

**Submission
No 160**

INQUIRY INTO KOALA POPULATIONS AND HABITAT IN NEW SOUTH WALES

Organisation: Wilton Action Group

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Submission on Planning and Environment inquiry into and report on actions, policies and funding by government to ensure healthy, sustainable koala populations and habitat in New South Wales

WILTON ACTION GROUP - HISTORY AND SUMMARY OF OUR CONCERNS

Wilton Action Group was formed in early 2018 in response to the huge proposed development of over 16,5000 homes in the Wilton Growth Area, a new city the size of Port Macquarie, in a fragile ecosystem which is also at the critical headquarters of the Nepean River. We advocate for a far more environmentally and ecologically sustainable development for Wilton, as the recent piecemeal rezonings of land in the designated precincts of Wilton South East and North have demonstrated a failure to consider cumulative impacts of development on this sensitive environment. Along with a real failure of government process to give proper consideration to detailed scientific advice from experts and its own departments the EPA and Office of Environment and Heritage about the need for very careful and ecologically sustainable development in Wilton given its sensitive environmental constraints.

TERMS OF REFERENCE are marked in bold, with our relevant feedback below them, we thank you for the opportunity to provide this feedback:

That Portfolio Committee No. 7 – Planning and Environment inquire into and report 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,

Key threats in the Macarthur region, and the Wilton Priority Growth area in particular, are rezoning of land for urban development, and associated infrastructure barriers to koala movement. Protecting and restoring koala corridors that ensure connectivity is vital to the health and survival of south western Sydney's important koala population. To date, there have not been any prescribed actions in legislation to ensure this.

Recent development plans from the Appin/Mt Gilead area quote that the fencing strategy meets the objectives of the NSW Koala Strategy 2018, but this strategy has already been identified by conservationists as largely lacking in measurable positive conservation outcomes of any value, so it is hardly a plus. In fact, there has been little scientific study of the positive or negative impacts upon Koala populations by the use of fencing, so a positive

outcome from this measure is not guaranteed. Science based evidence of the benefits or otherwise of Koala fencing both on Koalas and other species affected such as goanas, turtles, echidnas, wallabies, kangaroos, should be considered before any fencing proposal is entertained. More research is vital.

Actions taken for koala preservation are mostly associated with individual planning proposals, and are not considered in a regional context. Their cumulative effect is not known, understood, or scientifically studied. It is likely that proposed fencing along Appin road will push koalas further towards Wilton and Picton road where they will encounter further fencing and bottlenecks restricting movement, but this is not being taken into account by those who propose the fencing along Appin Road. Koalas are territorial and need to roam and disperse, particularly with healthy recovering populations such as is found locally around Campbelltown, Appin and Wilton. This need to disperse is not being adequately considered in fencing proposals and requires further studies before and after fencing is put in place. We do not know how many underpasses Koalas need per kilometre of fencing to adequately disperse across infrastructure barriers such as Appin road and Picton road. The lack of science means we do not understand what measures are effective and what are not. We don't know if the fencing is reducing or increasing stress on the population. Koalas have actually survived quite well in urban areas, so is fencing actually the best option? Should reduced speed limits be considered instead, along with koala friendly urban design? Scientific studies should be commissioned to find out the answers to these questions.

(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

Management of the biodiversity impacts of development are not achieving the desired goals. The biodiversity offset scheme is flawed in its application and will potentially run out of comparable habitat to offset in the near future. Already areas already preserved or not under threat in the foreseeable future are being used as biodiversity offsets. This is resulting in a net loss of habitat. There is no clear direction, legislation or conservation planning measures in place to protect koalas and their habitat or migration pathways across the Greater Macarthur and Wilton growth areas.

(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,

Wilton South East : Under SEPP 44 the DPE is obliged to do a site-specific koala plan and the rezoning of the land should not have happened until a biocertification and vegetation mapping process had been completed. When the state government's new Biodiversity Act came into force on 24 August 2017, Wollondilly Council received a phone call from DPE, telling them its growth area was exempt from the Act for a further 12 months – until the biocertification process was completed. This biocertification process is still outstanding as of 2 August 2019. Biodiversity certification is intended to inform strategic planning decisions. Development in Wilton to date has, by strategic manipulation of government policy, been able to avoid this process. There is no biocertification in place for either Bingara Gorge,

Wilton South East, or Wilton North. This urgently needs to be addressed. In addition to this, the naming of particular species of trees in SEPP 44 implies an implicit and complete scientific knowledge of koalas that we simply do not have. Developers are using the absence of such tree species as an excuse to not need to consider SEPP 44.

(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,

There are large areas of as yet undeveloped land currently held by developers in the Wilton Growth Area that are under immediate threat from proposed urban development. Koala habitat and corridors need protection. Koala habitat was defined as not developable until they decided they needed more land for housing. This area includes CEEC Critical Endangered Ecological Communities. Wilton South East rezoning plan did not change despite advice from Office of Environment Heritage, the proponents koala specialist, and an independent specialist. Biocertification has not been done, yet the proposal has been rezoned and now has a DA application for stage 1. The 'koala corridor' claimed to be additionally protected in the 'final rezoning plan' is part of existing areas that the proponent had already determined would be biobanked into an 'environmental conservation zone' (no net gain to Koalas). The pinch point along Picton Road is still an issue as identified by OEH and the independent specialist. Recommendations of 400m habitat buffers from top of bank of the 2 Allens Creek tributaries was ignored. The critical East-West and North-South linkages (potential migration corridors) for the whole region, between Mt Gilead south of Campbelltown, all the way through to Wilton are currently under threat and unprotected. Large swathes of this land are held by developers. Urgent legislation is required immediately to protect vital habitat corridors in order to preserve biodiversity for all plants and animals in this region.

A Koala Deed was entered into between Walker Corporation and Wollondilly Shire Council. The Wilton Action Group has attempted to get this deed released to the public, to no avail. This deed should be released to the public immediately. It is in the public interest to know what is proposed by the developer to preserve Koala populations into the future in the Wilton South East development.

Preparation of the Draft Cumberland Plain Conservation Plan, supposedly will include measures to protect koalas. We still have not been given confirmation on when this will be finished and in the mean time land containing koala habitat is being rezoned. The draft plan which is apparently being used by government agencies is not publicly available. The community is unable to examine it's contents to ensure measures are in place or applied. This plan should be made available to the public immediately.

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

There will be benefits to biodiversity, public health and amenity of developing preservation areas in and around areas currently under consideration for rezoning for urban development including areas recently rezoned but not yet developed. We strongly encourage some strong protection laws be implemented to protect such areas that are likely to be lost in the very near future. Developers have speculatively bought these areas for future urban development, this is their risk to take, it does not mean that the NSW government is obligated to deliver them a profitable slice of the Australian pie. If

developments become un-viable with biodiversity protections in place, that is actually a good thing, as it will incentivise more sustainable development in the future.

Meaningful preservation of east west linkages between the Nepean and George's Rivers in several locations are required. Independent scientific studies should determine the best conservation measures. This plan should reserve East west conservation corridors prior to any development being proposed, and these conservation corridors should be scientifically determined for placement and maximum species connectivity between regions to ensure biodiversity is maintained and enhanced. All species benefit from preservation of Koala corridors.

(f) any other related matter.

The land use planning and development control systems that operate in NSW are tied to a regulatory framework, however the consistency in the decision-making process and enforcement at the development stage is lacking. There is a disconnection between local plans, policies, best-practice guidelines and development conditions and their enforcement which is exacerbated by changes in the planning and approval system towards more code-based development and exempt forms of development, in which environmental and landscaping controls are given little or no attention. Fencing seems to be seen as the panacea to all problems, but it does not absolve developers and RMS of all other environmental impacts, if anything, it will probably increase the environmental impacts, by further increasing the barrier to effective movement and dispersal. Such effective barriers are almost unknown in the Australian landscape, especially locally in the Wilton area, the impact of fencing itself should be fully considered in a regional context (for all species) before any approvals for such fences are granted.

The NSW state government needs to give people, communities and the environment the upper hand. At the moment it is a developer free for all, the system is way out of balance and future generations will suffer. Ecology needs to be part of urban design. Currently it is seen as a barrier to it. Some radical changes in the way things are done are needed, urgently, if the planet, people and ecosystems are to survive the climate variability that has already started to affect us all.