Environmental Defenders Office

NSW Department of Climate Change, Energy, the Environment and Water
By email: koala.strategy@environment.nsw.gov.au

7 November 2026

Dear Sir/Madam,

Re Draft NSW Koala Conservation Strategy

Environmental Defenders Office (**EDO**) welcomes the opportunity to comment on the *The koala: draft Saving our Species conservation strategy* (**draft Strategy**). EDO has a long history engaging on the conservation and recovery of threatened species in NSW, including koalas. We attended the NSW Koala Summit in 2024, and engaged on the NSW Koala Strategy Review.[1]

Koalas are an iconic Australian species and an important part of the ecological and cultural landscapes of NSW. Despite significant public investment and successive government conservation initiatives, koalas continue to face serious threats from habitat loss and fragmentation, climate change, bushfires, vehicle strikes, and disease.

We welcome the development of a new strategy for the conservation of koalas in NSW, noting the NSW Koala Strategy 2021–26 has run its term. EDO supports a coordinated, landscape-scale approach to koala conservation, informed by the best available scientific evidence and traditional ecological knowledge. The draft Strategy's focus on habitat mapping, restoration, connectivity, climate refugia, research and monitoring provides a foundation for effective conservation.

However, the effectiveness of the Strategy will ultimately depend on whether it is adequately resourced and delivered, and whether there is regulatory reform to ensure that habitat degradation and clearing from incompatible land uses does not undermine restoration and conservation efforts. As outlined in EDO's submission on the NSW Koala Strategy Review,[2] "(w)ithout legislative reform to address habitat clearing, there is a real risk that efforts to increase koala conservation on one hand is undermined by lax laws that continue to allow habitat destruction on the other. If the NSW Government is serious about koala conservation, then a revised Koala Strategy must include clear actions for legislative reform to strengthen and better implement the laws aimed at protecting koala and their habitat". While legislative reform emerged as one of the key focus areas of the Review of the Koala Strategy, the draft Strategy lacks clear commitments about how NSW law will be reformed to better protect koalas.

[1] See EDO, Submission on the NSW Koala Strategy Review, April 2024, (**EDO NSW Koala Strategy Review submission**) available at https://www.edo.org.au/wp-content/uploads/2024/04/240426-Review-of-NSW-Koala-Strategy-Discussion-Paper-EDO-submission.pdf

[2] EDO NSW Koala Strategy Review submission

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We provide the following feedback on the draft Strategy, aimed at strengthening the draft Strategy and its ability to deliver improved outcomes for koalas. As a non-Indigenous community legal centre specialising in public interest environmental law, and out of respect for First Nations self-determination, EDO's recommendations in relation to those aspects of the Strategy that relate to First Nations matters are high-level. In providing feedback on these aspects of the Strategy, EDO cannot and does not speak on behalf of First Nations peoples or groups.

Pathways to healthy Country for koalas

We welcome the upfront recognition in the draft Strategy of Aboriginal people as Custodians of Country, and the cultural significance of koalas to Aboriginal peoples. We further support the acknowledgement that the Strategy seeks to support "stronger partnerships that recognise Aboriginal people as rights holders and decision makers in caring for Country".[3]

Where the draft Strategy identifies specific management actions relating to Aboriginal peoples, such as recognising and resourcing Aboriginal cultural authority, removing barriers to access and enabling caring for Country practices (Management theme 1), it is important that these are delivered in line with the principles of Free, Prior and Informed Consent (FPIC) as recognised in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). UNDRIP mandates that States engage in genuine consultation and cooperation with First Nations peoples and their representative organisations to secure their FPIC before taking action that affects their lands, territories, resources and rights. FPIC reflects the inherent collective right of First Nations to participate in decision-making processes on issues and laws that affect their lives, lands, waters, skies and resources, and to grant or withhold consent where decisions affect them. [4]

Given its role and significance in biodiversity conservation and management by First Nations, we recommend that FPIC be expressly acknowledged in the draft Strategy.

Similarly, where the draft Strategy refers to knowledge transfer (e.g. page 21), we recommend it should expressly acknowledge CARE Principles for Indigenous Data Governance,[5] as well as the True Tracks Principles for protection of Indigenous Cultural and Intellectual Property.[6]

Recommendation: The Strategy must expressly acknowledge, and require implementation of the Strategy in line with, the principles of Free, Prior and Informed Consent. In relation to Aboriginal knowledge and practices, the Strategy should similarly acknowledge, and require implementation in accordance with, the CARE Principles for Indigenous Data Governance and the True Tracks Principles for protection of Indigenous Cultural and Intellectual Property.

Reviewing the NSW Koala Strategy

Page 4 of the draft Strategy outlines six focus areas coming out of the review of the previous strategy, noting that these focus areas have "informed the development of the management

[3] Draft Strategy, p1.

[4] UNDRIP was endorsed by the Australian Government in 2009 and has been described recently by the Chief Justice of the Federal Court of Australia as containing 'solemn objectives that Australia has committed to in international forums': see *Sampi v State of Western Australia (No) 5* [2026] FCA 517, [45]-[48].

themes and actions included in this strategy".[5] We are pleased to see the work of the review acknowledged here, and recognise that EDO's input into the review is generally reflected in the six focus areas. However, the link between the focus areas as described on page 4, and the management themes and actions set out in the draft Strategy is unclear. We recommend that the draft Strategy more clearly explains how the management themes and actions relate to each of the focus areas that emerged from the review.

Recommendation: The Strategy should more clearly explain how the management themes and actions relate to each of the focus areas that emerged from the review of the NSW Koala Strategy.

Focus area 6. (on page 4) is "Legislative reform, including stronger protections under the Biodiversity Offsets Scheme and changes to chapters 3 and 4 of the State Environmental Planning Policy – Biodiversity and Conservation 2021 (the 'Koala SEPP')", however there is no specific action in the "Action toolbox" in the draft Strategy relating to legislative reform or to the Koala SEPP.

Given this was a key focus area arising from the review, we recommend the draft Strategy includes a detailed action committing to legislative and policy reform, including reforms that prevent the clearing and degradation of important koala habitat. Detailed recommendations for legislative reform to protect koala habitat are set out in EDO's report *Protecting koalas in the Sydney Basin bioregion.*[6] While that report is focused on the Sydney Basin bioregion, the recommendations for legislative reform are applicable state-wide. Key recommendations include:

- ensuring legal protections apply to all koala habitat by implementing consistent, comprehensive mapping across NSW as a matter of urgency, based on a scientifically robust and clearly defined definition of koala habitat;
- maximising protection of koala habitat by mandating appropriate and consistent levels of oversight;
- bolstering safeguards in assessment and determination processes;
- prohibiting logging in koala habitat;
- improving accountability and enforcement of laws; and
- optimising the use of conservation and strategic planning tools.

There is a risk that without specific commitments and timeframes for reform the draft Koala Strategy won't be effective in driving the regulatory changes needed to genuinely protect and restore koala habitat.

Recommendation: The Strategy must include a detailed action committing to legislative and policy reforms, including reforms that prevent the clearing and degradation of important koala habitat. This must include implementing comprehensive habitat mapping linked to legal protections, bolstering safeguards in assessment and determination processes, and updating

[5] Draft Strategy, p 4.

[6] EDO, *Protecting koalas in the Sydney Basin bioregion - Strengthening NSW laws to protect the trees that koalas call home*, February 2023, available at https://www.edo.org.au/wp-content/uploads/2023/02/EDO-Report-Protecting-koalas-in-the-Sydney-Basin-Bioregion_February-2023-.pdf

and consolidating the Koala SEPPs. See more detailed recommendations in EDO's report *Protecting koalas in the Sydney Basin bioregion.*

Working towards common goals

We assume that the table/figure on page 6 is linked to the text on page 5. For example, under the heading "(t)he NSW Government is strengthening environmental protections to deliver greater outcomes for koalas" it says "(k)ey reform programs that will improve protections and secure habitat for koalas and other threatened species are summarised below". If page 6 is intended to be that summary, we recommend labelling the table/figure on page 6 and explicitly referencing it on page 5. Further, as outlined above, while page 6 provides a summary of key reform programs, there is no specific action in the draft Strategy relating to these reforms or any detail of the specific reforms that will be implemented to protect koalas and their habitat.

Recommendation: The figure/table on page 6 should be labelled and referenced in the text on page 5.

Strategy for protecting koalas

While this section is useful in providing information about the Strategy, it does not appear until page 12. The draft Strategy lacks an upfront section outlining what this strategy is, its purpose and how it will be implemented. We recommend a short section upfront in the Strategy that provides an overview of the Strategy and how it will be implemented, rather than leaving this explanation to page 12 of the document.

Page 11 of the draft Strategy states that "(n)ot all of the actions listed in the toolbox will be funded or delivered by the NSW Government." It is unclear what funding, if any, has been committed by the NSW government to support the delivery of the new strategy, beyond funding the Save our Species program more generally.[7] More than $190 million over five years was committed by the former Government from 1 July 2021 to 30 June 2026 to deliver the NSW Koala Strategy 2021–26. It is unclear from Annual Reports on the NSW Koala Strategy 2021-2026, how much private or philanthropic investment supported the delivery of that Strategy.

The former Strategy committed $5 million to leverage private sector investment in koala conservation, with a target of leveraging at least a fivefold investment from the private sector. It is unclear if that target was realised, noting that the 2024-25 Annual Report indicated that the action of engaging the private sector was closed, with no further private sector partnerships to leverage private sector work undertaken in 2024–25. Even without known figures for non-government investment, it is clear that Government funding was the key driver in delivering the previous strategy.

We recommend the NSW Government confirms whether it will commit any additional funding for the delivery of this new Koala Strategy, including resourcing of Aboriginal-led conservation

[7] The NSW Government has committed $195.2 million over three years in the 2026 budget to continue and update the Saving our Species program. See, for example, https://www.nsw.gov.au/ministerial-releases/securing-our-future-221-million-to-deliver-a-new-era-of-threatened-species-protection

planning and practices (Focus Area 5), and whether any other funding, including private or philanthropic funding ,has already been committed for the purpose of delivering the Strategy.

Recommendation: The Strategy should include an upfront outline of the Strategy, its purpose and how it will be implemented.

Recommendation: The NSW Government should confirm whether it will commit any additional funding for the delivery of this new Koala Strategy, including resourcing of Aboriginal-led conservation planning and practices (Focus Area 5), or whether any other funding, including private or philanthropic funding, has already been committed for the purpose of delivering the Strategy.

Management theme 1: Landscape-scale approaches and habitat management

We welcome the general recognition in Management theme 1 that habitat protection and restoration is critical to the ongoing survival of koalas in NSW. The draft Strategy is moving in the right direction by acknowledging habitat loss as a key threat to koalas, and placing habitat management front and centre in Management theme 1. However, as outlined above, the draft Strategy does not provide specific detail on how habitat protection and restoration will be achieved or what changes will be made to biodiversity conservation and land management laws to achieve this, and within what timeframe.

Figure 2 puts land acquisitions and habitat protection as one 'action'. This is also reflected in the first row in the 'Action toolbox' on page 19. Combining land acquisitions and habitat protection suggests that habitat protection is tied to land acquisitions, whereas there are other methods of habitat protect such as private land conservation (which is already identified as a standalone point in this Figure 2), or regulatory measures.

The action toolbox suggests that the action needed to achieve land acquisitions and habitat protection is to "(s)ecure and enhance the legislative protections of important areas of habitat, strengthening landscape resilience and ecological connectivity. This will be achieved through engaging with the NSW National Parks and Wildlife Service's land acquisition program and other landscape management mechanisms, including Areas of Outstanding Biodiversity Value and Assets of Intergenerational Significance".

We suggest that habitat protection and land acquisitions be separated into two standalone points. For example, "Habitat protection – protect threatened species habitat to enhance landscape resilience and connectivity" becomes the first point in Figure 2, and that "Land acquisition" becomes a separate standalone point within Figure 2.

We also recommend the Action toolbox is updated accordingly, to address habitat protection and land acquisitions as two standalone actions in separate rows in the table. For example:

- secure and enhance the legislative protections of important areas of habitat, strengthening landscape resilience and ecological connectivity – which would include reforms to the biodiversity conservation, land management and planning laws. This would align with our earlier recommendation to have a specific action relating to legislative reform; and

- acquire and/or protect land through engaging with the NSW National Parks and Wildlife Service's land acquisition program and other landscape management mechanisms, including Areas of Outstanding Biodiversity Value and Assets of Intergenerational Significance

Recommendation: Separate habitat protection and land acquisitions into two standalone points in Figure 2, with corresponding standalone actions in the Action toolbox.

Management theme 2: Threat and population management

We generally support improved habitat mapping, however we make the following recommendations:

- Where Figure 3 refers to "Habitat mapping – Support development of fine scale habitat maps to inform planning decisions", we recommend this be amended to refer to land use decisions, noting that habitat mapping should also inform not just planning decisions, but also decisions about other land uses, including land clearing and forestry.
- As highlighted in EDO's report *Protecting koalas in the Sydney Basin bioregion,* there is inconsistent mapping of koala habitat across NSW because koala habitat is mapped in different ways for different purposes; and mapping is not always tied to decision making.[8] We recommend that the NSW Government lead the development of a single, state-wide map of koala habitat, applying a scientifically robust and clearly defined definition of koala habitat, to inform decision making consistently across all land use frameworks. This map must be adopted in law and expressly tied to legal provisions that set out the considerations for decision making.

Recommendation: The Strategy must commit to consistent, state-wide mapping, applying a scientifically robust and clearly defined definition of koala habitat, to inform decision making consistently across all land use frameworks. Mapping developed for this purpose must be adopted in law and expressly tied to legal provisions that set out the considerations for decision making.

Management theme 3: Research, monitoring and data

It is unclear how the point here, namely "Date and Spatial Tools – Produce high quality habitat maps and spatial products" differs from the point under Management theme 2 "Habitat mapping – Support development of fine scale habitat maps to inform planning decisions". We recommend that Management theme 3 clarifies what the high quality habitat maps and spatial products referred to in Management theme 3 will be used for.

Recommendation: The Strategy should clarify what the high quality habitat maps and spatial products referred to in Management theme 3 will be used for.

[8] EDO, *Protecting koalas in the Sydney Basin bioregion - Strengthening NSW laws to protect the trees that koalas call home*, February 2023, available at https://www.edo.org.au/wp-content/uploads/2023/02/EDO-Report-Protecting-koalas-in-the-Sydney-Basin-Bioregion_February-2023-.pdf

Monitoring actions

We support monitoring of both the implementation of the Strategy and the effectiveness of the Strategy in delivering outcomes for koalas. We recommend that this section needs to:

- provide a more detailed explanation of the NSW Koala monitoring program;
- make clearer commitments about how the Koala Strategy will be monitored, including, for example, through the publication of annual progress reports, noting that annual reports were published on the previous strategy; and
- outline processes for updating the Strategy or adapting actions within the Strategy, in response to outcomes of the NSW Koala monitoring program and/or monitoring of the Koala Strategy.

Recommendation: The monitoring section of the Strategy should:

- provide a more detailed explanation of the NSW Koala monitoring program;
- make clearer commitments about how the Koala Strategy will be monitored, including, for example, through the publication of annual progress reports; and
- outline processes for updating the Strategy or adapting actions within the Strategy, in response to outcomes of the NSW Koala monitoring program and/or monitoring of the Koala Strategy.

Thank you for the opportunity to comment on the draft Strategy. Please do not hesitate to get in touch if you have any questions arising from our submission.

Yours sincerely,
Environmental Defenders Office

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