

enquiries refer

**Matthew Wood**

in reply please quote

**State Environmental Planning Policies (17/13900)**



2 March 2017

Director, Planning Frameworks  
NSW Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Dear Sir/Madam

**Re: Submission to Review of SEPP 44 – Koala Habitat Protection**

Thank you for the opportunity to provide comment on the review of SEPP No. 44 – Koala Habitat Protection. In 2016 Council adopted a Koala Management Strategy for Ballina Shire inclusive of a comprehensive koala plan of management under the terms of SEPP 44. The comprehensive KPoM prepared by Ballina Shire Council is currently under review by the Department of Planning as part of the plan approval process.

With respect to the current review of SEPP 44, the following comments and suggestions for the consideration of the Department are provided.

1. With respect to the identification of koala habitat, it is noted that the proposed development assessment considerations relate to areas where there is koala habitat and associated presence of koalas (as well as locations where koalas are shown to be present regardless of vegetation type).

Importantly though the SEPP, and particularly its definitions and development control framework, should recognise that unoccupied koala habitat (at any given point in time) has value as koala habitat. That is, identification and retention of key areas of koala habitat (whether occupied or not at a particular point in time) is important to achieving the objectives of the SEPP. There is considered to be an improved opportunity for recovery of koala populations where there are areas of habitat for growing populations to move into and reoccupy. It is also important in this regard for the SEPP to recognise that koalas are mobile and utilise not only specific tree species but also a broader landscape.

2. The EIE is suggesting that where no CKPoM is in place, that development assessment will take place under standardised requirements set out in the SEPP, supported by guidelines developed by the Department. Council understands that where a CKPoM has been endorsed by the NSW Government, that development will be assessed according to the requirements of the CKPoM. Council is seeking certainty within the SEPP in relation to this approach.
3. With respect to the proposed guidelines to support the SEPP, it is suggested that the following points should be addressed in formulating the documentation:
  - a. Incorporation of a consistent methodology for surveys undertaken to define koala habitat to enhance the application of the SEPP and the potential for achievement of its objectives.
  - b. Incorporation of regional considerations to address area specific factors (such as inland populations and their needs as opposed to coastal populations with other pressures).

- c. Identification of the ways in which the enforcement of the SEPP, guidelines and methodologies will be achieved and monitored.

In future, it would be preferable to have guidelines of this type available at the same time as revised policy.

Notwithstanding this, Council is seeking an opportunity to review the guidelines and provide feedback prior to their implementation. With respect to timing, it is desirable to have both the SEPP and the guidelines operational from the same date to support each other in achieving the SEPP's objectives.

4. As indicated above, Council has completed a comprehensive KPoM which is now awaiting endorsement by the Department of Planning. Council is seeking endorsement of its plan regardless of the SEPP review process. As such, the incorporation of transitional arrangements within the SEPP is desirable to preserve the application of existing KPoMs that have been prepared, and especially those plans prepared relatively recently.
5. Given that the understanding of koala ecology and habitat is subject to change, often as a result of the information obtained through the analysis undertaken in compliance with the SEPP, it is suggested that the overall policy documentation (including resulting plans of management) should be structured in such a way that amendments to recognise improved understandings and accommodate new information (such as tree species, mapping etc) can be made relatively easily.

If you have any enquiries in regard to this matter please contact me on telephone 6686 1284.

Yours faithfully



Matthew Wood  
**Manager Strategic Planning**  
**Strategic and Community Facilities Group**