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Port Stephens Koalas

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1 March 2017

Staff of the Office of the Environment and Heritage and the Department of Planning

Dear Sir/Madam,

SUBMISSION RE NSW KOALA STRATEGY, PAS AMENDMENTS AND SEPP44 REVIEW

Please forward this submission to all relevant staff.

I have spent several days reading and re-reading the many pages of information available on your websites, and links from those pages, in regard to various legislative and policy changes occurring within NSW at present. I am not sure whether I have found all the relevant information scattered about, and I still have difficulty in deciphering exactly which piece of information should be submitted through a number of portals eg koala.strategy@environment.nsw.gov.au, pas.amendment@environment.nsw.gov.au, http://planspolicies.planning.nsw.gov.au/index.pl?action=view_job&job_id=8073, Since they all have the same submission date I implore you to accept this combined submission and distribute it to the relevant staff on my behalf.

Koala data held for over 20 years – hot spot locations are known

I write in representation of Port Stephens Koala & Wildlife Preservation Society Ltd (PSK) which has been in operation for almost 40 years in the Port Stephens area, formerly known as Hunter Koala Preservation Society. Over this time we have developed a deep knowledge of where koalas have been rescued, released, the reasons why they have come into care, where habitat remains and where it has been destroyed. We have an MS Access database of information compiled for more than 20 years that shows that every one of our roads that passes through koala habitat is a death trap. Our GPS locations are mappable – see sample map and graph in APPENDIX 1. We are willing to share our data. Only a small part of it is shared with OEH through the annual reporting mechanisms currently in place.

Koala rehabilitation groups already hold a great deal of information required to assist with the NSW Chief Scientist and Engineer's report and its 11 recommendations. There is no need for community members to provide piecemeal information through portals such as <https://oeh.mysocialpinpoint.com/nsw-koalas#/>.

PSK recommends that OEH and other government departments should directly engage the assistance of rehabilitation groups to “protect, rehabilitate and connect koala habitat, as well as a range of actions to manage and mitigate threats to koalas”. (Chief Scientist's report, p iv).

Local Land Services Amendment Bill

I understand that changes to the Native Vegetation Act will introduce through the Local Land Services Amendment Bill's four new self-assessable codes (for 'management', 'efficiency', 'equity' and 'farm planning'), through a Land Use Map to determine whether land clearing rules will apply; to be known as Exempt land, Regulated land and Excluded Land.

PSK does not agree that landholders have the expertise in self-assessing the habitat on their land, and believe that they have a direct conflict of interest in being asked to do so.

PSK requests more information about how these critical maps will be constructed, and how critical wildlife corridors will be identified and protected.

PSK requests more information about how urban cleared will be regulated.

Illegal Land Clearing

Prime koala habitat is cleared by developers prior to any permission being granted. The rumour is that it costs developers less to pay the penalty than to go through the lengthy application process to gain authorisation. Although Council may be successful through legal process in demanding that the developer pay for reparation, developers may simply go into liquidation to avoid penalties.

PSK recommends that stronger penalties are required to prevent illegal land clearing.

Mapping and Conservation

We are alarmed that the NSW Koala Strategy may rely on antiquated and unreliable maps of the Port Stephens area. The Australian Koala Foundation produced maps that were a "best guess", they did not survey the area at all. The Port Stephens Comprehensive Koala Plan of Management (CKPoM) map shows prime koala habitat on top of rocky hills or in treeless wetlands. We believe this was produced as an aid to a pro-development council.

I understand that a small grant through Saving our Species for Spatial Analysis of Port Stephens is now working on producing new mapping that may be more accurate.

Port Stephens Koalas agree that mapping is crucial to identify wildlife corridors that are already critical to maintain genetic diversity through mating opportunities and dispersal of young. Port Stephens Koalas Carers and Rescuers have a very good understanding of vegetation within the urban areas, but not deep within bushland.

Of major concern is how "\$10 million from the NSW Environmental Trust will be used to purchase and permanently conserve land that contains priority koala habitat".

- Mambo wetlands: "when a June [2016] auction of 60,000 square metres of surplus Department of Education land, which overlaps the Mambo Wanda wetlands, at Salamander Bay for \$250,000 was a "mistake" tied to a lack of communication between government departments."
<http://www.theherald.com.au/story/4195625/questions-over-mambo-wanda-wetlands-mistake/>
- Fishermans Bay: "it was clear the reports Port Stephens Council and the planning panel had relied upon when considering the plans were inadequate, especially in terms of the threatened flora and fauna in the area and the number of koalas living

in the area.” <http://www.theherald.com.au/story/3297991/residents-save-fishermans-bay/>

- Salamander Bay shopping centre development: “19/07/2016 Preliminary construction works will begin on a seven-lot subdivision to expand the retail offering at Salamander Bay after Port Stephens Council appointed a contractor to undertake the project at its meeting last night.”
<http://www.portstephens.nsw.gov.au/your-council/news/work-to-begin-on-construction-of-new-retail-development-for-salamander-bay>
“On 16 May 2013 the Joint Regional Planning Panel will meet to consider the Development Application for a BigW store behind K-Mart and Aldi at the Salamander Centre. This is the latest chapter in the long running bungled approach by Port Stephens Council to the planning of our major shopping centre.”
<http://trra.com.au/?tag=geo-sal> The shopping centre backs onto Mambo wetlands. The Tomaree Residents and Ratepayers Association (TRRA) urged council to consider a master plan for the shopping centre as an ecotourism destination where boardwalks would take visitors through the wetlands, while shopping centre buildings would be interconnected and two stories high, but it seems like the koala habitat area will be clear-felled for development and the lowest lying lands, closest to the wetlands will become stormwater catchment areas from the carparks. Some koala food trees were formally identified (tagged) by Council as needing to be retained during future development of this site. However these records were lost and these trees have already been cleared.

PSK recommends to permanent conservation of crucial land parcels so the community doesn't have to fight repeatedly for the same land through the Land and Environment Court, only for the same land to become at risk of development again, and again.

Biobanking and Offsets

We understand that biobanking and offset plans included in development applications are not currently overseen. While the developer may agree to planting, there is no mechanism in place to check that the plantings are conducted or maintained. Having independent auditors and ecologists able to submit development applications, means that council staff have no means of conducting audits or monitoring activities.

It seems that under the new Biodiversity Assessment Method (BAM), the 'like-for-like' offsetting requirements will be relaxed so that the offsets do not need to be of the same species or vegetation type as the one being impacted. We are aware of an industrial estate expansion near Tomago wishes to offset prime koala habitat for estate where they dumped waste many years ago and the vegetation is stunted and would be unsuitable for wildlife. Port Stephens Council and OEH are working towards conserving part of the land they wish to develop for corridors so that koalas do not need to be translocated.

A local club did not prepare a proper plan for clearing a small part of critical habitat, and were unaware of what to do when they encountered a koala on the site, calling us to physically remove it. Council staff, trying to follow proper protocol were pressured and threatened to issue a construction certificate regardless. Offset planting was to be done, but while the construction is finished, the planting hasn't commenced.

A new housing development off Tarrant Rd, Salamander Bay was known to be likely for some years, but the developers would not cooperate with Soldiers Point Land Care group to start planting a corridor at the agreed place on the edge of the site until after construction. This resulted in a number of koalas wandering out onto neighbouring roads and being killed. This could have been avoided.

Biodiversity conservation will not be achieved through legislative changes allowing farmers to do more broad scale land clearing, and not preventing large scale clearing for mines. Reforms that allow developers (including mines) to receive offset credits for rehabilitation undertaken at the end of a project (as much as 30 years later) will allow for endangered species or ecological systems to disappear in the interim.

PSK recommends a process for equitable biobanking sites (like for like) and that soil, salinity and water impact assessments be conducted, as well as assessing where a project could cause local extinctions or force translocations when alternatives exist.

PSK recommends the monitoring of offsets projects for it to be successful/meaningful.

Private land conservation funding

PSK is aware that landholders are often reluctant to report koalas on their land for fear that their land will become less valuable if it is known habitat because it may prevent future development options. While the Stewardship and Conservation agreements may incentivise their cooperation through an income stream for some years, it appears that funding support will be discontinued when the program time frame is over.

PSK recommends that private land conservation funding not be limited to the time frame of the Koala Strategy program.

Lots of less than 1 Hectare

Small lots of less than 1 hectare can provide crucial corridors in urban areas. One small development behind a local club, and another adjacent to the Salamander Recycling Centre, resulted in us collecting dead koalas from the surrounding roads for months afterwards.

PSK recommends that Lots of less than 1 hectare should be referable to the Minister.

Crown Land Management Bill 2016

Vesting management of Crown Land to local Councils to rezone and allowing for urban expansion without the Minister's approval, will provide more opportunities for the destruction of koala habitat.

PSK recommends that Crown Land transferred to another entity for management, must be subject to proper scrutinisation (due) processes to prevent wide scale rezoning and destruction of habitat.

Habitat conservation and restoration

We agree with the Chief Scientist that "current threats to koalas are unlikely to abate without action". We have rescued, rehabilitated and released koalas for decades while realising that their numbers are continuing to decline.

Clearly, a different approach is required, and we are committed to establishing a Port Stephens Koala Hospital to better educate our local population and tourists of the plight of our local koalas. In particular, we wish to inform drivers of the absolute necessity of them slowing down between dusk and dawn while keeping a sharp eye out for koalas and other wildlife crossing our roads. Motor vehicle hits at over 80kmh are usually lethal and this is the greatest threat to our local koala population. Dog attacks are fewer and disease can often be treated effectively. Bushfires are also a threat but koalas are often incinerated. <http://www.portstephensexaminer.com.au/story/4152051/koala-death-zone-interactive/>.

PSK needs substantial funds to establish a koala care and education facility (hospital) which we hope will lead to better awareness and help us curb the road death toll.

The key to survival of koalas is the protection of their habitat. Port Stephens Koalas has for many years worked closely with the staff of Port Stephens Council to establish koala food plantations for carers and to enhance habitat through mechanisms such as the Port Stephens Comprehensive Koala Plan of Management (CKPoM), Green Army and other small grant projects, including Saving our Species. Street planting projects are underway to help provide koalas with food and safe refuge while having to circumnavigate the streets to isolated pieces of habitat. This has become necessary because small parcels of critical habitat have been destroyed for housing developments.

PSK recommends permanent conservation of crucial land parcels as wildlife corridors.

A systemic failure of the Port Stephens Comprehensive Koala Plan of Management CKPOM has been that no records have been kept of the destruction or remediation of habitat since the policy was introduced in 2001. <http://www.portstephens.nsw.gov.au/grow/land-environment-and-heritage/environmental-plans-and-strategy/comprehensive-koala-plan-of-management> Although the policy reads well, and is adhered to by council staff when they respond to development applications, councillors seem to be able to call any matter onto their meeting agenda and vote to overrule such policies and approve a development that will destroy prime koala habitat/corridors. The policies appear to be ineffectual.

Records of habitat restoration are also not kept, so that community and council efforts can be reversed by other workers mowing over new plantings, or the public clearing outside their property boundaries to obtain a better view. Port Stephens Council voted to relax the local tree preservation order to allow residents to clear any tree within 10m (?) of their property which has facilitated this situation.

PSK recommends Councils should be required to maintain records of habitat destruction and restoration but need systems to be put in place. If these were state-wide a better overview could be available to OEH and Planning.

During investigations into development applications, we have found environmental reports that are not a true reflection of the proposed development site's habitat use. The reports do not appear to be further questioned but are taken as fact. We know that developers shop around to obtain more favourable reports.

PSK recommends that environmental reports need to be expertly reviewed.

There is a great deal of cleared land in Port Stephens but development most often occurs in prime koala habitat, destroying it.

PSK recommends preference is given to developments that do not require clearing of undisturbed habitat.

Koala Population research

The size of our koala population remains unknown. As shown in Appendix 1 Map 1 our data shows clearly where koalas are coming into contact with us, and where they are trying to travel, but not where they live. Of course koalas are notoriously difficult to spot – take it from me personally, that even knowing that I have a koala in a tree in a rehab yard, it may take a couple of minutes to spot it in the canopy.

Dr Chris McLean has been conducting research in this area for a few years now. We have supported him and his student researchers, to the extent of providing free accommodation at our own homes, and going out spotlighting at night at the same GPS locations in different seasons, several times. While disappointingly we haven't been provided with any printed or published outcomes, Chris has verbally advised that this research has found that SAT and spotlighting techniques are unreliable. Sites that had koalas on several previous occasions may have none on another, with scat unable to be found.

PSK notes that current methods used by ecologists to assess habitat as being occupied by koalas are unreliable.

Environmental Trust Fund, Saving our Species and Koala Strategy funding

Green Army workers provide a critical labour force for habitat conservation projects.

PSK is concerned to hear that funding for Green Army projects may no longer continue.

Environmental Trust Fund grants seem to be directed towards habitat conservation. Rehabilitation and release programs are essential to populate the habitat. Our vet bills are often cost \$5000 per month. Orthopaedic surgery for a broken limb costs about \$2000 but has very good release rates after several months care.

PSK recommends funding purposes be extended towards funding koala/wildlife rehabilitation.

OEH has in the past granted Hunter Koala Preservation Society a small annual grant. The last received was in September 2015 for \$2300. Port Stephens Koalas are currently chasing up why that grant has not been provided this financial year.

PSK would appreciate receiving some small financial assistance such as this OEH annual grant.

Tax Deductible Donations

Since Australian Taxation Office amendments in about 1995, Deductible Gift Recipient status has become problematic to achieve. "Charities can receive tax-deductible gifts

provided the charity is a DGR. Some charities are not DGRs and, therefore, cannot receive tax deductible gifts.” [https://www.ato.gov.au/non-profit/gifts-and-fundraising/tax-deductible-gifts/deductible-gift-recipients-\(dgr\)/](https://www.ato.gov.au/non-profit/gifts-and-fundraising/tax-deductible-gifts/deductible-gift-recipients-(dgr)/)

Hunter Koala Preservation Society, though a Charity, was not able to achieve DGR status. Port Stephens Koalas applied in September 2016. On application we were advised that the process could take up to 12 months and that we were not entitled to pursue the application during this time. This slow process is preventing us from pursuing large corporate donations when companies naturally want their gift to be tax deductible.

PSK notes that wildlife rehabilitation organisations would benefit through a whole of government approach that could streamline the DGR application process.

SEPP44 and PAS Amendments – tree listing

Koalas have evolved to prefer species in their local area as primary food sources. Coastal koalas in Port Stephens have developed a strong preference for *Melaleuca Quinquinervia* – especially new shoots and flower buds. *Eucalyptus Scoparia* (Wallangarra White Gum) is also widely sought out as a food source and is not on the tree listing.

PSK recommends that *Eucalyptus Scoparia* and *Melaleuca Quinquinervia* be added to the koala food tree listing.

Port Stephens Koalas application to the NSW Scientific Committee

Our submission to the NSW Scientific Committee, with the help of David Paull, in March 2015 requested that the Port Stephens Koalas listing to be upgraded to “Endangered”. The Committee requested additional information in November 2015 which was sent to an email address that was no longer being used and was not discovered until several months later when I phoned to follow up. Additional information was provided by David Paull in July 2016. Since then several email communications have occurred, the last on 8 February 2017 was: “Thank you for your email. The nomination is still under assessment. I have been waiting advice from the Committee members assessing this population but I understand they are out of the office this week. If I receive any more information on progress I will let you know.”

During the last two years, threats to our koalas have continued unabated. We continue to try to make progress on koala issues to all levels of government without meaningful result.

PSK applauds the NSW Koala Strategy initiative and hopes that it does indeed result in some effective support for the iconic koala.

What is a viable koala population?

We are concerned by the statement in the NSW Chief Scientist’s report that “successful implementation of a NSW koala strategy should lead to the following outcomes:

- We will know which koala populations have the potential for long term viability”.

How is viability to be measured? You surely can’t intend that if koala populations are unquantified and therefore unknown, like those in Port Stephens, that they will be ignored and left unsupported until development finally isolates a colony with the remaining

animals becoming unable to breed properly and die from diseases or complications caused by inbreeding?

My research shows that “Population viability analysis (PVA) is used to estimate the likelihood of a population’s extinction and indicate the urgency of recovery efforts, and identify key life stages or processes that should be the focus of recovery efforts. PVA is also used to compare proposed management options and assess existing recovery efforts. PVA is frequently used in endangered species management to develop a plan of action, rank the pros and cons of different management scenarios, and assess the potential impacts of habitat loss.” https://en.wikipedia.org/wiki/Population_viability_analysis

Koala populations are incredibly difficult to estimate. Estimates of the Port Stephens population vary considerably in existing literature:

- Lunney et al 2007 estimated 300-500
- David Paull estimated in 2015 perhaps less than 200 in the Tomaree and Tilligerry peninsulas.

Rescue records confirm that we have a healthy cross section of ages and sexes so I hope the population is larger than estimated, but how do we actually count our koalas? I recently attended a demonstration of koala sniffer dogs at nearby Hawks Nest that can detect and collect scat for DNA analysis. Both the area to be covered and the costs of analysis seem to be prohibitive. This system would not be useful to estimate urban populations where koalas may be located in trees in people’s gardens.

PSK recommends that due to a lack of reliable population evidence, and to be humane, that no koala population should be deemed unviable.

Roaming and Dangerous Dogs

Dog attacks on koalas can cause septicaemia within hours of the attack. Koalas are attacked by dogs working in packs on rural land, and in the backyards of homes in suburbia. Rangers are supportive during the day, but unresponsive at night.

PSK recommends OEHL provide better support through Ranger availability after hours to contain roaming dogs.

Wildlife rehabilitation group licencing changes

Port Stephens Koalas is very happy with the personalised audit of our facilities, the surveys and feedback provided, and the proposed changes from licencing to accreditation of wildlife rehabilitation groups in order to progress towards better reporting and support.

PSK congratulates and thanks Peter Stathis and Ron Haering from OEHL for their excellent investigative and consultative work. Please take on board their recommendations as we believe they are definitely on the right track to helping save our koalas.

Port Stephens Koalas aims to provide the world best practice standards of care to sick, injured and orphaned koalas to give them the best opportunity to be returned to the wild, while supporting research and collaboration to preserve their habitat to insure that future generations may continue to enjoy seeing wildlife in their natural setting.

We undertake to cooperate fully with government initiatives to conserve and protect koalas before it is too late. We, speaking on behalf of the koalas of Port Stephens, need your urgent help.

I invite you to contact me for more information or to discuss any aspect of this submission.

Yours faithfully,



Carmel Northwood
President

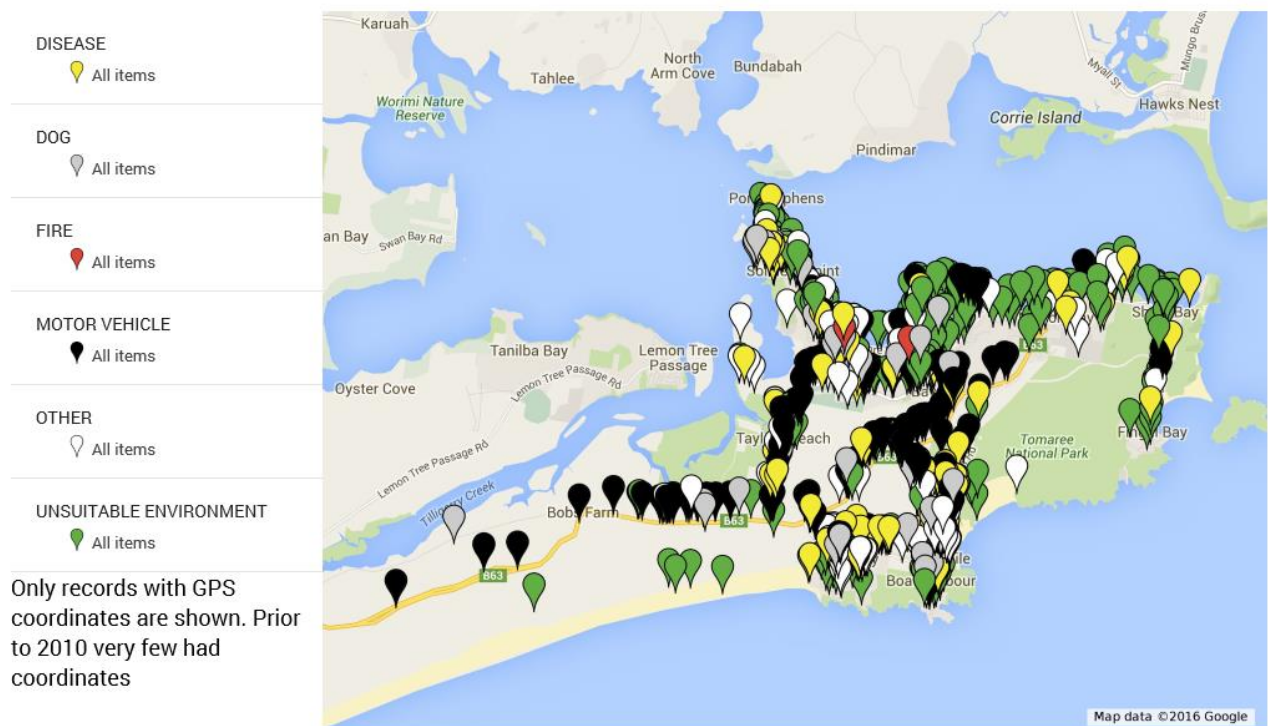
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TOMAREE KOALAS 1995 - 2015



DECLINE IN KOALAS COMING INTO CARE
ON THE TILLIGERRY PENINSULA

