



David Shoebridge MLC  
Member of the NSW Legislative Council

**The Greens NSW**  
**Submission**  
**29 May 2015**

The General Manager  
Bellingen Shire Council  
PO Box 117  
Bellingen NSW 2454

Dear General Manager,

### **Re: Bellingen Shire Draft Comprehensive Koala Plan of Management**

We refer to Council's re-exhibition of the amended draft Comprehensive Koala Plan of Management (CKPOM). We are writing in response to the re-exhibited proposal and asking council to not accept the proposed 40% reduction in core koala habitat as proposed in the re-exhibited plan.

#### **Local Concerns**

Our offices have received correspondence from, and met with, residents concerned with the loss of protection in the re-exhibited proposal. We have reviewed the original study and the Council's April Report. Having reviewed the material it is clear that Council's re-exhibited proposal, reducing the area of protected core koala habitat, should not be supported.

The objective of the original CKPOM was to protect koala habitat in order to reverse the damaging decline of the species in one of the richest areas for koalas in NSW. Yet the process seems to have become an exercise in compromise, based on unrealistic requirements for historical evidence of koala populations for areas with extremely low human population densities (and therefore consequently low levels of historical koala sightings). This leads to a situation where identified core koala habitat that clearly should be protected, is not being captured in the CKPOM.

#### **Koala Habitat Study supports more protections not less**

The core koala habitat in the originally exhibited CKPOM was already a significant compromise on the area identified in the Koala Habitat Study (June 2014) as being koala habitat. The Koala Habitat Study was the most comprehensive review of koala habitat in the Bellingen Shire Council Coast Area. It was a detailed investigation prepared by the NSW Office of Environment and Heritage and



involved field surveys, data analysis, GIS data assessment, habitat modelling and vegetation mapping.

The Koala Habitat Study reviewed some 878 koala records and data from 134 survey sites to inform its findings. It identified 8,419ha of potential koala habitat yet the exhibition included only the 2,897ha of habitat located north of the Bellinger River. Over 5,500 ha of potential koala habitat identified in the Koala Habitat Study south of the Bellinger River was excluded from the CKPOM. The Study concluded (p.33):

The results of both the records analysis and field surveys show that the area north of Bellingen and out to the coast fall within a 'high' activity area that shows the persistence of a continual koala population over six koala generations. This area is therefore likely to support a sedentary population of koalas and by definition meets the interim guidelines for an 'important population' under the EBPC Act (refer Map 9).

Evaluation of the koala populations south of the Bellinger River as an 'important population' is more difficult to establish given the widespread but lower density occurrence of koala records and the lower activity levels derived during the field surveys.

The report then identified more than 700 hectares of Primary Koala Habitat deserving of protection to the south of the river. This was in addition to the 1,533 hectares of Primary Koala Habitat north of the river. A further 4,822 hectares south of the river and 1,364 hectares north of the river was identified as Secondary koala habitat deserving protection.

Protecting this habitat is not simply an academic or dry exercise. As the Koala habitat Study concluded (p.34):

The results of the field survey indicate that parts of the study area contains 'habitat critical to the survival of the koala.' Under the Interim Koala Referral Advice for Proponents (2011), habitat is considered critical to the survival of the koala if 'primary koala food tree species comprise at least 30% of the overstorey trees'.

The vegetation communities within the study area that have been mapped as Primary Koala Habitat contain canopy eucalyptus species dominated by the primary koala food trees Tallowwood, Small-fruited Grey Gum, Swamp Mahogany and Forest red Gum and therefore are considered to meet the definition of 'habitat critical to the survival of the koala'.



Given these findings it is difficult to see how the originally exhibited CKPOM did not include protections for the identified koala habitat to the south of the river. Excluding the habitat south of the river meant that 2/3 of the potential koala habitat was not even considered for protection. Of the land excluded, some 700ha was classified as primary habitat which was the highest category of habitat.

### **Further loss of protected habitat with re-exhibited proposal**

Of the 2,897ha core koala habitat to the north of the river that was to be protected in the originally exhibited CKPOM it is now proposed to omit a further 1,133ha of koala habitat (west of the Never Never River). Further study is proposed before any protection is given to this koala habitat.

If omitted, this 1,133ha will be left available to private native forestry (PNF). As the Environment Protection Authority (EPA) has made clear in its advice to Council, if koala habitat is not identified under the CKPOM then it will remain open to logging under PNF approvals. PNF approvals are based on self-assessment by land holders. There is no independent consideration given to identifying the presence of koala habitat before approval to log is granted under a PNF agreement.

The mapping provided by Council shows the extent of existing PNF approvals across land identified in the Koala Habitat Study as Primary Koala Habitat. The fact that twenty eight PNF approvals currently exist within the identified core koala habitat is proof positive of the fact that the self-assessment PNF process managed by the EPA does not protect koala habitat.

In all probability the 81 land holders in the land which is proposed to be excluded under this re-exhibited CKPOM will be acutely aware of the window of opportunity left open to them to exploit the PNF potential of their land prior to any future moves to protect the habitat.

The entire exhibited area north of the Bellinger River is indisputably of high significance as koala habitat. In fact the 700ha of Primary Habitat south of the Bellinger River also falls into this category. Both warrant early protection under the CKPOM from further PNF.



### **What did the EPA say?**

Council appears to have over-reacted to the EPA's confirmation that it will implement the findings of the Council's CKPOM. In its submission the EPA suggested that Council should be clearer about where koala habitat has been found to occur but the EPA also makes clear that it is not providing any comment on the mapping and/or the science behind the CKPOM.

In response Council has undertaken a review specifically focused on the evidence for generational persistence and site activity for the areas west of the Never Never River. In so doing it is in danger of relying on a flawed methodology guaranteed to undermine the habitat significance of lands west of the Never Never River.

The focus on generational persistence and activity levels is misplaced. In the Koala Habitat Study (June 2014, p6) it made it clear that over-reliance on sightings skews the results against the protection of koala habitat in more remote parts of the state.

Records, while providing an important indication of where koalas occur across the landscape, tend to be biased towards areas of higher human population. Lunney et al (2009) found in the results of a NSW community based study that most sightings (records) were within 2.5km of the reporter's home and that few records were more than 10km from a dwelling. This infers that in more rural agricultural areas, properties of 40ha or larger, that reporting rates for koalas is likely to be lower or scarce across these areas. Koalas in these areas of larger rural lots can therefore go unreported and infer a false negative (i.e. no animals reported when in fact they occur).

The escarpment area west of the Never Never River would be an area where relying on sightings rather than habitat types would result in incorrect conclusions. Given the detailed study and findings of the Koala Habitat Study, despite the number of historical sightings in this area, there is no cogent or persuasive reason why the land west of the Never Never should be treated any differently from the remainder of core habitat north of the Bellinger River. The entire identified area is core habitat and should be protected as such.

### **Private Native Forestry and Koala Habitat Protection**

The fact that the end result of protecting core koala habitat is the loss of opportunities for PNF is not relevant in deciding if land is, or is not, koala habitat. Indeed this was not the issue being



raised by the EPA. The EPA simply stated that there needs to be clearly identified parcels of land that are covered by the CKPOM so that landowners can know whether or not PNF is prohibited.

Given this matter is irrelevant to Council's decision-making, there does not appear to be a clear case made out to seek submissions from landowners addressing this point. What is important is that the EPA's advice be made publicly available and included in the documentation put out by Council during the public exhibition process. Given my office has been able to find this on the Council's website this has clearly already occurred.

Delaying the protection of the core Koala Habitat to the west of the Never Never River will place this habitat in immediate peril. As the history of EPA approvals for PNF over the identified Koala Habitat already shows, unless habitat is protected under the CKPOM, landholders will have a ready-made opportunity to apply for a PNF approval before the habitat is protected. This would be an irreparable ecological loss and further threaten the existence of this iconic species in Bellingen Shire.

## **Conclusion**

The early protection of all exhibited core koala habitat in Bellingen (as well as the 700ha of Primary Habitat south of the Bellinger) is vital for many reasons including:

- It is widely agreed that koala populations have experienced significant decline in the Mid North Coast over the past few decades and this decline is set to escalate unless decisive action is taken to reverse this trend;
- There are already significant areas of PNF in the areas identified as core habitat. As these are basically self-regulated there is genuine reason to be fearful for the protection of koala habitat in any areas not covered by the CKPOM; and
- The Council's decision to protect koalas on the land it controls (i.e. 54% of the Koala Habitat Study area) is vitally important given that there are no plans for the protection of koalas on State Forest lands (which constitutes 36% of the study area) which has equally significant habitat significance.



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For these reasons we strongly urge Council to reverse its proposal to exclude the areas of koala habitat west of the Never Never River from the CKPOM. In addition we encourage Council to take prompt steps to include the 700ha of land identified as Primary Koala Habitat south of the Bellinger River in the CKPOM.

Thank you for the opportunity to comment on this important proposal.

Every initiative to ensure a high level of koala protection on the privately owned land in Bellingen is vital. If you have any questions or require further information please don't hesitate to contact our office on 9230 3030 or at [david.shoebidge@parliament.nsw.gov.au](mailto:david.shoebidge@parliament.nsw.gov.au).

Regards,

A handwritten signature in black ink, appearing to read 'D. Shoebridge', written in a cursive style.

David Shoebridge  
**Greens MP and Spokesperson for Local Government and Forestry**

Dr Mehreen Faruqi  
**Greens MP and Spokesperson for the Environment**