

Submission  
No 253

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

**Organisation:** Mambo-Wanda Wetlands Conservation Group

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Legislative Council  
Portfolio Committee No 7 –  
Planning and Environment  
Parliament of NSW  
Macquarie St. SYDNEY NSW. 2000  
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Mambo-Wanda Wetlands  
Conservation Group  
PO Box 218,  
Salamander Bay. NSW 2317  
Ph:

## Submission to the State Government Enquiry into Koala Populations and Habitat in NSW

This submission is in 2 parts:

- A. Our Experience
- B. Looking to the Future

### **A. Our Experience**

*The Mambo-Wanda Wetlands Conservation Group, MWWCG, was formed in 2017 when a DA was lodged to build on a 5.6h section of Mambo Wetlands in Salamander Bay, that had been sold to a developer in 2016 by the NSW Government. It contained rare flora and fauna species including the koala. The return of the land was finalized in July, 2019 and it has now been added to the adjacent 170ha Council Reserve under the care and protection of Port Stephens Council. Through our advocacy to have this land returned to public ownership, we have realized just how fragile and vulnerable our local environment is and we are determined to support the protection and maintenance of habitat and the natural environment here in Port Stephens.*

We will respond in particular to two terms of reference, 1(a) which deals with *the status of koala populations and koala habitat in NSW* and especially *the adequacy of protections*. And 1(d), *the identification of key areas of koala habitat on private and public land that should be protected*.

From our experience investigating the sale of Mambo Wetlands in 2016, we know there are no protections for koalas in NSW. In 2015 when the Baird Government decided to liquidise surplus government assets, Property NSW did their due diligence on the 5.6ha section of Mambo Wetlands that had been gifted to the state government almost 30 years before for use as a High School site, by Port Stephens Council. Property NSW, the real estate arm of the NSW Government, commissioned an ecological study which found that the area contained rare and endangered flora and fauna species, including the koala. They were also advised that there was considerable local community opposition to the sale, that the local State MP was against the sale and they had received a submission from Port Stephens Council advising against the sale for environmental reasons. Property NSW commissioned a valuation of the property which advised that its valuation was \$50 000.

This is why we say there are no protections for koalas in NSW. A government agency, Property NSW, can ignore ecological studies, advice and protest from hundreds of local people, the State MP and local council with the expectation of a \$50 000 plus sale. This was our own state government selling part of a

vital wetland and core koala habitat as identified by its own commissioned studies. There appears to be no mechanism whereby a red flag is raised about a property of such environmental significance. No alert mechanism when so many submissions from individuals, Members of Parliament and Local Council warn and advise against the sale. To our knowledge, there have been no legislative changes that would prevent this from occurring again.

There is a state government process, ADR, (Acquisitions and Disposals Requests) which would have allowed government departments to acquire the property before it went on the open market. This process was not followed because a tranche of properties went before the NSW Cabinet on 22<sup>nd</sup> June, 2015 where the decision was made to sell 5.6ha of Mambo Wetlands. A Cabinet decision was able to override the process that may have stopped the sale or at least alerted the Environment Department to it. Mark Speakman was Environment Minister when the decision was made and later when letters of protest were sent to his successor, Gabrielle Upton, the response was that our correspondence had been passed on to the Planning Department.

All state land disposal should be offered to other departments, then local government as a matter of course. In the case of the Mambo sale this step was bypassed because the decision went straight to Cabinet. This should be prevented in the future.

There is obviously no process where protest from the community, local MP and local Government are registered and addressed. Similarly, no process that would automatically trigger an investigation when endangered species are flagged in pre sale documentation.

The Environment Department should have oversight over the sale of environmentally sensitive land.

## **B. Looking to the Future**

Our organization understands that koala numbers in our area have plummeted from perhaps 800 forty years ago to 100 – 150 in our direct location, the Anna Bay hub. *Port Stephens Koalas*, PSK, has released 290 koalas (after treatment or recuperation), within a one kilometre radius of Mambo Wetlands over the past 10 years. And still the numbers are in decline. After the December 10<sup>th</sup> fire last year that burnt out 80ha of Mambo Wetlands, 14 koalas were rescued by PSK. Twelve survived, but not all were returned to the wetlands due to the severity of their injuries.

Our concerns for the future survival of koalas in the wild can be summarized as:

1. Lack of Funding and Staff Cuts
2. Land Clearing Legislation
3. State and Local Planning Laws

### **Lack of Funding and Staff Cuts**

Funding for National Parks in NSW has been cut back drastically in the past few years<sup>1</sup> and after the last State election the Office of Environment and Heritage was subsumed into the Planning Department. Constant blows to the budgets and staffing levels of these authorities can only have negative effects on the environment. One of the major complaints about infringements on koala habitat is the lack of

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<sup>1</sup> . <https://www.abc.net.au/news/2019-07-06/national-parks-underfunded-former-ranger-warns/11282562>

transparency and oversight. This has a direct link to cuts in the number of public servants checking paperwork and compliance on the ground.

This has certainly been our experience in the sale of Mambo Wetlands. There was not enough oversight from the Planning or Environment Departments.

In the 2016-17 budget, \$121 million was cut from NSW national parks and according to the NSW Public Service Association that resulted in about 100 ranger jobs being lost. In the latest NSW budget, \$80 million is being cut from the department that oversees parks.<sup>2</sup>

At this time when droughts, increasing temperatures and severity of heatwaves and intensity of bush fires are impacting on our wildlife, we need more staff on the ground, not less.

Research and reportage of koala habits and sightings is also severely affected by lack of funding. In Port Stephens koala sightings can be reported on the webpage of Port Stephens Council or direct to Port Stephens Koalas. They can also be reported on the Tilligerry Habitat website or the National Koala Tracker website (<http://www.koalatracker.com.au/>). Each district in NSW has their own reportage system. Many of these sites are difficult to navigate and so reporting of sightings becomes a problem. Without accurate information the problem of decreasing koala numbers is very difficult to solve. We need a co ordinated approach to reporting of koalas.

### **Land Clearing Legislation**

There is no doubt that the destruction of habitat is the base cause for falling koala numbers. We can't accept that in the future the only place that our grandchildren will be able to see a koala is the zoo.

EcoNetwork is an environmental group in Port Stephens that has over 22 affiliated environmental groups, including Mambo-Wanda Wetlands Conservation Group. At its recent AGM, the following was passed unanimously:

*This meeting of EcoNetwork-Port Stephens identifies the NSW Biodiversity Conservation Act 2016 as fundamentally flawed and deficient. We hereby call for the earliest possible repeal of those sections of the Act that can permit under the pretext of biodiversity conservation, the following:*

- *the removal of up to 99% of native vegetation on privately held lands*
- *an estimated 14 hectares of koala habitat removed each day*
- *omission of plans to address the known impacts of climate change on biodiversity*
- *the biodiversity banking and offsets scheme, which is heavily weighted to favour property developers*
- *the logging of old-growth and high-conservation value public forests*

MWWCG fully support this motion. We share the view of the Environmental Defenders Office, EDO, in three states, including NSW, that Regional Forests Agreements streamline environmental destruction. The EDO found that: RFA reviews have not occurred in the required timeframes, that there has been poor community consultation, that there is a lack of third party civil enforcement and a culture of non-

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<sup>2</sup> ibid

compliance. Additionally, there is limited data on environmental indicators and a greater need for transparent forestry governance and operational requirements.

MWWCG shares the EDO concerns about Land Clearing Laws passed by the State Parliament in 2016. Their concerns are around protections, procedural safeguards and transparency.

### **State and Local Planning Laws**

State and local planning provisions are often ignored or interpreted in favour of the development over the preservation of endangered fauna and their habitat. When the EIS is funded by developers, it becomes a tick box rather than an alarm bell about rare or endangered species that may be present within a development. The developer is able to downplay anything that may slow the progress of said development. Examples in Port Stephens are:

1. 5.6ha of Mambo Wetlands, Salamander Bay, sold by Property NSW to a developer in 2016. The ecological study commissioned before the sale, clearly stated that it was core koala habitat, a known wildlife corridor and home to endangered flora and fauna. The sale went ahead but development was rejected by Port Stephens Council and the land has now been granted back to Port Stephens Council
2. Fleet Street Development, Soldiers Point. A developer of a retirement village arranged for the sale of a piece of public land, Stoney Ridge Reserve, next to his development, to accommodate the APZ required. PSC studies and the developer's EIS clearly showed the area was a koala corridor and home to the endangered powerful owl and rare native orchid species. (DA withdrawn for now)
3. Soldiers Point Marina where the current owner has submitted plans for an extension of the Marina that clearly show there will be an adverse effect on nearby seagrass beds, a vital breeding ground and food source for many marine creatures. (About to be considered for approval by PSC)

### **Conclusion**

Thank you for considering this submission. We are encouraged that the NSW Parliament is capable of reviewing legislation and practices which clearly aren't achieving their aim, that is the protection of an iconic Australian animal, the koala. We hope the Committee's recommendations assist the NSW Government to develop state-wide koala protection strategies that ensure healthy koala populations recover and flourish in Port Stephens and NSW, in the future.

We look forward to further engagement with the Committee on these matters, and would be happy to discuss our recommendations in further detail.

Kathy Brown

Secretary

MWWCG