

**Submission  
No 7**

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

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## **Submission - Local Land Services Amendment (Miscellaneous) Bill 2020**

Thankyou for allowing me this opportunity to give this submission to the Inquiry into Local Land Services Amendment (Miscellaneous) Bill 2020.

### **Introduction**

I live in the Far North Coast of NSW and have had personal experience with the removal of koala habitat on adjoining private land that had a Private Native Forestry Agreement. It was and still is a very stressful experience witnessing the environmental degradation from both legal and illegal logging undertaken by this landowner and contractors and the destruction caused to koalas and their habitat, environmental zones, riparian zones, 2 water catchments and the platypus and marine life living there, my own and 4 other neighbouring properties, and other wildlife.

The inaction by all state Government bodies who are responsible for protecting the environment in this instance was astounding. Significant environmental damage and breaches to the logging code continued without consequence. The local Government was the only agency concerned and interested in protecting koala habitat and the environment. Seeing koalas fleeing the logging onto my property and realising that the state Government agencies had absolutely no concern for conserving koala habitat or indeed protecting the environment and that existing legislation does little to protect koala habitat led to me becoming an advocate for koalas and a koala rescuer. I have since seen many other instances of logging on both public and private land where koalas have been directly impacted and if not killed or displaced are very likely to suffer from chlamydia due to the stress involved. A report commissioned by WWF estimated that over 60,000 koalas in 4 states had been killed, injured or displaced in the Black Summer Fires. The NSW parliament estimated that bushfires killed at least 5,000 koalas, as much as a third of the state population and that the fires destroyed 24 percent of koala habitat on public lands. The committee from the recent Inquiry into Koala Populations and Habitat in NSW agreed to the finding that koalas will become extinct in NSW before 2050 without urgent government intervention. Despite this, logging has continued on the sections of forests that survived the fire, the only refuge that koalas and other species have. And this Local Land Services Amendment (Miscellaneous) Bill 2020 seeks to destroy more koala habitat and protect industry profits over our unique and much-loved koalas existence.

### **Strong opposition to this Bill**

I strongly oppose the Local Land Services Amendment (Miscellaneous) Bill 2020.

The recent NSW Government Inquiry into Koala Populations and Habitat found that without halting habitat fragmentation and loss koalas were headed to extinction before 2050, a mere 29 years away.

This bill only facilitates further destruction of koala habitat and makes it easier for private landholders (who place their own personal wealth above protecting the environment or the lives of others) to clear koala food trees and habitat. This bill also removes local council's ability to protect koala populations and their habitat. Local councils must have the ability to protect local environmental assets and to help save our iconic species from extinction. And the NSW Government is obliged to its citizens to save koalas from going extinct.

Instead this bill favours animal agribusinesses who want to clear more land for unsustainable cattle/sheep grazing for their personal profit ahead of the existence of our iconic koalas who are headed to extinction and also ahead of any consideration for our current climate crisis. There

should be a Bill that not only protects the koala but favours sustainable industries like the tourism industry who can benefit immensely from having koalas exist in the wild in NSW. The economic value of koalas and the future of ecotourism is being ignored.

It is very obvious from the recent history in NSW parliament that the current Government is beholden to the animal agribusiness sector and that this Bill (often referred to as the Koala Killer Bill) is all about protecting farmers who want to clear their land and any pretence about it protecting koalas is a fallacy. The NSW Government has had many Inquiries and opportunities to listen to expert conservationists in regard to the future survival of koalas and their ongoing threats, none more so than the recent Inquiry into Koala Populations and Habitat in NSW which resulted in a report giving 42 recommendations to stop koalas from going extinct in NSW. This expert advice is being ignored and yet again the Government is attempting to strip away protection of koala habitat and do the exact opposite of what is recommended by their own Bipartisan committee.

This bill makes a mockery of environmental zones by creating exclusions for “allowable activity land” opening up land which was meant to be given environmental protection to logging, grazing, fences, roads, sheds, stockyards and other allowable activities, including buffer zones and all without the requirement of getting development approvals.

The Government previously committed to mapping koala habitat which this bill now reverses that decision. It also limits the definition of “core koala habitat”

Any progress in koala conservation in recent years, which has been minimal at best is currently being reversed.

Local council will have no ability to protect the environment or indeed have any say in the impact that Private Native Forestry agreements in their local area will have on the environment, or to influence the protection of koalas and their habitat or the connectivity of their habitat. This directly puts koala colonies on private land at risk.

This bill doubles the time frame of Private Native Forestry Agreements from 15 years to 30 years allowing 30 years of destruction which means these agreements will likely outlive the existence of koalas living in the wild in NSW.

I find it outrageous that the Government would even consider this Bill given the alarming situation the koala is presently in with their imminent extinction being exacerbated by the recent Black Summer Fires on top of escalating rates of land-clearing and their vulnerability to climate change.

The Black Summer Fires impacted over 3 billion animals, including thousands of koalas. Any protection given to koala habitat will also help protect many other species.

The WWF Living Planet Report 2020 highlights the state of global biodiversity and that deforestation and unsustainable agriculture is causing this biodiversity loss. The Report outlines how humanity's destruction of nature is having catastrophic impacts on wildlife populations as well as impacting human health. The most important and direct driver of biodiversity loss on land is primarily the conversion of pristine native habitats into agricultural systems. And this is not just an environmental issue but also a self-preservation issue.

### **The adequacy and effectiveness of operation of the 1994 and 2019 Koala SEPPs**

1994 and 2019 Koala SEPPs have been inadequate and not effective in protecting koalas and their habitat. Both these SEPPs intended for council's with koalas to prepare Koala Plans of Management (KPOMs) that protected koalas in "core koala habitat" in environmental zones. In a period of over 26 years only 7 KPOMs were ever approved by the Department of Planning (DOP). Another 5 were approved by councils (including my local council) but were never ratified by DOP. One has to wonder why the Government was impeding this progress in koala protection. The 1994 Koala SEPP only identified 10 species of koala feed trees throughout all of NSW, even though koala feed trees vary significantly across the regional landscape. This limited the identification of "core koala habitat". The 2019 Koala SEPP briefly improved the definition of koala habitat by increasing the list of koala feed trees to 123 species, but this was never applied.

### **Current and potential incentives and challenges facing rural landholders who seek to protect koalas and their habitat on their land.**

As a private landholder of a large property which includes extensive good quality koala habitat I have personally invested thousands of hours in time and energy over a period of 26 years and also my own private funds to rehabilitate and extend habitat and strengthen corridors for koalas and other wildlife to transverse the landscape. However because of a lack of protection of koala habitat I have adjoining landholders who for misguided personal profit can totally eradicate large swathes of koala habitat in a day with heavy machinery. The gains I have personally produced over a period of 26 years can effectively be wiped out in days. And I have personally seen koalas escaping from logging on private property which was very distressing.

There is no legislation that gives landholders any incentive to protect koalas and their habitat despite two-thirds of remaining koalas in NSW living in habitat on private property. There needs to be stronger regulations and penalties to give incentives to private landholders to protect koala habitat.

Landholders should be given stewardship payments for carbon storage in trees, with additional payments for protecting biodiversity, and particularly for protecting "core koala habitat".

To be effective stewardship payments would need to be competitive with any potential revenue from Private Native Forestry Agreements. However Private Native Forestry needs to cease as it is not sustainable amidst our climate crisis and rapid species extinction crisis including that of our iconic koalas. What little remains of our native forests need to be protected and valued.

### **Current mechanisms to assess biodiversity values on private land**

Since land-clearing rules were changed in 2016 land-clearing has escalated exponentially. In 2018 clearing of woody vegetation doubled to 60,800 ha and a staggering 72% of the 75,000 ha of Rural Regulated Land cleared was described as "unexplained". This is outrageous that it is not known why this amount of land has been cleared and also if this cleared land contained koala habitat.

The June 2019 Auditor General Report "Managing Native Vegetation" found that "The clearing of native vegetation on rural land is not effectively regulated and managed" with inadequate

protection, limited monitoring, poor processes and assessments and lacking enforcement. And Private Native Forestry (PNF) has exactly the same issues. Logging plans are just desktop assessments with no environmental surveys undertaken. The property where both legal and illegal logging was undertaken on land adjoining mine was 1000 acres in size yet not one person stepped foot on the land to see if there were any koalas or any other significant biodiversity values worth protecting. And this land adjoins a World Heritage Listed National Park, is in a Biodiversity Hotspot of NSW and had koala colonies on the land. Local Government were also not aware or consulted about the PNF.

There are requirements to exclude logging from “core koala habitat”, but only if it was identified before the plan was approved. There are currently over 2,000 approved logging operations in “core koala habitat” and unless committed and concerned citizens like myself bother to report koalas there are very few identified.

What is really laughable is that there are requirements to protect additional feed trees where koalas are found however, there is no requirement to look for them so they are rarely found. There was no requirement for the landholder to look for koalas on his 1000 acre property before it was logged and because it had never been lived on or koalas recorded on a database it was open slather to log without any consideration for the poor koalas who called this property their home.

The Inquiry into Koala Populations and Habitat in NSW concluded “Based on evidence received, the committee believes that the regulatory framework for private native forestry does not protect koala habitat on private land”.

The Native Vegetation Act 2003 gave key legislative protection requiring landholders to “improve or maintain biodiversity values”. This protection is missing from the LLS Bill 2016 and the LLSMBill 2020.

It is estimated that 1000 animal and plant species are at risk of extinction in NSW and according to the NSW Environment and Protection Authority (EPA) less than 10% of NSW is conserved in National Parks and Reserves. With more than 70% of NSW under private ownership or Crown Lease it is imperative that land conservation on private land is a crucial element of protecting biodiversity in NSW. Private landholders like myself have a responsibility for sound environmental management and should be encouraged and incentivised to do so.

### **The impact of current regulatory regimes on private landholders**

Current regulatory regimes are ineffective in halting destruction of koala habitat as it is very easy for private landholders to just remove habitat for agricultural purposes or for private native forestry and there is very little oversight. Penalty Infringement Notices are rare and on top of that the NSW Government recently decided to waive a whole swathe of penalties for land-clearing offences.

Since the NSW Government repealed the native vegetation laws in 2016 there has been a massive increase in logging and land-clearing in NSW. This escalation in land-clearing prompted the Natural Resources Commission to conduct a secret audit of the ensuing deforestation , finding more than 37,000 ha were approved to be cleared in the 2018 – 19 year, which is almost 13 times the annual average rate prior to the changes in 2016-17. This audit showed a leap in logging approvals, with permits rising from 25,247ha in the fourth quarter of 2018 to 43,553 ha in the following quarter, after the introduction of new forestry codes.

Developers are increasingly putting pressure on local Government with demands to clear koala habitat which is having a large accumulative effect. These same developers and mining companies continually seek to weaken any restrictions put on their developments, with profits given priority over ethics.

The use of “offsets” does not help koalas when habitat is still destroyed or tree planting is required and is not available to koalas for many years into the future, when they in fact may not exist in the wild anymore. Relocation of koalas has proven a deadly exercise and is also not acceptable.

Forests are important for generating rainfall, lowering temperatures, regulating stream flows, reducing drought, limiting erosion, providing scenic features and lessening the effects of the climate crisis so logging in regional areas also affects all landholders in the community. The 2018 Forestry and Wood Products report “Community perceptions of Australia’s forest, wood and paper industries: implications for social license to operate” found that 65% of rural/regional residents across Australia considered native forest logging unacceptable, with just 17% considering it acceptable. Land-clearing and logging do not have a social license including in regional communities. The lax and ineffective regulatory regime for private forests does not meet community expectations or standards.

### **The effectiveness of local governments in managing koala populations and koala plans of management**

The effectiveness of local governments in managing koala populations and koala plans of management ( KPoM) is very much dependent on the effectiveness of legislation and the direction of state Government. This Bill increases the cost burden on local councils to prepare a KPoM and significantly reduces their ability to protect koalas.

Some councils such as Bellingen, Tweed and Byron Shire Councils are more proactive about protecting koalas as evidenced by them speaking out against this proposed Bill.

Most local councils have not tried to prepare a KPoM and appear to place a priority on development over koalas and natural biodiversity assets. However producing a KPoM needs funding and resources which many local Governments may not have.

Less than 12 councils (which include my own) have succeeded in preparing a KPoM but it usually only covers a small percentage of the local Government area. However other councils also like my own, have prepared a KPoM (with Government participation) but the Department of Planning has refused to approve them. My local unrattified KPoM also only covers a very small area of the Shire and the koalas in the rest of the Shire appear to be ignored. The costs of KPoM's and state Government obstruction is obviously hampering progress in protecting koala populations. It should not be dependent on volunteer efforts to protect and rehabilitate koala habitat, but in many communities that is where the reliance is.

The SEPP process after 26 years has clearly failed as before the Black Summer Fires koala populations had already declined by at least a third, and sadly many thousands more were killed in the fires.

This Bill makes it even harder than ever for councils to protect koalas and/or core koala habitat by removing their power to have any control over logging or habitat on private land and particularly on rural land.

### **In conclusion**

It is more important now than ever to identify and protect “core koala habitat” and koala and wildlife corridors and linkages.

In Australia, the destruction of vegetation for cattle pasture is the most significant driver of forest loss and degradation and this Bill is only encouraging more of the same. Australia remains the only developed country on the list of deforestation hot spots. Even after losing 18.6 million hectares in the fires, land clearing rates remain virtually unchanged. This is Australias shame and not only affects koalas but all our unique wildlife and ecosystems and it is the states of Queensland and NSW that are highlighted in the shameful land-clearing headlines.

We are in both climate and extinction emergencies so we need to retain our forests for carbon capture and storage and as habitat for our dwindling biodiversity and that includes our iconic and much loved the world over Koala. Droughts, the climate crisis, and heating are all only compounding the threats to koalas and this necessitates the identification and the protection of climate refuges and linkages . The NSW Government must urgently survey and map core Koala habitat and their linkages, including climate refuges on both public and private land across the state and this needs to be overseen by an independent expert committee with expertise in doing Koala surveys and habitat mapping.

This Government has a choice, to listen to the expert advice as handed down by the recent Inquiry into Koala Populations and Habitat and also the wishes of the NSW community, and do everything in their power to protect koalas and their habitat so they survive in the wild into the future, or they can go down in history as driving the extinction of koalas by ignoring expert advice and their own Inquiry recommendations and with legislation such as this proposed Bill.

Susie Hearder