



KOALA KOALITION
ECONETWORK PORT STEPHENS INC.

27 April 2025

To the NSW Natural Resource Commission

Via Email: nrc@nrc.nsw.gov.au

Re: Submission to the NSW NRC's Review on Options to Protect biodiversity and habitat (on private land)

The Koala Koalition EcoNetwork Port Stephens (KKEPS) wishes to provide this submission for the above-mentioned review, from the perspective of the Port Stephens LGA.

Our responses follow to the questions posed in the online survey:

9.What do you consider is the most significant action(s) we can undertake to protect and restore biodiversity and ecosystem function on private lands?

Withdraw or significantly amend the Allowable activities for landholders - Local Land Services to limit discretionary self-assessment that is permitting much more than the minimum clearing of native vegetation essential for biodiversity and ecosystem function.

LLS allowable activities should not apply to properties that are not being used for agricultural purposes, and are subject to negotiations for development proposals.

Landholders who are planning housing developments on their land use the LLS clearing permissions to destroy biodiversity and ecosystem function by under-scrubbing and removing everything but the trees to influence the surveyed environmental value. Council officers are unable to prevent this from happening apart from attempting to educate the landholders who do not have any interest in understanding the ecological value of their land.

Apparently, the small fines for unauthorised clearing are not easily able to be proven and applied by Council. Existing fines are insufficient deterrent to cashed up developers who consider the fines a mere 'cost of business'. More significantly fines must be able to be applied to landholders more easily. Additional deterrents are required, such as 'naming and shaming', having a register of incidents leading to paying for regular compliance inspections on their properties may be effective.

10.How can we further improve soil, water and vegetation management to protect and restore biodiversity while delivering sustainable economic outcomes?

Biodiversity Offsets should be applied by conserving part of the property where the development is taking place, rather than paying into a fund, or agreeing to protect land distant from the site.

Clearing must be avoided or minimised significantly, by identifying and conserving/protecting wildlife corridors on every property.

It would appear there are some protections in place at the patch level – Threatened Ecological Communities, riparian corridors, groundwater dependent ecosystems, coastal wetlands and littoral rainforest, RAMSAR, koala habitat (though a mish-mash based on the Koala SEPP provisions and long-standing issues with outdated CKPOMs); patch-level protection is also available for parcels of land protected by Biodiversity Stewardship Agreements, 'set-aside areas' under LLS legislation, and private conservation agreements. However, no category of protection for to-be-cleared land in a designated wildlife corridor seems to exist in the LLS Act or other planning legislation. Note: a summary of the NSW legislative framework for SSD's is in the appendix of the Cumulative Impacts Assessment Guidelines but there is no mention of designated wildlife corridors in the section covering the Environment and habitat protection.

11.What do you consider is the most effective way to further support and enable landholders to deliver sustainable land management and production outcomes?

Port Stephens Council's Development Control Plan (DCP) is regularly updated with community input to require ecologically significant and environmentally sustainable outcomes on private land. State Planning does not seem to regard the DCP requirements when assessing SSD proposals. The expectations of local government and the community, defined by local knowledge, is encapsulated in the DCP that should be more appropriately applied across all land zonings and referred to by State Planning prior to granting approvals..

LGAs may have more recent and more detailed vegetation and habitat mapping, that may not be readily shared with the community via the CKPOM, but is referred to by Council officers.

12.Is there any other information about this topic you would like to share with us?

The debacle of the dual koala SEPPs preventing the updating of mapping available in local CKPOM (comprehensive koala plans of management) such as that in Port Stephens, must be urgently resolved to enable corridor identification and conservation.

NSW must better promote the tourism and monetary value of koalas and our natural environment by enabling more landholders to gain financially by protecting land to become designated corridors. Climate and Wildlife Corridors require urgent conservation.

In June 2020 the PORTFOLIO COMMITTEE NO.7 – PLANNING AND ENVIRONMENT Inquiry into Koala Populations and Habitat in New South Wales reported and made recommendations.

Two of these specifically addressed private land, given it found that 2/3 of koala habitat in NSW existed on private land. These were:

Recommendation number 15

That the NSW Government urgently investigate the utilisation of core koala habitat on private land and in State forests to replenish koala habitat lost in the bushfires.

The Govts response (Dec 2020)

Noted The NSW Biodiversity Conservation Trust will continue to work with landholders to encourage koala habitat conservation on private land. [ie, nothing additional needed apparently]

With regard to State forests, ...

Recommendation number 40

That the NSW Government work with willing landholders to identify koala habitat that is of outstanding biodiversity value under the Biodiversity Conservation Act 2016 in order to facilitate more koala habitat on private land being protected.

The Govts response

Supported in principle

The NSW Government is investigating options for using Areas of Outstanding Biodiversity Value to conserve areas significant for koala conservation.

Research indicates this has not been achieved - a register of declared Areas of Outstanding Biodiversity Value shows four, of which none are related to koala habitat.

Further In the Inquiry's Report section '*Protection of koalas and their habitat within native forests on private land*' (p. 139)

This section examines the protection of koalas and their habitat within the Private Native Forestry Codes of Practice.

The Committee Concluded

Based on the evidence received, the committee believes that the regulatory framework for private native forestry does not protect koala habitat on private land. In fact, the 'number of quite stringent protections for koalas' that government witnesses asserted the PNF Code contains are weakened substantially, or indeed non-existent, when practically applied. The committee finds it unacceptable that land identified as core koala habitat can be cleared because of departmental delays. The committee concludes that many of the issues with the Private Native Forestry Codes of Practice stem from their reliance on protections under SEPP 44. Once again, the committee reiterates its disappointment at the systemic failure to approve koala plans of management under SEPP 44. Because of this failure, it is clear that protection of 'core koala habitat' under the Private Native Forestry Codes of Practice is not occurring as the NSW Government claims it is in its submission.

The committee is not convinced that the triggers under SEPP 44 should be the only means to activate protections for koalas under the Private Native Forestry Codes of Practice. The committee is also concerned by the evidence received regarding the inadequacy of the PNF prescriptions and, in particular, by the lack of protection for koalas on private land before private native forestry operations begin.

In this regard, the committee believes that the Private Native Forestry Review currently being conducted provides an opportunity for many of these shortcoming to be addressed.

The committee therefore recommended - Recommendation 30 That the NSW Government, in the Private Native Forestry Review:

- *require consideration to be given to whether private native forestry plans are consistent with the objects of the Private Native Forestry Codes of Practice before such plans are approved; and*
- *require that the objects of Private Native Forestry Codes of Practice be amended to refer to the protection of biodiversity, water quality and soil quality.*

The Government's Response

Supported in principle

When approving draft Private Native Forestry Plans ..., Local Land Services (LLS) must have regard to: whether forestry operations can be carried out under the plan in accordance with the applicable private native forestry code of practice" (Part 5B, Division 3, 60ZY (a)). The Act requires the Ministers to have regard to whether the Codes meet the objects of Part 5B of the Act when making or amending PNF Codes of Practice (PNF Codes). The objects include, among other things, the protection of key environmental systems and features through the implementation of ecologically sustainable forest management principles; and the protection of biodiversity and water quality (see Part 5B, Division 1, 60ZR (a)-(d)).

These objects were considered in the PNF Review, and were directly referenced in the draft PNF Codes that were released for public consultation. [Again, the Govt appears to say that the current Act, that has resulted in Koalas being up-classified to endangered, is sufficient]

Conclusion:

It is clear that there have been many parliamentary enquiries and reviews of government policy in regard to koala populations and their habitat over the past several years. Often responsible recommendations are made in good faith, and even endorsed by one arm of the government, while implementation languishes.

The lack of appropriate action by the State Government is consistent with ongoing failure to act to halt of the current extinction trajectory for koalas (imminent in less than 25 years, the 2020 inquiry found). All flora and fauna is seemingly under threat while scientists repeatedly recommend the most appropriate action against climate change is to conserve native forests.

NSW State Government must urgently address ongoing failure to resolve an effective koala SEPP, enabling the protection of the Great Koala National Park and put an end to Native Forest logging.

KKEPS therefore ask that at the very least the NSW Government uphold the findings of the 2020 PORTFOLIO COMMITTEE NO.7 – PLANNING AND ENVIRONMENT Inquiry into Koala Populations and Habitat, now 5 years old.

Yours sincerely,

