

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 (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 'koala habitat' and additional tree species may lead to further koala habitat being identified. With only the information being 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 however, without knowing the details, it is difficult to comment on whether Council supports this change.

Koala populations have not been recorded in Eurobodalla Shire for many years and potential koala habitat, as defined in the current SEPP 44, is rarely affected by Development Applications. The definition of '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 be unnecessarily costly for applicants, if surveys were required where potential habitat is identified based on vegetation surveys. However, 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 undertaken promptly by qualified Council staff, where appropriate.

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

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 of 'koala habitat' and the development assessment process should provide enough flexibility to avoid unnecessary further assessment to determine if koalas are present in areas 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 promptly and by qualified Council staff, where appropriate.
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.