



PORTFOLIO COMMITTEE NO.7 – PLANNING AND ENVIRONMENT

## NSW Government Response

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Inquiry into koala populations and habitat in New South Wales

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## Inquiry into koala populations and habitat in NSW – Government Response

### Introduction

The NSW Government welcomes the final report of the inquiry into koala populations and habitat in NSW.

The NSW Government acknowledges the valuable work of Portfolio Committee No.7 – Planning and Environment in conducting the inquiry. The Government also acknowledges the contributions of the many individuals and organisations that made submissions and gave evidence at hearings.

The inquiry report came at an opportune moment. Against the backdrop of the 2019-20 bushfires, and in the context of several key policy and legislative reviews, the NSW Government is working to ensure we have the right strategic settings in place to support viable koala populations across the State and over the long term. Many of these reviews focus on instruments examined by the Committee during the course of the inquiry, and include:

- the review of the biodiversity conservation investment strategy
- the review of the Private Native Forestry Codes of Practice
- the three-year review of the land management and biodiversity conservation regulatory framework.

The inquiry's findings and recommendations have also been considered in finalising the Cumberland Plain Conservation Plan for western Sydney, and during development of the *NSW Wildlife and Conservation Bushfire Recovery Medium-term Response Plan*.

While the right strategic settings are crucial for ensuring the long-term viability of koala populations, the Government agrees with the Committee that targeted action is needed to ensure that NSW koala populations increase over the next 30 years and beyond.

For this reason, the NSW Government is developing a new NSW Koala Strategy (2021-2026) for release in early 2021 which will focus targeted conservation efforts and investment where they will deliver the most effective outcomes. This strategy will build on initial investment under the current NSW Koala Strategy (2018-2021), and will set an ambitious, long-term agenda for doubling koala numbers by 2050.

The NSW Government is working with the Office of the NSW Chief Scientist and Engineer, together with a panel of experts, to ensure the new strategy is informed by the best available science and expertise.

The NSW Government thanks the Committee for its thorough and considered examination of koala populations and habitats in NSW. Responses to each of the Committee's 42 recommendations are addressed in the following section.

## Inquiry into koala populations and habitat in NSW – Government Response

Recommendation	Draft Government response
<p>1 That the NSW Government urgently engage the NSW Chief Scientist and Engineer to, in consultation with the NSW Koala Advisory Panel and Forestry Corporation of NSW, consider and determine the most appropriate method of surveying koala numbers, and that this method become the standard across all government authorities.</p>	<p><b>Noted</b></p> <p>The Government is committed to improving koala survey and monitoring approaches and will continue to build on improvements already being delivered under the current NSW Koala Strategy’s ‘Building our Knowledge’ pillar, particularly the NSW Koala Monitoring Framework.</p> <p>The Koala Monitoring Framework provides a structure for long-term koala monitoring in NSW and sets goals and procedures to guide monitoring plans and policies across the state. It recognises that a single standardised methodology is unlikely to be appropriate in all cases, and that a fit-for-purpose approach, drawing from standard methodologies, will provide the best result. For this reason, the framework does not prescribe a specific method. Instead, it promotes an adaptive monitoring approach, enabling flexibility when new sites are included, as new information informs the survey design, and with the advent of new survey technologies which have been demonstrated to be effective through research and validation. This approach will ensure the framework remains relevant over its lifetime.</p>
<p>2 That the NSW Government urgently prioritise the protection of koala habitat and corridors in the planning and implementation stages of urban growth areas.</p>	<p><b>Supported</b></p> <p>The Government is committed to protecting koala habitat and corridors in urban growth areas. The Government is already acting to prioritise koala protection by:</p> <ul style="list-style-type: none"> <li>• Significantly improving the extent, quality, management and accessibility of information needed to effectively integrate koala habitat protection into urban planning, through the establishment of a new Koala Habitat Information Base</li> <li>• Promoting upfront strategic assessment and biodiversity certification for urban growth areas, to ensure koala habitat and corridors are identified and protected at a landscape scale, before urban development proceeds (for example, the Cumberland Plain Conservation Plan. The draft plan is available at <a href="http://pp.planningportal.nsw.gov.au/draftplans/exhibition/draft-cumberland-plain-conservation-plan">pp.planningportal.nsw.gov.au/draftplans/exhibition/draft-cumberland-plain-conservation-plan</a>)</li> <li>• Releasing new, best practice planning guidelines to help ensure developments can be designed to avoid koala habitat and to limit the indirect impacts on koalas.</li> </ul>

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<p>3 That the NSW Government fund and support local councils to conserve koala habitat, including by identifying pockets of urban bushland to include in the State's protected area network.</p>	<p><b>Supported</b></p> <p>The Government will continue to support local councils to conserve koala habitat. Support for local councils to deliver koala conservation is a key pillar of the NSW Koala Strategy. Under this pillar the Department of Planning, Industry and Environment (DPIE) has established a number of partnerships with local councils, as follows:</p> <ul style="list-style-type: none"> <li>• A three-year partnership with Tweed, Byron, Ballina and Lismore Councils and Friends of the Koala to deliver private land conservation, veterinary care, habitat restoration, landholder and community engagement and koala monitoring.</li> <li>• A three-year partnership with Wingecarribee Shire Council to deliver habitat restoration, private land conservation, reduction of vehicle strikes, landholder and community engagement, and koala monitoring.</li> <li>• A three-year partnership with Port Macquarie-Hastings and Kempsey Councils, Mid North Coast Joint Organisation, and Port Macquarie Koala Hospital. The project is delivering habitat restoration, veterinary care, reduction of vehicle strikes, landholder and community engagement and koala monitoring.</li> <li>• A partnership in the Northern Tablelands region is being led by Southern New England Landcare and includes Armidale Regional Council, Uralla Shire Council and Northern Tablelands Local Land Services. The project will deliver landholder engagement, private land conservation, koala monitoring and threat management.</li> </ul> <p>Councils can also prepare Koala Plans of Management (KPoM) under the <i>State Environmental Planning Policy (Koala Habitat Protection) 2020</i> (Koala SEPP 2020). The Koala SEPP 2020 replicates the objectives and provisions of the NSW <i>State Environmental Planning Policy No 44 – Koala Habitat Protection</i> (SEPP 44). The NSW Government will develop a new policy to protect koalas and the interests of farmers in 2021.</p>
<p>4 That the NSW Government and Campbelltown City Council ensure the protection of the koala colony and habitat on the Figtree Hill site before allowing any further development.</p>	<p><b>Supported in principle</b></p> <p>The Government is considering all options available to strengthen protections for koalas and other threatened species in the Mount Gilead Stage 2 biodiversity certification application, which incorporates the Figtree Hill development. To assist in this process, the Office of the Chief Scientist and Engineer (OCSE) was asked to provide the Government with information about:</p> <ol style="list-style-type: none"> <li>a. the adequacy of Lendlease's proposed measures for koala conservation in the biodiversity certification application</li> <li>b. recommendations for conservation measures</li> <li>c. any other advice they consider relevant to ensure the long-term viability of the Campbelltown koala population.</li> </ol> <p>The OCSE report and recommendations is available here <a href="https://www.chiefscientist.nsw.gov.au/reports/advice-on-the-protection-of-the-campbelltown-koala-population">https://www.chiefscientist.nsw.gov.au/reports/advice-on-the-protection-of-the-campbelltown-koala-population</a>. The report's recommendations will inform koala protection measures for any future development in the Gilead Precinct.</p>

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<p>5 That the NSW Government create a Georges River National Park to provide secure habitat for the South Western Sydney koala population.</p>	<p><b>Supported</b></p> <p>The establishment of the Georges River Koala Reserve has been announced as part of the draft Cumberland Plain Conservation Plan, protecting up to 1885 hectares of koala habitat. The reserve will be established in stages over the next 20 years and will be transitioned to management under the National Parks and Wildlife Service.</p>
<p>6 That the NSW Government rule out opening up old growth forests in the state forest reserve for logging.</p>	<p><b>Supported</b></p> <p>Timber harvesting in areas of old growth forest, and rainforest, is prohibited on both public and private land in NSW. The NSW Government has suspended the program to reassess the existing mapping of old growth forests, which was being led by the Natural Resources Commission (NRC) (see <a href="https://www.nrc.nsw.gov.au/old-growth">https://www.nrc.nsw.gov.au/old-growth</a>).</p>
<p>7 That the NSW Government consider the impacts of logging in all public native (non-plantation) forests in the context of enabling koala habitat to be identified and protected by a combination of transferring land to national parks or inclusion in Forest Management Zone 2, where appropriate.</p>	<p><b>Supported in principle</b></p> <p>Under the NSW Koala Strategy, 24,000 hectares of State forest is being transferred to the conservation estate. Detailed information about new conservation areas to protect koala habitat, including transfers from State forests, can be found at <a href="https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/establishing-new-parks-and-protected-areas/new-parks-and-changes-to-parks/new-areas-for-conservation-in-nsw">https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/establishing-new-parks-and-protected-areas/new-parks-and-changes-to-parks/new-areas-for-conservation-in-nsw</a>.</p> <p>The Coastal Integrated Forestry Operations Approval (IFOA) also contains provisions for the permanent protection of important koala habitat through wildlife and tree retention clumps, which are required at both landscape and site scales. These areas aim to build greater connectivity with protected areas and corridors.</p> <p>The Government is committed to continual review and improvement in approaches to identifying and protecting koalas and their habitat in public forests. The Government has asked the NRC to oversee and advise on the <a href="#">Forest Monitoring and Improvement Program</a>, a statewide monitoring, evaluation, reporting and improvement program for adaptive management of NSW forests across tenures. The program will be supported by a funding commitment of \$9.2 million over four years for forest monitoring projects spanning a range of themes, including development of the Coastal IFOA Monitoring Program 2019-2024, and an independent research program to better understand how koalas are responding to regeneration harvesting in state forests on the NSW North Coast. Further information is available at <a href="http://www.nrc.nsw.gov.au/koala-research">www.nrc.nsw.gov.au/koala-research</a>.</p>
<p>8 That the NSW Government establish new plantations on already cleared land of low biodiversity importance to reduce future reliance on native forest logging.</p>	<p><b>Supported</b></p> <p>The <i>Plantations and Reafforestation Act 1999</i> provides that timber plantations may only be established on essentially cleared land.</p> <p>The NSW Government is actively investing in the establishment of new plantations. \$24 million was provided in 2018 via an equity injection to Forestry Corporation of NSW for plantation expansion over and above the Corporation's normal investment strategy.</p>

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<p>9 That the NSW Government ensure the protection of the koala colony and habitat before allowing any further development at the Shenhua Watermark mine site.</p>	<p><b>Noted</b></p> <p>The Government is confident the conditions of consent for this project will minimise risks to the local koala population. In addition to requiring preparation of a KPOM by suitably qualified, experienced koala experts, DPIE has now approved an Interim Koala Habitat Plan that details the koala habitat revegetation Shenhua must undertake throughout the next two years. Under this plan a total of 166 hectares of koala habitat will be planted within the project boundary.</p> <p>Clearing of the mine site and rehabilitation of mined areas will occur progressively over the life of the mine. This means that at any one time, there will be existing vegetation or rehabilitated woodland, or both that will be accessible for koalas. Additionally, more than 1200 hectares of potential koala habitat will be retained on-site as biodiversity offset areas and more than 2300 hectares of koala habitat must be planted in the mining rehabilitation area.</p>
<p>10 That the NSW Government provide additional funding and support to community groups, so that they can plant trees and regenerate bushland along koala and wildlife corridors and explore mechanisms to protect these corridors in-perpetuity.</p>	<p><b>Supported</b></p> <p>Across New South Wales, the NSW Government will continue to support community groups to protect koalas and koala habitat.</p> <p>Under the NSW Koala Strategy, partnerships have been established with local communities to share information and deliver a range of koala conservation actions. To date, 59 community actions have been funded, including community tree planting in Rosebank and Kyogle, habitat restoration of the Bollandolla Mountain by Traditional Aboriginal owners and more.</p> <p>The Biodiversity Conservation Trust’s conservation agreements offer a potential mechanism for protecting wildlife corridors on private land in-perpetuity.</p>
<p>11 That the NSW Government factor in climate change as a key consideration in the drafting of all relevant legislation and planning strategies and ensure climate change mitigation is a core component of all strategies to save the koala in New South Wales.</p>	<p><b>Supported in principle</b></p> <p>Climate change will be a key consideration in the development of planning and policy responses to koala conservation challenges. Information about the expected impact of climate change on koalas and their habitat is informing the development of the new NSW Koala Strategy (2021-2026), which will be the Government’s strategic, long term response to increase koala populations.</p>
<p>12 That the NSW Government ensure that the combination of underpasses, overpasses and exclusion fencing along roads is incorporated into both the retrofitting of existing infrastructure and new development in areas of known koala habitat.</p>	<p><b>Supported in principle</b></p> <p>DPIE will continue to work with Transport for NSW regarding the design and specification of future fauna crossings, and to investigate the provision of underpasses and koala exclusion fencing for new roads or road upgrades as appropriate. Under the Government’s new NSW Koala Strategy, vehicle strike hotspots on NSW roads will be examined and opportunities to mitigate koala strike at these locations will be investigated.</p> <p>In the immediate term, the NSW Government has released best-practice guidelines for preventing and mitigating vehicle strike on koalas: <a href="http://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/programs-legislation-and-framework/nsw-koala-strategy/local-government-resources-for-koala-conservation">www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/programs-legislation-and-framework/nsw-koala-strategy/local-government-resources-for-koala-conservation</a>. A new planning guideline is also</p>

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	being developed to improve the assessment and mitigation of impacts on koalas from development proposals. The guideline will provide best practice urban design planning guidance to ensure developments can be designed to avoid koala habitat and limit indirect impacts on koalas.
13 That the NSW Government urgently incorporate an underpass and overpass on Appin Road suitable for koalas and other wildlife with appropriate wildlife corridors at both entrance points.	<b>Supported in principle</b>  DPIE will work with Transport for NSW, proponents and key stakeholders regarding any future koala and fauna crossings for Appin Road, including underpasses, in line with the NSW Chief Scientist and Engineer's recommendations.
14 That the Roads and Maritimes Services allocate appropriate and sufficient funds for the ongoing maintenance and management of exclusion fencing along roads.	<b>Noted</b>  Ongoing maintenance and management costs are routine considerations for Transport for NSW during infrastructure planning and delivery.
15 That the NSW Government urgently investigate the utilisation of core koala habitat on private land and in State forests to replenish koala habitat lost in the bushfires.	<b>Noted</b>  The NSW Biodiversity Conservation Trust will continue to work with landholders to encourage koala habitat conservation on private land. With regard to State forests, the Environment Protection Authority has developed site-specific conditions for post-fire public native forestry in certain areas, to protect unburnt forest and maximise protection of threatened species and their habitat including koalas.  The Coastal IFOA contains provisions for the permanent protection of important koala habitat through wildlife and tree retention clumps in State forests, which are required at both landscape and site scales. These areas intend to build greater connectivity with protected areas and corridors. The Environment Protection Authority will work with the Forestry Corporation of NSW to ensure that protected areas appropriately prioritise the inclusion of important koala habitat.
16 That the NSW Government urgently prioritise the restoration and replenishment of koala habitat lost to bushfire in national parks and publicly release a plan to do this.	<b>Supported in principle</b>  The NSW Government's approach to bushfire recovery for wildlife and conservation, including koala habitat, will be set out in the <i>NSW Wildlife and Conservation Bushfire Recovery: Medium-term response plan</i> . Appendix A of the Plan will specifically deal with the Government's response to the fires' impacts on koalas. Actions will be implemented collaboratively with DPIE's strategic partners across government and the NSW community.
17 That the NSW Government ensure that in planning for future bushfires, conservation values and the protection of koala habitat is given greater priority.	<b>Supported in principle</b>  The NSW Koala Strategy commits DPIE and the NSW Rural Fire Service (RFS) to improve fire management approaches, in order to protect koalas and koala habitat. A key action under the strategy is the development of bushfire management guidelines for landholders, councils and government agencies. These guidelines will use insights from bushfire research and forecasting to reduce the impact of fire on koala populations while also protecting people and property.  The RFS is currently in the process of developing a revised Bushfire Risk Management Plan, which provides for the consideration of environmental and ecological matters. As part of this process, consideration is being given to the findings of this Inquiry, and the outcomes of the NSW Independent Bushfire Inquiry and the Bushfire Royal Commission.



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<p>18 That the NSW Government support the establishment of a well-resourced network of wildlife hospitals in key areas of the state, including the North Coast, North-West, Blue Mountains, South West Sydney, Southern Tablelands and South Coast, staffed by suitably qualified personnel and veterinarians, including funding where appropriate.</p>	<p><b>Supported in principle</b></p> <p>The NSW Koala Strategy commits the Government to establishing a network of koala and wildlife hospitals and veterinary services across New South Wales. Wildlife hospitals have or will be established in Port Stephens, Port Macquarie, Dubbo and Sydney (through Taronga Zoo) and Byron bay, Pottsville and Northern Rivers.</p> <p>The Government is working with local councils, koala rehabilitators, Taronga and other zoos to deliver this outcome through a range of initiatives including the provision of new wildlife care facilities; expanding or upgrading existing facilities; and providing training for vets and vet nurses involved in the treatment and rehabilitation of bushfire-affected wildlife.</p>
<p>19 That the NSW Rural Fire Service, in conjunction with key wildlife organisations, develop statewide standards for access to fire grounds by wildlife rescuers before the 2020-2021 bushfire season and support wildlife rescue groups in completing fire awareness training.</p>	<p><b>Supported in principle</b></p> <p>The Government notes the alignment between this recommendation and recommendation 53 of the independent NSW Bushfire Inquiry, which calls for Government to develop and implement a policy on injured wildlife response, rescue and rehabilitation. DPIE will be the lead agency for developing this policy in consultation with the RFS, which will provide guidance on bushfire awareness training and other fireground safety matters.</p>
<p>20 That the NSW Government allocate funding to explore the use of drones and koala detection dogs for the rescue of wildlife from fire grounds, to allow both approaches to be employed in the next fire season.</p>	<p><b>Supported in principle</b></p> <p>The RFS through the Interagency Aviation Working Group, is examining the safe operation of drones on the fire ground. Additionally, and as agreed in response to recommendation 53 of the independent NSW Bushfire Inquiry, DPIE will lead the development of guidelines for Incident Management Plans to include wildlife rescue and rehabilitation as a consideration, for which koala detection dogs may be considered. The use of drones and detection on fire grounds can create significant safety fire risks for firefighters and aircraft and must be integrated into broader operational tasks.</p>
<p>21 That the NSW Government work collaboratively with Indigenous fire practitioners to document the benefits of cultural burning practices.</p>	<p><b>Supported</b></p> <p>The Government’s support for this recommendation is consistent with its support for recommendations 25 and 26 of the independent NSW Bushfire Inquiry. Those recommendations call on Government to commit to pursuing greater application of Aboriginal land management, including cultural burning, through a program to be coordinated by the DPIE and Aboriginal Affairs NSW working in partnership with Aboriginal communities.</p> <p>The Government’s commitment to improving knowledge about the importance and benefits of cultural fire burning is being demonstrated on the ground and through the development of new policy and administrative settings, as follows:</p> <ul style="list-style-type: none"> <li>• DPIE, Aboriginal Affairs NSW, and Department of Regional NSW (DRNSW) have agreed to collaborate on the development of a strategy to coordinate and apply Cultural Fire Management in NSW. To support this process a new cultural fire management unit has been established within DPIE.</li> <li>• Local Land Services (LLS) is also developing a cultural fire policy to guide the role of LLS in supporting and championing cultural burning, and holds organised workshops and events to improve knowledge about the benefits of cultural burning in rural areas.</li> </ul>

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	<ul style="list-style-type: none"> <li>• The RFS, DPIE, DRNSW and other land management agencies continue to provide assistance to Aboriginal groups and Indigenous fire practitioners on a range of initiatives to build trust and relationships, support capacity building in Aboriginal communities, provide practical support for cultural burning activities across New South Wales, and increase knowledge of cultural burning and fire management practices among agency staff.</li> <li>• The RFS, DPIE and DRNSW are investigating how existing indigenous involvement programs can be better incorporated into the activities of the RFS, particularly in the wake of the NSW bushfire inquiry and Royal Commission.</li> </ul>
<p>22 That the NSW Government allocate additional funds to the Hotspots Fire Project and the Firesticks Alliance to address resourcing challenges and to allow these projects to undertake more programs with communities across NSW.</p>	<p><b>Noted</b></p> <p>The RFS provides an annual allocation of funds to the Nature Conservation Council (NCC) for the Hotspots program, in addition to utilising its own resources in support of the program. The program continues to seek opportunities for collaborating with research institutions, land managers, and organisations (including the Firesticks Alliance), with a view to maximising risk management, environmental and cultural outcomes for communities.</p> <p>The RFS and NCC will be collaborating with advisory partner agencies to review the Hotspots Program over the coming 12 months. The review will consider options for more effectively meeting the needs of increasing numbers of communities preparing for and recovering from fires, in the context of findings from this Inquiry and the independent NSW Bushfire Inquiry.</p> <p>The Cultural Fire Management unit in DPIE adopts the principle that cultural fire management must be Aboriginal community led, and is supportive of the Firesticks Alliance.</p> <p>LLS is also working with Tocal College and the Firesticks Alliance to deliver a Certificate 3 Diploma and three-year Cultural Burn Course in Conservation Land Management to students from Aboriginal Land Councils across the Hunter region.</p>
<p>23 That the NSW Government ensure that koala habitat selected for conservation on public land is of high quality and needs protection.</p>	<p><b>Supported</b></p>
<p>24 That the NSW Government increase funding to local councils to support the implementation of local koala conservation initiatives.</p>	<p><b>Supported in principle</b></p> <p>As noted in response to recommendation 3, the Government will continue to support local councils to deliver koala conservation. Under the NSW Koala Strategy, DPIE has established a number of partnerships with local councils, as follows:</p> <ul style="list-style-type: none"> <li>• A three-year partnership with Tweed, Byron, Ballina and Lismore Councils and Friends of the Koala to deliver private land conservation, veterinary care, habitat restoration, landholder and community engagement and koala monitoring.</li> <li>• A three-year partnership with Wingecarribee Shire Council to deliver habitat restoration, private land conservation, reduction of vehicle strikes, landholder and community engagement, and koala monitoring.</li> </ul>

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	<ul style="list-style-type: none"> <li>A three-year partnership with Port Macquarie-Hastings and Kempsey Councils, Mid North Coast Joint Organisation, Port Macquarie Koala Hospital. The project is delivering habitat restoration, veterinary care, reduction of vehicle strikes, landholder and community engagement and koala monitoring.</li> </ul> <p>A fourth partnership commenced in 2020 in the Northern Tablelands region. Led by Southern New England Landcare, other partners include Armidale Regional Council, Uralla Shire Council and Northern Tablelands Local Land Services. The project will deliver landholder engagement, private land conservation, koala monitoring and threat management.</p>
25	<p>That the NSW Government urgently approve comprehensive koala plans of management previously submitted to the Department of Planning, Industry and Environment in a timely and transparent manner.</p> <p><b>Supported</b></p> <p>To date, the Secretary of DPIE has approved six KPoMs in the following Local Government Areas: Ballina, Bellingen, Coffs Harbour, Kempsey, Lismore and Port Stephens. DPIE has also endorsed the Campbelltown KPoM, which provides further strategic direction and planning mechanisms at the local level to protect this important koala population and habitat.</p> <p>Several draft KPoMs could not previously be approved by the Secretary of DPIE because they were inconsistent with SEPP 44. NSW will consider these legal barriers to approval when developing a policy to protect koalas and the interests of farmers in 2021.</p>
26	<p>That the NSW Government, in finalising the State Environmental Planning Policy (Koala Habitat Protection) 2019 framework, strengthen the ability of consent authorities to protect koala habitat.</p> <p><b>Noted</b></p> <p>The NSW Government has reverted to operations under SEPP 44 while it develops a policy to protect koalas and the interests of farmers in 2021.</p>
27	<p>That all councils with koala populations be required to develop comprehensive koala plans of management in a timely manner.</p> <p><b>Noted</b></p> <p>KPoMs represent a significant resourcing and financial commitment for councils. The decision to prepare a KPoM remains a matter for individual councils.</p> <p>Councils can utilise other mechanisms, for example, updating their Development Control Plans, rezoning land, and introducing provisions into Local Environmental Plans.</p>
28	<p>That the NSW Government publish the final State Environmental Planning Policy (Koala Habitat Protection) Guideline as soon as practicable.</p> <p><b>Noted</b></p> <p>Operations have reverted to SEPP 44. The NSW Government will develop a policy to protect koalas and the interests of farmers in 2021.</p>
29	<p>That the NSW Government increase resources to local councils to support them in conducting mapping required for comprehensive koala plans of management.</p> <p><b>Supported in principle</b></p> <p>Support for local councils to better understand and deliver on their commitments to protect koalas is under investigation.</p>
30	<p>That the NSW Government, in the Private Native Forestry Review:</p> <ul style="list-style-type: none"> <li>require consideration to be given to whether private native forestry plans are consistent with the objects of the Private</li> </ul> <p><b>Supported in principle</b></p> <p>When approving draft Private Native Forestry Plans (PNF Plans) under the <i>Local Land Services Act 2013</i> (the Act), Local Land Services (LLS) must have regard to:</p>

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<p>Native Forestry Codes of Practice before such plans are approved; and</p> <ul style="list-style-type: none"> <li>require that the objects of Private Native Forestry Codes of Practice be amended to refer to the protection of biodiversity, water quality and soil quality.</li> </ul>	<p><i>whether forestry operations can be carried out under the plan in accordance with the applicable private native forestry code of practice” (Part 5B, Division 3, 60ZY (a)).</i></p> <p>The Act requires the Ministers to have regard to whether the Codes meet the objects of Part 5B of the Act when making or amending PNF Codes of Practice (PNF Codes). The objects include, among other things, the protection of key environmental systems and features through the implementation of ecologically sustainable forest management principles; and the protection of biodiversity and water quality (see Part 5B, Division 1, 60ZR (a)-(d)).</p> <p>These objects were considered in the PNF Review, and were directly referenced in the draft PNF Codes that were released for public consultation.</p>
<p>31 That the NSW Government assess the interaction between legacy Private Native Forestry plans and koala plans of management to ensure core koala habitat is protected.</p>	<p><b>Supported in principle</b></p> <p>As part of the Private Native Forestry (PNF) review, the Government will consider how to balance koala habitat protection and the sustainable development of private native forestry in NSW.</p>
<p>32 That the NSW Government provide additional funding to the NSW Environment Protection Authority to expand its compliance capabilities in the area of private native forestry.</p>	<p><b>Noted</b></p> <p>Since December 2019, the Environment Protection Authority (EPA) has been implementing a realignment of its structure across functional themes. This has allowed the EPA to increase its regulatory presence on the ground at all stages of logging operations.</p>
<p>33 That the NSW Government amend the Local Land Services Act 2013 to reinstate legal thresholds so that its application improves or maintains environmental outcomes and protects native vegetation of high conservation value.</p>	<p><b>Noted</b></p> <p>The Government’s land management and biodiversity framework was introduced in 2017, following recommendations from the Independent Biodiversity Legislation Review Panel that the former legislative framework established under the <i>Native Vegetation Act 2003</i> (repealed) was not delivering for farmers or the environment.</p> <p>The land management and biodiversity framework was introduced to provide greater flexibility for farmers to manage native vegetation on their properties, while still maintaining appropriate environmental protections. The framework includes the <i>Land Management (Native Vegetation) Code 2018</i> (Land Management Code), which regulates the management of native vegetation on rural agricultural land.</p> <p>The Land Management Code includes provisions designed to achieve positive environmental outcomes, including pathways that require landholders to set aside areas of native vegetation to be managed for conservation in perpetuity. The Code also requires that native vegetation be managed in a manner that will cause minimal environmental impact, to further support environmental outcomes in the application of the Code.</p>
<p>34 That the NSW Government review the impact on koala habitat of the application of regulated land and self-assessment frameworks under the Local Land Services Act 2013.</p>	<p><b>Noted</b></p> <p>The Government’s targeted three-year review of the implementation of the land management and biodiversity conservation (LMBC) framework will examine the biodiversity impacts of parts of the Land Management Code.</p>

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<p>35 That the NSW Government adopt all of the recommendations made by the Natural Resources Commission in its 2019 Report on Land Management.</p>	<p><b>Noted</b></p> <p>The Government published its response to the NRC report on 31 March 2020, with the majority of recommendations either supported or supported in-principle. The NSW Government response can be found at <a href="http://www.dpie.nsw.gov.au/news-and-events/land-management">www.dpie.nsw.gov.au/news-and-events/land-management</a>.</p>
<p>36 That the NSW Government investigate the cost of purchasing the 18,565 koala species credits currently available in the biodiversity credit market, and facilitate their purchase and retirement from the market over the next two years.</p>	<p><b>Supported in principle</b></p> <p>The purchase of available koala species credits for offsetting for altruistic purchases is under investigation.</p>
<p>37 That the NSW Government review the Biodiversity Conservation Act 2016 in relation to the Biodiversity Offsets Scheme with particular regard to:</p> <ul style="list-style-type: none"> <li>• amending its objectives to ensure all offsets meet the standard of 'no net loss or better'</li> <li>• prohibiting the ability to offset high quality koala habitat</li> <li>• ensuring all offsets are 'like for like'</li> <li>• imposing location restrictions on koala offsets</li> <li>• removing the ability to make payments in lieu of offsets</li> <li>• removing the ability of mining companies to delay offsets until project completion.</li> </ul>	<p><b>Noted</b></p> <p>The <i>Biodiversity Conservation Act 2016</i> establishes the Biodiversity Offsets Scheme to avoid, minimise and offset the impacts of proposed development and land use change on biodiversity. It is underpinned by a scientific method that calculates a no-net-loss in biodiversity values. The Biodiversity Conservation Regulation 2017 establishes the rules for how an offset obligation is met. It prioritises 'like-for-like' offsets whether the proponent buy credits, establishes their own offset site or pays the Biodiversity Conservation Trust to find the offset.</p> <p>The Biodiversity Offsets Scheme will be reviewed as part of the five-year legislative review of the Land Management and Biodiversity Conservation framework in 2022. Through this review, any changes to the Biodiversity Offsets Scheme can be considered in the context of the overall framework.</p>
<p>38 That the NSW Government ensure the Biodiversity Conservation Trust is adequately resourced to allow it to meet demand for its services within the area of private land conservation.</p>	<p><b>Supported</b></p> <p>The NSW Government has committed more than \$350 million over the next five years from 2019–2020 to fund the Biodiversity Conservation Trust to deliver its private land conservation programs.</p>
<p>39 That the NSW Government increase incentives available to private landholders under the Conservation Partners Program.</p>	<p><b>Supported in principle</b></p> <p>The Biodiversity Conservation Trust already provides incentives in the form of grants to private landholders under its Conservation Partners Program to undertake activities such as weed and pest control, and fencing. There is still scope within the Program for more landholders to take up this offer.</p>
<p>40 That the NSW Government work with willing landholders to identify koala habitat that is of outstanding biodiversity value under the Biodiversity Conservation Act 2016 in order to facilitate more koala habitat on private land being protected.</p>	<p><b>Supported in principle</b></p> <p>The NSW Government is investigating options for using Areas of Outstanding Biodiversity Value to conserve areas significant for koala conservation.</p>
<p>41 That the NSW Government investigate the establishment of the Great Koala National Park.</p>	<p><b>Noted</b></p> <p>The Government will continue to work with local communities, councils and industry to investigate a range of options and measures for koala habitat protection across NSW. This includes consideration of the flow-on effects to communities from changes in land tenure and resource availability (including mineral, timber and construction industry resources).</p>

## Inquiry into koala populations and habitat in NSW – Government Response

42 That the NSW Government ensure that the NSW Koala Strategy: Bushfire Recovery Plan contains as its key focus, the protection of koala habitat.

**Supported**

The NSW Koala Strategy Bushfire Recovery Plan will be a component of the NSW Government's *NSW Wildlife and Conservation Bushfire Recovery Medium-term Response Plan*. It is focused on identifying, maintaining and enhancing habitat quality, connectivity and refuge areas, to increase the resilience of koalas to future bushfires and climate change, in the context of other bushfire management issues.