



Coastwatchers

Eurobodalla's environment group

3 March 2017

SEPP 44 Submissions,
NSW Planning Department,
Sydney NSW 1232

Dear Sir/Madam,

SEPP 44 Submission

Attached is a submission from the Coastwatchers Association Inc regarding the proposed SEPP 44 amendments.

Yours faithfully

Richard Roberts
Secretary

The Coastwatchers Association Inc
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SUBMISSION FROM
THE COASTWATCHERS ASSOCIATION INC
REGARDING THE
PROPOSED AMENDMENTS TO SEPP 44
- KOALA HABITAT PROTECTION
3 March 2017

1. COASTWATCHERS ASSOCIATION

The Coastwatchers Association is a community environmental organisation that has served the Eurobodalla region of the South Coast of NSW for over 30 years. The Association is the leading independent environmental watchdog for the region, acting in close co-operation with the wider community, the environment movement, the Eurobodalla Shire Council and the NSW State Government.

The Association aims to help protect the environmental health, integrity and beauty of this special coastal region. The Association aims to raise awareness in the community of environmental, climate change and sea level rise issues.

The Coastwatchers Association has been involved with the development of Koala Recovery Strategies in the Eurobodalla Shire for a number of years. The Association commissioned and funded research through its independently administered **'Coastwatchers Environment Fund'**. The project was led by Dr Keith Joliffe, a retired Canberra scientific researcher.

During his studies he produced three reports, published online by the Coastwatchers Association (in the Archive at coastwatchers.org.au), and these reports were provided directly to all stakeholder agencies in this area and the State Government.

The first was the **"Eurobodalla Koala Discussion Paper"** prepared in March 2011. This report concluded that koala presence and koala habitat issues in the Eurobodalla were clouded by lack of data, mythology, prejudice and vested interest, so a full independent study was warranted.

This Discussion Paper was followed by:

"Habitat Assessment and Koala Revival Prospects in the Eurobodalla, NSW – A Pilot Study" January 2013.

The final report, in 2013 was the:

"Eurobodalla Koala Recovery Strategy – 2014 to 2026"

The latter two reports are attached to this Submission.

2. KOALAS IN THE EUROBODALLA SHIRE AREA

The detailed history of Koalas in the Shire of Eurobodalla Shire is extremely deficient. There was clearly a resident Koala population in the Shire when Europeans settled the South Coast

of NSW in the 1800's. It has been reported that there was a growth in the koala population in the Shire until around the mid-1850s, attributed to the European impact on aboriginal activities and dingo numbers.

With European settlement increasing in the second half of the 19th Century, Koala numbers declined rapidly Shire-wide, leaving remnant populations in various locations until about 1900. The decline in numbers, was mainly attributed to the clearing of agricultural land by European settlers. Unfortunately, much of that land was prime Koala habitat, which was characterised by high nutrition vegetation (and low toxin levels), mostly along the fertile river valleys. There were also other issues such as a chlamydia epidemic, hunting for food by Europeans in the 1890s and 1930s depressions. It is also understood that koala-skin tanning factories existed in Ulladulla and other parts of SE NSW, many years ago.

Drought, increasing rural and urban development, road transport and more mechanised forestry techniques, have all contributed to the loss of Koala habitat in this area and the consequent population decline, during the 20th Century. By 2000 the Koala population in the Eurobodalla Shire by any measure, was guessed to be nearing extinction. There are records of the odd Koala in search of a breeding group. However, the ongoing loss of habitat, especially in the State Forests has been considered the greatest contributor to the 20th Century decline in Koala numbers. The last confirmed sighting of a Koala was at Nerrigundah in 2013. There is no data of the current number of Koalas in the Eurobodalla Shire, whether on private land, NSW Forestry Land or in the National Parks.

In the adjacent Bega Valley Shire, a known Koala population exists in the Bermagui – Murrah, Mumbulla and Tanja regions. The population has been well documented, with the number of known koalas being less than 60. Three state forests, the Murrah, Mumbulla and Tanja, together with the southern half of Bermagui State Forest were reclassified by the NSW Government in early 2016, as the **Murrah Flora Reserves**.

The four reserves are managed by the NSW National Parks and Wildlife Service, and have been given the same protection as NSW National Parks, which will protect Koalas from NSW Forestry Commission timber harvesting activities. To compensate the local timber industry, a \$2.5m Environmental Trust Grant was made to "protect local jobs and the local timber industry by sourcing timber supply further up the coast".

There is also believed to be a small Koala population in the Kooraban National Park near Dignams Creek, (15 km from Narooma), which is also within the Bega Valley Shire, and adjacent to the boundary of the Eurobodalla Shire,

3. EXPLANATION OF INTENDED EFFECTS

The NSW Government is seeking submissions of its proposed changes to the existing SEPP – Koala Habitat Protection. The "**Explanation of Intended Effects**" outlines the Government's aims and intentions of the proposed changes.

It is assumed the amended SEPP will be placed on public exhibition when complete, but that is not guaranteed.

Aims of SEPP

The Coastwatchers Association notes that the key aim of the SEPP “will continue to be to protect koala habitat to ensure a permanent free-living population over the present range and reverse the current trend of koala population decline. “

This definition relates solely to “present” populations of Koalas. There is no mention of recovery programs where Koala habitat is present but sadly Koala populations have become almost extinct, as in the Shire of Eurobodalla. This is principally because of land clearing for farming, development and commercial logging by the NSW Government.

The assertion by the Eurobodalla Shire Council that Koala populations have not been recorded in this region for many years while true is misleading. There is a complete lack of any survey data, which means there can be no certainty about whether there are small resident groups or animals dispersing from elsewhere in the breeding season. In fact Council's assertion is factually incorrect based on the OEH 2010-2011 survey records in the Sam's Ridge area.

Plans of Management

The preparation of comprehensive Plans of Management by Local Government Councils will continue under SEPP 44. This will replace the requirement for the preparation of individual Plans of Management for individual development applications. Plans of Management will use consistent criteria to protect koala habitat across the State.

Application to Shires

There are 82 Shires to which this SEPP applies. They include the Shire of Eurobodalla and all surrounding Shires in this region.

Koala Habitat

The proposed amendment of SEPP 44 updates the definitions of koala habitat. The definitions of core koala habitat and potential koala habitat will be replaced with definitions that identify the characteristics of plant communities, which make up koala habitat.

Development Assessment

The proposed amendment of SEPP 44 is intended to streamline the development assessment process. The updated process will require an applicant to establish whether a site contains koala habitat following an assessment of the vegetation as described in the guidelines. Where Koala Habitat is established, further assessment will be required to determine if Koalas are present before an application is submitted.

If koalas are present at a site but the vegetation is not koala habitat, an assessment will continue as if it were koala habitat. When Council's determine the development application, they will take into consideration a Plan of Management or, where a Plan of Management does not apply, the Guidelines.

There has been a recent history of strong local political opposition to measures requiring biodiversity protections in the Eurobodalla region, especially amongst acreage investors and some farmers who fear a loss of their capacity to sub-divide and develop their forested holdings. This is not a reason to not apply the SEPP 44 requirements.

Guidelines

The Department will prepare updated Guidelines for the commencement of the proposed amended SEPP. The Guidelines will support the making of Plans of Management and the preparation and assessment of development applications. In achieving these outcomes the Government considers the Guidelines will improve the

implementation of Plans of Management and simplify the development assessment process, setting out clear criteria for applicants to follow and consent authorities to put into effect.

Local Planning Directions (under section 117 of the Act)

The State maintains that the Local Planning Directions are the most appropriate setting to direct the preparation of planning proposals, including Local Environmental Plans. The strategic planning components in the SEPP, including requirements for the zoning of land in relation to the protection of Koala Habitat, will be transferred to the Local Planning Directions.

4. RECOMMENDATIONS

The Coastwatchers Association:

1. Requests the final SEPP 44 be placed on public exhibition when complete.
2. Endorses the inclusion of additional tree species in the definition of "Koala Habitat" because koalas in the south-east have adapted to a range of species not included in the 2008 koala habitat definition.
3. The recommendation by the Eurobodalla Shire Council in their submission that they be exempted from preparing a Plan of Management is based on one major assumption. That assumption is that there are no Koalas in this region. Without any thorough survey, that assumption is at best a guess, and their request must be rejected. The last Koala known to have been seen in the Shire was in 2013 at Nerigundah.
4. The recommendation in the Eurobodalla Shire Council's submission that restricts Koala Habitat assessments to be only carried out by qualified Council staff should be rejected. There should be no restrictions on any suitably qualified consultants doing this task.
5. The recommendation for private landholders seeking Development Approval is supported. That is if Koala Habitat is present, then the Plan of Management will apply. If the Eurobodalla Council does not prepare a Plan of Management, then the Guidelines will need to apply if Koala Habitat is present.
6. That the Government not ignore the fact that long-term koala survival requires an inter Local Government area landscape-scale connected mosaic of suitable home ranges and breeding corridors. There must be a collaborative effort between all land managers, public and private agencies to protect and rehabilitate these areas.

Irrespective of the status of its own sparse koalas, the Eurobodalla Shire is an important component in these linkages especially when the survival of the known Bega Valley , Cooma and Shoalhaven populations is taken into account.