

**Submission
No 2**

**INQUIRY INTO LOCAL LAND SERVICES AMENDMENT
(MISCELLANEOUS) BILL 2020**

Name: Mr Simon Dawson and Ms Janette van der Hoek

Date Received: 3 February 2021

The Director, Portfolio Committee No. 7
Planning and Environment
Parliament House
Macquarie St
Sydney NSW 2000

3rd February 2021

Dear Sir/Madam

Re: Koala State Environmental Planning Policy (SEPP) & Local Land Services (LLS) Amendment (Miscellaneous) Bill 2020

We are residents of the Tweed Shire and live in Bogangar where our property adjoins private land that is currently the subject of a local campaign to be purchased by the Government as an addition to Cudgen Nature Reserve. This land would be a valuable addition to the Reserve as recent koala activity has been recorded there. However the LLS Bill as proposed would be no assistance whatsoever in saving the Tweed Coast koalas from extinction.

The Bill opposes the findings of many inquiries into koala populations and would push this species (and many others) on an even more precipitous decline. It would work against other actions for koala recovery making the exercise pointless as disconnected pockets of koala habitat become even more isolated - causing populations to die out.

The LLS Amendment Bill 2020 must be sent back to this committee for review.

These amendments could set back what has already been achieved to preserve the endangered Tweed Coast koalas – it will almost definitely impede efforts going forward. This population is on the brink of extinction and considerable time and money has been expended for its recovery. Tweed Shire Council has also expressed their “dismay” at the profound implications these amendments will have for the State’s ability to protect the environment of NSW and its koalas.

The Portfolio Committee for Koala Populations & Habitat in NSW has done extensive research into koala protection policies and is highly versed in the performance and effectiveness of these policies.

Deeply concerning impacts of the Bill include the following:

1. Core koala habitat - identified in Koala Plans of Management (KPoMs) - **can no longer be zoned as category 2 lands**. The Tweed operates a Coastal KPoM but this must be extended to the whole shire if koala populations are to survive. This measure severely weakens the legal power of a KPoM to regulate core koala habitat - it would allow core koala habitat to be cleared in rural areas *even if it has been identified in a local KPoM*
2. Private Native Forestry (PNF) will no longer need consent under local environment planning – meaning that core koala habitat could be cleared without consultation or approval. This could happen unintentionally – or could be used to pre-empt urban development. This is particularly worrying as the Tweed region has a large amount of urban expansion in the pipeline. PNF agreements are to be increased from 15 to 30 years - further compounding this problem.
3. As well as KPoMs other Environmental protection policies - SEPPs & Local Environmental Plans (LEP) will no longer have the ability to prevent clearing of native vegetation in rural zones. Consent will no longer be required. Altogether – this effectively takes away *any* legal status for protecting koala habitat in the areas where it most commonly occurs
4. On land that is already zoned as “environmental” (rezoned from ‘rural’) land clearing for certain activities would now be allowed *without assessment or authorisation*. Currently clearing in E-zones requires consent. Unregulated clearing may also be extended to SEPPs which cover other environmental lands (like coastal wetland, littoral rainforest etc).

We recommend that this bill conform with the inquiry into ‘Koala Populations and Habitat NSW’ and at least do the following:

- Retain the zoning of ‘State Sensitive Regulated Land’ for Core Koala Habitat in KPoMs, maintaining current protections from logging and broadscale clearing.
- Include these Regulated Areas in E-zones in Council LEPs
- Retain Councils ability to require consent for logging and clearing in environmental zones

- Ensure PNFs comply with updated codes of practice that include current investigation & knowledge of koala habitat.
- Retain prohibition on logging of koala habitat identified in existing KPoMs in ALL regions where they exist (including Bellingen Shire)
- Mandate the establishment of KPoMs in all Local Government Areas in NSW.

We believe it is totally unacceptable, given the enormous habitat loss from recent fires and drought, as well as the future impacts of climate change, that policies such as these are being proposed. It is very hard to see any winners in these policy changes but the loss is clearly for all Australians and for the biodiversity of all wildlife - especially our iconic koalas.

The protection and survival of koalas in NSW is dependent on appropriate and enforceable legislation that places responsibility, and encourages, all citizens, including developers, farmers and foresters to be proactive in preventing koala extinction. Consequently we submit that the LLS Amendment Bill (and associated SEPP policy) be sent to the Portfolio Committee – Koalas for expert review.

Yours sincerely,

Simon Dawson

Janette van der Hoek