

## **Eurobodalla Shire Council Submission to Explanation of Intended Effect (EIE) of the review of State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection**

Eurobodalla Shire Council has considered the Explanation of Intended Effect (EIE) that describes how proposed amendments to State Environmental Planning Policy (SEPP) 44 – Koala Habitat Protection are intended to work and what they aim to achieve.

Council supports changes to SEPP 44 that will achieve an appropriate balance between protecting Koalas and providing for efficient assessment of potential impacts due to development. The development assessment process should be flexible enough to ensure environmental, economic and social objectives are balanced.

The EIE does not provide specific details making it difficult to identify if there are issues or unintended outcomes due to the proposed amendments for Eurobodalla. Consultation should include an opportunity for the community and councils to review the draft SEPP and guidelines before they are implemented.

For example, proposed changes to the definition of potential Koala habitat and additional tree species may lead to more Koala habitat being identified. With only the information provided in the EIE, it is very difficult to estimate how much additional potential Koala habitat would be identified in the Eurobodalla and if the change is appropriate. Further, the guidelines are proposed to detail how to prepare and assess development applications. Council supports the intent of a streamlined process but without knowing the details it is difficult to comment on whether Council supports this change.

Koalas have not been recorded in the Eurobodalla for many years and potential Koala habitat, as defined in the current SEPP 44, is rarely affected by development applications. The definition of potential Koala habitat and the development assessment process should avoid situations where Koala habitat is identified in locations with a very low likelihood of Koalas being present (eg they have not been recorded in the area or for many years). The development assessment process would not be streamlined, and unnecessarily costly for applicants, if surveys are required where potential habitat is identified based on vegetation surveys but the outcome of finding Koalas is known to be very low.

The EIE states that the proposed guidelines would describe how to assess vegetation to establish whether a site contains Koala habitat. Council would support flexibility in how the vegetation assessment can be achieved so that it can be done quickly by appropriately qualified council staff when required or mutually beneficial to the applicant and council.

The EIE does not describe the circumstances for when comprehensive Koala plans of management would be required. The Eurobodalla Shire does not have known populations of Koalas and while this remains the case, a comprehensive plan of management should not be required.

As the Department's review program of SEPPs progresses, please also consider the timeframe given for councils to consider the EIE and draft documentation and provide a submission. The short timeframe and limited information provided about the SEPP 44 amendments limits councils' ability to prepare a submission and have it endorsed to achieve a democratic governance process that is transparent to our community.

In summary, please consider the following comments:

1. Consultation should include an opportunity for the community and councils to review the draft SEPP and guidelines before they are implemented.

2. The definition for potential Koala habitat and the development assessment process should provide enough flexibility to avoid unnecessary further assessment to determine if Koalas are present, where the outcome of finding Koalas is known to be very low.
3. Vegetation assessment to establish if a site contains Koala habitat should be able to be undertaken quickly and by appropriately qualified council staff if mutually beneficial to Council and the applicant.
4. Comprehensive plans of management should not be required in areas that have no known populations of Koalas, even if potential Koala habitat is available.
5. The timeframe for councils are expected to review documentation such as EIEs should consider that a transparent governance process can take several weeks.