

EXPLANATION OF INTENDED EFFECT (EIE) REVIEW FOR SEPP 44 – INTERNAL COMMENT SHEET

Comment Sheet Information

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Conventions :

Type of Comment			Decision by Team Leader		
G	General	CN	Correction necessary	R	Rejected
M	Mistake	CE	Correction expected	A	Accepted
U	Understanding	+	Major (impact)	D	Discussion necessary
P	Proposal	-	Minor (impact)	NWC	Noted without need to change

Review Comments:

Clause	Type of Comment	Reviewer's Comments, Questions, Proposals	Reviewer	Decision	Notes
	G	Overall, the proposed amendments lacks detail therefore difficult to gauge potential advantages/disadvantageous and impacts (positive/negative) of the said amendments and implications on Councils capacity to protect koala populations and habitat. Stakeholders need to be provided with the draft SEPP, 117 direction and Guidelines detail prior to adoption of a revised SEPP 44. The information in this document is both general and non-binding.	C. Manning		
CI 1	G	Support. The current SEPP name	C. Manning		
CI 2	G	Support. The date of commencement	C. Manning		
CI 3	G	Support. Aims and objectives.	C. Manning		
CI 4	G	Support in principal. An amended definition of <i>koala habitat</i> will include any area where koalas are present – greater detail on the definition of <i>present</i> is required e.g. veg structure. Depending on definition will depend whether or not Councils core and potential habitat is captured and therefore protected.	C. Manning		
		Council welcomes the proposed definition changes and the removal of the two-step process previously used, where the land had to meet Potential habitat criteria before Core habitat could be considered under the SEPP, as this had been shown to omit areas where koalas were present but the 15% rule was not necessarily applicable at the site.	S.Pimm		
		However, the lack of detail in the definitions and the guidelines to assess whether a site is koala habitat or not is of concern. RG-b SAT techniques should be included in the methodology with varying grid distances for various property sizes and the term 'guidelines should be changed to 'methodology' or similar to make it clear that they must be followed.			
		Protecting only land where Koalas are present now will not achieve the			

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		aim of the SEPP to maintain a free-living Koala population as it does not allow for population recovery, expansion or koala dispersal. For example, north of the Brunswick River in Byron Shire has been accepted as an Endangered population with few animals remaining. If this population is ever to recover, suitable habitat must be retained despite the current absence of koalas. Koala habitat needs to include at least suitable vegetation types in areas of generational persistence. Suitable vegetation types would best be defined with reference to OEH's Plant Community Types as an objective reference.			
CI 5	CN	In line with LGAs involved in amalgamation, the proposed amendment will update the names of the new LGAs. Refer Schedule 1. No impact on Council	C. Manning		
CI 6		Support. Development controls for koala, provides a land area threshold ≥ 1 hectare. However, the threshold should consider reducing the threshold so as to capture Rural Residential development and re-subdivision as old subdivisions have some high koala values.	C. Manning & S. Pimm		
CI 7-9	U	Support in principal. Site specific plans are an additional expense to developers, adding to the processing time for a development application. Replacing the need for the preparation of individual plans with a set of criteria is supported. What will guide the development assessment in the absence of a Councils CKPOM and a proposal to no longer have individual plans of management? What happens to existing individual plans?	C. Manning		
		Byron Council has at least two approved and adopted Individual Koala Plans of Management for areas of high significance for Koalas: the Bluesfest site and a property on the corner of Grays Lane, both at Tyagarah. Given the EIE proposes to remove the requirement for individual KPOM's arising from development, how will the existing plans important provisions be captured? It is considered that existing KPOM and CKPOM provisions should be retained through a Savings provision. The removal of the requirement for individual KPOMs in areas of core habitat removes a level of state government scrutiny and relies only on guidelines, by their name not compulsory but only a guide. It appears that Local Government will then be required to implement and enforce these guidelines, adding to Council assessment requirements. Without a clear plan in place, the ongoing provisions for approved development are likely to become difficult to scrutinise and enforce. It would be ideal to prevent any development in occupied habitat.	S.Pimm		

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		<p>The loss of individual plans also removes part of the incentive for Council's to undertake the strategic planning for Koalas that is currently needed to achieve a Comprehensive Plan. What benefits would CKPoMs then really achieve when developers only have to follow guidelines and the CKPoMs can only apply to development scenarios?</p> <p>Comprehensive plans approved up until recently included strategic actions for each of the threats applying to koalas such as dog control, traffic blackspot management, provision of additional habitat, disease and more, rather than simply habitat loss. To really achieve comprehensive protection, each threat should be considered within such comprehensive plans and the SEPP guidelines include these matters.</p>			
Cl 10	G	Support.	C. Manning		
Cl 11	G	Support. The prep of a CKPOM	C. Manning		
Cl 12	G	Support. The need to consult / gain approval from the OEH.	C. Manning		
Cl 13	G	Support. The need to consult / gain approval from the Dept. Planning & Environment	C. Manning		
Cl 14	G	Support. To have one plan supersede another.	C. Manning		
Cl 15	G	Support. The relocation of plan making requirements to S 117 Ministerial Direction.	C. Manning		
Cl 16	G	Support. The removal of clauses that require the preparation of local environmental studies	C. Manning		
Cl 17	G	Support. For updated guidelines. Need full disclosure however.	C. Manning		
Cl 17			S.Pimm		
Schedule 1	CN	In line with LGAs involved in amalgamation, the proposed amendment will update the names of the new LGAs. No impact on Council	C. Manning		
Schedule 2	CN	<p>Tree species list has greatly improved to reflect wide variation across NSW between sites in both the species of trees used as food trees and in the palatability of individual trees within one species. This will aid LGAs to map both core and potential koala habitat helping to secure 'a permanent, free-living koala population'. Council note that <i>E. signata</i> (Scribbly gum) has been removed from the revised tree species list. This should not impact greatly on capturing core/potential habitat in the Byron Shire area. Council note that removal of <i>E. signata</i> from current SEPP aligns with the NSW Koala Recovery Plan.</p> <p>Council also notes that Flooded Gum (<i>Eucalyptus grandis</i>) is not included on the list. Although this is not considered a Primary food tree, it is known to support a small Koala population in the Bangalow area where primary trees are few. Should the new definition of koala habitat refer only to</p>	<p>C. Manning</p> <p>S.Pimm</p>	<p>Agreed with all of above</p>	<p>Reviewed by Greg Smith, Alex Caras and Shannon Burt</p>

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		Schedule 2 species, then this population is unlikely to be captured. A suggested "proximity species" list would assist in capturing these important areas.			
End		End of comments			