

March 2021

## State Environmental Planning Policy (Koala Habitat Protection) 2021 (“Koala SEPP 2021”)

*This document answers frequently asked questions about Koala SEPP 2021*

### What’s the current status?

The [State Environmental Planning Policy \(Koala Habitat Protection\) 2021](#) (referred to here as “**Koala SEPP 2021**”) was made and commenced on 17 March 2021.

The principles of the Koala SEPP 2021 are to help koalas thrive by ensuring koala habitat is properly considered during the development assessment process, and to provide a process for councils to strategically manage koala habitat through the development of koala plans of management.

As an interim measure, the existing Koala SEPP 2020 will continue to apply in NSW core rural zones RU1, RU2 and RU3, except in the Blue Mountains, Campbelltown, Central Coast, Hawkesbury, Hornsby, Ku-Ring-Gai, Liverpool, Northern Beaches and Wollondilly where Koala SEPP 2021 will apply across all zones.

### Why are there two Koala SEPPs?

Currently, two Koala SEPPs apply in NSW:

- The [State Environmental Planning Policy \(Koala Habitat Protection\) 2020](#), which commenced on 30 November 2020 and largely reinstates the policy framework of SEPP 44, and
- The [State Environmental Planning Policy \(Koala Habitat Protection\) 2021](#), which commenced on 17 March 2021 and largely reinstates the policy framework of the 2019 Koala SEPP.

This is an interim measure while new codes that include protections for high value koala habitat under the Local Land Services Act 2013 are developed as [announced](#) on 8 March. The new codes will decouple core rural zones in rural areas for land management purposes from core koala habitat identified through future Koala Plans of Management under the Koala SEPP.

Once the codes are updated, the 2020 SEPP will be repealed, and the 2021 SEPP will apply to all zones in the 83 LGAs. At that time, Development Consent requirements for Private Native Forestry (PNF) will be removed.

### Which SEPP applies to me?

The SEPP that applies is determined by the relevant LGA and land use zone.

The 2020 SEPP applies to RU1, RU2 and RU3 zoned land in 74 of the 83 LGAs (Refer to list at Appendix A). For the remaining zones in these 74 LGAs, the 2021 SEPP applies.

The 2021 SEPP applies to all zones in nine of the 83 LGAs (Blue Mountains, Campbelltown, Central Coast, Hawkesbury, Hornsby, Ku-Ring-Gai, Liverpool, Northern Beaches, and Wollondilly).

### Can both SEPPs apply to one property?

Yes. If a property has two land zones and each is covered by a different Koala SEPP, then both SEPPs must be considered in a development application. For example, if part of the property is zoned RU1, and another part is E2, then the 2020 SEPP must be considered on the RU1 portion and the 2021 SEPP must be considered on the E2 portion.

### What are the key differences between the 2019 and 2021 SEPPs?

The 2021 SEPP largely replicates the provisions which existed under the repealed 2019 SEPP, as it stood when it was in force immediately before its repeal in November 2020, with a few key differences:

- The 2021 SEPP does not apply to land zoned RU1, RU2 or RU3, unless it falls within the nine specified LGAs (see *Appendix A*).
- There is a new provision for the Secretary of the Department of Regional NSW (DRNSW) to have a concurrence role on any future KPOMs. In future, a similar provision will apply to future editions of the Koala Habitat Protection Guideline. This means that both DRNSW and DPIE need to approve these documents.
- There is a provision that approved and made the Tweed and Byron Shire KPOMs and extends the application of clause 10 of the 2021 SEPP to land covered by these KPOMs, regardless of the underlying zoning of the land.

### What happens once the Private Native Forestry (PNF) Codes of Practice and the Land Management Code are updated?

The changes are summarised in this table.

Current	After PNF Codes and Land Management Code are updated
The Koala SEPP <b>interacts</b> with PNF and the Land Management Code	There will be <b>no link</b> between the Koala SEPP and PNF Code of Practice.
If land is identified as <i>core koala habitat</i> in an approved <i>Koala Plan of Management (KPOM)</i> : <ul style="list-style-type: none"> <li>○ the PNF Codes prohibit PNF on this land</li> <li>○ the land becomes Category 2 Sensitive Regulated Land under the Local Land Services Act 2013. This classification limits the range of ‘allowable activities’ that can be carried out on that land without approval.</li> </ul>	If land is identified as <i>core koala habitat</i> in an approved <i>Koala Plan of Management (KPOM)</i> : <ul style="list-style-type: none"> <li>○ there will be no effect on PNF or activities under the Local Land Services Act.</li> <li>○ Instead, koala habitat will be protected through the updated codes.</li> </ul>
	Requirements for development consent for PNF will be removed through the 2021 SEPP.
	The code updates will be made by the Minister for Agriculture and Regional NSW with the agreement of the Minister for Environment.

## When will the Koala Habitat Protection Guideline be published?

The Koala Habitat Protection Guideline (the Guideline) will be published once the Local Land Services Codes are updated. When this occurs, the land application of the 2021 SEPP will be extended to cover all land zones in all 83 LGAs.

In the interim, the Department has released a [fact sheet](#) to guide development applications under the 2021 SEPP.

## Does a Koala Plan of Management (KPoM) apply to me?

There are currently nine approved comprehensive KPOMs across NSW:

- Ballina
- Bellingen
- Campbelltown
- Coffs Harbour
- Kempsey
- Lismore
- Port Stephens
- Byron
- Tweed.

Development applications lodged in any of these LGAs will need to comply with the requirements of the relevant KPoM. These KPOMs are considered to be approved plans under the 2021 SEPP.

## Can a council prepare a KPoM if both SEPPs apply?

Yes, but a KPoM must be made under one SEPP – either the 2020 SEPP or 2021 SEPP.

If a council wishes to prepare a KPoM under the 2021 SEPP, at present it is not possible for the KPoM to apply to land that is covered by the 2020 SEPP (that is, RU1, RU2 or RU3 zoned land outside of the nine listed LGAs).

## What is the process for rezoning land? And is this different if the land has been identified in a KPoM?

Land is rezoned in NSW through the planning proposal and gateway review processes. Planning proposals can be initiated by councils, developers, or landholders, and are managed by councils and the Department. More information about this process can be found [here](#).

The Minister for Planning will issue a direction under the *Environmental Planning and Assessment Act 1979* that will prevent councils from rezoning land used for primary production to an environment zone, or to rezone land currently in rural zones 1, 2 and 3 to other rural zones. All future planning proposals of this nature will be considered by the Department.

### Appendix A – Koala SEPP framework by LGA

LGA	Koala SEPP 2020	Koala SEPP 2021
Armidale Regional	Land zone RU1, RU2, RU3	Applies
Ballina	Land zone RU1, RU2, RU3	Applies
Bathurst Regional	Land zone RU1, RU2, RU3	Applies
Bega Valley	Land zone RU1, RU2, RU3	Applies
Bellingen	Land zone RU1, RU2, RU3	Applies
Berrigan	Land zone RU1, RU2, RU3	Applies
Blayney	Land zone RU1, RU2, RU3	Applies
Bourke	Land zone RU1, RU2, RU3	Applies
Brewarrina	Land zone RU1, RU2, RU3	Applies
Byron	Land zone RU1, RU2, RU3	Applies
Cabonne	Land zone RU1, RU2, RU3	Applies
Central Coast	Does not apply	Applies to all zones
Central Darling	Land zone RU1, RU2, RU3	Applies
City of Blue Mountains	Does not apply	Applies to all zones
City of Campbelltown	Does not apply	Applies to all zones
City of Cessnock	Land zone RU1, RU2, RU3	Applies
City of Coffs Harbour	Land zone RU1, RU2, RU3	Applies
City of Hawkesbury	Does not apply	Applies to all zones
City of Lake Macquarie	Land zone RU1, RU2, RU3	Applies
City of Lismore	Land zone RU1, RU2, RU3	Applies
City of Lithgow	Land zone RU1, RU2, RU3	Applies
City of Liverpool	Does not apply	Applies to all zones
City of Maitland	Land zone RU1, RU2, RU3	Applies
City of Newcastle	Land zone RU1, RU2, RU3	Applies
City of Shoalhaven	Land zone RU1, RU2, RU3	Applies
City of Wagga Wagga	Land zone RU1, RU2, RU3	Applies
City of Wollongong	Land zone RU1, RU2, RU3	Applies
Clarence Valley	Land zone RU1, RU2, RU3	Applies
Coonamble Darling	Land zone RU1, RU2, RU3	Applies
Dungog	Land zone RU1, RU2, RU3	Applies
Edward River	Land zone RU1, RU2, RU3	Applies
Eurobodalla	Land zone RU1, RU2, RU3	Applies
Federation	Land zone RU1, RU2, RU3	Applies
Forbes	Land zone RU1, RU2, RU3	Applies
Gilgandra	Land zone RU1, RU2, RU3	Applies
Glen Innes Severn Shire	Land zone RU1, RU2, RU3	Applies
Goulburn Mulwaree	Land zone RU1, RU2, RU3	Applies
Greater Hume Shire	Land zone RU1, RU2, RU3	Applies
Gunnedah	Land zone RU1, RU2, RU3	Applies
Gwydir	Land zone RU1, RU2, RU3	Applies
Hilltops	Land zone RU1, RU2, RU3	Applies

Hornsby	Does not apply	Applies to all zones
Inverell	Land zone RU1, RU2, RU3	Applies
Kempsey	Land zone RU1, RU2, RU3	Applies
Ku-ring-gai	Does not apply	Applies to all zones
Kyogle	Land zone RU1, RU2, RU3	Applies
Leeton	Land zone RU1, RU2, RU3	Applies
Liverpool Plains	Land zone RU1, RU2, RU3	Applies
Lockhart	Land zone RU1, RU2, RU3	Applies
Mid-Coast	Land zone RU1, RU2, RU3	Applies
Mid-Western Regional	Land zone RU1, RU2, RU3	Applies
Moree Plains	Land zone RU1, RU2, RU3	Applies
Murray River	Land zone RU1, RU2, RU3	Applies
Muswellbrook	Land zone RU1, RU2, RU3	Applies
Nambucca Valley	Land zone RU1, RU2, RU3	Applies
Narrabri	Land zone RU1, RU2, RU3	Applies
Narrandera	Land zone RU1, RU2, RU3	Applies
Narromine	Land zone RU1, RU2, RU3	Applies
Northern Beaches	Does not apply	Applies to all zones
Oberon	Land zone RU1, RU2, RU3	Applies
Parkes	Land zone RU1, RU2, RU3	Applies
Port Macquarie-Hastings	Land zone RU1, RU2, RU3	Applies
Port Stephens	Land zone RU1, RU2, RU3	Applies
Queanbeyan-Palerang Regional	Land zone RU1, RU2, RU3	Applies
Richmond Valley	Land zone RU1, RU2, RU3	Applies
Singleton	Land zone RU1, RU2, RU3	Applies
Snowy Monaro	Land zone RU1, RU2, RU3	Applies
Snowy Valleys	Land zone RU1, RU2, RU3	Applies
Tamworth	Land zone RU1, RU2, RU3	Applies
Tenterfield	Land zone RU1, RU2, RU3	Applies
Tweed	Land zone RU1, RU2, RU3	Applies
Upper Hunter Shire	Land zone RU1, RU2, RU3	Applies
Upper Lachlan Shire	Land zone RU1, RU2, RU3	Applies
Uralla	Land zone RU1, RU2, RU3	Applies
Walcha	Land zone RU1, RU2, RU3	Applies
Walgett	Land zone RU1, RU2, RU3	Applies
Warren	Land zone RU1, RU2, RU3	Applies
Warrumbungle	Land zone RU1, RU2, RU3	Applies
Weddin	Land zone RU1, RU2, RU3	Applies
Wentworth	Land zone RU1, RU2, RU3	Applies
Wingecarribee	Land zone RU1, RU2, RU3	Applies
Wollondilly	Does not apply	Applies to all zones
Yass Valley	Land zone RU1, RU2, RU3	Applies