

Council Reference: Koalas; Submissions
Your Reference:



TWEED
SHIRE COUNCIL

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Danijela Karac
Director Planning Frameworks
NSW Department of Planning & Infrastructure
Other SEPPS:

Via Email: danijela.karac@planning.nsw.gov.au

Dear Danijela

NSW Planning and Environment Review of SEPP 44 Koala Habitat Protection

Tweed Shire Council welcomes the opportunity to provide feedback into the review of State Environmental Planning Policies, specifically SEPP 44 Koala Habitat Protection (SEPP 44).

SEPP 44 has an important role in the recovery of threatened koala populations in NSW, especially given the predominance of existing koala habitat in private ownership. This is of heightened relevance in coastal lowland areas where there is a significant overlap between development pressure and the areas of highest significance to koalas.

The SEPP as currently formed has numerous well acknowledged limitations and is long overdue for review and updating. Some of the key issues of concern include, but are not limited to:

- There are significant differences of interpretation regarding the application of Part 2 of the SEPP and how it relates to the application of Part 3. This issue has resulted in significant delay to the finalisation of numerous comprehensive plans in preparation by councils (including Tweed Shire's plan) and major uncertainty regarding the status of existing plans. It needs to be clear that Part 2 does not apply when an approved plan is in place.
- In accordance with the aims and objectives of the SEPP, specifically Clause 3(a) that specifies the requirement to prepare plans of management that are *in relation to areas of core koala habitat*, it needs to be clear that consideration of development impacts should include both direct and indirect impacts on *core koala habitat*.
- Part 2 should be amended to ensure that *core koala habitat* can be determined without the need to establish *potential koala habitat*. This is because it is well known that resident populations of koalas frequently occupy areas of vegetation

issue causes an inconsistency within the SEPP whereby *core koala habitat* has one meaning under the definition and another meaning within Part 2 arising from the need to establish *potential koala habitat* prior to *core koala habitat*.

- Listed tree species in Schedule 2 require updating to reflect the significant additional information available through habitat studies and other research in NSW.

It is noted that further consultation opportunities are planned. As key stakeholders and active practitioners in relation to the SEPP, Tweed Shire Council requests the opportunity for detailed consideration of any proposed amendments.

The importance of further consultation is exacerbated by the concurrent biodiversity reforms, associated proposed SEPP(s) and implementation of the Northern Councils Ezone Review. Tweed Shire Council has an existing comprehensive plan adopted as a strategy of Council pending consideration by the Department following this review. A number of individual plans are also due for revision. Furthermore, the population addressed by Tweed Shire Council's plan has been listed as endangered under the *Threatened Species Conservation Act 1995*.

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



Tracey Stinson
Director Community and Natural Resources