

Scott SMITH and Xia Ping DENG

442 Coolgardie Road  
Coolgardie, 2478, NSW  
AUSTRALIA

Matthew WOOD  
Manager Strategic Planning  
Strategic and Community Facilities Group  
Ballina Sire Council, NSW, Australia  
By email: [mattheww@ballina.nsw.gov.au](mailto:mattheww@ballina.nsw.gov.au); [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au)

Dear Mr Wood

**Regarding: Ballina Shire Draft CKPoM in relation to  
442 Coolgardie Road, Coolgardie, 2478, NSW, Australia  
(Lot 1 in Deposited Plan 582412, Lot 1 in Deposited Plan 377356, Lot 309 in Deposited Plan 755721  
and Lot 310 in Deposited Plan 755720)**

We are writing this letter in response to the Ballina Shire Draft Comprehensive Koala Plan of Management (Draft-CKPoM) issued in 2015. We are landowners in the Ballina Shire (see above property details in bold) and our property will be affected by the Draft-CKPoM if the plan is approved and implemented. We would like to raise the following points in relation to the Draft-CKPoM.

1. We purchased our property in November 2013. We carefully selected the property after an extensive search period, with clear (legal) use of the property in mind. There was no mention at all of the intention to implement a CKPoM that will impact upon our property within any of the contract documents that were prepared for the purchase of our land (i.e. McCartney Young Lawyers issued contracts dated 18 November 2013). There was nothing looming in the Section 149 certificate issued by Council upon purchasing the property. In the discharge of its public functions pursuant to Section 149 the council has an obligation to provide this type of information. It is information of vital importance to us as intending purchasers and materially affects the use to which the land may be put and its value.
2. The CKPoM (if implemented) will restrict the use of our land. In particular, our ability to conduct Private Native Forestry (PNF). We obtained an approved Property Vegetation Plan (PNF-PVP-05193) on 13 August 2015 from the NSW EPA. The Draft-CKPoM was released for

public comment afterwards. A CKPoM will severely impact upon our ability to conduct PNF works.

3. The existence of the CKPoM will be taking our rights away as landowners. This has caused us grief and heartache. We are also distressed that the cost of obtaining approval for forestry works (if the CKPoM is implemented) will fall upon the landowners. We would certainly be requiring compensation for all of the issues raised in this dot point as well as the issues raised in dot point 1 above.
4. There is no mention of involvement from representatives of the NSW EPA and the forestry industry in preparation of the Draft-CKPoM. This is of great concern as the Draft-CKPoM in its current form does not present a balanced view in our opinion. There is also no mention of involvement from the NSW EPA and the forestry industry in the Ballina Shire Comprehensive Koala Plan of Management Project Reference Group, as well as in the Acknowledgements section of the Draft-CKPoM.
5. In the Acknowledgements section of the Draft-CKPoM, the second last paragraph states "During preparation of the Plan, rural landholders were separately engaged as a group that had a very practical interest in the provisions of the Plan." We have certainly not been involved (and not even invited to be involved) in any such activity.
6. Page 2 of the Draft-CKPoM, last line: "This allowed farmers and rural industry as much input as possible to the plan prior to exhibition". We have certainly not been involved (and not even invited to be involved) in any such activity.
7. The PNF requirements of the NSW EPA have koala provisions in their documentation. We therefore fundamentally question the whole Draft-CKPoM and in relation to forestry.
8. Appendix 3 (page 71), Clause (2): It is way too broad brushed to include "adjoining land" in the clause.

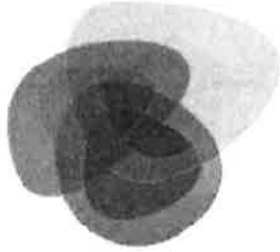
We request that our property, as identified in bold above, be excluded from the CKPoM.

Yours faithfully,

Scott SMITH and Xia Ping DENG

7 January 2016



# Land & Fire Assessments Pty Ltd

PO BOX 104  
Wardell  
NSW 2477  
ACN 160 897 343  
Web: [www.landandfireassessments.com.au](http://www.landandfireassessments.com.au)

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Our Ref: Draft Comprehensive Koala Plan of Management  
Your Ref: BSC Draft KPoM

9 December 2015

TO: Paul Hickey  
General Manager- Ballina Shire Council  
PO BOX 450  
Ballina NSW 2478

Email: [council@ballina.nsw.gov.au](mailto:council@ballina.nsw.gov.au); [mattheww@ballina.nsw.gov.au](mailto:mattheww@ballina.nsw.gov.au)

cc. Matthew Wood, Manager Strategic Planning  
Suzanne Acret, Sustainability Programs Co-ordinator

ATT: Paul Hickey

**Ballina Shire Council - Draft Comprehensive Koala Plan of Management - Land & Fire Assessments Submission**

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This submission to the **Draft Comprehensive Koala Plan of Management** (Draft KPoM) is by Land & Fire Assessments Pty Ltd (LFA). We understand that submissions relating to the Draft KPoM will be accepted until Christmas 2015 (M. Wood, pers com, 3/12/2015).

LFA commends Ballina Shire Council (BSC) for attempting to provide clear parameters for the management of the threatened Koala. In particular, LFA commends the section (Chapter 4) which provides a framework of management activities to complement the regulatory aspects of the Plan, as a way to work holistically to minimise threats to koalas and their habitat; increase the amount of koala habitat in the koala planning area; and maintain and where possible improve the quality of existing koala habitat in the koala planning area.

**LFA however would like to raise a number of points in relation to the Draft KPoM that we consider Council should address:**

**LFA have serious concerns regarding the definition of Core Koala Habitat expounded in Chapter 3 and the proposed inclusion of an LEP based provision to address Koala management.**

Our concerns are based on the fact that the proposed Core Koala Habitat definition in the Draft KPoM is inconsistent with the State Environmental Planning Policy No. 44 (SEPP 44) definition of Core Koala habitat; therefore, ratification of such definition in the Plan and inclusion in LEP would have significant implications for currently allowable development. For instance, areas of Wardell including land identified for future urban release in the last Wardell Strategic Plan and infill development seem to fall under the Core Koala Habitat definition and would therefore be precluded from being developed.

We further note that the only locality within the LGA that will be considered Core Koala Habitat is the **Southern Koala Management Precinct (SKMP)**.



**Why would Core Koala Habitat not include the plateau? Population estimate numbers provided on pg. 8, indicate 37-41% of the koala population actually occurs on the Plateau. We further note that no landowners or rural industry group from the SKMP region was included in the project reference group.**

The Draft KPoM has identified the Southern KMP as a significant population based on an initial study done by Mr Phillips (i.e. *The Koala Habitat and Population Assessment: Ballina Shire LGA*). **This study although significant, identified preferred koala habitat using predominantly modelled data and identified the need of further baseline data surveys and additional ground-truthing as a required next step.**

As noted in the Draft KPoM (p.11), *"At the time of preparing this plan, the NSW Roads and Maritime Service (RMS) was engaged in detailed assessment and evaluation of the koala population in the southern part of Ballina Shire and identification of mitigation and management options. This work is being undertaken in order to meet conditions of approval for the upgrade. The investigations being undertaken by the RMS may provide significant additional information assist in understanding the local koala population, threats to its viability and opportunities to support the population. This in turn may assist in the implementation of this plan and management of the koala population in the shire over the long term."*

As highlighted, the results of the RMS work will provide significant additional information, which might even conflict with the Draft KPoM mapped habitat assumptions or otherwise further improve such mapping. **Given that the RMS is due to release this information in the next few months, we believe it would be extremely premature to ratify the Draft KPoM Core Koala Habitat definition until the RMS work is released.** More importantly so as the proposed definition of Core Koala Habitat only applies to the Southern KMP and this is the area subjected to the extensive population viability analysis by the RMS..

The Draft KPoM states (p.26):

*"It is therefore considered that all Preferred Koala Habitat within the full geographic extent of the Important Population Boundary (Figure 1 and Figure 6 – Southern Koala Management Area) meets the Core Koala Habitat descriptor given that it currently supports a permanent resident free living population."*

With reference to the statement above, reference to Figure 1 is incorrect, and Figure 6 does not show the extent of the Preferred Koala Habitat within the Important Population boundary.

In concluding this point, the Draft KPoM equates Preferred Koala Habitat with Core Koala Habitat. However, under SEPP 44, *"Core Koala Habitat means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population."*

We understand that 'existing vegetation mapping undertaken by Council staff' has been utilised in the development of the KPoM. However, such mapping is not available for review and, if it is of the same quality as that undertaken to underpin the standard LEP mapping, it has been found to be seriously deficient. In fact, the Northern Councils EZone Review Interim Report (Sept 2013) **found that mapping errors of accuracy and precision were apparent in Ballina SC** and importantly, that approximately 31% of sites inspected contain features including small areas of grazing land and some larger anomalies included an operating sand mine and a caravan park.

**Further compounding the concerns about the accuracy of vegetation mapping as it relates to 'Core Koala Habitat' is the inclusion of Blackwood (*Acacia melanoxylon*) as a secondary/supplementary**



**food tree species. This appears to be an anomaly relative to preferred koala food trees listed in other LGAs (eg. Lismore KPOM).** For instance, Secondary (Class B & Class C) Koala Habitat (which is considered Core Koala Habitat) is found where primary food trees species are absent and only secondary food species are either dominant, co-dominant or sub-dominant in the tallest stratum (Table 3, p.24).

**Given that Blackwood (also known as Sally Wattle) is defined as a 'secondary food tree species', according to the Draft KPOM it is sufficient to have it found as a sub-dominant component (in the tallest stratum) of a vegetation association for the site to be defined as Core Koala Habitat. Notably, Blackwood is commonly found as regrowth species in rather disturbed environments.**

We further note that the 'Preferred Koala Habitat' definition in the Dictionary (p.52) is inconsistent with Table 3 (p.24). The dictionary definition refers to 'Vegetation associations and/or communities' whilst Table 3 refers to 'Forest and/or woodland communities'. If the dictionary definition is used even more vegetation types would be classified as 'Core Koala Habitat' than those described in Table 3. At the very least the definitions should be consistent throughout the document.

Another inconsistency noted is that in regard to the dictionary definition of 'Tree', which is:

"tree" means a perennial plant with a woody self supporting stem or trunk/s having a height of more than 3 metres and a trunk circumference of more than 300 millimetres when measured from 1 metre above ground level. This is the same meaning as that defined in the Ballina Development Control Plan Chapter 1 – Administration, Appendix 2 – Dictionary

However, Table 1 - Appendix 4 states "Clearing of trees over 250mm diameter at breast height in core koala habitat is not permitted".

Clearly, 'trees over 250mm at breast height' are not, by the dictionary definition, considered a "Tree" because they do not have a 'trunk circumference of more than 300 millimetres'. Furthermore, there should be consistency at the height at which trees are measured. The recognised standard height for measuring Diameter at Breast Height (dbh) is 1.3m above the finished ground level. We note that 1m is used for the definition of Tree and 1.4m is used for 'dbh' in the 'Dictionary' section of the KPOM.

In any case, based on the KPOM defining the Southern KMP as 'Core Koala Habitat', any assessment in this area would need to be undertaken in accordance with the details described in Appendix 2 Table 6 and Appendix 4.

On this note, the details of Appendix 4 Table 1 are not at all clear:

- If an area of 'preferred koala habitat' is to be removed, what rate of planting would be utilised to establish the compensatory area?
- According to Table 1, we are given ratio of between 1:10 and 1:20 for 'habitat' replacement. What constitutes 'habitat'? Are a couple of secondary food trees occurring in a 500m<sup>2</sup> area (for instance) considered habitat? And if so would 10ha of habitat (1:20 ratio in SKMP) be required to offset such clearing?
- Is there not an offset ratio for the removal of 'preferred koala food trees' in the Southern KMP as there is for the East Ballina and Plateau KMP?
- What is the offset ratio for 'preferred koala food trees' >250mm dbh removed in non-core koala habitat?
- Does the provision relating to disallowing the clearing of trees >250 mm dbh in core koala habitat relate to 'all' tree species including non-native or does it relate to preferred koala food trees only?



A general comment about the KPoM is that many key points are not clearly spelt out within the document. These are discussed as follows:

- A good example of the above point is the fact that all 'preferred koala habitat' in the Southern KMP is considered 'core koala habitat'. This should be very clearly noted and shown on a map and the implications (particularly for existing landowners) clearly described.
- If Figure 4 is showing the 'preferred koala habitat' in the Southern KMP, it should note also that the habitat shown is also considered 'core koala habitat'.
- Why is the word 'interim' used in Figure 4? Is the extent of the habitat still being defined and likely to change in the final KPoM?
- Appendix 4 Table 1 is very unclear. Is it referring to area of koala habitat to be considered for compensation or number of trees? There should be far more detail as per the Lismore KPoM.
- The reference to Section 5 on pg. 73 is an error.
- Due consideration has not been given to the implications of the KPoM on the village of Wardell.
- According to personal comment by Matthew Wood the Appendices are not to be considered for review in the Draft KPoM as they are likely to be changed, then why include them? The Appendices are critical to the operational part of the KPoM hence should be detailed and virtually complete.
- 'Koala Movement Corridor' is defined in the Dictionary however is only referenced once in the report itself. For assessment purposes, detail relating to how a 'Koala Movement Corridor' is defined should be described further in the KPoM.

In conclusion, LFA is commending BSC for attempting to provide parameters for the management of the threatened Koala. However, we have serious concern about the Core Koala Habitat definition for the SKMP and the proposed inclusion of an LEP based provision to address Koala management.

We find the Draft KPoM unclear and inconsistent and lacking the level of detail that would allow assessments to be undertaken comprehensively. We consider the KPoM lacking to the extent that would find it difficult to explain the proposed provisions to a landowner seeking to develop their land if it occurs within the SKMP. Finally, we believe it would be extremely premature to ratify the Draft KPoM and the Core Koala Habitat definition until the RMS work is released.

Regards,



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**Paola Rickard**  
Senior Environmental Planner  
LFA Managing Partner  
Land & Fire Assessments Pty Ltd  
Mob. 0427 809 352  
Email: [paolarickard@gmail.com](mailto:paolarickard@gmail.com)



.....  
**Tony Coyle**  
Senior Environmental Scientist  
LFA Managing Partner  
Land & Fire Assessments Pty Ltd  
Mob. 0427 483 099  
Email: [tonycoyle01@gmail.com](mailto:tonycoyle01@gmail.com)



## Submission to Ballina Shire Council- Draft Koala Plan of Management

This submission has been prepared on behalf of members of the NSW Farmers Lismore/Alstonville Branch who reside in the Ballina Shire Council area.

Primary Producers need confidence that any content of the Plan does not have a negative impact on ability for continued viability of food and fibre production without impediment. There should be no requirement for a DA for any future activity on area of land involved in food and fibre production.

The recognized major predators for Koalas are Wild Dogs and Domestic Dogs. Has the Council considered that by creating Koala Habitat areas, they may be providing an ideal habitat and food source for Wild Dogs?

Identified areas of Koala Habitat on the Alstonville Plateau need to be validated by more than stated 'Presence of Scats'. There appear to be areas within the Koala Habitat mapping, involving properties where the owner/manager was not consulted. Surely ground truthing, with owner manager present and additional photographic evidence needs to be completed .

### 1.7 Threats

Document needs to identify the 'Threats from Agriculture' or remove inclusion of word 'Agriculture' from Plan.

Page 11: How does Private Native Forestry provide a Threat?

### 1.9 Mapping:

Page 13: Boundaries of identified areas need Road name identification for ease of understanding.

Page 19: Term 'Alstonville Plateau' too general. Needs further clarification with supporting documentation for inclusion.

### What does Koala Planning area really mean?

3.1 Figure 4a: Further explanation would be helpful

### 3.2:

Page 28: First 3 dot points need explanation, if being used for validation of need for Plan. They actually support the concept that current status of presence of Koalas has improved without a Plan.

3.3: What is relevance of this section?

If no Koala Habitat trees are present on a property, the property should be exempt from inclusion in the Plan.

Page 31:

3.4.2: It may be helpful if in line 5 to add following 'were 'predominantly planted on properties engaged in Horticulture '. This could provide better understanding in reading of document.

Management Activities:

Point 16 – Page 42

As report on E zone Review has now be released, this statement may not be relevant to include in the Plan and needs thoroughly addressing by Council.

Point 42 – Page 49

Clarification on relevance and interpretation of Bush Fire Management details included in document needed. For example whether a Cool Burn or Hot Burn in Hazard Reduction Burning. A controlled burn is always preferable to an uncontrolled fire.

(Mrs.) Kath Robb

Secretary



## Suzanne Acret

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**From:** [REDACTED]  
**Sent:** Tuesday, 24 November 2015 2:52 PM  
**Subject:** Ballina Koala Management Plan

Hi Suzanne

I would like to submit my feedback with regards the Ballina Koala Management Plan.

Thankyou for meeting with Suzie, Paul, Christina and myself last week....particularly since you allowed time amongst your other commitments!

I am a resident of Meerschaum Vale and therefore the plan has many potential implications for me.

I am concerned about regulatory frameworks which may be imposed on me as landholder and as stated previously deeply resent the fact that people like myself will be regulated whilst environmental vandalism in the form of a freeway have been fully blessed by the council. To my way of thinking this is an extreme contradiction.

Could you please overview the full extent of regulation ammendments that will affect the landholders?

I wish to refer now to the acknowledgements in the preamble of the document. I am wondering who the landholders were who were consulted. To my knowledge none of the residents in my area were, yet we will be adversely impacted by the plan.

On page 1 of the document it states that an ordinary meeting endorsing the plan was held on 19th Dec 2015. Given it is only November 2015, I am wondering does this mean the plan will be endorsed regardless of public comment?

Point 1.5 (p3) providing a long term future for koalas.....I cannot see how building a freeway directly through the middle of the koala corridor will guarantee a long term future. I am wondering if, that in preparing this plan the Council have pre empted the scientific reports still to be finalised by RMS?

### Vision 1.5.1

Retain and consolidate core koala habitat; Why and how is it permissable for RMS; with council blessings to destroy up to 300 hectares of koala habitat? I cannot see how this fits the vision? Just out of curiosity; I drove from Wardell to Ballina this morning and many trees have been felled. How did Ballina shire council ensure that no koalas were killed in this process?

(c) Does working with communities include people like me? If so, why have myself and others around me not been included thus far?

(d) Transparency is an important part of the process. To that end, surely landholders like myself could have been consulted sooner. Furthermore it is imperative that all scientific and development and developer/vested interest groups documents/studies be made public re the planning process

(e) Promote koalas as an economic asset. For whom? Are we referring to the Wardell progress Association and the developers/councillors who have recently compiled a development plan to benefit Wardell?

(h) underpin a landholder ethos of respect for koalas. I agree that all landholders need to held accountable and trained to respect wildlife. This can be done through effective management of pets as indicated in the report. However, I wish to point out that the council have blessed the destruction of core koala habitat. Conservationists who have been responsible in the past for planting and regenerating the koala habitat, choosing to live without dogs and developing their own koala corridor are now having their works/efforts destroyed in order to accomodate a freeway, and the biddings of Wardell progress Association/Ballina Shire Council. Many koalas will be killed or traumatised to accomodate the will of RMS/Wardell/Ballina shire council. On these grounds alone it is hard to have any confidence at all in the plan.

I believe that the koala management plan needs to be discussed at a national level given that the southern end of the shire supports a nationally significant population (p.7). Therefore public comment must be extended beyond the boundaries of the shire.

1.7. Fragmentation of koala habitat isolates individuals and impedes gene flow. I understand there will be mitigations in the form of tunnels and boards and fencing crossing the freeway to allow movement. However, in Tyalgum where the koala population was disrupted for a freeway there is now evidence that the koalas are inbred. This seems to indicate connectivity structures do not work. How will the council ensure that koala cross structures and use connectivity structures? Who will train the koalas to use them? How will council prevent inbreeding? How will koalas be protected from excessive noise levels? Won't that disturb their movements and habits? It is important that council refer to the research that clearly indicates koalas do not manage connectivity structures as evidenced in Tweed Shire.

I would like to jump ahead here and ask have the council started replanting koala habitat trees? According to the offsets addendum (p74) an offset ratio of 1;15 trees or land must be replaced. To my knowledge council have made approvals for core koala habitat to be removed at the quarries in Wardell. Where are the compensatory plantings/land ratio acquisitions. If trees were planted to meet this criteria have they reached an appropriate size to accommodate koalas? (p75)

It is pointed out that offsets must only be acquired after all other options have been explored. To my knowledge this is not the case as cane fields were available for infrastructure development. Therefore is the plan only for residents at the exclusion of developers, vested interests and infrastructure?

I would be grateful if you could overview how council have complied with the proposed plan in this instance?

On page 30 of the document a reference is made that sub adult males and older breeding males are missing from the demographic profile. I wish to indicate that breeding males are active in my area but they have not been included in the study as the study was not compiled during the breeding season. Also, I know of several properties where koalas have not been documented and fell outside of the study profile simply because residents were not aware. These koalas will be heavily impacted by the freeway development as their habitat adjoins the proposed route.

I would like to now refer to the timeline of proposed procedures and ask to consider points 22 and 23 on page 43.

A register of landholders; grant funding.

Who will benefit from these grants? Will all members of the community be eligible or only certain people? I would like to nominate.

Undertake a pilot site; where will that be? Is it for the Wardell community or will other sites be considered? Some Meerschaum Vale residents would like to nominate.

Collaborate and keep community informed re koala management (p45)

Will this collaboration extend to Meerschaum Vale residents impacted by the highway or will all collaborations continue to unfold confidentially with Wardell Progress Association; RMS and Ballina Shire Council and associated developers/counsellors?

Point 34 (p47). This is very sensible protocol. I agree that all dogs should be carefully managed as this is already a big problem in Meerschaum Vale and it places koalas at risk.

Point 44 and 45 (p50). The goal of several landholders in Meerschaum Vale was to establish eco tourism. Unfortunately we now have a highway ploughing through adjacent to our lands. Will council support these landholders or will all opportunities continue to be funnelled into Wardell Progress Association? Will the brand with opportunities for accomodation be linked to Wardell Progress association and associated developers/counsellors?

Finally in reference to the offsets. I am one of several landholders in Meerschaum Vale who will be situated adjacent to the new freeway. Our properties offer high conservation values and provide important koala habitat. So far, we have been denied any offset packages from RMS. What opportunities will the plan deliver to people like me in terms of conservation and offset agreements?

In closing I would like to thank you for this opportunity to comment on the Koala Management Plan. However, I am extremely concerned that if the highway proceeds there will be no real point in having such a comprehensive plan as the koala population will be placed at further risk. Mitigation processes are proven unreliable. Furthermore, the koala population in Meerschaum Vale and crossing over into Wardell are a major source population that will be bisected by the highway. Given their vulnerability and nationally significant status it must be stressed that the management plan needs to reflect the national voice and not just the Ballina demographic. The opportunity to comment needs to made accessible to all residents, regional and national and not just those able to negotiate modern technology.

Thanks again for your help thus far Suzanne and hope to talk to you again soon.

Sincerely



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<BR

## Suzanne Acret

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**From:** Maria Matthes - Healing History <maria@healinghistory.com.au>  
**Sent:** Thursday, 24 December 2015 10:03 AM  
**Subject:** Ballina Koala Plan

Hej Suzanne

Apologies for the delay in providing comments and thank you for the extension. Thank you also for the enormous effort put into this critically important plan.

1) Overall the Plan is great and is supported.

2) As a Comprehensive Koala Plan of Management for the Shire I believe it is the document that will ensure the persistence of Ballina's koala populations into the future for many human generations not just 50 years. To this end, the CKPOM would benefit from a more expansive and detailed list of actions and some further discussion of why these actions are necessary. I think they can be pending funding actions and responsibility to whoever can get funding to do them in partnership with council. You could use a symbol to identify these actions. Some of these will be discussed later.

3) I understand that RMS have not liaised with Ballina Council in any meaningful way regarding the content of their koala studies and Ballina Koala Plan. Despite this it would be extremely valuable to consider the data in these documents before finalising the plan as it should shift the understanding of the Ballina population a bit, identify areas for collaborative work, reconsidering important areas and management needs for the koala population, and refining mapping in the CKPOM.

4) Somewhere in the plan, there should be something that identifies the need for unoccupied and new habitat to be available for population expansion and poor times such as drought, heat waves, fire, and insect defoliation. Note that insect defoliation over summer of Forest Red Gums in wet hot years (eg last year and this year) is a serious issue with a high proportion of known food trees being 50-100% defoliated over the summer period. They do seem to recover but it is an issue for the koalas.

5) Core Koala Habitat - by the definition in SEPP 44, core koala habitat will be where breeding occurs (mothers and joeys). This in itself is a necessary identifying feature, however, mapping it takes away the dynamic use of the landscape by the koalas. Refer point 4) above - if habitat is temporarily unsuitable, mothers with joeys will have to use alternative habitat that may be outside their usual home range. In which case the alternative habitat could also be considered core. A way to deal with the changes in the population and habitat use over time would improve the chances of population persistence. In addition, the use of the mapping could be changed with increasing knowledge from RMS studies.

6) need for replacement-recruitment trees as a large number of koala feed trees and shelter trees (Lophostemon species and Blackbutts) are infested with termites and over the long term these will die and not be available as food trees.

7) Not sure about the tourism side of things. It has its benefits but the reason the population in its source does well is that it doesn't have strange people looking at them all the time. Occasionally not a problem but lots of people talking, with loud expressions of excitement, and not listening to instructions, increased vehicles, would not be good for the population. Not opposed but would need greater consideration.

8) Should state somewhere that apart from windbreak trees, all plantings should be from local provenance and the 4 key food trees and support trees. Add as an appendix.

9) Management Actions

- Regulatory Processes - this would benefit from a checklist for council officers doing infrastructure works such as roadside maintenance. Infrastructure SEPP requires minimal disturbance as necessary to vegetation and soil for an exemption - this needs greater definition for council application, also expectation of EPBC Act to avoid need as controlled action. Could be part of Action 11.

- Action 18 - may have a few issues in achieving, fully supported but some Council staff appear to have different opinion. This may require speed limit reductions, signage to allow for management of habitat for koalas.

- Action 32 - this needs more - consideration of actions for Wardell Road, existing Pacific Highway and Bruxner Highway as key hotspots for vehicle strike, needs revamp of Ballina Councils roadside vegetation management plan, and needs a positive outcome (reducing speed of Bagotville Road) that enables council to manage the road in a way that is conducive to koala habitat protection not destruction. Also high priority..
  - Action 37 - this should be an on-going study, as more samples collected, captures and research is undertaken.
  - Around Actions 40-42 include an action for the community to be involved in fire for biodiversity conservation and hazard reduction works that are beneficial to the koala population.
  - Actions 43-44 - see comments above.
  - I feel that it is urgent that there is weed control, dog control and revegetation as priority 1 asap actions with large costs associated, through grants.
  - \$\$ underestimated for many actions eg weeds, monitoring, research, dog control,
  - Other research actions necessary to improve understanding of population
  - Other actions could be included considering points raised above.
  - Also there doesn't appear to be anything to do with climate change and this should be addressed somewhere in the plan - for tree planting, for nutrient changes and suitability of trees etc
- In *executive summary* para 2 specify domestic and wild dogs, and fire management as focus of plan. Also consider having disease and stress management, habitat availability and carrying capacity as focuses of the plan.
- In *vision* include an additional vision that the plan encourages a proactive and active community.
- Table 1 - area of habitat, extent of occurrence and area of occupancy need to also consider points 4 and 6 above for having available habitat in poor times, loss of trees etc.
- In *threats* with disease add retrovirus, and points raised previously.
- In *important population* check with Steve Phillips-RMS I think that the boundary has changed. May be useful to have a couple of categories.
- In *Statutory Context SEPP 44* include something to do with the infrastructure SEPP overriding the Koala SEPP but the EPBC Act overrides the Infrastructure SEPP.
- Table 3 categorisations don't really fit with the Ballina population which is acknowledged on following page. Therefore Table maybe should be revised or qualified.
- In offsets appendix - check but I think that NSW Govt and Feds have signed up an agreement that defers the Federal offsets in NSW to the NSW offsets policy.

Well done and congratulations on a job well done. I am happy to expand on or clarify comments if needed.

Blue skies and dragonflies

Maria

Maria Matthes

Healing History

Ecological Sustainability Consultant

Phone: 02 66879808

Mobile: 0467 855 990

E-mail: [maria@healinghistory.com.au](mailto:maria@healinghistory.com.au)

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## TIMBER NSW

4 December 2015

Ms Suzanne Acret  
Sustainability Programs Co-ordinator  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

council@ballina.nsw.gov.au

Dear Ms Acret,

**Re: Submission on Draft Comprehensive Koala Plan of Management**

Thank you for the opportunity for Timber NSW to comment on the draft Comprehensive Koala Plan of Management (CKPoM).

Koalas are one of Australia's most widespread native animals occupying a diverse range of forested habitats which include the east coast and western slopes of New South Wales. Over the vast majority of their range koalas occur naturally in low population densities. The nature of their distribution means that they are unable to be effectively protected simply by forming refuges. A broad and holistic approach is required.

We support a CKPoM that is focused on the management of the koala's key threats (as identified in section 1.7 of the draft CKPoM). We suggest consideration be given to the inclusion of weeds (e.g. camphor laurel and lantana) as a key threat as they restrict koala movement and can affect fire behaviour and food availability.

Timber NSW does not accept that Private Native Forestry (PNF) should be included on the list of threats. Further, the inclusion of the following unsupported statement from page 11 is unscientific and unwarranted.

One of the most significant threats to koala habitat in Ballina Shire is the potential loss of native forests and feed trees through private native forestry. In addition to direct habitat loss, private native forestry activities may also increase the stress on koalas impacted by forestry operations raising the potential for the emergence of disease.

We are unaware of any research or evidence to suggest that PNF is a threat to koala habitat. We note that the Office of Environment & Heritage does not identify PNF as a threat to koalas.

<http://www.environment.nsw.gov.au/threatenedspeciesapp/profile.aspx?id=10616>.

In fact, Council's own data presented in Table 2 on page 9 does not contain any evidence to indicate that PNF may be having an adverse impact on koalas.

We are aware that a few years ago a PNF operation occurred where the operator did not comply with all of their licence conditions and where the outcome was less than satisfactory. We understand that this operator was subsequently fined. The industry would support action taken against any operator who does not comply with their licence conditions. However this should not be seen as indicative or representative of the broader industry and caution any judgement taken by Council on the basis of this incident.

Timber NSW understands that not everyone is comfortable with PNF operations. However there is no supporting evidence that PNF operations are a threat to koalas. Some of the most well recognised koala habitats around Coffs Harbour have been routinely subject to selective timber harvesting for over 100 years. Recently published research by Lunney et al (2015) <http://www.publish.csiro.au/?paper=AM15019> has found that the koala populations in these forests are stable.

Regrowth forests are an essential food source for koalas and it is through the practice of timber harvesting that regrowth is created. Wildfire is an alternative mechanism for creating regeneration and regrowth however it is far less sympathetic to the needs of individual koalas.

From a planning perspective it is important that Council clearly differentiate between selective timber harvesting and the land clearing that occurs with urban development and road works.

We note that Ballina LEP Environmental Zoning provides for environmental protection at a strategic level and consider that this could be more clearly communicated.

At an operational planning level the draft CKPoM acknowledges the role of the *Native Vegetation Act* in regulating PNF operations however it does not recognise the comprehensive nature of this regulation nor the extensive environmental protection that it provides (refer PNF Code of Practice for Northern NSW <https://www.epa.nsw.gov.au/pnf/CoPNthnNSW.htm>).

Reference should also be made to the Koala Code of Practice that was developed by the NSW Forest Industries Taskforce in 2014. <http://timbernsw.com.au/koala-code-practice-forest-harvesting-new-south-wales>. The Code provides an additional layer of protection and compliance with it ensures that koalas and their habitat are effectively protected.

We are concerned and confused by the way the draft CKPoM has defined core koala habitat for the purposes of triggering SEPP 44.

*The definition of Core Koala Habitat within SEPP 44 means 'an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population'.*

It would appear that Council is basing its definition of core habitat on undisclosed data and a series of linking logic that is not transparent. Based on the widely accepted understanding of core habitat it would appear that Council is utilising an overly liberal interpretation of the definition (refer extract from page 26 below). We note that without access to the survey records it makes it difficult to form a clear view on the Council's approach.

koala population throughout the Southern KMP area. It is therefore considered that all Preferred Koala Habitat within the full geographic extent of the Important Population Boundary (Figure 1 and Figure 6 – Southern Koala Management Area) meets the *Core Koala Habitat* descriptor given that it currently supports a permanent resident free living population.

To ensure that the method used by Council to define core koala habitat is scientifically robust and consistent with state wide practice, we strongly recommend that it be subject to independent expert assessment. Further we would suggest that the findings of this assessment be made publicly available.

We note that Ballina Shire Council did not consult with the NSW Department of Primary Industries (DPI). NSW DPI are charged with the sustainable use of the State's natural resources and employ scientists with expertise in the ecologically sustainable management of forests for koalas and other threatened species. See <http://www.dpi.nsw.gov.au/research/areas/nsw-forest-science/hardwood-leaves/distribution-of-koalas-north-east-nsw> . Timber NSW respectfully suggests that Ballina Council access this rich source of knowledge and expertise.

In summary, the technical aspects of the draft CKPoM and the unsupported claims made about PNF warrant review and Ballina Shire Council may be attempting to regulate or restrict activities that are already appropriately regulated.

Timber NSW is genuinely concerned for the welfare of koalas and is committed to their conservation. We very much appreciate the opportunity to convey our views and look forward to having a constructive and open dialogue.

Yours sincerely,

Yours sincerely,

A handwritten signature in black ink that reads "Maree McCaskill". The signature is written in a cursive, flowing style.

Maree McCaskill  
General Manager



**WARDELL AND DISTRICT PROGRESS ASSOCIATION**

**SUBMISSION TO BALLINA SHIRE COUNCIL**

**DRAFT COMPREHENSIVE KOALA PLAN OF MANAGEMENT**

The Wardell and District Progress Association has several concerns we would like to raise regarding the Draft Koala Plan of Management.

- That the identification and mapping of the Koala habitat area and the classification of core koala habitat (completed 2013) be updated with the more comprehensive Roads and Maritime Service research 2015.
- Unclear about the impact on the existing Wardell village in terms of development of existing residential blocks of land, which may fall on land identified as Core Koala Habitat, e.g. the addition of granny flats, building extensions, pools etc. Does the clearing of trees offset planting apply to these areas?
- Unclear about the impact on land identified as Core Koala Habitat within the Wardell village – particularly the areas identified as future urban release areas in the Wardell Draft and Strategic Plan.
- We would like to see clear definition on the type of trees. Are introduced species and non-native trees subject to the Plan's Guidelines?

The Plan does address some of these issues – informing landowners of the implications and further collaboration with the NSW RMS – in the targets for implementation. We would like to see these addressed before the Plan is implemented.

We have invited a representative from Ballina Council to address a Progress Association Meeting to clarify the implications for specifically the village of Wardell and the urban areas of East Wardell. Unfortunately strategic staff was not available to attend the meeting but we would appreciate Ballina Council being able to do so before the Plan is implemented.

In summary, we request that clear guidelines for clearing and development be provided before the plan is implemented and in any case that Plan adoption is premature at this stage given that detailed mapping work and population viability analysis undertaken by the RMS for the Southern Precinct is only a few months away from being released.

Contact  
Pat Carney  
President  
[patrickcarney@westnet.com.au](mailto:patrickcarney@westnet.com.au)

Kerry Turpin  
Secretary  
[kerryturpin@hotmail.com](mailto:kerryturpin@hotmail.com)



Department of  
Primary Industries

OUT15/34232

Ms Suzanne Acret  
Sustainability Programs Co-ordinator  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478

Dear Suzanne,

**Re: Ballina Shire Draft Koala Plan of Management**

DPI Forests has reviewed Ballina Shire's draft Comprehensive Koala Plan of Management (Draft Plan).

It is noted that the Draft Plan proposes the following management actions:

- Action 15 Engage with the Minister and the responsible Department with regard to PNF to request that PNF not be approved in areas of core habitat in Ballina Shire
- Action 16 Engage with the Minister and the responsible Department with regard to E zones to seek exclusion of preferred koala habitat in environmental protection zones

and

Action 5 Include preferred koala habitat in best available environmental protection zone and incorporate provisions requiring consideration of koalas and koala habitat in relation to development under the Ballina Local Environmental Plan

- Action 17 Identify measures to address and manage PNF in Ballina Shire with respect to the aims and objectives of this Plan.

The Native Vegetation Act 2003 currently provides the appropriate pathway for approving the management of native vegetation in rural NSW, including PNF. The Draft Plan refers to PNF in explaining the statutory framework (pg16), and is correct in stating that the EPA is the relevant consent authority for this activity and that forestry operations are not permitted in areas of core koala habitat as defined in SEPP 44. Accordingly, Action 15 appears unnecessary.

SEPP 44, as described in the draft plan, is designed to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas and reverse the current trend of koala population decline by:

- a) requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and
- b) encouraging the identification of areas of core koala habitat, and
- c) encouraging the inclusion of areas of core koala habitat in environment protection zones.

"Core koala habitat" is defined in SEPP 44 as being an area of land with "a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population". This definition is used by EPA when determining PNF applications and the dictionary to the Draft Plan also purportedly adopts the SEPP 44 definition.

However we are concerned that the Draft Plan actually appears broader in its application, and extends to include land as core habitat on the basis of vegetation cover/ tree species. When considering "core koala habitat" in the Southern KMP area, the Draft Plan states "all Preferred Koala Habitat within ... (the area) meets the Core Koala Habitat descriptor given that it currently supports a permanent resident free living population" (Section 3.2 pg 26). This definition may be too broad if it means land is included on the basis of tree cover, where that land does not actually have a resident koala population.

If this expansive definition of "core koala habitat" in the Southern KMP area is too broad, Council may potentially incorrectly apply the Plan to some development applications, which come to them as the consent authority. This may mean they mistakenly apply the plan to an application on the basis that the application relates to "core koala habitat" under their Plan, where the land is not actually core koala habitat under the SEPP.

This also creates inconsistency when compared to PNF, where council is not the consent authority. It is suggested that the Draft Plan adhere to the legal definition of 'core koala habitat' in order to maintain a consistent approach to development consent between consent authorities across the Shire.

DPI also has concerns with the following statement in the draft plan:

One of the most significant threats to koala habitat in Ballina Shire is the potential loss of native forests and feed trees through private native forestry. In addition to direct habitat loss, private native forestry activities may also increase the stress on koalas impacted by forestry operations raising the potential for the emergence of disease.

The NSW Recovery Plan for Koala 2008 discusses timber harvesting (Logging) under Section 9.2.6, noting that the impact of timber harvesting on koalas is unclear and requires further investigation. It refers to a personal communication that PNF may be a threat to koalas in some areas, made at a time when PNF mostly did not require consent and harvesting activities were largely unregulated.

Subsequent legislative changes have progressively introduced a regulatory process for PNF similar to that applying for Crown forestry operations. PNF is recognised as a sustainable activity, and harvesting of timber for the purposes of PNF requires approval through a private native forestry property vegetation plan (PNF PVP) that ensures environmental outcomes are improved or maintained. Operations are required to be conducted to the minimum operating standards set out in the Code of Practice which, for northern NSW, includes the following prescriptions for koalas:

- (a) Forest operations are not permitted within any area identified as 'core koala habitat' within the meaning of State Environmental Planning Policy No. 44 – Koala Habitat Protection.
- (b) Any tree containing a koala, or any tree beneath which 20 or more koala faecal pellets (scats) are found (or one or more koala faecal pellets in Koala Management Area 5) must be retained, and an exclusion zone of 20 metres (50 metres in Koala Management Area 5) must be implemented around each retained tree.
- (c) Where there is a record of a koala within an area of forest operations or within 500 metres of an area of forest operations or a koala faecal pellet (scat) is found beneath the canopy of any primary or secondary koala food tree the following must apply:
  - (i) A minimum of 10 primary koala food trees and 5 secondary koala food trees must be retained per hectare of net harvesting area (not including other exclusion or buffer zones), where available.

- (ii) These trees should preferably be spread evenly across the net harvesting area, have leafy, broad crowns and be in a range of size classes with a minimum of 30 centimetres diameter at breast height over bark.
- (iii) Damage to retained trees must be minimised by directional felling techniques.
- (iv) Post-harvest burns must minimise damage to the trunks and foliage of retained trees.

Forestry operations do not result in the clearing of timber, but instead maintain a multi-age forest structure across the landscape. There is anecdotal evidence to suggest that timber harvesting and regeneration maintains a structure of young trees preferred for feeding by koalas. Healthy populations of koalas continue to thrive in coastal and inland forests that have been subject to successive timber harvesting operations for over 150 years.

It is also noted that whilst the Draft Plan acknowledges that the EPA is the consent authority for PNF, the Ballina Local Environmental Plan 2012 requires development consent for 'forestry' in many non-urban zones. It is suggested that this error be corrected in order to avoid confusion for landholders in relation to the PNF approval process.

Although native vegetation management reforms are currently in progress in NSW, DPI believes that PNF should continue to be regulated in a consistent manner across the state under appropriate NSW government legislation and policy, and that Koala Management Plans introduced by councils should not complicate, interfere with or seek to influence this process.

Thank you for considering these comments.

Yours sincerely



Paul Wells  
Director Forest Research and Policy

3<sup>rd</sup> December 2016

## **Comments & Suggestions in relation to the Draft Ballina KPOM**

### **Koala Sanctuary & Tourist Education Centre**

We are so lucky to have koalas and yet many people don't even know we have koalas in Ballina especially the remaining few koalas in East Ballina. My suggestions are as follows:

- To seek funding to create an enormous sanctuary in South Ballina to protect this main population of koalas and rare biodiversity for future generations with an adjacent rehabilitation centre for sick and injured koalas, a fire-safe shelter? and a tourist education centre. The centre could have a weed buffer around it to protect the pristine forests from weeds (weed seed carried on visitors' shoes, car tyres etc).
- The tourist centre could allow visitors into a section where they can walk up wooden pathways into the trees to view koalas (where appropriate.)
- A tourist shop could sell koala paraphernalia, educational dvds etc and some proceeds could go towards Friends of the Koala Carers and koala related research. Donations could be collected for FoK.
- The sanctuary could be connected by corridors of trees to other koala areas to enable movement of koalas necessary for genetic diversity (and breeding males require unoccupied territory).
- Perhaps the sanctuary or corridors could be connected to a larger Koala National Park (as China has for their Pandas) throughout NSW to the Victorian and QLD borders.
- The sanctuary, park and corridors should be nationally recognised reserves protected into perpetuity.
- Tourist income could help with funding.
- A koala visitor centre is also proposed for Coffs Harbour.  
([www.koalapark.org.au](http://www.koalapark.org.au))

Koalas and other biodiversity have been declining. A plan to stabilise the human population should be an integral part of saving our remaining biodiversity. This can be accomplished by reducing our high immigration rate and making our foreign aid priority to help poorer nations with family planning and education to empower women. (Less immigration would lower our enormous infrastructure costs as well.) Then there shouldn't be further conflict from forestry, agriculture,

roads and urban development to clear and fragment any more of their wildlife habitat to provide for human expansion / consumption.

### **Forest Fire Protection**

- Funding for fire mitigation strategies.
- Perhaps the installation of large water reservoirs and fire fighting equipment in strategic areas to treat bush fires (more frequent fires predicted due to climate warming) including fire-proof safe shelters for koalas to escape to? Solar powered fire sensors in areas to alert fire departments.
- Research into fire prevention strategies especially around the coastal heath areas prone to fire next to koala habitat. This could include signage, education, burn off buffers, call for volunteers. Perhaps more water bombing aircraft.

### **Education & Extension of Koala Habitat**

- Articles in local papers and letters to landholders regarding the loss of original koala habitat in Alstonville resulting in the dependence of koalas on wind break trees; seeking landholders assistance with planting food and shelter trees, training their dogs and protecting corridors and borders.
- Friends of the Koalas Care Centre leaf collectors require more Forest Red Gum (and leaf collectors). "Believe it or not, to sustain one koala in care requires 1000 trees."
- Information for real estate agents to assist buyers seeking property near koala habitat about koala protection requirements and the habitat restoration program. Conservation minded property seekers would love to buy land near koala habitat and plant forests for them. Advertising could attract such people – how would you like a forest of koalas? Grants to assist landholders especially to replace weeds on farms with koala food and shelter trees with a priority on areas that encourage koala habitat away from busy roads.
- There's a lot of hills on agricultural land covered in poisonous camphor laurel trees. It would be great to replace these with koala preferred trees.

- Massive tree plantings conducted in the cooler weather to save water evaporation and tree survival.
- As 30% of Ballina's koala population are dependent on windbreak trees on agricultural land, (the other 70% of koalas being in South Ballina) it would help if the Council had a regulatory role (extension of authority to protect biodiversity heritage) to ensure protection of koalas in these areas eg. an accredited person to oversee any clearing and ensure that cleared or dying trees are replaced.
- To revisit mapped vegetation labeled "Unknown habitat" to check if koala habitat should be protected in these areas.
- Research into the little known East Ballina koala population and extend this as a reserve.
- An invitation to property owners to donate land for koalas in their will: Public land for koalas (or for biodiversity) as part of a National Koala Park Reserve. Especially to landholders adjoining koala habitat and East Ballina's koalas. A few suitable properties could also become tourist parks to (possibly) view koalas.
- Widespread education about koalas in Ballina shire e.g. articles by the council, Friends of Koalas and wildlife carers in local papers as well as youtube documentaries. FoK put out a great newsletter on their website called Treetops but not many people know about it.

### **Koala Safety**

Prevent the tragic deaths and injuries as a result of dog attacks and car strikes.

- Compulsory dog obedience certificate course to prevent nuisance behaviour. (This would have many other positive benefits for the community and for dogs!) If owners can demonstrate that their dogs will not attack wildlife and obey certain commands, they could obtain a Dog Safe Certificate. Others would have to pay for a course to have their dog trained by an accredited professional dog trainer to reach certificate level. The trainer must have experience rehabilitating problem dogs and training owners (like the Dog Whisperer, Cesar Millan - on DVDs)
- Higher fines for owners who allow their dogs to stray or cause a nuisance.

- Wardell is an area where unrestrained or roaming dogs have been a problem.
- Letters sent to dog owners in areas where koalas are located advising of the new Dog Obedience Certificate requirement and information regarding fines for attacks on wildlife.
- Fines are a necessary deterrent and the only way to get some people to abide by the law. I think we need more signs to educate people and we don't have many signs in Ballina. Many people don't read newspapers or council newsletters.
- "Koalas Cross Here" Signs are helpful but there is a need for more effective measures - perhaps road underpasses and overpasses and blinking light signs that flash "slow down" when drivers go beyond the speed limit. Lights could be the shape of a koala image too.

From FoK Treetops Newsletter: "Koalas are killed on our roads because so many roads bisect home ranges or the movement corridors for dispersing animals. Koalas won't change their ranging behaviour so it's the approach to road design and our road use behaviour in high risk areas that must change if road mortalities and injuries are to be reduced."

### **In relation to Section 10 of the Pacific Highway upgrade**

- Fully explore alternatives to the proposed western diversion.
- The current route is not acceptable as it would endanger and fragment the south Ballina koala population and prime koala habitat land (medium to high nutrient value capable of supporting many koalas.) I heard an ecologist say that the highway deviation would, according to conservative models, result in the extinction of this important population possibly within 15 years. A more direct route, widening the highway with bypasses at Wardell and Broadwater would be safer.
- We should follow the precautionary principle plus it shouldn't be necessary for the highway to divert west. For generations, people have assumed the highway would one day be widened – not deviate through core koala habitat (approx. 70% of Ballina's koala population).
- We must retain this habitat to ensure a self-sustaining population especially as mortality rates there already are up to 20% per annum – 50% due to dog attacks and vehicle strikes.



The koala is under serious threat from the proposed highway deviation, dogs, cars, Chlamydia (disease caused as a result of the other threats) and human population growth. I would like to see the Council, working with other levels of government, remove these threats and make Ballina a Koala Safe Shire.



Office of  
Environment  
& Heritage

Our Ref: DOC15/441217  
Your Ref: Ballina Shire CKPoM (15/76446)

General Manager  
Ballina Shire Council  
PO Box 450  
Ballina NSW 2478

Attention: Ms Suzanne Acret – Sustainability Program Co-ordinator

Dear Mr Hickey

**Re: Draft Ballina Shire Comprehensive Koala Plan of Management**

Thank you for your letter dated 30 October 2015 regarding the Draft Ballina Shire Comprehensive Koala Plan of Management (KPoM) requesting comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input and apologise for the delay in responding.

The OEH has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal and historic heritage, National Parks and Wildlife Service estate, flooding and estuary management. The Environment Protection Authority (EPA) is no longer part of the OEH and so this response is not based on any consideration of matters relating to noise, air and water quality. If you do require information on these matters or any licensing requirements under the *Protection of the Environment Operations Act 1997* please contact the EPA separately.

We have reviewed the documents supplied and advise that we have focused on the development assessment and planning components of the KPoM and on compliance with State Environmental Planning Policy (SEPP) No. 44.

A number of issues are apparent with respect to the draft KPoM and these are discussed in detail in **Attachment 1** to this letter.

In summary the OEH recommends that:


1. The draft KPoM includes a recommendation that core koala habitat should be zoned E2 Environmental Conservation.
2. In addition to the provisions of Appendix 3 of the draft KPoM, the draft KPoM DCP should insert additional provisions into the DCP including:
  - a. The information required to be submitted with development applications;

- b. Guidelines and survey standards for koala habitat assessment, including requirements for ongoing monitoring;
  - c. Guidelines for the restoration of koala habitat; and
  - d. Guidelines to minimise the impact on koalas regarding the location of building envelopes and infrastructure, traffic management, domestic pet ownership, landscaping, swimming pools and fence construction.
3. The draft KPoM includes Performance Criteria for Planning Proposals within the identified Core and Preferred koala habitat areas.

The OEH requests that once council has prepared additional information on the modifications to the LEP and DCP or made further refinement to the draft KPoM, we receive a further opportunity to provide comment.

If you have any further questions about this issue, Mr Clyde Treadwell, Conservation Planning Officer, Regional Operations, OEH, can be contacted on 6659 8288 or at [clyde.treadwell@environment.nsw.gov.au](mailto:clyde.treadwell@environment.nsw.gov.au).

Yours sincerely

 18 December 2015

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Region**  
**Regional Operations**

Contact officer: CLYDE TREADWELL  
6659 8288

Enclosure: Detailed OEH Comments – Draft Ballina Comprehensive KPoM

## **Attachment 1: Detailed OEH Comments – Draft Ballina Comprehensive KPoM**

### General

The Office of Environment and Heritage (OEH) has reviewed the draft Comprehensive Koala Plan of Management (KPoM) prepared by the Ballina Shire Council.

At present, State Environmental Planning Policy (SEPP) No. 44 requires that, unless a KPoM has been gazetted for an area, studies and plans to meet the requirements of the SEPP are necessary on an individual basis. The draft KPoM provides a framework for considering koalas in relation to development applications and a key aspect of the draft KPoM is defining areas of core koala habitat.

The OEH acknowledges that, in the preparation of the draft KPoM, the council has considered the Habitat Study and subsequent mapping processes, as well as the status of the koala population in the south of the local government area.

Much of the information needed to adequately assess the impacts of a proposal on koalas is addressed by the current Ballina Development Control Plan (DCP) 2012. Under the draft KPoM, amendments are proposed to the DCP to reinforce the provisions regarding koala management. This is supported by the OEH.

Inclusion of an amendment to the Local Environmental Plan (LEP) is also proposed by the draft KPoM to address koala management on certain zoned lands previously precluded by the SEPP. This is also supported by the OEH.

In summary, the OEH notes key aspects of the draft KPoM are as follows:

- Recognition of an important koala population in the southern part of the Ballina Shire.
- Identification and mapping of core koala habitat in relation to the important population.
- Definition of koala management precincts with precinct specific objectives.
- Identification of adjustments to the local planning framework (LEP and DCP) to reinforce consideration of koalas and koala habitat in relation to development.
- Identification of a series of management actions for Council to undertake to support koalas in the Ballina Shire

The OEH requests that once the council has prepared additional information or made modifications to the LEP and DCP, we receive a further opportunity to provide comment.

### Clarification of Matters in the Document

A number of errors are apparent in the KPoM, as set out below which should be corrected prior to its finalisation:

- Pages 11 and 12 of the draft KPoM incorrectly reference work being undertaken on Section 10 of the Woolgoolga to Ballina Pacific Highway Upgrade project, by the NSW Roads and Maritime Services (RMS) as being a consideration in the KPoM, however given this work is State Significant Infrastructure (SSI) the Highway Upgrade project is not subject to SEPP No. 44. With regard to SSI and State Significant Development the KPoM does not have any standing and is not required for consideration.
- Page 14 of the draft KPoM states "A DA on land that supports core .....unless an approved Comprehensive or Individual Plan of Management is in Place". This is incorrect as the SEPP only applies to land which: (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,  
  
*whether or not the development application applies to the whole, or only part, of the land.*

A number of points need to be clarified in the KPoM, including:

- The areas referred to on page 18 as meeting the criteria for preferred or core koala habitat that are not contained in a koala planning area, have not been identified.
- In different sections of the KPoM reference is made to 4 yearly and 5 yearly reviews of the document. This needs to be consistent.
- The KPoM does not identify the habitat linking areas to be used as potential movement corridors.

#### Protecting Koala Habitat - Local Environmental Plans

Land use planning legislation is an important and pro-active means by which local government can regulate development for effective management of natural resources and protection of the environment. Part 3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides the legislative guidelines for land use planning in NSW. There are a number of different regulatory mechanisms that can be employed by councils under Part 3 of the EP&A Act to protect koala habitat, as outlined below.

Local Environmental Plans (LEPs) are the primary means by which local government regulates land uses. The Ballina Local Environment Plan 2012 (LEP) currently provides the statutory land use framework for the Ballina Local Government Area. Through this LEP, a range of options to prevent or control incompatible development activity and to conserve habitat can be explored.

One such option is via the application of land use zones. LEPs indicate the objectives of a given land use zone and specify the range of permissible uses, including those which require the consent of Council. Importantly, LEPs provide the opportunity for lands of high conservation value to be zoned for environmental protection. Such zones restrict the range of permissible uses to those that are compatible with conservation.

The Ballina LEP includes *Clause 5.9 Preservation of trees or vegetation* which enables council in its Development Control Plan (DCP) to prescribe the trees or vegetation that are to be preserved.

The Ballina KPoM proposes amending the applicable LEP to include a clause that requires that the provisions of the KPoM be addressed for development on certain zoned lands (E1 National Parks and Nature Reserves, E2 Environmental Conservation, E3 Environmental Management, W1 Natural Waterways and W2 Recreational Waterways) within or adjacent to certain categories of koala habitat.

The OEH supports this proposal but considers that the draft KPoM should recommend environmental protection zoning for core koala habitat. This is an essential component of strategic koala habitat conservation.

#### *Recommendation*

*The OEH recommends that the draft KPoM includes a recommendation that core koala habitat should be zoned E2 Environmental Conservation.*

#### Protecting Koala Habitat - Development Control Plans

In addition to providing the opportunity to protect habitat via the application of environmental protection zones, Development Control Plans (DCP) can assist in the regulation of development. This can be done by:

- setting objectives against which development proposals can be assessed;
- requiring that certain types of development are carried out with council consent only; and
- establishing specific criteria or standards for development.

The Ballina KPoM also proposes that the criteria for the assessment of development applications be detailed in the DCP. While these criteria are broadly established in Appendix 3 of the draft KPoM they require further development and refinement by the council. The OEH would be pleased to assist the council in refining these criteria.

#### *Recommendation*

*The OEH recommends that, in addition to the provisions of Appendix 3 of the draft KPoM, the draft KPoM DCP should insert additional provisions into the DCP including:*

- *The information required to be submitted with development applications;*
- *Guidelines and survey standards for koala habitat assessment, including requirements for ongoing monitoring;*
- *Guidelines for the restoration of koala habitat; and*
- *Guidelines to minimise the impact on koalas regarding the location of building envelopes and infrastructure, traffic management, domestic pet ownership, landscaping, swimming pools and fence construction.*

#### Performance Criteria for Rezoning Proposals

The legislative framework for land use planning enables proposed amendments to the applicable LEP, such as a request to rezone land via a planning proposal under Part 3 of the EP&A Act. This stage of the planning process provides a greater degree of flexibility to address issues relating to the conservation of koala habitat than consideration of development applications under Part 4 of the EP&A Act, as it is at this stage when the future land use of a given area is determined.

Thus, it is crucial that due consideration is given to planning proposals to ensure that any proposed changes in land use for land that contains or is adjacent to Core and Preferred koala habitat are compatible with the long term conservation of that koala habitat.

The OEH would encourage the council to develop "Performance Criteria for Planning Proposals". These criteria would seek to minimise the direct and indirect impacts of development on Core and Preferred koala habitat and habitat connectivity.

These criteria would apply only to circumstances where a request is made of the council to rezone land. They would not apply to individual development applications. Any activity that is currently permissible under an existing land use zone would not be affected by the criteria.

To facilitate the application of the above performance criteria when assessing PPs, Council could introduce an LEP Amendment Policy that would include these performance criteria.

The information required to support planning proposals should include an investigation of the site by an appropriately qualified person in accordance with the Appendix 2 of the KPoM – Methodology for Sampling and Assessment of Koala Habitat.

#### *Recommendation*

*The OEH recommends that the draft KPoM includes Performance Criteria for Planning Proposals within the identified Core and Preferred koala habitat areas.*

21st December 2015

TO: Mr Paul Hickey  
General Manager – Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478



Att: Mr Paul Hickey

**RE: David and Pauline Charley Submission to the Draft Comprehensive Koala Plan of Management**

**Submission to the  
Draft Comprehensive Koala Plan of Management: Ballina Shire Council LGA  
December 2015**

**David and Pauline Charley  
421 Coolgardie Road  
via Ballina NSW 2478**

**Submission Date: 21st December 2015**



Thank you for the opportunity to make comment on the Draft Comprehensive *Koala Plan of Management: Ballina Shire Council LGA – August 2015*.

After discussing the limited time available to make submissions we were advised that we could have until early January 2015 to make a submission (email correspondence with Suzanne Acret).

Generally we support Council's efforts in attempting to assess the distribution and abundance of the Koala in Ballina Shire and prepare a detailed plan of management however we have a number of concerns with the assessment provided to Council and also with the draft plan of management.

We have undertaken a preliminary review of the draft plan and make the following comments.

We have serious concerns about much of the background data and findings of the earlier *Koala Habitat and population Assessment: Ballina Shire Council LGA* (Biolink 2013) and which appears to be the foundation of much of the draft CKPOM. We address some of these concerns here and append a more detailed critic of the methods and findings of that report.

Generally we find that the findings of the Plan is too dependent upon models (supposed "activity" and population estimates) and not the reality. There needs to be proper counts and population monitoring.

### **Community Consultation**

In the Executive Summary it is stated that Council "*sees the management of lands across the shire as a collaborative partnership (our underline) between community, landholders (particularly rural landholders and farmers) and government*". This can only be considered a laughable and tokenistic throw-away line when a quick review of the membership of the Ballina Shire Koala Project Reference Group (PRG) shows that no landholders from the shire, and particularly from the Southern Koala Management Precinct, were included on that group. It even appears as if it was a deliberate attempt to exclude the only true stakeholders from having input into the development of this plan. The Local Land Services and NSW Farmers representatives do not represent the landholders in the SKMP but are public servants. I note, with some concern, that a number of green groups and representatives of other environmental groups and authorities were included.

Further, from our reading of this plan we can only conclude that this draft plan is an attempt to revisit the failed "*Uralba Land Use Study*" undertaken by Council staff in the mid 2000's and which was severely criticised by a vast majority of landholders within that study area. The criticism was such that the study was abandoned and nothing came of any of the draconian proposals contained within that document.

We should also note that Council's planning staff were asked to address the Wardell Progress Association but declined the invitation.

The Executive Summary also states that rural landholders were separately engaged. This did not happen in the Coolgardie area and I know of no-one that was consulted. Surely at a minimum a simple letter advising that a workshop or meeting was to be held could have been sent to all landholders in the SKMP.

From the structure and findings of this KPOM it appears as if only the peak bodies (Macadamia Growers, etc.) were invited to comment as those areas appear to have been left out of the provisions of this draft plan and all of the focus is on the SKMP. They must have got their way and good luck to them.

- **Ballina Shire Koala Populations**

The second paragraph states that there has been a decrease of about 43% in available suitable habitat and a 30% reduction in range.

These figures are based on models not reality and are based on the results of studies across the east coast of Australia. Remember these are models and not reality as the surveys upon which these findings are based are usually one-offs and have not been done over time.

Paragraph three of this section stresses how important the Alstonville Plateau is but this information is not acknowledged elsewhere in the Plan and is in fact virtually ignored by leaving the area out of the supposed "Important Population" area and not having specific actions identified for this area.

The population estimates given at the top of Page 8 can be broken down into the following percentages (based on maximum population sizes)

Total Population Ballina Shire – 344 animals (incorrectly stated as 380 animals)

Southern KMP – 200 animals – 58% total population

Plateau KMP – 140 animals – 41% total population (not 30% as stated elsewhere in the Plan)

East Ballina KMP – 4 animals – 1% total population

This clearly shows that based on **these modelled population numbers**, remember these are not real or actual counts but modelled numbers, the Plateau population is not insignificant and is as important as the Southern population from which it is NOT separated.

The other findings, Area of Extent etc. are derived from models and not based in reality. They may be correct but until detailed field work is done where the actual population is assessed – counted – and the distribution is mapped then we cannot tell what is happening.

- **Threats to Koalas in the Ballina Shire**

One Page 9 second paragraph states that the Ballina population is 300 Koalas, it is not, it is 344 (Maximum modelled estimate). This then changes the estimates of animals dying from anthropogenic causes. If you are going to state numbers and percentages then get it right. Dogs are focussed on but disease and car strikes are of much greater significance. The pie chart clearly shows the problems so why focus on dogs, unless it is another agenda.

- **“Important Population**

Paragraph 5 Page 7 states that this Southern population meets the criteria of an “Important Population” under the EPBC Act. So does the Plateau population!

However, this finding is based on virtually no field work, just the models and limited SAT surveys that made up the *Koala Habitat and Population Assessment: Ballina Shire Council LGA* (Biolink 2013).

The definition of an Important Population under the EPBC Act is so broad that virtually any population containing a number of Koalas and breeding animals will qualify. Essentially it is meaningless. The Plateau population certainly qualifies.

Section 1.8 goes into more detail, but not sufficiently so, to define why it was identified. We suspect that it is based on the models developed as part of the *Koala Habitat and Population Assessment: Ballina Shire Council LGA* (Biolink 2013).

How did Council determine with such precision, the boundaries of the Important Population? We know there was little or no field survey or counting of Koalas, other than the 0.2 ha SAT sites.

We suspect that it was based on the “activity maps” identified by Biolink and then an arbitrary link has been drawn around these activity contours to define the area. Anomalies such as the boundary splitting large areas of native vegetation in two without reason, straight lines across the Plateau, exclusion of areas known to support good populations of Koalas, exclusion of floodplain areas that are known to support good koalas habitat and populations.

**Why does there need to be such a precise line to define the boundary when the area has been defined by models and not real population and habitat data. There is no need for a boundary line at all. Mapped boundaries usually result in a long-term neglect of areas outside of that line and become the focus of all management to the neglect of all other areas.** It appears as if this is the intent. We hope not.

The inclusion of extensive areas of cleared land within the boundary is a significant denial of the affected landowner’s property rights. Will Council compensate these people by taxing those not affected and paying monetary compensation to those affect? It must!

Figure 2, Page 13 shows the “Notional” boundaries of the Important Population boundary so are we to believe that this will most likely change? **If so then what review process is in place so that affected landowners (the real stakeholders) can have a say in any changes?**

All these need addressing.

Figure 4, Page 22 shows huge area of “Other” being mapped as apparent Koala habitat is this correct, we suspect not.

The inability by us to access GIS layers and detailed vegetation maps has made it virtually impossible to provide meaningful comments on the vegetation, and therefore habitat, mapping as illustrated at Figures 4 and 4a. We requested access to these layers but were refused. By way of contrast, Port Macquarie / hasting council provide a full copy of the relevant GIS for that Shire when requested.

We cannot understand why we were refused access to these GIS layers, other than a pathetic offer of a hard copy map of our own property and nothing else. Remember it is public money not the private money of Council staff members. To copy the GIS files takes minutes only and would allow a much more informed assessment of the Draft Plan and the implications of that plan.

- **Mapping and Definition of Core Koala Habitat**

Section The draft KPOM defines Core Koala Habitat however we are **seriously concerned that the definition of Core Koala Habitat is inconsistent with State Environmental Planning Policy no. 44 (SEPP 44).**

Page 16 (paragraph 3) states that "*Under this plan, core koala habitat is defined as including Primary, Secondary A, Secondary B, Habitat and Secondary C habitat located within the southern Koala Management Precinct (see section 3.3) "*. This is not consistent with the SEPP and totally ignores vitally important and mapped Core Koala Habitat on the Plateau and in East Ballina.

Further, if Core Koala Habitat has been mapped and identified across the Plateau and in East Ballina why is it not proposed to be managed in a manner similar to the Southern KMP? Either it meets the criteria of Core as defined by SEPP44 or not. A definition developed specifically for this Draft CKPOM is not appropriate and is not in accordance with the SEPP.

The plan appears to equate Preferred Koala Habitat with Core Koala Habitat as defined under the SEPP.

The plan purports to facilitate a strategic approach and co-ordinated approach to management of Koalas and their habitats (Page 14) but does not identify Core Koala habitat, does not identify areas proposed as linkages and has no real idea of the population in the Shire just modelled estimates.

This mapping will have significant implications for all landowners, particularly those with cleared land, within the SKMP and would have significant implications for currently allowable development and land use. Again, this is a restriction and removal of a landowners property rights.

Despite what the Plan says **this will impact upon ALL landholders** within the boundaries of the Important Population area wanting to undertake a currently permitted development. It will significantly impact upon all future development applications, even for dwelling alterations and agricultural activities.

But, landowners just outside of the drawn boundary will be able to do what they like even if there is koala habitat on their land.

That is the trouble with drawing precise boundaries when you don't have sufficient baseline data to justify the location of that line and you are dependent upon models that are just that, models and not reality.

**We again note that no landowners from the SKMP were included in the project reference group. This appears to us to be a deliberate attempt to ride roughshod over the most affected landowners. We note that a good number of non-stakeholders were included.**

The identification of the Southern KMP as an Important Population is based on the models developed as part of the *Koala Habitat and Population Assessment: Ballina Shire Council LGA* (Biolink 2013) study. That study, and detailed comments following the release of that study, identified the need for further baseline data, comprehensive population counts / surveys and additional ground-truthing as a required, and in our opinion an essential, next step.

This Draft KPOM (page 11) notes "*at the time of preparing this plan, the NSW Roads and Maritime Service (RMS) was engaged in detailed assessment and evaluation of the Koala population in the southern part of Ballina Shire and identification of mitigation and management options. This work is being undertaken in order to meet conditions of approval for the upgrade*". This assessment and evaluation may very well provide much needed and significant information that may assist in the development of this Draft CKPOM and may enable a more rigorous and scientific foundation for this Plan.

**Given that the release of these studies is imminent it is extremely premature, and even foolhardy to develop this Draft CKPOM and particularly to sign-off on this Plan before the RMS studies have been completed and released. What is the agenda?**

The final paragraph on Page 18 acknowledges that the surveys and habitat mapping conducted as part of the *Koala Habitat and Population Assessment: Ballina Shire Council LGA* (Biolink 2013) was inadequate and did not map all Koala habitats and did not assess large areas of the Shire. Remember, each SAT site is only 0.2 hectares in size so in the 1000m square sample grid used in the study it only sampled 0.2 ha in every 100ha. Is this sufficient? It is our opinion that it is not. Even on a 500m grid it is inadequate. That is why in our opinion the models are an inadequate foundation on which to develop important planning regulations.

Page 24, Paragraph 1 states that the definitions of Primary and Secondary koala food trees are consistent with the approved recovery Plan – So What! It needs to be consistent with SEPP44.

Table 3 (Koala Habitat Categorisations) is so open and broad that it mostly becomes meaningless and again it must be consistent with SEPP44. Also, being pedantic, it might be better to just say "Koala Habitat Classes" because that is what the table is about.

Page 26 refers to Figure 1 as identifying all Preferred Koala Habitat within the Important Population boundary. This is incorrect.

Page 28 refers to the Southern KMP being a significant source population for regional population recovery over the past 60 years. Where is the proof for this statement, it certainly is not in the Biolink study and I we can find not scientific studies that confirm this unsubstantiated claim. Why wasn't the western areas, including Lismore, a source for this supposed population recovery. The supposed recovery is partly based on an analysis of historical records. We all know that older records are missing due to few people, fewer people observing and recording sightings and a general, lack of records. Again and in our opinion, these supposed recoveries are based on models not proven reality.

- **Section 3.3 Special Considerations**

We find this section unbelievable.

It deliberately excludes from being mapped and recognised as important known and important areas of Core Koala habitat and populations that are estimated to comprise approximately 41% of the total Ballina Shire Koala population.

It shifts the entire focus of the plan away from these areas to the Southern KMP. These other areas will be ignored in the longer term. As always people will only focus on the mapped and identified areas.

The two dot points justifying excluding these areas are pathetic. The Draft Plan acknowledges that these two areas support core koala habitat but then arbitrarily decides that some areas are more important than others. **Either all areas are Core Koala Habitat and are protected or none are. You cannot have a bet each way. Based on this the Plan is inconsistent with the SEPP44. All areas must be identified as Core and identified as KPM's with specific regulations.**

Small populations must not be ignored. From the Draft Plan it is very apparent that Council has given up on the East Ballina population and is happy for it to become extinct. These are the populations where accurately mapping core habitat, surveying and implementing intensive management is essential. The protection of Koala habitat in these areas must be a priority.

On Page 29, Paragraph 3 it is stated that the mapped koala habitat exceeds the SEPP 44 definitions. How does Council know this unless it has visited and assessed ever patch of mapped vegetation? We understand that existing vegetation mapping undertaken by Council staff has been used to develop this Draft Plan. This mapping is not available for review.

From our experience the existing vegetation mapping is far from adequate. In fact, a review of the Northern Councils E Zones (interim Report 2013) found that there were serious mapping errors and approximately 31% of the sites inspected contained features including grazing land and even operating sand mines and a caravan park.

Our experience has also shown that mapped vegetation polygons in the Ballina Shire are often incorrectly types. For example one site visited was mapped as rainforest but was composed of mature Camphor Laurel.

We certainly know that no one has been onto our property to assess the vegetation, unless the law has been broken and staff or a consultant trespassed on our land against our specific instructions not to do so.

Page 29 last three points are of considerable concern particularly as there are no maps showing where linkages will be located. Linkages will have a significant impact on land values and take away property rights. We certainly cannot trust Council's planning staff to do this mapping as the Uralba land Use study has shown.

Page 30 top point (d) - We wonder what "*support the occupation of the broader landscape within the Important Population Area by Koalas in the form of a self-sustaining population*". Does this mean more "corridors" taking away cleared land from landowners for trees? We suspect so.

Page 30 Paragraph 2 states that the upgrade of the Pacific Highway longitudinally transect? this vegetation. This is untrue. The highway bisects the vegetation in the Wardell / Bagotville area but does not go anywhere near the vegetation at Rous or Uralba.

Page 30 final paragraph states that the mortality rate, in the Southern KMP, is up to 20% per annum and is due to dogs and vehicle strikes. The data presented earlier does not support this number. Where does this figure come from? It seems like it has been plucked from the air. Disease is the main threat.

Page 31, Figure 6. How was this boundary decided? There needs to be a justification and certainly there needs to be a very good justification for excluding the Plateau with 415 of the population. The Southern and Plateau KMP are one and the same. There is no division.

Page 32. Tallowood and Forest Red Gums are more native to the Plateau than the species proposed to be planted by Council. The ones proposed by Council are not even in the region.

Again there are no maps of the proposed linkages.

**AGAIN, why isn't this area part of the Southern KMP with Core Habitat protection measures implemented?**

### **3.4.3 East Ballina KMP**

Page 34. This precinct must be mapped and managed as Core Koala Habitat. It certainly appears as if Council has abandoned the population in this area despite the fact that much of the habitat appears to be on public land and therefore easier to protect and manage for Koalas.

What a silly comment this is ... "*the establishment of which probably preceded construction of the recently upgraded Pacific Highway*" ... of course it did and so what.

Page 36. The assessment of Core Koala habitat on the Plateau and East Ballina has been done at the same time as the southern KMP so why is being done again? This seems very strange.

## **Section 4 Management Activities**

**This whole section has the usual generalisations and lack of detail that is required e.g. there are no maps of corridors, etc. where is the detail regarding each action? This must be provided before we can provide informed comment. As usual the devil is in the detail and the detail has been left out of this plan.**

Point 1 (Page 38) the advisory group is not defined and I suppose the usual unrepresentative groups will be asked to join and not landholders.

Point 3 (Page 38) states that the populations will be monitored. How will they be monitored when you don't even know what the current population is? **The population numbers given in this plan are only modelled estimates not real counts. Surely adoption of this action 4 or 5 years after the adoption of the plan is too late.**

Page 39 Points 5 and 6. This means that the LEP will be changed and the changes will be based on Models not reality. This is astounding and not publicised to the general landowning public. The Council got it wrong the last time they attempted to up-date the LEP so how can they be trusted with this one.

**At least Council planners must get the vegetation mapping correct and must assess every patch of vegetation to ensure that meets the Core requirements of SEPP44. The mapping must be correct. This is particularly important when it will result in the taking away of property rights and be included in such things as a section 149(5) certificate.**

How will this mapping be done in only six months from adoption of the Plan?

Page 41 Action 14. What compensation is being offered to landholders and what contribution are other landholders making towards the payment to landholders where corridors are proposed? Plenty of platitudes but no regard for the impact on land values and landholder property rights.

Page 42 Action 15. This is an astounding action when you consider that the vegetation has not be adequately ground trothed and the populations and habitat is based on MODELS NOT REALITY. Landholders have a right to log non-core forests under the relevant PNF legislation. Council will be stealing their property rights. I am sure compensation and court proceedings will be initiated. Certainly a case for the government to reintroduce just terms legislation. **REMEMBER this action is based on models not reality.**

Page 42 Action 19. The details, maps, are needed here. We cannot leave such important matters in the hands of the planners as we will get another Uralba Land Use Study outcome.

Page 43. I hope that Council is advising landholders participation in the tree planting programs, identified as actions 23 and 24, that there will be serious constraints imposed on any future land use on their land and also advise adjoining landholders of the impacts on their land. These will include where buffers will extent, fire management impacts i.e. set-backs from fire prone vegetation, future LEP zone changes etc.

**Page 44 Action 28. This should have already been done and also it must advise the impacts on their land. The letter sent to us said there would be no impact which is absolutely wrong. This plan will seriously impact upon all landholders in the KMP's .**

Page 45. Action 30. Does this refer to ALL rural land or only on the Plateau?

Page 47 Action 34. Why the focus on dogs. More needs to be done about disease and vehicles.

Page 48 Action 37 (genetic study) surely this has already been done by Council as the Important Population determination depends upon the knowledge of genetic relationships to establish if it is a source or important population. Or maybe I am wrong and this is another piece of data plucked from the air. I am also not sure how a population is determined to be a source population based on genetics.

Page 48 Action 39. My past experience is that Council staff are not providing threatened species records to the Atlas so maybe you should start with the council staff first.



Page 49 Action 40. The GIS layers should be available to interested people not just the favoured few. It was collected using public money and government policy is for free and open provision of government information.

## Dictionary

To be pedantic the usual term in a report is glossary not dictionary. We are not all stupid and do understand English.

The definition of tree is inconsistent throughout his document and is not based on the usual scientific definitions of a tree that is used by most scientists and ecologists.

Page 52 "Ballina LEP" – I did know that the 2012 LEP had been adopted and approved by the Department of Planning. Surely the maps and zoning wasn't approved. If not approved how can you use it.

"development" Does the statement (f) mean that any development or activity will need to be assessed. I know that Council has required people removing Camphor Laurels to lodge a DA despite the landholder being legally forced to remove Camphor under the various pest species legislation.

"Koala Movement corridor" this definition appears to ignore the fact that Koalas don't usually move along forested corridors but move across very large areas of open paddocks with ease. A number of local scientific studies support this. Why focus on corridors. A single corridor can also become dominated by a single adult male, or female, Koala and other animals can't or will not move through that area. Scattered trees are much better for movement across the landscape.

**"Preferred Koala Habitat" This table is of serious concern as it means that ALL vegetation is preferred Koala habitat. This is not consistent with SEPP44 and means that even weed species are preferred Koala Habitat. The sections "Other vegetation" must be removed.**

The inclusion of Blackwood (*Acacia melanoxylon*) is a puzzle. It is not one of the identified Koala food trees identified in the SEPP and appears to be an anomaly relative to the usual list of Koala food trees identified in all other KPOM prepared for other LGA's. Blackwood is often (mostly) associated with highly disturbed vegetation particularly roadside verges and regenerating rainforest.

The definition of "Preferred Koala Habitat" in the Dictionary is inconsistent with Table 3 page 24 (Koala Habitat categorisations). The dictionary definition is much more broadly defined and encompasses almost all vegetation types. Again, the "Other Vegetation" in the dictionary definition must be removed.

RG-bSAT is a specific method developed by Biolink and others to address a significant scientific problem of bias with the SAT method. But from my reading of the Biolink habitat assessment of the Ballina Shire they still used the SAT with some modifications. RG-bSAT needs to be defined in more detail so that any reader can see what in our opinion serious problems with the method are. The method does not give population estimates, just models; the grid spacing is usually too large to be of any use and the "activity measure is not a measure of activity but probably more some sought of visitation index.

"SAT" should be defined in detail.

'suitably qualified person' – does the last sentence in this definition mean that any Council officer already meets these requirements or does it mean a Council officer can be a "suitably qualified person" if they have the skills and qualifications to meet the criteria set down. By being a Council officer you are not excluded. There needs to be much more clarity on this.

"Tree" this definition is of serious concern. It essentially means that a tree of any species, introduced, weed species, non-koala food tree is identified as a tree and therefore in this plan there is an automatically requirement to replace the tree with a Koala food tree regardless of the species or location.

This will work against rainforest regeneration, camphor laurel removal etc. I doubt the legality of requiring all trees to be replaced by Koala food trees or even requiring listed noxious weed species to be replaced with koala food trees.

"tree protection zone": because of this plan buffers (zones) will be placed around all trees, even shade trees in paddocks and effectively people will have buffers all over their properties even around pest trees such as camphor laurel.

**Both of these definitions are of serious concern and must be redefined.**

## **References**

The reference to Phillips, S., Hopkins, M. and Warnken, J. 2011 (submitted) Splines in the sand: ...."is wrong. We understand but may be wrong that this paper was not accepted into Wildlife Research. We also understand that it was also submitted to the Journal Landscape and Urban Planning (as referenced in the Port Macquarie – Hastings Koala Habitat and Population Assessment Report (2013) but seems to have also been rejected by that journal. We are not sure if it has actually been accepted by any journals.

## **Appendix 2 Methodology**

We have serious concerns about this whole section particularly when there are serious problems that need to be resolved in the general body of the Draft CKPOM before the methods can be finalised.

The definitions of potential, preferred habitat and the definition of core habitat must be improved and must be consistent with the SEPP44 before the methods are discussed. ALL of the detail of the plan must be released before the methods can be refined.

The use of SAT or RG-bSAT is madness when it doesn't tell you anything about the population and certainly does not tell you anything real about activity. Repeated saturation spotlighting of an area is the only way to determine koala numbers and use of a site. All other methods are models and not real.

**Page 59 point (b).** Why must everyone use RG-bSAT when there are other more reliable techniques that actually tell you how many koalas are using an area and what areas they are using? This seems to be favouring one particular firm and I am sure the techniques is not specified in the SEPP and is not a mandatory techniques nor is it one required by OEH or The Dept of Planning. I would like to see the correspondence from both of those departments mandating SAT or any derivative of that technique.

**Page 59 generally.** Again these sections require an accurate vegetation map and an accurate map of koala habitat.

**Page 74 Table 1:** We have serious concerns regarding the provisions detailed in this table. Why are the off-set ratios different? There is no need for this. I would assume that all koala food trees or all trees are just as important as each other regardless of the KMP they grow in. Again the definition of "Tree" needs to be clarified before implementing this table.

**Obviously these provisions are designed to close down all agriculture in the shire and penalise private landholders. The plantings will take up huge areas of land.**

**This section has major implications for landholders that has been hidden from the community. We would even go so far to say that it has been glossed over by council as the letter written to us said that the plan will have minimal impact on us as landholders. This is obviously wrong.**

**This has obviously not been thought through by Council.**

- From what scientific literature were the ratios developed.
- Why were these numbers chosen? They seem extreme and will take up huge areas of private land.
- What constitutes "habitat" are a couple of secondary food trees occurring as scattered shade trees across an area of 1 ha (for example) considered "habitat"? Would 10 – 15ha be required to provide an off-set for this area?
- What are the off-set ratios for non-core?
- **Does the prohibition of clearing "trees" over 250mm diameter at breast height in core koala habitat apply to all trees both native and non-native? It appears so.**

In conclusion, we have many more issues and concerns with the Draft Plan but of particularly concern are the definitions, the mapping of vegetation and core koala habitat, the proposed inclusion of these findings in the LEP, the proposed amendments to the LEP zones, the proposal to have a blanket ban on private native forestry without compensation. The Draft plan is inconsistent, uses and recommends the use of what we in our opinion are unreliable and inappropriate survey methodologies. Finally there needs to be a reworking of the entire draft Plan once the RMS studies are complete. It would be reckless in the extreme to proceed to ratify and adopt this plan before that information has been released.

Yours Sincerely



David and Pauline Charley

421 Coolgardie Road

Via Ballina NSW 2478

11 November 2015

Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478



Dear Mr Wood

**RE: Draft Ballina Shire Comprehensive Koala Plan of Management**

I respond to your correspondence Ref ballina Shire CKPoM (15/75777).

I have viewed the plans, spoken with Suzanne Acret, Matthew Wood and read SEPP 44

My property address is 213 Duck Creek Mountain Road, Alstonville.

My property has no koala habitat on it (no eucalypts) at all and is adjacent to the old highway and near the new highway. The majority of my land is clear pasture. A portion of the eastern boundary has a single line of trees which are on my neighbour's property on the fenceline, that overhang my property. These trees will be pruned and cut back when I maintain my fenceline and for safety reasons when they become dangerous.

I do not wish my property to be zoned within the koala habitat.

My question to Council is how will you treat the assessment of properties that come into the Koala Habitat in regard to canopy, as it is only the canopy that hangs over my land. As I understand matters, I have a right to prune this canopy back to the fenceline.

My adjoining neighbour on the western side is not included in your land that is identified as supporting 'important' koala habitat. When speaking with Suzanne she advised it was unfortunate that I was "on the edge".

I would like my property, which is currently on the edge, to be outside your zone, as I have no trees on my land for koalas, just like my western neighbour. Please advise if this adjustment can be made. I would be happy for staff to come and walk over my land to look at the issue.

The only corridor my property would supply for koalas, is to be walking on foot towards the highway.

My concern is that classifying my land as Koala Habitat will have repercussions for future zonings and restrictions for land use, but most importantly this will negatively affect the resale value of my property.

Yours sincerely

A handwritten signature in black ink, appearing to read "Janet Gray".

Janet Gray

[jgray@ncphn.org.au](mailto:jgray@ncphn.org.au)

Wk: 02 66 18 5408

Mob: 0478002998

General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478



Dear Sir

**Re: Draft Ballina Shire Comprehensive Koala Plan of Management – August 2015 – Support**

I write on behalf of Friends of the Koala's 360 members and point out that our organisation is licensed by the Office of Environment & Heritage (OEH) under Sections 120, 127 and 132C of the *National Parks and Wildlife Act, 1974* to rescue rehabilitate and release koalas in the area defined as the Richmond River, Tweed-Kyogle and Byron Coast Areas of OEH.

Other aspects of our core business are habitat protection and restoration, community education, advocacy for policy reform and contributing to koala related research.

We acknowledge our representation on the Ballina Shire Koala Project Reference Group and the opportunity that provided for contributing to the investigations and discussions which have informed preparation of the draft Plan. We wish to congratulate the Council on the CKPoM's vision and in particular the attempt to incorporate some indicators for measurability and the acknowledgement that successful implementation will work to support koalas across the Northern Rivers region. While Friends of the Koala has long advocated preparation of local government area-wide CKPoMs by Northern Rivers councils, we see them as a stepping stone towards achieving regional scale, cross-tenure, koala conservation.

Friends of the Koala recognises that all CKPoMs are constrained by the requirement for consistency with the SEPP 44's provisions and that the SEPP itself can be viewed as essentially enabling legislation. The present uncertainty regarding its interpretation and the application of CKPoMs is extremely unhelpful so we support the Plan's present focus on applying the objectives more directly through Council's own planning framework and urge Council to engage the Minister for Planning through NOROC and the Department of Local Government to bring resolution to the situation.

As a general remark we have to say that the siting and construction of the conditionally-approved Section 10 of the Pacific Highway Upgrade Project has the potential to nullify the Plan's vision of a self-sustaining long-term koala population in Ballina Shire. While the approval conditions are ensuring that the koala population in the Southern Koala Management Precinct will be one of the best understood populations in the country, we are by no means convinced that anything short of re-routing the section will ensure the koalas' long-term survival.

We support the guiding principles underpinning the koala management framework including the identification of the three Koala Management Precincts (KPAs) within the Koala Planning Area (KPA). We broadly agree with the different koala management issues and responses. We also acknowledge that successful koala conservation and recovery cannot be legislated; that it is a collective and shared responsibility.

We will now comment on few of the management actions proposed in the Schedule of Management Actions, namely:

*Volunteers conserving koalas and their habitat on the Northern Rivers.  
Friends of the Koala services the local government areas of Ballina, Byron, Kyogle,  
Lismore, Richmond Valley & Tweed.  
Licensed under the National Parks and Wildlife Act 1974 to rehabilitate injured, sick and orphaned koalas.  
Licence no. MWL000100225*

*The Nature Conservation Council of NSW's 2012 Outstanding Member Group and  
2014 Marie Byles Award for most outstanding new environmental campaign  
Lismore City Council's 2013 Sustainable Environment Award Winner  
Ballina Shire Council's 2014 World Environment Day Award (Conservation & Land Management)*

24 hour Koala Rescue and Rehabilitation Centre  
02 6622 1233

PO Box 5034  
East Lismore NSW 2480

info@friendsofthekoala.org.au  
www.friendsofthekoala.org.au

**ID 14: Implement guidelines for the provision of new or compensatory habitat on public and private ...**

We question the present target for implementation of two years within the Plan's adoption. In our view the priority should be higher, aiming for implementation within 12 months of adoption.

**ID 18: Identify public lands (such as roads and road reserves, parks and other public lands) and areas ...**

We question the suitability of roads and road reserves for future revegetation and restoration projects. The mistake of roadside plantings has long been recognised by experts who themselves were their very champions (e.g. Dan Lunney). Our aim these days should be to keep koalas away from roads and their ever-increasing traffic by at least not continuing the practice. Protection of koalas that already use roadside verges in many parts of Ballina Shire (not to mention the Northern Rivers in general) has implications for the Ballina Shire Roadside Vegetation Management Plan; rural road speed limits, etc. which ideally should be acknowledged in the management actions.

**ID 38, 39, 43** The reference to koala care/welfare groups in the plural is somewhat mystifying. The Northern Rivers Wildlife Carers' licence does not include koalas and when the Northern Rivers Branch of WIRES (whose state-wide licence does include koalas) was established in 2004 we entered in to a local area agreement that the Northern Rivers Branch would refer koala calls etc. to the Friends of the Koala.

Of course we are disappointed that Council resolved to remove action 43 as we have provided service to the Ballina Shire since 1989 totally without financial assistance from Council. We trust that the annual community donations programme guidelines will be reviewed so that Friends of the Koala is more easily eligible to apply for and receive funding.

We note that although research is referred to on p.37 in relation to the management activities that will be necessary to advance the Plan's objectives, there is none listed. We suggest inclusion of a general action such as *Explore opportunities to contribute/collaborate on research projects as opportunities arise.*

In conclusion we reiterate Friends of the Koala's support for this Plan. We are only too aware of the work that has gone in to its preparation and of the enormity of the task ahead.

We thank you for the opportunity to make these few comments. Rest assured that Friends of the Koala is keen to continue working closely with Council and the Ballina community to ensure the sustainability of all the shire's koala populations.

Yours sincerely



Lorraine Vass  
President  
21 November 2015

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Mr P Hickey  
General Manager  
Ballina Shire Council  
PO Box 450  
BALLINA NSW 2478

Our ref: 12/18329  
Your ref: 15/76507

Dear Mr Hickey

### Ballina Comprehensive Koala Plan of Management

Thank you for your letter of 30 October 2015 inviting comment on Council's draft Comprehensive Koala Plan of Management (CKPoM).

We have reviewed the CKPoM and note that the overall content should provide for increased protection of both resident Koala populations and their habitat in the Ballina Shire. Council should consider the following comments before submitting the CKPoM to the Department for approval:

1. The plan should include a stronger rationale as to why it would be beneficial for proponents of development applications to use the provisions within the CKPoM and forego the individual KPoM path.
2. While the plan has all of the components necessary to achieve both the SEPP44 and non-SEPP considerations, the plan should be formatted to provide separation of SEPP44 requirements and non-regulatory management actions for Council and the community. I suggest you refer to the Department's correspondence of 14 August 2015 in relation to how this can be achieved.
3. The Plan would benefit from a decision flow chart to assist development application applicants. The basis of the flowchart could be provided by incorporating: Appendix 2 Methodology for sampling and assessment of Koala Habitat; and Appendix 4 Basis for Offset Provisions.

If you have any questions in relation to these matters please contact either Steve Jensen on 66265674 or myself on 66416607.

Yours sincerely

**Paul Garnett**  
Acting Team Leader, Local Planning  
Northern Region