

**Submission  
No 12**

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

**Organisation:** Friends of the Koala Inc.

**Date Received:** 5 February 2021

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3<sup>rd</sup> February 2021

## **NSW Legislative Council's portfolio Committee No 7**

### **Inquiry into the Local Land Services Amendment (Miscellaneous) Bill 2020**

Thank you for the opportunity to prepare a submission to the inquiry on the proposed Local Land Services Bill (Amendment) Bill 2020.

Friends of the Koala Inc (FOK) is the peak koala conservation organisation in the Northern Rivers Region of New South Wales.

FOK was established in 1986 as a voluntary community based organisation committed to the conservation of koalas and their habitat with a particular focus on the Northern Rives region which extends from the Queensland border south to the Clarence.

The issues as listed in the invitation to submit are addressed below on behalf of our organisation

#### **• The objectives and impact of the Local Land Services Amendment (Miscellaneous) Bill 2020**

This Bill introduces significant changes to the PNF, increasing the ability to clear native vegetation which includes koala habitat and also increases the timeframe of operations from 15 to 30 years.

The Bill takes away protection from Council's environmental protection zones, where an extension of 'allowable activities' (Part 5A) on E zoned land will allow clearing without any regulation.

Core Koala habitat identified under a KPOM is excluded from being protected from impacts of PNF. This prevents Councils from having a decision role in the authorisation of forestry.

The Bill conflicts with:

- the findings of the 2019 NSW Upper House Inquiry into koalas and their habitat,
- NSW Minister for the Environment commitment to double NSW koala populations by 2050,
- findings of the NSW Audit Office (2019).

Should this Bill be adopted it will have serious implications on the future of Koalas and push them further towards extinction. Koala protection should be increased nor simplified and reduced. The proposed amendments are in conflict with the 2019 Inquiry recommendations which should all be implemented.

#### **• The operation and effectiveness of the 1994, 2019 and any potential new draft Koala SEPPs in protecting koalas and their habitat**

The 1994 SEPP was in need for review and recommendations to rectify the short comings have been documented in submissions and reviews. This SEPP was shown to be inadequate as the loss of Koala habitat due to land clearing has increased significantly in NSW.

The long overdue 2019 SEPP and guidelines were an improvement in that they provided an improved and singular definition of core Koala habitat and included criteria to guide the assessment of Development Applications.

The 2019 SEPP did not include many issues raised in submissions by agencies, interest groups and the community. These included retaining the 1ha limit, home range estimates for defining core habitat inadequate, reliance on modelled habitat mapping and not prohibiting clearing of core Koala habitat.

The 2019 SEPP became controversial as seen to limit activities on rural land therefore again being updated which introduced further weakening of protection.

Changes included an additional cost for Councils to prepare KPOMs while reducing the plans through exclusions and allowable activities in core Koala habitat, reverting to the definition of core Koala habitat similar to that of the 1994 SEPP and reducing the rigour of Koala habitat assessment.

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

Protection of Koala habitat on private land, generally rural, is essential for the long term survival of Koalas. The current mechanism of long term protection is through the Biodiversity Conservation Trust. There is keen interest in these agreements in the Northern Rivers but the application is onerous for many and also there is a backlog to review and process the applications due to limited staffing and funding. The BCT is the ideal avenue to protect Koala habitat as there is stringent assessment to ensure properties are of significance for Koala protection. Other avenues exist through our local Councils who provide rural landholder assistance to protect Koala habitat. These works do not ensure long term protection as are an agreement with the current landholder. Similarly, groups such as IFAW and WWF are providing funding for Koala habitat protection and revegetation on private land.

While there are incentives for landholders this could be improved by additional funding through BCT, Councils and groups.

- **The mechanisms by which biodiversity values are assessed on private land when land use changes are adequate**

Currently the mechanisms to assess biodiversity are failing as land clearing has increased significantly over past years. in NSW and our region. The Northern Rivers Region in which we operate includes areas of the highest biodiversity in Australia, these areas are under constant additional threats from development, particularly in the coastal locations and also potential impacts related to climate change.

Biodiversity values should be protected through prohibition of clearing through sound legislation and Council LEP land use zoning and policies. These mechanisms are weakened by the Bill in that, PNF does not require consent under LEPs, increased time for PNF to 30 years, ability of SEPP or LEP to require development consent for the clearing of native vegetation in rural zones and “allowable activities” and “rural regulated land” without authorisation and other implications.

- **The impacts of current regulatory regimes on private landholders**

The current regulatory regimes on private landholders have minimal impacts on the landholders. This is evidenced by the increase in land clearing over recent years. FoK is regularly contacted by community members who are witnessing clearing of land which includes Koala habitat. There are few restrictions and the Bill would further reduce these restrictions.

Councils and agencies appear to have limited staffing or ability to ensure compliance with codes. Councils can issue a “stop work” order but vary rarely is any action taken against the landholder. Currently in our region there has been clearing of Koala habitat at Bangalow and Tomewin, both with stop work orders but very unlikely that any action will be taken.

- **The impact on local government's ability to manage koala populations in their Local Government Area and koala plans of management.**

Local government plays an important role in the management of their koala populations. Local government should be recognised for their Koala conservation activities as they have the local knowledge and, in this region, work collaboratively to conserve habitat, support landholders, undertake research, adopt and implement Koala conservation strategies and KPOMs. Councils in the Northern Rivers have varying capacity to fund Koala conservation activities from their own resources and rely on additional funds from state and federal government and grants. Combining together on a regional basis is beneficial.

Local Government should be the consent authority to ensure there is no further clearing or impacts on Koala habitat with full support from sound legislation.

Friends of Koala being the peak Koala conservation group in the Northern River has large contingent of volunteers who undertake Koala rescue, care, habitat restoration and extension. These volunteers were put under extreme pressure during recent bushfires and then Covid restrictions. Their efforts need to be supported by sound legislation to ensure that rehabilitated Koalas have habitat so they can survive and expand populations into the future.

Our members look forward to a positive consideration of the points put forward on behalf of our organisation.

Regards

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Committee Member