



NATIONAL PARKS ASSOCIATION OF NSW
protecting nature through community action

ARMIDALE BRANCH
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8 January 2020

To the Chairperson
Portfolio Committee No. 7
Legislative Council
Parliament House
Sydney NSW 2000

Reply to question on notice from PC7 Chair re tree species to protect for koalas

Friday, 13 December 2019 Legislative Council Page 6

UNCORRECTED

The CHAIR: Ms Hosking, in the updated submission you provided there is quite a bit of information about what the heatwaves and climate change are doing to tree species in the area and what that means for koalas. We are tasked with investigating the adequacy of various planning instruments, including State Environmental Planning Policy No 44—Koala Habitat Protection, or SEPP 44. In your submission you mentioned that the trees species list in SEPP 44 is woefully inadequate. Would you like to expand on what the National Parks Association would like to see in relation to SEPP 44 and the tree species list?

Ms HOSKING: Because of the drought and the bushfires in Armidale the eucalyptus viminalis ribbon gums on the ridgelines are dying. A member of our branch, Kate Boyd, produced that document. She is suggesting that all trees that retain moisture along the creek lands should have protection. At the moment people are putting out water for the koalas. Can I take that question on notice and consult with the NPA and Ms Boyd, who produced that document?

The CHAIR: Yes, of course.

Dear Ms Faehrmann,

I would like to expand on what the National Parks Association of NSW would like to see in relation to SEPP 44 and the tree species list. The Christmas holiday season has limited my opportunity to discuss this question properly with others in NPA before the date on which this reply was due, so this reply, while drawing on documented NPA positions, is my own opinion. If I am able to expand further in relation to the views of the Association in the next week I will do so.

This response to the above question is in two parts: changes to the koala SEPP and responding to the drought, heatwaves and bushfires.

A. New Koala SEPP gazetted: with expanded food tree list

On Friday 20th December 2019 *State Environmental Planning Policy (Koala Habitat Protection) 2019* was gazetted. It will replace SEPP 44 from 1 March 2020. It includes a greatly expanded list of koala food trees – from 10 species to many more in specified regions, totalling 123 species. For the Northern Tablelands region 40 species are listed.

I am pleased to see that this list does include all the native species under which koala scats were found during recent koala surveys near Armidale and in two other two parts of the Northern Tablelands. Scats were also found under several introduced conifers indicating the importance of shade trees. Listing trees does not of itself protect koala habitat but does the expanded list does increase the potential for the new SEPP to contribute more effectively to arresting decline of koala populations. How will the list be used?

It appears that a major focus of the changes to the SEPP has been to streamline the development application processes. This may be beneficial provided that this does not streamline development that destroys koala habitat but instead enables thoughts and resources of land owners, potential developers, consultants and Local and State Government people to be focussed on how to conserve habitat in ways that will ultimately work for koalas and other species.

New Map and unpublished Guideline central to new SEPP

Except in the limited locations where an approved koala plan of management applies, the development assessment process of the 2019 SEPP only applies in areas on the *Koala Development Application Map* which was [published this week](#) on 6 January. The map will certainly give land owners, other potential developers and Local Government an easy way to see which land SEPP procedures will or may to apply to. The map has two colours when zoomed in to a scale of a few cm per 1km – pink and blue. Most of the uncoloured land is cleared land but some is native vegetation. Development proposals on pink land greater than 1 ha appear to be subject to criteria in guidelines yet to be published, unless the developers can provide evidence it does not meet the new core koala habitat definition. I am not able to assess how well this map covers the full extent of current koala populations and areas koalas are likely to move into although a quick glance at some districts I know reveals the bulk of likely habitat on private land is mapped as pink in some parts of the northern tableland and the Pilliga but near Lismore some habitats regularly used by koalas are blue not pink while some small sections of horticultural plantations are mapped as pink.

The “Site Investigation Area for Koala Plans of Management Map” is mapped in blue which the [“Frequently Asked Questions” webpage](#) about the new SEPP says “identifies the land councils are to focus their survey efforts on, particularly when identifying core koala habitat”. Lismore Council has previously worked on a Koala Plan of Management which may account for extensive areas being mapped a blue. Whether councils are willing and able to do such surveys of blue areas and include them in their own Plans of Management will determine whether needs of koalas in some actual habitat areas are considered by people planning developments, making consent decisions or managing development sites.

Both the development assessment process for and preparation of koala plans of management depend on the content of the *Koala Habitat Protection Guideline* which is yet to be approved by the Planning Secretary and published. The [“Frequently Asked Questions” webpage](#) says

“The new Guideline will provide detailed information about the process and content of Koala Plans of Management, streamlined criteria for development applications on land with no approved Koala Plan of Management, and a standard, scientifically-robust surveying methodology. The Guideline will be published before the new Koala SPEP commences on 1 March 2010.

.... With the new Koala Development Application Map, there is no longer a need to conduct any surveys. Instead of preparing an Individual Plan of Management, proponents will be required to prepare their development application in accordance with the criteria in the new Guideline, for council to consider when assessing the application. This will save applicants time and money and achieve a consistent approach across the state.”

It appears that there may be no requirement for ongoing management of koala habitat if a development affecting habitat gets consent, although the criteria could cover such matters. There is no indication of what the criteria for consent will be. It is therefore not possible to predict whether the new koala habitat protection SEPP will do much to reverse either of the trends of koala habitat destruction or population decline cannot be assessed until the *Koala Habitat Protection Guideline* have been finalised and published unless a draft version or more details of what is proposed can be obtained.

Recommendation 1: Portfolio Committee No. 7 should ask the Planning Secretary (or whoever previously made a submission or appeared from the Department of Planning, Industry and Environment) to provide it with the current draft of the proposed Guideline. This could enable the Committee to offer advice based on the information it has gathered on how the draft Guideline should be improved before it is published.

Code based clearing under LLS Act - use map from the new SEPP

More habitat could be protected if the koala habitat mapping used in the new SEPP's *Koala Development Application Map* was used, along with habitat identified in Koala Plans of Management, under in the Native Vegetation Regulatory Map as part of defining Category 2 Sensitive Regulated land under the Local Land Service Act. This is just one of many needed changes to the clearing controls under this Act, as documented in the Stand Up For Nature submission. See also my Recommendation 5 and comments below regarding protection of habitat along watercourses, in floodplains, footslopes and deep fertile soils.

Recommendation 2: The Committee should find out whether any changes to the clearing controls are proposed in parallel with the changes to the SEPP, and should recommend substantial changes to the native vegetation regulatory controls under the LLS Act.

Apply the koala food species list and habitat mapping to stop habitat damage by logging

The National Parks Association of NSW, along with other members of the Stand Up For Nature Alliance, has call for an end to industrialised logging in public native forests and changes to private native logging.

This should include excluding logging from mapped koala hubs and amending the koala prescription in the CIFOA to ensure higher retention rates for koala feed trees. This should apply to all of the 123 feed tree species listed in the new SEPP. As recommended below, a moratorium on logging in public native forests is needed as a result of the bushfires.

Increased regulatory involvement in private native forestry, not self-assessment, is needed to protect habitat for all declining or threatened wildlife including koalas.

B. Koala population recovery from drought, heatwaves and bushfires

In 2020 everyone needs to think differently to envision and create a future changed not only by the climate and uncontrollable disasters but also by attitudes focussed afresh on what we care about.

Actions and comments in response to the drought and fires highlight many things we care most deeply about including people's lives, feelings and health, belongings that people are deeply attached to, people's livelihoods or opportunities for a future livelihood. The speed with which Port Macquarie Koala Hospital's crowd-funding request has raised \$5 million to care for koalas affected by bushfires and drought demonstrates how deeply Australians care about koalas. They are symbolic of the high value put on all our wildlife.

We should not simply reconstruct ways of living that have contributed to undesirables, including climate change, ongoing declines in wildlife populations, increasing inequities in our society or other socioeconomic issues. From the awful adversity of our extreme drought and the horrendous bushfires I hope we can work together to envision, redesign and construct a better future.

I trust the outcomes from the Committee's current Inquiry will be one step towards this.

Recommendation 3: Please support the request for an **immediate moratorium on logging in public native forests across NSW until a comprehensive independent assessment of the impacts of the fires on species and habitat is undertaken, publicly reported and wood supply contracts are reassessed.**

This request was made to the Premier by the Stand Up For Nature Alliance (see attachment). It notes that wood supply agreements include a force majeure clause enabling alteration to the agreement in the event of circumstances such as this summer's fires. Timber workers should be given alternative work while the requested reassessment is undertaken and a new approach to native forest management is developed. One specific job could be salvage harvesting of pines killed by drought (e.g. in Armidale State Forest where many trees died in recent months although it remains unburnt) or by fires if there are locations where the timber was not all destroyed. Other alternative work could be related to helping communities with fire recovery efforts. There is likely to be less timber-harvesting work in the future in many locations so retraining is likely to be needed.

One outcome of such an assessment should be to recognise the need to change priorities for use of public native forests away from the current focus on industrial-scale harvesting to ecologically sustainable uses and protection of natural values. Some of the forests should become national parks and forest or timber workers could become park workers.

Recommendation 4: Please support the NPA's proposals for new national parks in locations with important koala habitat including the Great Koala National Park.

Protect habitats on private land that are most needed in droughts or heatwaves

As noted in the document tabled by Ms Hosking from Armidale NPA, the drought has killed or defoliated many koala habitat trees, predominantly on rocky or shallow-soiled areas where the amount of water stored below ground is most limited so even deep-rooted trees run out of moisture. The photos I provided in that document contrasted dead Ribbon Gums on hills with live Ribbon Gums at sites with deeper soil and better access to moisture. Many other species on hills are seriously affected such as stringybarks. Given that koalas need both moisture and nutritious leaves they need to move away from shallow-soiled hills and rocky areas to the areas with healthy trees and, hopefully, pools in creeks.

Many other mammals and birds also need trees, shrubs or groundcover in similar locations that remain productive in droughts and after heatwaves.

Most land that is not very rocky but is either near a watercourse or has deep fertile soil has already been cleared and intensively used so what native vegetation remains or has been allowed to grow back is quite limited and has many values.

Recommendation 5: All wildlife habitat near watercourses and on floodplains, footslopes and deep fertile soils should be protected by

1. Prohibiting harvesting or clearing for private native forestry in these locations, (other than where plantations are already established in which case buffer strips along watercourses should still be required)
2. Inclusion as Category 2 Sensitive Regulated land on the Native Vegetation Regulatory Map under the Local Land Service Act to prevent it being cleared without development consent.

Areas impacted by extensive bushfires

In areas such as the upper Macleay Valley most land has been burnt – only strips and large patches remain unburnt, often in cleared valleys with limited regrowth. This makes the unburnt native vegetation essential to survival of whatever wildlife was not killed and can reach these strips, patches and scattered trees. All unburnt food trees and adjacent shelter trees in these areas should be protected if there are any koalas in the district, at least until their normal habitats regrow. Other wildlife need similar protection of their habitats. Protection of nearly all native trees and shrubs is needed, not just koala food near known koala populations.

Recommendation 6: In areas impacted by extensive fires all unburnt native vegetation in a zone several kilometres wide adjoining burnt vegetation should be protected from clearing or harvesting. Limited exemptions will be appropriate.

Thank you for the opportunity to provide this response. I look forward to the outcomes of your Inquiry.

Yours sincerely

Kate Boyd

Bachelor of Science, ecology major (UNE)

Diploma of Natural Resources (UNE)



The Hon. Gladys Berejiklian, MP
52 Martin Place
SYDNEY NSW 2000

16 December 2019

Dear Premier,

Bushfire emergency response: Request for native forest logging moratorium

We call on the NSW Government to declare an immediate moratorium on logging in public native forests across NSW until a comprehensive independent assessment of the impacts of the fires on species and habitat is undertaken, publicly reported and wood supply contracts are reassessed.

This developing crisis is set to worsen and requires an emergency response.

Fires have now burned 2.7 million hectares in NSW this bushfire season. The impact on many species has been extreme and is ongoing. The full scale of wildlife losses will probably never be known, but they will surely number in the millions. It has been estimated that one million animals were killed in Victoria's Black Saturday fires, which affected an area one-sixth the size of NSW fires.

The state's threatened koala populations have been hit hard. The inquiry into koala populations and habitat in NSW heard evidence that more than 2,000 koalas may have died; including as many as 300 in the Port Macquarie region, up to 700 in the forests near Rappville and two coastal koala colonies in the Clarence Valley.

As of the end of November, 40% of the State Forest estate across the North Coast had been burnt and yet the NSW Forestry Corporation intends to continue harvesting operations. Most of these operations are slated for regions heavily burned and include forests that have provided refuge for animals fleeing the fires.

The effects of the catastrophic fires have been so far-reaching that allowing further loss of habitat and impact on native species would be unconscionable. There needs to be a full assessment of the impact of the fires on the entire forest network, on threatened species and ecological communities, and reappraisal of existing wood supply commitments. Without this information, the sustainability of harvesting operations cannot be guaranteed.

This assessment must ensure sufficient remaining native habitat is maintained to protect species and ecological processes.

These unprecedented fires have jeopardised the long-term viability of threatened species populations and forest ecosystems in several areas. We believe the developing crisis justifies the use of the force majeure clause of the Wood Supply Agreements as fire has significantly reduced the availability of native timber across State Forests. These clauses, designed for extreme events such as these, will ensure that public money is not spend on FCNSW being unable to meet current Wood Supply Agreement obligations.

We acknowledge that any moratorium could have some impacts on timber industry workers directly associated with native forest logging and their communities. We therefore call on the government to ensure logging industry workers are supported during this process, either with alternative employment options, financial assistance or other worthwhile alternatives. We stand ready to engage constructively with the industry and government to achieve this goal.

Representatives from the Stand Up For Nature Alliance would like to meet with you to discuss putting a moratorium on logging. Please contact _____ at the Nature Conservation Council (_____) to arrange a suitable time. Thank you for your time and consideration.

Yours sincerely,

Chris Gambian
Chief Executive Officer
Nature Conservation Council of NSW

Erica Martin,
Chief Executive Officer
Humane Society International

Gary Dunnett
CEO
National Parks Association of NSW

Peter Cooper
Markets Campaign Manager
The Wilderness Society

Dermot O’Gorman
Chief Executive Officer
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Josey Sharrad
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Dailan Pugh
President
North East Forest Alliance

Graham Quint
Conservation Director
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Dr Roslyn Irwin
President
Friends of the Koala

Keith Muir
Executive Director
Colong Foundation for Wilderness

Saul Dean
Urban Sustainability Campaigner
Total Environment Centre

In the spirit of respecting and strengthening partnerships with Australia's First Peoples, we would like to acknowledge the spiritual, social, cultural and economic importance of lands and waters to Aboriginal peoples. We offer our deepest appreciation and respect for the First Peoples' continued connection and responsibility to the lands and waters in this country, and pay our respects to First Nations Peoples and their Elders past and present who hold the authority, memories, knowledge and traditions of living Aboriginal cultures.

Ensuring that Aboriginal peoples are recognised as the Traditional Custodians of the lands and waters in NSW, managing and conserving biodiversity for millennia, and holding valuable Traditional Ecological Knowledge, is fundamental to nature conservation in NSW.