

Response to Questions on Notice

Portfolio Committee No. 7 – Planning & Environment
Koala populations and habitat in NSW
Hearing, Friday 16th August 2019

Question 1: How much core koala habitat across NSW is on private land?

Based on publically available data we have been unable to identify an estimate of “core koala habitat” on private land in NSW.

One reason for this is due to the way that *State Environmental Planning Policy No 44—Koala Habitat Protection* (SEPP 44) operates. Core koala habitat is defined in SEPP 44 “as 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”. Core koala habitat is mapped in a comprehensive Koala Plans of Management (KPoMs) or in individual site Plans of Management.

To the best of our knowledge there is no overarching database tracking mapped core koala habitat. Further, as outlined in our submission, comprehensive KPoMs are not in place in all relevant local government areas meaning that habitat that would fall within the current definition of core koala habitat may not be identified in a KPoM.

We also note that due to concerns we have raised regarding the definition of core koala habitat, even if the amount of core koala habitat on private land could be estimated, it would not be reflective of the amount of koala habitat that warrants protection.

If it assists the committee, we do note that:

- Conservation groups estimate that approximately 67.4% of all koala records are from private lands.¹
- The former Office of Environment and Heritage has advised that 99% of identified koala habitat on private land in NSW is now at risk of being cleared under the new Land Management Code.²

We suggest that the Department of Planning, Infrastructure and Environment may be able to provide further assistance to the committee in understanding the amount of “core koala habitat” or other koala habitat on private land in NSW.

¹ Paull, D., Pugh, D., Sweeney, O., Taylor, M., Woosnam, O. and Hawes, W. 2019. *Koala habitat conservation plan. An action plan for legislative change and the identification of priority koala habitat necessary to protect and enhance koala habitat and populations in New South Wales and Queensland*. Report prepared for WWF-Australia and partner conservation organisations. Published by WWF-Australia, Sydney, https://npansw.org/wp-content/uploads/2019/03/WWF-Koala-Habitat-Conservation-Plan_UPDATED.pdf

² See <https://www.nature.org.au/media/287234/gipa945-ir-document-3.pdf>

Question 2: Application of the Prevention of Cruelty to Animals Act?

EDO NSW has previously been asked for advice on the application of the Act, but not specifically in relation to koalas.

Question 3: What are the biodiversity offset variation rules?

We refer the committee to clause 6.3(4) of the *Biodiversity Conservation Regulation 2017*

6.4 Variation rules under biodiversity offsets scheme (section 6.4 (4))

- (1) The circumstances in which the ordinary offset rules for the determination of the like-for-like biodiversity credits required to be retired as a biodiversity conservation measure may be varied are as follows (the *variation rules*):
 - (a) The proponent who is to retire the biodiversity credits has taken reasonable steps to obtain the requisite like-for-like biodiversity credits and requests the variation of the ordinary offset rules.
 - (b) In the case of impacts on threatened ecological communities or on the habitat of threatened species that are ecosystem credit species or other native vegetation—the biodiversity credits to be retired need not represent the same threatened ecological community or the same class of vegetation or represent a location in the same or adjoining Interim Biogeographic Regionalisation of Australia subregion, so long as:
 - (i) they represent the same vegetation formation, and
 - (ii) they are in the same or a higher offset trading group, and
 - (iii) they represent a location that is in:
 - (A) the same Interim Biogeographic Regionalisation of Australia region as the impacted site, or
 - (B) a subregion that is within 100 kilometres of the outer edge of the impacted site, and
 - (iv) if the impacted habitat contains hollow bearing trees—they represent vegetation that contains hollow bearing trees or artificial hollows.
 - (c) In the case of impacts on threatened species that are species credit species—the biodiversity credits to be retired need not represent the same threatened species, so long as:
 - (i) if the impacted species is a plant—they represent a plant, and
 - (ii) if the impacted species is an animal—they represent an animal, and
 - (iii) they represent a species that has the same or a higher category of listing under Part 4 of the Act as a threatened species, and
 - (iv) they represent a location that is in:
 - (A) the same or an adjoining Interim Biogeographic Regionalisation of Australia subregion as the impacted site, or
 - (B) any such subregion that is within 100 kilometres of the outer edge of the impacted site.
- (2) The variation rules do not apply in relation to impacts on threatened species or ecological communities that are excluded by the Environment Agency Head.