

REPORT OF PROCEEDINGS BEFORE

PORTFOLIO COMMITTEE NO. 7 – PLANNING AND ENVIRONMENT

INQUIRY INTO KOALA POPULATIONS AND HABITAT IN NEW SOUTH WALES

CORRECTED¹

**At combined meeting rooms, Glasshouse Arts Conference and Entertainment Centre,
Port Macquarie, on Monday 3 February 2020**

The Committee met at 2.00 p.m.

PRESENT

Ms Cate Faehrmann (Chair)

The Hon. Mark Buttigieg

The Hon. Catherine Cusack

The Hon. Ben Franklin

The Hon. Shayne Mallard

The Hon. Mark Pearson (Deputy Chair)

The Hon. Penny Sharpe

¹ 9.55 am, Tuesday 31 March 2020

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The CHAIR: Welcome to the sixth hearing of the Portfolio Committee No. 7 Inquiry Into Koala Populations and Habitat in New South Wales. The inquiry is examining the current status of koala populations and their habitat and focusing on the impacts and effectiveness of existing policies relating to land management reform, forestry and the environment. Before I commence, I acknowledge the Birpai people who are the traditional custodians of this land. I also pay respect to Birpai elders past and present and extend that respect to other Aboriginal people present. I also acknowledge the member for Port Macquarie, Leslie Williams, who is present and thank her for attending.

Today we will hear from Ms Cheyne Flanagan, the Clinical Director of the Port Macquarie Koala Hospital, Dr Rebecca Montague-Drake, President of the Koala Recovery Partnership, as well as local resident and koala activist, Mr Frank Dennis. We will also hear from the region's local councils including Port Macquarie-Hastings Council, Kempsey Shire Council and Bellingen Shire Council. Before we commence I make some brief comments about the procedures for today's hearing.

Today's hearing is open to the public. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I also remind media representatives that they must take responsibility for what they publish about the Committee's proceedings. It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing. I urge witnesses to be careful about any comments they may make to the media or to others after they complete their evidence, as such comments would not be protected by parliamentary privilege if another person decided to take an action for defamation. The guidelines for the broadcast of proceedings are available from the secretariat.

All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. There may be some questions that a witness could only answer if they had more time or with certain documents to hand. In these circumstances witnesses are advised that they can take a question on notice and provide an answer within 21 days. I remind everyone here today that Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. I therefore request that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily.

Witnesses are advised that any messages should be delivered to Committee members through the Committee staff. To aid the audibility of the hearing I remind both Committee members and witnesses to speak into the microphones. In addition, several seats have been reserved near the loudspeakers for persons in the public gallery who have hearing difficulties. Audience members should be mindful that noises and interruptions make it difficult for witnesses to communicate with the Committee and I request that audience members refrain from talking for the duration of the hearing. I also add that I know most people in the audience today are very passionate about this issue, but please try to refrain from making comment or applause so the Committee can focus on the hearing at hand.

Photographs and video photography may not be taken while the hearing is underway except by authorised representatives of the media. If audience members would like a photograph of today's proceedings please approach the secretariat. Finally, could everyone please turn mobile phones to silent for the duration of the hearing.

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CHEYNE FLANAGAN, Clinical Director, Port Macquarie Koala Hospital, on former affirmation

REBECCA MONTAGUE-DRAKE, Koala Ecologist and President of Koala Recovery Partnership, affirmed and examined

The CHAIR: Would either or both of you like to begin by making a short opening statement?

Dr MONTAGUE-DRAKE: Thank you very much for the opportunity to be here today. Over the last six years while working for local government and residing on the North Coast of New South Wales, including in the role of assessing the ecological impacts of development applications, I have consistently seen how multiple pieces of New South Wales legislation permit the legal clearing of koala habitat. But habitat has not just been lost through clearing. In the last year I have seen the once lush forests of the North Coast of New South Wales experience extreme drought-induced dieback, such that now in some areas very little eucalypt canopy remains. In the last year I have seen more than one third of our koala habitat lost to bushfire, including some of our highest carrying capacity populations.

The threats that face koalas, whether they be enacted at the local scale, such as dog attack; the regional scale, such as cumulative clearing; or at the international scale, such as increasing carbon dioxide levels in the atmosphere changing leaf chemistry, are all contributing to the demise of the koala. A local study using VORTEX modelling showed functional extinction within 50 years—and that was before the fires. So where do we begin with so many threats at hand? I firmly believe the best thing we can do for koalas is stop clearing their habitat through strong laws that are formed using detailed knowledge of koala ecology and biology.

I believe that immediate moratoriums are needed across multiple pieces of New South Wales legislation to prevent further clearing of koala habitat, particularly in fire-affected regions where so very little habitat remains. I also believe we need more long-term investment into long-term monitoring programs which are coupled with recovery actions. The eyes of the world are upon us. The recent global concern and outpouring of support and concern for koalas shows us that we are the custodians for an internationally significant species that requires our governments' and communities' assistance. Thank you.

Ms FLANAGAN: Again, thank you for being given another opportunity to talk today. Since the last inquiry in December bushfires within New South Wales have taken out many more populations of koalas in areas such as the Snowy-Monaro region. One population in particular was quite unique as these koalas ate a considerable amount of bark as part of their diet. It is feared that the majority of these koalas are now gone. Anecdotal reports from university researchers around Gunnedah are reporting a further drop in the population since they last conducted field work, and this is likely due to the drought. Drought-affected koalas are still coming into care from Moree right down through to the Northern Tablelands of New South Wales.

These koalas are emaciated and very dehydrated. Reports from researchers in the region are also finding that river red gums, a koala staple, are dying through lack of water. The bushfire crisis appears to have eased north of Sydney as far as the Queensland border as we have had some good rain. Epicormic growth is already appearing in the majority of burnt forested areas, which is good news. Finally, while New South Wales and Queensland have had a major decline in the koala population as a result of the bushfire and drought, in western Victoria the blue gum plantation industry is still killing and maiming koalas in the harvesting process, which is just criminal. I also echo what Dr Montague-Drake said.

The CHAIR: Thank you both very much for the work you do. It must have been a very distressing couple of months for your work and I am sure all Committee members would acknowledge how distressing that must be for you. Dr Montague-Drake, thank you very much for your comprehensive submission to the inquiry. It is an excellent submission with lots of very good recommendations. I note, of course, that it was made in August 2019—before the recent fires, as you say. On page 1 of your submission, you mentioned that there was a window of three to five years to effect positive change for koalas, after which time the populations will be almost unrecoverable. What do you think now? You wrote in August 2019 that there was a three- to five-year window. What is your assessment now?

Dr MONTAGUE-DRAKE: To give a fair estimate of that, we would have to do some more modelling. We are about to work with the department of primary industries and environment to do some post-fire monitoring of the Lake Innes peninsula, which is our core hub for this region of which forms the bulk of the population that that monitoring was based on, to assess how we are tracking in that regard. That is an action that we are very soon about to undertake and that would inform some more work along those lines.

The CHAIR: We spoke this morning, and thank you very much for allowing us to be in the clinic today, Ms Flanagan, while you were caring for one of the koalas under your care. I know that the Government still needs to undertake an official estimate, but from what you have seen come through the clinic in terms of injured koalas,

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what is your view around the urgency of what the Government needs to do if there was a three- to five-year window, and where koalas sit now post fire? What is your comment on that?

Ms FLANAGAN: In our region, without a doubt, an enormous decline, particularly in the core populations that feed the whole of the region. It could be anywhere up to 85 per cent.

The CHAIR: If it is anywhere up to 85 per cent—in the Ballina hearing, the Committee heard from one of the experts there that when they went into monitor post fire, that, in fact, the population declined in those areas 60 per cent to 70 per cent. I think the Federal environment Minister has put a figure out there of 30 per cent. Do you think that is a fair percentage?

Ms FLANAGAN: No. Too low.

The CHAIR: It is too low? It is much higher than that, you would think?

Ms FLANAGAN: Yes.

The CHAIR: In other words, that three- to five-year window for government to take action has probably closed.

Dr MONTAGUE-DRAKE: I do not think so.

The CHAIR: It is very close to closing.

Dr MONTAGUE-DRAKE: I think that, luckily, fire is spatially patchy so we should not give up hope. What it comes down to is focusing on those areas that have been unaffected by the fire and putting lots of investment into those areas, shoring up areas of remaining habitat that have not been burnt and protecting them. Only then can we really get back to what we have lost and then sort of start that tracking process again.

The CHAIR: What are the greatest threats to koalas now over the next few years in terms of what the Government can do? We know that there are bushfires and there is climate change. Unfortunately, governments still need to mitigate greenhouse gas emissions. What would be your urgent recommendation to government now?

Dr MONTAGUE-DRAKE: My single recommendation is, as I said in my opening statement, protect what habitat remains—particularly, identifying core areas of importance and absolutely placing moratoriums over the legislation that permits legal clearing of habitat in fire-affected areas. I understand that changing legislation at a State level is very time-consuming and difficult, but I think moratoriums in declared fire-affected areas and identified hubs would be a really great start. There is a lot of data that can guide that process. The previous Office of Environment and Heritage did hub mapping, identifying important source areas for koalas, so there is data to start working with there.

The CHAIR: And if that does not happen?

Dr MONTAGUE-DRAKE: Then I am a bit fearful about the chip away, chip away in their remaining areas.

The CHAIR: Ms Flanagan, if that does not happen?

Ms FLANAGAN: We are in big trouble. May I add to it that private native forestry is a great area of concern from a koala point of view. It is not regulated. There are no rules in place for spotting and what to do if an animal is injured. In forestry, they do have regulation and they do have a process they have to go through if they injure an animal. Nothing exists in private native forestry. We have no idea what is going on out there with animals that may be injured and what is happening to them.

The Hon. MARK PEARSON: Would you consider, because of what we do know and now what we do not know, that the koala is in peril?

Ms FLANAGAN: Yes.

Dr MONTAGUE-DRAKE: Yes.

The Hon. MARK PEARSON: If we were to implement a moratorium on all activities that do or might affect koalas—you referred to several legislations. Are you across those at all?

Dr MONTAGUE-DRAKE: I am. There are multiple pieces of legislation that permit clearing of koala habitat in one way or another, such as the Biodiversity Conservation Act, the Private Native Forestry Code and the Local Land Services Act. All of these pieces of legislation are key drivers of the loss of koala habitat across New South Wales. There is no question about that. That is a fact. I understand we cannot cease all development, but it is about looking at each of those legislations and, as I said in my opening statement, combining the law profession with people with a really good grounding in koala ecology and biology and bringing that knowledge

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together to work out how we are going to make a difference while, obviously, not bringing the State to its knees and stopping everything. There are improvements that can be made, but it is bringing the legal profession together with koala ecologists and biologists and combining that knowledge.

The Hon. MARK PEARSON: You were describing a sort of recent history of harm to koalas. You were talking about koalas coming in from as far west as Moree and coming in across the Northern Tablelands. Is the main cause dehydration over the past several years?

Ms FLANAGAN: Yes, and it is just getting worse. Of course, they are dying in droves. When animals get dehydrated, it tends to express diseases such as chlamydia far more.

The Hon. MARK PEARSON: Because they are stressed.

Ms FLANAGAN: So that is knocking them down as well.

The Hon. MARK PEARSON: So at a certain point, they cannot gain the hydration from the leaves that they used to otherwise be able to, unless they are given water?

Ms FLANAGAN: Because the leaf moisture is below the ability to sustain their daily needs. They come to ground trying to seek water and they are at risk of predation. They are just struggling to survive and there are so many in an emaciated state.

The CHAIR: Can I get your view on the new koala State Environmental Planning Policy [SEPP] 44? Dr Montague-Drake, I assume you are across that.

Dr MONTAGUE-DRAKE: Yes.

The CHAIR: What are your views on how much the new one is going to solve all our problems?

Dr MONTAGUE-DRAKE: I think that the devil is in the detail, as they always say. We will not know the fine detail until after 1 March, when the legislation is actually enacted. Up until this point, I have not seen nor have I spoken to anyone who has seen the development guidelines that go along with that. I have had a look at the mapping that will underpin much of the new SEPP 44 and I think it is a great improvement on anything that we have had hitherto. Ultimately, there is the provision for developers to challenge the mapping and to undertake further assessments, and that is certainly something that possibly we have seen already with the previous SEPP 44—that challenging process where one party believes it is core koala habitat and the other party does not believe that.

I think that it is definitely a positive that now we have set some firmer metrics around—I believe that it is going to be any koala seen within an 18-year period at a two-kilometre grid will be considered as koala presence, whereas before the SEPP 44 was silent on what constituted koala occupancy at a site. So we saw it interpreted as at a site, whereas of course we know that koalas do not obey our boundaries; they move across the landscape. So this is certainly an improvement. If the 18 years and two-kilometre grids is adopted as a standard, this is certainly an improvement as well.

The Hon. PENNY SHARPE: Thank you for having us this morning. It was very sobering but also extremely important so thank you to you and your volunteers, who do amazing work. In your opening statement Dr Montague-Drake, you talked about drought dieback before you talked about the bushfires. I am just wondering if you could tell us within the Area of Regional Koala Significance [ARKS] areas, have you been able to map that? And can you give us a sense in your area—I suppose we want drought and then you have said a third is bushfire. So I am interested in that drought aspect.

Dr MONTAGUE-DRAKE: I am deeply concerned about the dieback that I am seeing across our region. We have not done any analysis of that. I know that out in the Gunnedah area they have and they are seeing very sobering statistics from dieback out there. I think we have not quite caught up with it yet because it has literally been this past summer that we have just seen a tipping point from watching it get quite dry through to the eucalypts just starting to tip. In areas such as Dooragan National Park, the koala hospital has been releasing koalas over a number of years. As a result, we have seen a recovering population through that area. Unfortunately, now you can look up at the whole of Dooragan Mountain and see dieback. It is very sobering to see that. Other areas that we know are core koala hubs within our ARKS area are also experiencing extreme dieback. It is not only the defoliation that I worry about, it is the uptake of nutrients and moisture by the eucalypts, how they are functioning and what that means for koala food. It is quite concerning.

The Hon. PENNY SHARPE: You gave a very good submission, which was obviously before the fires, so there is so much to ask. You have reflected a little bit on private native forestry and the fact that there are no controls there. What level of coordination or even discussion is there between organisations such as yourselves and the Government in relation to the rollout of private native forestry?

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Ms FLANAGAN: None. We have had no discussions with the Government. Have you?

Dr MONTAGUE-DRAKE: No, private native forestry [PNF] is outside my official remit in my role and I would like to make that clear. I also make clear that I did not say that there were no controls over there, but that some of the controls are perhaps not ecologically meaningful. For instance, there is a control to look for 20 scats under a tree but that is not actually—this is what I mean about legislation needing to be guided by people who have a knowledge of ecology and biology and how that functions because in most areas of koala occupancy it would be pretty difficult to find 20 scats under one tree.

The Hon. PENNY SHARPE: It is pretty hard and you have to be pretty good at it.

Ms FLANAGAN: Yes, it is very hard to find.

The Hon. PENNY SHARPE: I was very interested in your submission where you talked about the modelling. We already know we have problems in which different departments use different modelling to justify the decisions that they are making. Do you have a recommendation to the Committee around what you think is best practice in relation to koala detection?

Dr MONTAGUE-DRAKE: We have had lots of meetings about this recently—

The Hon. PENNY SHARPE: I am sure.

Dr MONTAGUE-DRAKE: I have been part of a group that has been meeting to talk about the different methods that we use. I think it is really important that we all understand that koalas, for a relatively large critter that you can see in the daytime and that does not occupy hollows, are incredibly difficult to spot. Any one method is fraught with issues. What concerns me the most is that formal scientific methods, such as the Program PRESENCE, have not been run to test the different methods. This is something that is desperately needed as a very first matter. Particularly before—at the moment I am not sure if they have been adopted, but they are working on phase two of the biodiversity assessment methodology, which will write the methods that must be applied to look for koalas and a range of other threatened species. It is very important that with that process we look at the differences in methods between regions.

For instance, down in the Southern Highlands, spotlighting is actually quite an effective way to look for koalas because the canopies are quite open and quite low. Here on the North Coast forest, which traditionally has very large trees and very closed canopies—before we had dieback—it is very difficult to spot koalas using spotlighting. One method does not necessarily fit all areas; we have to be tailored. We need to be very smart about the amount of survey effort that is required for any given method. It is not just which method you use, it is this survey effort that gets put in the scale that these are applied.

The Hon. PENNY SHARPE: There needs to be resources put into it to do it properly.

Dr MONTAGUE-DRAKE: We know that one-off surveys for koalas are fraught with difficulties. We have radio tracked koalas through this region and we have scientifically shown that within any given year they partition their home range. For instance, they will occupy this bit in winter and that bit in summer. If you go and survey there in summer, you might conclude that this is not koala habitat when in fact it is just not at that time of year. Particularly in these hotter, drier times, we are seeing koalas do that more and more—move into these refuge areas during the hot, dry times and out of certain other types of habitat, which through the cooler months might be very important.

The Hon. BEN FRANKLIN: Could I ask a quick follow-up question on this specific issue? Going back to talking about how different regional areas might have different processes by which they can monitor this, which I understand. In your submission you talk about using methods that can be drawn together to yield statewide population trends. My concern would be that if you have different procedures in different areas you may not get a consistency of results in terms of the methodology.

Dr MONTAGUE-DRAKE: I think that good science can override that because, ultimately, it is about understanding your detection rates and your survey efforts in your search areas as the underpinning parameters. By the time you have worked out those parameters, the methods can be comparable if the detection rates and all of the other underlying variables are the same.

The Hon. BEN FRANKLIN: I understand. So statistically, so long as a detection rate is similar, then it means that the methodology probably—

Dr MONTAGUE-DRAKE: That is right. So we can use different methods but we just need to make sure that our effort and our detection frequency is matching across the different areas. With good science underpinning it, that should be okay.

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The Hon. BEN FRANKLIN: Understood.

The Hon. CATHERINE CUSACK: Just on that, the outcome you are seeking is whether a population is in decline?

Dr MONTAGUE-DRAKE: It is a combination of things. It is not just about seeing the decline—that is very alarming—but it is also about what we can do. If we are doing big cross-sectional studies we need to know where the koalas are performing well, where we are losing them and what the drivers are that underpin that. Through our koala recovery partnership we are about to undertake exactly that—133 sites through our Hastings-Macleay region—looking at a cross-sectional approach of different vegetation types and different threats that are operating in those areas. Not only are we tracking koalas through the Hastings-Macleay as a good baseline of where we are going, but we are also understanding the drivers of where we are winning and where we are losing.

The Hon. PENNY SHARPE: I have one more question. It struck home to me when we flew in this morning that there is a lot of pressure for urban redevelopment in and around places such as Port Macquarie, which obviously backs onto what I am assuming is quite important habitat in a lot of cases. I was quite worried to hear the loophole that seems to be emerging from developers, where they are pre-clearing rural lands in preparation for a development approval [DA] so that when they go looking for the koala under the koala plan of management, they essentially do not find any there because they have been able to clear. Could you just talk me through that and perhaps give the Committee some examples?

Dr MONTAGUE-DRAKE: I do not want to give examples, if that is all right. I do not feel like naming individual things at this point. Certainly it is legally possible. For instance, you can undertake private native forestry on a rural lot and get a licence. We talk about it being a sustainable industry but there is no requirement for that area to be fully rehabilitated to bring that area back to a certain level before another activity is undertaken. We see that a private native forestry licence can be extinguished at any point that the owner so wishes, which means they are now theoretically undertaking logging and then extinguishing the license. At that point of licence extinguishment there is no requirement to fully rehabilitate the site ahead of then going on to another activity for that land.

The Hon. PENNY SHARPE: Such as seeking a rezoning for development?

Dr MONTAGUE-DRAKE: For argument's sake.

The Hon. PENNY SHARPE: Is that something you are seeing and are you seeing that increasingly?

Dr MONTAGUE-DRAKE: I do not work in that phase of assessing development applications any more but it is certainly something that is legally possible—for that to happen. Similarly, it is not just private native forestry. It could be legal clearing under the allowable activities of the Local Land Services Act, where you can clear for fence lines, or shed infrastructure or all manner of allowable activities. That is all there in the legislation and so clearing can be undertaken that way and then move on to something else. Ms Flanagan has also just mentioned to me about sleeper DAs, which we consider to be DAs that were approved back in say, the 1980s or something like that, and have just been sitting there. They have just done enough to keep them active but they were approved a long time ago. That gives us cause for concern as well because some of those things these days probably would not go ahead if that was the case—the ecological impact would be considered to be too high. Unfortunately, they were approved a very long time ago and they sit there sleeping but could be enacted at any time.

The Hon. PENNY SHARPE: So the opportunity to have some sort of trigger to re-look at some of those might be something—

Dr MONTAGUE-DRAKE: Agreed. I would feel very, very happy. It was a submission that we made during the Biodiversity Conservation Act process that we thought at the time the legislation was changed over any sleeper DA might be reconsidered, there might be a time lag period where if something had not been finalised the new provisions would apply.

The Hon. CATHERINE CUSACK: You mentioned scribbly gum is not listed as koala habitat, even though it is. Can you explain that a bit more?

Dr MONTAGUE-DRAKE: That was back in the old SEPP 44. It was not listed—there were two species signata and racemosa and there was confusion applied because, again, they were considered to be separate species and then depending on which book you look at now they might be one and the same. It is a bit of a moot point now because following the OEH food tree review we have gone from a list of about four koala food tree legal species in our region to a much, much, much bigger set, which is really comforting and that is now encapsulated in that process and we are very glad to see that.

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The Hon. CATHERINE CUSACK: Thank you for clarifying that. In terms of the area that you cover, I think you said Kempsey, Bellingen—

Dr MONTAGUE-DRAKE: The mid North Coast joint organisation includes Bellingen, but my theoretical work, or my nominated work area, is one of these ARKS, an area of regional koala significance. For our neck of the woods that is about Crescent Head to Dunbogan and out to the Ellenborough area.

The Hon. CATHERINE CUSACK: The council areas that cover Port Macquarie—

Dr MONTAGUE-DRAKE: And Kempsey.

The Hon. CATHERINE CUSACK: When you talked about the window and the research, is it in relation to that area?

Dr MONTAGUE-DRAKE: Basically that modelling was done using real-world data which was submitted from the koala hospital. So we had the real-world statistics about mortality coming in through the hospital, coupled with work that had been done looking at the population of the Port Macquarie area, specifically the area east of the highway, which is the majority of the population in that part of the world. That was the area theoretically that we were modelling. But that curve shape is symptomatic of any declining population. They do not have a linear trend. It tends to be more of a logistic curve.

The Hon. CATHERINE CUSACK: I want to ask about koala management plans but one other quick question in relation to the submission. You talked about koalas moving through the canopy as opposed to coming down onto the ground. That is more something that occurs on the North Coast, would that be fair to say?

Dr MONTAGUE-DRAKE: Yes.

The Hon. CATHERINE CUSACK: Would you like to talk to that issue?

Dr MONTAGUE-DRAKE: Yes. Our koalas are extremely agile climbers and having been out to try to catch them to radio collar them on the North Coast, it is actually exceedingly difficult to catch a koala on the North Coast of New South Wales to undertake any research on it. Our trees are very tall. As I say, we set traps around the base but wherever we have canopy connectivity, even when the branches just lightly touch, they can go from tree to tree without having to descend to the ground. By the time we start thinning out the trees such that there is no canopy connectivity any more, we make koalas come to the ground and have to travel across. That does leave them vulnerable to threats such as dog attack, particularly in urban and peri-urban settings.

The Hon. CATHERINE CUSACK: Just to emphasise, that canopy connectivity is very important to koalas?

Dr MONTAGUE-DRAKE: Very important.

The Hon. CATHERINE CUSACK: In relation to koala management plans, Kempsey has one, is that correct?

Dr MONTAGUE-DRAKE: Yes, they do.

The Hon. CATHERINE CUSACK: And Port Macquarie is trying to get one. These are seen as really key documentation, a lot of work goes into them. Do you want to talk through that part of it?

Dr MONTAGUE-DRAKE: I know that we have got Port Macquarie-Hastings Council and Kempsey Shire Council speaking after myself today, so I think it is probably better if they both speak to their own koala plan of management [KPOM] matters. It will be interesting under the new SEPP 44 how KPOMs are dealt with and the development guidelines that go around the formulation of KPOMs. We will all be very much looking forward to seeing the new world with SEPP 44.

The Hon. CATHERINE CUSACK: The reason I am focused on those is that it has become clear in the evidence, and you have reinforced this, it is about local solutions, local habitat. The concept of a statewide formula or anything like that is not really going to work. So the local management plans and where we look to those policies, I guess you talk about the window to do something, that is where you would expect to find the policy?

Dr MONTAGUE-DRAKE: I think so but ultimately at the end of the day we have that tiered system of government.

The Hon. CATHERINE CUSACK: Exactly.

Dr MONTAGUE-DRAKE: And councils can only work to what is legal under State legislation.

The Hon. CATHERINE CUSACK: Yes.

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Dr MONTAGUE-DRAKE: So while State legislation permits one thing, you can only go so far with your KPOM really.

The Hon. CATHERINE CUSACK: And that is constraining the koala management plan, the State legislation is putting constraints on it?

Dr MONTAGUE-DRAKE: I think it makes it difficult for local councils to defend something that might otherwise be legally permissible.

The Hon. CATHERINE CUSACK: Would you like to see councils with a stronger role in relation to koala management plans?

Dr MONTAGUE-DRAKE: That is an interesting question. I would have to think about that one. I guess at the end of the day councils are often resource constrained. We are fortunate here on the North Coast that we have some excellent council staff. Not all councils are equally resourced or even equal positions within council. Some councils employ an ecologist but not all. So you need a level of expertise there, I guess, as well.

The Hon. CATHERINE CUSACK: The standout feature of this inquiry is normally groups come and put forward ideas that would involve funding for their organisations. We have had none of that in this inquiry. We have just had people pleading for better protection, particularly habitat. In terms of your organisation and the work that you are undertaking are there gaps that you think could be addressed with additional resources being made available?

Dr MONTAGUE-DRAKE: To our particular organisation?

The Hon. CATHERINE CUSACK: Yes, and what sort of benefits could be obtained from that?

Dr MONTAGUE-DRAKE: We have been very fortunate, to be honest. This is a three-year program and we have been very fortunate that our two local councils, Port Macquarie-Hastings Council and Kempsey Shire Council, as well as the New South Wales Government and as well as the koala hospital have all contributed to our koala recovery partnership. So for the next three years, given our objectives, we are quite well resourced. I would not want to come here today and plead for more. But what I would like to say is that three years is not enough time. And this is not just about my job, not at all. Three years—it takes time to engage with landholders. We are trying to build relationships. We are trying to do planting programs. We are trying to do long-term monitoring. Three years is nothing to work for those sorts of activities. I know it is really difficult with governments, but if we really are serious about change it needs to be more of a 10-year cycle. Ten years gives us good data. Ten years builds trust with rural landholders to formulate really good working relationships. These are the timelines that we need.

The Hon. BEN FRANKLIN: It is a broad funding challenge across government, I think. Three years is certainly better than one year but your point is well made.

The Hon. MARK BUTTIGIEG: One of the things that comes across to me when I hear these debates is that you obviously have competing interests. There are development interests on one side of the equation and there are ecological interests on the other, and there seems to be a lack of dialogue to try to reconcile the two competing. You have touched on this in your submission when you say there is a whole industry out there in terms of what I colloquially refer to as ecotourism, if you like. People actually say they do not want to see koalas in zoos, they want to see them in their natural habitat. Has anyone engaged in a big picture exercise in trying to reconcile those competing interests?

Let's face it, you have a situation where the Australian population is projected to double by about 2050 and that is going to inevitably mean there will be irresistible pressures, I would say, from developers and government to try to expand out of the cities, which are already under a lot of pressure. So you will get this constant pressure chiselling koala habitat, unless you can identify where that habitat is and quarantine it off, and then have a strategy to try to grow your ecotourism. Has anyone engaged in those high-level coordinated discussions? Because it seems to be very disjointed to me in terms of you have one group trying to run a protection line, which is totally understandable, another group just wants development.

Dr MONTAGUE-DRAKE: I guess nothing I have ever seen at the State level or something like that. Certainly that is one of the ideas of a koala plan of management at a government level is to identify where your good koala habitat is and to hopefully try and plan around that, and the same with strategic planning. Urban growth management strategies for instance seek to broadly do those sorts of things but I guess with varying levels of success.

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The Hon. MARK BUTTIGIEG: So you do not have any interaction with for example the Department of Planning who have presumably got their eye on this sort of thing, population growth and development and all the rest of it. There is no open dialogue with them?

Dr MONTAGUE-DRAKE: Not me personally because that is not my role as an ecologist. However I do know that things like urban growth management strategies with council do seek to identify—not just for koalas—biodiversity hotspots as a rule within a region and then work with the Department of Planning to work around those.

The Hon. MARK BUTTIGIEG: Do you see any tension between the desires of local councils who by and large are generally close to their local population and want to try and serve their interests and the macro departments like the Department of Planning?

Dr MONTAGUE-DRAKE: Again not working in that space I would be hesitant to comment and you are better to speak to the Kempsey and Port Macquarie-Hastings council representatives here today on those matters.

The Hon. MARK BUTTIGIEG: Just quickly, Ms Flanagan, we were all very impressed with the efforts this morning of the hospital. I was just blown away by the work you are doing there and the care that you are providing largely, well exclusively, on a voluntary basis. I had a chat with you about the economics of how you survive. Did you just want to elaborate to the Committee where the money comes from? I think it is important that the Committee and the gallery understand where you get your funding from. I will let you explain because I think it is important that everyone understands.

Ms FLANAGAN: Up until we got this recent grant to rebuild the hospital, all of our money comes from public donations. That is why our interaction with the public is so important and we do a lot of education. It comes from bequests and donations and we have also got an adopt a wild koala program which has skyrocketed in the last three months.

The Hon. MARK BUTTIGIEG: In the wake of the natural disaster that has been this summer's bushfires, is there a need for extra funding to deal with the extra workload or are the public donations going to be enough to cover it?

Ms FLANAGAN: Currently we are covered quite well which has enabled us to send these teams interstate et cetera. Our money is very well managed, very transparent and well audited. It is a very well-managed place.

The Hon. BEN FRANKLIN: How much was that grant that you mentioned? That was the one at the end of last year from the State Government?

Ms FLANAGAN: Yes, the tourism grant, I think it was 5.2—something like that.

The Hon. BEN FRANKLIN: Million dollars?

Ms FLANAGAN: Yes.

The Hon. BEN FRANKLIN: What is that going to be spent on?

Ms FLANAGAN: Where you went this morning. That is going to rebuild the whole hospital. It is very tired. It needs refurbishing and we just do not have the room, as you saw.

The Hon. BEN FRANKLIN: Absolutely.

Ms FLANAGAN: So it is going to be completely redesigned and we will probably be moving a lot of other infrastructure elsewhere because we have this big breeding facility, or three of them, so that cannot be there. It is going to be elsewhere.

The Hon. BEN FRANKLIN: The work you do is extraordinary.

Ms FLANAGAN: Thank you.

The CHAIR: Ms Flanagan, do you see the need for an ongoing government commitment to wildlife care and rehabilitation? I know obviously animals on the South Coast and in the Snowy Monaro do not have ready access to facilities like Port Macquarie Hospital. Do you see the need—particularly following these fires but before then—for an ongoing government presence in wildlife care and rehabilitation and clinics?

Ms FLANAGAN: Absolutely. They have been very good in the last year. They have been very supportive of the fire situation, helping people all over the place. But, as you know, our situation is completely different. We have a face, so that is why we get this public help. With others, most of it is done in private homes

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so it makes it more difficult for them. They do very well under the circumstances but they really need government support, especially if we are going to keep these animals functioning as a species and all the other species as well. It comes out of people's pockets, which is just dreadful.

The CHAIR: What are your views on a paid workforce of professionals in this area? We know that a lot of the wildlife carers are spending everything, all of their own money on this. What are your views on that?

Ms FLANAGAN: It would be ideal to have satellite areas where there are paid veterinary staff that can take the animals there—facilities spread out throughout the State, yes, and funded by the government.

The CHAIR: Thank you.

The Hon. PENNY SHARPE: In your submission you talk about the Biodiversity Conservation Trust [BCT] and some positive news around working with local landholders. Could you talk to the Committee about that? The biodiversity trust is one of the places where there is money for private landholders to do this sort of work. I am interested in how that is working? What is the good part of it and what you think is missing?

Dr MONTAGUE-DRAKE: I think the Biodiversity Conservation Trust is an excellent scheme in that it presents numerous avenues for landholders to participate in conservation outcomes either on a purely touchy-feely voluntary basis through things like Land for Wildlife or wildlife refuges. Then you step up through the programs to the Conservation Partners Program where it becomes legally binding on your title and you can have money to do works on your property through to the offset scheme which is far more complicated for landholders to participate in. We are working primarily through the Conservation Partners Program scheme in the latter part of this year and throughout 2021.

What we are seeing is that the demand for people wanting to enter that scheme is more than can be serviced by the Biodiversity Conservation Trust staff. They literally do not have the resources. We actually had a meeting in Coffs Harbour about this last week and through the Koala Recovery Partnership we are going to pay contractors to do some of the work of the Biodiversity Conservation Trust staff to go out and undertake the field assessments to streamline that process for good areas of koala habitat, to bring them online quicker. This is a fantastic scheme. There is a lot of interest out there, a lot of goodwill and landholders want to be a part of it but they cannot keep up with the demand.

The Hon. PENNY SHARPE: Do you think there are landholders who currently would be looking at Private Native Forestry [PNF] who could be convinced to instead look at something like the Biodiversity Conservation Trust or is that really not going to be compatible?

Dr MONTAGUE-DRAKE: It is an interesting question. Depending on your property, the money that you can get from Private Native Forestry obviously cannot be compensated for at the moment with small amounts of the grant funding, \$15,000 per year for each of three years, if you join the Conservation Partners Program. You do get some rate relief. So at the moment I feel the decision is probably more made by landholders' care of the land than it is about finance so you will find that you probably have some landholders.

It would be great if we could genuinely have money, especially for good koala habitat that is enough to compensate for private native forestry. That would be amazing for really good areas or to purchase the old licences. Some people have inherited licences that have not been extinguished and then you get the logging-contracted companies coming to them and saying, "Hey, you have got this already." They make it all too easy to sign on the dotted line and off we go. It would be great to be able to purchase those licences and to protect those areas, compensating the landholders therefore for any loss. That would be a fantastic initiative.

The Hon. BEN FRANKLIN: At the end of last year I think 173 hectares were created in perpetuity in this area?

Dr MONTAGUE-DRAKE: That is correct.

The Hon. BEN FRANKLIN: Was that sort of land valuable koala habitat and that is the sort of thing you would like to see rolled out even further?

Dr MONTAGUE-DRAKE: Absolutely, yes. And we have got other areas that we have identified as being real hotspots that if we were to re-run a tender process I believe we would have much better uptake if there were another round deployed in this area, particularly as the turnaround time from announcing the tender through to the tender closing was a very narrow window. I believe it was as low as a month, six weeks. It was a very short window from ministerial announcement through to "you are in" kind of thing. I do not know if that was exactly the time but it was very short really and it did not give landholders making a big decision—"This is a legally binding thing on your title of your property". It is a big decision to make and I think that more lead time and if we re-ran a tender in this area we would have very good uptake and with the knowledge we now have through our

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monitoring programs and so on we would get some very good koala habitat coming in through such another tender process.

The CHAIR: We are running out of time for questions. Mr Mallard has one though.

The Hon. SHAYNE MALLARD: To Ms Flanagan and again I echo the views of the admiration of the work you and your team do at the hospital. You and I had a discussion earlier today that I want to get on the record now about the unique situation your organisation has of access to firegrounds to retrieve wounded animals and to monitor the impact. Do you want to outline how you achieve that because I think as a practical recommendation of this inquiry in terms of fire impact the access you are getting is very important?

Ms FLANAGAN: It is a relationship that has been developed over many years and it is all about doing the fire awareness course that RFS has. You learn how to recognise fire and what to do in the event of an overrun of flames or whatever. We wear full personal protective equipment that meets Australian standards. We have a crew leader, and the crew leader's job is to assess the danger—winds and all sorts of things. Then we have people who have got to be very fit, and you go in a line and you go out doing your search work. We are only allowed on the fireground when the incident controller of any fire headquarters says that we can. It is up to them to deem it safe and we do not enter a fireground unless they deem it safe. If they say we can only have a two-hour window, then all we get is a two-hour window. We never put a foot wrong because we have developed trust over many years. If they say get out, we get out; and if we cannot go, we cannot go.

The Hon. SHAYNE MALLARD: Are you going in with RFS personnel?

Ms FLANAGAN: No, because they are all on the ground.

The Hon. SHAYNE MALLARD: They are fighting fires.

Ms FLANAGAN: It is usually forestry or national parks or council crew leaders.

The Hon. SHAYNE MALLARD: Another body, though, comes in with you.

Ms FLANAGAN: Yes, they are an independent person. It is very important because our search people are too busy looking for koalas to be seriously looking at burning limbs and tree stumps.

The Hon. SHAYNE MALLARD: You mentioned to me—I just want to get it on the record—there is an inconsistent approach around the State; different incident controllers have different levels of concern and knowledge about you. How did you address that?

Ms FLANAGAN: We try to teach as many wildlife carers as we can that they need to do this. Unfortunately, some of them, I fear, think that it is not going to happen to them; they are not going to be involved in a fire. Then this major situation has happened and they have suddenly found themselves presented with no fire awareness course and no gear and no relationship.

The Hon. SHAYNE MALLARD: That is a good point. I was talking about the different RFS senior management in different regions and how you have had to deal in different ways with different ones. Is there a consistent approach for your organisation?

Ms FLANAGAN: Yes, they have not been consistent because they do not know who we are. But I am sure if we got our local RFS people to talk to them, it would be okay. But we have managed to get onto firegrounds in other areas.

The CHAIR: I am sorry to have to say we are out of time. Thank you very much for attending today's hearing. I do not believe you have taken any questions on notice. Thank you again for the work that you do.

(The witnesses withdrew.)

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FRANK DENNIS, Local resident and koala activist, affirmed and examined

The CHAIR: I now welcome our next witness, Mr Frank Dennis. Would you like to start by making a short opening statement?

Mr DENNIS: Yes, thank you. My name is Frank Dennis and I have a Bachelor of Science from Sydney University with majors in zoology and psychology. I have lived in Port Macquarie since 1975. I belong to three activist organisations: No Electricity From Forests, the Mid-North Coast branch of the National Parks Association of NSW and Climate Change Australia, Hastings branch. I served on the National Parks and Wildlife Advisory Council for eight years. In my submission, I referred to a forest emergency—a crisis exemplified by the rapid population decline in koalas primarily through habitat loss caused by the destruction, degradation and fragmentation of forests they depend on to survive. The current Regional Forest Agreement [RFA]/integrated forestry operations approvals [IFOA] system is broken and cannot be fixed. It should be scrapped. It has failed to protect the environment. The huge quantities of small logs provided by this industrial-scale logging seem destined to feed furnaces to generate electricity or other wood-based biofuels or biochemical products.

One of the biggest threats to vulnerable species such as the koala and other endangered and threatened species, after habitat loss, is the present State Government's policies on land clearing, vegetation and species management—including the unscientific offsets regime, which sits at the heart of the legislation. The bushfires consuming vast tracts of forest across Australia this year have changed everything. The scale and intensity of these unprecedented fires—over five million hectares of forest burnt to date in New South Wales alone, including Gondwanaland rainforest never expected to burn. We are facing a climate emergency. Anthropogenic global heating is a fact and is increasing at an alarming rate. It is having an impact on forests, koalas and now every one of us into the future.

Given the present Federal Government's demonstrated inability to lead, State governments are in a unique position to influence the course of events to avert catastrophe. Time is short: less than 10 years to reduce the difference between emissions being emitted and the rate that they can be drawn down from the atmosphere. The target most referenced is net zero by 2050. Some say the level should be zero by 2050—much sooner, if possible. This inquiry clearly represents an opportunity for truth telling. We must face up to the new realities exposed by the intensive logging regimes and their failings, and now the bushfires, with the impacts not yet fully understood or even known and the imperatives of global heating. My argument is simple: Stop logging and clearing koala habitat trees. They act as important carbon sinks.

I close with these final comments. I know what must happen from here. You know what must happen. It is your job now to design and implement solutions and strategies to ensure the future of the koala. Their future, and very likely ours, is in your hands. You must act without delay. I have six recommendations to submit. I suggest saving time and would like to submit them with a copy of my introductory remarks, rather than read them now. I have 10 copies to hand out. I thank you and your Committee for your time today to hear these remarks.

The CHAIR: Thank you, Mr Dennis. They will be handed around to the members.

The Hon. BEN FRANKLIN: Are your recommendations not in your submission? This is new information?

Mr DENNIS: It is, because of the change with the fires. The recommendations I did make in the original submission, these are additional recommendations to take account of the new circumstances.

The CHAIR: I wanted to ask a question about offsetting. In your opening statement were you referring to offsetting in relation to land clearing?

Mr DENNIS: Yes.

The CHAIR: Or development?

Mr DENNIS: Well, the Bio—I have just forgotten the actual name of the scheme.

The Hon. PENNY SHARPE: The Biodiversity Conservation Act.

Mr DENNIS: The Biodiversity Conservation Act, which allows for—

The Hon. PENNY SHARPE: So called.

Mr DENNIS: Yes.

The Hon. PENNY SHARPE: Sorry.

The CHAIR: In fact it was in the previous submission from the Koala Recovery Partnership but I did not get to ask a question of that submission due to time. I was struck by particular evidence around that if a farmer

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chooses to clear on private land an endangered ecological community [EEC] for example, they only need to offset 50 per cent of that EEC. Is that the kind of criticism? Or of course if an EEC is being cleared there should be less incentive to clear it. That sounds in some ways even more incentive. We have not heard, I do not think, enough evidence before this inquiry of private land clearing. Did you want to expand a little bit on the threats posed to koala populations on private land and we will get to forestry later?

Mr DENNIS: Having had the advantage of being able to hear the last people presenting, clearly they outline there some of the major problems that seem to exist with koalas and private forest logging. I can only underline exactly what has been said. One of the other submissions that I would refer you to is the Environmental Defenders Office [EDO] I thought wrote a very good critique of what were the problems with the current land management laws and vegetation laws in relation to koala in particular, but it applies of course to all species.

In fact I may be asking you if I can take it on notice, rather than try to attempt to give a fairly lengthy explanation now because there are so many different aspects to this. I mean the offsets can be just simply a tray of seedlings, and there are three categories of how many seedlings you have to give for whatever area you are going to have to cover and all this sort of thing. It is a fairly involved procedure. Then you can work your way through a number of different responses to what might be required to the point where you can actually write a cheque and absolve yourself of any responsibility of any offset. So there is the issue of like for like. You will give an area of land which is supposed to have the same values and so on to support wildlife.

The Hon. MARK PEARSON: If I were to try to convince the environment Minister that offsets are a myth, an illusion, what would be the three main arguments you would give me?

Mr DENNIS: Essentially offsets are a mirage. It is essentially looking at a vegetated area and saying that vegetated area has a capacity to protect, support a certain range of animals and certain values. And you are going to offer another piece of land which will offer you the same thing that the land that you now want to clear, because let us face it, that is what this is about—

The Hon. MARK PEARSON: Are you saying that is not possible?

Mr DENNIS: I am saying that is not possible.

The Hon. MARK PEARSON: Why?

Mr DENNIS: There is no net gain. You are destroying an area of forest completely, right. It is to be cleared. You are offering another one which at best, if it is and if you can show it, is equal to what you have just destroyed. But that never happens. Too many instances and in most cases you will find that the land that has been swapped or offered in return for what you have destroyed, is of lesser value. It does not have the same—

The Hon. MARK BUTTIGIEG: Just on that point, because it is very relevant, I think what my colleague is asking is theoretically if it were executed properly there is no reason why it could not be done, but you are saying in practice that just does not happen.

Mr DENNIS: I think it is flawed. That is one of the issues again. It is a criticism of the fact that—you are saying like for like and I just say that is scientific nonsense. There are no two areas of land that are going to be ever like for like, ever.

The CHAIR: I wanted to jump in about another issue. You mentioned that you had been part of an organisation campaigning against burning forests for electricity. Is that a threat? Is that something that we are looking at here in New South Wales? Could you please expand on that for the Committee, that some of our forests could be burnt for electricity, and are we talking koala habitat?

Mr DENNIS: I think we have to look at the fact of where the koalas currently occupy the landscape through, say, the North Coast, which is the focus of our major concern. They largely are found in the more open forests on the coastal plain. So when you talk about logging you are talking about trees that are coming from three sources, are you not? Well, two sources. The main ones are the State forests and now we have got the private native forest. That has always been happening but they are the two major areas. And they are able to have contracts attached to the logging that goes with those and then it becomes a question of where do those logs go. Part of that is now being directed towards furnaces. There are four customers for logs at the moment and I think under current contracts—and that is an interesting question in itself, where are these contracts up to, to supply 400,000 tonnes of what we would be calling small logs to burn to produce electricity.

The CHAIR: When you are saying four customers at the moment, could you expand for the Committee's purposes? So you know, Mr Dennis, this is the first evidence that the Committee has heard in relation to forests being burnt for electricity. Take it from that point in terms of your evidence, maybe expand a little bit by the threat posed by the contracts.

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The Hon. CATHERINE CUSACK: Where are they being burnt, for example?

Mr DENNIS: Where are they?

The CHAIR: Yes.

Mr DENNIS: I thought your question was is it happening now. Yes, it is.

The Hon. CATHERINE CUSACK: Where?

Mr DENNIS: Condong. They logged an area of forest, which was described as plantation but it is interesting that the plantation was essentially there to provide saw logs. But the company that owned the plantation went bust then the timber apparently ended up in the furnaces of Condong to produce electricity. They are offering something called green power from that source.

The Hon. CATHERINE CUSACK: What about native forest? Is native forest being burnt for electricity?

Mr DENNIS: Native forest?

The Hon. CATHERINE CUSACK: Yes.

Mr DENNIS: Yes—well, again, it is very difficult for us to actually track the source of all of the logs. Vales Point is another one that is receiving logs and has been for some time. I would be able to find that information.

The Hon. MARK BUTTIGIEG: Sorry, just so I can clarify. Is this to supplement the coal-fired source?

Mr DENNIS: Yes, that is how—it was a trial and they are trying to introduce a mix of both coal and wood. There have been some major problems with it. They started off with wood chip and they found that that was too wet and created too much ash, and now—

The Hon. CATHERINE CUSACK: Can I clarify, this was federally funded for cane trash. Are those the facilities that you are—

Mr DENNIS: But they are not using cane trash.

The Hon. CATHERINE CUSACK: I understand that. But in terms of how these facilities came into being, it was for the cane trash?

Mr DENNIS: Yes.

The Hon. SHAYNE MALLARD: Are they burning plantation timber?

The Hon. CATHERINE CUSACK: One of them is just not working at all.

The CHAIR: The Committee may choose to put some questions on notice in relation to this to get a bit more information, if you do not have all of it in front of you, Mr Dennis.

Mr DENNIS: Yes.

The Hon. BEN FRANKLIN: To put a question on notice now, if you have further information or thoughts on this issue to provide that to the Committee, that would be great.

Mr DENNIS: Directed towards that question, that is the current source of where does this timber come from? What is its character?

The CHAIR: Where does it come from and where does it go?

Mr DENNIS: Yes, I can provide you with more information—we would also have our own questions.

The CHAIR: Thank you, that would be very useful. In relation to the logging of forests, particularly post the mega-fires—recognising that you probably would have put this submission in at the time others did, around August—how much, in terms of the habitat that is left—has there been any increase of logging of State forests post-fires in this area? I know I heard from some locals around Kalang Headwaters, which I know is a bit further up north. Has there been any increase or different activity after the fires in this area, that you are aware of?

Mr DENNIS: Yes. Just coming to this inquiry today I was speaking to one of our members who owns a property on the Lorne Road. His comment to me was that he finds it extraordinary that the numbers of trucks that are now trundling past his place has increased enormously. This is at the time of the fires. In terms of anecdotes—it is only anecdotal evidence—there is one instance—the Lorne Road. I am not sure if people would be familiar with exactly where that is but it runs from the highway out through Kendall and then out eventually

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to Comboyne Plateau. There are a lot of importance State forests along that road. There is logging going on and it seems to be at an accelerated rate. We have just had our own meeting with them to try and find out about an area that we are particularly concerned about because it adjoins Camden Haven catchment. There are some very big trees up there because that is the other report that we get—

The CHAIR: When you say we have had a meeting with them, who is we?

Mr DENNIS: That is No Electricity From Forests [NEFF].

The CHAIR: With them?

Mr DENNIS: With local Forestry Corporation staff.

The CHAIR: Thank you. Sorry to interrupt you, you were saying that there are big trees—

The Hon. PENNY SHARPE: Are these ones being logged as a result of the IFOA? They are not being salvaged logged up post-fire?

Mr DENNIS: No, they are not. These are areas that have not as yet been burnt and it is certainly a possible explanation as to why they seem to have stepped up the rate of logging—because of their fear that it might get burnt and in some way degraded.

The Hon. PENNY SHARPE: It is not a result of the IFOA, which is allowing them to log in those areas that they have not previously been able to?

Mr DENNIS: All of the logging that is taking place is allowed under the IFOA. Are they operating under the old rules or the new rules?

The Hon. PENNY SHARPE: I am trying to work out what has changed. That is what I am saying. Are they operating under the new rules, which is allowing the increase in intensity as a result of the new rules? You are not sure?

Mr DENNIS: My impression—and there may be others here who might know the answer to that. I can take that on notice?

The Hon. PENNY SHARPE: If you could, that would be great.

Mr DENNIS: I think it is under the old rules.

The CHAIR: Do you think it would be worth the Committee possibly finding out from forestry, as well that answer, in terms of increased activity? Would you recommend us putting that to forestry, perhaps?

Mr DENNIS: Yes. One of the other things we took up with them was, again, through reports from local people who are meeting and dealing with the local logging contractors, that the local mills are stockpiling an awful lot of timber; that they seem to be moving ahead of what would be the normal supply requirement. They are logging more and stockpiling it in local mills. One of the issues that arises here, which was raised earlier with the others, is about the moratorium. Certainly, that is one of my recommendations and I think it is something you really have to consider very seriously.

If you listen to what the people are saying about where these koala populations are up to and how many we have, the State forests—and even the private forests—west of the highway become extremely important as areas into which they will go and will act as refuges for whatever we have left of whatever koalas in this local government area [LGA]. They will be looking to and would want to occupy what is now State forest. That will be the new IFOA. They are logging at the rate of essentially virtually clear-felling it, over areas of up to 60 hectares at a time. That is an increase from 0.25 hectares under the old IFOA. So one-quarter of a hectare to 60 hectares. You have these huge areas that are now virtually clear-felled forest being converted to monoculture, fast growing, blackbutt—

The CHAIR: So the wildlife is essentially the wildlife that has managed to escape the fires, including any koalas now in these refuges, some or much of which are potentially in the State forests areas, that now have the new coastal IFOA placed upon them, which could potentially be subject to 60 hectares clear-fell—potentially, although forestry said they keep a couple of clumps here and there.

Mr DENNIS: Under the new IFOA they are required to keep somewhere between five and 10 trees but when you go to have a look at the reality of that, a lot of burning and post-logging burning goes on and they often stack a lot of that around the base of trees they seemingly have left and they are killed anyway.

The CHAIR: So wildlife does not really stand a chance in those forests?

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Mr DENNIS: There is nothing much there. No, there is certainly no chance of this transfer between the tops of the trees in those areas. It is just not going to happen.

The Hon. MARK PEARSON: In your submission you say that you have serious concerns about the adequacies of the local land services. Can you elucidate on that?

Mr DENNIS: That is in relation to the private native forests—they largely have that responsibility. I think it might be the State office, the Environment Protection Authority [EPA] or the Office of Environment and Heritage [OEH]—the Commonwealth body—that looked at that question of how adequate the protections are. They were very critical of the fact that land services may not be properly resourced and able to do what might be required, even if—we have the problem that they are being asked to not deal with too much anyway so if they were to do their proper job and give us some reassurance that they were not destroying something valuable and depriving the koala of habitat, then you would need a larger effort in terms of resources. That sounds a little bit circuitous, even to me. Does that answer your question?

The Hon. MARK PEARSON: Yes, it does.

The CHAIR: Mr Dennis, do you know how much koala habitat in the local area has been lost in these fires? Do you have any idea?

Mr DENNIS: Sorry?

The CHAIR: Do you need me to repeat the question?

Mr DENNIS: Yes, could you just repeat that one?

The CHAIR: Are you aware of how much koala habitat in the area has been lost to fires? Have you been able to or has anybody undertaken that work?

Mr DENNIS: No, I cannot tell you that. I do know that Dailan Pugh has done quite a lot of work on that and reports that 90 per cent of what we would consider to be koala habitat—it is only whether he is talking about our area or not. I do not think it would necessarily apply as much here in our locale. It would not be quite as extensive as what it appears to be with the burns further north. Still, it is significant. Certainly, we have got the issue of that burning in Lake Innes Nature Reserve, where that very important koala population was hit so hard by the recent fires.

The Hon. MARK BUTTIGIEG: Just to follow-up on that, is there any rough extrapolation of what that might translate to in terms of percentage of koala population killed in this LGA? Do we have any idea?

The Hon. CATHERINE CUSACK: Extrapolation of what?

The Hon. MARK BUTTIGIEG: If you have lost X amount of environment, presumably that translates into—

The Hon. CATHERINE CUSACK: He just noted that he does not know the answer to that.

The Hon. MARK BUTTIGIEG: Sorry? I do not understand what you are saying.

The CHAIR: I think the question was whether the groups that you are a part of have an estimate in your—

Mr DENNIS: Can I take that on notice and offer that information to the Committee to give you a better answer?

The Hon. MARK BUTTIGIEG: Sure.

The CHAIR: Thank you, I believe that is the end of questions as we are out of time. Thank you very much, Mr Dennis, for all the work you have done over the years.

(The witness withdrew.)

CORRECTED

DANIEL BENNETT, Senior Strategic Planner, Bellingen Shire Council, affirmed

STEVE SCHWARTZ, Coordinator, Strategic and Environmental Planner, Kempsey Shire Council, affirmed

BLAYNE WEST, Natural Resources Manager, Port Macquarie-Hastings Council, affirmed

The CHAIR: Would either or all of you like to begin by making a short opening statement?

Mr BENNETT: Firstly, thank you for the opportunity to appear before this Committee. In making this opening statement I would just like to briefly introduce some of the things that we have done in the Bellingen shire that I think might be relevant to your terms of reference and that you might want to find out more about. We have in place a comprehensive koala plan of management [KPOM] for the coastal area of the shire as part of our Koala Management Strategy. The KPOM is a statutory document that we use for development control and that also maps core koala habitat. Over a quarter of our mapped koala habitat has pre-existing private native forestry [PNF] approvals over it, which is a potential threat, according to our strategy.

In terms of resource availability, well we have a significant area of high-quality habitat that supports a significant koala population over a variety of land tenures. To date this remains largely unaffected by the recent fires, which makes it all the more important to conserve. Our adopted Koala Management Strategy takes a landscape-scale approach to conservation of koala habitat and identifies the importance of creating linkage areas across both private and public land tenures. We have done the work to identify and protect key habitat on private land and think that there are opportunities to extend greater levels of protection to key areas of public land.

The adoption of the KPOM and strategy has not triggered any significant financial support to implement the management recommendations that are in it. We were hopeful that the NSW Koala Strategy might look to directly support implementation of existing strategies but that has not been our experience. In our view this points to a potential disconnect between SEPP-based processes and other strategy documents.

The elected council has expressed its concern with the impact of logging operations on koala habitat in Forestry Corporation estate and has supported in principle the creation of the Great Koala National Park. The council has allocated \$25,000 towards the development of a detailed cost-benefit analysis for that project in conjunction with the Coffs Harbour City Council and Destination NSW.

Another thing that we have done is allocate \$20,000 for the completion of feasibility and business case assessments to establish biodiversity stewardship sites on four private properties that contain core koala habitat, utilising the framework that was put in place under the Biodiversity Conservation Act. This has indicated that there is no current viable market for the sale of those potential credits and is not a realistic option at this stage. In summary, we have a community and council that are highly invested in koala conservation in the Bellingen shire and who I think will be keenly interested in the outcomes of your investigations.

The CHAIR: Thank you very much. Mr Schwartz? Ms West?

Ms WEST: Yes, please. I thank you as well for the opportunity. The Port Macquarie-Hastings Council's role is to achieve the needs and desires of our community by balancing competing priorities and perspectives. The way in which we are able to achieve this is by delivering pragmatic solutions based on balanced legislation, well-rounded policies and future-proofing our decisions. Specifically, when we work to ensure that our region, which is an area of regional koala significance, remains a place that does not see a decline in koala populations via habitat loss or reduced population genetics we rely heavily on New South Wales State legislation and policies. In this particular topic we feel there is some room for improvement.

As per the issues presented in the terms of reference a few examples are as follows: Although the council understands the economic drivers of private native forestry for the individual operators and owners of the leases and that it supports the timber industry in this region, now, exacerbated by prolonged drought and wildfires, continued forestry practices will create a much more pronounced impact on the koala populations in our region. We are aware that the immediate impacts on managed forests include extensive forest losses and that forest health in the medium and long term may result in a compromised forest structure and species diversity. We know that as of 20 January 2020, 53,118 hectares of land has been impacted directly by fires and much more by the drought conditions. We note that 9,000 hectares of this land was also private native forestry that was affected.

Council staff now and in the future will continue to use the legislative tools at our disposal including SEPP 44 and the Biodiversity Conservation Act. These pieces of legislation pose some issues for our region including the ambiguity among the State Government agencies regarding pragmatic and consistent practices for both how to define core koala habitat under SEPP 44 legislation and also for the on-ground replanting of lost habitat. Currently there is no guidance regarding offsets including the ratio of replanting to loss, the value in ecosystem creation rather than singular tree replanting or the ideal locations for offsets which take into

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consideration climatic conditions and soil types. This type of guidance is best informed by experts which are statewide, not just Port Macquarie local.

The Biodiversity Conservation Act in short does not sway developers to keep offsets local, and as such offsets may be achieved in other parts of the State. Cumulative losses of habitat in our local government area [LGA] will be noticed over time. Incentivising local offsets is left up to each local council through their development control plan [DCP] or policies, again creating an inconsistency across the State. The Port Macquarie-Hastings Council strongly supports work in this field and as such supports the koala recovery partnership that was presented earlier and was established by the joint organisation.

Even with this invaluable resource we still have many ongoing concerns including the lack of knowledge regarding current and future amounts of core koala habitat in our region; with new ongoing land use practices, drought and wildfire is an ever-changing issue; a true objective view of the impacts that land use practices have on koala habitat including core and linkage areas—research is needed to better inform planning decisions; a resource shortage in the council staff and council funds dedicated to this topic, which is overshadowed but a demand overload from State Government to make decisions on development and to monitor the impacts of land use practices.

Council looks to the State for assistance in the matter of guidance in research and understanding the ecology of koalas on both a local and State level. Achieving this understanding will better inform both strategic and development planning decisions in all areas of koala extent.

The CHAIR: Thank you very much. Mr Schwartz, do you have a short opening statement?

Mr SCHWARTZ: No.

The CHAIR: That is fine. What are your views on the new SEPP 44 that came out on 20 December last year? Do any of you have views on that?

Mr SCHWARTZ: I think it is a significant improvement. One of the issues with the outgoing SEPP 44 was the definition of "core koala habitat". It made it very difficult to prepare a comprehensive koala plan at the landscape scale because of the rules around defining core koala habitat. I note the definition has changed to using the term that I think is "suitable koala habitat". It seems to be a broader approach. I think it looks like there is some ability to have some local interpretation, once you prepare a koala plan. However, as Dr Montague-Drake mentioned earlier, the devil will be in the guideline and we have not read the guideline.

The CHAIR: Mr Bennett, I was also interested when you suggested that there was not really any money behind the KPOM. Can you expand on that? What does money look like? What would you need money for within the KPOM?

Mr BENNETT: We have a whole series of management actions. It is not actually in the KPOM; it is in our Koala Management Strategy. It is looking at things, but the most important things that I could help to fund are linkage areas. We have identified corridors that we think are necessary across private land to improve the ability for koalas to move across the landscape. I think there is potential for educational resources as well, revegetation and replanting—those sorts of things would be the main sorts of things that funding would help us in implementing the strategy.

The CHAIR: In terms of the linkages you suggest, would that be to incentivise the landholders to protect or conserve that land, or are you talking about buying up that particular land to make it council land?

Mr BENNETT: I know that the koala strategy looked at putting some money aside across the State. I think it was \$20 million for private land acquisition of particular land parcels that were considered to have really great or good quality for koalas. I think, realistically, that is probably a fairly small figure in terms of being able to be rolled out across the State. But, yes, there are definitely private land parcels that I think could be capable of acquisition and that would form really important linkages between either the national park or Forestry Corporation estate. That would probably be the best use of that money, I think.

The Hon. BEN FRANKLIN: It was actually closer to \$60 million rather than \$20 million, but on we go.

The CHAIR: You got that on *Hansard*. That is good.

The Hon. BEN FRANKLIN: I know. That is exactly the point.

The Hon. SHAYNE MALLARD: Point of order!

The CHAIR: Tomorrow we are hearing about the Great Koala National Park. I think there will be a lot of opportunities for questions in relation to that then. Ms West, just in relation to your questions around offsets,

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you expanded on that in terms of no guidance. But is there really no guidance for offsets for council? Is that correct?

Ms WEST: Yes. Currently we have two situations happening. Under the Biodiversity Conservation Act you have a sort of guidance for offsets that work within what comes out as the biodiversity offset stewardship [BOS] system but under SEPP 44 it is a different piece of legislation. Really that does fall to council to talk about where in your DCP the ratio of trees that you might offset can be decided by a planning policy. In regards to incentivising, yet again under the BOS it might take it anywhere into a different enviro-subregion. It can move around in the State so you may not find it here in our area, coastal, but you may take some koala habitat out of the coastal region and put it in land because maybe that is where the credits are.

The CHAIR: Do the koalas go with them?

Ms WEST: The problem is exactly that. We just continue to reduce our habitat here and we replace it elsewhere.

The Hon. MARK PEARSON: Doesn't anybody give them a map?

The CHAIR: And a backpack?

The Hon. MARK PEARSON: Some water.

Ms WEST: Signage.

The Hon. CATHERINE CUSACK: Have you got examples of that?

Ms WEST: We can see in the BOS that is happening at the moment where we have the koala credits happening, I have not actually seen them cashing in the credits or offsetting them yet, but we know within the model that it is allowed under the Biodiversity Conservation Act.

The Hon. CATHERINE CUSACK: But it has not actually occurred.

Ms WEST: Not in our own LGA that we have seen but it is a possibility, yes.

The Hon. CATHERINE CUSACK: I know it has not occurred in Ballina.

The Hon. MARK BUTTIGIEG: How does that work in practice?

The CHAIR: That is what I was about to ask. Let us get this very clear for the Committee.

The Hon. CATHERINE CUSACK: It is a big allegation.

The CHAIR: I think that peaked our interest in terms of the koala credits and the biodiversity assessments. Can you please explain how koala credits are used?

Ms WEST: In underneath the BOS, if you are a developer and you put an application and you do the biodiversity offset report, the Biodiversity Development Assessment Report or BIDAR, once the report is completed you will have a number of ecosystem credits and species credits. The koala sits underneath those different sets of credits. You can then for, in particular, the ecosystem credits, those ecosystem credits can be used within the subregion or vegetation communities. If there is nothing in the market to sell that credit and you come here and you look and you say, "There is no stewardship ecosystem credit for me, as a developer, to purchase in this subregion", I can then go to another subregion.

I can continue to move out in that area until I find my credits. It is a system that works with the economics of it as well. If there is nothing in the market you cannot purchase out of the market so it does allow you to move elsewhere. We heard from Mr Bennett the idea that, again, we can create these if there is enough economic driver to put your land up to become a stewardship site but that may not be in the market yet. It depends on just market dynamics—simple supply and demand of the market.

The Hon. MARK PEARSON: Objectively, would you be satisfied with that equation that you have just talked about?

Ms WEST: No. The idea then would be under a KPOM from council's perspective if we had a coastal plan of management—which we have tried but, unfortunately, has not gotten up—in our KPOM we incentivise the idea of localising those offsets saying then that if you stay within a link area, the interplay of those two pieces of legislation have to be investigated. You can downplay or reduce your credits that you need from one or the other based on satisfying different pieces of legislation and they work together, but you have to have the policy put up. There is also the science behind it. We talk about, again, koalas in a certain area will be in a vegetation type. They may not be, if you take koalas out of the coastal area and you replant it somewhere else even though

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that habitat has potential for koalas in that area. It is not helping these ones, the local population. We do see that that population dynamic will change.

The Hon. MARK BUTTIGIEG: In theory, the developer comes to you and says, "I have found this bank of credits in western New South Wales that, theoretically, could offset this", how does that get determined in terms of validity?

Ms WEST: That is under the Biodiversity Conservation Trust [BCT]. The BCT or the trust manages that transaction. It has nothing to do with the council but they will come and say, "Potentially I found credits in Gunnedah and they are koala credits", maybe they are species credits. There are two different types of the koala system, the species credit and the ecosystem credit, and they can cash in based on where they can find those credits. If there are not credits here because we have not incentivised it enough for landholders to be part of it or it is not economically feasible for council or estates to put the land up, then it does not exist in the market.

The Hon. SHAYNE MALLARD: Are you implying that local credits have priority? A local developer has to search locally first.

Ms WEST: They do not have to, as I believe under that. You can find within there there are rules but there is no rule that actually says it has to be locally sourced.

The Hon. SHAYNE MALLARD: But you are incentivising that.

Ms WEST: The council can

The Hon. SHAYNE MALLARD: In a DCP.

Ms WEST: In a DCP.

The Hon. MARK BUTTIGIEG: And if there happens to be no market whatsoever, what happens then?

The Hon. CATHERINE CUSACK: Can I just ask a few questions?

Ms WEST: If there is no market whatsoever, if there is no credit in the bank, basically then you can fund the Biodiversity Conservation Trust fund and provide a monetary fund. That monetary fund can be used for other things—research and, potentially, land acquisition, which would be amazing.

The Hon. MARK BUTTIGIEG: So you can basically buy your way out of trouble.

Ms WEST: Of course, yes. There is always a get-out-of-jail-free card.

The CHAIR: It is a clear koala habitat. It is a net loss, no net gain.

The Hon. CATHERINE CUSACK: Do you mind if I just get back onto koalas for a minute?

The CHAIR: We will get back to Ms Cusack.

The Hon. CATHERINE CUSACK: Thank you. In terms of the koala management plan, can you tell us where that is up to with Port Macquarie?

Ms WEST: Yes. Basically we had put up the koala coastal plan of management so we looked at just the coastal strip. We had not looked at moving into the hinterland area yet. We had put up a draft coastal koala plan of management [CKPOM].

The Hon. CATHERINE CUSACK: When did you put up the draft?

Ms WEST: The draft was put up in 2018. It did not get council endorsement at that time because there were two sets of questions: One was the validity of the mapping. We had a landowner that came back and questioned whether or not their area was in fact core koala habitat. Unfortunately, from one quite big submission we stepped back and remapped. We had done that. In doing that and in taking the time to do that, the question arose between the Biodiversity Conservation Act and our DCP offsetting and SEPP. There was a question of what was called double-dipping. Under the Biodiversity Conservation Act you get certain credits. Under our DCP we are also requesting them to offset the koala food trees at a two to one. There was that this view that, you know, you are asking the developer to do it twice. We sought legal advice. In amongst all of that, the new SEPP was coming out. Council has now asked that we wait until the new SEPP 44 on 1 March comes before we take a stab at the CKPOM again, for clarity.

The Hon. CATHERINE CUSACK: Was there one that was actually submitted to the State Government in 2018?

Ms WEST: Yes.

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The Hon. CATHERINE CUSACK: Was that withdrawn? Is that what happened, or was that rejected?

Ms WEST: No. It was commented on. It was not rejected. It was put up for comment and then we were to take it to the council for their endorsement.

The Hon. CATHERINE CUSACK: Okay. So it was never formally submitted as "This is what we want".

Ms WEST: No.

The Hon. CATHERINE CUSACK: So at this point in time the council has not approved the plan.

Ms WEST: That is right.

~break

The Hon. CATHERINE CUSACK: Was there any financial assistance from the State Government to prepare that plan or do that mapping?

Ms WEST: I do not believe so but I will ask Mr Schwartz, since he was actually in the position.

Mr SCHWARTZ: No.

The Hon. CATHERINE CUSACK: How is the mapping being resourced? I understand—for example, we have just heard that there is a partnership here in Port Macquarie and they are doing fantastic work and it is supported by the council.

Ms WEST: Yes.

The Hon. CATHERINE CUSACK: But your evidence earlier was that there is no help and that there is no guidance and you are asking the State Government to provide that—

Ms WEST: Yes.

The Hon. CATHERINE CUSACK: But we have just heard that there is this fantastic thing occurring locally that is doing all the mapping. How do we reconcile that?

Ms WEST: Absolutely, that is very fair. I should not use the term that there is "no"—there is limited. In the koala recovery partnership we are getting an incredible support from State in that space for our ecologist—I call her our ecologist but she is the ecologist who works across that organisation. That is one person in one space who has come on in the last year and a half. Prior to that, that was undertaken by the ecologist at Port Macquarie, as well some assistance from the State in that space. When we look at the breadth and depth of the question, and we look at the research that needs to be done, that is where—I meant to clarify that we need more assistance in that space.

The Hon. CATHERINE CUSACK: Have you been able to scope out what is required to be done?

Ms WEST: We have some, yes, absolutely.

The Hon. CATHERINE CUSACK: To be more specific, do you have a document that outlines what things need to be done and what research needs to be undertaken before we can make sensible—

Ms WEST: No, there is no written scoping document. We do have some ideas of what it would look like. From the Coastal Koala Plan of Management [CKPOM] that we have done moving into the hinterland region, we have an idea of exactly what we would need to replicate to go into that space. We also have quite extensive mapping that tells us an indication of where we need to go but we have not scoped it.

The Hon. CATHERINE CUSACK: Is there good collaboration between the councils in terms of koala corridors? Obviously koalas are moving across council areas.

Ms WEST: Yes, absolutely.

The Hon. CATHERINE CUSACK: Not paying their rates, I assume.

Ms WEST: That's true! There is excellent collaboration. The very interesting thing is that we have either worked together as colleagues or now work together as colleagues, especially with the joint organisation and with the koala recovery ecologist. That information is being shared on a quarterly basis.

The Hon. CATHERINE CUSACK: So the joint organisation is looking at that koala issue, as well?

Ms WEST: Yes, absolutely.

The Hon. CATHERINE CUSACK: That is really heartening to hear.

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Ms WEST: That is Kempsey and Port Macquarie, and Bellingen is part of that discussion as well, so the joint organisation looks across that whole region.

The Hon. MARK PEARSON: Mr Bennett, there is concern about private forestry agreements, which has become a growing concern—there have been contracts that have been coming in, et cetera. What can your council, and, if it can, what has it done to address the concerns of the community about the loss of habitat as a consequence of that?

Mr BENNETT: The key thing we have done is map land as core koala habitat because, once it is mapped as core koala habitat, it triggers an exclusion for private native forestry. We have mapped about 1,130 hectares of land in our shire as core koala habitat. We cannot do anything with existing—

The Hon. MARK PEARSON: Sorry, that is small segments or larger segments in a whole lot of private property, is that correct?

Mr BENNETT: That is right. That is basically north of the Bellinger River and east of the Never Never, which our koala habitat study showed were the areas that had the most generational persistence with koala records over the past 36 years. All our core koala habitat is in that area and that is the only thing that I think we can do—to use that to trigger the exclusions for new approvals that are coming through the system. Obviously we cannot impact upon the ones that are already there because they are lawful approvals.

The Hon. MARK PEARSON: Is it only your department—your council—that does that mapping, or are you assisted by other agencies?

Mr BENNETT: When we did it we were assisted by the Office of Environment and Heritage [OEH], which did the fine-scale vegetation mapping and also did the koala habitat study and helped us with the preparation of the koala plan of management, which was critical for us as a small council—in terms of the resourcing to be able to do that. We would not have been able to achieve what we did without the assistance of the OEH.

The Hon. MARK PEARSON: Do you have the standing or power to be able to go to the landowners and say, "This is a protected area and this is the situation when you have 25 protected trees on your property." Is that your agency? Is that your responsibility or jurisdiction?

Mr BENNETT: No, we do not administer the—

The Hon. MARK PEARSON: So what do you do with the information?

Mr BENNETT: We provide it to prospective purchasers. As part of the conveyancing process there is a system where you need to obtain what is called a planning certificate so we provide that information to prospective purchasers to let them know that they have koala habitat on their property, to bring that to their attention. As soon as we had the plan endorsed, we provided the data set to the NSW Environment Protection Authority [EPA] to make sure that they had that there when they were assessing applications for private native forestry to make sure that it was being excluded. That is about all we can really do.

The Hon. MARK BUTTIGIEG: Just as a follow-up, in terms of the transmission of that process—which my colleague just outlined and you answered—the information goes to the EPA and then what happens in practice? Does it actually enforce it and say, "They are protected trees so you cannot do anything"?

Mr BENNETT: It is my understanding that if it is mapped as core koala habitat it automatically triggers an exclusion and they cannot issue the approval to log that part of the property. Once it is designated as core koala habitat, it goes on the New South Wales Biodiversity Values Map and that is of relevance in other approval regimes.

The CHAIR: Just on that, can I just check with the other councils, how many hectares did you say you have done of that mapping?

Mr BENNETT: We have 1,132 hectares of core koala habitat mapped.

The CHAIR: Has that happened on both of the other councils, as well?

Ms WEST: Yes, we have ours mapped as well.

The CHAIR: The same process through the OEH? The same core koala habitat?

Ms WEST: The modelling, I believe it was the same process, yes. And then there was an on-ground portion that was done in our council.

CORRECTED

Mr SCHWARTZ: Our comprehensive plan of management was prepared in 2011 and did not use the term "core koala habitat", so we have primary and secondary habitat mapped, which I do not think goes through the same process.

The CHAIR: Does it have the same restrictions in relation to private native forestry [PNF]? If core koala habitat is found in Bellingen, that triggers the PNF, therefore it cannot be logged—is it the same with Kempsey?

Mr SCHWARTZ: No, I do not think so.

The CHAIR: In other words, there is a more relaxed PNF operation going on in Kempsey than in Bellingen? Is that correct?

Mr SCHWARTZ: That could be, I am not sure.

The CHAIR: Would you be able to find that out on notice?

Mr SCHWARTZ: Sure.

The CHAIR: With the Port Macquarie-Hastings Council?

Ms WEST: Because we have not adopted the core koala habitat, ours is of the same idea—it is mapped but it was not adopted by council so it has not become a plan and, therefore, even though it is mapped, it has not accepted that.

The Hon. MARK BUTTIGIEG: Why not?

Ms WEST: As I said, it was not accepted by council before because of the mapping question and the validity of data and then the State Environmental Planning Policy [SEPP] coming in.

The Hon. MARK BUTTIGIEG: Are you saying that there is no actual legal requirement for anyone to map this stuff?

Ms WEST: There is no legal requirement for you to do a CKPOM, but if you as a developer came in as an individual developer and went to put something on your property and you triggered SEPP 44 by the fact that you have potential core koala—yes, you would have to map it. That would then give us the same rights or exclusions under PNF.

The CHAIR: Therefore, doing core koala habitat mapping was an initiative of Bellingen Shire Council, which I am assuming was potentially a political decision by the councillors to say, "Yes, we want to do this. We adopt this." Is that correct, Mr Bennett?

Mr BENNETT: Correct. The elected council have to agree to embark upon that process and ultimately endorse the plan. It also requires formal approval from the Department of Planning, Industry and Environment—that is the final stage of the process.

The CHAIR: And that happened? That has happened?

Mr BENNETT: That has happened, yes.

The CHAIR: So Kempsey Shire Council, Port-Macquarie-Hastings Council, both councils have essentially voted not to—

Ms WEST: Ours has essentially gone up. The council is interested and wants to pursue it but it has not quite got over the line.

The Hon. MARK PEARSON: Would it help to mandate it?

The CHAIR: It would protect all koala habitat in the area.

The Hon. SHAYNE MALLARD: But I understand it triggers when an application comes in?

Ms WEST: Yes.

The Hon. SHAYNE MALLARD: With both of your councils, it triggers a process?

Ms WEST: Yes.

The Hon. SHAYNE MALLARD: If it is identified as core koala habitat, it prohibits that use anyway. They have put the horse up front, you are putting it up when the application comes. So it is still the same outcome.

Ms WEST: It is. It is just that a developer in our space might purchase a parcel of land or start to develop it and then go down that track.

CORRECTED

The Hon. SHAYNE MALLARD: Yes and find out they have made a mistake.

The CHAIR: But then there is that offset process, is there not?

Ms WEST: Yes.

The CHAIR: How many developments have been stopped in the area as a result of koala habitat, for example, in the last 12 months?

Ms WEST: I would not think there was any stopped because of core koala habitat. I would say that—

The CHAIR: But koala habitat has been cleared?

Ms WEST: Absolutely. I would say there has been a minimisation of the koala habitat that can be cleared. It has not stopped a development but it has certainly been a consideration in what that footprint would look like and council has tried to take the pragmatic approach of development is going to occur on a residential zoned block or an industrial block but how do we minimise—avoid, minimise or mitigate—that impact.

The Hon. SHAYNE MALLARD: We are not talking forestry here, we are talking about a house or a building.

Ms WEST: Yes, a development.

Mr SCHWARTZ: It is important to note that the current State Environmental Planning Policy [SEPP] 44 does not actually kicking. It has no effect until development is proposed within core koala habitat. So there are triggers to assess potential koala habitat, so that is the broad set. Then finding a subset within that, that is core koala habitat. If your development is proposed within that, that is when you need to prepare a Koala Plan of Management.

The Hon. MARK PEARSON: But Mr Bennett, your council does not have to wait for that trigger? Is that right?

Mr BENNETT: In the area of land that we have mapped as core koala habitat, we have a Koala Plan of Management in place. In effect, what that means is a developer who may be needing to clear land as part of a development application, does not need to prepare their own Koala Plan of Management, which can be quite an expensive and complicated process. We have essentially done that work for them and just said, here is core, here is what you need to do to satisfy us as part of the assessment of the development.

The Hon. MARK BUTTIGIEG: So who determined in the reactive situation, as opposed to your council which was the proactive, who actually determines who is the responsible person for determining the core habitat? Is it the developer or is it the council still in that where it is triggered? I want to go and clear X amount of hectares. Do I have to then find out what is core koala habitat or do I revert to council still?

Mr SCHWARTZ: Under SEPP, I think, anyone can prepare a Koala Plan of Management. They typically would accompany a development application [DA]. So a DA and a draft plan.

The Hon. MARK BUTTIGIEG: So I would employ experts and then if I were to go ahead and opportunistically clear on the basis that I might be able to fudge my way through with credits down the track, who says I have been a bad boy and slaps me on the wrist?

Ms WEST: If you cleared a block pre-emptively— say you bought a parcel of land, and again this is very tricky, that was rural zoned you could potentially put a private native forestry [PNF] licence on it and undertake a forestry. You could potentially clear parts of that land under the Local Land Services [LLS] Act for agricultural purposes and then at some point you could potentially rezone that land and apply to put a residential zone on it and that would already have pushed the amount of clearing down to a much smaller level. At that point, you have done everything legally so you can then go to your stewardship. If you were to clear on a residential block, or even on a rural block, with not following the legal, that could either be under LLS or it might be State, or it might be council that comes for a land clearing claim under a development application that you cleared and you did not have that. So it depends on where you triggered it in the process, I suppose.

The Hon. MARK BUTTIGIEG: But they would be a legal recourse?

Ms WEST: Absolutely. There would be legal recourse.

The Hon. MARK BUTTIGIEG: Does that actually happen in practice though? Has that happened in practice?

CORRECTED

Ms WEST: Yes absolutely. We have followed up, I mean council has certainly and I know State Government has and we have worked in partnership together with State Government to look at land clearing. It is taken very seriously.

The Hon. BEN FRANKLIN: Ms West, if we can go back to an issue that was raised earlier. That is conservation agreements established with landowners under the Biodiversity Conservation Trust [BCT].

Ms WEST: Yes.

The Hon. BEN FRANKLIN: And there were some throwaway negative comments made but I want to come back to this because I think it is important. At the end of last year, as you know, there were 173 hectares which were determined in association with five landholders here in Port Macquarie in order to protect habitat into the future and making payments of \$6 million or something into the future. I just want to clearly ask, is that something you support?

Ms WEST: Of course.

The Hon. BEN FRANKLIN: It did not sound like that previously. Not from your perspective but because the conversation trailed off and we moved to something differently. So I want to make sure that is on the record. Secondly, what can be done to improve that particular program which to me seems to be something that is very valuable and a worthwhile program?

Ms WEST: The Biodiversity Conservation Trust is a fantastic part of the Biodiversity Offset Scheme. Absolutely. One of the biggest challenges we have is when we look at what can we do for koalas and we look at offsets and we look at replacing. The trust can really look at a proactive acquisition of lands, which you have talked about and is fantastic. We have some incredible core koala habitat in the Local Government Area [LGA].

The Hon. BEN FRANKLIN: Sorry to interrupt. It does not even need to be acquisitioned, it can just be ensuring landholders manage it correctly and paying them to do so.

Ms WEST: Absolutely yes. And paying them to do so. So those partnerships and more of that discussion. I do not know the background and it would be interesting to know the complications as to why some of the areas went up and were not accepted into the trust. I am sure there are very valid reasons and I am not aware of what they are. Some of them just may have been the costs associated and it would be too cumbersome. We have some parcels of incredible core habitat and that is potentially more important than putting up a fence which would just be securing these large linkage areas and these large tracts of land. That is where the trust could really help and it certainly does.

The CHAIR: A question around the recent fires. I asked the previous witnesses, trying to get a sense of what has been lost in these fires. You are probably better placed than others to potentially answer that in relation to your Local Government Area. Ms West, do you have any idea what has been burnt in your Local Government Area?

Ms WEST: I will have to take it on notice. I do know the answer but unfortunately it came in today. So we have downloaded from the Accessible Virtual Guides for Museums [GVAM] data basically to show us the fire scorch in the canopy and all the different amounts and we have overlaid that now with our mapping that was done. So we can certainly get you a very succinct answer to that question.

The CHAIR: And mapping in relation to potential koala habitat as well?

Ms WEST: Yes absolutely. So what we have done is we have taken the core koala habitat that we were putting up with the core koala pond that has not yet been adopted by council. We have taken that and overlaid it on the top of the fire scorch that we have seen from the Rural Fire Service and we have identified the number of hectares that have had canopy burn and different levels of severity.

The CHAIR: Have other councils done the same?

Mr SCHWARTZ: We have not done that work yet.

Mr BENNETT: We have not had any fire impact upon our core koala habitat areas.

The CHAIR: Has there been anything, Ms West, in terms of your council as a result of the loss of koala habitat in fire? Has there been any instructions or discussion around the need to potentially identify more koala habitat in the Local Government Area to protect as a result of the habitat that has been lost from fires?

Ms WEST: We are at the preliminary discussion so we have certainly had questions from our council regarding how much land has been affected, that is why we were preparing these maps, and what is the immediate action that we need to take and what long-term action will be looking at. So council has requested that exact

CORRECTED

guidance from staff at the moment. They have not made any decisions in regards to acquisitions of lands or different protections but we certainly are working on policies at the moment to improve the Development Control Plans [DCP] and how we can protect koala habitat. That is very much a hot topic for council at the moment.

The CHAIR: Mr Schwartz, what about at Kempsey?

Mr SCHWARTZ: No, we have not started that work yet. We have not got the resources to do that.

The CHAIR: But you have had some significant areas that have been lost in your area? Is that correct?

Mr SCHWARTZ: Yes, mostly to the west. Most of our core koala habitat is in the eastern portion.

The CHAIR: When you say the eastern portion, has that core koala habitat been burnt in the recent fire season or not?

Mr SCHWARTZ: I do not think much has been burnt, but I would not be able to quantify that.

The Hon. MARK PEARSON: Why is it that your council does not have the resources, but yours does?

Mr SCHWARTZ: We are a smaller council and we have just lost our only ecologist to the State Government. We need to do some recruiting and put someone else in that position.

The Hon. MARK BUTTIGIEG: I asked some of the previous witnesses a coordination question in terms of a macro strategy from State Government. There are always competing interests here: on one side you have ecological interests and on the other side you have development and economic growth. The two are not necessarily mutually exclusive if they are handled properly. What sort of conversations or level of coordination have you seen at council level in terms of trying to balance those interests? Is there any sort of overarching strategy, or does planning go off in one direction, environment go off in another and councils go off in another? It seems a bit hotchpotch to me, but I do not want to verbal the witnesses so you tell me.

Ms WEST: Certainly at Port Macquarie-Hastings Council, we have the Urban Growth Management Strategy [UGMS], which has been a fantastic initiative of the council to try and balance exactly that: to look at a larger, higher-level strategic planning question in regards to identifying areas for future growth. We will always be dealing with legacy questions in development applications—ones that sit for decades that maybe were decided on in the 1980s or 1990s, before we have come to where we are. But certainly future planning is a big question at Port and there has been an excellent amount of work in that coordination between strategic planning and the environment. They work really closely together.

The Hon. MARK BUTTIGIEG: That is a council initiative, but is there anything at that macro State Government level that sees the department of planning and the department of the environment working together on this sort of stuff with local councils?

Ms WEST: I was not part of the UGMS even at that level. Potentially there were discussions, I would assume, between the department of planning and local council when they created that document as well. I certainly know that there are good networking relationships between them at the moment, especially at the strategic planning level. We work very closely with not only Saving our Species in the State Government, but also Dimitri Young and his planning space and the environment space. So we do have quite a lot of discussions back and forth. I would say it is actually coordinated to some level, and I would have assumed the UGMS was better that way.

Mr SCHWARTZ: I think that coordination does happen at that strategic planning level at the council level. We tend to have, as Ms West was saying, good relationships with the environmental officers at State and planning officers at State. Not really aware of the coordination that happens between those agencies, including council, other than through, perhaps, the regional plan. We have the North Coast regional plan, which tries to provide that single point of view, and then our strategic planning falls in line with the regional plan. Where that would happen would be through council's own koala mapping and future land use planning and making that coordinate, and then that growth management strategy gets approved by the State, essentially.

Mr BENNETT: I think, from our perspective, our strategic planning process—we have just adopted a local housing strategy that the elected council has, which focuses on infill development as the main way to meet our housing needs in the future. That is one way that you can express a desire to not be continually moving out into new areas of habitat. In terms of integration between local government and State government, I think there is potential to look at perhaps some Forestry Corporation estate that could provide better linkages with the linkage areas that we have identified on private land so that they are continuous corridors that move right throughout the landscape. In our instance, I think, providing that east-west corridor to allow for climate change adaptation for species to move up to cooler climates is a significant factor that could be looked at.

CORRECTED

The CHAIR: Ms West, in relation to Port Macquarie-Hastings Council, we heard from Ms Cheyne Flanagan from the Port Macquarie Koala Hospital about what she thought was potentially pretty grim statistics in relation to some of the local koala populations and how much habitat they have lost and, indeed, how many koalas have been lost. In your position as natural resources manager for the council, if councillors are coming to you with recommendations for what might need to happen in the area to ensure the remaining koalas are protected, what kind of recommendations do you think you would like to see at a council level if, for example, 70 per cent—I will just throw that figure out there as a hypothetical example—of the koala population has perished? What recommendations do you think the council and government need to do to ensure that remaining 30 per cent can survive and thrive?

Ms WEST: That is pretty dire—hypothetically, of course,

The CHAIR: That is potentially what we are faced with, right?

Ms WEST: Yes, of course. I think it comes back to what we were talking about before. It is where we currently have stands of koala habitat that potentially either has residential zoning on it, or areas that even have rural zoning on it—those ones where we can invest either in acquisition or stewardship agreements—of actually proactively going out and really rallying behind those spaces and really practising the avoidance of where we can keep contiguous parts of our bushland together. We are certainly looking at robusting up our offset policy under the Development Control Plan [DCP] to look at ecosystems, and planting the idea of creating these ecosystems and not just two trees to one tree, but a hectare or a portion of hectares replacing bits of the vegetation so we build up complexities and ecosystems to go forward.

I think the recommendations for us are really what exists now needs to be really protected. Environment and development can work together. That is our balance at local government. That is entirely what we need to be able to do. It is just looking at better planning and looking at better research, tighter restrictions, better offset policies, what is effective, where do we need to put our energy into and where are we going to get quality offsets, not just purchasing of lands that are not actually linkage areas or a core habitat or connecting to, but really doing that research.

The CHAIR: Thank you. We are out of time, unfortunately, so that is the end of our hearing today. Thank you very much for attending. Some of you have taken questions on notice. The Committee has resolved that answers to questions taken on notice be returned within 21 days. The secretariat will contact you in relation to those questions you have taken on notice. I thank everyone in the public gallery for attending today's hearing.

(The witnesses withdrew.)

(The Committee adjourned.)