

SUBMISSION BY COFFS HARBOUR CITY COUNCIL TO THE EXPLANATION OF INTENDED EFFECT: STATE ENVIRONMENTAL PLANNING POLICY NO 44 – KOALA HABITAT PROTECTION

December 2016

General

This submission has been prepared by Coffs Harbour City Council, for lodgement with the NSW State Government, as a response to the Explanation of Intended Effect: State Environmental Planning Policy (SEPP) No 44 – Koala Habitat Protection. The Explanation of Intended Effect is on exhibition until 16 December 2016.

Given the limited exhibition period Council has only undertaken a preliminary review of the exhibited Explanation of Intended Effect. Council understands that the NSW State Government does not intend on exhibiting a draft revised SEPP or revised guidelines. Given the limited detail supplied in the Explanation of Intended Effect, the potential impact that this legislation change could have on local koala populations, and the important role that local government has in delivering the SEPP, Council believes the NSW State Government should undertake further consultation on the SEPP and the accompanying guidelines when they are developed.

It is noted that the package provides no detail on how the changes to SEPP 44 and the biodiversity reforms will interrelate. This leads to uncertainty and Council believes that the NSW State Government should provide greater information in this area.

Council has an existing comprehensive koala plan of management and is looking forward to working with the State Government to update the existing plan and hopes that the State Government will provide adequate resources both in the form of funding and staff assistance to achieve this.

Administrative changes

Administrative changes such as updating department names, responsible departments, and the land to which the policy applies to reflect new local government names are supported.

Council also supports the relocation of plan making functions to Local Planning Directions (s117) as this will simplify the process.

On this basis, Council supports the deletion of clauses within the Policy requiring the preparation of local environmental studies provided that the aim and objectives of the Policy are appropriately transferred to Local Planning Directions and that the Department of Planning and Environment provides an opportunity for stakeholder feedback on draft Local Planning Directions prior to their finalisation.

Individual and Comprehensive Koala Plans of Management

Council supports retaining the provision for comprehensive koala plans of management as they are an effective means to preserve koala habitat and they reduce the impost on individual developments by ensuring that management is undertaken on a landscape scale.

While council supports the updating of the guidelines to support Councils to prepare comprehensive koala plans of management it is concerned with the retracting of the requirement for individual plans of management where comprehensive plans of management do not exist.

Council understands that the requirement for the preparation of individual plans of management will be replaced with standardised requirements set out in updated guidelines. While Council encourages a consistent approach across the state through standardised requirements, as the draft guidelines have not been released Council cannot support this approach without further information.

Council also questions what happens to existing individual koala plans of management and if there will be a requirement to update existing comprehensive koala plans of management.

Development Assessment

Council encourages a consistent approach across the state through standardised requirements in updated guidelines for development assessment. However as the draft guidelines have not been released, Council cannot support this approach without further information.

Further, Council is concerned that using guidelines will fail to result in the avoidance of habitat fragmentation due to the discretion applied by each assessment officer, and lack of landscape assessment in favour of a site assessment, as generally used in development assessment.

Council is also concerned with the approach to change the definition of koala habitat to favour a presence/absence (of koalas) system. Without further detail on the definitions and how they will be implemented it is difficult to comment on this in detail however Council notes that koalas by their nature occur low in densities, can have a large home range and are difficult to detect. Scat tests can be inaccurate and it is possible that an area could be defined as not in use by koalas when the area may be at the edge of a home range, few scats are present or the scats have decayed. In addition vacant habitat is crucial for the survival of koalas by allowing young to establish their own home range.

Conversely, updating definition of koala habitat to include 'any area where koala's are present' (regardless of the tree species) is supported.

Guidelines for survey techniques are also encouraged, but again Council cannot support this without further details.

Tree Species

Council supports the updated list of koala tree species reflective of the variation in koala habitat and behaviour. However Council notes that three of the species listed in the Coffs Harbour Koala Plan of Management 1999 (and approved by the then Department of Urban Affairs and Planning on 9 May 2000), are not listed. These species are used in the Coffs Harbour Local Government Area by koalas and Council requests that the revised tree species list also includes: *Eucalyptus grandis* (Flooded gum), *Eucalyptus pilularis* (Blackbutt), *Melaleuca quinquenervia* (Broad Leaved paperbark).