

**Submission
No 227**

INQUIRY INTO KOALA POPULATIONS AND HABITAT IN NEW SOUTH WALES

Organisation: Ballina Shire Council

Date Received: 7 August 2019

enquiries refer

Matthew Wood

in reply please quote

NSW Koala populations and Habitat (CM19/58563)



2 August 2019

Legislative Council Portfolio Committee No. 7
Planning and Environment

Portfolio.Committee7@parliament.nsw.gov.au

Dear Sir/Madam

Re: Inquiry into Koala Population and Habitat in New South Wales – Ballina Shire Council Submission

Thank you for the opportunity to provide comment in relation to the inquiry into Koala Population and Habitat in New South Wales.

The following comments generally relate to the matters raised in the *Terms of Reference*. The matters addressed are not exhaustive, they often interrelate and are not listed in any particular order. The compiled comments have regard to actions, policies and investment that Ballina Shire Council has made for the koala population and koala habitat in our local government area.

For context, in 2016 Council adopted a Koala Management Strategy (KMS) for Ballina Shire inclusive of a comprehensive koala plan of management (CKPoM) which was prepared in accordance with State Environmental Planning Policy No. 44 (SEPP 44). The KMS also identifies and sets out a range of management activities that aim to advance the broad objectives of the strategy.

State Environmental Planning Policy 44 (SEPP 44)

1. With respect to the identification of Core Koala Habitat, it is noted that development assessment considerations relate to areas where there is mapped koala habitat and associated presence of koalas (as well as locations where koalas are shown to be present regardless of vegetation type).

Importantly though SEPP 44, and particularly its definitions and development control framework, should recognise that unoccupied koala habitat (at any given point in time) has value as koala habitat. That is, identification and retention of key areas of koala habitat (whether occupied or not at a particular point in time) is important to achieving the objectives of the SEPP. There is an opportunity to recover koala populations where there are areas of habitat for growing populations to move into and reoccupy.

Other concerns surround wording within the SEPP, such as the definition of “potential koala habitat”, ambiguous application of “15% of native vegetation”, and the limited species list in Schedule 2.

2. Understanding that koala ecology and habitat is subject to change or refinement, policy documentation should be structured in such a way that amendments to recognise improved understandings and accommodate new information (such as feed tree species, mapping, habitat trees, hotspots etc.) can be made relatively easily.

3. With respect to any proposed amendments to guidelines that support SEPP 44, it is suggested that the following points be addressed in formulating the documentation:
 - a. Incorporation of a consistent methodology for surveys undertaken to define koala habitat to enhance the application of the SEPP and the potential for achievement of its objectives.
 - b. Incorporation of regional considerations to address area specific factors (such as inland populations and their needs as opposed to coastal populations with other pressures).
 - c. Identification of the ways in which the enforcement of the SEPP, guidelines and methodologies will be achieved and monitored by the State Government.
 - d. The guidelines (Circular B35) currently associated with SEPP 44 are generally difficult to obtain and interpret. Updates to guidelines that support any amendments to the SEPP must be prepared to be publicly accessible in terms of their publication as well as their content and form, along with an opportunity for Council to review and provide feedback prior to their implementation.

With respect to timing, it is desirable to have any amendments to both the SEPP and the guidelines operational from the same date to support each other in achieving the SEPP's objectives.

4. The SEPP (along with other legislation, statutory controls) should recognise that koalas are mobile and utilise not only the specified tree species but a broader landscape of habitat for feeding, shelter, reproduction and movement – as opposed to habitation of defined areas of feed trees only. There is a need for recognition of the importance of connectivity and use of both higher and lower value habitats (in terms of feed quality).
5. Determination of habitat presence should occur by reference to ecological communities and habitat trees rather than property boundaries. Additionally, a statutory mechanism to include all known koala food trees and shelter trees in line with contemporary science would likely be beneficial in supporting retention and recovery of koala populations.

Koala habitat on private and public land

6. Retention of existing populations as well as recovery and improvement in koala numbers is considered to be directly related to available habitat.
7. Land use and clearing activities that result in impacts to koala habitat (both high and low quality) and lag times associated with habitat compensation measures are key considerations. For example, the timing of clearing of koala habitat should be subject to careful consideration of the legal security (land tenure and restrictions) and growth stage of compensatory habitat.
8. The decision-making framework around Private Native Forestry (PNF) approvals and conduct, and especially the lack of impact assessment, is a significant issue in relation to loss of koala habitat and koala population decline. Consideration should be given to how decision making agencies are resourced and increased emphasis on impact assessment in relation to the PNF process to ensure koalas and koala habitat are carefully considered.
9. Key threats to koala populations (aside from habitat loss and fragmentation) such as dog attack, bushfire, disease and vehicle strike require integrated consideration, having regard for both the specific issue as well as overall habitat availability and connectivity require consideration to ensure a holistic response to koala management.

10. Investments or incentives that conserve koala populations or habitat through grants, conservation agreements or stewardship sites are not clear or transparent and do not seem to be coordinated over time. For example, Council cannot easily identify the benefits, investments made, credits generated or sold and generally, circumstances where landholders are assisted financially to manage their land for conservation through Biodiversity Conservation Trust mechanisms in our local government area

If resources exist, communication or accessibility to such information has not been coordinated effectively.

Protected areas

11. Where land is proposed for incorporation into the public reserve system (e.g. through additions to the National Parks estate), it is important that corresponding resources including expertise and funds are made available for the ongoing management of such areas.
12. Opportunities to invest in Koalas through Conservation Agreements or other statutory protective measures must include adequate and realistic provisions to consult and follow up with Councils and local experts. Lines of communication and transparency in decision-making are unclear to Council. This again goes to the point of coordination of koala management initiatives to generate a complete picture of what is happening with the species and management responses.

Koalas and koala habitat relationship across legislation, policies, plans, codes and agreements

13. Coordination and communication of impacts to koalas and their habitat remains ambiguous and requires evidence based support for stakeholders. For example, a database and geospatial tool may help capture impacts to koalas and koala habitat at a regional scale across all statutory areas.

Current and updated amendments to various legislation along with ongoing habitat removal compounds the unknown levels of decline to koala populations and koala habitat, adding pressure to Council and the community. Generally, communication or discussion between practitioners, the public and consent authorities is inefficient and when considering a single species like the Koala, navigation across statutory obligations is disjointed.

For example, lose-lose situations can arise where 'allowable' clearing activities (like rural lands, clearing along boundary lines etc.) occur outside Core Koala Habitat. The clearing area is known to support koalas by local wildlife groups, but Local Land Services (the Consent Authority) or the landowner unfortunately do not know this information. Ultimately, provisions under Biodiversity Conservation Act are considered after the clearing has occurred and the evidence of koalas is then, circumstantial only. In this case, Council is only made aware of the situation following complaints or harm occurring to koalas and local koala populations.

Generally, where evidence for koalas is not easily known or available, limited requirements exist for stakeholders including Local Land Services and the landholder to consider local references of koalas.

14. Guidance or a clear pathway to navigate responsibilities in regard to the status of koalas as an “Important Population” of National Significance – recognised under *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) as a Matter of National Environmental Significant (MNES) would be beneficial.

It is also important to recognise that responsibility for local koala populations is not only a matter for local communities and local government. Key State government agencies need to ensure careful consideration of koalas and in particular State plans for koala recovery in their activity.

15. Land zoned for rural purposes or subject to any form of “environmental zone” with an area less than one hectare, should be included in the provisions of SEPP 44 or other statutory items (like the BCT). Habitat loss on smaller lots, such as those within rural-residential style development, can have significant impacts on koala habitat and resident koala populations.
16. Currently, protection or management of koalas and habitat outside Ballina Shire Council Core Koala Plan of Management area is not adequate. The complexities or ambiguity of navigating the myriad of different legislation and ongoing amendments or updates offers little certainty for long-term protection.

Necessary information, like changes in the amount of available habitat and its use by individual koalas, is not readily available. This makes it incredibly difficult for stakeholders to consider changes to habitat at the necessary landscape scale needed to protect koala populations and habitat.

17. The concepts and terminology used in, for example SEPP 44, should align with habitat mapping methodologies across NSW and be consistent across Council areas (e.g. naming and classification of habitat).

Thank you again for the opportunity to provide information for consideration in the inquiry. If you have any enquiries in regard to this matter please contact either myself or Elisha Taylor on telephone

Yours faithfully,

Matthew Wood
Director
Planning and Environmental Health Division