

**Submission  
No 10**

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

**Organisation:** EcoNetwork - Port Stephens Inc.

**Date Received:** 5 February 2021

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\_\_\_\_\_ **EcoNetwork – Port Stephens Inc.** \_\_\_\_\_

Submission re **LLS Amendment (Miscellaneous) Bill 2020**

To [PortfolioCommittee7@parliament.nsw.gov.au](mailto:PortfolioCommittee7@parliament.nsw.gov.au)

NSW Parliament, Macquarie Street, Sydney.

Thursday 4th February 2021

**EcoNetwork Port Stephens** is a grassroots community-based environmental and sustainability network comprising 26 community and environment groups and eco-businesses with a focus on sustainable planning. We are non-party political and do not donate to political parties.

NSW State Environment Minister Matt Keane wants koala numbers to double by 2050, a worthy aspiration.

Yet ineffective NSW Government policies and laws are likely to bring this iconic species close to extinction in the state by that date.

EcoNetwork-Port Stephens calls on the Government to address this clear contradiction – between what is publicly stated and the grim reality on the ground.

Our call is for stronger protections, not weaker ones as is currently the case, which are ineffective at protecting koalas, allowing developers and landholders to destroy koala habitat.

We would therefore like to make the following points in regard to the LLS Amendment (Miscellaneous) Bill 2020 under consideration.

The World Wide Fund for Nature (WWF) has estimated that more than 60,000 koalas were killed, injured or displaced in Australian bushfires in the 2019/20 summer(1), in what it called a deeply disturbing number for a species already in trouble. Even before the fires, koala habitats had been in rapid decline due to land clearing for agriculture, urban development, mining and forestry. Nearly 3 billion native animals would have been in the path of the bushfires, the WWF study said.(2)

At a local level, the NSW Government is considering the approval of the Kings Hill housing developments north of Raymond Terrace, which would see 3500 building lots on prime koala habitat, yet this same government has funded the Port Stephens Koala Sanctuary at nearby One Mile Beach with over \$3m. State Environment Minister, Matt Kean opened the facility only a few months ago however, it will take more than a koala hospital to ensure that koalas do not become extinct in our lifetime. Habitat destruction continues apace throughout NSW, including locally in Port Stephens with constant road and housing construction.

At a local government level, Port Stephens Council has invested \$4m in the koala hospital and associated tourism and glamping facility. However, they are also supporting the major housing development at Kings Hill, an 800h site that is within an Area of Regional Koala

Significance. Surveys have confirmed that Kings Hill is prime koala habitat with an active breeding allelic rich koala population. Ecologists have recognised Kings Hill as being an active and important koala hub.

We know that Koalas in NSW are on a downward spiral to extinction.

The NSW government should implement the unanimous recommendations of the Upper House Koala Inquiry – one of which was support for local government to protect koala habitat.

The LLS Amendment (Miscellaneous) Bill 2020 proposed dramatic weakening of laws for how and when developers and landholders are able to destroy koala habitat.<sup>[1]</sup> This bill sought large expansions of exemptions for both developers and landholders from the Koala SEPP regulations. These exemptions would enable them to clear and destroy recognised koala habitat more easily. It also would stop councils being able to protect core koala habitat and from requiring consent for logging in environmental zones. If passed, the bill would have been disastrous for koalas.

The 1994 and 2019 Koala SEPPs have been incredibly ineffective at protecting koalas during their operation. Even before the Black Summer bushfires devastated NSW's koalas, the previous 15-21 years saw the state's koala population decrease by 26%. These SEPPs were ineffective at ensuring development was regulated in a manner that would actually protect koalas.

Establishing a streamlined process that enables landholders to quickly and easily undertake conservation covenants for their land will remove a significant barrier currently stopping increased uptake of these agreements. Providing greater funding for these programs, and increasing the payments that landholders receive for protecting certain habitat, will be key to incentivising further conservation on private land. More funding for surveying and assessing potential sites of important habitat on private land will support farmers and landholders in understanding the species that their land supports, and what they can do to protect them. Reintroducing the 2020 Koala Habitat Protection SEPP with amendments further strengthening protections for koalas, would provide incentive to protect koala habitat.

**Current mechanisms to assess biodiversity on private land following land use changes are inept and have contributed to a massive spike in NSW land clearing.**

Land clearing has developed into a free-for-all since the repealing of the Native Vegetation Act 2003 and transferring of decision making power regarding clearing of native vegetation to the Local Land Services Act 2013 and the Biodiversity Conservation Act 2016. Private land is clearly not undergoing rigorous or appropriate biodiversity assessments before land use changes are approved. In 2018, clearing of woody vegetation doubled to 60,800 ha and 72% of the 75,000 ha of Rural Regulated Land cleared was described as “unexplained”. 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”, being fraught

with problems of weak processes, poor assessments, inadequate protection, limited monitoring and poor enforcement.

Current regulatory demands on landholders are lacking and limited, leading to detrimental environmental outcomes. There are few restrictions placed on farmers or rural landholders regarding plans to develop or clear land on their property. This bill sought to loosen restrictions even further, which would have resulted in higher rates of land clearing and development and subsequently, habitat loss for koalas. Local Government can play a critical role in ensuring the protection of koalas, given their part in approving various development applications. If local governments that have koala populations were provided adequate resources and incentive to undertake the development of a comprehensive koala plan of management for their LGA, koalas would receive greater protection. This is especially so in Port Stephens, one of the first LGAs in the state to develop a CKPoM. It now needs updating with accurate mapping of koala hubs essential to preserve habitat. All this costs local councils funds for information that will benefit not only the state but the nation because it is about the protection of an iconic Australian species. This is why the recommendations of the NSW Koala Enquiry were so important to local government. Local Councils need funding to develop CKPoM which benefit all Australians. Stronger protections are needed for koalas in NSW, not weaker ones. To stop koalas going extinct by 2050 the NSW Government must act fast to reign in the out-of-control deforestation rate and expand our national parks estate.

Kathy Brown  
Secretary  
EcoNetwork Port Stephens

#### **EcoNetwork Affiliates:**

- **Businesses:** Destination Port Stephens • Imagine Cruises • Irukandji Shark & Ray Encounters • Salamander Recycling • Wanderer's Retreat
- **Community groups:** Boomerang Park Community Group • Climate Action Port Stephens • Hunter Botanic Gardens • Mambo Wanda Wetlands Reserves & Landcare Committee • Mambo-Wanda Wetlands Conservation Group • Myall Koala & Environmental Support Group Inc. • National Parks Association (Hunter) • North Arm Cove Residents Assoc. Inc. • Ocean and Coasts Community Initiative (O.C.C.I.) • Pindimar Bundabah Community Association • Port Stephens Koalas • Port Stephens Marine Park Association • Port Stephens Native Flora Gardens • Shoal Bay Community Association Inc. • Soldiers Point Community Group • Soldiers Point-Salamander Bay Tidy Towns Inc • South Tomaree Community Association Inc • Tilligerry Habitat Association Inc. • Tomaree Birdwatchers • Tomaree Community Garden • Tomaree Museum Association • Tomaree Ratepayers & Residents Association Inc •

1] Reuters\_7/12/20

2] <https://www.msn.com/en-au/news/world/australias-black-summer-bushfires-killed-or-harmed-more-than-60000-koalas-wwf/ar-BB1bH0cd?ocid=iehp>