

**Submission
No 88**

**INQUIRY INTO KOALA POPULATIONS AND HABITAT IN
NEW SOUTH WALES**

Name: Mr Jamie McMahon

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Jamie McMahon

1 August 2019

Dear Committee,

Re: Conservation of Koalas in NSW

It is clear to me that koala populations, like many, many other native mammals, are under siege in NSW. This is a combination of three main factors:

1. Loss of habitat
2. Vehicle strike
3. Predation by domestic pets (mainly dogs)

While items 2 and 3 are important, they pale into near insignificance compared to the devastating impact on koala's habitat. This impact may be further broken down into three main categories:

1. Clearing of vegetation for development (infrastructure, commercial, residential)
2. Clearing of vegetation for agriculture
3. Clearing of vegetation for forestry

The distinction between these three items is less distinct, with them all contributing significant damage to koala populations throughout the state.

It seems abundantly clear to me, and I would suggest to most Australians, that the continuing loss of habitat for a threatened species is a bad thing. In fact, it somewhat beggars belief that now, in 2019, we somehow need a parliamentary committee to get the bottom of this problem and its plainly obvious solutions. Despite this I'll lay it out anyway, just for the record:

1. Stop all clearing of koala habitat

We're not going to get out of any holes unless we stop digging. Since European settlement of NSW we've cleared obscene amounts of forest habitat – and we're still going. This must stop if we're to have any chance of saving the koala.

We've allowed a highly permissive land clearing regime to persist in NSW for far too long. This was only made worse by the shockingly bad *Biodiversity Conservation Act 2016*. This Act legitimised broadscale clearing of vegetation throughout the state and has been an outright disaster for native vegetation and the fauna that depends on it. It is an abject failure and should be immediately withdrawn and replaced with a regime that a) rejects the fundamentally broken premise of offsetting (nothing more than a land clearing get our jail free card by another name) b) removes all forms of code-based clearing and c) implements **and enforces** real restrictions and penalties for land clearing and other forms of habitat destruction so that we stop going backwards at such an alarming rate on conserving our state's irreplaceable biological diversity.

And as if to outline just how permissive the NSW government is on this topic, just today it has come to light that the NSW government will let farmers off the hook¹ who illegally cleared land under the previous *Native Vegetation Act 2003*. It seems in NSW political expediency comes first, with citizens and our environment being distant second and third.

¹ <https://www.smh.com.au/environment/sustainability/disgusted-nsw-government-drops-land-clearing-action-against-farmers-20190801-p52cxq.html>

We need to stop permitting the destruction of native forests – koala habitat – immediately. This needs to be a hard stop, with exceptions only allowed for emergencies such as bushfires. Below is a list of things NSW government can **immediately implement using of existing legislation and policy**, much of which doesn't even need to be agreed by parliament:

- Declare all remaining koala habitat an 'Area of Outstanding Biodiversity Value', and
- Upgrade the koala from vulnerable to critically endangered, and
- Declare the removal of any old growth tree within known or suspected koala habitat to automatically constitute a 'serious and irreversible impact', and
- Declare all forest communities that koalas inhabit to be 'critically endangered ecological communities', and
- Add another key threatening process (over and above 'clearing of native vegetation') as 'clearing of habitat for koala', and
- Rigorously enforce the referral of projects proposing destruction of koala habitat for State Significant projects under the Commonwealth EPBC Act referral guidelines for the vulnerable koala when assessing under the EPBC bilateral agreement, and
- Increase the offset ratio for the destruction of any koala habitat within the Biodiversity Assessment Method Calculator so as to require substantial ratios for offsetting e.g. 20:1, and for this to be strictly like-for-like with no recourse/abdication to the Biodiversity Conservation Fund if no credits are available on the market
- Categorically and definitively end all logging of native forests in all known koala habitat areas whether for timber, woodchip, biofuel or otherwise
- Review and enhance protections under SEPP 44 – see further detail below.

These are all solutions that exist within your powers **right now**. There are probably few other areas of regulation within the NSW government that have such a broad and potentially potent set of policies ready to go right now. All that is needed is for the NSW Government to pull these policy levers that are sitting right in front of them, right now.

2. State Environmental Planning Policy 44 – Koala Habitat Protection

This policy is fundamentally flawed. It provides so many qualifications that it ultimately has little to no power to stop any development in koala habitat. Even with the best will in the world, when plans of management are prepared under this policy, they are poorly implemented and maintained and generally amount to nothing more than a speed bump on the road to development.

As outlined above, to roll back the rate of koala habitat loss we must immediately give teeth to our existing koala policy. In this case this means:

- Definitively identifying all koala habitat at a state level in much the same way as has been done under the BC Act. This should be highly conservative with all areas with even minor potential as koala habitat being included
- Requiring that all development in such an area be assessed in detail by a qualified and experienced ecologist with suitable experience in eucalyptus identification. This should require a report assessing all threats to koalas posed by the development including loss of habitat, vehicle strike, dog attack, edge effects etc.
- Setting a standard that all developments with more than a **very low** level of **immediate and ongoing** impact be refused development consent or approval. For consent or approval to be granted developments must demonstrate measures to avoid, reduce, mitigate or offset impacts, in that order. These mitigations must be demonstrated to work and must include penalties for not maintaining mitigation measures such as fauna fencing and cattle grids at gates. These measures should also be tied to land titles in perpetuity. The proponent should be required to lodge a bond to pay for these measures if they fail to maintain these measures.

- Requiring that all local governments with mapped koala populations prepare extensive plans of management and implement them, including through the introduction of a koala habitat layer on all local environment plans
- Extending this policy to include development by public authorities and authorised network operators on any land.

3. Remove or manage other ongoing threats to koala

As outlined above, koalas are highly vulnerable to vehicle strikes and dog attack. This can be immediately managed by:

- Provision of fauna fencing along all road over 50 km/h speed limit in koala habitat areas. It is my understanding that RMS are currently implementing this on Picton Road and Appin Road and that these are the only two pre-existing roads that have been given this treatment. It is somewhat unbelievable that it has taken until 2019 to implement such a simple and relatively effective and low cost solution to such a serious problem. While RMS should be applauded for this on these two roads, it should be rolled out across all main roads in all areas of koala habitat
- Provision of fauna underpasses and overpasses on all new and redeveloped roads within koala habitat. I'm thinking in this case particularly of Appin Road, for which a Review of Environmental Factors has just been determined without including any such habitat connectivity measures
- The banning of domestic dog and cats in housing estates abutting koala habitat. This should be strictly enforced by council compliance officers. The risk here is not just when dogs and cats stray, but also when koalas wander into their yards. Dogs in particular are very territorial and will attack a koala. This situation is often worsened by the ongoing trend towards colourbond residential fencing which koalas cannot climb in order to escape
- Enhanced and ongoing baiting of wild dogs and foxes in koala habitat areas.

4. Encourage habitat conservation and creation

The NSW government should encourage the conservation of existing habitat on private land through:

- The reintroduction of voluntary conservation agreements that are not included in the Biodiversity Conservation Trust's efforts to spend funds from the Biodiversity Conservation Fund (BCF) on behalf of developers i.e. not tied to the BAM
- Increase the funding priority for the acquisition of land with koala habitat present within the BCF
- Encourage the re-creation of koala habitat on land that has been cleared either through the BCF, or through other voluntary or paid for measures
- Improve the management of public land with koala habitat, including significant increases in funding for on-ground conservation and improved policy (an area that has been very obviously defunded in recent years)

5. Create the Great Koala National Park

The creation of this national park could be done immediately, should the NSW government be serious about the conservation of koalas. This park is an important location for this species and is critical to its survival. The creation of this park should come with **adequate** funding for the implementation of conservation measures to reverse declines in habitat value and ensure the long term integrity of the population in this area.

The creation of this park should also not come at the expense of other conservation efforts in the Coffs Harbour region more generally. That is, it shouldn't be assumed that the population is 'secured' within the park, providing licence for more liberal destruction of habitat nearby.

6. Provide clear leadership

This could be implemented tomorrow and would cost nothing. It would require the premier, the deputy premier, the environment minister, and all other relevant ministers (planning, local government, agriculture and transport and roads) to demonstrate that they are on board with saving the koala and will commit their departments to do all they can to protect this species. This should include consistent and clear public messaging on the importance of koalas and their habitats and what the NSW government is doing in this regard – lots of media releases and pictures of ministers holding koalas, signing conservation agreements, opening newly fenced sections of road etc. These small moves would help shift the public's attention across the state towards what they can do for conservation, potentially magnifying the conservation message many times over.

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This provides a unique opportunity for the NSW Government to demonstrate that they are serious about saving koalas. Above I have provided a broad list of suggestions for improvement in koala conservation that largely work within the existing framework of policy. As I said above, the policy levers are there – we just need to political will to pull them.

I urge the committee to provide clear and positive direction to the NSW Government to definitively and urgently implement these measures to conserve koalas and all other plants and animals within NSW. I urge the government to recognise the koala's inherent right to exist, as well as for their value to us environmentally, socially and, through tourism, economically – for us and for all future generations.

Yours faithfully,

Jamie McMahon