

Native Vegetation Regulation Review  
Office of Environment and Heritage  
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email: [native.vegetation@environment.nsw.gov.au](mailto:native.vegetation@environment.nsw.gov.au)

Dear Sir/Madam

**Re: Draft Native Vegetation Regulation 2012 - Submission**

I write on behalf of Friends of the Koala's 370 members to provide input into the review of the *Native Vegetation Regulation, 2005*.

Friends of the Koala is licensed by the Office of Environment & Heritage to rescue rehabilitate and release koalas on the Northern Rivers. Our mission, which we have been pursuing for over a quarter of a century, is conserving koalas, particularly in the Region, in recognition of the contribution the species makes to Australia's biodiversity.

The *Native Vegetation Act 2003* has played a critical role in stabilising the extent of native vegetation in New South Wales. The integrity of the legislative scheme is underpinned by the application of detailed regulations and a robust methodology for the assessment of environmental outcomes. Nonetheless important vegetation continues to be lost and reports of breaches are commonplace.

Friends of the Koala therefore strongly opposes all amendments to the regulations, Environmental Outcomes Assessment Methodology (EOAM) or Codes of Practices which undermine those instruments.

The Northern Rivers Region is a stronghold of the koala. They are very widely distributed although, generally speaking, in medium to low densities. Much of the landscape is highly fragmented and Routine Agricultural Management Activities (RAMAs) allowed under the existing regulation are already a loophole in maintaining what koala habitat still remains.

In particular we oppose the inclusion of clauses 34 (Clearing of invasive native plant species), 35 (Environmental works) and 36 (Thinning of native vegetation) as a new group of RAMAs that can be undertaken provided a Code of Practice is followed. Clause 35 is particularly insidious and we refer you to the detailed submission of the Northern Rivers Fire and Biodiversity Consortium, of which we are a member.

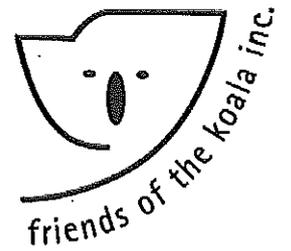
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In regard to the Draft EOAM, the inclusion of clearing paddock trees, small clumps in cultivation and very small areas of native vegetation as *low risk categories* of clearing which can be assessed by a streamlined methodology is of particular concern to us because of the highly fragmented landscape already referred to, in which many Northern Rivers koalas persist.

Even though these three categories of clearing are considered to have predictable offset requirements, their clearance can be devastating for koala movement and connectivity. We fear their cumulative effect across the landscape will tip some sub-populations to the point of local extinction and therefore assert that such vegetation should be excluded from clearing.

We agree with the Nature Conservation Council of NSW that improving or maintaining environmental outcomes must continue to be the mainstay of any clearance assessment approach. Thus we strongly oppose any further amendments which weaken the objectives of the *Native Vegetation Act 2003*, particularly to improve the condition of existing native vegetation and to encourage the revegetation and rehabilitation of land with appropriate native vegetation.

The Act was introduced at a time when there was widespread alarm in the community at the rate at which vegetation habitat and dependent fauna was being lost. It has attempted to conserve, maintain or improve environmental outcomes which we commend.

In our view the Draft as presented sets the scene for broad-scale clearing by a thousand cuts; a cumulative consequence of the small to medium clearances which the 8,000 registered primary producers in the Northern Rivers Catchment Management Authority would be authorised to carry out in conditions tantamount to self-regulation.

The effects of global warming that we are already experiencing demonstrate that every priority needs to be given to protecting high conservation value vegetation *and* important low quality native vegetation suitable for rehabilitation and linking to form the corridors required for species migration and refugia.

We thank you for taking the time to consider our submission.

Yours sincerely

Lorraine Vass  
President  
23 August 2012

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Dear Sir/Madam

**Re: Private Native Forestry and Koalas**

I write on behalf of Friends of the Koala's 370 members to provide input on the way in which koalas and their habitat are identified and protected under the Private Native Forestry (PNF) Code of Practice, ie, on the legally enforceable prescription designed to protect koalas as part of PNF operations in NSW.

Friends of the Koala is licensed by the Office of Environment & Heritage to rescue rehabilitate and release koalas on the Northern Rivers. Our mission, which we have been pursuing for over a quarter of a century, is conserving koalas, particularly in the Region, in recognition of the contribution the species makes to Australia's biodiversity.

We appreciate the opportunity to provide our views because the Northern Rivers is a stronghold of the koala and a large number of PNF applications are registered across the region.

The present PNF Code of Practice has completely failed the koala. Its sole reliance on the application of the State Environment and Planning Policy No. 44 – Koala Habitat Protection (SEPP 44) definition of core koala habitat when only three local government areas in the State have in place Comprehensive Koala Plans of Management (CKPoMs), has rendered it impotent and meaningless.

Furthermore the current koala prescription in the existing Code of Practice in practical terms relies on protection of particular trees triggered by evidence of high use ie 20 or more scats beneath a tree, as there is no real requirement to identify core koala habitat in accordance with the SEPP 44 definition prior to any PNF operation. The definition of core koala habitat within the meaning of SEPP 44 can only be relied upon to provide effective identification and protection if it is already mapped and identified as core koala habitat (of which there is very little) or if it is applied in conjunction with the complete SEPP 44 requirement, ie the initial identification of potential koala habitat. Thus the current prescription does not achieve the aim of the prescription, which is to identify and protect koalas and their habitats.

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There is universal agreement that loss, fragmentation and degradation of habitat are the most important threats to koalas throughout their range. The *NSW Koala Recovery Plan* identifies that most populations of koalas are found outside of the existing reserve system. This means protecting koala habitat on private land must be a high priority.

*Review of the Native Vegetation Regulation: Private Native Forestry and Koalas* aims to ensure that the revised PNF Code of Practice protects and enhances koalas and their habitat, notwithstanding a proposed or actual PNF operation.

The paper asserts, and we agree, that the most accurate information on the presence of koalas and their habitat should be used in the planning and execution of a PNF operation to achieve their adequate protection. The options offered for discussion however continue to be focussed in SEPP 44.

In our experience that is absurd. Not only is there a dearth of CKPoMs in place, there is an indication in the NSW Government's Green Paper on the Planning System Review that SEPPs will be replaced by non-statutory policies and therefore future reliance on SEPP 44 in the PNF scheme could be problematic. Besides, SEPP44 is now quite old. Revision needs to be looking to current scientific knowledge about koalas and their use of habitat.

Ample evidence on these matters was given by the scientific community to the Senate Inquiry into *the Status, Health and Sustainability of Australia's Koala Population*. Wildlife ecologists consulted by NSW EDO advise that koalas use different species of trees for different purposes including shelter and feeding; different trees during the day; and at night and different trees at different temperatures (seasonal). Not all species used by koalas are eucalypts, for example melaleucas and cypress pines are often used for cooling. Thus, koalas may use most of the trees within their range for one reason or another. It is also possible that a patch of vegetation will be large enough to support an individual or population in winter but the same patch won't be adequate in summer, therefore necessitating a requirement for strong connectivity across the landscape.

We agree with the NSW Koala Recovery Plan's assertion, made back in 2008 that, "Private native forestry may pose a threat to koalas...particularly on the north coast." (p.41)

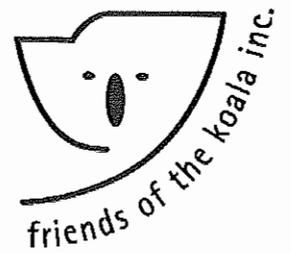
It can now be clearly shown through mapping that koala populations are declining in areas where there is logging, particularly in areas of State Forest. Declines are due to the removal of diverse feed trees and also that koalas are forced into species that are not preferred and are more toxic thus reducing their overall health.

PNF also potentially contributes to two koala Key Threatening Processes, namely: "Clearing of Native Vegetation" and "Forest Eucalypt Dieback associated with psyllids and bell miners."

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The Environment Protection Authority (EPA) needs to develop a koala conservation strategy in which:

(a) If a Comprehensive Koala Plan of Management exists for an area this should be the document that is used to determine where core and potential koala habitat occurs within that area. This principle should apply regardless of the exact language used in the plan with core/primary/secondary habitat being considered the highest level of likelihood of koalas being present. Such habitat should be excluded from logging, ie the prohibition on all logging in core habitat should be maintained.

(b) Where a landholder objects, they could pay for a koala habitat assessment to determine if any areas of their property are not koala habitat and could therefore be made available for logging.

This work should be independently commissioned and overseen (perhaps by local government?) rather than the landholder to ensure that it is done without fear or favour. Logging should be excluded from all areas found to be koala habitat. This is not dissimilar to the 8 part test that applied to logging in koala habitat under the previous legislative framework. Landholders were prepared to pay then for the necessary work.

(c) Where a CKPoM has not been prepared then the Atlas of NSW Wildlife, wildlife carer records, previous sightings and preferred forest types (based on current knowledge) should be used as an indication of whether koalas are likely to occur in the area.

(d) If koalas are predicted to occur within an area, then a comprehensive site survey should be required prior to any PNF approval. In potential koala habitat, two survey methods (e.g. previous sightings and scats) to identify koala populations should be conducted although experts say that scat searches can be ineffective during or soon after wet weather. Current restrictions should be maintained and extended to habitat trees (i.e. any vegetation used by the koalas) not just prescribed feed trees.

nb Experts also discussed with EDO the linkages between the distribution of koala populations and soil types. This is important because low nutrient soils are more likely to support sparse populations which are more difficult to identify with traditional survey techniques.

(e) The precautionary principle needs to be applied, ie all koala preferred feed trees should be off-limits to logging. Indeed, vegetation mapping has been undertaken by local government that could be applied in the PNF planning stages to identify relevant vegetation types (the logging industry may even press for local governments to finalise their CKPoMs). Where this mapping exists, 'important' habitat should be identified and no logging allowed. Such

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mapping could also be carried out at a property scale, but there needs to be a separation between the landholder and those undertaking the work, to ensure it is genuinely independent.

- (f) Across the entire PNF estate, all trees with evidence of koala usage ie scats, scratches, should be retained and appropriately buffered.
- (g) Where there is a possibility of koala usage of an area, koala feed trees must be left from the largest size cohort of available feed trees. Other tree species that koalas use should also be retained.
- (h) To allow recovery, which is identified as needed, it is not enough to only protect current habitat trees, prescriptions should also consider potential habitat for expansion to support recovery. Therefore any logging in potential habitat areas should maintain a minimum amount of mature habitat trees and landscape connectivity, regardless of whether sightings occurred.
- (i) It is reasonable that government should continue to be financially responsible for the preparation of CKPoMs. However, landholders wishing to conduct PNF operations should be responsible for on-site surveys where these are required.

This week's 4-Corners program, *Koala Crunch Time*, vividly portrayed the tenuous and shocking state in which koalas exist due to human activities. Logging is a primary threat to koalas. It destroys

fragments and degrades koala habitat, it removes canopy connection forcing the animals to the ground in order to move from tree to tree, making them vulnerable to dog attack, attacks by cattle, and vehicle strike. Logging debris increases fuel load which contributes to wildfires, another major threat to koalas. It is well established that physical disturbance and habitat loss through logging causes stress which can lead to chlamydia.

The NSW government has committed to improving koala protection as has the Federal government with its listing of the combined koala populations of Queensland, New South Wales and the ACT *vulnerable to extinction* under the *Environment Protection and Biodiversity Act 1999*.

These are significant reasons to ensure key controls and protections for koalas and their habitats are explicitly provided in the PNF process.

Yours sincerely

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22 August 2012

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