

NATIONAL PARKS AND WILDLIFE SERVICEBACKGROUND INFORMATIONWHY N.P.W.S. RECOMMENDED MINISTER LIFTKOALA INTERIM PROTECTION ORDER

In early June, 1988, the Minister for the Environment placed an interim protection order over land at Wedderburn when local residents claimed that the existence of a koala colony in the vicinity was threatened by a subdivision and development proposal.

Interim protection orders are emergency measures which can be imposed so that investigation of threats to the environment can take place and solutions to problems developed.

Interim protection orders may be imposed for a maximum of 12 months but can be lifted at any time if the Minister is of the view that circumstances warrant this.

Following imposition of the Wedderburn interim protection order, the status of the koala colony was investigated by officers of the National Parks and Wildlife Service. In addition, discussions concerning protection of the colony took place involving the National Parks and Wildlife Service, Campbelltown City Council and the developer. These discussions resulted in the National Parks and Wildlife Service recommending that the Minister and the developer enter into a voluntary conservation agreement in relation to the Wedderburn land in July, 1988. The advice from the National Parks and Wildlife Service was that the interim protection order should be lifted once the new agreement was signed. This agreement contains a number of provisions aimed at permanent protection of the koala colony.

Conservation Agreements are contractual arrangements between the Minister and landowners which are registered on the title to land and run with the title. The terms of such agreements bind not only the owner but subsequent purchasers also. The terms of agreements may be enforced by proceedings in the Land and Environment Court and that Court has power to award damages where a breach of the agreement arises from an intentional or reckless act or omission of an existing or previous owner.

In addition, statutory authorities are prohibited from carrying out development in an area covered by a conservation agreement unless they have given notice to the Minister and have received the Minister's consent.

- 2 -

Mr. Moore says claims by the council's deputy mayor, Alderman John Hennessy, that the National Parks and Wildlife people had not been out to the area were - "blatant lies".

He said he had been informed by the National Parks and Wildlife Service that their officers met the Town Planner and the Shire Clerk on June 14th to discuss plans to impose a voluntary conservation agreement on the development. At no stage did the council's representatives object to or disagree with the proposal.

The Council's Planning Committee also raised no objections, at a later meeting, with National Parks and Wildlife Service assistant director, Dr. Jack Giles, and local community and National Parks Association representatives.

Mr. Moore said that for certain alderman to now turn around and claim that nothing was being done to protect the koalas was - "outrageous political opportunism".

Mr. Moore said in early June he had imposed the State's first interim protection order on the koalas, after appeals by local residents. He had later lifted the interim protection order, on advice from the National Parks and Wildlife Service, following the signing of the State's first voluntary conservation agreement.

The agreement was a legally-binding document, signed by the developer, which placed permanent restrictions on the land, which every owner would have to comply with.

- 3 -

Mr. Moore said the contract set out strict guidelines to protect wildlife on private land. The developer and land owners would not be able to remove a single tree, without prior approval from the council and the National Parks and Wildlife Service.

Mr. Moore said he noted that local residents had appealed to Federal Environment Minister, Senator Graham Richardson, to save the koalas. He said perhaps the Federal government could find the estimated twelve million dollars needed to buy the land and establish a national park for the koalas - the state government certainly could not.

Information John MacGregor on 2216477  
Berkley Wiles (NPWS) on 5856444.