

**Draft**

**Submission to NSW Koala Strategy  
Consultation Process**

March 2017

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## Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general-purpose councils and associate members including special-purpose county councils and the NSW Aboriginal Land Council. LGNSW facilitates the development of an effective community based system of local government in the State.

The NSW Government is commencing a process of developing a whole-of-government NSW Koala Strategy with the goal to stabilise and then start to increase koala numbers. The NSW Office of Environment and Heritage (OEH) is seeking feedback on how to develop an effective NSW Koala Strategy.

In summary, government is seeking feedback on:

- The future whole-of-government NSW koala strategy. This proposal has been supported by the report prepared by NSW Chief Scientist & Engineer 'Independent Review into the Decline of Koala Populations in Key Areas of NSW';
- Proposed amendments to State Environment Planning Policy (SEPP) 44: Koala Habitat Protection; and
- The draft Saving Our Species Iconic Koala Project, which sets out a framework for on-ground koala conservation actions for 2016-21.

As major land planners, land owners and land managers, councils are at the forefront of biodiversity conservation with the responsibility, opportunity and resources to protect, maintain and enhance significant threatened populations, communities and their habitats. LGNSW welcomes the opportunity to make a submission on the above initiatives.

Please note that in order to meet the consultation deadline of 3 March 2017, this submission is provided in draft form in anticipation of LGNSW Board approval. LGNSW will advise the OEH of any amendments to the submission at that time.

## Response

### Whole-of-government NSW koala strategy

The Independent Review into the Decline of Koala Populations in Key Areas of NSW makes 13 recommendations to inform the development of a NSW koala strategy. LGNSW supports these recommendations.

### State Environment Planning Policy (SEPP) 44

The NSW Government's proposed amendments to SEPP 44 include:

1. Increasing the number of relevant tree species. The species of tree that make up potential koala habitat to be increased from 10 species to 65 species.
2. Broadening the definition of core koala habitat especially the addition of physical evidence that koalas are present, regardless of tree species.
3. Remove the requirement for individual koala plans of management. Applications will be assessed against revised criteria set out in the guidelines.

4. Revised guidelines. To support the proposed amendment of the SEPP, the Department will prepare updated guidelines that clearly:
  - a. set out the requirements for preparing comprehensive koala plans of management; and
  - b. direct the consistent assessment of development applications.

LGNSW supports the proposed amendment to the number of relevant tree species and broadening the definition of core koala habitat. However we have concerns about the impacts points 3 and 4 above may have on councils (ie removing the requirement for individual koala plans of management and a revised guideline).

A number of councils have provisions in local environmental planning instruments which include mapping of core koala habitat and/or prepared Comprehensive Koala Plans of Management (CKPoM). These are based on the original SEPP44 and local environmental studies. While the NSW Government proposes to remove the requirements from SEPP44 relating to amending local environmental plans to identify core koala habitat, this requirement may still remain through a local planning direction under section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It is our understanding that existing approved CKPoM will remain unchanged, which we support.

LGNSW is concerned there may be an expectation by OEHL that LEP provisions and mapping will be updated to reflect the proposed changes in definition of potential koala habitat. It is important to note that making amendments to a LEP take considerable time due to the comprehensive community consultation required. If changes to existing koala habitat mapping are required it may take several years to be reflected in a council LEP.

**Recommendation 1:** That OEHL provides clarification in relation to an effective mechanism for updating LEP provisions and mapping to reflect the changes in definition of potential koala habitat (if required), given the concern raised in relation to the time required for LEP amendments.

LGNSW supports the proposed revision of the guidelines. We also support the future role for the guidelines in development assessment (in place of individual koala plans of management) where the process will require an applicant to establish whether a site contains koala habitat following an assessment of the vegetation as described in the guidelines. Given this important role, the draft guidelines should be made available for public comment before adoption to ensure they are fit for purpose and accommodate regional variation in relation to threats, recovery actions and resourcing.

**Recommendation 2:** That the draft, revised guidelines are made available for public comment and any subsequent amendments are made to accommodate regional variation and other requirements.

### **The draft Saving Our Species Iconic Koala Project**

The list of proposed amendments to the existing Priorities Action Statement (PAS) for the koala is supported by LGNSW.

## General Observations

### 1. Mapping

Mapping is identified as a key activity in more than one document provided for comment. For example in the Chief Scientist's review, Recommendation 3 is for Government to publish a state-wide predictive koala habitat map. The amendment to the Priorities Action Statement for the Koala provides the action 'map core koala habitat using standardised techniques and terminology'. The proposed amendments to SEPP 44, such as removing the need for individual Koala Plans of Management and deference to yet to be developed guidelines, places greater emphasis on the quality and scale of mapping products.

Effective mapping is a key success factor for delivery of the Koala Strategy, including:

- (a) Defining where and how different koala mapping should be used. Standardised mapping should be completed as soon as possible so councils can access it and allow implementation of the strategy
- (b) That the scale of the mapping is at an appropriate management scale, ideally land parcel scale, to enable informed decision making
- (c) That the format of the mapping is compatible with council GIS systems
- (d) That a process for amending and updating mapping is defined, for example frequency (time-based or ad hoc), how amendments can be made, will there be a process for amendments to be reviewed or challenged, ownership of mapping and communication with users of changes to mapping.

### 2. Monitoring

Monitoring koala population distribution and trends is identified as a key action in both the Chief Scientists review and the proposed PAS amendment. LGNSW supports this action with the observation that councils are an ideal vehicle for the delivery of state-wide monitoring, delivered by staff and through community outreach programs. The preparation of a standard methodology, training of council staff and the community in its application and funding to assist implementation would be welcomed. Monitoring is critical to understanding if koala recovery initiatives are working.

### 3. Funding

Conservation goals are unlikely to be achieved without the provision of secure long-term financial support to organisations such as councils who work collaboratively with each other, relevant state agencies, community stakeholders and individual landholders. Outcomes are most effectively achieved through large scale, multi-year projects as opposed to small grants programs.

### 4. Development Assessment

The issue of re-zoning urban land (i.e. residential, business and industrial land) to an environmental zone on the basis of koala habitat should also be discussed as a management option. Known as 'back zoning', some councils may be reluctant to pursue this option on the basis that landowners may seek financial compensation or land acquisition. Consideration could be given for the State to provide compensatory funding to enable back zoning to occur.

The strategy should also align the preservation of koala habitat with the 10/50 Vegetation Clearing Scheme by widening the 10/50 exclusion zone to include all land mapped as koala habitat.

## 5. Implementation of the Strategy

While the whole-of-government approach to koala management is supported, one state agency should adopt the role of 'lead agency' for koala conservation and recovery to ensure implementation of the Strategy is a core function, is appropriately resourced, and that agency is ultimately accountable for its delivery.

## Conclusion

LGNSW is committed to working with the State Government and other stakeholders to ensure the long-term viability of koala populations in NSW, and we appreciate the opportunity to comment on the proposed Koala Strategy, SEPP44 changes and the Saving our Species Iconic Koala Project.

We would be pleased to discuss the issues raised in this submission further. Please contact Susy Cenedese at LGNSW on 9242 4080 or [susy.cenedese@lgnsw.org.au](mailto:susy.cenedese@lgnsw.org.au)