



Rifle Range Road  
Lismore NSW 2480

18<sup>th</sup> December 2022

### **Submission for NSW Native Vegetation Land Clearing Review**

Australia's koala is on the brink of extinction. For over 35 years, Friends of the Koala has been on the frontline of the battle to save the species. The Friends of the Koala Hospital continues to tend to more orphaned, sick and injured koalas than any other koala hospital on the East Coast of Australia. We operate the only specialised Koala Hospital in the Northern Rivers, a region that is home to one of the last significant, genetically diverse koala populations in Australia. In 2021-2022, 321 koalas come into our care and our release rate was 32% (up by 3% YOY).

FOK has an established history of working towards positive outcomes for koalas, with the core business of:

- Rescuing, rehabilitating, and releasing koalas at our koala hospital and care centre,
- Protecting and enhancing koala habitat, through our on-site nursery, and restoration projects,
- Educating the community about koalas, the issues that affect them, habitat use and habitat management,
- Advocating on behalf of our koalas,
- Assisting in relevant research, instigating research projects, and supporting and facilitating citizen science,
- Working with Local and State Government, and NGOs to improve outcomes for our koalas

We believe that habitat loss and land clearing is the main reason we see so many koalas in trauma which is why we are participating in this submission process.

In relation to the Discussion Paper FoK identifies key points that directly impact on the long term survival of Koalas and other native fauna in northern NSW.

Lack of notification requirements and inadequate reporting makes it difficult to determine what percentage of 'unallocated clearing' is carried out under allowable activity rules. Notification is essential to identify if the proposal is within an area of Koala activity, not just core habitat, as all Koala use areas should not be impacted by tree removal or other impacts.

Allowable activities should be minimised and only include those that have no impact on Koala habitat. Even what may be seen as low impact clearing may impact on the long term survival of Koalas. One tree can be vital to a population's survival. (Q 5, 6 and 7).

Land Management Native Vegetation Code. The Code is inadequate to protect Koala habitat as approvals do not require robust assessment and monitoring of compliance. There is no mechanism to include cumulative impacts on threatened species such as Koalas.

Currently only 'core koala habitat' is categorised as category 2 sensitive land. The definition of core habitat is limited and does not include Koala habitat therefore allowing removal of significant Koala feed trees and trees within movement corridors. Category 2 should be expanded to ensure that no Koala habitat, linkeages or usage areas are impacted by clearing.

“Set aside” is a provision that should not be considered where there is Koala habitat. The current state of Koala populations in northern NSW requires that all Koala habitat should not be traded against vegetation in another location.

Although the Code states that clearing is not authorised under the Code if the person who carries out the clearing harms an animal that is a threatened species, and that person knew that the clearing was likely to harm the animal. Even experienced Koala ecologist can have difficulty identifying if a Koala is present. The average landowner would generally not identify if a Koala was present. The landowner could claim that they were not aware of the presence of Koalas or other threatened wildlife. (Q5 and 8)

The effectiveness of the Native Vegetation Panel is questionable. Given that over 700000ha of land has been cleared under the Code and only one has been deemed to not be an allowable use seems unrealistic. The question must be asked as to the rigour of the environmental assessment of clearing proposals. (Q5 and 9).

The Native Vegetation Regulatory Map is still incomplete and difficult to interpret. The Map in its current state is not easy for landholders to interpret and is not clear whether Category 1 or 2 lands. Areas that are not mapped are able to be “self categorised” by the landholder.

To ensure that Koala populations are not impacted by clearing a Native Vegetation Regulatory Map should be prepared for the Northern Rivers (and other major locations in NSW where there are Koalas). This Map should be guided by the Northern Rivers Koala Strategy mapping which is currently in preparation and will be finalised in early 2023. (Q 2, 3 and 4).

“A lack of effective monitoring was highlighted by the Audit Office, which found that the LLS undertakes only limited monitoring of whether landholders are meeting the requirements of the Code, including whether set-asides are being established and managed appropriately. The Natural Resources Commission has recommended that the roles and responsibilities for monitoring and enforcing the Code (between LLS and EES) needs to be reviewed; and monitoring of compliance with certifications and notifications to clear, including the establishment and management of set asides, under the Code needs to be strengthened, including increasing transparency.

The Audit Office reported that clearing of vegetation on rural land is not effectively regulated and managed because the processes in place to support the regulatory framework are weak and there is no evidence-based assurance that clearing of native vegetation is being carried out in accordance with approvals.<sup>19</sup> - The Audit Office found that there are lengthy delays in assessing compliance because identifying breaches requires satellite imagery to be compared against clearing authorisations and exemptions to identify and investigate potentially unlawful clearing. -The Natural Resources Commission advised that as a priority, the NSW Government should develop processes to report up to date data on unexplained clearing every six months and also review the drivers behind high rates of unexplained clearing and implement measures to address any issues”. EDO (Q 10, 11, 12)

The current LLS Act has not been effective to align with biodiversity conservation in NSW and ensure that native vegetation, species and habitat are protected.

“The more appropriate policy objective for the LLS Act would be a clear objective to reduce broadscale land clearing and commitment to improve biodiversity outcomes. Current policy objectives do not align with



other NSW government policies. The NSW Koala Strategy aims to double koala numbers in NSW by 2050,<sup>26</sup> yet Part 5A continue to facilitate the clearing of koala habitat (despite some safeguards for ‘core koala habitat’). Current policy objectives of the LLS Act are also not ambitious enough to align with broader, global objectives to reduced halt and reverse forest loss and land degradation by 2030 (Glasgow Leaders’ Declaration on Forests and Land Use) or reverse biodiversity loss by 2030 (Leaders Pledge for Nature)” EDO.

The policy objectives of Part 5A of LLS Act fall well short of the NV Act it replaced. The NV Act 2003 aimed to *prevent broadscale land-clearing and ensure clearing improves or maintains environmental outcomes*. Part 5A aims for much less than this. Its objectives do not come close to addressing the current state of the environment in NSW. A 2021 State of Environment Report confirmed the clearing of native woody vegetation has increased by 300% since 2015. It confirmed the continued rise in the number of species at risk of extinction. Additionally, severe drought, bushfires and floods have decimated areas of native landscape in NSW.

The policy objectives do not align with government policies which state they will doubling koala numbers by 2050. Its objectives fall far short of global ambitions to reduce and reverse forest loss and land degradation by 2030.

NSW Audit Office Review 2019 found that the new laws do not adequately prevent environmental risks but do allow landholders to increase agricultural activities. It found there to be significant delays in compliance and non-enforcement of penalties for illegal clearing activities.

NSW Parliamentary Inquiry on koala populations – Upper House found that regulating clearing on private land was vital to habitat protection and koala survival in NSW. Regulation needed to be greatly strengthened, if not koalas could expect to be extinct by 2050. This inquiry made a number of recommendations for strengthening the framework of the LLS Act. Friends of the Koala participated in this review and were represented when the panel visited northern NSW.

The Environmental Defenders Office released a report in 2020 identifying 10 areas of failure and setting out a pathway of law reform consisting of 27 recommendations. (Q 13 and 14)

Friends of the Koala have expressed previously our concerns that the LLS Act and Biodiversity Conservation Act are being reviewed separately. There has been a total failure of NSW legislation to protect native vegetation and the habitat of Koalas.

If you have any questions or wish to discuss this matter further, please contact me on 0409 244 294.

Yours sincerely

Rhonda James  
Vice President  
Mobile 0409244294  
Email rhonda@friendsofthekoala.org