



## South East Region Conservation Alliance Inc

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### COMMENTS ON SEPP 44 PROVISIONS FOR KOALA PROTECTION

It is clear that a thorough-ongoing review of the total problem of koala protection in NSW is needed, rather than looking at SEPP 44 in isolation other relevant factors:

- the impacts of logging in State Forests by the Forestry Corporation of NSW, which is currently exempted from requirements under SEPP 44
- the possible ramifications of proposed changes by the Baird Government to the biodiversity protection legislation, and
- the impact of climate change.

The fact that koalas are on the endangered and/or vulnerable lists of State and/or Commonwealth Governments points to the inadequacy of the current static approach in the SEPP 44 legislation. SEPP 44 seeks to identify and protect existing populations. But to survive longer term, koala populations in the South East need to be able to expand, it is not enough to seek to protect existing populations. The need to expand into new areas will be all the more important as climate change affects present koala habitat.

#### Recommendations:

1. Improving measures for koala protection requires a more comprehensive approach than can be afforded by the SEPP 44 review. A thorough-ongoing review should include logging of public forests by the Forestry Corporation of NSW, and the ramifications of the proposed changes to biodiversity protection legislation.
2. Plans for koala protection must also make provision for their expansion outside their current areas in the south east, both as a recovery measure from current perilously low numbers and also in response to shifting habitat requirements as the climate changes.
3. SEPP 44 protections for koalas on private lands should not be watered down, but further enhanced.
4. NPWS's capacity to encourage research and cooperate with private forest owners in fostering koala population recovery and expansion should be strengthened as a matter of urgency.
5. Ending logging in the public forests in the South East (as in the north) is an essential complementary measure for koala survival; future management of those forests should be in the hands of NPWS.

While the historical reasons for the crisis in koala numbers in NSW are complex, In the South East the major threats to koala survival at present are severe habitat loss from

past and current land use practices, especially over-logging in State Forests, and future stresses on habitat from climate change, with associated higher risks of severe bushfires. While not on the scale experienced in the north, residential expansion in coastal areas will also challenge koala protection requirements.

There are very few koalas remaining in the SE. NPWS surveys suggest maybe around 100, so measures to give them far better protection and enable the populations to recover (which means establishing new family groups beyond their current locations) are essential.

Official koala protection is afforded under SEPP 44 for private lands, under NPWS management in National Parks and other reserve areas, and under the Forestry Act as it applies to State Forests outside the National Parks and reserve areas. Forestry Corporation's logging operations conducted under Integrated Forestry Operations Arrangements (IFOAs), are exempted from the requirements of SEPP 44, and provide only flimsy protection for koalas in IFOA areas: surveys are perfunctory compared with the NPWS surveys, there is no requirement to take account of cumulative population losses or impacts on populations on neighbouring land, and no effective provision for maintenance of corridor areas between existing populations or for expansion of koala populations outside existing known areas. That even the small number of koalas survive is due largely to the efforts by conservationists to stop logging in key habitat areas, and of NPWS to work with private forest owners and conservationists on survey and educational activities, on scant, inadequate resources.

Currently the IFOAs for the Far South Coastal Forests are under review, and apparently in a stalemate between the Environment Protection Agency and the Forestry Corporation. The review has been given incompatible twin tasks: to maintain contracted wood supplies and to maintain environmental protections. Leaving aside the fact that environmental protections are plainly inadequate as evidenced by the serious declines in animal and plant species, and in soil and water quality, it is now clear from FC's own data that maintaining wood supplies at contracted levels is possible only by logging roughly twice the available areas of forest.

Under these circumstances the stated goal of ecologically sustainable forest management is a chimera, and the threats to koala survival are thus vastly increased.

It beggars belief that there is a governmental expectation of improving koala protections by having a review of SEPP 44 in the Far South Coast while the stalled IFOA review is still expected to endorse on-going logging at the expense of koalas; and as far as we can see there is no attempt to tackle both elements in a coordinated way.

Protecting corridor areas between known populations is vital. Some are on private lands, some in FC controlled State Forests, some in a mix of the two. For example the corridor between koala populations in Gulaga and Biamanga National Parks is part private forest, part FC controlled State Forest. FC has strongly resisted proposals to cede compartment 3027 in the corridor to reserve status, and maintains its intention to log there.

It is obvious that so long as FC is allowed to continue its logging in koala habitat the value of koala habitat on private forest land is all the more important, and SEPP 44 protections should not be watered down; rather protections should be maintained and preferably enhanced. It seems likely that proposed watering down of biodiversity protection provisions currently proposed by the Baird Government will, if put into operation, adversely affect koala protection.

SERCA has long argued for an end to native forest logging. It is environmentally and economically contrary to the public good. The Regional Forest Agreements have failed both their economic and their environmental goals, and should not be renewed as proposed for another 20 years. The region has far better and more environmentally benign options for future prosperity, not least in eco-tourism.

The economic as well as environmental arguments for ending loss-making and jobs-poor logging on public lands in NSW are very strong.

SERCA endorses the proposed Great Southern Forest<sup>1</sup> for State Forests currently available for logging by the Forestry Corporation. This proposal is also endorsed by the National Parks Association of NSW, together with proposals for the Great Koala Forests in the north of NSW.

Giving all these forests the protection that is needed would be a major step in improving chances of koala survival.

Ajani, J. (2010) *Australia's forestry crisis—how it happened and what to do*. Fenner School Seminar Series. ANU.

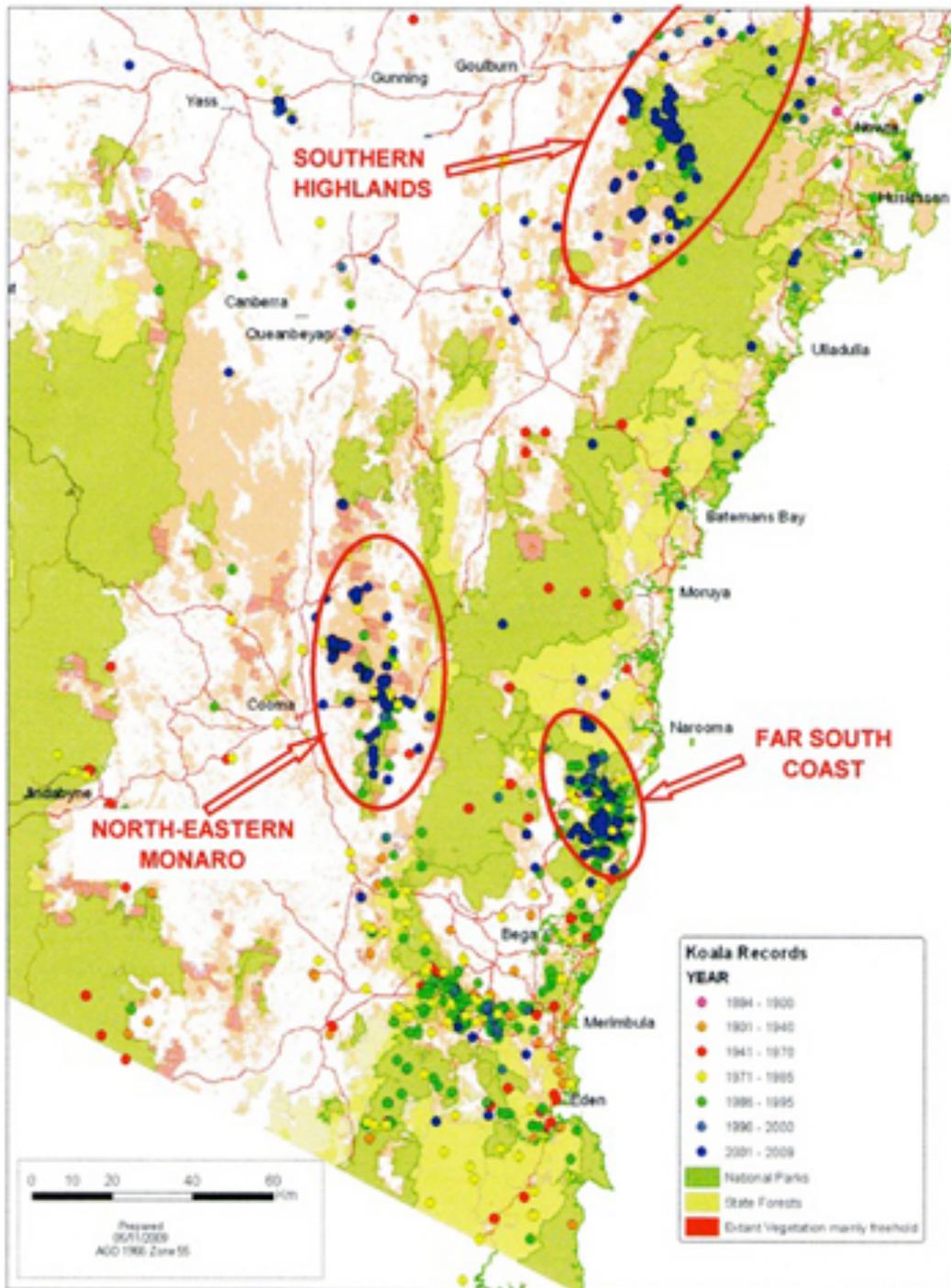
Ajani, J. (2014 March) *Key information for NSW forest policy today*. Fenner School of Environment and Society ANU.

Campbell, R & McKeon, R. (2016). *Money doesn't grow on trees: The financial and economic losses of native forestry in NSW*. The Australia Institute.

Sweeney, O.F. (2016). *Regional Forest Agreements in NSW: have they achieved their aims?* The National Parks Association Inc of NSW, Sydney.

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<sup>1</sup> <http://www.greatsouthernforest.org.au/proposal.html>



Map 1: Koala records in southeast NSW, colour-coded by decade, and approximate boundaries of the three known koala populations, from 1894 to 2009.

## EXEMPTION OF REGIONAL FOREST AGREEMENT (RFA) AREAS FROM THE COMMONWEALTH ENVIRONMENT PROTECTION BIODIVERSITY CONSERVATION (EPBC) ACT

The exemption of Regional Forest Agreement (RFA) areas from the Commonwealth Environment Protection Biodiversity Conservation (EPBC) Act<sup>2</sup> has meant that for over 15 years, since the establishment of the RFAs, the Commonwealth's principal environmental law has not applied in State Forests where Australia's most intensive logging for woodchips<sup>3</sup> has been carried out.

This is particularly serious for the survival of the koala in NSW.

The exemption is based on the assumption that RFAs provide "equivalent protection"<sup>4</sup> to the EPBC Act. However, neither Commonwealth nor State authorities actually monitor logging or its impacts to ensure that RFAs do provide equivalent protection.

Neither Government has shown any interest in finding out whether protection is equivalent and adequate or not.<sup>5</sup> The report "One Stop Chop: How Regional Forest Agreements Streamline Environmental Destruction" documents this further.<sup>6</sup>

Since the commencement of the RFAs there have been hundreds of instances of well-documented threatened species rules being breached either by the Forestry Corporation of NSW or by logging contractors engaged by it or by South East Fibre Exports/ Allied Natural Wood Exports.<sup>7</sup>

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<sup>2</sup> Part 3 of the EPBC Act exempts "forestry operations undertaken in accordance with a Regional Forest Agreement (RFA), unless the operation is being undertaken in a property on the World Heritage List, in a Ramsar wetland, or is incidental to another action whose primary purpose does not relate to forestry."

<sup>3</sup> Approximately 95% of all timber taken from logging native forest in south eastern NSW is to supply wood to the South East Fibre Exports (SEFE) woodchip mill at Eden, owned by the Japanese paper giant, Nippon Paper.

<sup>4</sup> Question on Notice by Senator Lee Rhiannon, Budget Estimates 2012.

**Division/Agency:** CCD Climate Change Division

**Topic:** Wood Pellets and Regional Forest Agreements

**Proof Hansard Page:** Written

**Senator RHIANNON asked:**

(7) On what basis has the Government decided to continue to exempt Regional Forest Agreement areas from the EPBC Act, in the absence of any evidence from the Hawke review, RFA reviews or independent scientific research that there is no concern about threatened species?

**Answer:**

7. This is a decision of the Parliament. Section 38 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) provides an exemption from Part 3 of the EPBC Act provided forestry operations are in accordance with 20 year Regional Forest Agreement where a Comprehensive Adequate Representative reserve system and ecologically sustainable forest management have been implemented to give an equivalent level of protection to threatened species and ecological communities as could be expected to be achieved if Part 3 of the EPBC Act did apply.

<sup>5</sup> At a meeting in Sydney between the NSW Environment Protection Authority and forest conservationists on 25<sup>th</sup> February 2013, EPA officers said: "We are not hearing a lot of concern from the Commonwealth on that." They also stated that it was a matter for RFA reviews, which did not, in fact, deal with it.

<sup>6</sup> "One Stop Chop" <http://www.edovic.org.au/blog/RFA-report> LINK NOT VALID, NPA'S RFA REPORT?

<sup>7</sup> *One Stop Chop* [http://www.edovic.org.au/downloads/files/law\\_reform/One%20Stop%20Chop.pdf](http://www.edovic.org.au/downloads/files/law_reform/One%20Stop%20Chop.pdf)

- The federal listing of the koala as a vulnerable species in April 2012 does nothing for NSW far south coast koalas living in State Forests.
- Virtually all far south coast koalas are in State Forests and thus do not benefit directly from the Commonwealth listing since all State Forests in south east NSW are covered by Regional Forest Agreements (RFAs).
- We have seen time and time again that threatened species prescriptions are either useless or are flouted with impunity by the logging industry.

Current logging rules in koala habitat are antiquated and unenforceable:

- When logging in koala habitat, one of the current IFOA provisions requires loggers to look up into the tree they are about to cut down, to determine whether there is a koala in it.
- This measure is clearly absurd because virtually all logging these days is done by mechanical harvesters, which have solid steel roofs. It would not be possible for the operator of the mechanical harvester to look up the tree through the roof.
- Neither would it be possible for a co- worker on the site to perform this task because occupational health and safety requirements would not permit the other worker to stand close enough.

The current legal framework is bad enough, but for the koalas of the far south coast, proposed changes to IFOAs could hasten their demise.

- The EPA now says it knows where the “last” koalas in the south east are, so there is no need to do prelogging surveys in other forests: “there is no point doing koala surveys in an area where no koala has been seen for 15 years.” Four years ago, nobody had seen a koala in Tanja State Forest for more than 15 years, but now it is a hotspot and has been incorporated into the new Flora Reserve because of its koala population.

The EPBC Act exemption has exacerbated the situation of the koala and adds to the precarious situation of the species.