

12 December 2016

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Director, Planning Frameworks
NSW Department of Planning & Environment

Via consultation portal: www.planning.nsw.gov.au/proposals

Dear Sir / Madam

NSW Planning and Environment Review of SEPP 44 Koala Habitat Protection

Tweed Shire Council welcomes the opportunity to further comment on the review of SEPP 44 Koala Habitat Protection (SEPP 44).

It is acknowledged that some of the issues raised in our earlier submission (9 June 2016; attached) have been integrated to the proposed amendments, specifically in relation to the need to clarify definitions, logic of application and the tree species included to Schedule 2.

However, many aspects of the proposed amendments remain uncertain due to the consultation approach taken whereby the information on exhibition identifies certain changes to be made without providing any relevant detail.

Whilst this approach precludes the ability to provide meaningful feedback, the following comments are offered in relation to the material currently on exhibition:

- Retention of the existing aim of SEPP 44 is supported but the ability for it to achieve this is unable to be evaluated due to the lack of detail.
- Updated guidelines will assist implementation of SEPP 44 and are critical to its efficacy. As a critical element of the proposed reforms, they should be made available for consideration and feedback.
- Savings or transitional provisions will be required for existing individual koala plans of management. This appears to have not been addressed.
- Amended definitions are a fundamental aspect of the proposed reforms and critical to the function of SEPP 44. They should be made available for consideration and feedback as part of the consultation.
- The 'Explanation of Intended Effect' notes that the updated guidelines will *improve the implementation of comprehensive plans of management*. To date, implementation of such plans has been entirely the responsibility of local government. Does this statement indicate that the Department intend to provide support for comprehensive plan implementation?

- Amendments to the development framework are critical to the function of SEPP 44 and the role of local governments. This information should be made available for consideration and feedback as part of the consultation.
- The critical issue of how SEPP 44 addresses indirect impacts to koalas and koala habitat remains unaddressed. The Tweed Brunswick endangered population is a highly relevant example of the importance of this issue. Whilst there are limited direct threats to habitat extent, numerous indirect impacts continue to threaten the persistence of this population.
- In order to achieve the stated aim, SEPP 44 will need to address inconsistencies with the Biodiversity Conservation Act. The identified negative implications of this Act in relation to koalas and koala habitat conservation are highly significant and reconciliation of the interaction between the two instruments is essential.
- As is best able to be determined, the revised SEPP 44 does not appear to be consistent with the NSW Chief Scientist and Engineer *Report of the Independent Review into the Decline of Koala Populations in Key Areas of NSW*, specifically:
 - The recommendation for policy reform, including the planning framework
 - The identified requirement for a landscape approach to managing and mitigating threats
 - Recommendation for a comprehensive predictive habitat map embedded as a regulatory tool in local and state government planning system

Tweed Shire Council remains actively involved and committed to an integrated approach to koala conservation and recovery. Council would be pleased to be involved in further detailed consultation regarding the proposed amendments to SEPP 44.

If you require any further information in relation to this matter, please contact Dr Mark Kingston on (02) 6670 2593 or Mr Scott Hetherington on (02) 6670 2561 or via email: tsc@tweed.nsw.gov.au.

Yours faithfully

Jane Lofthouse
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