

SUBMISSION BY COFFS HARBOUR CITY COUNCIL TO THE DEVELOPMENT OF A NSW KOALA STRATEGY

February 2017

General

This submission has been prepared by Coffs Harbour City Council, for lodgement with the NSW State Government, following the report of the NSW Chief Scientist & Engineer, Professor Mary O'Kane AC, regarding the independent review into the decline of koala populations in key areas of NSW.

Council supports the main recommendation of the report (recommendation 1) which is the development of a whole-of-government koala strategy for NSW and offers this submission as a contribution to what should be included in the NSW Koala Strategy. Council understands that submissions are invited until 3 March 2017.

Koala Monitoring

Council is supportive of recommendation two of the report *'that Government initiate a program to improve data on the number, location and occurrence of koalas in NSW, including trends over time, taking advantage of new sensor and communication technologies and data analytics within 12 months of receipt of this report.'*

A plan for ongoing population monitoring is supported as Council sees it as critical to understanding if koala recovery initiatives are working. Additionally such a program needs to be coordinated across all tenures to be effective and Council looks forward to assisting with such a program.

Increased accuracy of koala habitation will also assist Council in development planning. The best current available information is accessed through the NSW BioNet (also known as the NSW Wildlife Atlas) and is commonly used by Council and the development industry when determining target species for flora and fauna surveys, and when assessing the impacts from development.

One of the most common sources of data to BioNet is through flora and fauna surveys for future developments which means that records are concentrated around development 'hubs' or future release areas.

Data from wildlife rescue organisations represents a unique source of data as it is not linked to future release areas and is sometimes the only source of records in undeveloped areas.

Council is aware that data from wildlife rescue organisations is mostly not entered into BioNet and would like to see the strategy detail support for Wildlife Rescue Organisations so that that their data can be utilised by the database.

Biodiversity Reforms and the NSW Koala Map

Council supports recommendation five *'that Government improve outcomes for koalas through the Biodiversity Conservation Bill and associated Regulations'* and advocates that both core and potential koala habitat, through the strategies development, should cause the land to be mapped as 'regulated' as part of the Native Vegetation Regulatory Map and that

given the threatened species status of koalas that approval under the *Local Land Service Act 2013* be required rather than the use of self-assessable codes of practice. Council also supports including predictive koala habitat and likelihood of koala occupancy information in the Biodiversity Assessment Methodology threshold sensitive values map and including impacts on the best quality koala habitat as serious and irreversible as discussed in the independent review into the decline of koala populations, O'Kane (2016).

Council also supports recommendation three *'that Government publish a state-wide predictive koala habitat map within three years of receipt of this report, with immediate priority given to improving coverage of the north coast'*, and understands that this map will be used to inform the Native Vegetation Regulatory Map. However, given that the Biodiversity Reforms are expected to be operational by mid-2017 Council is concerned that the reforms will commence without adequate protection for koala habitat. As such Council urges that the strategy push for the best available koala habitat mapping to be included in the Native Vegetation Regulatory Map until the state wide map is developed.

Further, Council understands that state wide mapping is fraught with issues relating to data availability and variances in scale. Regardless Council believes that the best available mapping should be used for each area and that the maps be tenure blind to allow for conservation efforts to be planned across all jurisdictions.

As such Council supports recommendation seven, *'that Government agencies identify priority areas of land across tenures to target for koala conservation management and threat mitigation'*. Understanding both the threats and opportunities will assist conservation and land use planning.

Policy and Legislation

Councils notes that the report by O'Kane (2016) states that the strategy should *'review and align the various legislative and management arrangements to ensure improved outcomes across different land uses and tenures'*.

Council supports this view and believes that there are number of key areas that require review as part of the strategy. First of these areas, and of potentially great impact to the koala population of Coffs Harbour, is Private Native Forestry (PNF).

As stated in the 2016 Regional State of the Environment Report for the North Coast Region of New South Wales, *'since 2007, private native forestry in the North Coast region has increased significantly. Of the 2,916 PNF agreements approved in NSW between 2007 and June 2015, 69.4% were in the reporting region, covering 49.7% of the total area under PNF agreements in NSW (EPA Public Register 2016)'*. The Regional State of the Environment Report 2016 goes on to say that *'the area under PNF agreements for the North Coast region as at June 2015 was 266,727 hectares'* however the report also points out that only a fraction of these approvals have been enacted. Given that a PNF approval lasts for 15 years the impact and legacy of these approvals cannot be underestimated.

Council notes that the independent review into the decline of koala populations, O'Kane (2016), refers to the Private Native Forestry Code of Practice several times throughout the report as being the appropriate regulatory tool for governing PNF in koala habitat. It has been the experience of Coffs Harbour City Council that the code fails to protect koala habitat

as its interpretation is too limited, there is a failure to adhere to the prescriptions and there is limited resources for compliance.

Analysis of Coffs Harbour City Council's records has revealed that of the almost 19,370 hectares of Koala Habitat in the Local Government Area, up to 23% are covered by PNF approvals. It is noted that Council does not receive mapping data to indicate how much of a property might be affected by a PNF approval and as such that this percentage might be somewhat magnified. However given the PNF approval usually covers the vegetated areas, and that these same areas are koala habitat, the figure is likely to still be representative.

The 2016 Regional State of the Environment Report for the North Coast Region of New South Wales also noted that *'during consultation with councils in the reporting region in 2012, a number reported that they considered private native forestry to be the biggest threat to biodiversity'*. With additional issues relating to PNF being raised in 2016 including, *'Approvals being issued on land designated as koala habitat'* and *'Failure to adhere to the PNF Code of Practice'*.

Also of great potential impact to koala habitat is the 10/50 Vegetation Clearing Scheme. When the scheme commenced on 1 August 2014 Koala habitat was not protected and valuable koala habitat trees were lost until amendments came into force over a year later. Amendments which came into force on 4 September 2015 excluded land parcels mapped as koala habitat under Comprehensive Koala Plans of Management from the operation of the 10/50 Vegetation Clearing Scheme.

However given that only four Comprehensive Koala Plans of Management have been approved across the state this offers little protection to vast areas of koala habitat. The strategy should align the preservation of koala habitat with the 10/50 Vegetation Clearing Scheme by widening the exclusion to include all land mapped as koala habitat by the aforementioned NSW Koala habitat map where better data does not exist.

Council also supports recommendation four *'that Government improve outcomes for koalas through changes to the planning system'* and has put in a submission to the review of State Environmental Planning Policy (SEPP) 44 to this effect. In line with this recommendation Council believes that the strategy should give guidance to the zoning of koala habitat under Local Environment Plans to better reflect the value of the habitat and the land constraints. The issue of zoning urban land (i.e. residential, business and industrial land) to an environmental zone should also be discussed. Known as 'back zoning', this is currently very difficult to achieve and can lead to landholders having unrealistic expectations on the capacity of the land for development.

Regardless, Council is pleased the revised SEPP 44 seeks to retain the provision for comprehensive koala plans of management as they are an effective means to preserve koala habitat, and looks forward to working with the State Government to update the existing Coffs Harbour Comprehensive Koala Plan of Management.

Best Practice Development

Council supports recommendation six *'that Government investigate models for guiding and incentivising collaborative best practice for new development and ongoing land use occurring in areas of known koala populations across tenures, industries and land users'*

however cautions against the use of restrictions such as covenants that are ineffective over the long term, and offsets that result in net biodiversity loss.

Covenants are often used to mitigate the level of impact from a development however it is the experience of Council that covenants are difficult to enforce, can cause community conflict and that the benefits are gradually eroded over time.

Offsets usually take the form of conserving other areas of habitat or undertaking revegetation initiatives. Revegetation projects take decades to achieve biodiversity outcomes commensurate with the loss of established habitat while conserving other areas still results in a net loss of habitat. As such it is Councils view that development should be avoided in core koala habitat areas.

Council would also like to see the strategy guide councils regarding appropriate areas for dog off leash areas and best practise designs for koala road crossings. Dog off leash areas can be controversial and best practice principles would assist councils to manage this issue to ensure off leash areas are located away from core koala habitat areas.

Road crossings are also difficult for councils to manage. There is a range of literature and methodology available and formal crossings can add significant costs to a project. If council were supported by best practice designs or principles then it would be easier for Councils to ensure they are included in new projects and retrofitted where required.

Community Engagement and Information Sharing

Council believes that information sharing and working with the community is key to a successful program and that the local community has many skills that should be recognised. As such Council supports recommendation ten *'that Government facilitate the exchange of information among land managers, local government, the research community and the broader community'* and recommendation 11 *'that Government draws on knowledge and shares information with local community members through a program that supports localised engagement between liaison people and residents and industry'*. The stabilising and increasing of koala numbers through NSW will not be successful without information sharing and community participation.

Conclusion

Council commends the NSW Chief Scientist & Engineers report regarding the independent review into the decline of koala populations in key areas of NSW and looks forward to working with the State Government in its implementation.