



Document tendered by
Mr NICOLA CHIRLIAN
Received by
HELEN HONG
Date: 13 / 12 / 2019
Resolved to publish Yes / No



PRESENTATION TO NSW Parliament Portfolio Committee No. 7 – Planning and Environment

Re: Inquiry into koala populations and habitat in New South Wales

FROM: Nicola Chirlian, Chair, & Heather Ranclaud, Committee Member, Upper Mooki Landcare Inc.

- Thank you for travelling to Gunnedah to provide us with the opportunity to express our experiences and concerns about koala populations in NSW.
- Our presentation relates to Terms of Reference (a) the status of koala populations and koala habitat in New South Wales, including trends, key threats, resource availability, adequacy of protections and areas for further research, (c) the effectiveness of State Environmental Planning Policy 44 - Koala Habitat Protection, the NSW Koala Strategy and the Biodiversity Conservation Act 2016, including the threatened species provisions and associated regulations, in protecting koala habitat and responding to key threats, and (d) Identification of key areas of koala habitat on private and public land that should be protected, including areas currently at risk of logging or clearing, and the likely impacts of climate change on koalas and koala distribution.



Upper Mooki Landcare Inc. is a small but active Landcare Group in the southeast end of the Liverpool Plains. Our Objectives are to:

- Continually improve our management of soil, water and vegetation.
- Keep informed about impacts of climate change on farm and state lands environment.
- Promote information about new technology and innovations to our communities.
- Actively keep informed about mining and gas exploration and extraction affecting the environment (including water, biodiversity, land use and state lands).
- Take whatever steps deemed necessary to ensure and promote the protection and conservation of the environment

Our Landcare group has provided education, advocacy and action on issues that align with our Objectives and Values.

In an extensive area of cleared agricultural land, the Liverpool Plains woodlands are an important refuge for wildlife, including the koala. The koala population here is of both state and national significance, as one of the largest remaining populations west of the Great Dividing Range. All pockets of remnant vegetation are critical to koala survival, in a region where over 60 per cent of the native vegetation has already been cleared.

We remain hugely concerned about the ongoing viability of koala on the Liverpool Plains. We know that koala numbers in Gunnedah have crashed by around 70% over the past few years, due to drought and clearing creating further habitat loss, train and vehicle accidents, dog attacks, and the impact of chlamydia, which infects urinary and visual systems. Our koala are weakened by dehydration and diet insufficiency during the hot and dry conditions, and then chlamydia brings them down faster. They have literally been dropping from the trees.

In 2016 Upper Mooki Landcare Inc. (UMLC) members became concerned about the impact that the Shenhua Watermark Mine would have on the identified koala population on the mine site. This mine will remove 847 hectares of koala habitat, placing the koalas at risk of extinction. Shenhua's Koala Plan of Management at the time seemed totally inappropriate. We decided that we would try and save this important colony of 262 koala, from death by dehydration, starvation, vehicle accidents, and the inevitable risk of failure of translocation. (<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/translocation-operational-policy-190162.pdf>)

Upper Mooki Landcare Inc. v Shenhua Watermark Coal Pty Ltd and Minister for Planning [2016] NSWLEC 6 was heard in the NSW Land and Environment Court, 31 August, 1-3 September 2015. We were concerned about the manner in which the impacts of the Project on koalas were assessed in the development application and considered by the Planning Assessment Commission (PAC) in determining the development application for the Project. We argued that the PAC did not properly consider whether the mine would put the koala population at risk of extinction, as it is required to do for any threatened species under the NSW Environmental Planning and Assessment Act. In fact the NSW Office of Environment & Heritage, in its submission to the mine assessment process stated "The assessment of significance of impacts for the Koala is totally inadequate. No details of the actual Koala population to be impacted upon, nor what impact the Project will have on the population is provided"



We lost. Our case was ultimately rejected by the court on the basis that the Planning Assessment Commission had considered that the Projects Koala Management Plan and Working Group would ensure that koalas were given the best chance of survival both in any translocation programs and through the establishment of additional habitat (albeit in the long term)". The PAC, therefore, did, in substance, consider the aspects of the precautionary principle and undertake the analysis and assessment that we argued should have been considered and assessed.

However we have ongoing concerns about Shenhua Watermarks current Draft Koala Plan of Management, particularly in view of climate conditions which have intensified.

Contrary to Shenhua's claims, our information is that displaced koalas "cannot simply move into nearby habitat and the company's plans to relocate affected koalas appears certain to fail. Those koala that remain on site face a future of disease and starvation." (Wendy Hawes BSc MSc, Principal Ecologist, The Envirofactor Pty Ltd).

NSW Office of Environment and Heritage notes: "Translocation is not generally an appropriate measure to mitigate the impacts of development and may do more harm than good where impacts to recipient site/ecosystem are not appropriately assessed and addressed".

(<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Animals-and-plants/Threatened-species/translocation-operational-policy-190162.pdf>)

Consultation with Mr P Spark (Ecologist, North West Ecological Services) has occurred regarding Shenhua's current Interim Koala Habitat Plan. As Mr Spark is also presenting to the Inquiry, I briefly summarise his information to us:

- The plan fails to consider climate and other significant environmental changes, and what we are already seeing happening with tree deaths and Koala decline from heatwaves.
- That Shenhua have tried to match tree plantings to existing community composition which would have been fine prior to climate change, but now they need to add more drought tolerant western and dry ridge species to the mix to have reasonable confidence of some trees being alive in 30 years. Tree Species selection could add some of the more drought tolerant species from the ridges such as Tumbledown Redgum - *E. dealbata*, Dwyers Redgum, Mugga Ironbark - *E. sideroxylon* Narrowleaf Ironbark - *E. crebra*, Acacia salicina, White Cypress, Silverleaf Ironbark, and River Redgum added in drainage lines, as all those are present in the region.
- Weeding: The Maules Creek mines have used tropical grasses in regeneration areas for soil stabilisation, which has ruined the chance of native groundcover regeneration. Shenhua must not introduce those plants into the area as they will out compete all the plantings and regeneration of native ground cover. They need a list of all the weeds they intend to control, often the environmental weeds are not controlled just those that are noxious.
- We are at 1 degree of global warming above pre Industrial Age levels. This is already causing record warm-to-hot temperatures, plus this current unprecedented drought and fire situation. Terrifyingly, the world is currently on track to warming of 2 degrees or more. Australia's and global emissions are rising not falling, and we can expect 50 degree Celsius heatwaves in the next 20 years. Every block of bush is going to have dying trees, fires will decimate the bush. Koalas will probably be gone by then as has happened since 2012 in the Pilliga, Walgett, Lightning Ridge areas.



- The decline from the west will move east as the weather gets hotter and drier. The Intergovernmental Panel on Climate Change predicts that we can expect the normal weather of 2050 to be the equivalent of what we now refer to as a one-in-a-hundred year extreme event. No Koalas are able to survive that scenario. If Shenua were serious about environmental sustainability they would cancel this mine and get into renewable energy, energy efficiency and sustainable forms of energy storage.

We acknowledge that the terms of reference of this Inquiry were developed before NSW has fallen to the current devastating bush fires. However these fires to the east and south of us here in critical koala habitat, and the drought in this area, have shown us (TOR c) that the effectiveness of State Environmental Planning Policy 44 - Koala Habitat Protection, the NSW Koala Strategy and the Biodiversity Conservation Act 2016, in protecting koala habitat and responding to key threats, have failed. This is so clearly evidenced by koala death and injury from fire and drought. We have not been able to protect an unknown number of koala who have already died.

We see that TOR (d): Identification of key areas of koala habitat on private and public land that should be protected, including areas currently at risk of logging or clearing, and the likely impacts of climate and other environmental changes on koalas and koala distribution, is critical. However even where these habitat areas exist, we have not been able to protect them in the climate chaos that we humans have created.

Ongoing land clearing is a huge issue. A recent study quantified that over 7.7million ha of potential habitat and communities were cleared between 2000 – 2017, of this 93% was not referred to the Federal Government, therefore not scrutinized under the EPBC Act. This study notes that koala lost 1 million ha of potential habitat. It indicates that the EPBC Act is ineffective at protecting potential habitat for protected species. (Ward MS, Simmonds JS, Reside AE, et al. Lots of loss with little scrutiny: The attrition of habitat critical for threatened species in Australia. Conservation Science and Practice. 2019; 1:e117. <https://doi.org/10.1111/csp2.117>)

We share the shock, horror and terror at the situation that we are now in, and acknowledge our own and others anger, and grief, at the loss of possibly thousands of koala, and, I expect, billions of other wild and domesticated animals, birds, insects and their habitat. We will never know how much wildlife and ecosystems we have lost. Truly we are now seeing the impact of climate change and chaos, and our human inability to control the forces that we have created by our mismanagement and arrogant abuse of the natural ecological systems of our world.

The circumstances that we have now, in our opinion, are symptomatic of a lack of will to respect nature and Earth's boundaries, reflected in the lack of an encompassing climate policy at all governmental levels. This lack of action over many years to recognise, restore and regenerate ecosystem processes, would have aided in mitigating the current drought and reduced the severe fire risks. If nothing else, this spring-summer period is already showing us that the time to bury our heads in the sand, or deny that climate change is not the cause of this current crisis, must be ended.



We need to approach the climate crisis that we are now so clearly in the midst of, as if we are at war, with pitched battles needing to be fought on so many fronts. To that end we ask that the NSW Government:

- Look urgently at all measures that may assist in repairing and maintaining habitat for koala and other wildlife. We must demarcate critical habitat for listed species, including koala, which provides absolute protection that is enforced, monitored and investigated by the regulator.
- We call for an immediate review of the Shenhua Watermark project in the light of changing climate.
- We call for an immediate cessation/moratorium of logging in native forests, and curtailment of the rush for urban expansions into bushland areas.
- We must discontinue any expansion or addition of new coal and gas extraction as we know that these are the major cause of global warming no matter who extracts and who burns.
- We must accept and implement a transition to renewable energy sources as swiftly as practically possible.
- We must address soil degradation and desertification by urgently adapting carbon soil sequestration, regeneration and rehydration measures, at landscape to molecular levels.
- We need to exponentially increase the restoration and reconnection of habitat throughout NSW in ways which address the species extinction crisis as well as enhance and complement agricultural and hydrological resilience and productivity
- We must implement cool or mosaic burn strategies along with planned and managed grazing of livestock to reduce fuel load in our forests and farmlands.
- We must repair the hydrology of our landscapes and water cycle.

Keeping water in our environments at all levels must be a major goal. We can do these things, and at acceptable cost. In truth, we have no choice.

NICOLA CHIRLIAN

CHAIR,

UPPER MOOKI LANDCARE INC.

11/12/2019.

HEATHER RANCLAUD

COMMITTEE MEMBER,

UPPER MOOKI LANDCARE INC.