



Office of
Environment
& Heritage

Review of the Native Vegetation Regulation: Private Native Forestry and Koalas



Discussion paper

Have your say

To have your say, make comments, suggest ideas or raise other concerns not addressed by the paper, please send your feedback to the Office of Environment and Heritage by:

Email: native.vegetation@environment.nsw.gov.au,

Post: Native Vegetation Regulation Review
Office of Environment and Heritage
Level 12, PO Box A290
Sydney South NSW 1232.

Fax: 02 9995 6791

Please provide any comments by **midnight 24 August 2012**.

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Office of Environment and Heritage
59 Goulburn Street, Sydney NSW 2000
PO Box A290, Sydney South NSW 1232
Phone: (02) 9995 5000 (switchboard)
Phone: 131 555 (environment information and publications requests)
Phone: 1300 361 967 (national parks, climate change and energy efficiency information, and publications requests)
Fax: (02) 9995 5999
TTY users: phone 133 677 then ask for 131 555
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Introduction

The NSW Government is currently reviewing the Native Vegetation Regulation 2005, and as part of this review it is seeking input from the community on the way in which koalas and their habitat are identified and protected under the private native forestry (PNF) Code of Practice. The PNF Code of Practice establishes the basic rules under which PNF can be carried out in NSW. Landholders with approved PNF property vegetation plans are able to carry out PNF on their property provided it is in accordance with the PNF Code of Practice.

The Office of Environment and Heritage is managing the review of the native vegetation regulations, including the PNF Code. The Environment Protection Authority (EPA) manages PNF and the implementation of the PNF Code.

Purpose of this paper

This discussion paper has been prepared to generate input from the community on how to identify and protect important koala habitat under the PNF Code of Practice, as part of the statutory review of the Native Vegetation Regulation 2005. It also contains information about State Environmental Planning Policy 44 and the preparation of Koala Plans of Management by councils. This additional information is provided for background and because it relates to the identification of koala habitat for PNF. However, the Government is not seeking specific comment or feedback on these other instruments at this time.

The status of koalas in NSW

Koalas are an iconic Australian species. Their distribution and abundance have, however, declined since European settlement, particularly in some parts of their range. In NSW, koalas have been listed as a threatened species since 1992 and are currently listed as vulnerable to extinction under the *Threatened Species Conservation Act 1995*.

The Commonwealth Government recently added koala populations in NSW, Queensland and the ACT to the Commonwealth list of threatened species under the *Environment Protection and Biodiversity Conservation Act 1999*.

The *Recovery plan for the koala* (NSW DECC 2008) identifies a range of current threats to koalas. The most critical of these are habitat loss, fragmentation and degradation. Other threats are dog attack, fire, logging, disease and being struck by cars. The Recovery Plan is available at: www.environment.nsw.gov.au/resources/threatenedspecies/08450krp.pdf

Measures in the current PNF Code of Practice to protect koalas

The PNF Code of Practice includes protection of landscape features such as forested riparian areas, wetlands, rocky outcrops, rainforest, steep lands and old-growth forests. However, some threatened species, including koalas, require additional measures to help ensure that the impacts of logging are minimised. For koalas, the PNF Code of Practice includes additional protections where there is a known record or site evidence of koalas. These provisions are contained in the Listed Species Ecological Prescriptions section of the Code.

For koalas, the specific provisions are:

- Forest operations are not permitted within any area identified as core koala habitat within the meaning of State Environmental Planning Policy 44 – Koala Habitat Protection (SEPP 44). SEPP 44 goes on to define core koala habitat as ‘an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population’.
- Trees containing koalas or evidence of high use (20 or more koala scats beneath the tree) must be retained, along with a 20-metre buffer around the tree.
- Additional requirements for retaining primary and secondary feed trees apply where there is a record of a koala within an area of forest operations (or within 500 metres of forest operations) or a koala scat is found underneath a primary or secondary feed tree.

These measures, like all species specific provisions in the PNF Code of Practice, are triggered by either the existence of koala records in the Atlas of NSW Wildlife (www.bionet.nsw.gov.au) or the identification of the presence of koalas (or evidence of their presence) by the landholder and/or a logging operator. The PNF Code of Practice does not require pre-logging surveys for koalas or any other species.

State Environmental Planning Policy 44

SEPP 44 is a state planning policy encouraging ‘the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline’.

It places certain requirements on local councils when they are considering development applications in areas of potential and core koala habitat. Identification of koala habitat under the provisions of SEPP 44 is a two-step process. The first step is the identification of potential koala habitat from the presence of known koala feed tree species; this information is usually derived from vegetation mapping. The second step is the identification of core koala habitat from koala records or from the presence, or evidence, of koalas.

The requirement for field surveys makes the identification of core koala habitat costly and time consuming, particularly for individual development applications. Because of this, SEPP 44 also encourages councils to prepare Koala Plans of Management (KPOMs), which can cover all, or a strategic (i.e. ecologically relevant) part, of a local government area.

SEPP 44 recommends that councils use information from koala site surveys to identify areas of core koala habitat. It further indicates that councils should make or amend local environmental plans to either include core koala habitat within environmental protection zones or identify core koala habitat and apply special provisions to control the development on that land.

Koala Plans of Management

Preparation of KPOMs is guided by the use of vegetation mapping to identify potential koala habitat. Some individual councils have used alternative definitions of koala habitat that they consider to be more locally accurate and relevant than ‘potential’ (see Table 1).

Table 1. Council approaches to identifying koala habitat in Koala Plans of Management ¹

LGA name and CKPOM status	Habitat types identified in KPOM	Methodology	Relationship to core habitat
Coffs Harbour City Council KPOM (approved 1999)	Primary, Secondary, Tertiary	A combination of in-depth vegetation mapping, identification of locally preferred food trees and community survey.	The KPOM states that Primary, Secondary, Tertiary are all intended to be categories of Core Habitat. However, these do not all meet the SEPP 44 definition of core koala habitat. Only part of the Primary Habitat is zoned 7a Environmental protection in the local environmental plan.
Port Stephens Council KPOM (approved 2002)	Preferred, Supplementary, Marginal	A combination of field-based survey and community-based survey, interpreted in the context of in-depth vegetation mapping.	No reference to core habitat. Intended to supersede the requirements of SEPP 44. There is no clause in the local environmental plan.
Kempsey Council KPOM for eastern portion of Kempsey Shire (approved 2011)	Primary, Secondary A, Secondary B and Core	Vegetation habitat ranked. Core habitat areas of koala activity identified in two small areas on the basis of identified koala activity.	Some areas of core habitat are specifically identified in the KPOM. Not recognised in the current local environmental plan, but a new plan is in preparation.
Lismore Council KPOM 2011 Plan recently adopted by council and with Department of Planning and Infrastructure for approval under SEPP 44	Primary, Secondary A, Secondary B	Core habitat identified as having a resident population of koalas. A combination of vegetation mapping and preferred tree species inferred from population records and mapped.	When approved will be linked to the local environmental plan.

¹ Note that a number of other SEPP 44 KPOMs are presently being prepared for parts of the Port Macquarie/Hastings, Tweed, Byron and Clarence Valley local government areas.

As Table 1 shows, there is variability in the mapping of core koala habitat during the development of KPOMs. Such habitat is also not consistently recognised in local environmental plans. This is important for PNF, because in the Code of Practice core koala habitat is defined precisely by the definition in SEPP 44.

Revising the PNF Code of Practice

The NSW Government considers that, where possible, the most accurate and up-to-date evidence of the presence of koalas and their habitat should be used in the planning and operation of PNF. The provisions in the revised Code of Practice should seek to ensure the protection and enhancement of koalas and their core habitat.

The government is seeking the views of the community, including PNF landholders and groups and individuals with a strong interest in koala management, as to how this can be achieved. This includes ways in which information gathered in current and future KPOMs could be integrated into PNF planning, operations and regulation. In addition, given the limited areas covered by KPOMs, are there any changes that should be made to the PNF assessment process?

Some of the important considerations are:

- The scale, quality and accuracy of the regional vegetation and habitat mapping and models. These mapping processes usually require site verification at the property level. If regional-scale mapping and habitat models are to be used as a basis to limit the economic use of a privately owned forest, then there needs to be some assurance of the quality of that mapping and modelling. Important issues to be considered include:
 - the nature and scale of the mapping, the amount of field validation, and the age of the imagery used as the basis for mapping (i.e. does it reflect the most up-to-date extent and condition of the vegetation?)
 - procedures that could be implemented to improve the validation of mapping at an individual property scale to ensure that koala-associated restrictions are put in place where they are warranted and not in areas where koalas or their habitat do not occur? This question is similar to that which arises in the use of old-growth and rainforest mapping in PNF; in such cases landholders can trigger reviews of the mapping if they consider it is not accurate.
- The type of mapping. How relevant is it to compare habitat-quality mapping with maps of the distribution and abundance of individuals or koala populations? How should potential but unoccupied habitat be treated?
- Differences in habitat classification among local government areas, as highlighted in Table 1. If regulatory measures are related to mapping on a local government area basis, how can information consistency and standards be assured?
- The cost of any mapping validation or surveys for koalas undertaken at the property scale before the finalisation of a PNF property vegetation plan. Who should bear these costs?

Options for using koala habitat mapping in PNF regulation

Some options for how current and future koala habitat mapping could be integrated with the regulation of PNF are set out below. The community is invited to comment on these options and to suggest other approaches that might be considered.

a) No change - continuation of the current rules.

Under this option the PNF Code of Practice prohibits forestry operations in core koala habitat (as defined by SEPP 44) and establishes specific prescriptions for forestry operations where there is site evidence or known records of koalas. Landholders and forestry operators are relied upon to identify the areas of core koala habitat based upon known records and/or site evidence. In addition, councils are able to identify core koala habitat in a comprehensive Koala Plan of Management and in local environmental plans. Where an area is identified as core koala habitat within the meaning of SEPP 44 (such as through an approved KPOM or local environmental plan) PNF is prohibited. Where there

is a known record or site evidence of koalas a range of specific ecological prescriptions such as protection of additional habitat and feed trees apply.

Advantages: least cost; demonstrates trust in individual landholders and timber operators to apply their knowledge of their properties while permitting council to explicitly identify core koala habitat through the KPOM and/or local environmental plan process.

Disadvantages: can create confusion about which definition of koala habitat applies where other terminology is used in KPOMs.

- b) *PNF prohibited in certain mapping categories of an approved KPOM and restricted in other categories.*

Under this option, a key question is which categories should trigger prohibition, particularly given the variable approaches to mapping used in different local government areas. Under the current PNF Code of Practice, mapping would need to explicitly refer to core koala habitat.

Advantages: no need for follow-up field assessment – KPOM mapping would dictate where prohibition or restrictions would apply.

Disadvantages: current KPOM mapping category terms or labels vary; there is often no validation of the presence of koalas at the property level, increasing the risk that logging could be prohibited in areas of little or no value for koalas but at significant cost to the landholder.

- c) *Certain mapping categories in an approved KPOM trigger on-ground validation of the presence or absence of koalas (or their habitat). If core koala habitat is found to be present, then prohibitions and prescriptions are applied.*

As with Option 2, the prohibitions or prescriptions that should apply and the circumstances under which they apply need to be determined. There should also be consideration of who should undertake the validation work and how it should be paid for.

Advantages: decisions are made on the basis of validated site-based information, not remotely mapped and modelled data, although the mapping is used to inform the process.

Disadvantages: who pays for the increased costs of assessment?; uncertainty for landholders.

Reference

DECC 2008, *Recovery plan for the koala*, Department of Environment and Climate Change NSW, Sydney. www.environment.nsw.gov.au/resources/threatenedspecies/08450krp.pdf