

**Submission
No 57**

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

Name: Mr Andrew Mullins

Date Received: 25 February 2021

Portfolio Committee 7,

Attached is a pdf which outlines adverse outcomes created by the Koala SEPP (2019) and it's guidelines. I hope this aids the committees understanding of the issue.

On the point of incentives for conservation. If there is a competitive process for government lease and/or payment for management of private land where the value matches or exceeds the productive capacity of the land, great conservation outcomes can be achieved without punishing landowners. This approach will have land owners promoting conservation on their property in order to win the leases. Everyone is then on the side of conservation.

Regards,
Andrew Mullins

Issues with the 2019 Koala SEPP and associated Guideline.

I will identify the issues and then provide the evidence one issue at a time.

1. The mapping is inaccurate.
2. The process of correcting the mapping is onerous, expensive and expected to be paid for by the landowner when the Department of Planning, Industry and Environment is at fault.
3. The “*Survey Methods for Core Koala Habitat*” are vulnerable to perversion by issue motivated groups and relies on databases that lack veracity.
4. The consequences of not correcting the map are severe and create undue restrictions on land with no history or evidence of Koala habitation.
5. Compensation.
6. Cost burden of KPOM investigation requirements beyond what local governments can afford.

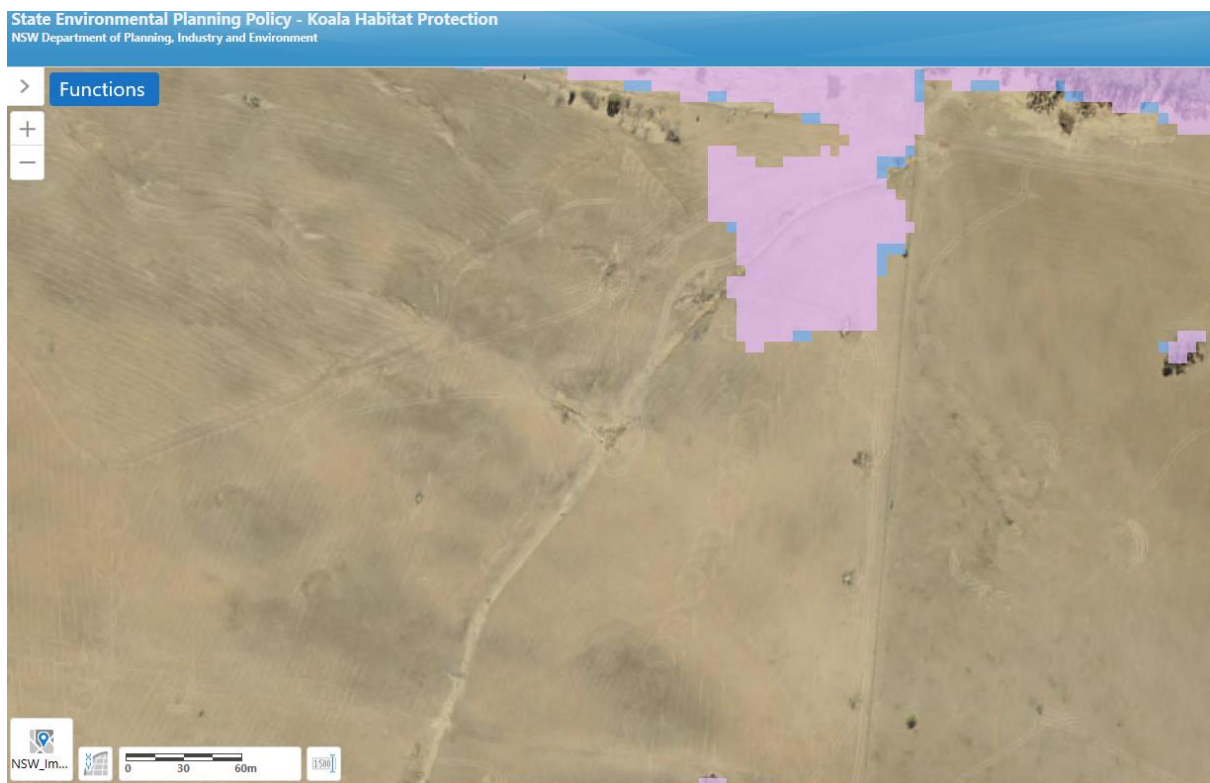
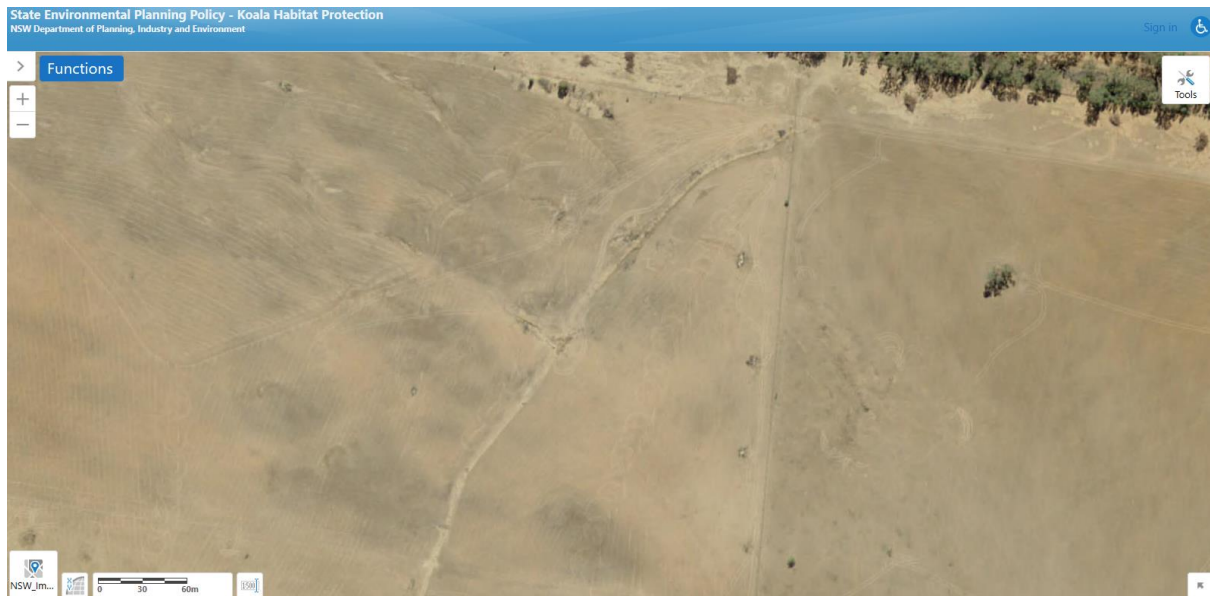
1. Inaccurate mapping

It is evident the mapping was computer generated resulting in many faults and no effort made to ground proof the results. It appears to be a government land grab with no intention to compensate those affected. Areas which are obviously not “suitable Koala Habitat” which have been included on both the *Koala Development Application Map* and the *Site Investigation Area Map for Koala Plans of Management* include sheds, silos, pumps, irrigation channels and storage, bare cultivation, gilgai, and monocultures of trees which are not listed under schedule 2 of the SEPP.

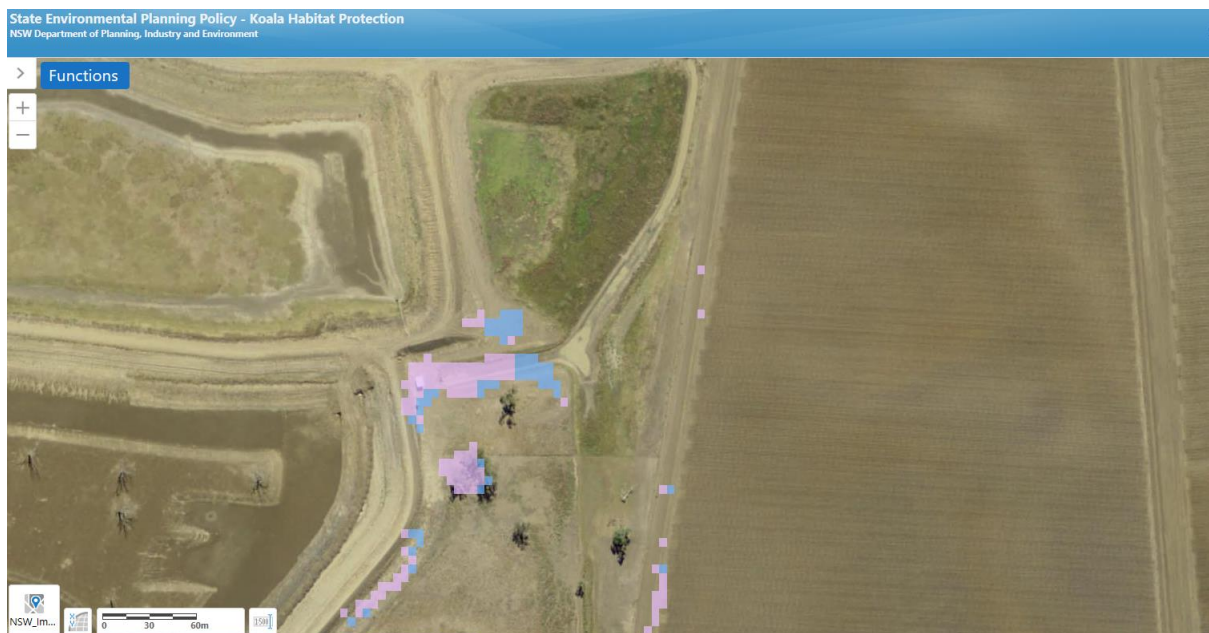
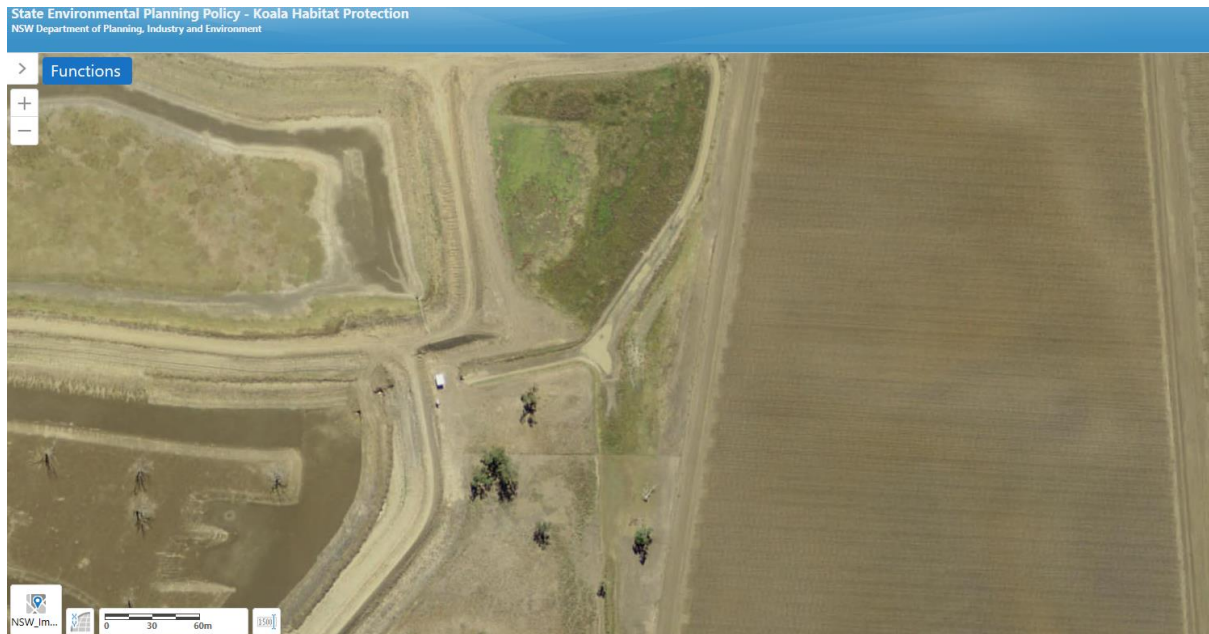
The images below demonstrate the gross errors in the maps. All the properties that the below images cover are multi-generational, up to 5 generations. None have seen any sign of a koala in that time.

The Koala Development Application Map and the Site Investigation Area Map for Koala Plans of Management must not have enforceable effects under the Koala Habitat Protection Guideline or any other instrument until they are proven correct on the ground in the affected location.

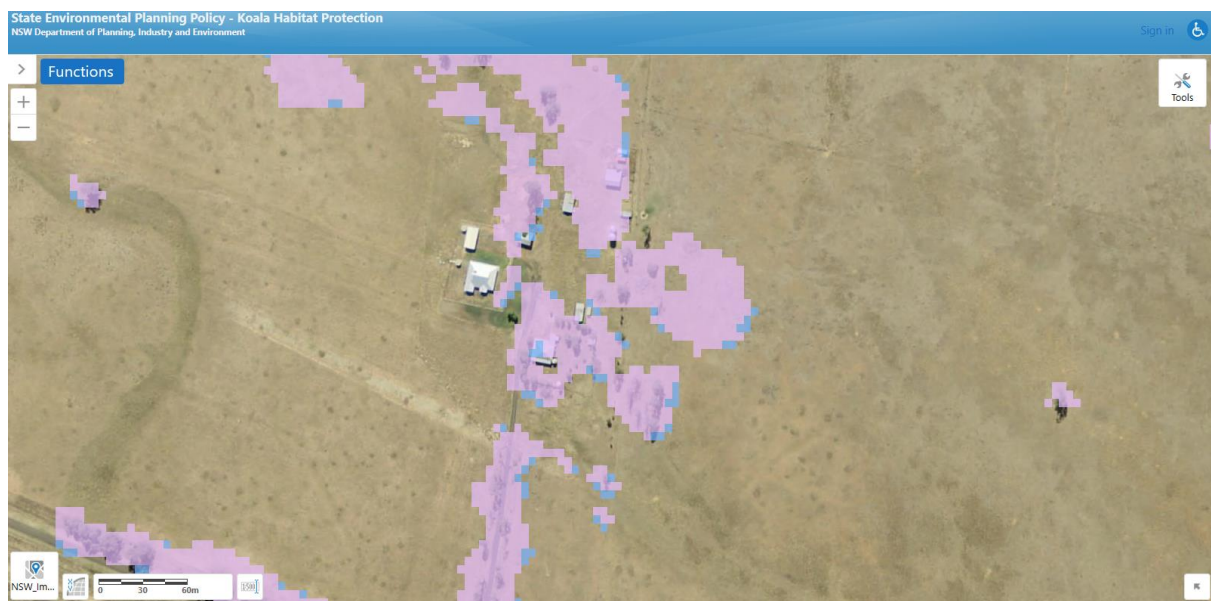
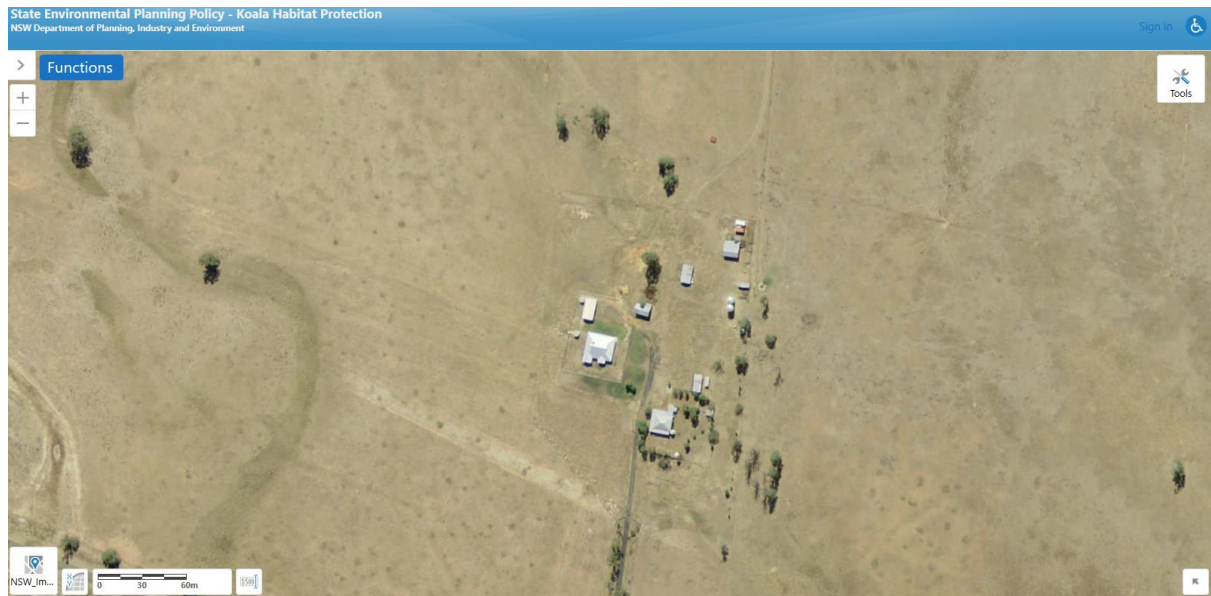
Cultivation mapped



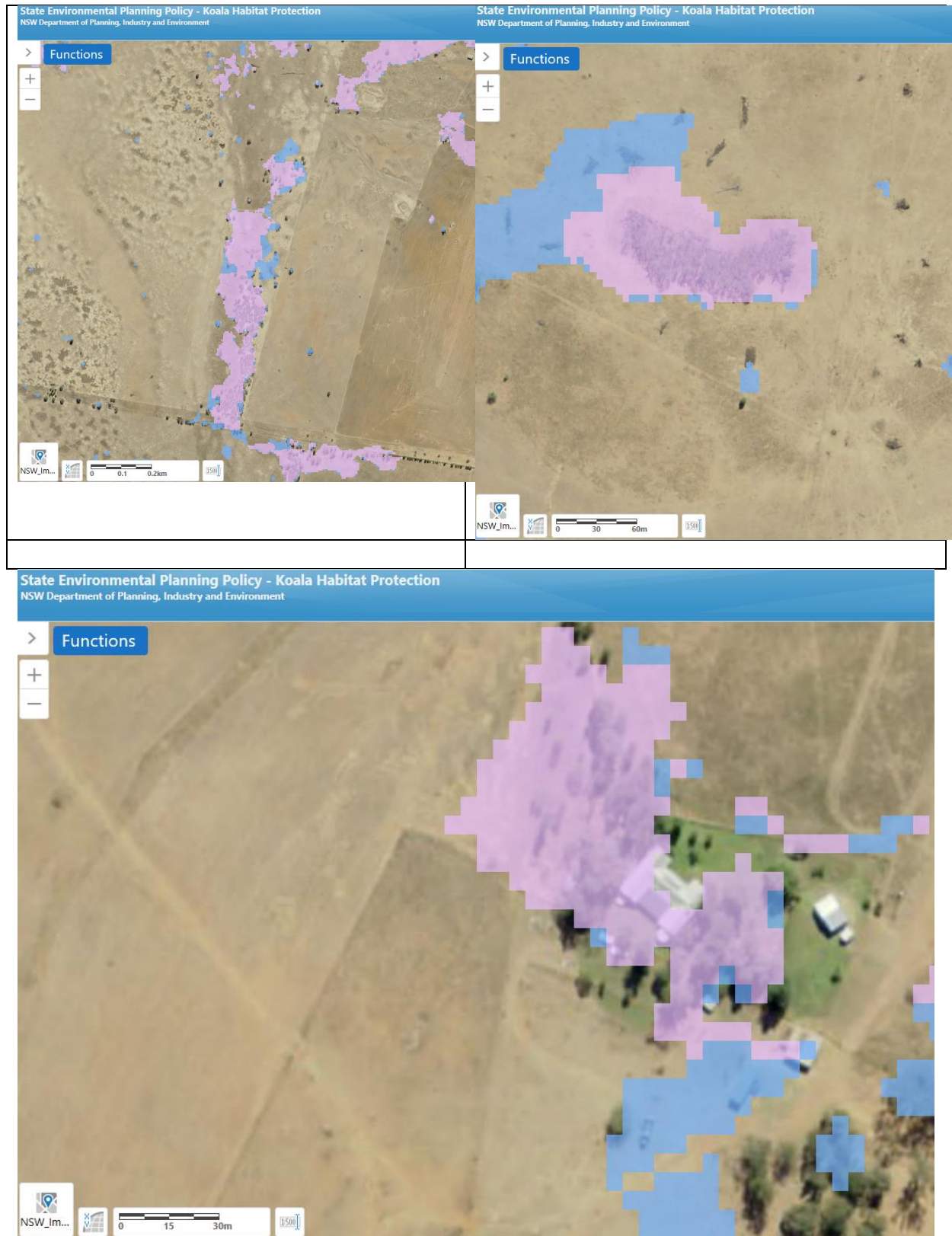
Pump, channel, tail drain mapped.



Buildings mapped

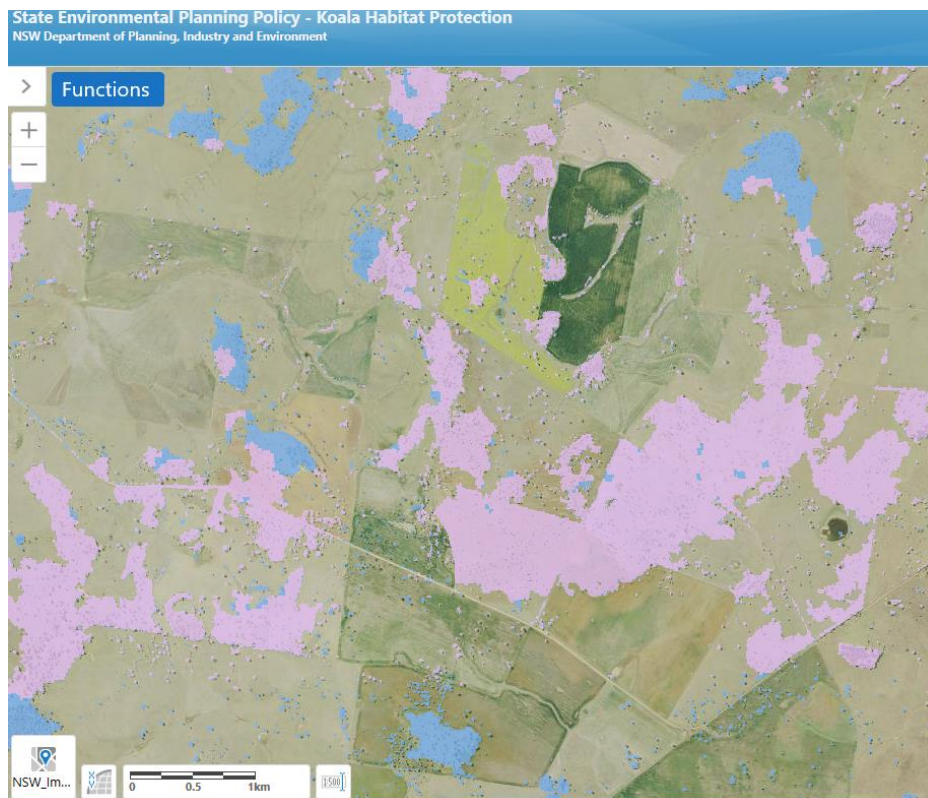
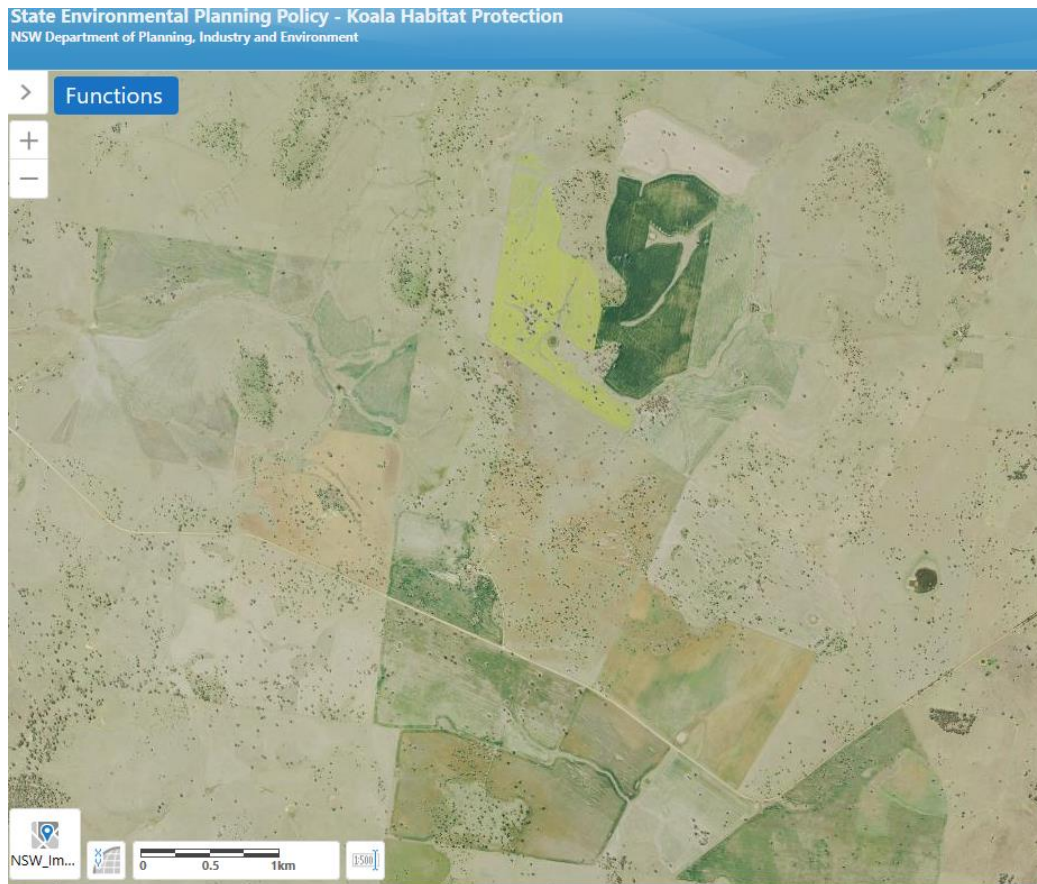


Non Koala Habitat species mapped-Narrabri Shire: In order, clockwise from top left: Brigalow, Buloke, Peppercorn/olives/citrus (other non-native plants in the garden)

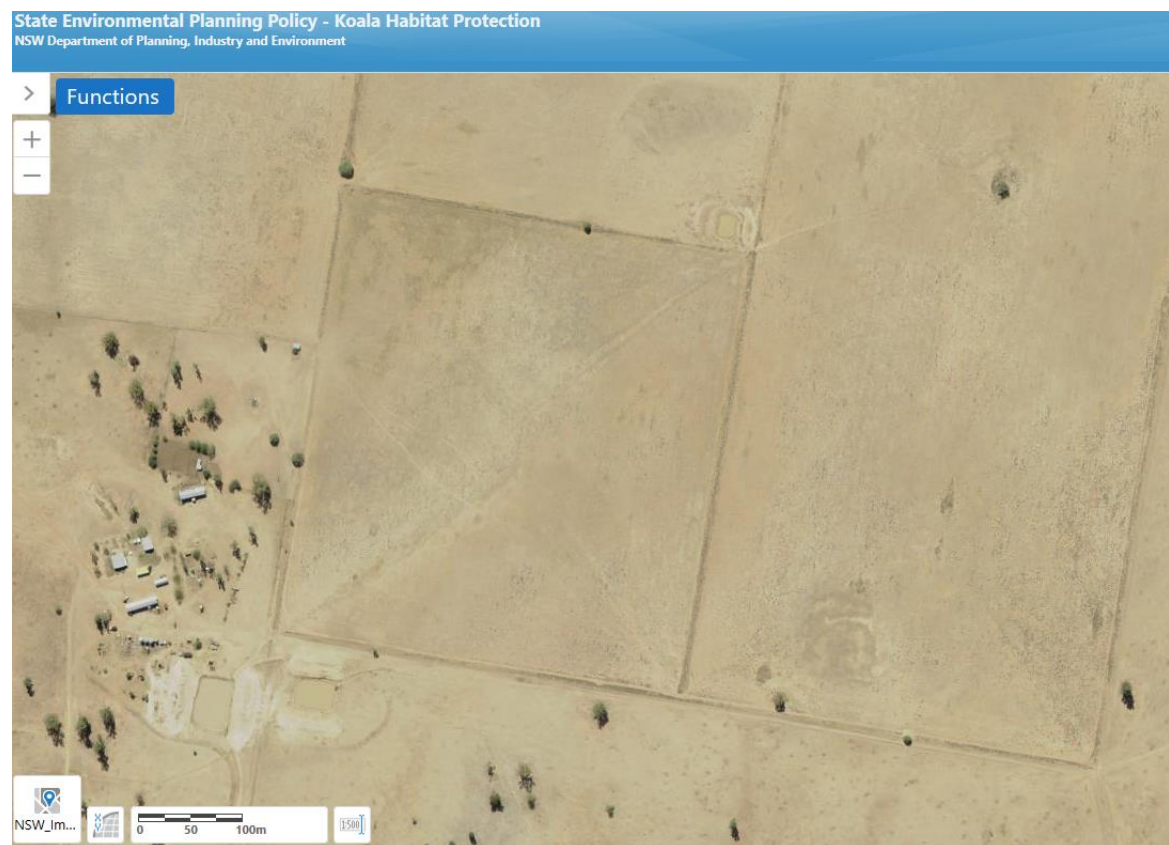


Scattered Kurrajong trees (not koala feed/use trees in Warrumbungle Shire)

This country is rotated between cropping and improved pasture. Guidelines will prevent this continuing.



More of the same



2. The process of correcting the mapping is onerous, expensive and expected to be paid for by the landowner when a government department is at fault

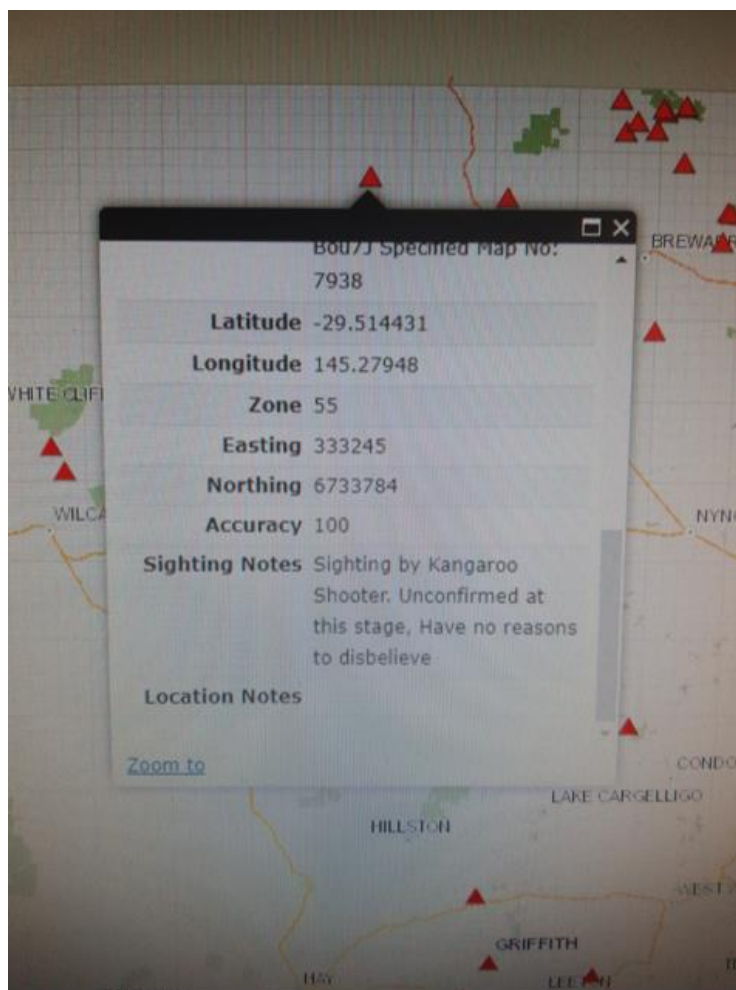
As per the *Koala Habitat Protection Guideline* landowners will “*need to undertake a survey if they believe the map has been incorrectly applied to their land (in accordance with Appendix C).*” Rural properties typically contain thousands of hectares, much of which will need to be surveyed. The surveys need to be conducted by a “*suitably qualified person*” which requires a university graduate with a minimum 3 years experience, including extensive experience conducting koala surveys. The required qualification and sudden increase in demand created by the SEPP, guideline and poor mapping will make a “*suitably qualified person*” very expensive to engage, if available at all. The survey process will be extensive and time consuming on large properties. As an example, transects no more than 100m apart and walked twice at a speed no more than 10 meters per min (as required by the survey method) over a 1000Ha property will take in excess of 330 hours, which conducted at night by a “*suitably qualified person*” will cost in excess of \$33000 and that is only part of the process. It will cost landowners many thousands of dollars to correct the before mentioned inaccuracy of the government’s maps. This is a completely unethical proposal and is unaffordable for landowners, only exacerbating the financial hurt being carried after years of drought and recent bushfires. **The government must carry the financial burden of correcting maps, including compensation for affected landowners and businesses.**

3. Vulnerabilities and Weaknesses within the Survey Methods for Core Koala Habitat

Militant environmentalists are becoming increasingly sophisticated and prevalent. They will undoubtedly attempt to covertly provide false evidence in areas they believe/know surveys are being conducted. And if it's not the militant environmentalists there's mimicking birds. It's not just Lyrebirds mimicking, there's a large variety of Australian parrots which mimic well, as well as other common species including magpies, bowerbirds and crows. **Methods need to be developed to ensure the security and integrity of the *Survey Methods for Core Koala Habitat* and supporting databases before the method and as such the *Koala Habitat Protection Guideline* and the *SEPP (Koala Habitat Protection) 2019* can come into effect.**

The NSW BioNet, which is relied upon in the *Survey Methods for Core Koala Habitat*, contains data which lacks the veracity expected from a system which will adversely affect landowners and provide no gain to koala conservation if wrong. **The NSW BioNet needs to improve its verification processes before it can be relied upon in the survey method. Until a suitable standard is achieved in the NSW BioNet database Part B of the *Survey Methods for Core Koala Habitat* can not be carried out and the identification of "Core koala Habitat" must rely solely on *Part A: Koala presence*.**

Example of the poor verification process in NSW BioNet:



4. Consequences and undue restrictions

The *Koala Habitat Protection Guideline* indicates that areas within the *Koala Development Application Map* will be declared “core koala habitat”.

Principle 1. Understand koala habitat values

Criteria 1. *The site is established as core koala habitat if it occurs on the Koala Development Application Map or by undertaking a site area survey undertaken in accordance with the methods outlined in Appendix C of this Guideline.*

This is despite the SEPP and guideline requiring an area to be “*assessed by a suitably qualified and experienced person*” in order to be designated “*Core Koala Habitat*” (clause 4 of the SEPP and paragraph 1.5 of the draft guideline). It is essential to ensure before any area is described as “Core Koala Habitat” it has been proved so, on the ground and not determined by satellite/aerial imagery, which has proven immensely inaccurate. If areas currently identified in the grossly inaccurate *Koala Development Application Map* are designated as “*Core Koala Habitat*” and thus mapped as *Category 2 – sensitive regulated land* on the *Native Vegetation Regulatory Map* without accurate on ground assessment many farms will be brought to a grinding halt while providing no effect on koala conservation. Farmers will not be able to plant or harvest crops, or even mow their lawn. This will only serve to compound food security issues currently being created by the COVID-19 crisis and mental health issues created within rural communities from years of drought. **It is essential areas on the *Koala Development Application Map* are not established as “core koala habitat” without first being “assessed by a suitably qualified and experienced person” on the ground in the location being assessed.**

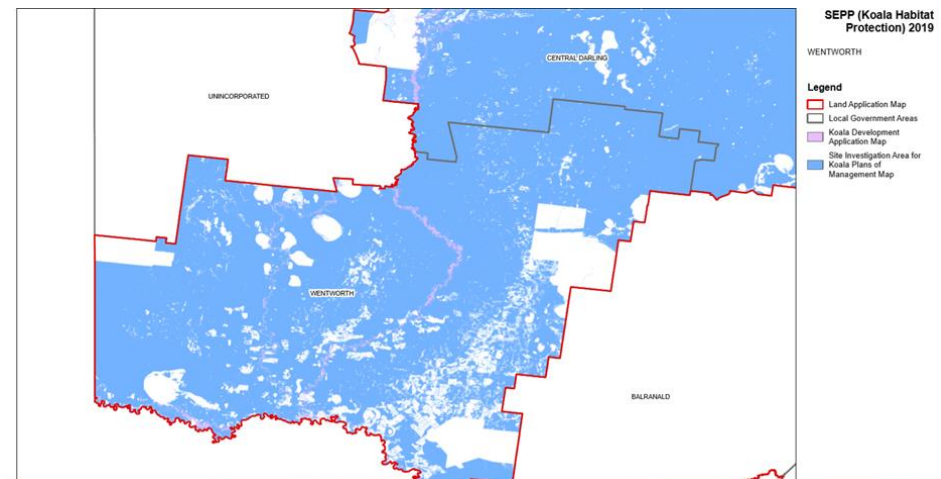
5. Compensation

Although the “On just terms” acquisition clause within the National Constitution does not apply to actions of state governments any honest government acting on behalf of honest citizens will compensate individuals and business who are dispossessed of property or rights to use that property by laws created for the greater social benefit of the before mentioned citizens. To not pay is theft. A suitable form of compensation is for the NSW Government to pay a lease or stewardship payments for the areas it wishes to control. **The *Koala Habitat Protection Guideline*, in combination with the SEPP and associated maps, seeks to remove property rights from honest, hardworking citizens and must compensate them for their loss.**

6. Local Government expense

Massive areas, particularly in the western districts, have been identified for investigation by the *Site Investigation Area Map for Koala Plans of Management*. It is well beyond council resources to properly survey these areas. **There must be no requirement for local governments to produce a KPOM unless the NSW Government finances the proper survey, in accordance with Annex C of the Guideline, of all areas to be included in any KPOM.**

Example of the vast areas requiring assessment in the west of NSW.



Contact

Portfolio Committee 7, The Department of Planning, Industry and Environment and any other government agency are welcome to contact me to discuss these issues.

Regards,

Andrew Mullins