

Siobhan Hamblin

From: Debbie Newton
Sent: Wednesday, 16 September 2020 10:26 AM
To: Siobhan Hamblin (née McCarthy)
Cc: Jeffrey McCormack
Subject: FW: Department of PLanning response to Questions - SEPP

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Forwarding this onto you for your interest. They read this out in full on ABC North Coast this morning. Chris has not responded at this point.

From: Miranda Saunders
Sent: Wednesday, 16 September 2020 8:11 AM
To: ElectorateOffice Clarence
Subject: Department of PLanning response to Questions

Hi Chris,

These are the responses to questions ABC North Coast put to the Department of Planning, Industry and Environment. We were hoping you might be able to have a chat to Jo this morning in response to these answers?

Kind regards

Miranda

Please see proposed answers to your questions below. Please attribute to a spokesperson from the Department of Planning, Industry and Environment:

Q1. Is the SEPP triggered only when a DA is submitted to council?

Yes. And even then the SEPP may not be triggered if the DA is low impact.

Q2. How is Private Native Forestry affected?

If a council prepares a Koala Plan of Management that identifies Core Koala Habitat, then the Private Native Forestry Codes under the Local Land Services Act 2013 do not allow Private Native Forestry on this land.

This is a matter for the Minister for Agriculture.

Q3. Does the SEPP change 'farmers allowables' e.g. maintenance of fence lines, firebreaks, clearing around infrastructure, removing weeds, removing regrowth, and if so what activities are and are not affected on farms?
No. All the existing exempt or complying development and routine farming activities can continue to occur without any development approval.

There's no requirement for farmers to do koala checks on their property unless they're planning a significant land use change that may impact koala habitat, such as changing from extensive agriculture to intensive livestock agriculture (like starting a large cattle feedlot farming operation), residential subdivision or a major wind or solar farm.

Q4. There seems to be a lot of controversy over mapping inaccuracies (apparently there is a roundabout in the middle of Grafton that is mapped as habitat) – how is the mapping done? When was the mapping done i.e. is it recent and is it more accurate than was previously available? How can it be corrected? Is the onus on the landowner to correct it or the Department?

Maps were informed by the NSW Government's Koala Habitat Information Base.

The maps do not map core koala habitat specifically. The maps use predictive models to inform councils and landowners about where they should focus their future survey work. They don't prevent development or indicate that koalas are present. They are just one tool available to help inform an assessment and are intended to suggest where surveys are not needed.

There is a mechanism in place to dispute the maps if there are key concerns, which in many cases will not cost the landowner anything. The maps will also be refined over time.

Just because a roundabout may have suitable trees growing in it, doesn't mean council will try and certify it koala habitat, let alone find evidence of any koalas.

Q5. How different is this to SEPP 44? Is the only significant difference in the addition of the habitat species on top of the 10 feed trees that were listed?

In addition to the expansion of the koala use tree species from 10 to 65 in any one council area, the new policy will ensure:

- **Ensure landowners are consulted in the KPOM process:** Landowners are individually contacted by councils if there are ever any changes to plans for core koala habitat which affect them. Under the old Koala SEPP (SEPP 44), councils could make plans for a person's land without them even knowing.
- **Give landowners a say on potential habitat on their land:** Landowners then have lots of options to have their say and dispute any plans, with 'stop the clock' provisions to make sure landholders have time to assess any implications.
- **Limiting when the Koala SEPP is triggered:** A Koala Plan of Management is only to ensure koala habitat is considered as part of a Development Application.

Q6. Clarence MP Chris Gulaptis says the list includes a noxious weed – is that true?

No. This is not correct. There are no noxious weeds on the list.

Q7. Timber NSW is calling on the government to remove RU1 and RU2 zones so that the SEPP doesn't apply to these zones. They say that will solve the issues. What would that mean? Would that equate to an unwinding of conditions that have applied under SEPP 44 up until new SEPP came into force in May?

The aim of the SEPP is to reverse the decline of koala populations in NSW.

Excluding RU1 (Primary Production) and RU2 (Rural Landscape) zoned land from the SEPP would exclude more than 80% of the land in each LGA, on average, that the SEPP applies to, rendering the SEPP ineffective and koalas unprotected. The process of identifying core koala habitat and preparing koala plans of management isn't new and was applied under SEPP 44 as well.

Q8. I'm also confused about the tree species list for the North Coast... specifically relating to camphor laurel. I've looked at the link on tree species data from this webpage: <https://www.environment.nsw.gov.au/research-and-publications/publications-search/a-review-of-koala-tree-use-across-new-south-wales>

Page 15 (which I've attached) has a list of the tree species and relevant region of NSW.

Camphor laurel is listed as "irregular use" so is that therefore defined as a koala habitat tree?

Camphor laurel isn't listed in the koala SEPP. The full list of included trees can be found in the guideline at [Appendix A](#).

Q9. Is it possible to clarify WHEN the koala SEPP was approved by Cabinet? Was this in December?

The Koala SEPP was considered by a sub-committee of Cabinet in December.

Q10. I understand the draft koala habitat protection guidelines were on public view between 2 March and 6 April. What was the consultation process exactly? Community meetings? Or a link on the website asking for submissions? Was there a press release at the time? I can't recall it... but it may have slipped through.

The Koala SEPP review has involved extensive consultation. The community has shared their views with the Department over:

- Two extensive exhibition processes (for SEPP 44 in 2016/17 and for the Koala SEPP's Guideline in March/April 2020),

- o 12 workshops including in regional areas,
- o Webinars with key industry bodies and councils,
- o Q&A sessions,
- o Letters, and
- o Through local members.

The Department also invited industry representatives such as NSW Farmers, Timber NSW, Urban Development Industry Australia (UDIA) as well as groups representing environmental interests and councils to attend workshops and webinars. The Department also emailed these stakeholders copies of the draft Guideline in anticipation they would distribute to their members, which resulted in more than 2,000 submissions to the exhibition of the draft Guideline.

ENDS

Kind Regards,
Ella



Miranda Saunders
Producer, ABC North Coast

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