
ITEM: 9.2
SUBJECT: CONDITIONAL APPROVAL OF KOALA PLAN OF MANAGEMENT AND PROPOSED CHANGES TO SEPP 44 - KOALA HABITAT PROTECTION
FILE/INDEX: KOALA PLAN OF MANAGEMENT (KPOM)
PRESENTED BY: DANIEL BENNETT, ACTING MANAGER LAND USE SERVICES

001/16

RESOLVED (Cr Klipin/Cr Wright-Turner)

That Council:

1. Makes the necessary amendments to the Bellingen Shire Council Coastal Area Core Koala Habitat Comprehensive Koala Plan of Management (CKPOM) to exclude Secondary B Habitat from the Core Koala Habitat Map, as requested by the Department of Planning and Environment (DPE) in Point 1 of their correspondence to Council of 11 November 2016.
2. Makes the necessary amendments to the CKPOM, as requested by the DPE in Points 2 & 3 of their correspondence to Council of 11 November 2016, and other minor alterations to enable Chapter 2 to function as a stand-alone document.
3. Advises the DPE that it considers that the concurrent release of the Explanation of Intended Effect (EIE), with the conditional approval of the CKPOM, introduces an additional element of uncertainty regarding the legal status of the CKPOM. This continues the unfortunate pattern of legal uncertainty from the DPE that has characterised the CKPOM process to date.
4. Informs the DPE that it considers the approach adopted for exhibition of the EIE falls short of the requirement to consult with the community, given the lack of information that has been presented to properly understand the impact of the proposed changes.
5. Requests that the actual draft legal instrument for the revised State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44), and the revised Guidelines, be publicly exhibited at a later date to allow for meaningful consideration of impact.
6. Advises the DPE that it is concerned that the revised SEPP 44 will remove the statutory weight of an adopted CKPOM for development control.
7. Requests that the statutory provisions of a locally developed CKPOM are permitted to over-ride any generalised state-wide provisions.
8. Requests further advice on what role a CKPOM would actually serve under the revised process.
9. Advises the DPE that the EIE is considered deficient in that it provides no indication of how the revised process for the management of koalas and their habitat under SEPP 44 will interact with other legislation governing native vegetation in NSW.
10. Requests that the EIE process be postponed until such time as the whole-of-government review into koala strategy in NSW is undertaken and the role of SEPP 44, as a future planning tool, can be considered in a holistic sense and in conjunction with other measures proposed by the proposed NSW Koala Strategy.
11. Resolves to mitigate some of the impacts of the removal of Secondary B habitat from the Core Koala Habitat Map by resolving to focus any available funding for revegetation and corridor enhancement towards key Secondary B corridor areas.
12. Proceeds with the amendment of Bellingen Shire Development Control Plan 2010 (BDCP 2010) to introduce development controls for all preferred koala habitat in the Coastal Koala Planning Area that is not covered by the provisions of the CKPOM.
13. Notifies the members of Council's Koala Working Group of the decision of Council regarding this matter.

UNANIMOUS