

Koala referral guidelines, offsets and existing projects

The koala

In NSW, QLD and the ACT, the koala (*Phascolarctos cinereus*) is listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Its listing means that any proposed action that will have (or is likely to have) a significant impact on the koala, must be referred to the Australian Government Minister for the Environment for approval before the action commences.

The koala has one of the largest distributions of any threatened species listed under the EPBC Act. It occupies a variety of vegetation types, is capable of moving long distances and is variably affected by a range of threats. Determining significant impacts on the koala is therefore complex and varies between cases.

The koala referral guidelines

The Department of the Environment has finalised koala referral guidelines (the guidelines) that:

- help proponents decide whether their action should be referred to the Commonwealth for consideration because of a significant impact on the koala
- guide proponents on the information expected to support a referral, survey planning, standards for mitigating impacts and other matters
- aid in determining both impacts and offsets for significant residual impacts on the koala in approval decisions (but importantly not referral decisions).

The guidelines replace the *Draft EPBC Act referral guidelines for the vulnerable Koala* (draft guidelines) which, in turn, replaced the *Interim koala referral advice for proponents* (interim advice). The guidelines have been finalised after considering the comments received during the public consultation process conducted between January to February 2014. They follow the same broad approach of the draft guidelines, but provide greater clarity on some specific matters of detail.

The guidelines aim to support long-term recovery planning for the koala, based on protecting large, connected areas of habitat where koalas are likely to persist in the long term. In most cases, the EPBC Act is unlikely to be triggered in existing urban areas as the effects of previous habitat loss, fragmentation, vehicle strike, dog attack and other threats have degraded, and are likely to continue to degrade these areas over the medium to long term.

When must impacts on koalas be considered?

The listing of a threatened species, such as the listing of the koala on 2 May 2012, must be considered by those undertaking actions that have not been previously referred to the Commonwealth and received a decision on whether the action is a 'controlled action' (section 75 or 77A decision).

Where an action has received a section 75 or 77A decision before the listing of the koala, the listing of the koala does not affect subsequent assessment and approval decisions.

Where there has been no section 75 or 77A decision, proponents will need to consider whether their action, or specifically that part of their action which occurs after the listing date, is likely to have a significant impact on the koala.

It is important to note that this requirement is different from certain state planning provisions, which may allow developments to proceed without further assessment if they are 'substantially commenced'. The term 'substantially commenced' is not a defined term in the EPBC Act. Proponents undertaking projects that have not yet been referred to the Department in the belief that they can rely solely on state planning provisions should contact the Department as soon as possible to discuss these circumstances. The length of time since the listing of the

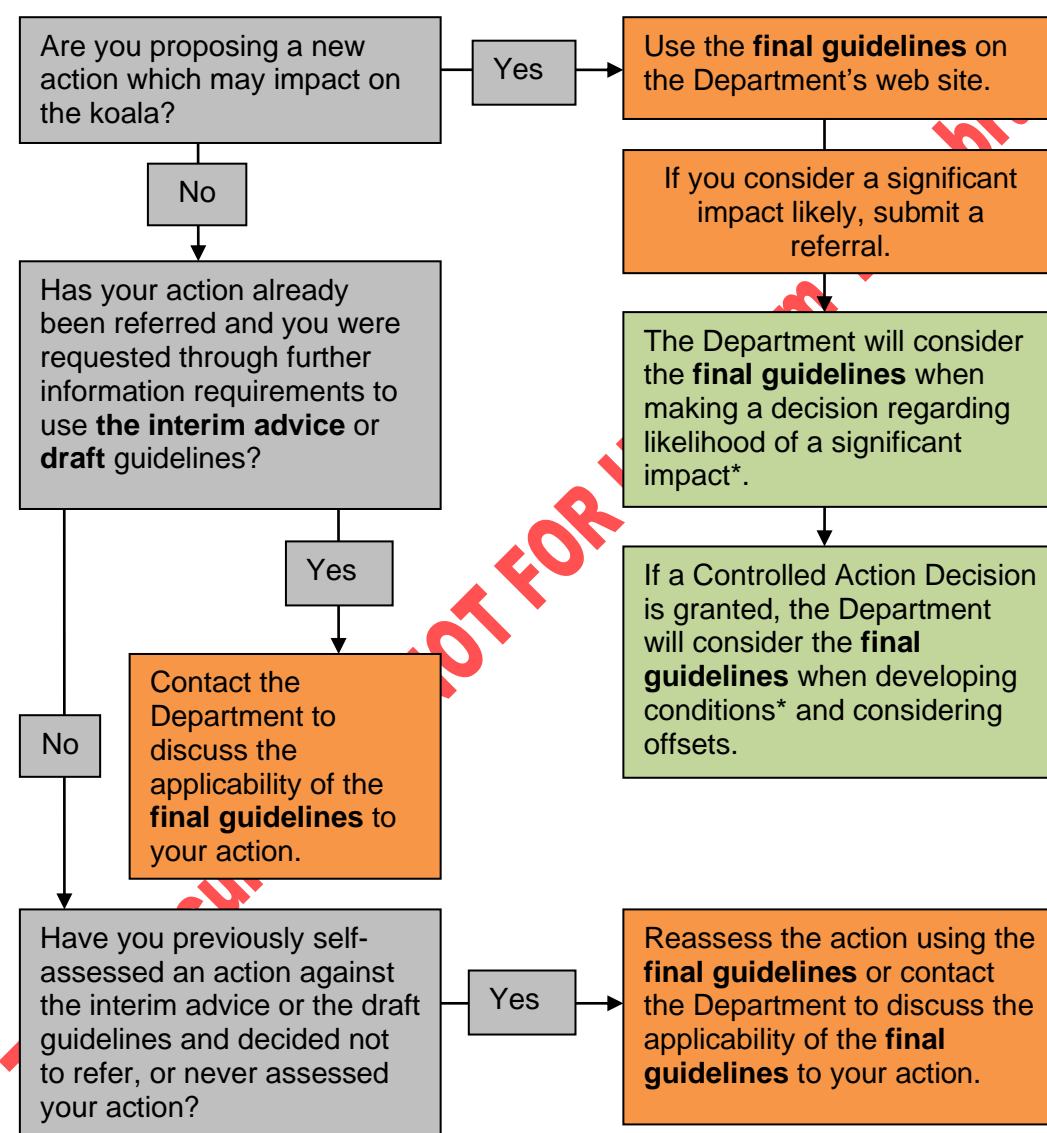
koala, and the stage of development for specific projects, will be relevant considerations for the Department in providing any guidance in these circumstances.

When do these guidelines apply?

Referral guidelines are applied on a case-by-case basis depending on the particular circumstances of each project.

The finalised guidelines apply to all new referrals and existing assessments of actions which may impact the koala. Particular circumstances may require you to reassess your action or have a discussion with the Department (see the flow diagram below).

As the final guidelines take a broadly similar approach to the draft guidelines, it is not anticipated that their finalisation will substantially impact on assessments that are underway.



*A referral will be assessed by the Department on the basis of the most up-to-date scientific information available at the time of referral. This may build upon the information reflected in the final guidelines, for example, if new information is published and available in scientific journals or independent reports. The final guidelines will also be reviewed once a national recovery plan for the koala has been completed.

Proponents should ensure that they have the most current version from the Department's website before using the guidelines.

Interaction with the EPBC Act offsets policy

Once it has been determined that an action requires Commonwealth approval, offsets that compensate for the significant residual impacts of the action are considered at the approval stage. Under the terms of the EPBC Act, offsets are not a relevant consideration at the referral stage.

The guidelines contain a habitat assessment tool which can be used to identify habitat critical to the survival of the koala. This tool can assist with conforming to the *EPBC Act Environmental Offsets Policy* by helping proponents determine 'habitat quality' referred to in the offset calculator. The habitat assessment tool may be used instead of the three generic habitat quality categories found in the Offsets Assessment Guide. It can also be used to calculate the starting quality of a proposed offset site and to estimate the future quality, with and without the proposed offset or management intervention.

If this fact sheet hasn't addressed your issues, please contact the Department at epbc.referrals@environment.gov.au.

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