



Nature Conservation Council
The voice for nature in NSW

Senate Environment and Communications Committee
Department of the Senate
Parliament House
Canberra
Email: ec.sen@aph.gov.au

13th May 2021

NSW Nature Conservation Council commends decisive measures in Environment Protection and Biodiversity Conservation Amendment (Save the Koala) Bill 2021

Koalas are a national Australian icon, known and loved around the world. It is welcome and entirely appropriate for the Commonwealth Government to use its powers under the Environment Protection and Biodiversity Conservation (EPBC) Act to protect koalas, given the perilous condition of many populations, especially in New South Wales.

The NSW Nature Conservation Council (NCC) wholeheartedly welcomes the proposals in the Environment Protection and Biodiversity Conservation Amendment (Save the Koala) Bill 2021 to introduce a moratorium on the clearing of koala habitat.

The Bill provides two clear and robust mechanisms to protect koala habitat:

1. preventing Ministerial approval of actions that involve the clearing of koala habitat and
2. removing the exemption of Regional Forest Agreements from requirements of the EPBC Act where there is, may, or is likely to be a significant impact on koalas.

These amendments would address two major threats to koala habitat: clearing for development and logging for timber harvesting.

The current provisions under the EPBC Act are clearly failing to protect koalas. In New South Wales, there is considerable uncertainty and concern about state-based protections for koala habitat. In this context, the decisive measures specified in the proposed Bill represent a significant and refreshingly unambiguous step forward for koala conservation.



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The current provisions under the EPBC Act are failing to protect koalas

The koala was listed as vulnerable under the EPBC Act in 2012. Under the Act anyone seeking to develop or destroy koala habitat must refer their plans to the Commonwealth Government for assessment. While land clearing is controlled by state governments, the EPBC Act requires offset areas to be set aside for koalas should their habitats be damaged, or fund projects offsetting that damage.

Yet, koala populations in NSW are in crisis. Since 1990, the koala population in NSW has declined by between 20 and 50 percent. The average annual loss of 11,153 hectares in the period from 2004 to 2012 grew to 14,695ha between 2012 and 2017. This is an increase of around 32 per cent.

The NSW Native Vegetation Act 2003 (NVA) was repealed in August 2017. It was replaced with weaker controls over deforestation through the NSW Biodiversity Conservation Act 2017, and amendments to the Local Land Services Act 2013. Research undertaken by NCC and World Wildlife Fund Australia (WWF) shows that despite the EPBC Act requiring assessment and offset of habitat damage, koala habitat destruction has increased dramatically since.

One study of three areas shows that rates of bulldozing of native bushland nearly doubled on average in 2016-17 to 2017-18. A second analysis showed that clearing during the same period in the Moree and Collarenebri regions has destroyed bushland that is known to be, or likely to be, habitat for nine species of national environmental significance including the vulnerable koala.

There are no relevant referrals under the EPBC Act for any of this habitat destruction. According to WWF, environment departments have failed to investigate or prosecute those responsible.^v

The research quoted here was undertaken before the 2019-20 bushfires killed around a third of, or 6382, NSW koalas (to mid-February 2020)^v and decimated 2.7 million hectares of NSW national parks across the state.

Current trends suggest koalas could be extinct in NSW within 30 years. Local extinctions have already occurred. This dramatic loss is unfolding while koalas have been protected by the EPBC Act.

Koalas cannot be saved unless we ensure their remaining habitat is protected and restored. Our current laws are demonstrably failing because they are too weak, have inadequate review and approval processes, and are not overseen by an effective compliance regime.^v



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The same laws and policies that have failed wildlife over decades and done little to address the climate crisis cannot be relied on to stop ongoing logging and clearing of koala habitat or help us recover after this season's bushfires. For this reason, we support the full implementation of recommendations from Professor Samuels review of the EPBC Act.

In New South Wales, there is considerable uncertainty and concern about the State Government protections for koalas

In recent years, there has been significant political contention in NSW about the Koala State Environmental Planning Policy (SEPP), a planning instrument which aims to recognise and reduce impacts of development proposals on koala habitat.

Importantly, the definition of koala habitat in the Koala SEPP also connected to land clearing and private native forestry 'codes' – meaning land clearing in identified koala habitat required additional approvals and that private native forestry in identified koala habitat was prohibited.

In March 2021, the NSW Government announced that an updated Koala SEPP would be implemented, with a more scientifically robust definition of koala habitat. However, this still only requires impacts of koala habitat are 'considered' in providing development approval, meaning protection is uncertain.

The March 2021 Koala SEPP announcement also removed the link between the definition of koala habitat in the SEPP and the protections under the land clearing and private native forestry 'codes'. These codes are now under review and the Government has committed to improving them to better protect koalas. Revised codes were promised by mid-April 2021, however they have not been released and there are no indications from the NSW Government regarding when they will be published or what they will contain^v.

The March 2021 Koala SEPP announcement also removed local council's ability to require development consent for private native forestry and to use environmental zoning to protect koala habitat in their local government areas.

The regulatory frameworks for protecting koala habitat in NSW are disconnected and failing. Across development control, rural land clearing, private native forestry and public native forestry, the destruction of koala habitat continues. This weak protection and prevailing uncertainty at the State level makes Commonwealth protection even more important.



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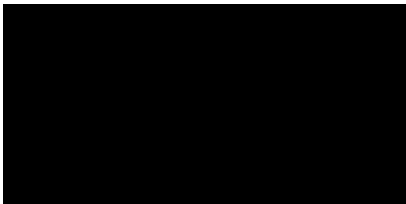
The Koalas Need Trees campaign is a central focus of the NSW Nature Conservation Council's current work. We have proposed a comprehensive policy platform to protect koalas in NSW, which includes protecting all core koala habitat in state forest and crown lands and banning the destruction for koala habitat for development. See our Koalas Need Trees policy platform in **Attachment 1**.

Your key contact point for further questions and correspondence is [REDACTED]

We

welcome further conversation on this matter.

Yours sincerely,



Chris Gambian
Chief Executive
Nature Conservation Council

ⁱ WWF-Australia and Nature Conservation Council of NSW. 2019, NSW Deforestation Data Analysis. Three case studies, 2016 - 2018. Available here:

https://www.nature.org.au/media/373718/ncc-forest-destruction-report_v5web.pdf

ⁱⁱ WWF-Australia and Nature Conservation Council of NSW. 2019, NSW Deforestation Data Analysis. Three case studies, 2016 - 2018. Available here:

https://www.nature.org.au/media/373718/ncc-forest-destruction-report_v5web.pdf

ⁱⁱⁱ Note from original publication (ibid): Selecting all referrals that might involve vegetation clearing in the study area from 2011 to March 2018 and overlaying on areas observed cleared.

^{iv} O'Malley, April 13 2020. Destruction of habitat sped up after koalas were listed as vulnerable, Sydney Morning Herald, available here:

<https://www.smh.com.au/environment/conservation/destruction-of-habitat-spiced-up-after-koalas-were-listed-as-vulnerable-20200412-p54j6p.html> 7 Biolink & International F

^v Biolink & International Fund for Animal Welfare, 2020. Koala conservation in New South Wales, koala conservation review, available here:

<https://www.wwf.org.au/news/news/2020/following-bushfires-call-to-list-koalas-as-endangered-in-qld-nsw-act#gs.3ffgi2>



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^{vi} An open letter to the Prime Minister from 248 concerned scientists, 2020, available here:
<https://www.envirolawsopenletter.com.au/>

^{vii} <https://www.edo.org.au/2021/04/08/new-koala-sepp-commences-in-nsw-but-worse-is-yet-to-come/>



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Koalas Need Trees: Policy Agenda

Summary

State forests and national parks

1. Transfer state forests and crown lands identified as core koala habitat to the national parks estate. Priority should be given to creating the proposed:
 - a. Great Koala National Park in the Coffs Harbour region (175,000ha by 2023).
 - b. Sandy Creek Koala Park southwest of Lismore (6,988ha by 2023).
 - c. Georges River Koala National Park in Sydney's south (4,000ha by 2030).

Logging and land clearing

2. Place an immediate moratorium on logging in all state forests identified by the NSW Government as koala hubs and core koala habitat.
3. End all logging in public native forest by 2030 and invest in a sustainable, plantation-based timber industry.
4. Ban the destruction of all koala habitat for mining, agriculture and urban development on public and private land by 2025.
5. Reinstate the *State Environmental Planning Policy (Koala Habitat Protection) 2019*.

Conservation planning

6. Support listing koalas in NSW as endangered under the *NSW Biodiversity Conservation Act 2016* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.
7. Write a recovery plan to double koala populations in every Koala Management Area.
8. Fund koala plans of management (KPOMs) by 2030 in all local government areas where koala habitat is known to occur or is likely to occur.
9. Identify koala habitat links in urban areas and areas requiring dog control, fencing modifications, traffic calming, koala crossings, tree retention and plantings.

Habitat restoration

10. Protect existing koala corridors and create new ones by revegetating links between koala colonies.
11. Establish a \$1 billion fund for koala habitat restoration by the state election in 2023.
12. Buy high-quality and core koala habitat from willing sellers and add to the national parks estate or establish stewardship payments for private landholders to protect koala habitat on their land.

Mapping and research

13. Map core and high-quality koala habitat and corridors over all tenures by 2025. Have the maps validated by independent experts, updated every five years and made available to the public.
14. Establish a database with critical data on all koala populations in NSW. Update the database annually and publicly report on the species' status.

Hospitals and animal care

15. Develop an ongoing funding program to support koala carers and koala hospitals.

Introduction

Koalas are staring down the barrel of extinction in NSW by 2050. Drastic intervention is required to stabilise the species' population and promote its recovery. Policy and regulatory measures to help map and understand koala colonies, protect core habitat and facilitate population growth is critical to ensure this iconic species recovers in NSW.

In 2012, koalas were listed as vulnerable in NSW, Queensland and the ACT after they had experienced decades of decline. It is estimated that koala numbers in NSW dropped 26%¹ between 1990 and 2011. Habitat destruction, the main driver of the species' decline, is continuing at an alarming rate. The three main types of habitat destruction are:

- Deforestation for urban development and infrastructure;
- Deforestation for agricultural development (often called land-clearing); and
- Logging of native forests.

The NSW Government in recent years accelerated deforestation by repealing the *Native Vegetation Act 2003* and replacing it with the *Biodiversity Conservation Act 2016*, which significantly weakened land clearing controls, and by weakening environmental controls on native forest logging.

The 2019-20 Black Summer bushfires that destroyed more than 500,000 hectares of forest decimated koala numbers across the state, especially on the North Coast where their population declined 71% in some areas². Koalas in NSW are now at high risk of becoming extinct.

The Nature Conservation Council of NSW, with input from allies and member groups, proposes the following actions to stabilise the state's koala populations and enable their recovery.

¹ NSW Chief Scientist & Engineer (2016) Report of the Independent Review into the Decline of Koala Populations in Key Areas of NSW, p.6

² WWF (2020) Quantifying the impacts of bushfire on populations of wild koalas (*Phascolarctos cinereus*): insights from the 2019/20 fire season, p.3

Policy Agenda

State forests and national parks

- 1. Transfer state forests and crown lands identified as core koala habitat to the national parks estate. Priority should be given to creating three proposed national parks:**
 - a. Great Koala National Park near Coffs Harbour (175,000ha by 2023)**
 - b. Sandy Creek Koala Park near Lismore (6,988ha by 2023)**
 - c. Georges River Koala National Park in southern Sydney (4,000ha by 2030)**

Current protected lands only cover 13.6% of koala habitat and populations in NSW³. Significant expansion of the national parks estate to incorporate public land with core koala habitat is one of the most effective actions that the NSW Government can take to protect the species. Given that fragmentation of koala habitat is a key cause of the koala's plight, any remaining large tracts of land that have significant value to this species must be protected and incorporated into the national parks estate. Proposals such as the Great Koala National Park also have the potential to provide significant additional benefits to local economies through increased tourism⁴.

Logging and land clearing

- 2. Place an immediate moratorium on logging in all state forests identified by the NSW Government as koala hubs and core koala habitat.**

Native forest logging is responsible for 62% of total annual koala habitat loss⁵. Harvesting operations are increasingly focused in forests that are koala hubs or core koala habitat. These areas, such as the Lower Bucca, Nambucca State Forest and Kalang Valley, are targeted by Forestry Corporation NSW (FCNSW) because they contain some of the last high-quality sawlogs left in NSW forests. An immediate moratorium followed by the permanent cessation of logging in hubs and core habitat would remove a key threat to koala colonies in northern NSW.

- 3. End all public native forest logging by 2030 and invest in a sustainable, plantation-based timber industry.**

Forestry Corporation's revenue is set to decline \$100 million or 25 per cent from next financial year and there would be losses of about \$15 million a year from 2022 to 2024⁶. NSW taxpayers are effectively subsidising the loss of habitat and species to retain a hardwood timber industry that is not economically viable. Forestry Corporation and the NSW Government must draft and implement a plan to transition to a 100% plantation-based forestry industry. The devastation of the Black

³ WWF Australia (2019) Koala Habitat Conservation Plan- Abridged, p.9

⁴ ABC (2021) Great Koala National Park would generate thousands of jobs, but at what cost?
<<http://ab.co/3dEW5WS>>

⁵ Taylor MFJ (2020) Koala habitat clearing increased after 2012 listing, WWF Australia, p. 6
<<https://bit.ly/3drPJU0>>

⁶ Sydney Morning Herald (2021) Forestry Corp facing massive revenue drop after record bushfire season
<<http://bit.ly/3a72t6V>>

Summer bushfires showed traditional methods of managing Australia's forests are no longer appropriate in the face of climate change and are accelerating the extinction of forest species.

4. Ban the destruction of koala habitat for mining, agriculture and urban development on public and private land by 2025.

Mining, agriculture and urban development are responsible for 38%⁷ of koala habitat destruction every year. The NSW Government must immediately legislate protection of koala habitat from these threats. This will require more detailed mapping of koala habitat on private and public lands, which can be used to inform conservation management and habitat protection. Results of mapping for koala habitat on private lands should be incorporated in Table 2 Regulated Sensitive Land on Native Vegetation Regulatory map under the *Local Land Services Act 2013* and released to the public.

5. Reinstate the *Koala Habitat Protection State Environmental Planning Policy (SEPP) 2019*

The *Koala Habitat Protection SEPP 2019* was implemented in March 2020 and repealed in November 2020. This SEPP provided expanded protections for koalas through the planning process. Reinstating this SEPP, retaining the expanded list of 123 species of trees used by koalas, and providing greater clarity about those tree species that are primary or secondary feed trees and those that are mainly habitat, resting or shelter trees, would be a positive step towards protecting vital habitat.

Conservation planning

6. Support listing koalas in NSW as endangered under the *NSW Biodiversity Conservation Act* and the *Commonwealth Environmental Protection and Biodiversity Conservation Act*.

The Federal Environment Minister is currently seeking advice from the Threatened Species Scientific Committee regarding the status of east coast koalas, with the results of this assessment due in October 2021. Listing the east coast population as endangered would support their recovery by providing additional attention, resources and protections. The NSW Government should support the assessment process and the listing of koalas as endangered.

7. Write a recovery plan to double koala populations in every Koala Management Area.

The NSW Government should develop recovery plans for every Koala Management Area (KMA) to achieve the government's goal of doubling the koala numbers by 2050. These plans would work in conjunction with the higher level NSW Koala Strategy.

As part of the recovery plan, the NSW Government should develop a captive breeding and rewilding program for koalas based on veterinary and conservation science, genetics and monitoring. This

⁷ Taylor MFJ (2020) Koala habitat clearing increased after 2012 listing, WWF Australia, p. 6
<<https://bit.ly/3drPJU0>>

could bolster struggling colonies or support re-introduction to areas that have experienced localised extinction.

8. Fund koala plans of management (KPOMs) by 2030 in all local government areas where koala habitat is known to occur or is likely to occur.

Koala plans of management (KPOM) are currently an under-utilised mechanism. Providing funding to all appropriate councils to develop a KPOM could significantly enhance the protection and enhancement of koala habitat.

The efficiency of the process is also a critical issue. Government assessment and approval of KPOMs currently takes several years, for example, the government has still not assessed the Byron Shire and Tweed Shire KPOMs five years after they were submitted for approval⁸. This is unacceptable. Applications currently before the government must be determined urgently. New KPOMs for all local government areas with koalas should be drafted, assessed and approved by 2030.

9. Identify koala habitat links in urban areas and areas requiring dog control, fencing modifications, traffic calming, koala crossings, tree retention and plantings.

Expanding existing wildlife corridors and creating new ones in urban or peri-urban areas where koalas should be undertaken as a matter of urgency. Future developments that occur within or adjacent to koala populations should be required to include wildlife corridors at least 450m wide.

Where possible, a landscape-wide approach should be taken to protecting koalas. For example, a 'blue-green grid' should be established across the Macarthur region in southwest Sydney to support the region's koala colony. This would require the reservation and regeneration of riparian zones and drainage depressions as wildlife corridors that would enable koalas to move across the Wilton and Greater Macarthur Priority Growth areas.

Habitat Restoration

10. Protect existing koala corridors and create new ones by revegetating links between koala colonies.

Corridors that connect koala colonies or large areas of viable habitat are critically important for the long-term survival of key populations. Existing corridors must be protected and enhanced, while new corridors must be created through strategic revegetation. Expanding the number of linkages between tracts of habitat will enable koala populations to flourish, by not only increasing habitat but also enhancing gene flow and genetic diversity by connecting previously isolated populations.

⁸ ABC (2020) Koala management plans in NSW frozen for years in a forest of red tape
<<http://ab.co/3d0BuMv>>

11. Establish a \$1 billion fund for koala habitat restoration before the state election in 2023.

Protection of remaining habitat is important but is insufficient on its own to ensure the survival of the species and growth of viable populations. Given the impact of climate change on landscapes and forests, it is essential that koala habitat is expanded through forest restoration and tree planting in suitable areas.

12. Buy high-quality and core koala habitat from willing sellers and add to the national parks estate. Establish stewardship payments for private landholders to protect koala habitat.

More than 67% of all koala sightings have been recorded on private land in NSW⁹. The NSW Government should identify koala hubs or high-quality and core habitat on private land that it can buy from willing sellers. The NSW National Park and Wildlife Service's current acquisition program for high-priority koala habitat should be significantly bolstered, both in terms of acquisition funds (currently \$20 million) and in terms of funding to identify properties of significance.

Supporting and incentivising landholders to protect koala habitat on private property will be essential for achieving buy-in from landholders, who are crucial to the koala conservation mission. Breaking the political deadlock between the NSW Liberals and Nationals on this issue is essential for achieving long-term protections. To this end, a stewardship payment system should be developed.

Mapping and research

13. Map core and high-quality koala habitat and corridors over all tenures by 2025. Have the maps validated by independent experts, updated every five years and made available to the public.

Current modelled koala habitat needs to be replaced with accurate core koala habitat mapping undertaken by a committee of independent experts. High-quality mapping of core koala habitat will ensure potentially damaging development proposals are identified and rejected early in the assessment process. Thorough mapping will also help to inform conservation strategies.

14. Establish a database with critical data on all koala populations in NSW. Update the database annually and publicly report on the species' status.

A koala census should occur every five years to track the condition of populations and habitat. This information should be used as a basic measure for the effectiveness of koala conservation measures. All mapping and census data should be made publicly available. A state-wide map of koala genetics should be developed to enhance understanding of populations and to ensure management decisions do not compromise population health.

⁹ WWF Australia (2019) Koala Habitat Conservation Plan- Abridged, p.9

15. Develop an ongoing funding program to support koala carers and koala hospitals.

Wildlife hospitals and rescue organisations were pushed into the spotlight during the 2019-20 Black Summer bushfires. They played a critical role in saving hundreds of koalas during the crisis and they continue their critical work by rescuing and caring for koalas attacked by dogs, hit by vehicles or suffering disease. It is essential these groups are supported with ongoing funding.