



Queensland

Nature Conservation and Other Legislation (Koala Protection) Amendment Regulation 2020

Subordinate Legislation 2020 No. 9

made under the

Environmental Offsets Act 2014

Nature Conservation Act 1992

Planning Act 2016

Vegetation Management Act 1999

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Nature Conservation and Other Legislation (Koala Protection) Amendment Regulation 2020*.

2 Commencement

This regulation commences on 7 February 2020.

Part 2 Amendment of Environmental Offsets Regulation 2014

3 Regulation amended

This part amends the *Environmental Offsets Regulation 2014*.

4 Amendment of s 6 (Environmental offsets policy—Act, s 12)

Section 6, '(version 1.7)'—

omit, insert—

(version 1.8)

5 Omission of pt 4 (Financial settlement offsets)

Part 4—

omit.

6 Amendment of s 13 (Definition for part)

Section 13, definition *decision-maker*, paragraph (a), 'environmental significance' to 'Regulatory Provisions or'—

[s 7]

omit, insert—

local environmental significance for which an environmental offset may be required under

7 Amendment of s 36 (Administering agency to apply to for removal of particular duplicate offset condition)

(1) Section 36(1)(d)—

omit, insert—

(d) if the offset condition the authority holder is seeking to remove relates to koalas—the administering agency that imposed the condition, other than the agency that imposed the condition under State code 25 (Development in South East Queensland koala habitat areas) of the State development assessment provisions.

(2) Section 36(2)—

omit, insert—

(2) For subsection (1)(d), an offset condition relates to koalas if the condition relates to—

- (a) a matter of State environmental significance mentioned in schedule 2, section 2(3)(b) that is an area of essential habitat on the essential habitat map for koalas; or
- (b) a matter of State environmental significance mentioned in schedule 2, section 6(3); or
- (c) a matter of State environmental significance mentioned in schedule 2, section 6(4) that is a habitat for a koala.

8 Omission of s 37 (Non-juvenile koala habitat tree prescribed as relevant for Act, s 15(4))

Section 37—

omit.

9 Insertion of new pt 9

After section 36—

insert—

**Part 9 Transitional provisions
for Nature
Conservation and
Other Legislation
(Koala Protection)
Amendment Regulation
2020**

37 Definitions for part

In this part—

amendment regulation means the *Nature Conservation and Other Legislation (Koala Protection) Amendment Regulation 2020*.

former, in relation to a provision, means the provision as in force from time to time before the provision was amended or repealed under the amendment regulation.

38 Offset conditions imposed on particular authorities

Former section 10 and former schedules 1 and 2 continue to apply in relation to an offset condition imposed on the following authorities as if the amendment regulation had not commenced—

- (a) an authority given before the commencement;

[s 9]

- (b) an authority given after the commencement for an application to which the *Planning Regulation 2017*, section 73 applies.

39 Particular applications and decisions about advanced offsets

- (1) Former part 6 continues to apply in relation to an application that was made under former section 14(1) or (6) or 15(1), but not decided, before the commencement as if the amendment regulation had not commenced.
- (2) Former parts 6 and 7 continue to apply in relation to a decision made under former section 14(3) or 15(3) before or after the commencement as if the amendment regulation had not commenced.

40 Dealing with land registered as advanced offsets by local governments

- (1) This section applies if—
 - (a) before or after the commencement, a local government registers an area of land as an advanced offset in the register kept by the local government under section 90 of the Act; and
 - (b) the land is an advanced offset for a matter other than a matter for which an environmental offset may be required under a local planning instrument.
- (2) On or after the commencement, the owner of the land may apply to the local government in the approved form—
 - (a) for the area to no longer be identified as an advanced offset and to be removed from the register; or
 - (b) to amend a boundary of the area.

-
- (3) Former parts 6 and 7 apply in relation to the application as if—
- (a) for an application made under subsection (2)(a)—the application were made under former section 14(6); or
 - (b) for an application made under subsection (2)(b)—the application were made under former section 15(1).

41 Removing particular duplicate conditions

Former section 36 continues to apply to in relation to an offset condition imposed on the following authorities as if the amendment regulation had not commenced—

- (a) an authority given before the commencement;
- (b) an authority given after the commencement for an application to which the *Planning Regulation 2017*, section 73 applies.

42 Existing applications for authorities

Former section 37 and former schedules 1 and 2 continue to apply in relation to an application for an authority that was made, but not decided, before the commencement as if the amendment regulation had not commenced.

10 Amendment of sch 1 (Activities prescribed for section 9(c) of the Act)

- (1) Schedule 1, item 7—

insert—

- (h) State code 25 (Development in South East Queensland koala habitat areas)

[s 11]

- (2) Schedule 1, item 8, from ‘any of’—
omit, insert—
a local planning instrument

11 Amendment of sch 2 (Prescribed environmental matters—matters of State environmental significance)

- (1) Schedule 2, section 6(3) and (4)—
omit, insert—
(3) A koala habitat area is a matter of State environmental significance.
- (2) Schedule 2, section 6(6), definitions *koala habitat tree* and *non-juvenile koala habitat tree—*
omit.
- (3) Schedule 2, section 6(6)—
insert—
koala habitat area see the *Nature Conservation (Koala) Conservation Plan 2017*, section 7B(1).
- (4) Schedule 2, section 6(5) and (6)—
renumber as section 6(4) and (5).

12 Amendment of sch 3 (Dictionary)

Schedule 3, definitions *koala habitat*, *non-juvenile koala habitat tree* and *repealed South East Queensland Koala Conservation State Planning Regulatory Provisions—*
omit.

[s 17]

17 Amendment of s 6 (Koala districts and koala habitat areas)

- (1) Section 6, heading, ‘and koala habitat areas’—
omit.
- (2) Section 6(2)—
omit.
- (3) Section 6(3)—
renumber as section 6(2).

18 Insertion of new pt 2, div 2

After section 7—

insert—

Division 2 Koala priority areas and koala habitat areas

7A Koala priority areas

- (1) The chief executive may determine that an area in a koala district is a *koala priority area*.
- (2) The main purpose of determining that an area is a koala priority area is to strategically focus long-term management and monitoring effort on areas that have the highest likelihood of achieving conservation outcomes for koalas.

Note—

See also the *Planning Regulation 2017* for provisions about development in a koala priority area.

- (3) The chief executive may make a determination under subsection (1) in relation to an area if satisfied conservation efforts should be prioritised in the area to ensure the conservation of viable koala populations in the wild.

-
- (4) In considering whether to make the determination, the chief executive must have regard to information that is reasonably available to the chief executive in relation to the combination of biophysical measures and suitability of vegetation in the area.

7B Koala habitat areas

- (1) The chief executive may determine that an area in a koala district is a *koala habitat area*.
- (2) The main purpose of determining that an area is a koala habitat area is to avoid impacts on koala habitat to ensure the long-term persistence of koala populations in the wild.

Notes—

- 1 For the imposition of an offset condition under the *Environmental Offsets Act 2014* in relation to an impact on a koala habitat area, see that Act and the *Environmental Offsets Regulation 2014*, schedule 2.
- 2 See also the *Planning Regulation 2017* for provisions about development in a koala habitat area.
- (3) The chief executive may make a determination under subsection (1) in relation to an area if satisfied—
- (a) the area contains koala habitat; and
 - (b) the koala habitat is essential for the conservation of a viable koala population in the wild.
- (4) In considering whether to make the determination, the chief executive must have regard to information that is reasonably available to the chief executive in relation to the combination of biophysical measures and suitability of vegetation in the area.

[s 18]

7C Requests to make, amend or revoke determinations under s 7B

- (1) An owner of land, or a person on the owner's behalf, may ask the chief executive—
 - (a) to make a determination under section 7B in relation to the land; or
 - (b) to amend or revoke a determination made under section 7B in relation to the land.
- (2) The request must—
 - (a) be in the approved form; and
 - (b) state the grounds on which the determination, amendment or revocation is sought.
- (3) After considering the request, the chief executive must—
 - (a) decide to approve, refuse or partly approve and partly refuse the request; and
 - (b) give the person who made the request notice of the decision.
- (4) To the extent the chief executive approves the request, the chief executive must—
 - (a) make, amend or revoke the determination under section 7B in accordance with the decision; and
 - (b) give the person who made the request a map of the land to which the request relates showing any part of the land that is a koala habitat area.
- (5) To the extent the chief executive refuses the request, the notice given under subsection (3)(b) must be an information notice for the decision.
- (6) In this section—

owner, of land, see the *Vegetation Management*

Act 1999, schedule.

19 Insertion of new pt 2, div 3, hdg

After section 7C, as inserted by this regulation—

insert—

**Division 3 Koala Conservation Plan
Map**

20 Replacement of s 8 (Koala Conservation Plan Map)

Section 8—

omit, insert—

**8 Chief executive must prepare Koala
Conservation Plan Map**

- (1) The chief executive must prepare a map (the *Koala Conservation Plan Map*) showing—
 - (a) each koala district; and
 - (b) each koala priority area; and
 - (c) each koala habitat area.
- (2) The Koala Conservation Plan Map may consist of a series of maps, including, for example, a separate map for different parts of the State.
- (3) If the chief executive makes, amends or revokes a determination under section 7A or 7B, whether or not on request under section 7C, the chief executive must amend the Koala Conservation Plan Map accordingly.

21 Amendment of s 11 (Koala spotter needed for clearing in koala habitat area)

Section 11(4), definition *koala spotter*—

omit, insert—

[s 22]

koala spotter means a person who has qualifications and experience, or demonstrated skills and knowledge, in—

- (a) locating koalas in koala habitats; or
- (b) conducting arboreal fauna surveys.

22 Amendment of s 13 (General restriction on grant)

Section 13(g)—

omit.

23 Insertion of new pt 5, div 1, hdg

Before section 17—

insert—

**Division 1 Transitional provisions for
SL No. 152 of 2017**

24 Insertion of new s 19

After section 18—

insert—

19 Effect of division

This division stops having effect on 7 February 2020.

25 Insertion of new pt 5, div 2

After section 19 as inserted by this regulation—

insert—

**Division 2 Transitional provisions for
Nature Conservation and
Other Legislation (Koala**

Protection) Amendment Regulation 2020

20 Koala Conservation Plan Map

On the commencement, the map called ‘Koala Conservation Plan Map’, made by the chief executive on 17 January 2020 and published on the department’s website, is taken to be the Koala Conservation Plan Map.

21 Koala priority areas and koala habitat areas

On the commencement—

- (a) the chief executive is taken to have determined, under section 7A, that an area in a koala district shown on the Koala Conservation Plan Map as a koala priority area is a koala priority area; and
- (b) the chief executive is taken to have determined, under section 7B, that an area in a koala district shown on the Koala Conservation Plan Map as a koala habitat area is a koala habitat area.

26 Amendment of sch 1 (Koala districts)

- (1) Schedule 1, section 1—

omit, insert—

1 Koala district A

Koala district A is the SEQ region under the *Planning Regulation 2017*.

Note—

See also the *Planning Regulation 2017*, section 4 and schedule 1.

- (2) Schedule 1, section 3, ‘Dalby,’—

[s 27]

omit.

- (3) Schedule 1, section 3, after ‘Mackay,’—

insert—

Maranoa,

- (4) Schedule 1, section 3, ‘Roma,’—

omit.

- (5) Schedule 1, section 3, ‘Woorabinda, Whitsunday’—

omit, insert—

Western Downs, Whitsunday, Woorabinda

27 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *koala habitat*, *koala habitat area* and *koala habitat tree*—

omit.

- (2) Schedule 2—

insert—

koala habitat means—

- (a) an area of vegetation in which koalas live and that includes a koala habitat tree; or
- (b) an area of vegetation that consists primarily of koala habitat trees and which is reasonably suitable for sustaining koalas; or
- (c) a partially or completely cleared area used by koalas to cross from an area mentioned in paragraph (a) or (b) to another area mentioned in paragraph (a) or (b).

koala habitat area see section 7B(1).

koala habitat tree means—

[s 30]

30 Amendment of sch 8 (Assessment manager for development applications)

Schedule 8, table 4, item 3, column 1—

insert—

- (o) development—
 - (i) on a lot that is completely or partly in the SEQ region; and
 - (ii) that involves interfering with koala habitat in a koala habitat area

31 Replacement of sch 10, pt 10 (Koala habitat area)

Schedule 10, part 10—

omit, insert—

Part 10 Koala habitat in SEQ region

Division 1 Preliminary

16 Application of part

This part applies in relation to development on a lot that is completely or partly in the SEQ region.

Division 2 Prohibited development

16A Prohibited development—development interfering with koala habitat in koala priority area and koala habitat area

- (1) Development is prohibited development to the extent the development involves interfering with koala habitat in an area that is both—

-
- (a) a koala priority area; and
 - (b) a koala habitat area.
- (2) However, subsection (1) does not apply to the extent the development—
- (a) is exempted development; or
 - (b) is assessable development under section 16C; or
 - (c) is in an identified koala broad-hectare area and is—
 - (i) accepted development, or assessable development, under a local categorising instrument, other than development that is for an extractive industry and is not assessable development under section 16C; or
 - (ii) reconfiguring a lot that is assessable development under part 14, division 1, section 21; or
 - (d) is carried out under a development permit given for an application that was properly made before 7 February 2020; or
 - (e) is consistent with a development approval—
 - (i) in effect for the premises on which the development is carried out; and
 - (ii) given for an application that was properly made before 7 February 2020.

Division 3 Development interfering with koala habitat in koala habitat areas outside koala priority areas

[s 31]

Subdivision 1 Assessable development

16B Assessable development—development interfering with koala habitat in koala habitat areas outside koala priority areas

- (1) Development is assessable development to the extent the development involves interfering with koala habitat in an area that—
 - (a) is a koala habitat area; but
 - (b) is not a koala priority area.
- (2) However, subsection (1) does not apply to the extent the development—
 - (a) is exempted development; or
 - (b) is assessable development under section 16C; or
 - (c) is in an identified koala broad-hectare area and is—
 - (i) accepted development, or assessable development, under a local categorising instrument, other than development that is for an extractive industry and is not assessable development under section 16C; or
 - (ii) reconfiguring a lot that is assessable development under part 14, division 1, section 21; or
 - (d) is carried out under a development permit given for an application that was properly made before 7 February 2020; or
 - (e) is consistent with a development approval—
 - (i) in effect for the premises on which the development is carried out; and

- (ii) given for an application that was properly made before 7 February 2020.

Subdivision 2 Assessment by assessment manager

Column 1	Column 2
1 Category of assessment	Code assessment, if the chief executive is the prescribed assessment manager
2 Assessment benchmarks	If the chief executive is the prescribed assessment manager—the State development assessment provisions
3 Matters code assessment must have regard to	—
4 Matters impact assessment must have regard to	—
5 Fee for development application, if the chief executive is the assessment manager	\$3,313.00

Subdivision 3 Referral agency's assessment

[s 31]

Table 1—Assessable development under s 16B	
Column 1	Column 2
1 Development application requiring referral	Development application for assessable development under section 16B, unless the chief executive is the prescribed assessment manager for the application
2 Referral agency	The chief executive
3 Limitations on referral agency’s powers	—
4 Matters referral agency’s assessment must be against	The State development assessment provisions
5 Matters referral agency’s assessment must have regard to	—
6 Matters referral agency’s assessment may be against	—
7 Matters referral agency’s assessment may have regard to	—
8 Fee for referral	The fee that would be payable to the chief executive if the chief executive were the assessment manager

Division 4 Key resource areas

Subdivision 1 Assessable development

16C Assessable development—development for extractive industries in key resource areas

- (1) Development that involves interfering with koala habitat in a koala habitat area is assessable development to the extent the development is carried out in a key resource area and is for an extractive industry.
- (2) However, subsection (1) does not apply to the extent the development—
 - (a) is exempted development; or
 - (b) is carried out under a development permit given for an application that was properly made before 7 February 2020; or
 - (c) is consistent with a development approval—
 - (i) in effect for the premises on which the development is carried out; and
 - (ii) given for an application that was properly made before 7 February 2020.

Subdivision 2 Assessment by assessment manager

Column 1	Column 2
1 Category of assessment	Code assessment, if the chief executive is the prescribed assessment manager
2 Assessment benchmarks	If the chief executive is the prescribed assessment manager—the State development assessment provisions

[s 31]

Table 1—Assessable development under s 16C	
Column 1	Column 2
3 Matters code assessment must have regard to	—
4 Matters impact assessment must have regard to	—
5 Fee for development application, if the chief executive is the assessment manager	\$3,313.00

Subdivision 3 Referral agency's assessment

Table 1—Assessable development under s 16C	
Column 1	Column 2
1 Development application requiring referral	Development application for assessable development under section 16C, unless the chief executive is the prescribed assessment manager for the application
2 Referral agency	The chief executive
3 Limitations on referral agency's powers	—
4 Matters referral agency's assessment must be against	The State development assessment provisions
5 Matters referral agency's assessment must have regard to	—

Table 1—Assessable development under s 16C	
Column 1	Column 2
6 Matters referral agency's assessment may be against	—
7 Matters referral agency's assessment may have regard to	—
8 Fee for referral	The fee that would be payable to the chief executive if the chief executive were the assessment manager

**Division 5 Development on premises
in koala priority areas not
interfering with koala
habitat—assessment by
assessment manager**

Table 1—Development on premises in koala priority areas not interfering with koala habitat	
Column 1	Column 2
1 Category of assessment	The category of assessment stated for the development in a local categorising instrument
2 Assessment benchmarks	For a development application in relation to which schedule 11, part 2 applies—the assessment benchmarks stated in schedule 11, part 2

[s 31]

Table 1—Development on premises in koala priority areas not interfering with koala habitat	
Column 1	Column 2
3 Matters code assessment must have regard to	—
4 Matters impact assessment must have regard to	—

Division 6 Development in identified koala broad-hectare areas—assessment by assessment manager

Table 1—Development in identified koala broad-hectare areas	
Column 1	Column 2
1 Category of assessment	The category of assessment stated for the development in a local categorising instrument
2 Assessment benchmarks	For a development application in relation to which schedule 11, part 3 applies—the assessment benchmarks stated in schedule 11, part 3
3 Matters code assessment must have regard to	—
4 Matters impact assessment must have regard to	—

32 Replacement of sch 11 (Assessment benchmarks for development in koala habitat area)

Schedule 11—

omit, insert—

Schedule 11 Assessment benchmarks in relation to koala habitat in SEQ region

schedule 10, part 10, divisions 5 and 6

Part 1 Preliminary

1 Application of schedule

This schedule does not apply in relation to a development application for development if—

- (a) the chief executive is the prescribed assessment manager for the development application; or
- (b) the development is for a coordinated project; or
- (c) the development is in a State development area; or
- (d) the development is in the area of a development control plan that the old Act, section 857 applies to; or
- (e) the development is for infrastructure stated in schedule 5 and is carried out by or for the State or a public sector entity; or
- (f) the development is PDA-related development; or

[s 32]

- (g) the development results in a development footprint of 500m² or less; or
- (h) the development is carried out under a development permit given for an application that was properly made before 7 February 2020; or
- (i) the development is consistent with a development approval—
 - (i) in effect for the premises on which the development is carried out; and
 - (ii) given for an application that was properly made before 7 February 2020.

Note—

Under schedule 10, part 10, division 1, section 16, this schedule applies only in relation to development on a lot that is completely or partly in the SEQ region.

2 Meaning of *safe koala movement measure*

A *safe koala movement measure* is a measure that enables the safe movement of koalas by—

- (a) providing opportunities for koalas to feed, disperse and seek refuge; or
- (b) reducing threats to koalas.

Examples of measures—

- retaining koala habitat trees, within the meaning of the *Nature Conservation (Koala) Conservation Plan 2017*, and other native vegetation in landscaping
- rehabilitating an area that has been cleared of native vegetation
- using koala-friendly fencing that koalas can safely climb through, over or under
- installing a fauna overpass or underpass that koalas can use to move above or below an area that is dangerous for koalas

- installing koala safety fencing to prevent koalas from entering an area that is dangerous for koalas or to direct koalas towards fauna infrastructure
- using koala-safe road design and placement to reduce the threat of vehicle strikes and allow koalas to move through the landscape

Part 2 Development on premises in koala priority areas not interfering with koala habitat

3 Application of part

- (1) This part applies in relation to a development application for development if—
 - (a) the development is—
 - (i) building work; or
 - (ii) a material change of use of premises; or
 - (iii) operational work; or
 - (iv) reconfiguring a lot; and
 - (b) the development does not involve interfering with koala habitat in a koala habitat area; and
 - (c) the premises on which the development is carried out includes an area that is both—
 - (i) a koala priority area; and
 - (ii) a koala habitat area.
- (2) However, this part does not apply to the extent the development must be assessed against the assessment benchmarks under part 3.

[s 32]

4 Assessment benchmarks

(1) The following matters are assessment benchmarks for the development—

(a) the development provides, on the premises, the safe koala movement measures necessary to maximise the safe movement of koalas—

(i) within a koala habitat area on the premises; and

(ii) between a koala habitat area on the premises (the *first area*) and a koala habitat area or ecological corridor within 200m of the first area;

Examples of an ecological corridor—

an ecological, linkage or stepping-stone habitat corridor shown on a map in a local planning instrument

(b) either—

(i) each building, structure or works associated with the development is at least 50m from a koala habitat area; or

(ii) the development complies with each of the criteria stated in subsection (2).

(2) For subsection (1)(b)(ii), the criteria are as follows—

(a) any change to the condition of soil as a result of the development does not adversely affect a koala habitat area;

Examples of changes to the condition of soil—

- the addition of nutrients to the soil
- the erosion of the soil
- the compaction of the soil

- (b) any alteration of hydrological flows as a result of the development does not adversely affect a koala habitat area;
- (c) any landscaping associated with the development that involves planting non-native vegetation does not adversely affect a koala habitat area;
- (d) the development does not adversely affect a koala habitat area by resulting in the increased growth or spread of weeds in the koala habitat area;
- (e) a building, structure or works associated with the development is located to minimise the amount of vegetation required to be cleared for safety purposes.

Examples of clearing for safety purposes—

clearing for a fire break or to reduce risks from falling branches

Part 3 Development in identified koala broad-hectare areas

5 Application of part

- (1) This part applies in relation to a development application for development to the extent the development—
 - (a) is in an identified koala broad-hectare area;
and
 - (b) is—
 - (i) assessable development under a planning scheme or TLPI; or

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- (ii) reconfiguring a lot that is assessable development under schedule 10, part 14, division 1, section 21.
- (2) However, this part does not apply—
- (a) if the development results in a total area on the premises of 500m² or less of 1 or more koala habitat areas being cleared of native vegetation since 7 February 2020; or
 - (b) to the extent the development is for an extractive industry.

6 Assessment benchmarks

The following matters are assessment benchmarks for the development—

- (a) the development provides, on the premises, the safe koala movement measures necessary to maximise the safe movement of koalas within and through the premises;
- (b) any clearing of native vegetation complies with the *Nature Conservation (Koala) Conservation Plan 2017*, sections 10 and 11 to the extent the sections apply to the clearing;
- (c) measures are implemented to ensure that a construction activity on the premises does not increase the risk of death or injury to koalas;
- (d) any area on the premises that is cleared of native vegetation as a result of a construction activity is progressively rehabilitated.

Part 4 Relationship with other assessment benchmarks

7 When local assessment benchmarks are not inconsistent with part 2 or 3

- (1) This section applies if—
 - (a) a local categorising instrument states assessment benchmarks (*local assessment benchmarks*) for development in relation to which part 2 or 3 applies; and
 - (b) the local assessment benchmarks are in relation to the conservation of koalas.
- (2) The local assessment benchmarks are not inconsistent with the assessment benchmarks under part 2 or 3 to the extent the local assessment benchmarks contain extra requirements for the development.

33 Amendment of sch 24 (Dictionary)

- (1) Schedule 24, definitions *area of koala habitat value*, *area unsuitable for koalas*, *assessable development area*, *bushland habitat area*, *exempted development*, *high value rehabilitation habitat area*, *identified koala broad-hectare area*, *koala assessable development area*, *koala habitat area*, *koala habitat classification area*, *koala habitat tree*, *map of assessable development areas*, *map of koala habitat values*, *medium value rehabilitation habitat area*, *non-juvenile koala habitat tree*, *priority koala assessable development area* and *rehabilitation habitat area*—
omit.
- (2) Schedule 24—
insert—

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exempted development means—

- (a) development in a State development area; or
- (b) development for a coordinated project; or
- (c) development in the area of a development control plan that the old Act, section 857 applies to; or
- (d) development for infrastructure stated in schedule 5, if the development is carried out by or for the State or a public sector entity; or
- (e) PDA-related development; or
- (f) development in a forest reserve under the *Nature Conservation Act 1992*; or
- (g) development in any of the following protected areas under the *Nature Conservation Act 1992*—
 - (i) a national park (scientific);
 - (ii) a national park;
 - (iii) a national park (Aboriginal land);
 - (iv) a national park (Torres Strait Islander land);
 - (v) a national park (Cape York Peninsula Aboriginal land);
 - (vi) a conservation park;
 - (vii) a resources reserve;
 - (viii) a special wildlife reserve; or
- (h) development in a State forest or timber reserve under the *Forestry Act 1959*; or
- (i) development in a forest entitlement area under the *Land Act 1994*; or
- (j) development for public housing; or

- (k) development, other than development mentioned in any of paragraphs (a) to (j), that results in a total area on the premises of 500m² or less of 1 or more koala habitat areas being cleared of native vegetation since 7 February 2020, disregarding an area cleared of native vegetation if any of paragraphs (l) to (p) applies to the clearing; or
- (l) development that is or involves operational work that is the clearing of native vegetation and is accepted development under schedule 7, part 3, section 12 other than clearing for—
 - (i) the construction or maintenance of a fence, road, track, irrigation channel, contour bank or other linear infrastructure, other than a powerline or drainage and erosion control structure, if the cleared area is more than 5m wide; or
 - (ii) the construction or maintenance of an airstrip or helipad if the cleared area is more than 500m²; or
 - (iii) the construction or maintenance of non-linear infrastructure, other than an airstrip or helipad, in a category B area or category C area if the cleared area is more than 500m²; or
 - (iv) an extractive industry, other than clearing for a fence, road, track, irrigation channel, contour bank or other linear infrastructure, in a category C area if the cleared area is more than 500m²; or
 - (v) the diversion of a section of a watercourse or drainage feature, within

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- the meaning of the *Water Act 2000*, schedule 4, in a way that replicates the section, in a category C area if the cleared area is more than 500m²; or
- (m) development that is or involves operational work that is the clearing of native vegetation in a koala habitat area on prescribed land if the clearing is clearing, or for another activity or matter, stated in—
- (i) schedule 21, part 1, section 1(2), (3), (5), (6), (8), (9), (10) or (11); or
 - (ii) schedule 21, part 1 section 1(15), other than clearing necessary to prevent or minimise damage to the environment; or
 - (iii) schedule 21, part 1, section 1(16), (17), (18) or (19A); or
- (n) development that is or involves operational work that is the clearing of native vegetation in a koala habitat area if the clearing—
- (i) is on freehold land and is for a forest practice; or
 - (ii) is on indigenous land, other than land on which the State owns the trees, and is for a forest practice; or
 - (iii) is on indigenous land and is gathering, digging or removing forest products for use under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 62; or
 - (iv) is on land dedicated as a road under the *Land Act 1994* and is stated in schedule 21, part 2, section 5(a)(i) or any of paragraphs (b) to (h) of that section; or

-
- (v) is on land that is trust land under the *Land Act 1994*, other than indigenous land, is carried out, or allowed to be carried out, by the trustee, is consistent with achieving the purpose of the trust and is—
 - (A) to remove non-native vegetation;
or
 - (B) in accordance with a relevant biosecurity plan under the *Biosecurity Act 2014*; or
 - (vi) is on land that is unallocated State land, is carried out, or allowed to be carried out, by the chief executive of the department in which the *Land Act 1994* is administered and is to control declared pests or non-native vegetation; or
 - (vii) is necessary for essential management and is qualifying clearing; or
 - (viii) is necessary for a purpose mentioned in definition *routine management*, paragraph (c) or (d); or
 - (o) development on a lot that is or involves operational work that is the clearing of native vegetation in a koala habitat area if—
 - (i) the clearing is necessary to establish a necessary fence, road or vehicular track on an existing lot; and
 - (ii) the clearing is qualifying clearing; and
 - (iii) the vegetation is regulated regrowth vegetation or a least concern regional ecosystem in a category B area; and
 - (iv) the maximum width of the clearing for the fence, road or track is—

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- (A) for a lot that is 5ha or less—5m;
or
 - (B) for a lot that is more than 5ha—
10m; or
- (p) development that is or involves operational work that is the clearing of native vegetation in an area shown on a PMAV as a category X area if—
- (i) an application for the PMAV under the *Vegetation Management Act 1999*, section 20C was made before 7 February 2020; and
 - (ii) the clearing—
 - (A) is qualifying clearing; or
 - (B) is on land dedicated as a road under the *Land Act 1994* and is carried out by a local government, or by or for the chief executive (transport).

identified koala broad-hectare area means an area shown on an identified koala broad-hectare area map as an identified koala broad-hectare area.

interfering with koala habitat—

- (a) means removing, cutting down, ringbarking, pushing over, poisoning or destroying in any way, including by burning, flooding or draining, native vegetation in a koala habitat area; but
- (b) does not include destroying standing vegetation by stock, or lopping a tree.

koala habitat area see the *Nature Conservation (Koala) Conservation Plan 2017*, section 7B(1).

koala priority area see the *Nature Conservation*

(*Koala*) *Conservation Plan 2017*, section 7A(1).

lopping, a tree, means cutting or pruning its branches, but does not include—

- (a) removing its trunk; or
- (b) cutting or pruning its branches so severely that it is likely to die.

non-native vegetation means vegetation that is not native vegetation.

qualifying clearing means clearing of vegetation that—

- (a) is on freehold land; or
- (b) is on indigenous land; or
- (c) is on land leased under the *Land Act 1994* for agriculture or grazing purposes; or
- (d) is on land leased under the *Land Act 1994*, other than for agriculture or grazing purposes, and is consistent with the purpose of the lease; or
- (e) is on trust land under the *Land Act 1994*, other than indigenous land, is carried out, or allowed to be carried out, by the trustee and is consistent with achieving the purpose of the trust; or
- (f) is on unallocated State land and is carried out, or allowed to be carried out, by the chief executive of the department in which the *Land Act 1994* is administered; or
- (g) is on land that is subject to a licence or permit under the *Land Act 1994* and is carried out by the licensee or permittee.

safe koala movement measure see schedule 11, part 1, section 2.

- (3) Schedule 24, definition *State development assessment provisions*, ‘1 July 2019’—

ENDNOTES

- 1 Made by the Governor in Council on 6 February 2020.
- 2 Notified on the Queensland legislation website on 7 February 2020.
- 3 The administering agency is the Department of Environment and Science.

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