

**Submission  
No 159**

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

**Organisation:** Tweed Shire Council

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## **Tweed Shire Council submission - Parliament of New South Wales inquiry into Koala populations and habitat in New South Wales**

Tweed Shire Council welcomes the opportunity to provide input to the NSW Legislative Council *Inquiry into koala populations and habitat in New South Wales*.

Council is actively involved and committed to an integrated approach to koala conservation and recovery. Since adoption of the Tweed Coast Comprehensive Koala Plan of Management in February 2015, a works program providing additional habitat in strategic locations and innovative solutions to threats such as fire, development and vehicles has been successfully implemented to the benefit of the endangered Tweed Coast koala population.

Tweed Shire Council delivers a recovery program including an ongoing annual investment in the order of \$210,000 per year, together with the recent successful delivery of the \$3 million dollar Tweed Byron Koala Connections project.

The following comments are offered in response to the terms of reference of the inquiry:

### **a) Status of koala populations and koala habitat in New South Wales, including trends, resource availability, adequacy of protections and areas for further research.**

- Koala populations on the far north coast of NSW are broadly recognised as having experienced substantial decline over the past 20 years (e.g. McAlpine et. al. 2015), however this trend is not uniform across the region (see koala habitat studies and Koala Plans of Management prepared for Lismore, Byron, Ballina and Tweed).
- The Tweed-Brunswick Coast koala population is listed as an endangered population under the *Biodiversity Conservation Act 2016* (NSW Scientific Committee 2016). This listing recognises a small and isolated population, fragmented and insecure in its north but somewhat stable in its south (Tweed Coast Koala Study 2018).
- Through the long term monitoring program that is in place for the Tweed Coast koala population, it has been possible to determine with some certainty that the population may be stabilising after a long period of dramatic decline. This

monitoring is wholly funded by Tweed Shire Council under the Tweed Coast Comprehensive Koala Plan of Management.

- Conversely, trends in the west of Tweed Shire are relatively unknown. However, through the regional Australian Research Council Linkage project *Conserving and restoring koala populations in the NSW Far North Coast*, initial activity level data is now available for over 270 sites across the region, including the western part of the Tweed. Future activity and occupancy monitoring programs can now be based on this work in order to start to identify key populations and track change over time.
- As recognised in the 2011 Senate Enquiry (Commonwealth of Australia 2011), there are inherent difficulties in establishing density and population estimates of koala populations with suitable accuracy. Much effort has been, and continues to be invested in attempting to determine absolute numbers, when it is unlikely that this knowledge will add greater certainty to management approaches. Alternative metrics including occupancy and habitat use are more readily and efficiently obtained, and are able to provide reliable information on population trends, and which will serve the purpose of tracking change over time.
- Contemporary research and local government agencies on the North Coast are currently taking a regional approach to gathering koala occupancy data. This recognises that the region supports a nationally significant and unique component of the NSW koala population (i.e. genetically diverse populations in the state's northern extent).
- While North Coast Councils have been supported to prepare plans of management for coastal populations under threat, these populations have not attracted focus in the NSW Koala Strategy as a priority for funding.
- A large proportion of koala habitat in the region exists on private land, and is inadequately protected (see further discussion below). The application of Environmental zones, as Councils' key tool for providing protection for the koala on the North Coast is hindered by the inability to list populations of the koala as Endangered Populations under the BC Act.
- Additionally, throughout the region there is a large amount of suitable habitat that is unoccupied – indicating that protection of habitat alone is not adequate – there is a need to invest in improvement of habitat quality, improvement of connections between existing populations, identification and addressing of fine-scale threats in order to facilitate future population expansion, on both National Park estate and private land
- Identification of populations, considering these as key management units, facilitating their protection and investing in regional-scale on-ground programs to address and manage threats is vital to koala population recovery.

## Recommendations

- Amendment of the BC Act to allow for further declarations of endangered populations, and their consideration as entities that can withstand no further loss, in order to facilitate meaningful protection.
- Investment is required at the regional level, responsive to local variables at the population scale and informed by results of contemporary field based knowledge and on-ground management actions already underway.
- A fully funded, well-designed long-term monitoring program is required in order to effectively track the recovery or otherwise of koala populations across the state.

- Monitoring should aim to track trends in populations rather than determine total numbers, utilising available cost-effective and repeatable methodologies, which may vary from region to region, and between habitat types.

**b) Impact on koalas and koala habitat from forestry, private native forestry & the Local Land Services Amendment Act land management reforms.**

- The PNF Code of Practice for Northern NSW (Code) and its application is inconsistent with the aim of both State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and actively circumvents assessment processes detailed in CKPoMs for individual local government areas (LGAs) and those required under the EPBC Act. It is an imperative that the current revision of the PNF Code of Practice for Northern NSW (Code) is consistent with the aims and intent of both SEPP 44 and the EPBC Act.
- The clearing controls under the *Local Land Services Amendment Act 2016* do not adequately or appropriately prohibit the removal of preferred koala food trees or preferred koala habitat.
- Existing areas of koala habitat in rural areas are not currently afforded adequate protection, nor have these been assessed for their current or future conservation significance, especially with regard to the impacts of climate change scenarios on habitat extent, condition or fragmentation.
- Identification of koala food tree species and areas of significant koala habitat for the purposes of informing PNF PVP assessments should be made with reference to contemporary data and literature. This may include approved Comprehensive Koala Plan of Management's, local government strategies and other available research or literature. This will enable the critical consideration of contemporary knowledge of koala habitat requirements, inclusive of the essential requirement for 'secondary' food tree species and local or regional variation amongst preferences and/or detailed studies.
- Preferred koala food trees are targeted for forestry operations and the relevant species should be excluded from harvesting based on their regional significance.
- Self-assessable, non-measurable allowances for clearing and construction such as 'minimum extent necessary', 'as far as practicable' and 'kept to a minimum' are not appropriate in relation to koala habitat and PNF operations. The provisions in relation to clearing of native vegetation and construction of roads and crossings must be defined in such a way as to enable objective assessment of whether this condition is met.

**Recommendations**

- No logging of preferred koala food trees (as defined regionally and incorporated to relevant strategies, codes and/or legislation) to be permitted.
- Assessment of koala activity and their habitat by a suitably qualified person to occur prior to approval of PNF applications.
- Areas of preferred koala habitat (primary and secondary) should be removed from exempt or code assessable provisions.
- Preferred koala habitat (as defined regionally and incorporated to relevant strategies, codes and/or legislation) should be added to the sensitive values map, not just SEPP approved core koala habitat.

- Assessment of the future significance of habitat in rural zones under climate change scenario is required.

**c) Effectiveness of SEPP 44, the NSW Koala Strategy and the Biodiversity Conservation Act, including the threatened species provisions and associated regulations, in protecting koala habitat and responding to key threats.**

- Recent interpretations of SEPP 44 whereby development controls apply only to areas of core koala habitat under an approved plan ignores the Department's own guidelines prepared for the application of the SEPP.
- SEPP 44 has been under review since at least 2015, with no specific information provided, meaningful consultation or engagement with stakeholders apparent. Tweed Shire Council made 2 submissions in 2016 alone, from which there has been no response nor action apparent.
- In the meantime, comprehensive plans prepared in accordance with the guidelines are not being recommended for adoption by the Department. (Tweed, Cumberland, Byron)
- In response to this, Tweed Shire Council have adopted the Tweed Coast Comprehensive Koala Plan of Management (KPOM) as a strategy of council and have been actively and successfully applying it as such since adoption in 2015. Note that the Department are now advising other councils to take this same approach in lieu of any progress with revision of SEPP 44.
- Many existing Individual Koala Plans of Management (IKPOM's) do not include monitoring or review provisions and are limited in application to the construction phase of the development only. The SEPP does not provide a mechanism to address this situation so that existing plans can be updated as required for adaptive management or simply to respond to changed circumstances over time.
- The NSW Koala Strategy does not protect koalas or their habitat at all. The protection of existing habitat is the critical action required to achieve the stated aims of the strategy. It remains unclear as to how the allocated funding for the strategy will be prioritised, allocated and evaluated for effectiveness. Whilst a state-wide monitoring program is under development, there is no funding allocated to deliver this fundamental component.
- The Biodiversity Conservation Act (BC Act) has significant implications for biodiversity and local government in New South Wales. In particular, the offset scheme is inconsistent with contemporary science, facilitates the loss of biodiversity values, including koala habitat, through allowing marginal improvements in the management of existing habitat as offsets, through inclusion of indirect offsets and by allowing offsetting for 'similar' entities and at locations remote from the impact site.
- The BC Act does not provide for the identification and protection of endangered populations. Note comments and recommendations above in relation to the need to be able to list endangered populations under the BS Act.
- The BC Act charges local government with the assessment of whether a development proposal appropriately avoids or minimises impacts on significant species, including koalas and their habitat. It is noted that Tweed Shire Council has prepared and adopted a Biodiversity and Habitat Management Development Control Plan to provide a standardised approach to this decision.
- Major projects / state significant development - management approaches need to be managed based on population and appropriate for long term application.

## Recommendations

- Further consultation and finalisation of the SEPP 44 review is critical and stakeholders should be made aware of the current review status and the intended approach to finalising the review.
- Further analysis and reconciliation of the timing, logic and consistency between the numerous relevant legislative and conservation instruments recently introduced or currently under review is required to appropriately address the stated aim of a whole of government response to koala recovery.

### **d) Identification of key areas of koala habitat on private and public land to be protected.**

- Protection of koala habitat provides a significant opportunity to achieve integrated, landscape scale, multiple benefits including climate change adaptation and the protection and improvement of critical environmental values such as soil and water quality. It is also an essential element of ensuring viable tourism and recreation sectors and the protection of scenic landscape values.
- Critical coastal areas of koala habitat on private and public land are under threat from climate change impacts including sea level rise and hydrological changes. These areas should be protected through land use zones and legislative prohibitions on clearing, with the inclusion and prioritisation of locations that provide for landward migration of coastal habitats.
- Regional assessment (as per the Australian Research Council Linkage project – *Conservation and recovering the koala populations on the NSW far north coast*; see references) of koala habitat is the most appropriate scale for the prioritisation of areas to be protected.
- Support for private land conservation programs involving management support and voluntary statutory protection in areas of identified regional significance is a highly effective and efficient strategy for the protection of koala habitat.

## Recommendations

- All preferred koala habitat to be mapped and identified as environmental zones to enable protection through council assessment of forestry or clearing operations in accordance with the *Environmental Planning and Assessment Act 1979* and *Biodiversity Conservation Act 2016*.
- Note recommendations above regarding forestry and the LLS Act and the need to protect koala food trees and koala habitat in rural zones.
- Commitment to ongoing investment in the Biodiversity Conservation Trust (BCT), including recognition and support for regional collaborations between the BCT and other private land conservation program providers, including local government.

### **e) The environmental, social and economic impacts of establishing new protected areas to conserve koala habitat.**

- Additional protected areas offer value to koalas and koala habitat when strategically located and suitably resourced. However, there appears to be

significant resource constraints with the management of the protected area estate.

- Protection of koalas and their habitat at the appropriate landscape scale is dependent on a multi-tenure approach to habitat protection. Please also refer to comments and recommendations above with regard to habitat on private and public land.

**f) Other related matters**

- Tweed Shire Council is a strong advocate of implementing a regional approach to koala conservation, planning and recovery. Having delivered a number of successful regional projects and initiatives, it is clearly evident that collaborative partnerships at this scale provide a highly efficient and effective approach to protecting and managing habitat (including confirming key habitat values and requirements) and the integration of social and economic factors to prioritisation of regional recovery actions.
- It is noted that local government plays a significant role in the conservation and recovery of koalas and their habitat. This role is largely unacknowledged and sporadically supported through grant funding at best. Current funding opportunities are generally short term and with an overly onerous administrative burden. Local government should be recognised as highly competent and capable partners in koala conservation and recovery, with a collaborative approach to funding support to match.

The simple and critical action that is required to ensure the survival of this iconic species is to prevent the loss of koala food trees and areas of habitat. There remains an extremely high likelihood of the koala becoming extinct in New South Wales. This risk remains high despite any intent, strategy or on ground actions whilst legislation continues to allow for the removal of koala habitat.

Further detailed information in relation to koala conservation and recovery actions underway in Tweed Shire, including relevant studies, plans and reports are available at [www.tweed.nsw.gov.au/koalas](http://www.tweed.nsw.gov.au/koalas).

If you require any further information in relation to this matter, please contact

Yours faithfully

**Tracey Stinson**  
Director Sustainable Communities & Environment

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