

State Environmental Planning Policy (Koala Habitat Protection) 2021 (Koala SEPP 2021)

This document answers frequently asked questions about how the development application process works under the Koala SEPP 2021.

Does the Koala SEPP 2021 apply to me?

In local government areas with **no** approved Koala Plan of Management, the Koala SEPP 2021 applies if:

- the size of your land, including any adjoining parcels of land you own, is more than 1 hectare
- your property is within a local government area the Koala SEPP applies to (see the [Koala SEPP 2021](#) for a list of council areas)*
- the development you propose requires development consent from council.

Koala SEPP 2021 does not apply to land zoned RU1 primary production, RU2 rural landscape or RU3 forestry unless you are in the Sydney Metropolitan Area (Blue Mountains, Campbelltown, Hawkesbury, Ku-Ring-Gai, Liverpool, Northern Beaches, Hornsby, Wollondilly LGAs) or the Central Coast LGA where the Koala SEPP 2021 applies to all zones.

Instead, State Environmental Planning Policy (Koala Habitat Protection) 2020 applies to all other RU1, RU2 and RU3 or equivalent zoned land.

**If you are in a local government area with an approved Koala Plan of Management, your development application must be consistent with that plan. This applies to land of any size, not just land of more than 1 hectare.*

If I am undertaking development, what do I need to do?

The following steps summarise the process:

1. Contact your local council to determine whether your development requires a development application. If so, continue to **Step 2**. If your development does not require a development application with the local council, you do **not** need to consider the Koala SEPP.
2. Ask council whether an approved Koala Plan of Management applies to your land. If so, your development application must be consistent with that Plan. If no approved Koala Plan of Management exists, continue to **Step 3**.
3. Check whether the size of your land is 1 hectare or more (alone, or together with any adjoining land you own). If so, proceed to **Step 4**. If your land is smaller than 1 hectare, you do not need to consider the Koala SEPP.
4. If your development application is likely to have a low or no impact on koala habitat such as home-based childcare, you do not need to do anything else under the Koala SEPP. If your development application is likely to have an impact on koala habitat, please proceed to **Step 5**.
5. Engage a suitably qualified and experienced person (see the definition in the Koala SEPP 2021) to survey your land to determine whether it contains core koala habitat. The suitably qualified person will then prepare a koala assessment report for you to lodge with your development application. Proceed to **Step 6**.

6. Council will consider your development application, the results of the survey and the content of your koala assessment report. Council will determine the status of the development application and notify you of its decision.

What goes into a Koala Assessment Report?

A Koala Assessment Report prepared under the Koala SEPP 2021 must address stated principles and criteria. There are 5 key principles:

1. Understand koala habitat values,
2. Avoid intensifying land use in koala habitat areas through appropriate landscape planning and site selection,
3. Encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas,
4. Minimise potential direct impacts to koalas through koala sensitive design, and
5. Implement best practice measures for the management of identified risks to koalas.

The detailed criteria for each of these principles is at **Appendix A**.

Notes about the definition of core koala habitat

The definition of *core koala habitat* under the Koala SEPP 2021 includes a reference to *highly suitable habitat*. *Highly suitable habitat* is where 15% or greater of the total number of trees within any Plant Community Type (PCT) are the regionally relevant species of those listed in Schedule 2 of the SEPP.

An *area of land* is defined as – including both the development footprint and the surrounding area that may have indirect impacts from the development (that is contained within the subject lot and adjoining land within the same ownership). The Koala SEPP 2021 applies to both direct and indirect impacts to habitat on the site area, therefore all habitat on the landholding should be considered even if no vegetation is to be cleared, however this does not mean all habitat must be surveyed – see below.

- For development applications, to determine the size of the surrounding area that needs to be surveyed, the suitably qualified person needs to consider the extent of potential indirect impacts from the development, such as vehicle strikes, drowning in pools, increased risk of fire, disturbance, and impediments to movement. It is not always necessary to survey the entire landholding
- Historical koala occupation of the site area is determined by considering koala records within the last 18 years, within the following maximum distances from the external boundary of the site area:
 - 2.5 kilometres of the site (for North Coast, Central Coast, Central Southern Tablelands, South Coast KMAs).
 - 5 kilometres of the site (for Darling Riverine Plains, Far West, North West Slopes, Riverina, Northern Tablelands KMAs).
 - 'Recorded' means recorded in the form of BioNet records. Note BioNet records with a locational accuracy of more than 1,000 metres are **not** to be considered under the SEPP.

Appendix A – Koala Assessment Report detailed criteria

Principle 1. Understand koala habitat values

Criteria 1. *The site is established as containing core koala habitat if a site area survey undertaken by a suitably qualified and experienced person has identified the presence of core koala habitat.*

Criteria 2. *Further analysis is undertaken in order to understand the broader values of the core koala habitat, including information about the koala population using the habitat and any specific ecological functions the habitat might serve.*

Key questions which need to be addressed in meeting this criterion include:

- What is known about the size, health and viability of the koala population?
- What is known about the generational persistence of the local koala populations? This should be informed by a record analysis to determine population trends and persistence over time.
- What is the broader landscape context of the habitat within the site area? E.g. is it contiguous with broader areas of habitat or relatively isolated, and what are the likely regional movement patterns of koalas using the site area?
- Does the site area contain values likely to serve an important ecological function for koalas? E.g. does it provide linkage between other habitats or serve as a habitat buffer to broader areas?
- Could the habitat area and/or koala population using the site area be important to the recovery of the koala? E.g. does the habitat contain features that might provide refuge during droughts, extreme heat, or fire? Or is the population considered to be healthy, robust or showing relatively low incidence of disease?
- Drawing on evidence presented, what significance are the values of the site to preserving the existing koala population and supporting recovering and expanding populations?

Principle 2. Avoid intensifying land use in koala habitat areas through appropriate landscape planning and site selection

Criteria 3. *Site selection for development takes into account koala habitat values.*

In addressing this criterion, the development application needs to answer:

- How has the development footprint avoided core koala habitat?
- What feasible alternative site selections were assessed as part of the process?

Principle 3. Encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas

Criteria 4. *Development avoids the direct loss of core koala habitat within the site area and avoids fragmentation*

Criteria 5. *Core koala habitat is excluded from the development footprint*

Principle 4. Minimise potential direct impacts to koalas through koala sensitive design

Criteria 6. *Development avoids direct impacts to core koala habitat within the site area.*

In addressing this criterion, the development application needs to show:

- How direct impacts to core koala habitat are minimised to avoid habitat fragmentation. This includes the ability for koalas to move across the landscape or impact the recovery and expansion of koala populations.

Criteria 7. *Where some loss of core koala habitat cannot be avoided (and provided it is consistent with all other criteria), development is designed in a way that retains higher value areas across the site and avoids fragmentation of habitat within the site area and more broadly within the region.*

For instance, this might mean prioritising the retention of koala trees with a diameter at breast height over bark (DBHOB) greater than 250 mm, or areas of core koala habitat that are in better condition, show signs of koala tree growth, are better connected with habitat more broadly, or contain features that might be important for refuge.

Note: a “tree” is taken to be a plant with a DBHOB of 10 cm or greater.

Criteria 8. *Development is undertaken in a way that maintains the potential function of the core koala habitat.*

For instance, if the koala habitat within the site area has been identified as an important linkage corridor, development should be undertaken in a way that enables the continued movement of koalas.

Principle 5. Implement best practice measures for the management of identified risks to koalas.

Criteria 9. *All relevant indirect impacts to koalas and koala habitat associated with the development are identified.*

Potential indirect impacts which may be relevant include (but are not limited to): dog attacks, vehicle strikes, drowning in pools, increased risk of fire, introduction or spread of disease, disturbance, and impediments to movement.

Criteria 10. *Development uses best practice management measures to address the potential impacts considered likely to pose an increased risk to koalas or their habitat.*

The types of measures or controls used to address impacts will vary depending on the nature of the development, the relative importance of the site area to koalas, and the extent and magnitude of impacts.

The specific requirements may be guided by development control plans relevant to each council area.

Principle 6. Use compensatory measures only where they can be shown to better promote the aim of the SEPP

Criteria 11. *Compensatory measures are only used once it has been demonstrated that options to avoid, minimise and manage impacts to core koala habitat have been exhausted.*

Criteria 12. *Where there is any direct loss of habitat or compromise in the potential function of a koala habitat area (and provided it is consistent with all other criteria outlined here), suitable compensatory measures are provided.*

Determining the suitability of any proposed compensatory measures should be guided by the overall aim of the SEPP.

Principle 7. Use adaptive management strategies to monitor, evaluate and deliver appropriate planning outcomes for koalas

Criteria 13. *The development application includes a monitoring, adaptive management and reporting component against the key outcomes.*