

# Review of SEPP 44 – Koala Habitat Protection

## Frequently Asked Questions

November 2016

### What is the State policy for protecting koala habitat?

- The *State Environmental Planning Policy 44 – Koala Habitat Protection* (SEPP 44) was introduced in 1995.
- SEPP 44 encourages local councils to conserve and manage koala habitat to ensure populations remain stable and population decline is reversed. SEPP 44 works alongside the protections under the *Threatened Species Conservation Act 1995*.
- The SEPP applies controls to development applications on specific land in listed local government areas. The SEPP does not apply to land dedicated or reserved under the *National Parks and Wildlife Act 1974* or to land dedicated under the *Forestry Act 1916* as a State forest or flora reserve.

### Why is the Department updating the policy?

- The planning system is better able to support the preservation of koala habitat through updated and improved planning controls.
- Updating SEPP 44 will align it with the 2008 Koala Recovery Plan.
- The proposed update supports the Government's priorities to simplify the planning system and best practice regulation.

### What are the key changes?

The draft amendments to SEPP 44 propose to:

- Update of the policy, including the names of the councils to which it applies, the list of tree species and the definitions of koala habitat;
- Update and transfer the plan making requirements to the Local Planning Directions;
- Simplify the development assessment process by replacing the requirement to prepare an individual plan of management with criteria to be set out in a guideline; and
- Update guidelines to better support the preparation of comprehensive plans of management and provide clearer directions for the assessment of proposals where a comprehensive plan of management does not apply.

### What are the benefits of the proposed updates?

- The proposed update will:
  - Improve the structure and effectiveness of the SEPP whilst supporting councils to implement local measures to protect koala habitat, such as the preparation of a comprehensive plan of management, the assessment of development applications and the preparation of planning proposals;
  - Implement the requirements of the 2008 Koala Recovery Plan, including to update the list of tree species and the definitions of koala habitat; and
  - Revise the names of the councils to which the SEPP applies, accounting for council amalgamations.
- The Department will prepare updated guidelines to support:
  - applicants by providing clear guidance on how koala habitat and the presence of koalas is to be surveyed;
  - consent authorities by outlining criteria to be considered in the assessment of a development application; and

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- local councils to prepare or amend comprehensive management plans.
- The Department will prepare a new Local Planning Direction (under s117 of the *Environmental Planning and Assessment Act 1979*) that will replace the plan making requirements in the SEPP and ensure the issue of koala habitat is raised and addressed early in the plan making process.

### What are the implications for plans of management?

- Where they are established, plans of management will continue to inform decision-making.
- The Department will introduce savings provisions that will support local councils and the community in the transition of the management of koala habitat under the proposed update.

### Where can I see and comment on the proposed changes?

- Public submissions about the exhibition of the Explanation of Intended Effect can be made up until 16 December 2016.
- You can view and make a submission:
  - online at [www.planning.nsw.gov.au/proposals](http://www.planning.nsw.gov.au/proposals)
  - At the Department's Information Centre, Level 22, 320 Pitt Street, Sydney.
- You can also make a submission by:
  - mail to the: Director, Planning Frameworks  
GPO Box 39  
Sydney NSW 2001
- All submissions will be made public to promote the Department's objective of an open and transparent planning system. If you do not want your name published, please inform us clearly at the top of your submission. Before making a submission, please read our privacy statement at: [www.planning.nsw.gov.au/privacy](http://www.planning.nsw.gov.au/privacy)

### Where can I find out more?

- Visit [planning.nsw.gov.au/proposals](http://planning.nsw.gov.au/proposals)
- Call our Information Centre on 1300 305 695.
- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email [information@planning.nsw.gov.au](mailto:information@planning.nsw.gov.au)

### What happens next?

- At the end of the public consultation period, we will review all submissions and prepare a report which addresses the key issues raised and explains any amendments to the SEPP for the Minister for Planning and the Environment.
- Once submissions have been reviewed and a decision is made, we will publish an update on the Department of Planning and Environment's website at: [planspolicies.planning.nsw.gov.au](http://planspolicies.planning.nsw.gov.au).
- We will also contact everyone who made a submission and provide an update.