



15th March 2017

Reference: 1867998
Contact: Rodney Wright

Office of Environment and Heritage

Dear Sir/Madam

**SUBMISSION BY CLARENCE VALLEY COUNCIL TO THE DEVELOPMENT OF A
NSW KOALA STRATEGY**

Council works closely with a number of other North Coast Councils on a range of natural resource management initiatives such as regional State of the Environment Reporting. Council has partnered with Coffs Harbour Council in a threatened species recovery program in the South Western section of our LGA. The Clarence Valley covers an area of 10,440 square kms and is recognised as a biodiversity hot spot. With only a small rate base Council compared to smaller more populated Council areas has much less capacity to fund biodiversity on ground projects. While Council commits approximately \$600000 per annum towards actions to implement actions in its 2010 biodiversity strategy it relies on external funding from the NSW Environmental Trust, Local Land Services and programs like the Green Army to supplement Council resources it commits to biodiversity actions. It also relies on arrange of volunteers to assist. Coffs Harbour has provided its submission for our use and part of this submission reinforces the comments made by Coffs Harbour Council as many of the issues affecting Koalas in the Clarence Valley such as Private Native Forestry are similar to those in Coffs area.

In terms of the koala populations across the Clarence Valley while our knowledge and resources are limited we have a number of initiatives aimed at maintaining or improving koala habitat and koala populations in the LGA:

- Adopted a comprehensive Koala Plan of Management for Ashby, Woombah and Iluka in October 2010 (copy attached) which has mapped core habitat at Ashby based on work by Biolinks. The Department of Planning has not approved the plan based on the area of core habitat shown at Ashby and Council is not prepared to change its Core habitat map because we are confident it is scientifically rigorous and can be defended in court if challenged. They hold the opinion that the vegetation type does not meet the definition in the SEPP despite a detailed vegetation study and expert advice on intergeneration persistence of a breeding population of koalas.
- Distributed brochures to approximately 2000 households in Iluka, Woombah, Ashby, Seelands and Waterview Heights.

- Commenced work on koala corridor weed control and planting at Ashby.
- Provide funding to WIRES to cover VET costs for koala care in the Clarence
- Erected road signage in key locations where there is koala activity and road strikes at hot spots.
- Encourage reporting of sightings and developed spread sheet to record them and load those into the Atlas.
- Sponsor Green Army team undertaking bush regeneration in key biodiversity corridors including Koala habitat areas.

The precautionary approach to preservation of koala habitat should be applied by adoption of draft mapping prepared by OEH now as part of development of a NSW Koala strategy and the mapping should be included in the new Biodiversity regulations and associated regulated land mapping as a minimum. There is significant information held by Council, Wildlife rescue organisations, Friends of the Koala and the Australian Koala Foundation on the significant koala populations to inform an interim map.

The term *Core habitat* has been used much too literally under both SEPP 44, and based on advice from OEH staff, in the development of the Biodiversity reforms and mapping. Clearly Core habitat is most relevant to the areas where SEPP 44 comprehensive plans are developed. In the Clarence Valley the Council has adopted a comprehensive plan covering Ashby, Woombah and Iluka which covers an area of approximately 50 square kms. The LGA has an area of 10,440 square kms so the only area where core habitat has been formally assessed in relation to SEPP 44 is less than 1 % of the LGA. Despite this we know through Environmental Impact Statements for designated developments, WIRES records, BioNet Atlas records and field work that there are koala populations through Lawrence, Waterview, Seelands and much of the western part of Council's LGA. These areas will potentially be unregulated under the new biodiversity reforms if only Core Habitat approved in comprehensive koala plans of management is used as the basis of the mapping. While there is a reference to Core Habitat in the PNF code of practice clearly it means nothing when people with the appropriate expertise do not undertake any survey work and landowners and logging contractors take little if any account of it in a largely unregulated activity.

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 koala habitat currently mapped by OEH should be applied 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 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. While the PNF Code refers to Core Habitat the lack of any formal survey means this requirement in the code means nothing.

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. 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.

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'*.

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. A copy of that submission is attached.

Best Practice Development

In relation to 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'* it is clear that in some areas there is not scope for both koalas and development and the chief scientists does not seem to acknowledge this. It has been Council's experience that the application of the SEPP 44 provisions to individual lots rather than large areas has led to the death by a thousand cuts by cumulative clearing within koala habitat. The idea that development can occur in koala habitat and not result in a decline in koala numbers has no credibility and if Government is intent on stopping the decline in koalas it must acknowledge that development must be restricted in some areas. It should be up front about which koala populations it will protect and those that it will allow to go into further decline if it is intent on allowing ongoing development including PNF in key koala habitat.

The government's current policy of offsets usually take the form of conserving other areas of habitat or undertaking revegetation initiatives. There is still inevitable a net loss of habitat and where it is koala habitat there will be further decline of koala populations if this continues. As such it is Council's view that development should be avoided in recognised koala habitat areas.

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. Developing a better relationship between key NGO's such as the Australian Koala Foundation and Friends of the Koala with Government is critical if government is serious about stopping the decline in koalas.

If you require further information please contact me on telephone 0266450265.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Rodney Wright', with a stylized flourish at the end.

Rodney Wright
NRM Coordinator