

Submission  
No 125

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

**Organisation:** Wingecarribee Shire Council

**Date Received:** 1 August 2019

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Our Ref: 5453/4  
Contact: Margot Law

1 August 2019

The Director - Portfolio Committee No. 7 – Planning and Environment  
Parliament House  
Macquarie Street  
Sydney NSW 2000

Dear Madam / Sir,

**Re: Wingecarribee Shire Council submission for the inquiry into koala populations and habitat in NSW**

Wingecarribee Shire Council welcomes this inquiry into koala populations and habitat in NSW. Please find attached a detailed response to the terms of reference of the inquiry and copy of our 2017 submission on the SEPP reforms which we are still waiting to be resolved.

Yours sincerely,

Margot Law  
**Environment Officer – private land conservation and SOS Koala project**

**Wingecarribee Shire Council's submission on actions, policies and funding by government to ensure healthy, sustainable koala populations and habitat in New South Wales, and in particular:**

**(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,**

The Southern Highlands Koala Conservation Project estimates that the Wingecarribee LGA is home to a minimum 3,000 koalas, representing approximately 10% of the NSW population. The Wingecarribee LGA is one of the few koala populations in NSW that is increasing in size (unpublished Department of Planning, Industry and Environment (DPIE) research). The density of koalas per Plant Community Type (PCT) ranges from 1 koala per 10 ha in the East of the Shire to 1 koala per 100 ha in the West of the Shire.

The major threat to Koalas in the Southern Highlands is habitat loss. Habitat loss includes both historic vegetation clearing of fertile lands for agriculture and urban development over the last 150 years and current clearing of native vegetation.

SEPP44 is insufficient to protect Koala habitat in the Wingecarribee Shire. Using systematic koala sighting data and computer modelling, Wingecarribee Shire Council (WSC) and DPIE have invested in producing comprehensive property scale maps of:

- koala habitat by PCT canopy species;
- koala density (carrying capacity); and
- koala habitat connectivity.

These maps represent the most scientifically rigorous and comprehensive current information on koala habitat within the Wingecarribee Shire. Despite this, the outdated SEPP44 criteria for defining koala habitat allows development and land clearing activities to effectively undermine protection of Koala habitat in the Shire.

Significant State, Council and Community resources have been and continue to be invested in conserving Koalas in the Wingecarribee Shire. The NSW Government purchased Tugalong Station in 2019 for its koala habitat, created multiple Koala Parks in State Forests and granted Wingecarribee Shire Council \$450,000 for the Southern Highlands Koala Conservation Project. Council funded the initial research into Southern Highlands Koalas from its Environment Levy and the community have donated money for radio tracking and in kind via spotlighting surveys and tree planting.

This multi-million-dollar investment in Koala conservation is a risk because of the inadequacy of SEPP44 protections and the current failure of native vegetation management and regulatory reforms<sup>1</sup>. Ironically, due to its outdated parameters, SEPP44 currently undermines effective koala conservation in Wingecarribee Shire.

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<sup>1</sup> NSW Auditor-General 2019, p2, *Managing Native Vegetation*, Sydney.

**(b) the impacts on koalas and koala habitat from:**

**(iv) the 2016 land management reforms, including the Local Land Services Amendment Act 2016 and associated regulations and codes**

The 2016 land management reforms have led to an increase in clearing of Koala habitat in our Shire. The new land clearing regulations are overly complicated and there appears to be little to no appetite for effective regulatory oversight from State agencies<sup>2</sup>.

**Regulated Land (Rural Zoned Land)**

Within the areas of the Shire which are “Regulated” under the Native Vegetation Regulatory Map and Local Land Services Act, Koala habitat identified and mapped by DPIE (OEH) and WSC remains unprotected. Land owners within these “regulated” areas may use the Land Management Codes to clear Koala Habitat due to the deficiency in the SEPP44 definition of “Core Koala Habitat”. Despite the existence of the comprehensive Koala habitat mapping in the Wingecarribee Shire, the use of the SEPP44 definition of “Core Koala Habitat” as a restriction on the use of the Land Management Codes gives an appearance of “managing environmental risk” to Koala habitat without being effective.

**Exempt Land (Non Rural Zoned Land)**

Approvals for clearing of native vegetation on land which is “exempt” from the Native Vegetation Regulatory Map and Local Land Services Act is managed by Council (for patches below the Biodiversity Offset Scheme (BOS) thresholds) and the NSW Native Vegetation Panel (for patches above the BOS threshold). However, the NSW Government decision to allow landholders in exempt land to use Routine Agricultural Management Activities (RAMAs) under the LLS land management framework continues to compromise the ability of Council to protect Koala habitat in Wingecarribee Shire. There has been a significant increase in the use of RAMAs by landholders to clear koala habitat and avoid prosecution. The application of RAMAs to Exempt Land has effectively undermined native vegetation protection under the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (‘Vegetation SEPP’).

**(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,**

***SEPP44 – Koala habitat protection***

SEPP44 has failed to protect Koala habitat from development in Wingecarribee LGA. The SEPP44 definitions of “core” and “potential koala habitat” are outdated do not work for low

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<sup>2</sup> NSW Auditor-General 2019, p2, *Managing Native Vegetation*, Sydney.

density koala populations or incorporate recent research into koalas. Wingecarribee Shire Council has supported the overhaul of SEPP44 to protect Koala habitat since our population was 'rediscovered' by the community in 2014 following a large bushfire (see attached SEPP44 submission). In short, we support a change in definition of Koala habitat from relying on sighting breeding females and a limited list of koala tree species to a landscape scale approach.

Koalas in the Wingecarribee LGA are at a low density (1 per 10-100 hectares), so the likelihood of seeing a breeding female (let alone any koalas) per site survey is low. As such, it is unlikely that many of our forests could meet the antiquated SEPP44 definition of core Koala habitat. We have calculated a Koala density per PCT, based on systematic survey data over 700 spotlighting nights as part of our koala habitat mapping investment. This, accompanied with our habitat fragmentation map, would be a valuable tool to contribute to regulation of clearing of koala habitat

SEPP44 defines potential habitat from a list of Eucalyptus species. This list is not representative of the Eucalyptus species used by Koalas in the Wingecarribee LGA<sup>3</sup>. When the Plant community types (PCTs) are associated with the WSC koala significant and high use Eucalypts, 60% of our shire is potential koala habitat.

### ***NSW Koala Strategy***

The Southern Highlands Koala Conservation Project was granted \$450,000 from the NSW Saving Our Species fund as part of the NSW Koala strategy. This investment has allowed us to expand the conservation work done on public land into private land. WSC has been a pilot site for NSW Koala Strategy policies, including the Public Land Management Working Group. Ongoing State Government investment in the recommended actions contained within the Koala Strategy is essential.

### ***Biodiversity Conservation Act 2016***

The Biodiversity Conservation Act 2016 dismantled the Native Vegetation Act 2003 which had strong protections and regulations with regards to vegetation clearing. The new legislation has weakened land clearing regulation in our shire, which affects the protection of koala habitat.

**(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,**

***Priority Pinch Points:*** There are three main pinch points to Koala habitat connectivity which occur primarily on private land in the Wingecarribee Shire at Penrose, Yerrinbool and High Range. The Southern Highlands Koala Conservation Project is working with

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<sup>3</sup> Office of Environment and Heritage, 2018. *A review of koala tree use across New South Wales*. State of NSW and Office of Environment and Heritage.

landholders in these pinch points to conserve and restore habitat. Public and private land conservation should concentrate on efforts to conserve habitat in these areas in perpetuity.

**Mineral exploration:** The Wingecarribee LGA is becoming a hotspot for sand mining and extractive industries to meet the demand for building materials in Sydney. Mineral exploration licences in the South West of the Shire cover the entire Penrose Pinch Point. Any new mine proposals should consider the effect on landscape scale habitat connectivity.

**The Great Western Wildlife Corridor:** The Greater Blue Mountains World Heritage Area is linked to Morton National Park via the Great Western Wildlife Corridor (GWWC) – a wildlife corridor identified in the Wingecarribee Local Environment Plan 2010. This corridor is nationally recognised by the Great Eastern Ranges and NPWS has recently acquired multiple properties in the corridor to conserve habitat. Any development and clearing in the GWWC should consider the effect on landscape scale habitat connectivity.

**Hume Highway Culverts:** The Highway dissects the Southern Highlands into two halves and is a major barrier to koala movement and dispersal. All available culverts under the highway should be maintained and any additional highway work should include culverts to allow koala (and other wildlife) movement.

**Hume Highway Koala “Land Bridge”:** Opportunities for construction of a “land bridge” over the Hume Highway at Yerrinbool (within the vicinity of Catharine Hill) should be investigated as this is a critical point for connectivity (between the eastern and western Koala populations) but where existing road culverts are inadequate to facilitate fauna movement. This is also a hot spot for koala roadkill.

**Koala habitat on public land:** Public land managers need to be adequately resourced to successfully manage Koala habitat. Public Land Managers have been working together in WSC to incorporate koala habitat conservation into their Bush Fire Management. Ongoing support for the ongoing resourcing and operation of the NSW Government Public Land Management Working Group within Wingecarribee Shire is strongly recommended.

#### **(e) the environmental, social and economic impacts of establishing new protected areas to conserve koala habitat, including national parks**

**New National Parks:** The community response to NPWS acquisitions in the Wingecarribee Shire has been overwhelmingly positive. The Southern Highlands is a mecca for bushwalking and nature-based activities. There has been little eco-tourism solely based on Koalas because of the low density in our shire. The environmental benefits of conserving koala habitat in National Parks is obvious – you can’t protect a species without saving habitat.

**New Private Land Conservation Agreements:** There is a lot of interest in conserving koala habitat via a Conservation Agreements and Management Agreements with the Biodiversity Conservation Trust. These agreements can provide landholders financial assistance to conserve and restore habitat on their property and reduce the impact of other land management practices (e.g. agriculture).

