

# **The Inquiry into the status, health and sustainability of Australia's koala population**

## **Submission by Lorraine Vass on behalf of Friends of the Koala, Inc.**

### **Introduction**

Friends of the Koala is a totally voluntary wildlife rehabilitation group of some 370 members which is licensed by the NSW Department of Environment, Climate Change and Water to rescue, rehabilitate and release koalas in its Northern Rivers Region. This Region includes the local government areas of Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed; an area of nearly 10,300 square kilometers (see map of area of operation at Appendix 1).

We bring into care over 300 koalas annually and have even more sightings reported to us. We also engage in a range of activities which aim to protect and restore koala habitat in the Northern Rivers and to educate the community and its leaders about the fragile plight of the Region's remaining koala populations. We prepare submissions to all levels of government on issues which have implications for Koala. We also participate in projects with partnering institutions which are contributing to research into koala health and conservation.

Our mission is conserving koalas, particularly in the Northern Rivers Region of New South Wales, in recognition of the contribution the species makes to Australia's biodiversity. We have been carrying out this mission for 25 years.

The Northern Rivers is often held as a stronghold for Koala notwithstanding the relatively extensive decreases reported in the 2006 NSW Wildlife Survey (see map at Appendix 2).

The species is widely distributed although usually in medium to low densities. The Region is very diverse, including coastal areas that are under very heavy pressure from all types of development, as well as some quite isolated areas, generally in the west, towards the Great Dividing Range, which are *relatively* unscathed by the presence of humans.

There are localities which Koala has been known to occupy in historical times but is now absent.

We also have large areas of reserves, both national parks and state forests. Nearly 140,000 hectares of bushland in 79 parks and reserves are protected but only some provide habitat for Koala and none are actively managed to encourage population increase.

Key populations are found across the broader private landscape. Lismore, the regional capital, retains a significant urban koala population.

As volunteers working at the coal-face of koala conservation we generally feel let-down by what we interpret as government's lip service to koala conservation. Legislation may be promulgated, recovery and management strategies and plans written but loopholes are exploited, legislation gets watered down over time, implementation falters because of competing priorities, compliance and poor progress go unchecked and koala numbers, particularly in coastal areas are, we believe, continuing to decline.

We have high hopes that the findings of this Inquiry will inject a political will to drive koala conservation. We would like to see regional frameworks established in which clear regional

goals agreed to by all stakeholders are developed, funded and reviewed and achievements and outcomes evaluated.

### **Purpose of this submission**

The purpose of this submission is to provide information, evidence and observations gleaned from our considerable experience in conserving Koala in the Northern Rivers Region. Some of the circumstances which apply here may well be very different to other parts of the country.

### **Term of Reference - Knowledge of Koala habitat**

About 47% of the Northern Rivers Region is covered with native vegetation in varying condition. Large areas have been cleared for agriculture and timber harvesting has occurred through much of the midslopes and ranges. While urban development covers relatively small areas it is increasing as the Region is experiencing population growth rates among the highest in Australia. Humans' preference for coastal living is having significant consequences for coastal habitat. There are already signs that human-induced climate change is impacting on Koala.

Koalas are generally concentrated on areas of flat, fertile, low-elevation soils. Many populations in the Northern Rivers persist in an extremely fragmented landscape; indeed in habitat that is described as marginal or even no longer suitable for koalas. Although habitat can be predicted on the presence of tree species known to be preferred by koalas as feed trees as dominant species in the vegetation community, many areas of predicted habitat are unoccupied due to historical events such as wildfires causing local extinction, but also because koala home ranges can be many hectares in area and any section of the home range may be occupied for only part of the time.

Although quality of koala habitat is usually measured by the presence of food tree species preferred by koalas, their identification across large and heterogenous landscapes can be complex. The way in which koalas utilise their preferred suite of species (surprisingly extensive across the Northern Rivers) can depend on the extent of habitat fragmentation, historical disturbance, wildfire, and the nutrient status of the soil. There may also be issues of the accuracy and detail provided by associated vegetation and soil mapping layers. Mapping of koala habitat is thus problematic.

Across the Region different preferred suites apply and even preferred species take on different values in different soil landscapes. For example the recent *Tweed Coast Koala Habitat Study* identifies *Eucalyptus tereticornis* (Forest Red Gum) functioning as a primary food tree species in vegetation communities growing on TAEBAS soil landscapes but as a secondary or lower food tree when it grows on NFM soil landscapes.

Clearly koala habitat mapping is an essential basis for understanding the distribution and abundance of koala habitat (the influence of patch size, patch shape and degree of connectivity are key factors determining the ability of a landscape to support viable koala populations), effective conservation planning and priority setting. In our view however, in the context of the degraded landscapes of so much of the Northern Rivers, any vegetation whether it be paddock trees, planted windbreaks or species not normally associated with

Koala, that keeps an animal off the ground as it moves across the landscape should be considered potential koala habitat and therefore worthy of protection.

## **Term of Reference - Threats to Koala and its habitat**

### **(1) Habitat loss and linkages (land clearing)**

Loss of potential koala habitat continues to contribute to population decline across Koala's range and the Northern Rivers is no exception. For example approximately 100ha of potential koala habitat was lost in the Tweed Coast Study Area between 2000/01 and 2007.

The area of predicted koala habitat which will potentially be affected by the Far North Coast Regional Strategy (FNCRS) and other lands already zoned for development is approximately 1,268ha (607ha high quality habitat; 524ha intermediate quality habitat and 136ha marginal quality habitat). Of course this is a conservative figure because there are many other categories of development that have not been identified by the FNCRS, such as State significant projects (e.g Pacific Highway upgrades) that may be developed within the Strategy's 25-year time-frame.

*Planning guidelines for Koala conservation and recovery – a guide to best planning practice* proposes that the probability of Koala presence falls as the percentage of the landscape containing forest communities decreases. It has also been suggested that the chance of koalas being present starts to decline once patches become smaller than ~150ha. Isolation of patches may also be an important predictor of koala occurrence.

Small populations that are highly isolated tend to suffer higher risk of extinction than populations that are connected to each other via animal movement. Recruitment into a population can help maintain genetic diversity. The survival of meta-populations relies on the ability of animals to recolonise habitat patches where a sub-population has become locally extinct.

It goes without saying that a koala that must descend to the ground instead of moving through the canopy will be at greater risk to predation, road strike and other threats.

### **(2) The Planning System/Development**

Development on the Northern Rivers which is impacting on Koala comes in a variety of shapes and sizes, from proposed townships of 10,000 inhabitants, such as Kings Forest in Tweed Shire, to music festivals such as Bluesfest at Tyagarah in Byron Shire; mega quarries such as the proposed expansion of Champions Quarry at Tucki in Lismore City Council; caravan/mobile home parks such as Riverside at Doonbah in Richmond Valley Shire; and urban and rural subdivisions and infrastructure needs associated with a rapidly increasing human population all over.

While Koala is the only threatened species in New South Wales to have its habitat protected by a State Environmental Planning Policy (SEPP 44), efforts to protect and plan for its coexistence with development, including urban development, are challenges apparently beyond the capacity and powers of existing regulation.

The NSW *Environmental Planning and Assessment Act 1979* provides for the creation of environment planning instruments (EPIs) including SEPPs, regional environmental plans and

local environment plans. Koala, being listed *vulnerable to extinction* under the NSW *Threatened Species Conservation Act 1995* must be considered when preparing draft EPIs.

SEPP 44 applies to all six local government areas (LGAs) in the Northern Rivers. Amongst other things it places obligations on those councils to prepare and implement a Comprehensive Koala Plan of Management (CKPoM) over their LGAs. Where that is not achieved (none of the six councils has a CKPoM in place although Tweed Shire Council and Lismore City Council are presently preparing draft partial CKPoMs), councils must require a site specific Koala Plan of Management (KPoM) to accompany any development application that affects core koala habitat (i.e. land where at least 35% primary or at least 15% secondary of the total number of trees present are species that are known to be preferentially used by koalas. Primary habitat also includes areas known to be occupied by Koala.

The studies that underpin environmental impact assessments required for development proposals are usually conducted over a few days and are therefore inadequate. Evidence of koalas may not be found at the time of the survey even though there are historical records in the locality.

In Friends of the Koala's experience, SEPP 44, contrary to its aim of protecting koala habitat, enables development in areas of potential and core koala habitat, more often than not to the detriment of Koala. Its urgent need of reform has been a burning issue for us over recent years. In May 2009 we mounted a one-day Koala Conservation Conference and more recently we have engaged the services of the Environmental Defender's Office (Northern Rivers) to provide advice on key reforms to the SEPP to help better protect koala habitat.

Our recent submissions on the statutory review of the NSW *Threatened Species Conservation Act 1995* and the immediate reform of SEPP 44 are attached as Appendices 3 and 4 respectively.

### **(3) Disease (genetic diversity)**

Disease is without doubt the most common cause of koalas being admitted into care by Friends of the Koala and also the most common cause of mortality. While it may be a fundamental element of Koala population dynamics we see so much disease that in our view it is a significant threatening process.

**Disease as a percentage of admittances and of mortalities  
over the three year period 2007-8 to 2009-10**

<b>Year</b>	<b>Total Admits</b>	<b>Admits Disease</b>	<b>Total Morts</b>	<b>Morts Disease</b>
2007 - 8	283	157 (55%)	215	132 (61%)
2008 - 9	303	175 (58%)	216	142 (66%)
2009 -10	308	154 (50%)	229	130 (57%)

In all likelihood the incidence of disease is even higher because symptoms are often evident even though the immediate reason for the animal being brought in may be dog attack or vehicle strike.

Both Chlamydia and Koala Retro-virus (KoRV) are present in the Northern Rivers' koalas. The latter is associated with leukaemia, lymphoma and immunosuppression which may manifest as opportunistic infections, persistent infections, typhlocolitis or loss of pouch young in koalas. The degree to which our animals succumb to the clinical signs of these viral infections is remarkable.

The Northern Rivers is recognised by wildlife specialist veterinary staff at the Australian Wildlife Hospital in Beerwah, to where we transfer animals for treatment which are beyond the capability of local veterinarians, as a disease 'hotspot'. Not only do our animals have a high incidence of disease, they display an extraordinary diversity of diseases and conditions. Euthanasia is commonplace, accounting for well over 80% of disease mortalities.

The reasons for the predominance of disease in our Region are still unclear. Certainly natural stressors such as habitat disturbance, reduction in the available food resource, sustained combative incidents come into play as do anthropogenic catalysts including habitat loss, dog attack and motor vehicle strike.

University of Queensland PhD student, Kristen Lee's recent work, *Conservation genetics of the koala (Phascolarctos cinereus) in Queensland and North-east New South Wales* may have come up with an explanation. She has identified two distinct koala populations in the Northern Rivers, one to the north of the area which was occupied by the Big Scrub and another to the south, in and around the Lismore area.

The southern cluster had reduced diversity compared to the northern cluster and may be the result of the small number of founder animals which successfully crossed rivers and radiated to the south. Recent man-made roads or habitat fragmentation may still be acting as barriers to gene flow. Survey work by Biolink Ecological Consultants on the site of the internationally-renowned Bluesfest music festival at Tyagarah, which is bounded by the Pacific Highway and the Pacific Ocean has identified a population of 20-30 koalas displaying attributes indicative of isolation and genetic stress.

The Big Scrub's clearance less than 100 years ago has provided a rare opportunity for koalas to expand their distribution to occupy an area that was previously inhospitable. Without appropriate genetic management however, that success may not be long-lasting.

Genetic variability is still not well understood in koala conservation. Attributing the high level of disease in our koalas to the difference in genetic diversity between the northern and southern populations may be drawing too long a bow, however it signals the urgent need for further research.

#### **(4) Roads**

Road construction whether for new roads (e.g Alstonville and Ballina By-Passes) or upgrading existing roads (e.g. Pacific Highway) is invariably responsible for displacing koalas, putting them at risk from disease as well as random encounters, as they disperse across the landscape. As previously discussed roads can also function as barriers to gene flow.

The Pacific Highway already traverses significant areas of koala habitat in the Northern Rivers. The routing of sectional upgrades seems to have an unerring propensity for

gobbling-up even more (see our submission to the NSW Legislative Council's Inquiry into Pacific Highway Upgrades – Ballina to Woodburn at Appendix 5).

Risk mitigation devices such as signage, floppy-top fencing, underpasses, overpasses and so on are not always optimally sited to achieve their objective, nor maintained. In most cases it is difficult to know on what, if any basis, post construction effectiveness monitoring is undertaken or whether it is undertaken at all.

An expanding human population means more vehicles on roads which generally have not been designed to carry either the volume or size of vehicles (i.e. transports; B-doubles, etc.) which now make up the Region's traffic.

Motor vehicle strikes are the second most common cause of koalas being admitted into care by Friends of the Koala and the second most common cause of mortality. As can be seen from the table below not many koalas impacted by motor vehicles survive the incident. Research indicates that very small increases in incidental mortality (1-3% above natural mortality rates) from roads, dogs and fire etc. are sufficient to precipitate long-term population decline for Koala.

**Motor vehicle strikes as a percentage of admittances  
and of mortalities over the three year period 2007-8 to 2009-10**

<b>Year</b>	<b>Total Admits</b>	<b>Admits MV Strikes</b>	<b>Total Morts</b>	<b>Morts MV Strikes</b>
2007 - 8	283	46 (16%)	215	39 (18%)
2008 - 9	303	33 (11%)	216	30 (14%)
2009 -10	308	58 (19%)	229	50 (22%)

#### **(5) Dogs (feral and domestic animals)**

Predation by dogs, whether domestic or feral, continues to be recognised as a key threat to koala populations. Increased fragmentation of habitat and urbanisation results in the necessity for koalas to travel greater distances on the ground and a greater number of dogs.

The number of confirmed dog attacks reported to Friends of the Koala is so low that we presume attacks occur predominantly at night and in bush largely unfrequented by people. We hear anecdotally that in areas where packs of wild dogs roam, koalas move out and will return when the pack moves on or has been managed/captured. This pattern may be over a few years.

**Dog attack as a percentage of admittances  
and of mortalities over the three year period 2007-8 to 2009-10**

<b>Year</b>	<b>Total Admits</b>	<b>Admits Dog attack</b>	<b>Total Morts</b>	<b>Morts Dog attack</b>
2007 - 8	283	4 (1%)	215	4 (2%)
2008 - 9	303	21 (11%)	216	14 (6%)
2009 -10	308	28 (9%)	229	22 (10%)

## **(6) Logging**

We believe that both public and private native forestry operations are having significant impact on koala populations in the Northern Rivers although we are unable to quantify the extent of damage to either habitat or populations.

Environmental groups with which we are affiliated, the North East Forest Alliance (NEFA) and the North Coast Environment Council (NCEC), have recently carried out audits of several state forests in which Koala is known to be present across the region. Breaches of their Threatened Species Licence by Forests NSW were identified and reported to the Department of Environment, Climate Change and Water which is widely considered to be an ineffectual regulator.

Effective compliance and enforcement in Forestry NSW's operations has been virtually non-existent over the past decade since third party rights to pursue prosecution were removed under the NSW Integrated Forestry Operations Approval (IFOA) process.

The development of a code of practice for Private Native Forestry under the NSW *Native Vegetation Act 2003* has on the one hand imposed some minimal restrictions on logging while at the same time freed up access to vast areas of previously protected forests in areas of State Protected Land.

Over the past few years there has been a flood of approvals throughout northern NSW (a total of 1,180 approvals since 2007) including the Northern Rivers. Most of these approvals are in force for fifteen years.

While the total number of approvals that have been issued for logging forests known to support Koala is not known, investigation by the NCEC has revealed approval of 1,890ha of core koala habitat around Coffs Harbour to the south under 60 separate logging applications on private land since 2007 (see media reporting at Appendix 6).

## **(7) Forest Die-back**

In NSW, Bell Miner Associated Dieback (BMAD) has been declared a Key Threatening Process under the NSW *Threatened Species Conservation Act*. Tens of thousands of hectares of moist coastal forests in North-east NSW are presently severely impacted by BMAD including extensive areas of eucalypt forests in the Richmond Range and Border Ranges where Koala is known.

## **(8) Fire**

Poorly planned and stochastic fire events are not uncommon in the Northern Rivers, particularly in coastal areas and the ranges and escarpments. The *Tweed Coast Koala Habitat Study* has attributed the disappearance of Koala from areas of habitat in parts of the study area to the occurrence and frequency of wildfire.

Although not founded in the scientific rigour of the above study, we believe there are coastal areas in Ballina and Richmond Valley shires where Koala is now virtually absent due to wildfire activity.

## **(9) Emerging and potential threats**

### **(a) Climate Change**

The predicted increase in extreme weather conditions such as storms and heat waves as

well as potentially more frequent and severe wildfires is probably already impacting on koala mortalities. Certainly we see a pattern of animals coming into care following episodes of extreme weather. We presume that such weather is enough to tip animals that are already compromised, over the edge.

Koala is identified by the International Union for the Conservation of Nature as a species which is acutely at risk of rapid, human-induced climate change because of its limited capacity to adapt its highly specialised diet. Predicted elevated carbon dioxide levels may reduce the nutritional quality of eucalypt leaves, causing nutrient shortages.

**(b) Exotic Fungi, e.g. Myrtle Rust**

Present concern about the rapid spread of *Uredo rangelii*, a fungus which attacks flush growth in a range of host plants, may prove to have consequences for Koala as heavy infestation may affect the habit and viability of the host plant. Although at this point no local primary food trees have proven to be hosts, there is some concern that *Syncarpia glomulifera* (Turpentine) and *Melaleuca quinquenervia* (Broad-leaved paperbark) could be pathway species into the Region.

**Term of Reference - Estimates of koala populations and the adequacy of current counting methods**

It is a source of great frustration to us that there are so few contemporary estimates of population sizes in the Region that it is not possible to give an overall estimate of population size for our area of operation.

Work being undertaken by Biolink Ecological Consultants for the partial CKPoMs being undertaken by Tweed Shire Council and Lismore City Council is utilising datasets provided by Friends of the Koala as well as other sources in conjunction with field studies. The estimate in the Tweed Coast study area of some 21,200 hectares is a mere 144 koalas. The consultants conclude that occupancy has halved in recent years. On the other hand, preliminary findings for the Lismore study are suggesting that Koala's extent of occurrence and area of occupancy have expanded. Dr Stephen Phillips should be contacted for information on both studies (and other site-specific studies he has undertaken in the Region).

We are aware of the Australian Koala Foundation's (AKF) estimates for the Federal electorates of Richmond (500-600 animals) and Page (400-580 animals) and have a layperson's understanding of the methodology used to arrive at these estimates. Keeping in mind that the southern half of Page extends beyond our area of operation and therefore halving the estimated figure for our part of Page, the total number of animals in our area of operation, according to the AKF methodology is in the vicinity of 700-890.

As already mentioned, Friends of the Koala is admitting into care over 300 koalas annually and receiving sighting reports of nearly 400 more. Even taking into account some percentage of double reporting over time which is inevitable in observation-biased data, it is impossible that we would be dealing with or having reported to us such a high proportion of the estimated population.

While we are not scientists there is a clear need for further landscape-scale studies to be undertaken. Standardised national survey and assessment guidelines are urgently required.



## **Term of Reference - Adequacy of the National Koala Conservation and Management Strategy 2009-2014**

Friends of the Koala participated in all stages of the public consultation process associated with the preparation of the present National Strategy.

We were critical of the 1998 Strategy, not so much for its aims and objectives and the various strategies it contained, but its apparent irrelevance as the overarching and co-ordinating force of some state-based initiatives and lack of evaluation and review which resulted in patchy implementation and thus dismal results in reversing koala population decline.

While we find much to agree with in the 2009-2014 Strategy we believe it falls short in its treatment of Direct Mortality of Individual Koalas, Community Involvement, Caring for Koalas in Captivity and Research (see attached our submission on the Consultation Draft at Appendix 7).

The current National Strategy maintains the overall aims of the earlier Strategy and sets out a number of more detailed outcomes over different time-scales and is to be co-ordinated by a cross-jurisdictional implementation team and will seek the regular engagement of stakeholders. A detailed annual action/implementation plan is to be prepared and reported on annually by the team.

It is over 12 months since the Strategy was released. While we have some knowledge of a few actions which are underway in New South Wales, we are unaware of any report being submitted to the NRM Ministerial Council and there has certainly been no invitation for engagement from the team whose membership is unclear. In our view the undertakings made for Implementation, monitoring and review of the National Koala Conservation and Management Strategy 2009-2014 in Chapter 2: pp.7-10, are hollow.

The effectiveness of the 2009-2014 Strategy is yet to be tested. We have some concern for shortcomings but we are even more concerned that the current Strategy will go the way of its predecessor, achieving little more than collecting dust on the shelves of the Nation's libraries.

These factors, together with its lack of legislative obligation makes us extremely sceptical that the National Koala Conservation and Management Strategy 2009-2014 is a secure mechanism for achieving conservation of the species.

## **Term of Reference - Listing Koala under the EPBC Act**

Friends of the Koala emphatically supports listing Koala under the EPBC Act. Sixteen years of legislative protection in New South Wales has done little to promote Koala to flourish in those parts of the Northern Rivers under pressure from development. 'Death by a thousand cuts' is the inevitable outcome of the system of competing legislation with its loopholes and black holes; its inconsistent and poor application and lack of mechanisms to ensure compliance. Thus the need for the additional layer of protection which, we trust would be afforded by listing under the EPBC Act.

We are also emphatic that on the basis of our assessment of the overall situation in the Northern Rivers, a listing of Vulnerable to Extinction is warranted over Conservation

Dependent. The latter is a listing category which does not trigger scrutiny and ministerial approval. Furthermore, we simply do not know at this time whether the National Koala Conservation and Management Strategy 2009-2014 is an appropriate 'specific conservation program' in terms of Section 179(6) of the Act. Until the current Strategy has been tested and proven to be effective there should be no option but to apply the Precautionary Principle and to list Koala as Vulnerable to Extinction.

### **Terms of Reference - Appropriate future regulation for the protection of koala habitat and interaction of state and federal laws and regulations**

It is beyond our capacity to address these terms of reference other than to reiterate that NSW's existing regulatory framework (which is not inconsiderable) is simply not working for reasons we have given in the introduction.

### **Term of Reference - Other related matters – Koala care and welfare**

Licensing of volunteer wildlife rescuers and rehabilitators is the mechanism in place for managing diseased koalas and casualties resulting from vehicle strike, dog attack, wildlife survivors and orphans.

In NSW current policy is to license groups under Sections 120, 132C and 127 of the NSW *National Parks and Wildlife Act 1974*. Some groups deal with only Koala; others are licensed to deal with a range of native fauna including Koala.

Friends of the Koala has negotiated local area agreements with other wildlife rehabilitation groups operating in the Northern Rivers so it is the sole group dealing with Koala – we are Koala specialists if you like, which has enabled us to develop the holistic approach we have to koala conservation.

We do not receive any recurrent funding for this service to government however we do apply competitively for grant funding as well as undertaking a range of fund-raising activities.

Friends of the Koala relies on local veterinarians for veterinary assistance. Our local vets are wonderful, giving generously of their time and facilities. They are not trained in native wildlife; nor are they paid as a general rule. They learn 'on the job', some more than others.

Since 2004 we have been fortunate to have a dedicated wildlife hospital within driving distance – the Australian Wildlife Hospital attached to the Australia Zoo at Beerwah on Queensland's Sunshine Coast. The Hospital with its staff of wildlife specialists is arguably Australia's best for treating Koala. Depending on traffic conditions, the drive is four hours plus one-way. Although the Federal government contributed something like \$2.5million to the cost of the purpose-built facilities, recurrent costs are met from private sources.

The issue here is that every level of government is copping-out of koala care and welfare while collecting taxes from the tourism sector which benefits from the internationally-loved Koala. Government-funded clinics in NSW which treat native fauna are attached to Taronga Park Zoo and the Western Plains Zoo. A regional network of funded clinics would provide a career path for veterinarians who want to specialise in native wildlife and support voluntary carers of Koala as well as other species.

In a recent paper, *The crucial role of community contributions to the science of wildlife conservation*, the authors examine community participation in Koala research in NSW. The efforts of licensed rescue and rehabilitation groups are given special attention, in particular the data which is collected on each animal brought into care. The scale of operation is also noted: *It is large and, we suspect, it is growing...when we compare the number of koalas in rehabilitation to the community surveys, we can detect that some locations must be dealing with a much greater proportion of their koala population in rehabilitation than in other locations. ...*

The number of animals Friends of the Koala releases back into the wild (an average of 53 annually over the past three years) may not appear to be much of a return on the enormous amount of voluntary time and effort put in to koala care and welfare. However when Koala's six-year generation and its low breeding rate are taken into account over time, the beneficial consequence of even that relatively small number is realized.

**Koalas released as a percentage of admittances  
over the three year period 2007-8 to 2009-10**

<b>Year</b>	<b>Total Admits</b>	<b>Koalas Released</b>
2007 - 8	283	45 (16%)
2008 - 9	303	64 (21%)
2009 -10	308	50 (16%)

Given reasonable resourcing managing Koala health, trauma and nurturing would be much improved and more animals returned to the wild. Without the shameful reliance on voluntary effort (however dedicated) Koala's plight would be worse than it presently is.

**Concluding remarks**

The key objective of the NSW Recovery Plan for the Koala and SEPP 44 is to conserve koalas in their existing habitat and reverse the present (i.e. continuing) decline in populations.

Koala is a habitat specialist and has a low breeding rate, suggesting a poor recovery potential.

We have outlined the considerable range of ongoing and emerging threats which confront Koala across the Northern Rivers. Although in some areas koalas appear to coexist with urban encroachment it is at a very high cost to many of them. Populations either decline over a number of years or are re-invigorated by migration from nearby strongholds in the rural surrounds.

We can be sure that koala numbers in parts of the Region's coastal areas are at the point where viability into the future is very slim. The situation elsewhere, while of deepest concern, is less certain, simply because the scientific studies are lacking or are yet unfinished.

What is clear is if entrenched attitudes and practices relating to the right to exploit resources at whatever the cost to biodiversity loss and degradation continue as they are, then Koala will be one of the many species that future generations will only see in a zoo.

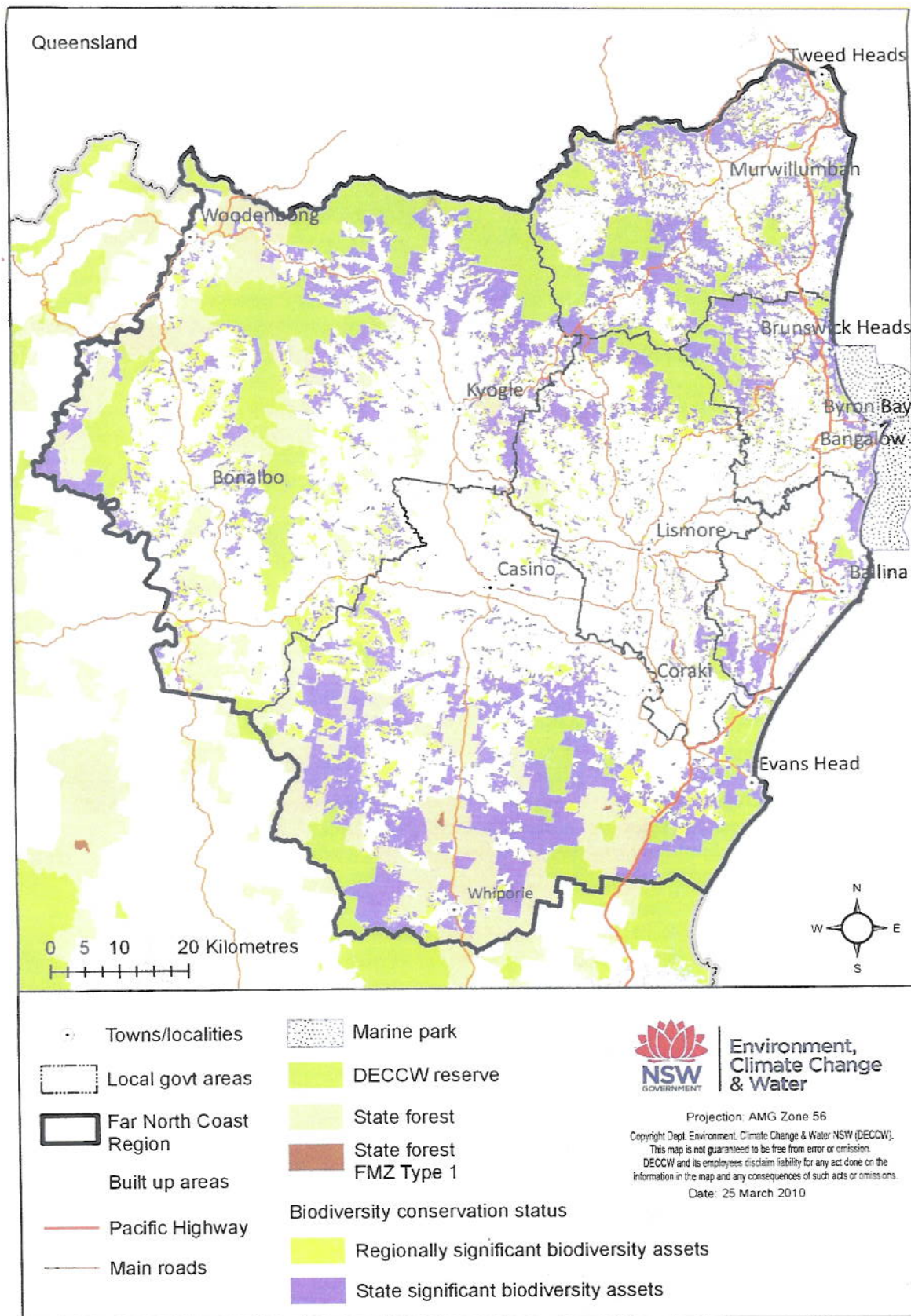
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Appendix 1: Friends of the Koala's area of operation.



**Figure 2: Distribution of lands supporting State- and regionally significant biodiversity assets**

Appendix 2: Comparative data between 1986 & 2006 Community Surveys [Kobala]

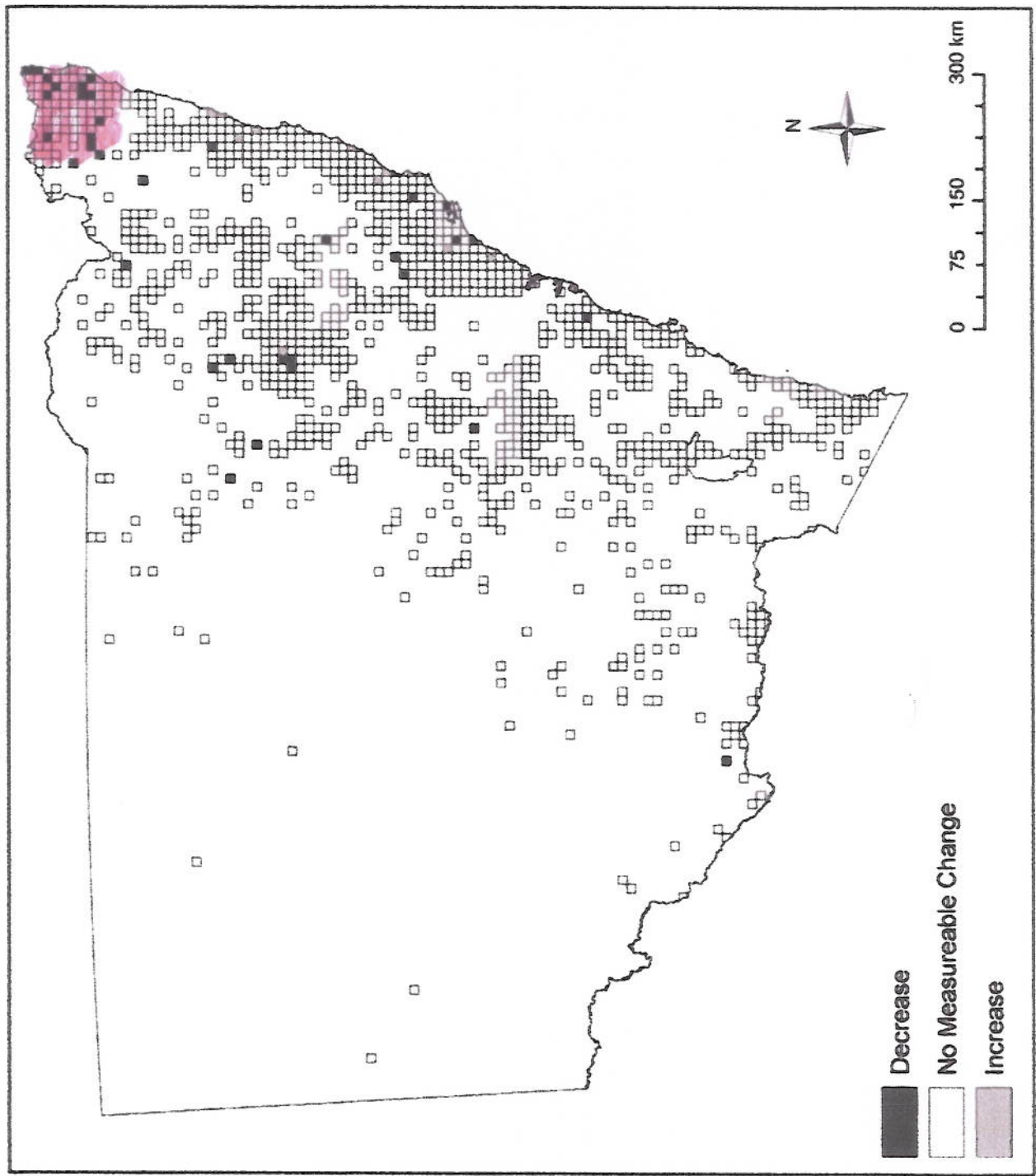


Fig. 11. Comparison between the 1986 and 2006 surveys. The cells shown are those for which there were comparable data.

From: Hummer, D. et al.: Combining a map-based public survey with an estimation of site occupancy to determine the recent and historical distribution of



The Director  
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Dept. Environment Climate Change & Water  
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SYDNEY SOUTH NSW 1232

email: [tscact.review@environment.nsw.gov.au](mailto:tscact.review@environment.nsw.gov.au)

Dear Sir

***Re: Threatened Species Conservation Act 1995 – Statutory Review***

I write on behalf of Friends of the Koala, a voluntary wildlife rehabilitation and advocacy group of some 370 members. Our mission is conserving koalas, particularly in the Northern Rivers Region of New South Wales, in recognition of the contribution the species makes to Australia's biodiversity.

We welcome the opportunity to provide comment on those aspects of the *Threatened Species Conservation Act 1995 (TSC Act)* which are of most concern to us in our conservation work to retain Koala on the Northern Rivers.

While heroic in purpose, our experience demonstrates that the *TSC Act* is not achieving its objective of conserving and protecting biodiversity in NSW. The Act and SEPP 44 have been in operation for 15 years but koala numbers continue to decline, particularly east of the Great Divide where there is most pressure to meet the needs of humans. We are of the view that the challenge of conserving and protecting koalas will only increase as the impacts of climate change become more apparent. Climate change is engendering a new approach to biodiversity management which this review of the Act will need to take on board.

We will use some of the questions in the Background Paper as the basis for our comments and recommendations.

**Relevance of the Act's objects**

We support retention of the current objects, however there needs to be more guidance on how the legislative objectives are to be achieved. A possible template might be the exposition model recommended in the Hawke Review of the *Environment Protection and Biodiversity Conservation Act 1999*.

**Inclusion in the objects of ecologically sustainable development (ESD)**

We support retention of the ESD objective. Where it comes unstuck is a misperception that ESD is an attempt to balance environmental, social and economic consequences rather than the **integration** of environmental, social and economic factors. Too often we see significant destruction of habitat overridden by socio-economic considerations. We have to point out that staff of some local councils who have to apply ESD on the ground, do not have the ecological knowledge to implement the concept.

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These matters might be addressed by removing references to social and economic factors where application of ESD is required so that ESD is the overarching, primary object. The ability of local government to effectively implement ESD needs to be reviewed.

### **Public comment and the listing process**

We acknowledge the strengths of the Act's listing process and support retention of the existing steps in that process.

### **Effectiveness of identifying critical /important habitat**

While this question is not directly related to Koala we feel compelled to point out that even where a rare critical habitat declaration has been made (only four in the Act's 15 year life), the Act does not *guarantee* protection. In our view development should be totally prohibited in such areas.

### **Improving landscape-scale threatened species recovery**

The intent of the Threatened Species Priorities Action Statement (PAS) is supportable but it does not currently achieve prioritisation of strategies and actions between species; nor does it address allocation of limited resources between species. It lists actions but does not identify priority areas or regions for implementation; much less capacity for implementation.

We welcomed release of the Recovery Plan for the Koala in 2008 but have been bitterly disappointed by DECCW's disinterest in its roll-out. The regional-wide plan, *Northern Rivers Regional Biodiversity Management Plan* released earlier this year *may* prove to be more effective because of its regional ownership which includes community representation.

At the end of the day, the effectiveness of biodiversity recovery will require both a new framework for the PAS and a dramatically increased operational budget.

### **Regulating actions impacting on threatened species**

The *Environmental Planning and Assessment Act 1979 (EPA Act)* assesses and regulates most of the activities that have the potential to impact on threatened species.

The 7 part test assessment tool is worthy enough however its application is inconsistent. Sometimes it is not undertaken where it should be and sometimes it is poorly applied. Either way, developments are often proceeding without proper assessment of threatened species.

Both the *TSC Act* and *EPA Act* should be amended so that the 7 part test is compulsory for all development applications. Assessments should also be made public.

The Act's inability to assess the accuracy of environmental impact assessments after the event is a major shortcoming. As already mentioned, the resources in local councils are often found wanting. There are also issues of integrity and accountability of private ecological consultants working for proponents.

Consent authorities are only required to take an ecological assessment into account. They can give more weight to social and/or economic factors. This discretion often works against the protection of threatened species. Even where an EIS or SIS demonstrates that a development

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will potentially devastate a threatened species or its habitat, this does not stop the development under part 4, part 5 or Part 3A of the Act.

Clearly there is a need for DECCW to be granted an audit role and for environmental consultants conducting assessments under the *TSC Act* to be accredited by the Act and to be independently allocated to assess developments.

Consent authorities (whether they are local government or the Minister for Planning) should be required to refuse consent to proposals (including Part 3A projects) where an environmental assessment demonstrates there will be an unacceptable impact on a threatened species, an endangered ecological community or their habitats.

The Act is frustratingly silent on post-approval monitoring, compliance issues and cumulative impacts. Nor does it require local councils to prepare a local environment plan (LEP) that adequately protects biodiversity. The Standard Instrument sets out standard environmental protection zones and their objectives and the land-uses of the zones but there is no mandatory requirement for councils to adopt environmental protection zoning in high conservation value areas.

#### **Incentives for strategic planning – bio-certification and bio-banking**

While there are advantages in developing landscape scale approaches to biodiversity conservation, there are also disadvantages. For example broad scale assessment can take better account of the cumulative impacts of a number of single developments and it can better cater for strategic biodiversity corridors, links and connectivity enhancement. On the other hand, it tends to switch-off site assessment.

As community-based koala conservationists we strongly oppose offsets. Having said that, if they are to be implemented their adequacy is dependent on there being in place a robust and objective scientific methodology that adheres to scientific offset principles, i.e. 'like for like', to maintain the integrity of the Act's 'maintain or improve biodiversity values' test. As it is, offset protocols have been muddied through political process and interference. Whether they will ever be used effectively remains to be seen.

#### **NSW's future biodiversity strategies**

We support the statutorily required policy of a regularly reviewed NSW Biodiversity Strategy which clearly identifies conservation objectives, how they are to be achieved and measurable performance targets and timeframes.

As mentioned in our introduction the implications of climate change and the inevitable debate on what to protect and why, will be an overriding consideration for future biodiversity strategies.

Yours faithfully

Lorraine Vass  
Koala Rescue and Information  
6622 1233 President  
17 November 2010

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The Hon. Tony Kelly MLC  
Minister for Planning  
Level 34  
Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

Dear Minister

***Re: Reform of State Environmental Planning Policy No.44 – Koala Habitat Protection (SEPP 44)***

I write on behalf of Friends of the Koala which is a totally voluntary wildlife rehabilitation group of some 370 members, licensed by the Department of Environment Climate Change and Water to rescue, rehabilitate and release koalas in the local government areas of Ballina, Byron, Kyogle, Lismore, Richmond Valley and Tweed.

Friends of the Koala engages in a range of activities which aim to protect and restore koala habitat in the Northern Rivers and to educate the community and its leaders about the fragile plight of the Region's remaining koala populations. We also participate in projects with partnering institutions which are contributing to research into koala conservation. Our mission is conserving koalas, particularly in the Northern Rivers Region of New South Wales, in recognition of the contribution the species makes to Australia's biodiversity.

For several years Friends of the Koala has urged the NSW Government to reform SEPP 44 as a matter of urgency. We were heartened to see many of the issues of concern to us listed as actions in the 2008 Recovery Plan for the Koala. We are bitterly disappointed that two years later, none of these actions has been implemented.

In May 2009 Friends of the Koala mounted a one-day Koala Conservation Conference held in Lismore, which attracted participants from across NSW, Queensland, Victoria and the ACT. The Conference Communiqué is attached for your information (attachment 2). In particular I draw your attention to clauses 6 and 6a:

6. All tiers of government respond to the widespread concern of attendees at this Conference for survival of koalas by preparing and implementing effective planning laws and policies (ideally in consultation with the Federal Government) that can realistically protect koalas and koala habitat and provide for population recovery:
  - a. In New South Wales, the 1995 *State Environment Planning Policy – Koala Habitat Protection (SEPP44)* should be immediately revised in accordance with recommendations of the State Recovery Plan for the Koala, including recognition of regional preferred koala tree species. The preparation and enforcement of Comprehensive Koala Plans of Management must be fast-tracked and appropriate support must be provided to local governments in order for this to occur. Exemptions granted under the current NSW *Native*

*Vegetation Act 2003* must be rectified as they have caused the destruction of vital habitat

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particularly in urban interface areas. Additionally, implementation of the actions contained in the State Recovery Plan for the Koala must be completed within five-years.

Frustrated with Government's continuing inaction, Friends of the Koala requested the Environmental Defender's Office NSW for advice on the key reforms to SEPP 44 which can be implemented in the short-term pending the SEPP's comprehensive review.

Minister, Friends of the Koala's volunteers and thousands like them across the State are working day and night, doing everything they can to conserve Koala for future generations.

We share the view that the three reforms detailed in attachment 1 are the crucial first steps necessary for improved protection of the habitat of the vulnerable Koala.

We commend our submission to you, urging you and your colleague, the Minister for the Environment, to work together in expediting this matter, giving it your full attention before you retire from office.

Yours sincerely

Lorraine Vass  
President  
16 December 2010

**attach. 1:** Environment Defender's Office NSW: State Environment Planning Policy No.44 – Koala Habitat Protection

**attach. 2:** 2009 Koala Conservation Conference Communiqué

**encl.** Friends of the Koala Inc. Annual Report 2009-2010

cc The Premier of NSW  
Minister for Climate Change and the Environment  
Minister for Local Government  
Leader of the NSW Greens  
Leader of the Opposition  
Leader of the Nationals  
Shadow Minister for Climate Change & Environmental Sustainability  
Shadow Minister for Planning  
Member for Lismore  
Member for Ballina  
Member for Tweed

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Director General Department of Planning  
Director General Department of Environment Climate Change & Water  
Director General Department of Local Government  
Director General Premier & Cabinet

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# environmental defender's office new south wales

## State Environmental Planning Policy No 44 – Koala Habitat Protection

December 2010

### The EDO Mission Statement

*To empower the community to protect the environment through law, recognising:*

- ◆ *the importance of public participation in environmental decision making in achieving environmental protection*
- ◆ *the importance of fostering close links with the community*
- ◆ *that the EDO has an obligation to provide representation in important matters in response to community needs as well as areas the EDO considers to be important for law reform*
- ◆ *the importance of indigenous involvement in protection of the environment.*

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## Executive Summary

The Environmental Defender's Office of NSW (EDO) is a community legal centre specialising in public interest environmental law.

We act for Friends of the Koala (FOK). FOK is a non-profit community group run by volunteers dedicated to conserving koalas in the Northern Rivers of New South Wales. FOK is licensed by the Department of Environment, Climate Change and Water to rescue, rehabilitate and release koalas in the Department's Northern Rivers Region. FOK also plays an active role in promoting habitat restoration in the Northern Rivers Region including research and mapping current koala populations and their distribution.<sup>1</sup>

We submit that *State Environment Planning Policy No 44 – Koala Habitat Protection* (SEPP 44) is in urgent need of reform.

Koalas are identified as a 'vulnerable species' under the NSW *Threatened Species Conservation Act 1995* (NSW)<sup>2</sup>. Over the last ten years there have been significant declines in Koala populations in NSW.<sup>3</sup> The Koala has a poor recovery potential (low breeding rate) and is subject to many on-going threats. Habitat loss, fragmentation and degradation are generally recognized as the key threats to the survival of the Koala.<sup>4</sup> Other threats include increased disturbance by humans; injury or death from traffic; injury or death from dogs and cats; increased competition for food and territory because of overcrowding; and increased stress on animals, making them more susceptible to disease.

Under the *Environmental Planning and Assessment Act 1979* (NSW) State Environment Planning Policy No 44 – Koala Habitat Protection (SEPP 44) is the primary vehicle for the protection of Koala habitat in NSW. SEPP 44 requires a Koala Plan of Management to be prepared in relation to certain developments, if an assessment identifies 'core' Koala habitat on a site. SEPP 44 is of particular relevance on the North Coast of NSW, which is home to one of the main Koala populations in NSW, but where the majority of Koala habitat is located on private lands, rather than within National Parks, and is therefore at higher risk of harm from development.<sup>5</sup>

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<sup>1</sup> See for example research paper: Seznec G. (2009) 'Distribution of disease symptoms in Koalas (*Phascolarctos Cinereus*) presented into care in the Far North Coast of NSW' Unpublished Third Year Undergraduate Report, School of Environmental Science and Management, Southern Cross University, available from the FOK website at [http://www.friendsofthekoala.org/fok/dl/DRAFT\\_IP\\_Seznec.pdf](http://www.friendsofthekoala.org/fok/dl/DRAFT_IP_Seznec.pdf).

<sup>2</sup> A 'vulnerable' species is a species which is likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

<sup>3</sup> See report prepared by Parsons Brinckerhoff for the Department of the Environment, Water, Heritage and the Arts (2008) *Review of progress in implementing the 1998 National Koala Conservation Strategy*, as available to download from <http://www.environment.gov.au/biodiversity/publications/koala-strategy/review.html>.

<sup>4</sup> See for example Natural Resource Management Ministerial Council 2009 'National Koala Conservation and Management Strategy 2009-2014 – Consultation Draft 6 June 2009', as available to download from <http://www.environment.gov.au/biodiversity/publications/koala-strategy/pubs/koala-strategy.pdf> (accessed December 2010) and the Department of Environment, Climate Change and Water, 'Koala Profile' as published on the 'Threatened Species' website, available at <http://www.threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10616> (accessed December 2010).

<sup>5</sup> See Seznec G 2009, as noted above.

SEPP 44 states that:

*This Policy Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their presence and reverse the current trend of koala population decline.<sup>6</sup>*

After years of being actively involved in the application of SEPP 44, FOK has concluded that SEPP 44, contrary to its aim of protecting Koala habitat, is in fact an enabling instrument in that it enables development in areas of potential and core koala habitat, more often than not, to the detriment of the survival of the koala. The EDO Northern Rivers has provided assistance to FOK over the past few years regarding the application of SEPP 44 in a number of Local Government Areas in relation to many different development applications.

It is the view of both FOK and the EDO that SEPP 44 is outdated and is largely failing in its primary aim to protect koala habitat to ensure the long term survival of the koala. It is our shared view that a better and more effective system of koala habitat protection ought to be introduced as a matter of urgency.

The EDO is therefore instructed by FOK to prepare this submission on its behalf, regarding key reforms to SEPP 44. We therefore propose three key reforms to SEPP 44 to help better protect the habitat of the vulnerable Koala in NSW. These reforms are crucial first steps that can be implemented in the short-term pending a comprehensive review of the SEPP.

**The three key recommendations for reform of SEPP 44 are:**

- **Revise Schedule 2 and the definition of ‘koala habitat’ in SEPP 44 to reflect the current knowledge regarding koala tree species and koala habitat;**
- **Remove the 1 hectare trigger for requiring a site specific Koala Plan of Management to be developed; and**
- **Insert detailed requirements relating to monitoring, review, reporting and compliance for individual Koala Plans of Management within the SEPP. Alternatively, this could be done by updating the Guidelines for the policy and inserting the Guidelines within the SEPP or including them as a schedule to the SEPP.**

We note some of the recommendations for reform were also recommended by the then Department of Environment and Climate Change NSW, in the Recovery Plan for the Koala approved and released in 2008. They are discussed in detail below. The **Appendix** includes five case studies to illustrate the variable application of the SEPP on the North Coast.

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<sup>6</sup> State Environmental Planning Policy No 44, Clause .



## 1. Revising the definition of 'Koala habitat' and Schedule 2 of SEPP 44

- 1.1. FOK contends that the operative provisions of SEPP 44 in terms of defining core koala habitat need to be reformed and in accordance with the recommendations contained in the Department of Environment and Climate Change NSW, Recovery Plan for the Koala, November 2008 (**Recovery Plan**).
- 1.2. In defining koala habitat under SEPP 44 there is a two step test. The first step is to assess whether the land is 'potential koala habitat' and the second step is to assess whether the land is 'core koala habitat'.<sup>7</sup>
- 1.3. The definition of 'potential koala habitat' is problematic, particularly in relation to the 15% cover requirement and the outdated list of tree species listed in the SEPP.
- 1.4. In relation to the definition of 'potential koala habitat' under SEPP 44, Koala expert Dr Carrick contends:

*The adequacy of the biological basis of SEPP 44 is questionable, since the definitions are based on a somewhat arbitrary selection of "feed tree species" (Schedule 2) - which in any case is an oversimplified approach to what constitutes Koala habitat (Ellis et al. 2002, Matthews et al. 2007). As pointed out by Phillips (2004) in the context of Kings Forest, it results in the incongruous situation whereby identified "core Koala habitat" fails to meet a criterion (15% cover) to qualify as "potential Koala habitat".<sup>8</sup>*

- 1.5. The Recovery Plan also recognises the need to reform the definitions of koala habitat provided in SEPP 44. It states:

*As more information is gathered, it is clear that the definitions of koala habitat in SEPP 44 (as promulgated in 1995) are not able to identify all habitat of importance to koalas. Currently the list of food trees in Schedule 2 which is used to identify potential koala habitat comprises only 10 species. Given the considerably greater variety of food tree species used by koalas across the state, the current Schedule 2 does not list all of the koala food trees which are important for the survival of koalas throughout NSW. Consequently, habitat of importance to koalas will not always be identified and adequate protection and management of koala habitat does not always occur.<sup>9</sup>*

- 1.6. The Recovery Plan proposes that reform could include the Schedule 2 tree species lists aligning to regions managed by Catchment Management Authorities and that local, scientifically, objective studies be able to modify regional tree lists

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<sup>7</sup> SEPP 44, Clause 7

<sup>8</sup> Kings Forest Koala Plan of Management Prepared by Dr Frank N Carrick AM EcoIndig Resources Pty Ltd March 2008 on behalf of Project 28 Pty Ltd p12

<sup>9</sup> Department of Environment and Climate Change NSW, Recovery Plan for the Koala, November 2008 p5

with the approval of the Minister for Planning.<sup>10</sup> FOK submits that amending SEPP 44 to provide for this mechanism should be a priority and would greatly improve the effectiveness of the SEPP, consistent with the Recovery Plan.

- 1.7. The Recovery Plan also logically recommends that there be a single definition of koala habitat, instead of 'core' and 'potential' habitat.<sup>11</sup>
- 1.8. The case studies outlined in the later sections of this submission, which detail examples of failures of SEPP 44 to ensure that key Koala habitat is protected as well as some successes, provide evidence that the broader, more scientific and common sense approach recommended by the Recovery Plan should be immediately adopted rather than a narrow preliminary step that actually blocks the primary aim of SEPP 44 from being achieved.
- 1.9. We also note that the Recovery Plan has now been in force for two years. Given that the Recovery Plan is a publication of the NSW Government's own environmental protection agency, it is inconsistent and difficult to justify why the relatively simple reforms to the definition of koala habitat and the list of tree species contained in Schedule 2 of SEPP 44 have not yet been taken up by the NSW Government.

## **2. Removal of 1 hectare requirement**

- 2.1. SEPP 44 currently only recognises koala habitat to be protected by way of a site specific koala plan of management where the land the subject of a development application is more than 1 hectare in size or is together with any adjoining land in the same ownership an area of more than 1 hectare. The requirement under SEPP 44 that an 'area of more than 1 hectare' be required before the provisions of SEPP 44 are enlivened should be removed from clause 6.<sup>12</sup>
- 2.2. There does not appear to be any scientific basis to the 1 hectare threshold, it is an arbitrary threshold that does not reflect current urban development trends or account for their impacts upon koala habitat.
- 2.3. It is FOK's experience that this threshold requirement, which essentially precludes an area of 1 hectare (approximately 2.5 acres) or less from being subject to Part 2 of SEPP 44, is detrimental to the survival of koalas in real terms.

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<sup>10</sup> Department of Environment and Climate Change NSW, Recovery Plan for the Koala, November 2008 p6 & p53

<sup>11</sup> Department of Environment and Climate Change NSW, Recovery Plan for the Koala, November 2008 p6 & p53

<sup>12</sup> Clause 6 (c) provides that Part 2 applies to land that: (i) has an area of more than 1 hectare; or (ii) has, together with any adjoining land in the same ownership, an area of more than 1 hectare.

- 2.4. FOK says that, in practice, the 1 hectare requirement is enabling the destruction of some of the most vulnerable koala habitat, namely urban koala habitat. To preclude the requirement for assessing such areas of koala habitat is nonsense when viewed in terms of threatened species recovery, which the NSW Government has expressed its commitment to.
- 2.5. Through its rescue and care work, FOK has first hand knowledge and evidence of the cumulative impacts caused by the removal of urban koala habitat and the displacement and often the death of koalas one by one, backyard by backyard. FOK submits that in some Local Government Areas the rate of urban fringe koala habitat destruction is alarming.
- 2.6. FOK in its advocacy work sees the limitation on Councils to require thorough assessment and management of development on koala habitat in urban and small acre environments.
- 2.7. It is strongly recommended that the 1 hectare threshold in SEPP 44 be immediately removed so that all koala habitat is able to be recognised and assessed with a view to its protection through the development control process notwithstanding private property ownership boundaries.

### **3. Monitoring, reviewing, reporting and compliance – site specific Koala Plans of Management**

- 3.1. The current SEPP 44 is distinctly lacking in terms of monitoring, reviewing and compliance mechanisms for individual site specific Koala Plans of Management. In the absence of performance measuring criteria and a way of collecting and centrally collating measurement data, there will be ongoing non-compliance with Plans of Management, as demonstrated by the case studies listed in the following sections.
- 3.2. In terms of individual site specific Plans of Management, SEPP 44 focuses on setting out standards and criteria that a proponent must satisfy but, as the Kings Forest Koala Management Plan (2008) precisely points out, ‘a key element missing from many development plans is an effective follow-up to assess whether ameliorative measures are really working’.<sup>13</sup>
- 3.3. Clause 11(3) Part 3 of SEPP 44 provides that ‘a plan of management is to be prepared in accordance with the guidelines’. The guidelines refer to the Directors Guidelines, in section 2 of the Department of Urban Affairs and Planning, Circular No B35, 1995 (**the Guidelines**).

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<sup>13</sup> Kings Forest Koala Management Plan, page 30

- 3.4. The Guidelines set out a list of matters that *should* be considered when undertaking an individual site specific Koala Plan of Management, in which it specifically provides, *inter alia*, ‘the plan should also have provisions for continuing monitoring, review and reporting. This should include an identification of who will undertake further work and how it will be funded’.<sup>14</sup>
- 3.5. However, this is not a mandatory requirement. It is also noted that the Guidelines are more than ten years old, and again do not reflect the recent advances in research and understanding about Koala habitat.
- 3.6. It is recommended that provisions be included within SEPP 44 to require a consistent and comprehensive approach to monitoring, reporting and compliance. In order to achieve proper implementation of ameliorative measures imposed in a Koala Plan of Management, co-operation between local authorities and the Department of Planning in undertaking monitoring and reviewing is required. This should be achieved through updating the Guidelines and integrating the Guidelines as operative provisions or as a schedule to SEPP 44.

## **Conclusion**

SEPP 44 is currently failing to achieve its aim of encouraging the proper conservation and management of koala habitat, and reversing decline in koala populations. We submit that making the three key reforms discussed above would greatly strengthen and aid effective implementation of SEPP 44, consistent with the specific aims of the Recovery Plan and broader aims of the *Threatened Species Conservation Act 1995*. These reforms should be a priority for the NSW Government.

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<sup>14</sup> Guideline 2.2.2 (x)

## Appendix: Case studies

### *Case study No. 1 – Inconsistent environmental assessment of vulnerable species' habitats under current NSW laws*

The EDO has recently assessed an Environmental Impact Statement (EIS) for a major environmentally impacting extractive industry that stated that the land did not meet the definition of potential koala habitat in SEPP 44, due to the 15% cover criterion. However, elsewhere in the EIS, in accordance with an assessment under the *Threatened Species Conservation Act 1995*, it was stated that the land is potential habitat for the koala and we are instructed by the local community that the land is in fact habitat sustaining a local population of koalas. This kind of inconsistency occurs because recent improvements in understanding and research regarding Koala habitat have been adopted into the requirements for assessment under the *Threatened Species Conservation Act 1995* but not SEPP 44.

### *Case Study No. 2 – Evans Head (1998) Site Specific Koala Plan of Management*

This site specific Koala Plan of Management relates to a development for a caravan park type of development in core koala habitat. This Koala Plan of Management has provisions for monitoring in the briefest form. It provides 'Monitoring of Koala activity by organisations such as Friends of Koala or Richmond River Shire Council [as it was then] or similar at this site is required to determine the effectiveness of management strategies'. However, the monitoring program proposed in this Koala Plan of Management can be considered tokenistic at best, as it fails to specify sources of funding and it does not set out the basics of how the monitoring should take place in terms of area, period, methods etc. Ultimately, this plan was approved by the Richmond Valley Council later in 2001 with conditions. One of the conditions required monitoring of Koala activity on a 12 monthly basis, by a qualified person. This Koala Plan of Management provided for the removal of core koala habitat and provided that there would be revegetation of another 'offset area' within the development footprint with koala feed trees. As anticipated, there was no proper monitoring of the implementation of the Koala Plan of Management or compliance with what was required under the Koala Plan of Management. It was brought to the attention of FOK and the EDO a year or so ago that the success rate of the planted koala feed trees was very low and that in fact most of the trees required to offset the removal of the core habitat were dead.

### *Case Study No. 3 – Evans Head (2008) Site Specific Koala Plan of Management*

Ten years later, the proponent in this case sought an extension of development on the abovementioned site and engaged a consultant to prepare a new site specific Koala Plan of Management which was to supersede the previous 1998 plan. The consultant had undertaken inspections and completed reports as required by the Richmond Valley

Council's notice of determination for the first plan on previous occasions. Regarding monitoring, the 2008 plan provided that:

*Annual monitoring (as per current situation) is to continue for a five year period, with targeted scat searches completed at the site. Reports with the results of annual surveys are to be provided to Richmond Valley Council.<sup>15</sup>*

Although the 2008 plan was much improved, there are still concerns that the provisions will not address the issues identified from the failures of the 1998 plan, including:

- The consultant didn't actually undertake 'annual' monitoring in relation to the previous Koala Plan of Management approved in August 2001. In its 2008 Plan, the consultant states that it had conducted inspections in November 2003, January 2004, March 2006 and March 2007. Monitoring was not undertaken in years 2002, 2005 and 2008; clearly the requirement for 'annual' monitoring was not complied with.
- The 2008 monitoring provision noted above does not make reference to compliance. Council is not obliged to check the proponent's compliance with any monitoring provision, whether 'reports with the results of annual surveys' are actually provided to Council is uncertain. The real problem appears to lie in having no compliance regime to ensure that each provision of a Koala Plan of Management is complied with. As noted above the required replacement feed tree planting was in fact completely unsuccessful, and there was not compliance with the Koala Plan of Management.

#### ***Case Study No. 4 Nambucca Shire Council (2008) Site Specific Koala Plan of Management***

In contrast to the above examples, a site specific Koala Plan of Management prepared for a development in the Nambucca Local Government Area sets out detailed provisions for monitoring, reporting and compliance measures. On top of its provisions for annual reporting to Council, the plan includes an implementation schedule. The implementation schedule provides a timeline for the implementation of the ameliorative measures provided in the plan. The implementation schedule can be used as a checklist for compliance assessment for periodic or annual reporting. The requirement of an implementation schedule is a useful tool for both developers and council, or for any responsible authority to assess compliance. The Nambucca Shire Council Site Specific Koala Plan of Management is therefore an example of current 'best practice' and the requirement for an implementation schedule as adopted by the Nambucca Shire Council should be included in SEPP 44 as a requirement for all site specific Koala Plans of Management.

#### ***Case Study No. 5 Kings Forest (2009)***

The Kings Forest Koala Plan of Management (prepared in March 2008) for a major development in the Tweed Local Government Area contains provisions that are forward

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<sup>15</sup> KPOM Evans Head 2008 Page 22.

thinking in terms of how monitoring, reviewing and compliance can be improved in reforming SEPP 44. The Kings Forest plan provides measureable performance indicators and applies sanctions where targets are unmet.<sup>16</sup> In contrast to most other individual Koala Plans of Management this is a positive step in that measureable performance indicators allow assessors and reviewers to record failure or success more clearly. Another key point to note is that, the Director General of NSW Department of Planning is actively involved in all phases of monitoring and reviewing. For instance actions 17 and 18 of the plan provide that:<sup>17</sup>

- The (monitoring) program is conducted by a suitably qualified environmental consultant appointed by the developer with the concurrence of the Director General of the Department of Planning.
- Annual reporting will be to the local council and the Director General of the NSW Department of Planning.
- A review will be undertaken by the developer, Council and the NSW Department of Planning.

The provisions of the Kings Forest Plan therefore also provide a positive example for ways to improve implementation of SEPP 44.

**For further information, please contact Sue Higginson  
on 02 6621 1111 or [sue.higginson@edo.org.au](mailto:sue.higginson@edo.org.au) .**

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<sup>16</sup> Kings Forest Koala Management Plan (2008) page 30

<sup>17</sup> Kings Forest Koala Management Plan (2008) page 31,32

## 2009 Koala Conservation Conference Communiqué

We, the undersigned, are gravely concerned about the rapid decline of koala populations in South East Queensland and northern New South Wales and deficiencies in our knowledge regarding the impact of disease on remaining populations. We are particularly concerned with the failure of governments to respond adequately and to treat this as a matter of national urgency. It is our collective concern that extinction thresholds may have already been breached for many remaining koala populations along the east coast. The 2009 Koala Conservation Conference delegates believe that decisive government-led action is required now if we are to retain koala populations along the rapidly developing eastern seaboard.

In response to these concerns, we strongly recommend the following urgent actions:

1. The Federal Government expedites its commitment to reconsider the national status of koalas under the *Environment Protection and Biodiversity Conservation Act 1999* in order to reach a determination by the end of 2009.
2. The Federal Government reaches a determination on the status of the koala with reference to current data, including that provided by koala rehabilitation groups, and that the precautionary principle be applied in the absence of standardised national koala monitoring data. The 2009 Koala Conservation Conference delegates are collectively of the view that the International Union for the Conservation of Nature and Natural Resources (IUCN) criteria for vulnerable listing that would require evidence of a *30% decline in the national koala population over three koala generations* is an inappropriate test for a species such as the koala with a broad geographic distribution that has precluded comprehensive population-wide assessments of conservation status.
3. In assessing the national conservation status of the koala, the precautionary principle is applied, given the extent of habitat loss, degradation and fragmentation, ongoing impacts from expanding urban development in the coastal zone, evidence of recent alarming koala population declines in South East Queensland, grave concerns about the impacts of koala retrovirus (KoRV) and associated disease including indications of increased severity of Chlamydial disease in koala populations in South East Queensland and northern New South Wales, and potential impacts of climatic change. These factors clearly stress the need for the Federal Government to take decisive and immediate action and look beyond the limitations of IUCN's criteria in assessing the conservation status of the koala.
4. An immediate moratorium on clearing eucalypt forest and woodland communities within the geographic range of the koala, pending further detailed assessment



and development of standardised national koala habitat identification and mapping systems.

5. A suitable nexus between carbon offsetting programs and the maintenance/recovery of threatened species and biodiversity is factored into the proposed Emissions Trading Scheme (ETS). This would ensure that carbon offsets can provide direct benefits to biodiversity conservation and the recovery of species such as the koala. This nexus could incorporate restoration ecology principles by requiring the use of suitable native species that are endemic to the given area thus re-establishing biodiversity wherever possible. *Protecting habitat for the koala would have significant benefits for moderating Climate Change as the structurally diverse forests and individual trees in which our koalas live also provide vital carbon sinks.*
6. All tiers of government respond to the widespread concern of attendees at this Conference for survival of koalas by preparing and implementing effective planning laws and policies (ideally in consultation with the Federal Government) that can realistically protect koalas and koala habitat and provide for population recovery:
  - a. In New South Wales, the 1995 *State Environment Planning Policy – Koala Habitat Protection (SEPP44)* should be immediately revised in accordance with recommendations of the State Recovery Plan for the Koala, including recognition of regional preferred koala tree species. The preparation and enforcement of Comprehensive Koala Plans of Management must be fast-tracked and appropriate support must be provided to local governments in order for this to occur. Exemptions granted under the current NSW *Native Vegetation Act 2003* must be rectified as they have caused the destruction of vital habitat particularly in urban interface areas. Additionally, implementation of the actions contained in the State Recovery Plan for the Koala must be completed within five-years.
  - b. In Queensland we urge the Federal Government to liaise with the State Government to address issues of rapid urban growth, political imperatives to fast-track development and infrastructure in koala habitat, emerging evidence of increasing koala disease, and dramatic koala population declines.

7. Finally, we urge the Federal Government to consider the extensive body of existing knowledge and data regarding the koala. The 2009 Koala Conservation Conference delegates are firmly of the view that extinction is rapidly approaching for many of our coastal koala populations. It is imperative that Federal and State governments urgently introduce and enforce more effective legislation and provide the necessary support to local governments if koala populations are to be conserved for future generations.

**Signatories:**

Mr Graeme Batterbury, Big Scrub Environment Centre

Cr Gianpiero Battista, Councillor, Lismore City Council

Ms Alicia Bell, Research Officer, Gold Coast City Council

Mr John Callaghan, Koala Conservation Project Manager, Gold Coast City Council

Mr Peter Clarke, Member, Friends of the Koala, Inc. [Northern Rivers]

Cr Simon Clough, Councillor, Lismore City Council

Ms Jennifer Creed, Carer, Friends of the Koala, Inc. [Northern Rivers]

Ms Pip Davenport, Member, Friends of the Koala, Inc. [Northern Rivers]

Dr Kristin den Exter, Assoc. Lecturer, School of Environmental Science & Management, Southern Cross University

Ms Linda Dennis, Fourth Crossing Wildlife, Armidale, NSW

Ms Lynne de Weaver, Committee Member, Friends of the Koala, Inc. [Northern Rivers]

Ms Barbara Dobner, Care Co-ordinator, Friends of the Koala Inc. [Northern Rivers]

Ms Mimi Dona, Senior Veterinary Nurse, Currumbin Wildlife Sanctuary

Cr Vanessa Ekins, Deputy Mayor, Lismore City Council

Ms Cheyne Flanagan, Supervisor, The Koala Hospital, Port Macquarie

Ms Wanda Grabowski, Secretary and Education Officer, Koala Action Pine Rivers Inc.

Dr Jon Hanger, Director of Research & Ecological Services, Australian Wildlife Hospital

Ms Rhondda Hay, Secretary, Moreton Bay Koala Rescue Inc.

Ms Helen Joakim, President, Tweed Valley Wildlife Carers, Inc.

Ms Sue Johnson, Carer, Friends of the Koala, Inc. [Northern Rivers]

Cr Jeff Johnson, Councillor, Ballina Shire Council

Koala Preservation Society of NSW Inc. Management Committee

Ms Audrey Koosmen, President, Native Animal Trust Fund Inc., Chair, New South Wales, Wildlife Council, Inc.

Ms Anika Lehmann, President, Moreton Bay Koala Rescue Inc.

Dr Corinne Lendon, Member, Koala Action Pine Rivers Inc., Senior Research Fellow, Queensland Institute of Medical Research

Ms Jennifer Leunig, Membership Officer, Friends of the Koala, Inc. [Northern Rivers]

Ms Jo Loader, Research Scientist, Australian Wildlife Hospital

Ms April Margiason, Secretary, Team Koala, Inc. [Tweed Shire]

Ms Christeen McLeod, Vice President & Care Facility Manager, Koala in Care Inc.

Mr David Newell, Ecologist, Wild by Nature

Ms Mandy Penhall, Treasurer & Volunteer, Koala In Care Inc.

Dr Michael Pyne, Senior Veterinarian, Currumbin Wildlife Sanctuary

Ms Wendy Royston, Koala Habitat Landholder, Gundurimba, NSW

Ms Karen Scott, President & Education Co-ordinator, Wildcare Australia, Inc.

Mr Rick Stewart, Committee Member, Friends of the Koala, Inc. [Northern Rivers]

Dr Mandy Symons, Scientific Research Officer, RSPCA Queensland

Ms Jane Tsicalas, Carer, Friends of the Koala, Inc. [Northern Rivers]

Ms Lorraine Vass, President, Friends of the Koala, Inc. [Northern Rivers]

Mr Rick Vass, Member, Friends of the Koala, Inc. [Northern Rivers]

Ms Lola Whitney, Committee Member and Carer, Friends of the Koala, Inc. [Northern Rivers]

Ms Natalie Wunsch, Carer, Friends of the Koala, Inc. [Northern Rivers]

The Director  
General Purpose Standing Committee No 4  
Legislative Council, Parliament House  
Macquarie Street  
Sydney NSW 2000.

**Re: Inquiry into Pacific Highway Upgrades - Ballina to Woodburn - Submission**

Dear Sir

This submission represents the view of the membership of Friends of the Koala, Inc., a voluntary wildlife rehabilitation group with an energetic involvement in habitat restoration as well as education and advocacy about the plight of the Northern Rivers' remaining koala populations. Our membership numbers approximately 230. We have been engaged in this work for 20 years.

Friends of the Koala has major concerns related to a number of the route options (particularly options 2A-2C) proposed for the Ballina to Woodburn Pacific Highway Upgrade and the likelihood of *significant impact* upon *known* core koala populations.

In our view the best option for the koalas and for the environment generally is to widen the existing route of the Pacific Highway. The ecology of the area through which the Highway passes is already degraded and it is the most direct route. Having said that, of the route options which have been on display, we support options 1A in Section 1, 2F in Section 2 and 3B in Section 3 because they involve minimal clearance of native vegetation, thus loss of koala habitat and fragmentation of wildlife corridors will be largely avoided.

**Koala Populations within the Study Area**

The study area for the Ballina to Woodburn Upgrade provides habitat for the largest koala populations in the Lower Richmond Valley. Although studies undertaken by Geolyse Consultants did not detect koalas across the majority of the study area (only at sites A, B and J); large viable populations of koalas are well known. Friends of the Koala's records show some 134 callouts within and in close proximity to the study area. We know this only represents a fraction of the total koala population because of the observations of long-term residents as well as the findings of surveys and studies over the years. The areas in which these populations exist include Rileys Hill, Bagotville, Meerschaum Vale, West Wardell, Lumleys Lane, Coolgardie and Whytes Lane.

**Explanation of our Preferred Route Options**

**Section 1**

**Preferred Option - 1A**

Option 1A is our favoured route option in Section 1 as it will not require the clearance of any koala habitat, will not fragment any known populations or create impacts upon wildlife corridors. This

option passes very close to the existing alignment of the Pacific Highway, an area not known to support core koala populations as very little habitat remains.

### **Other Options**

Options 1B and 1C will require the clearance of koala habitat to the north and east of Woodburn and in the vicinity of Rileys Hill. They are also located closer to known koala populations within the southern sections of Broadwater National Park.

## **Section 2**

### **Preferred Option - 2F**

Option 2F is the by far our preferred option in Section 2. It will not require the clearance of any areas of *known* koala habitat, will not have any impacts upon any koala movement (wildlife corridors) and will not impact upon any known koala populations. Option 2F is the preferred option in Section 2, as impacts created by the other options will *significantly* impact upon major *known* koala populations. Furthermore, no koala impact mitigation measures are likely to be required in Section 2F, considerably reducing the economic expense of this option.

### **Other Options**

All other route options in Section 2 (Options 2A-2E) will create a *massive impact* upon known core koala populations. The options of greatest concern are Options 2A, 2B and 2C, as these options will fragment to the point of destruction known dispersal corridors for koalas in the Rileys Hill, Bagotville, Meerschaum Vale, Lumleys Lane and Buckombil areas. These options will fragment both north-south and east-west movement corridors for the largest koala populations in the Lower Richmond River area. Furthermore, Options 2A-2E will require the clearance of very large areas (>150ha) of *known* core koala habitat, an unacceptable outcome when other options will not require the clearance of *any* koala habitat.

## **Section 3**

### **Preferred Option - 3B**

As Section 3B passes along the existing alignment of the Pacific Highway, impacts upon koala populations will be relatively limited. Limited clearance of habitat for koala populations in this area will be required compared to Option 3A, and the impacts upon koala movement corridors will be considerably less than Option 3A.

### **Other Option**

The construction of Section 3A at the foothills of Coolgardie and the Blackwall Range will require the clearance of known koala habitat, and will fragment known east-west koala movement corridors in this locality.

And again on p. 104, viz a viz environmental impact

"3.216 The Committee believes that the large number of criticisms of the flora and fauna surveys commissioned by the RTA in relation to the Ballina-Woodburn upgrade is a cause for concern. It is crucial that selection of a preferred route is based on the best possible data, and that the community is confident that this is the case."

To this day the additional studies we believe are essential to properly understand the impact on koalas in the study area have not been carried out.

Our members can have no faith in a process which determines on a route that was not the preferred route in the Values Management Workshop held in Ballina in July 2005; that was unanimously opposed and not supported during the formal public consultation period; that is two kilometers longer than the present Highway; that extends well outside the project study area defined by the RTA; that was not identified as the preferred route in technical studies; and that has the greatest environmental impact of any of the routes put forward.

From our hands-on experience and knowledge of the koalas in Section 2, we confidently but regretfully expect that if the 2C route goes ahead both the north-south and east-west movement corridors for the largest and healthiest koala populations on the Lower Richmond will be obscenely torn asunder.

Such wanton sacrifice of Australia's iconic faunal species is shameful and deserves universal condemnation.

Yours sincerely

**Lorraine Vass**  
**President**  
**Friends of the Koala, Inc**  
**28 January 2006**

Mr Rob Van Iersel  
GeoLINK  
PO Box 9  
LENNOX HEAD NSW 2478

email: [rvi@geolink.net.au](mailto:rvi@geolink.net.au)  
fax: 6687 7782

***Comments on the preferred route Woodburn to Ballina section of the Pacific Highway Upgrade***

Dear Mr Iersel

These comments represent the view of the membership of Friends of the Koala, Inc., a voluntary wildlife rehabilitation group which has been energetically engaged in habitat restoration as well as education and advocacy of the plight of the Northern Rivers' remaining koala populations for 20 years.

***The choice of 2C as the preferred route in the Woodburn to Ballina Upgrade could not be worse for the koalas.***

Our original submission to the RTA in July 2005 and our submission to the Legislative Council Inquiry in August 2005 pointed out that the 2C route (along with Options 2 A and 2B) is of greatest peril to the koala populations as it will fragment to the point of destruction known dispersal corridors in the Riley's Hill, Bagotville, Meerschamvale, Lumleys Lane and Buckomobil areas.

We further pointed out the failure of the very limited field surveys undertaken for the assessment of route options to locate any koalas in areas known to support high density populations, and that, in our view, a far greater effort was needed to assess the presence, density and habitat utilization patterns of koalas in the study area before any sound decisions can be made in relation to impacts upon them.

The RTA, then, was well aware of our concerns about the errors and inaccuracies regarding koalas contained in the environmental assessments and yet failed to address them.

In December 2005 the Inquiry Committee stated, *Interim Report*, p.102:

**"3.206** The impact of the Highway upgrade on the koala population in the Ballina-Woodburn study area was a frequently-cited issue which many Inquiry participants felt was not adequately addressed in the environmental assessment studies."

## Other Issues of Significance

### Construction Stage Impacts

To our knowledge, no consideration has been given to the construction stage impacts upon koala populations. Presumably construction will require the haulage of large quantities of road construction materials through major areas of core koala habitat. Consideration must be given to these impacts

### Koala Health

It must be understood that the koala populations within the Ballina to Woodburn Upgrade area are amongst the healthiest across the Northern Rivers. They exhibit few disease affected animals and require a very low level of rescue related to health difficulties.

The greatest causes of ill health in koalas are loss of habitat and stress. The construction of a six lane Highway through known areas of koala habitat will both reduce available habitat (through vegetation clearance) and stress animals (through loss of habitat, disturbed population function and loss of dispersal corridors). This will lead to major declines in the health of the largest koala populations remaining in the Lower Richmond Valley (up to 500 animals across the study area).

### Conclusion

In New South Wales the koala is listed as *vulnerable* under the *Threatened Species Conservation Act 1995*. What vulnerable means in this context is that the species is likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate.

The Minister for the Environment has before him a State-wide *Recovery Plan for the Koala* which provides a framework for the development of regional plans to assist the survival of the species in New South Wales.

Many of the route options released for public comment in the Ballina to Woodburn Pacific Highway Upgrade will create a *SIGNIFICANT IMPACT* upon koala populations. Very limited field surveys undertaken for the assessment of route options have failed to locate any koalas in areas known to support high density (core) populations. A far greater effort is required to assess the presence, density and habitat utilisation patterns of koalas in the study area, before any sound decisions can be made in relation to impacts upon koala populations.

Yours sincerely

Lorraine Vass  
President  
Friends of the Koala, Inc  
17 August 2005



Appendix 6: Media reporting of private native forestry approvals of core koala habitat around Coffs Harb.

## Coffs Harbour koalas lose habitat to red tape

Saffron Howden

THE state Environment Department has approved logging of almost 2000 hectares of significant koala habitat contrary to its own guidelines, conservationists say.

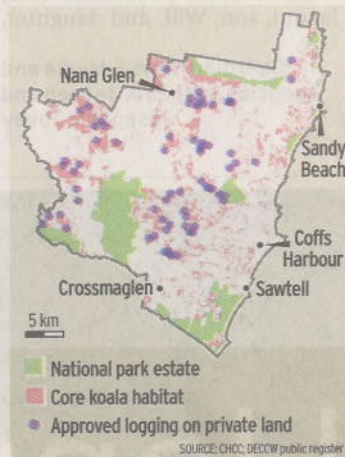
Since 2007, at least 60 separate logging applications on private land have been approved in areas containing "core koala habitat" around Coffs Harbour, according to an analysis by the North Coast Environment Council.

The department does not dispute the council's figures, but said the Coffs Harbour koala plan of management, which identifies the vulnerable species' local habitats, is not officially gazetted.

Because of this, the prohibition on logging that normally applies to important koala habitats under state environmental planning policies could not be enforced in that council area, the department's director of landscapes and ecosystems conservation, Tom Grosskopf, said.

"We're helping them to get their plan updated and get it going," he said.

But local environmentalists are appalled and have accused the department of playing word games. The environment coun-



cil's vice-president, Susie Russell, said the department knew full well where the region's key koala areas were. It had been integral in mapping the habitats, but was ignoring the results and approving their destruction.

The NSW Private Native Forestry code of practice prohibits forestry operations in core koala habitats.

Mr Grosskopf said that despite the logging approvals around Coffs Harbour, the department protected koalas.

The department could not say when the koala management plan would be officially gazetted.

SMH Tues. 4 Jan. 2011 p. 4.

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# Koala habitat now under threat

Belinda Scott | 22nd January 2011

LOGGING within Environmental Protection Zones is permissible under Coffs Harbour City Council's Local Environment Plan, says the Department of Environment, Climate Change and Water.

DECCW is responding to criticism from Coffs Harbour City Council and the North Coast Environment Council for its 'persistent granting of approvals to log koala habitat' in the Coffs Harbour area.

The two councils say DECCW has approved about 1900 hectares of core koala habitat for logging since 2007.

Koalas are one of 97 animals listed as threatened species by DECCW within the Coffs Coast and escarpment Catchment Management Authority sub-region.

A spokeswoman for DECCW said under the LEP, any forestry activity required the consent of council and a Private Native Forestry Property Vegetation Plan under the Native Vegetation Act.

She said DECCW told landholders applying for PNF/PVPs they would need council consent before any forestry activity began if their land included environmental protection zones.

She said the PNF Code of Practice specifically protected threatened species including koalas and specific restrictions applied to sites with a known record or site evidence of koalas.

"We are not aware of any advice received from (Coffs Harbour City) Council re approvals being illegal," she said

The spokeswoman said Coffs Harbour was not on the list of councils to which SEPP 44 (koala habitat protection) applied and the department was trying to determine the background of this.

On January 6 the council general manager wrote to DECCW asking what was their legal justification for causing the destruction of large tracts of koala habitat.



Bruce Thomas

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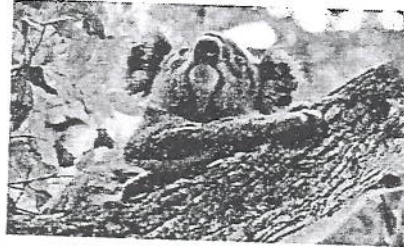
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# Council to fix koala loophole

29th January 2011

THE bureaucratic loophole that has seen 1900 hectares of core koala habitat on the Coffs Coast cleared since 2007 may soon be closed.

Yesterday, the Coffs Harbour City Council's acting director of land use, health and development, Robert Percival, said a meeting had been arranged for February 17 between the council, the Department of Environment, Climate Change and Water, and the Department of Planning.



Bruce Thomas

"There have been significant differences of opinion between DECCW and ourselves regarding the application of our koala plan of management and where it sits in the overall legal framework," Mr Percival said.

"We thought our koala POM applied, but DECCW has been saying it doesn't. There are clearly holes in the process and we need to get to the table and sort out where the differences are. We need to get back to the original intent of the plan, which is for the protection of koalas."

He said the council's koala plan of management had been prepared in consultation with the National Parks and Wildlife Service (now part of DECCW) and the Department of Planning.

"We complied with all statutory processes required in the preparation of the document, which is part of our Coffs Harbour Local Environment Plan."

DECCW says it has a schedule of councils listed in their State Environment Planning Policy for Koala Habitat (SEPP 44) and Coffs Harbour does not appear on it.

The department also says it is not aware of any advice from the council that logging approvals it has issued may have been illegal.

In a recent letter to the council from DECCW, the department said its priority now was to ensure the issue was resolved.

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## **North Coast Environment Council Inc.**

**\*\*\*Media Release 31st January 2011\*\*\***

### **ENVIRONMENT DEPARTMENT CAUGHT OUT LYING ABOUT LOGGING IN KOALA HABITAT\***

Environment groups have obtained three explosive letters sent from Coffs Harbour City Council (CHCC) to the Department of Environment, Climate Change and Water (DECCW) which show the environment department has been lying about logging in core koala habitat.

"These letters expose the environment department in a deceitful double game about koala habitat" said Jim Morrison, President of the North Coast Environment Council.

"DECCW has repeatedly claimed in the media that it was'/not aware of any advice from the council that logging approvals it has issued may have been illegal'/[1]. The letters reveal this claim to be patently false".

"The letters show clearly that CHCC has been raising concerns about approval of logging in core koala habitat for 16 months. The concerns have been ignored by the environment department, who have not even bothered to respond in writing or to meet commitments made in meetings.

"Urgent requests from CHCC to DECCW demanding that DECCW explain their legal position have not even been answered.

"Recent news of plans for a meeting between CHCC, DECCW and the Department of Planning in mid-February to discuss this issue further gives us no confidence whatsoever.

"Given the explosive contents of these letters we do not believe that DECCW has any commitment to koala conservation, and we are now asking the Minister for Environment to urgently step in and protect koalas where his department will not.

"There should be no further delay on this issue -- koala habitat is being destroyed illegally and it should end now" he said.

#### **\*Key quotes from the letters:\***

**29th September 2009** "/Multiple Agreements have been issued by DECCW for properties containing Primary, Secondary or Tertiary Koala Habitat as mapped by the Coffs Harbour Koala Plan of Management (KpoM)"/.

**17th August 2010** "/At that meeting you gave a verbal commitment to provide legal advice from your Department regarding the various concerns Council had raised.....That advice to Council remains outstanding"/.

**17th August 2010** "/The concerns expressed by Council have not abated as DECCW continues to issue approvals for logging over legally defined and mapped 'core koala habitat'"/.

**6th January 2010** "/It is therefore perplexing to see that the NSW Government and in particular DECCW which has carriage to protect koalas as a vulnerable species, is causing the destruction of large tracts of core Koala Habitat and their consequent demise/'.

## **NORTH EAST FOREST ALLIANCE**

**COALITION ASKED TO PLEDGE THEY WILL NOT OPEN UP NATIONAL PARKS FOR LOGGING TO MEET TIMBER SHORTFALLS**

**\*\*\*MEDIA RELEASE 1 February 2011\***

The North East Forest Alliance today welcomed the Member for Clarence, Steve Cansdell's, highlighting the over-cutting of local forests in order to satisfy over-allocation of resources in Wood Supply Agreements, though are concerned by his preference to open up national parks for logging.

NEFA spokesperson, Dailan Pugh said that Steve Cansdell told him on Saturday - and repeated on ABC radio today - that his personal preference is to open up national parks for logging. NEFA is therefore seeking an unequivocal assurance from the Liberal-National Party that they will not revoke National Parks or reduce logging prescriptions designed to minimise impacts of logging operations on threatened species and water quality.

"In 2004 Forests NSW identified that their own assessments of yields of large quota sawlogs in north-east NSW were seriously flawed and unreliable. The NSW Government ignored these concerns when it issued tradeable and compensational Wood Supply Agreements for 215,422m<sup>3</sup> of large quota sawlogs per annum for 20 years from north-east NSW until 2023. This was despite Forests NSW's latest "indicative" yield review at that time identifying that yields should be limited to 187,000m<sup>3</sup> per annum for 5 years and then reduced to 170,000 m<sup>3</sup> per annum for years 6-20. Even then yields would be drastically reduced after year 20.

"At the same time the NSW Government removed clauses from the Wood Supply Agreements that allowed committed volumes to be reduced in line with yield reviews. Given that they were advised that the yield assessments were unreliable and that they issued more resources than were identified as existing, this was grossly irresponsible and has exposed NSW taxpayers to significant financial liabilities.

"Ever since the new 2004 Wood Supply Agreements were signed Forests NSW have not been able to meet commitments, particularly in the Upper North East. Over the 5 years 2004-09 there was a shortfall between commitments given in WSA and actual yields of large high quality sawlogs of at least 144,000m<sup>3</sup> (13%). Forests NSW have already had to buy back timber committed in Wood Supply Agreements and compensate mills that they couldn't meet supply commitments to.

"This has also forced Forests NSW to increase logging of small high quality sawlogs (the large sawlogs of the future) and get into the plantations too early. This is further reducing long-term yields. The desperation for sawlogs is part of the reason why Forests NSW are increasing unlawful logging. With yields declining and native forest operations operating at a loss of \$8-14.5 million per annum the situation will now worsen rapidly.

"We are worried that Steve Cansdell's personal agenda is to open up National Parks for logging to meet the timber shortfalls. We are therefore seeking an unequivocal assurance from the Liberal-National Party that they will not open up National Parks for logging or reduce logging prescriptions designed to minimise impacts of logging operations on threatened species and water quality.

"Timber commitments in north east NSW need to be urgently reduced. We are glad that Steve Cansdell supports our call for an independent public inquiry to be established to determine how bad the problem is and how the situation was allowed to deteriorate so badly. We are now seeking a similar commitment from the Liberal-National party", Mr. Pugh said.\*

Ms Glenda Shelley  
Species Listing Section  
Wildlife Branch  
Department of the Environment, Water,  
Heritage and the Arts  
GPO Box 787  
CANBERRA ACT 2601

Dear Glenda

***Re: Consultation Draft National Koala Conservation and Management Strategy 2009-2014***

Thank you for the opportunity to comment on the draft strategy.

This submission is written on behalf of Friends of the Koala's 350 members. We are a voluntary wildlife rehabilitation group with an energetic involvement in koala habitat restoration and enhancement as well as advocacy, research, and community education. We have been engaged in this work for some 23 years. Our mission is conserving koalas, particularly in the Northern Rivers Region of New South Wales (NSW), in recognition of the contribution the species makes to Australia's biodiversity.

Individual members have also been encouraged to forward their personal views on the draft.

Friends of the Koala is licensed by the NSW Department of the Environment and Climate Change to rescue, rehabilitate and release koalas in the local government areas of Tweed, Kyogle, Byron, Ballina, Lismore and Richmond Valley, an area of approximately 10,000 square kilometres. In the year 1 July 2008 to 30 June 2009 we dealt with reports of well over 550 koalas.

The observations we make are based on our knowledge and experience within New South Wales, which is the jurisdiction with which we are most familiar. We are also including as part of this submission our response to the National Koala Conservation Strategy Review as it contains detail of the reasons which underpin our lingering scepticism about some of the assumptions on which the Strategy is predicated.

### **General Comment on the Consultation Draft Strategy**

The attention given to the implementation, monitoring and review process of this new Strategy is reassuring. We are pleased to read statements of intent which assert pro-activity in koala conservation and provision of sustained assistance. We also applaud the Commonwealth's coordination and support commitment (although we wonder whether the commitment extends to above establishment resourcing), the shorter time-frame of five years for measuring outcomes and the establishment of a national implementation team which will be required to report annually on progress.

However, whilst the tone of the Strategy is more urgent, focussed, inclusive and interactive, we retain grave concerns about the capacity or perhaps it is the will of all levels of government to participate effectively given the extent of entrenched lip-service protection inherent in a system of

*Volunteers working for koala conservation on the Northern Rivers.  
Friends of the Koala services the local government areas of Ballina, Byron,  
Kyogle, Lismore, Richmond Valley and Tweed.  
It is a member of the New South Wales Wildlife Council, Inc.*

competing legislation which enables loopholes, black holes and continuation of the blight commonly referred to as 'death by a thousand cuts'.

In New South Wales the Approved Recovery Plan for the Koala was released with great fanfare towards the end of 2008. Enquiries to Minister Tebbutt made by Friends of the Koala as to how the Plan is to be rolled-out indicated continuing disinterest in facilitating development of the inclusive, resourced, regional frameworks and leadership which we believe are essential in achieving co-ordinated and effective local recovery.

Thus we still question, as we did in our 2008 submission, whether a Strategy which largely 'provides a national coordinating framework for many of the plans and actions that are already being undertaken by state and local governments to conserve and manage koalas' (pp.13-14), will be sufficient to achieve effective protection for the species.

Whilst we find much to agree with in the Strategy we also believe it falls short in several areas. Further comments will focus on Categories 3: Direct Mortality of Individual Koalas, 4: Community Involvement, 5: Caring for Koalas in Captivity and 6: Research.

### **1. Impact of disease on koala declines understated (Category 3: Direct mortality of individual koalas)**

In our view, the Strategy understates the potentially catastrophic impact of disease on koala declines. On the Northern Rivers we have a particularly high incidence and diversity of disease in many of our koalas. Around 65% of animals brought into care suffer from a range of diseases including but certainly not limited to *chlamydia*.

In the discussion of Disease under Threats and Management Issues (p.20), there is no mention at all of koala retrovirus (KoRV) and other diseases are also ignored. Dr Jon Hanger of the Australian Wildlife Hospital asserts that KoRV infection may cause leukaemia, myelodysplasia, immune-deficiency syndrome as well as other cancers in northern populations.<sup>1</sup>

*We recommend that Action 3.03 of the Implementation Plan: Assess and develop appropriate methods to reduce vulnerability of populations to disease which is listed at Priority 1, together with an additional recommendation, addressing the urgency for accelerated understanding of infectious disease in Koala be the lead actions of Category 3 (p.27).*

### **2. Appropriate veterinary intervention not addressed (Category 3: Direct mortality of individual koalas and Category 5: Caring for koalas in captivity)**

We are surprised that the Strategy makes no direct reference to the role of veterinary medicine in koala conservation and management. Friends of the Koala alone admitted over 330 koalas into care during 2008-9, returning just 58 to the wild. We rely on the assistance of local veterinarians as well as the specialist veterinary team of the Australian Wildlife Hospital at Beerwah and to a lesser extent the services of the Currumbin Wildlife Hospital, both in Queensland.

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<sup>1</sup> Hanger, Jon and Loader, Jo. 2009: *Infectious disease in koalas: implications for conservation*. Paper presented to the Koala Conservation Conference, Lismore.

State-provided wildlife veterinarian assistance in New South Wales is attached to Taronga Park Zoo. Local veterinarians are trained in companion animals and or livestock and conduct their practices as private businesses. Younger veterinarians, who are more likely to have some undergraduate exposure to conservation biology, are usually not practice partners. Some years ago the Australian Veterinarian Association estimated the annual *pro bono* contribution made by its members to treating native wildlife at \$20 million. We believe that is a very conservative figure.

Scientific and veterinary knowledge in many aspects of koala health and handling has moved at a considerable pace over the past decade. Unfortunately, not all wildlife rehabilitation groups which are licensed to deal with koalas have access to the desired standard of veterinary service. Other groups, like us, must make significant effort (a four to five hour journey one-way) to access specialist services when required.

In a recent meeting with Minister Garrett we suggested that relying on so much voluntary effort to maintain the health and welfare of the nation's koalas is disgraceful and even foolish, since the animal is estimated to account for over 10% of national tourism revenue.<sup>2</sup>

It appears inconsistent to us to be developing and implementing incentive-based mechanisms for koala conservation on private lands (Action 1.03 p.23), with which we are in agreement, without similar actions directed at compensating and encouraging voluntary veterinary assistance to koalas and even koala rehabilitators.

Further, we reiterate the view expressed in our 2008 submission that a network of professionally staffed regional koala facilities is urgently needed to provide local specialist treatment to diseased and injured koalas and to assist with research. Establishing additional wildlife veterinary clinics would improve employment opportunities and, in due course, create career paths so that undergraduates would be encouraged to specialize in veterinary medicine focussed on native fauna.

***We strongly urge that the Strategy include actions to address these matters associated with the role and improvement of veterinary intervention in koala conservation and management.***

### **3. Public support for koala conservation over-stated (Category 4: Community Involvement)**

Apathy might be an even greater threat to the Koala's survival than any other factor. Regardless of whether apathy is linked to ignorance or self-interest, the result is the same for the Koala.

Although many people on the Northern Rivers are fortunate enough to still live with koalas, and are potentially well-placed to provide the support outlined in the preamble on p.27, we are constantly dismayed at the number of residents and community leaders who are unaware or disinterested in the species' ecology, status and welfare.

Community awareness and education is part of Friends of the Koala's core business and we work as hard at it as resources allow. Our effort might be seen to be making some inroad (following the 2008 local government elections some of our councils are slightly 'greener' than previously),

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<sup>2</sup> Jackson, Stephen 2007. *Koala: origins of an icon*, Allen & Unwin. p.140



however informing and changing attitudes requires very special expertise and is a long-term investment.

We can only partially agree with the assertion that the iconic koala "...engenders much public support for conservation effort." The Koala is certainly instantly recognisable as Australian which might imbue a romantic nationalistic affection and even concern by the many who are distant from the animal; after-all, relatively few Australians have actually seen a koala in the wild.

Because our experience leads us to believe that there is a very long way to go in community engagement, we take issue with Action 4.03 *Continue involving community in koala conservation and engagement with government*, suggesting instead *Extend community involvement in koala conservation....*

***Action 4.02 Develop and distribute educational material would be strengthened if contextualised within a robust, government-led education campaign. We recommend wording along the lines of Develop and implement a comprehensive national campaign to promote better understanding of the koala, its status, and actions needed for recovery. Consideration should be given to raising the amended action's priority to 1.***

#### **4. Role of community groups as research partners (Category 6: Research)**

Friends of the Koala is pleased to see the inclusion of community groups in most of the actions developed for Category 6.

Whilst some community groups may well be in a position to commission research projects, others, and in particular wildlife rehabilitation groups, with their first-hand experience in the field, have the potential to provide the experiential framework necessary for good research and even good policy development. Too often groups such as ours, which deal with wild koalas on a day-to-day basis, feel we are at the bottom of the knowledge and influence hierarchies.

Whilst we agree with Action 6.04 to *Facilitate development of a network to support koala research*, we expect that 'support' in this context will also include dissemination of results and even online discussion. We also expect that such a network will cross state borders rather than the state by state government-controlled units implied.

***A national inclusive, moderated, research-focussed information network was identified as long overdue by delegates to the Koala Conservation Conference held in Lismore in May 2009. We totally support the establishment time-frame proposed of the end of 2009.***

#### **Conclusion**

In the face of the grim evidence of collapsing koala numbers on Queensland's Koala Coast, this new Strategy may still be too little, too late.<sup>3</sup>

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<sup>3</sup> Queensland Department of Environment and Resource Management, 2009. *Decline of the Koala Coast Koala Population: Population Status 2008*. Brisbane

*Volunteers working for koala conservation on the Northern Rivers.  
Friends of the Koala services the local government areas of Ballina, Byron,  
Kyogle, Lismore, Richmond Valley and Tweed.  
It is a member of the New South Wales Wildlife Council, Inc.*

Whilst comparable data sets for the Northern Rivers are not available, the few localised studies (somewhat ironically undertaken for ecological assessments associated with development applications), Friends of the Koala's records, the NSW Wildlife Atlas and the 2006 NSW Koala Survey are sufficient indication that similar trends are being experienced in our coastal regions as well.

While the attention and commitment which has been given to the Strategy's implementation gives Friends of the Koala a glimmer of hope, it is still weak on developing and funding the supportive structures we believe are necessary for assisting the thousands of volunteers who work so hard to conserve their local koala populations.

At the end of the day, political rhetoric will need to give way to urgent and robust political will for the focus of our concern, the Koala's survival on the Northern Rivers, to be achieved.

Yours sincerely

Lorraine Vass  
President  
3 August 2009

Attachments 1: Summary Sheet  
2: Friends of the Koala's submission to the National Koala Conservation Strategy,  
17 July 2008

Mr Saravan Peacock  
Acting Director  
Species Listing Section  
Wildlife Branch  
Dept. of the Environment,  
Water, Heritage and the Arts  
GPO Box 787  
CANBERRA ACT 2601

Dear Sir

***Re: National Koala Conservation Strategy Review***

Thank you for the opportunity to comment on the effectiveness, appropriateness and adequacy of the 1998 National Koala Conservation Strategy (NKCS).

This submission is written on behalf of the 350 members of Friends of the Koala, Inc. We are a voluntary wildlife rehabilitation group with an energetic involvement in koala habitat restoration and enhancement as well as research, community education and advocacy. We have been engaged in this work for some 22 years.

Our mission is conserving koalas, particularly in the Northern Rivers Region of New South Wales (NSW), in recognition of the contribution the species makes to Australia's biodiversity.

The group is licensed by the NSW Department of the Environment and Climate Change to rescue, rehabilitate and release koalas across approximately 10,000 square kilometres on the Northern Rivers of NSW. This encompasses the local government authorities of Tweed, Kyogle, Byron, Ballina, Lismore and Richmond Valley.

In the year 1 July 2007 to 30 June 2008 we have attended to well over 500 koalas across the Northern Rivers, the majority of which have been brought into care.

The observations we make are based on our knowledge and experience within NSW, which is the jurisdiction with which we are most familiar.

**General Comment on the 1998 National Koala Conservation Strategy**

Our overarching observation is that the primary aim of the 1998 Strategy, its rationale and six statements of objective were and remain basically sound, being flexible enough to encompass local and regional interpretation. Another, less complimentary way of looking at it is that the NKCS is little more than a series of motherhood statements about koala conservation and management that has, so far, had close to no impact on the ground.

The NKCS has been ineffectual in the Northern Rivers region of NSW because the 'approaches' to koala conservation and management outlined in pp5-10 of the 1996 *Overview of current approaches to conservation and management of koalas in Australia* stalled, have not been implemented or otherwise lost their way.

In particular:

(1) The State-wide plan, the *Draft Recovery Plan for the Koala* (NPWS 2003) which was both a responsibility under the NSW *Threatened Species Conservation Act 1995* (TSP Act) and a response to the NKCS has never been finalized and released.

We had expected that the Plan would provide structures for local and regional communication, coordination, implementation and review of recovery and management endeavour.

(b) None of the local government authorities in the region have in place approved Comprehensive Koala Plans of Management (CKPoM) under NSW *State Environment Planning Policy 44: Koala Habitat* (SEPP 44) which would provide a very desirable framework for local action (see more below).

(c) There has been a broader reticence by the Department of the Environment and Climate Change to utilise its powers under the *TSC Act*. There has also been considerable diminution of the legislation over the past decade with the introduction of the so-called threatened species reform proposal which has seen ever more inventive mechanisms for accommodating impacts on habitat including koala habitat, namely biodiversity certification and banking.

Other instruments such as the 2007 private native forestry regulations and codes of practice and the routine agricultural maintenance activities (RAMAs) allowed under the NSW *Native Vegetation Act 2003* are also contributing to the erosion of koala habitat.

(d) As far as we are aware there has been no effort to promote community ownership of the NKCS over its life by its federal sponsors, much less regular review and updating. What aspired to be a dynamic document quickly became a shelf document. **If there is some high-level notion of resourced frameworks for partnerships and processes the community can expect to work within it has not been effectively articulated to the grass roots.**

We will now look at each objective and some actions a little more closely and make comment on possible strengthening to improve koala conservation outcomes.

### **Objective 1: To conserve koalas in their existing habitat**

By and large the actions to achieve this objective have to do with land use planning and related issues (1.1, 1.2, 1.3, 1.5, 1.6, 1.7).

In NSW there are several pieces of enabling legislation, including SEPP 44, the purpose of which was to guide and focus the efforts of local government in its responsibilities under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to protect areas of core koala habitat by the preparation of plans of management before granting development consent and encouraging identification of areas of core koala habitat and their inclusion in environment protection zones.

For any number of reasons including lack of resources and expertise within local government; lack of expertise within the Departments of Environment and Climate Change and of Planning which administers the SEPP and lack of resources and political will to develop CKPoMs *per se*, SEPP 44 has never reached its conservation potential.

Of the 107 local government authorities scheduled under the SEPP only two have approved CKPoMs being those developed by Port Stephens and Coffs Harbour Councils. The adequacy of both has been challenged by some stakeholders.

There are also a few shelf drafts including those of Greater Taree, Port Macquarie and Lismore Councils. In the meantime the EP&A Act has been watered-down by the rolling out of regional planning strategies, the introduction of a new part 3A, and more to come with the 'reforms' detailed in the 2007 discussion paper, *Improving the NSW Planning System* (2007).

*Whilst the objective and actions are laudable, the chances of more successful protection through planning processes in NSW have, in our view, been eroded over the past decade. Mandatory CKPoMs for all local government authorities listed in SEPP 44 may assist however without federal government insistence (and encouragement) it is hard to see such a change occurring in the foreseeable future.*

In regard to action 1.4 *such incentive mechanisms must become akin to income offsets for the conservation of high conservation value koala habitat on private land. To ensure permanent outcomes process should include regular audit and annual public review.*

### **Objective 2: To rehabilitate and restore koala habitat and populations**

The objective and the actions are commendable and quite generous government funding under any number of programs is available for the purpose through agencies such as the catchment management authorities.

Projects and programs come and go. We suggest that in general activities which receive government funds to assist restoration of koala habitat and populations are being conducted outside the structure of a transparent, integrated process of consultation, review and accountability.

We also need to point out the importance for koalas of the Forests and Parks estates in northern NSW. An estimated 2.5 million hectares of the State are at risk from Forest Dieback (and suspected links with global warming). Also in relation to state forests, we question that the formal agreement between State Forests NSW and the NPWS referred to on p.8 of the 1996 document was ever enacted.

*In our view work which supports broadly agreed objectives and priorities at the local and regional level is more likely to contribute to the maximisation of koala management and conservation outcomes than work which is uncoordinated or unknown to other local and regional stakeholders.*

*A dedicated and resourced unit within DECC to address forest dieback should be created.*

### **Objective 3: To develop a better understanding of the conservation biology of koalas**

The worthiness of this objective and its action is unquestionable. The issue is how to expedite the actions.

Friends of the Koala is of the view that koala populations on the Northern Rivers are desperately under-researched, perhaps in part because the region is so far from Sydney.

In recent years the group has initiated two research projects, one on genetic variability in the region and the other a pilot study of urban koalas in Lismore. We are collaborating with Southern Cross University and Lismore City Council on these projects. We also participate in the research projects of other agencies, especially the Australian Wildlife Hospital in Beerwah. We are building links with

universities in South East Queensland in an effort to promote research interest in koala populations on the Northern Rivers.

*We also urge adding a dot point specifically to do with **disease in koalas**. On the Northern Rivers we have a particularly high incidence and diversity of disease in some of our populations. We suggest the dot point include mapping disease prevalence and research into disease beyond chlamydiosis, especially, cancers, leukaemia and immune related disorders, including possible causes and improved treatments*

Encouragement of scientific research can sap the energy out of a voluntary community organisation. We are not well placed or resourced to make the connections or to pursue the paperwork involved.

We have heard academics claim that there is money for research but the researchers themselves are few on the ground.

*We urge establishment of local and regional resourced leadership and coordination structures empowered to set regional research priorities.*

**Objective 4: To ensure that the community has access to factual information about the distribution, conservation and management of koalas at a national, state and local scale**

Despite a formidable scientific literature we believe not nearly enough is being done by way of informing and educating the community. Indeed, we often find that overseas visitors are more knowledgeable than Australians about the general status of the koala.

There is comparatively little by way of published material for the informed, lay reader and material which may be relevant is often buried in unfathomable departmental and other agency websites.

Although Friends of the Koala is confident of its delivery on both 4.1 and 4.2 at the local level we question whether it is reasonable and fair that an entirely voluntary organisation should be expected to provide information, education and advocacy services without recurrent government funding.

In our view there is little educational material available at the local level that is **not**, either developed and distributed by groups like ours or instigated by like groups, i.e. local government and others responding to requests.

Having said that, Lismore City Council has recently received a grant from the NSW Environmental Trust to develop and distribute a regional education brochure which Friends of the Koala will provide content and generally co-ordinate.

*We urge establishment of local and regional resourced leadership and coordination structures whose responsibilities would extend to information provision and education.*

**Objective 5: To manage captive, sick or injured koalas and orphaned wild koalas to ensure consistent and high standards of care**

In relation to action 5.1, the publication of *Koala Care in NSW: guidelines and conditions* towards the end of the 1990s was a conscious endeavour to contribute to fulfilling this objective as well as a response to the NSW *TSC Act*. The document was prepared in consultation with voluntary koala rehabilitators from across the State and reflected 'best practice' of the day. The formal conditions

embedded in the document were to be part of an accreditation process which rehabilitation groups were required to meet prior to, or to preserve, accreditation by DECC. This was never implemented.

*In our view 'Koala Care in NSW' requires considerable revision. At the time this occurs we urge that its adoption by licensed groups and individual licence-holders becomes the basis of formal accreditation for koala rescue, rehabilitation and release in NSW.*

We believe that scientific and veterinary knowledge in many aspects of koala health and handling has moved on considerably over the past decade. In our experience, the relationship Friends of the Koala has formed with the specialist Australian Wildlife Hospital in Beerwah, Queensland over the past four years has been invaluable.

*We strongly believe that a network of professionally staffed regional specialist koala facilities is needed to provide local treatment to diseased and injured koalas and to assist with research.*

*We are aware that in its 2005-6 Budget the federal government provided \$2.5m to assist in the construction of a new hospital facility at Beerwah. We believe both capital and recurrent funding assistance is appropriate and that in a situation like ours where a voluntary organisation has already established premises that these be given priority for funding assistance.*

#### **Objective 6: To manage over-browsing to effectively prevent both koala starvation and ecosystem damage to discrete patches of habitat**

Whilst this objective may only have very localized applicability to the Northern Rivers right now, it can be expected to become increasingly significant in management of koala populations with the effects of climate change on diet and habitat.

*We suggest that this objective and its actions be expanded to take account of climate change (this also applies to other objectives that will be impacted by climate change).*

#### **Conclusion**

Given Friends of the Koala's perception that the 1998 Strategy has been largely ineffectual, we seriously question the capacity of national *coordination* in achieving improved outcomes for koala conservation in the wild. Indeed, a decade on we are of the view that there is even less political will at any level of government to seriously commit to sustaining the Koala, despite its iconic status at home and abroad.

As well as the erosion of state legislation we note the failure of the Federal Scientific Committee to provide the Koala the protection of the *Environment Protection and Biodiversity Conservation Act*. We appreciate the difficulties presented by the uneven distribution and status of the species across its natural range in the Scientific Committee's 2006 and earlier recommendation.

Without strong leadership, sound policies, effective and inclusive management structures, efficient communication processes, and appropriate resources (including funding) at every level, the NKCS will continue to disappoint.

Having worked at the coal-face, for 22 years Friends of the Koala is sick of the rhetoric and politics that permeate koala conservation. We need supportive structures and we believe an inclusive bottom-up as well as a top-bottom approach to koala management and conservation co-ordinated

at the local and regional levels is the best model to provide assistance to the thousands of volunteers who work so hard for their local koala populations.

We trust that this Review generates recommendations that will reinvigorate and empower the Strategy and that the Natural Resource Management Council has the capacity to engender the political will that will be necessary to ensure implementation in an open and publicly supported manner.

Promulgation of national koala legislation might be the only effective mechanism left at this eleventh hour for achieving the *[conservation of the nation's] koalas by retaining viable populations in the wild throughout their natural range.*

Yours faithfully

Lorraine Vass  
President  
17 July 2008