



Queensland

# Nature Conservation (Koala) Conservation Plan 2006

## Subordinate Legislation 2006 No. 208

made under the

*Nature Conservation Act 1992*

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	3
2	Commencement . . . . .	3
3	Relationship with declared management intent—Act, s 121 . . . . .	3
4	Main purposes of plan and how they are to be achieved . . . . .	3
5	Interpretation . . . . .	4
<b>Part 2</b>	<b>Provisions relating to koala districts and koala habitat areas</b>	
<b>Division 1</b>	<b>Koala districts</b>	
6	State includes koala districts . . . . .	4
7	Objective for koala districts . . . . .	5
<b>Division 2</b>	<b>Development in koala habitat areas</b>	
8	Criteria applying to koala habitat areas . . . . .	5
9	Relevance of koala conservation criteria . . . . .	6
<b>Division 3</b>	<b>Map for koala habitat areas</b>	
10	Chief executive must prepare map . . . . .	7
11	Areas shown on map . . . . .	7
12	When map must be amended . . . . .	8
13	When map may be amended . . . . .	9
14	Map available for inspection . . . . .	10

<b>Part 3</b>	<b>Clearing in particular areas</b>	
15	Sequential clearing in koala district A or B . . . . .	10
16	Koala spotter needed for clearing in koala habitat area . . . . .	11
<b>Part 4</b>	<b>Restrictions on grant for licences, permits or other authorities for taking, keeping or using koalas</b>	
17	Relationship with regulations . . . . .	12
18	General restriction on grant . . . . .	12
19	Restriction on grant of wildlife authorities allowing release of koalas into the wild . . . . .	13
20	Restriction on grant of wildlife exhibitor licence or rehabilitation permit allowing release of koalas into the wild . . . . .	13
21	Restriction on grant of scientific purposes permit allowing release of koalas into wild . . . . .	14
<b>Part 5</b>	<b>Amendment of plan</b>	
22	Amendment of plan . . . . .	15
<b>Schedule 1</b>	<b>Koala districts</b> . . . . .	17
<b>Schedule 2</b>	<b>Dictionary</b> . . . . .	18

## **Part 1 Preliminary**

### **1 Short title**

This conservation plan may be cited as the *Nature Conservation (Koala) Conservation Plan 2006*.

### **2 Commencement**

This conservation plan commences on 2 October 2006.

### **3 Relationship with declared management intent—Act, s 121**

Section 121(2)<sup>1</sup> of the Act does not apply to this plan.

### **4 Main purposes of plan and how they are to be achieved**

- (1) The main purposes of this plan are—
  - (a) to promote the continued existence of viable koala populations in the wild; and
  - (b) to prevent the decline of koala habitats, including by providing for the rehabilitation of cleared or otherwise disturbed koala habitats; and
  - (c) to promote future land use and development that is compatible with the survival of koala populations in the wild.
- (2) The main purposes are to be achieved by—
  - (a) dividing the State into 3 koala districts based on the management strategies that are to be applied to each district; and
  - (b) prescribing the objective for each koala district; and
  - (c) prescribing, for the SEQ regional plan, section 2.2.2, criteria against which assessable development in a koala habitat area must be assessed; and

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<sup>1</sup> Section 121 (Plan replaces interim or declared management intent) of the Act

- (d) providing for the preparation of a map by the chief executive to show koala habitat areas in the State; and
- (e) prescribing requirements for clearing vegetation in particular areas; and
- (f) prescribing additional restrictions on the grant of particular licences or permits for koalas, including, in particular, licences or permits allowing the release of koalas into the wild.

## **5 Interpretation**

- (1) The dictionary in schedule 2 defines particular terms used in this plan.
- (2) Subject to subsection (1), and unless this plan provides otherwise, terms used in it have the meaning given in the Wildlife Management Regulation.
- (3) To remove any doubt, it is declared that subsection (2) also applies to the following, as applied to the Wildlife Management Regulation under section 5 of that regulation—
  - (a) a definition under the Administration Regulation;
  - (b) a provision of the Administration Regulation that aids the interpretation of a term used in that regulation.

# **Part 2 Provisions relating to koala districts and koala habitat areas**

## **Division 1 Koala districts**

### **6 State includes koala districts**

- (1) The State includes the following wildlife districts for koalas—
  - (a) koala district A;

- (b) koala district B;
  - (c) koala district C.
- (2) A wildlife district may include 1 or more koala habitat areas.

## **7 Objective for koala districts**

The objective for each koala district is to ensure, having regard to the nature and extent of koala populations in the district, appropriate measures are adopted to achieve the purposes of this plan mentioned in section 4(1), including measures that—

- (a) monitor koala populations in the district and threats to their survival; and
- (b) monitor and review the effectiveness of conservation measures for koalas and koala habitats in the district; and
- (c) provide education and management strategies to help manage threats to the survival of koala populations in the wild, including, for example, threats caused by dog attacks or vehicle strikes.

## **Division 2 Development in koala habitat areas**

### **8 Criteria applying to koala habitat areas**

- (1) The koala management program contains criteria, called the koala conservation criteria, applying to assessable development in a koala habitat area.
- (2) In this section—

*koala management program* means the document called ‘Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006-2016’, prepared by the chief executive and held by the department.

*Note—*

A copy of the management program may be inspected, free of charge—

- (a) on the department’s website; and

- (b) during office hours on business days, at the department's central office or any of the department's regional offices.

## **9 Relevance of koala conservation criteria**

- (1) This section—
  - (a) is included for information purposes only; and
  - (b) does not state all the matters that must be considered for assessing, under the *Integrated Planning Act 1997*, a development application for development in a koala habitat area.

### *Notes—*

- 1 The *Integrated Planning Act 1997*, section 3.3.15, states the matters against which a concurrence agency must assess a development application.
  - 2 The *Integrated Planning Act 1997*, section 3.5.4, states the matters against which an assessment manager must assess a part of a development application requiring code assessment.
  - 3 The *Integrated Planning Act 1997*, section 3.5.5, states the matters against which an assessment manager must assess a part of a development application requiring impact assessment.
- (2) Under the *Integrated Planning Act 1997*, particular SEQ local governments, as the assessment manager for a development application, must assess the application against the SEQ regional plan.
  - (3) The SEQ regional plan, section 2.2.2, provides for the assessment of development in a koala habitat area against the koala conservation criteria.
  - (4) Under the *Integrated Planning Act 1997*, the chief executive, as the assessment manager, or a concurrence agency, for a development application, must assess the application against the laws that are administered by, and the policies that are reasonably identifiable as policies applied by, the chief executive and that are relevant to the application.
  - (5) Each koala conservation criterion represents a policy applied, under the Act, by the chief executive for the conservation of koalas or koala habitats in a koala habitat area.

(6) In this section—

**SEQ local government** means a local government for an area in the SEQ region.

## **Division 3                      Map for koala habitat areas**

### **10            Chief executive must prepare map**

- (1) The chief executive must prepare a map (the *State map*) for the State.
- (2) The State map may consist of a series of maps, including, for example, a separate map in the series for each part of the State.

### **11            Areas shown on map**

- (1) The State map must show each urban koala area in the State.
- (2) The State map may also show—
  - (a) how the State is divided into koala districts; and
  - (b) koala conservation areas and koala sustainability areas in the State.
- (3) If the State map shows koala conservation areas and koala sustainability areas in the State, the map must—
  - (a) show, as a koala conservation area, each part of the State shown as a koala conservation area on the SEQ map; and
  - (b) show, as a koala sustainability area, each part of the State shown as a koala sustainability area on the SEQ map.
- (4) Subsection (3) does not limit the chief executive's power to identify, and show on the State map—
  - (a) another part of the State in the SEQ region as a koala conservation area if the part is shown as a koala conservation area on an approved local government map for a local government's area; or

- (b) another part of the State in the SEQ region as a koala sustainability area if the part is shown as a koala sustainability area on an approved local government map for a local government's area; or
- (c) a part of the State that is not in the SEQ region as a koala conservation area or koala sustainability area.

## 12 When map must be amended

- (1) This section applies if—
    - (a) either—
      - (i) the chief executive approves a local government map as accurately showing koala habitat areas (the *approved map*); or
      - (ii) the SEQ map or an approved local government map for a local government's area (each a *relevant map*) is amended; and
    - (b) an area shown as a koala habitat area, or shown as not being a koala habitat area, on the State map is inconsistent with how the area is shown on—
      - (i) the approved map; or
      - (ii) a relevant map as amended.
- Examples—*
- 1 An area shown on the State map as an urban koala area is shown as a koala sustainability area on the SEQ map as amended.
  - 2 An area not shown as a koala habitat area on the State map is shown as an urban koala area on a local government map approved by the chief executive as accurately showing koala habitat areas.
- (2) The chief executive must, as soon as practicable, amend the State map to make it consistent with the approved map, or the relevant map as amended.
  - (3) Subsection (4) applies—
    - (a) if the State map is inconsistent with an approved local government map for a local government's area, and the



nature of the inconsistency is that a part of the State (the ***changed part of the State***) is either—

- (i) shown as an urban koala area on the State map and not shown as an urban koala area on the approved local government map; or
  - (ii) shown as an urban koala area on the approved local government map and not shown as an urban koala area on the State map; and
- (b) until the chief executive amends the State map under subsection (2).
- (4) The State map is taken to have been amended in a way that reflects how the changed part of the State is shown on the approved local government map.

*Examples for subsection (4)—*

- 1 If the changed part of the State is shown as not being an urban koala area and no other category of koala habitat area on the approved local government map, the State map is taken to show the changed part as not being an urban koala area or any other koala habitat area.
- 2 If the changed part of the State is shown as being a koala sustainability area on the approved local government map, the State map is taken to show the changed part as being a koala sustainability area.

### **13 When map may be amended**

- (1) The chief executive may amend the State map if the chief executive reasonably believes further information about koalas shows that—
  - (a) the existing classification of a part of the State as an urban koala area is not, or is no longer, appropriate; or
  - (b) a part of the State that is not a koala habitat area should be classified as an urban koala area.
- (2) However, subsection (1) does not apply to a part of the State to which an approved local government map for a local government's area applies.

**14 Map available for inspection**

The chief executive must make a copy of the State map available for inspection by the public, free of charge—

- (a) on the department’s website;<sup>2</sup> and
- (b) during office hours on business days, at—
  - (i) the central office of the department;<sup>3</sup> and
  - (ii) each regional office of the department.

**Part 3 Clearing in particular areas****15 Sequential clearing in koala district A or B**

- (1) A person clearing koala habitat trees in koala district A or koala district B must ensure the clearing is carried out in a way that complies with the sequential clearing conditions.

Maximum penalty—120 penalty units.

- (2) This section applies in addition to any other requirement applying to the clearing under an Act.
- (3) In this section—

*sequential clearing conditions* means all of the following conditions—

- (a) that clearing of trees is carried out in a way that ensures koalas on the area being cleared (the *clearing site*) have enough time to move out of the clearing site without human intervention, including in particular, for clearing sites with an area of more than 3ha, by—
  - (i) carrying out the clearing in stages; and

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2 At the commencement of this section, the department’s website was at <[www.epa.qld.gov.au](http://www.epa.qld.gov.au)>.

3 At the commencement of this section, the department’s central office was at 160 Ann Street, Brisbane.

- (ii) ensuring not more than the following is cleared in any 1 stage—
  - (A) for a clearing site with an area of 6ha or less—50% of the site's area;
  - (B) for a clearing site with an area of more than 6ha—3ha or 3% of the site's area, whichever is the greater; and
- (iii) ensuring that between each stage and the next there is at least 1 period of 12 hours that starts at 6p.m. on a day and ends at 6a.m. on the following day, during which no trees are cleared on the site;
- (b) that clearing of trees is carried out in a way that ensures, while the clearing is being carried out, appropriate habitat links are maintained within the clearing site and between the site and its adjacent areas, to allow koalas living on the site to move out of the site;
- (c) that no tree in which a koala is present, and no tree with a crown overlapping a tree in which a koala is present, is cleared.

## **16 Koala spotter needed for clearing in koala habitat area**

- (1) This section applies to a person clearing, in a koala habitat area, koala habitat trees that have a trunk with a diameter of more than 10cm at 1.3m above the ground.
- (2) The person must ensure the clearing is carried out in the presence of a koala spotter who has the primary role of locating koalas in the trees for the person.

Maximum penalty—120 penalty units.

- (3) This section applies in addition to any other requirement applying to the clearing under an Act.
- (4) In this section—

*koala spotter* means a person who has demonstrated experience in locating koalas in koala habitats or conducting fauna surveys.



**19 Restriction on grant of wildlife authorities allowing release of koalas into the wild**

The chief executive can not grant a wildlife authority, other than a wildlife exhibitor licence, a rehabilitation permit or a scientific purposes permit, that allows the holder of the authority, or a relevant person for the holder, to release into the wild a koala that has been bred or kept in captivity.

*Note—*

Under the Wildlife Management Regulation, section 343(1)(a), it is an offence for a person to release into the wild an animal that has been bred in captivity.

However, under the Wildlife Management Regulation, section 343(2)(a), the offence does not apply if the release is authorised under an Act, including a licence, permit or other authority granted under an Act.

**20 Restriction on grant of wildlife exhibitor licence or rehabilitation permit allowing release of koalas into the wild**

- (1) The chief executive can not grant a wildlife exhibitor licence or a rehabilitation permit authorising the holder of the licence or permit, or a relevant person for the holder, to release a koala that has been taken from the wild into a part of the wild that is not a prescribed natural habitat for the koala.

*Note—*

Under the Wildlife Management Regulation, section 343(1)(b), it is an offence for a person to release an animal into an area of the wild that is not a prescribed natural habitat for the animal.

However, under the Wildlife Management Regulation, section 343(2)(a), the offence does not apply if the release is authorised under an Act, including a licence, permit or other authority granted under an Act.

- (2) The chief executive can not grant a wildlife exhibitor licence or a rehabilitation permit authorising the holder of the licence or permit, or a relevant person for the holder, to release into the wild a koala that has been bred in captivity unless—
- (a) the koala is the progeny of a koala that was taken from the wild; and

- (b) the chief executive is reasonably satisfied the koala is capable of surviving in the wild.

*Note for subsection (2)—*

Under the Wildlife Management Regulation, section 343(1)(a), it is an offence for a person to release into the wild an animal that has been bred in captivity.

However, under the Wildlife Management Regulation, section 343(2)(a), the offence does not apply if the release is authorised under an Act, including a licence, permit or other authority granted under an Act.

## **21 Restriction on grant of scientific purposes permit allowing release of koalas into wild**

- (1) The chief executive can not grant a scientific purposes permit authorising the holder of the permit, or a relevant person for the holder, to release a koala that has been taken from the wild unless—
- (a) the koala is to be released into a prescribed natural habitat for the koala; or
- (b) the chief executive is reasonably satisfied the prescribed release conditions for the release of the koala are satisfied.

*Note—*

Under the Wildlife Management Regulation, section 343(1)(b), it is an offence for a person to release an animal into an area of the wild that is not a prescribed natural habitat for the animal.

However, under the Wildlife Management Regulation, section 343(2)(a), the offence does not apply if the release is authorised under an Act, including a licence, permit or other authority granted under an Act.

- (2) The chief executive can not grant a scientific purposes permit authorising the holder of the permit, or a relevant person for the holder, to release a koala that has been bred in captivity unless—
- (a) the chief executive is reasonably satisfied the prescribed release conditions for the release of the koala are satisfied; or

- (b) the chief executive is otherwise reasonably satisfied the koala is capable of surviving in the wild.

*Note for subsection (2)—*

Under the Wildlife Management Regulation, section 343(1)(a), it is an offence for a person to release into the wild an animal that has been bred in captivity.

However, under the Wildlife Management Regulation, section 343(2)(a), the offence does not apply if the release is authorised under an Act, including a licence, permit or other authority granted under an Act.

## Part 5 Amendment of plan

### 22 Amendment of plan

An amendment of any of the following types may be made to this plan by amendment under section 124(2)(c)<sup>4</sup> of the Act—

- (a) an amendment of section 8 or 9;<sup>5</sup>
- (b) an amendment of a provision in part 2, division 3,<sup>6</sup> about the State map;
- (c) an amendment of a provision in part 3<sup>7</sup> about clearing koala habitat trees;
- (d) an amendment of schedule 2, definition *koala conservation area*, *koala sustainability area* or *urban koala area*, if the amendment is necessary because of an amendment of the SEQ map or an approved local government map for a local government's area;

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4 Section 124 (Amendment of plans) of the Act

5 Section 8 (Criteria applying to koala habitat areas) or 9 (Relevance of koala conservation criteria)

6 Part 2 (Provisions about koala districts and koala habitat areas), division 3 (Map for koala habitat areas)

7 Part 3 (Clearing in particular areas)

- (e) an amendment that is consequential to an amendment, omission or insertion mentioned in paragraph (a), (b), (c) or (d).



## **Schedule 1 Koala districts**

schedule 2, definitions *koala district A*, *koala district B* and *koala district C*

### **1 Koala district A**

Koala district A consists of the areas of the following local governments—

Beaudesert, Boonah, Brisbane, Caboolture, Caloundra, Esk, Gatton, Gold Coast, Ipswich, Kilcoy, Laidley, Logan, Maroochy, Noosa, Pine Rivers, Redcliffe, Redland, Toowoomba.

### **2 Koala district B**

Koala district B consists of the areas of the following local governments—

Biggenden, Bundaberg, Burnett, Cherbourg, Cooloola, Crows Nest, Gayndah, Hervey Bay, Isis, Kilkivan, Kolan, Maryborough, Miriam Vale, Murgon, Nanango, Perry, Tiaro, Woocoo.

### **3 Koala district C**

Koala district C consists of the areas of the following local governments—

Aramac, Atherton, Balonne, Banana, Barcaldine, Barcoo, Bauhinia, Belyando, Bendemere, Blackall, Booringa, Bowen, Broadsound, Bungil, Burdekin, Cairns, Calliope, Cambooya, Cardwell, Charters Towers, Chinchilla, Clifton, Dalby, Dalrymple, Douglas, Duaringa, Eacham, Eidsvold, Emerald, Etheridge, Fitzroy, Flinders, Gladstone, Goondiwindi, Herberton, Hinchinbrook, Ilfracombe, Inglewood, Isisford, Jericho, Johnstone, Jondaryan, Kingaroy, Livingstone, Longreach, Mackay, Mareeba, Millmerran, Mirani, Monto, Mount Morgan, Mundubbera, Murilla, Murweh, Nebo, Paroo, Peak Downs, Pittsworth, Quilpie, Rockhampton, Roma, Rosalie, Sarina, Stanthorpe, Tambo, Tara, Taroom, Thuringowa, Townsville, Waggamba, Wambo, Warroo, Warwick, Whitsunday, Woorabinda, Wondai, Yarraban.

## Schedule 2      Dictionary

section 5(1)

***Administration Regulation*** means the *Nature Conservation (Administration) Regulation 2006*.

***approved local government map***, for a local government's area, means a local government map for the area that—

- (a) has been approved by the chief executive as accurately showing koala habitat areas; and
- (b) is included in—
  - (i) the local government's planning scheme; or
  - (ii) a temporary local planning instrument made by the local government under the *Integrated Planning Act 1997*, chapter 2, part 1, division 4.

***assessable development*** see the *Integrated Planning Act 1997*, schedule 10.

***assessment manager*** see the *Integrated Planning Act 1997*, section 3.1.7.

***clear*** see the *Integrated Planning Act 1997*, schedule 10.

***concurrence agency*** see the *Integrated Planning Act 1997*, schedule 10.

***development application*** see the *Integrated Planning Act 1997*, schedule 10.

***koala***—

- (a) means a mammal of the species *Phascolarctos cinereus*; and
- (b) includes the reproductive material of a mammal mentioned in paragraph (a).

***koala conservation area*** means—

- (a) each part of the State shown on the SEQ map as a koala conservation area; and

## Schedule 2 (continued)

- (b) if a local government has an approved local government map for its area—each part of the local government’s area shown on the map as a koala conservation area.

***koala conservation criteria*** means the koala conservation criteria mentioned in section 8.

***koala district*** means—

- (a) koala district A; or
- (b) koala district B; or
- (c) koala district C.

***koala district A*** means the area described in schedule 1, section 1.

***koala district B*** means the area described in schedule 1, section 2.

***koala district C*** means the area described in schedule 1, section 3.

***koala habitat*** means—

- (a) a woodland where koalas currently live; or
- (b) a partially or completely cleared area that is used by koalas to cross from 1 woodland where koalas currently live to another woodland where koalas currently live; or
- (c) a woodland where koalas do not currently live, if the woodland—
  - (i) primarily consists of koala habitat trees; and
  - (ii) is reasonably suitable to sustain koalas.

***koala habitat area*** means—

- (a) a koala conservation area; or
- (b) a koala sustainability area; or
- (c) an urban koala area.

***koala habitat tree*** means a tree of any of the following genera—

- (a) *Angophora*;

## Schedule 2 (continued)

- (b) *Corymbia*;
- (c) *Eucalyptus*;
- (d) *Lophostemon*;
- (e) *Melaleuca*.

***koala sustainability area*** means—

- (a) each part of the State shown on the SEQ map as a koala sustainability area; and
- (b) if a local government has an approved local government map for its area—each part of the local government's area shown on the map as a koala sustainability area.

***local government map*** means a map prepared by a local government and showing koala habitat areas in the local government's area.

***prescribed natural habitat*** means—

- (a) for a koala taken from the wild, or a koala that is the progeny of a koala taken from the wild—
  - (i) the area within 1km of where the koala was taken, but only if at least part of the area is koala habitat; or
  - (ii) if subparagraph (i) does not apply—any koala habitat to the extent it is within 5km of where the koala was taken; or
- (b) for another koala—a koala habitat, research into which shows the following—
  - (i) the release of the koala into the koala habitat will not adversely affect any species of wildlife in the koala habitat;
  - (ii) the genetic makeup of the koala is similar to the genetic makeup of koalas currently living in the koala habitat.

***prescribed release conditions***, for the release of a koala, means all of the following conditions—

- (a) that the koala is to be released into a koala habitat;

**Schedule 2 (continued)**

- (b) that research about the koala and the koala habitat shows the following—
  - (i) the release of the koala into the koala habitat will not adversely affect any species of wildlife in the koala habitat;
  - (ii) the genetic makeup of the koala is similar to the genetic makeup of koalas currently living in the koala habitat;
- (c) that the release of the koala into the habitat is a key component of the research project for which the application for the permit, under which the koala is to be released, is made;
- (d) that the research project provides for the recapture of the koala if the chief executive requires the recapture.

***SEQ map*** means map 5 of the SEQ regional plan.

***SEQ region*** means the SEQ region as described in the *Integrated Planning Act 1997*, section 2.5A.2

***SEQ regional plan*** means the SEQ regional plan made under the *Integrated Planning Act 1997*.

***State map*** see section 10(1).

***this plan*** means this conservation plan.

***urban koala area*** means—

- (a) each part of the State shown on the State map as an urban koala area; and
- (b) if a local government has an approved local government map for its area—each part of the local government's area shown on the map as an urban koala area.

***Wildlife Management Regulation*** means the *Nature Conservation (Wildlife Management) Regulation 2006*.

## ENDNOTES

- 1 Approved by the Governor in Council on 10 August 2006.
- 2 Notified in the gazette on 11 August 2006.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Environmental Protection Agency.