective (BCA) with more work left for the community to pay for.

- State significant developments are decided by the Minister for Planning with the protection requirements for the Koala, and all other threatened species, switched to advice so current decisions emphasis financial outcomes, which is leading to the loss of community values such as the serious current decline in the Koala population. This short term emphasis is compromising the Koala's long term survival is unsustainable and is not supported.
- The koala Inquiry (Coffs Harbour) heard "the loss of the Koala is due to habitat loss", "road strikes, dog attacks and other impacts of the population are not the main cause of the (Koala's) population decline". It is also noted current financial focus on fencing and other protection measures are possibly increasing the speed of decline. Conservation measures focused on protecting and repairing habitat over secondary causes of population decline is supported.
- The Koala Inquiry identified that there have only been 8 Koala Plans Of Management gazetted in NSW since 1995. Without a KPOM in place, approval bodies have limited or no regulatory power to stop clearing of Koala trees in Rural zones. This is very disappointing and demonstrates the large gap between current outcomes for the Koala and where the legislation and process needs to be, not just to ensure the species survival, but to expand and reintroduce the species into areas such as offset sites that may be able to support Koalas into the future.
- The current system used to identify development limitations remotely is BioNET and it is not protecting the Koala. The BCA requires (50K fine) that species information from all site surveys are entered into this database in a timely manner. This is not occurred currently and the system will continue to fail the Koala and other species until BioNET actually demonstrates what is in the area. Financing the regulation of BioNET and promoting the system to the public through an easy to use data collection internet platform is strongly encouraged.

Great Koala National Park proposal

- The Great Koala National Park has clear support by the community, Aboriginal groups, the local councils and Ecologists as demonstrated in the Koala Inquiry. It will have numerous other benefits for species as well as bringing the community, our heritage and nature together through activity. There is enough financial potential for sustainability in funding from a longer term perspective. Without the GKNP as a backstop, there is a very real threat the Koala will become extinct. The species, topography, rainfall and latitude of the area chosen is better able to protect the Koala and other species from future climate changes and other risks than other sites. The Great Koala National Park is supported.

Community and Indigenous perspective

- The Koala Inquiry identified the Koala is a Totem of some Aboriginal groups and these people are tied spiritually to this species. The Koala has been an iconic species for tens of thousands of years yet the current trajectory of the species numbers show total species loss before the end of the century. The knowledge from the Aboriginal culture is invaluable going forward and we ask how will the extinction of the koala impact on the identity of Gumbaynggirr people?

Coastal Integrated Forestry Operations Approvals and Regional Forestry Agreements

- The current aim of no net loss to wood supply without regard for the current unsustainable practices demonstrates the lack of emphasis on the preservation of important species such as the Koala. We call for our state forests to be managed according to criteria of the Australian Government's Climate Solution Fund -Emission Reduction Fund. The current eligibility provisions provide for private native forestry but public native forestry seems ineligible. We support NSW Forestry Corporation becoming a leader in carbon sequestration and conservation that is forecast to profit NSW tax payers above and beyond the current business model.¹
- We support searches for Koalas using koala dogs and the reinstatement of pre-logging survey's immediately.
- We support the retention of feed trees be improved to improve the recovery of the species after harvest. Felling any trees with a Koala in it is unacceptable.
- The current definitions such as "selective logging" or "intensive harvesting" are creating confusion and should be changed to reflect the community's expectations. The system of management of the community's forestry resources should be open and transparent. The current situation of secrecy is leading to further losses of species such as the Koala. Community attempts to protect the Koala in state forests have been met with strong resistance creating further suspicion in the community.
- Unsustainable logging is not supported. Current logging of refuge areas after the recent fires is also not supported.
- Regulation of forestry practices should be strengthened. Third party rights to enforce breaches should be reinstated.

Private Native Forestry

- We support the recommendation that the Minister for the Environment be the decision maker for Forestry on Private land and a legislative requirement to take into account the Koala and other species protected under the BCA. Current approvals from differing departments make regulation for PNF ineffective with very few investigations leading to prosecution. I support strong regulation and prosecution where appropriate.
- The Koala Inquiry identified that councils do not have access to information in PNF approvals and as such are unable to regulate any activity on these properties. As these approvals last up to 15 years, this is creating a large gap in protection for species such as the Koala. We support councils having access to the information in the PNF approvals.
- We support a stronger definition of Koala habitat. In this regard, Koala habitat should now be excluded from PNF areas.
- Provisions and ecological descriptions should be strengthened and informed by expert scientist opinions and peer reviewed.

¹ <https://www.tai.org.au/content/money-doesnt-grow-trees>

- Site surveys should be carried out by an appropriately trained ecologist before any PNF areas are approved.

Koala SEPP and SEPP 44

- The SEPP 44 has failed to protect the Koala with the species in serious decline. Stronger provisions proposed for the new Koala SEPP is supported. This legislative control should not be able to be turned off by PNF and the LLS without proper site assessment.
- We note the new SEPP was to become enforceable on the 1st of March but without the release of the guidelines for councils. Councils are having to bear the burden of liability and decision making when provided with mapping that conflicts without clear understanding which one will take precedence in development decisions. Releasing important legislation without all the measures for control and regulation being in place is not supported and demonstrates contempt for the community.
- The mapping released in the first version of the Koala SEPP is poor in definition and the SEPP does not give councils and other approval bodies the ability to refine the application requirements for local and individual needs which may differ from the maps current representation. Financing good quality vegetation mapping for the whole Koala habitat range in NSW is strongly supported.
- We support a rewrite of the NSW Koala strategy and to fully implement the chief scientist recommendations. Without clear targets and controls, leadership in the direction for Koala protection in NSW is absent and Koala population decline will continue.

Conclusion

This submission has been written in collaboration with Mr Timothy Nott who is well trained in the management of the Koala (Bsc(REM)) and has over 10 years experience working in the development control system for developments under both Part 4 and 5 of the EP and A Act for local and state governments.

He has watched as the test of significance does not fail until there are only 10 or so individuals left. By this time the genetic bottleneck has been created and the impacts of climate change and the current mass extinction event taking place finishes the last few individuals. The test of significance has not protected the Koala and is not protecting the other 1000 NSW threatened species, populations and communities.

Most importantly, approval after approval goes ahead, even when the application does not include appropriate environmental assessment and the developer has already broken the law by illegally clearing. The current approval system as it stands benefits people who destroy the environment by not controlling the quality of development or regulating in any impactful way and disadvantages people who try and do the right thing by jumping through the multitude of hoops and hurdles created by the complex planning system in NSW.

The system requires the developer to complete a site assessment often including surveys for species such as the Koala. The developer then can choose to use or not use and pay or not pay the consultant despite a clear conflict of interest. Reports are then often the point of contention for approval due



to the definition of Core and Primary Koala habitat, with developers taking approval bodies to court for long protracted decisions about what is considered Koala habitat or not.

In all this, one of the best known and loved animals in the world has disappeared from backyards and forests. The Koala has been severely negatively impacted by this approval system and without real change the Koala will become extinct in the wild over the next 50 years. We as a community are not only losing a perpetual income source but an Australian icon. This has been demonstrated by the specialists who have given evidence at the Koala Inquiry and the recent Koala symposium in Port Macquarie in 2019.

We are in the midst of one of the largest ever extinction events despite a complex and expensive NSW planning system and numerous legislative controls. We must protect the Koala in this great nation as a matter of urgency. No amount of money can buy that or replace it when its gone.

Yours sincerely

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