



*Nature Conservation Act 1992*

# **Nature Conservation (Koala) Conservation Plan 2017**

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Queensland

# Nature Conservation (Koala) Conservation Plan 2017

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# Nature Conservation (Koala) Conservation Plan 2017

## Part 1 Preliminary

### 1 Short title

This plan may be cited as the *Nature Conservation (Koala) Conservation Plan 2017*.

### 2 Commencement

This plan commences on 1 September 2017.

### 3 Relationship with declared management intent—Acts 121

It is declared that section 121(2) 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.
- (2) The main purposes are to be achieved by—
  - (a) dividing the State into 3 koala districts based on the management strategies to be applied to each district; and
  - (b) prescribing the objective for each koala district; and
  - (c) enabling the chief executive to determine koala priority areas and koala habitat areas; and
  - (d) prescribing requirements for clearing vegetation in particular areas; and

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- (e) prescribing additional restrictions on the grant of particular animal authorities for koalas, including, in particular, the authorities authorising the release of koalas into the wild; and
- (f) prescribing an additional condition for rehabilitation permits for koalas taken from the wild.

## **5 Interpretation**

- (1) The dictionary in schedule 2 defines particular words used in this plan.
- (2) Subject to subsection (1), and unless this plan provides otherwise, words used in this plan have the same meaning as they have in the *Nature Conservation (Animals) Regulation 2020*.

# **Part 2 Koala districts, koala priority areas and koala habitat areas**

## **Division 1 Koala districts**

### **6 Koala districts**

- (1) Each of the following is a wildlife district for koalas—
  - (a) koala district A;
  - (b) koala district B;
  - (c) koala district C.
- (2) For a koala district that includes a part of a local government area, a reference in schedule 1 to part of the local government area is a reference to the part of the local government area shown on the Koala Conservation Plan Map as part of the district.

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## 7 Objective for koala district

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 taken 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 the survival of koalas in the district; 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 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.

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- (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.
  - (5) Without limiting subsections (3) and (4), the chief executive may be satisfied the koala habitat is essential as mentioned in subsection (3)(b) even if the information available to the chief executive does not show evidence of koalas living in or crossing the koala habitat.



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**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.

## **Division 3                      Koala Conservation Plan Map**

### **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.

### **9                      Koala Conservation Plan Map available for inspection**

The chief executive must make a copy of the Koala Conservation Plan Map available for inspection by the public, free of charge—

- (a) on the department’s website; and
- (b) during office hours on business days at—
  - (i) the central office of the department; and
  - (ii) each regional office of the department.

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## Part 3 Clearing in particular areas

### 10 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) clearing of the koala habitat 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
  - (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 starting at 6p.m. on a day and ending at 6a.m. on the following day during which no trees are cleared on the site;
- (b) clearing of the koala habitat trees is carried out in a way that ensures, while the clearing is carried out, appropriate habitat links are maintained within the

clearing site and between the site and its adjacent area, to allow koalas living on the site to move out of the site;

- (c) no koala habitat tree in which a koala is present, and no koala habitat tree with a crown overlapping a tree in which a koala is present, is cleared.

## 11 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 having a trunk of 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 qualifications and experience, or demonstrated skills and knowledge, in—

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

## Part 4 Additional restrictions on grant for animal authorities for taking, using or keeping

### 12 Relationship with Nature Conservation (Animals) Regulation 2020

The restrictions on the grant of an animal authority under this part are in addition to the restrictions applying to the grant of the authority under the *Nature Conservation (Animals) Regulation 2020*.

*Note—*

See the *Nature Conservation (Animals) Regulation 2020*, chapter 4 and section 234.

### **13 General restriction on grant**

The chief executive must not grant any of the following animal authorities for koalas—

- (a) a standard licence;
- (b) a specialised licence;
- (c) an advanced licence;
- (d) a harvesting licence;
- (e) a dealer licence;
- (f) a damage mitigation permit;
- (g) a permit to keep.

### **14 Restriction on grant of animal authorities authorising release of koalas into wild**

The chief executive must not grant an animal authority, other than a rehabilitation permit or a research permit, authorising the holder of the authority, or a relevant person for the holder, to release into the wild a koala bred or kept in captivity.

*Note—*

For an offence relating to the release of animals into the wild, see the *Nature Conservation (Animals) Regulation 2020*, section 336.

### **15 Restriction on grant of rehabilitation permit authorising release into wild**

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

the holder, to release into the wild a koala bred in captivity unless—

- (a) the koala is the progeny of a koala taken from the wild; and
- (b) the chief executive is reasonably satisfied the koala is capable of surviving in the wild.

*Note—*

For offences relating to the release of animals into the wild, see the *Nature Conservation (Animals) Regulation 2020*, section 336.

## 16 **Restriction on grant of research permit authorising release into wild**

- (1) The chief executive must not grant a research permit authorising the holder of the permit, or a relevant person for the holder, to release into the wild a koala 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.
- (2) The chief executive must not grant a research permit authorising the holder of the permit, or a relevant person for the holder, to release into the wild a koala 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.

- (3) In this section—

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

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

- (b) research about the koala and the koala habitat shows the following—
  - (i) the release of the koala into the habitat will not adversely affect any species of wildlife in the habitat;
  - (ii) the genetic makeup of the koala is similar to the genetic makeup of koalas living in the habitat;
- (c) 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) the research project provides for the recapture of the koala if the chief executive requires the recapture.

## **Part 4A                      Additional condition for rehabilitation permits for koalas taken from wild**

### **16A    Where to release koala taken from wild**

- (1) This section states, in subsection (3), a condition that applies to a rehabilitation permit if—
  - (a) the authorised animal under the permit is a koala taken from the wild; and
  - (b) the holder of the permit, or a relevant person for the holder, is releasing the koala under the permit into a prescribed natural habitat for the koala.
- (2) The condition applies in addition to any other conditions applying to the rehabilitation permit under the *Nature Conservation (Animals) Regulation 2020*.

*Note—*

See the *Nature Conservation (Animals) Regulation 2020*, chapter 4, part 2, division 4 and part 14, division 3 for other conditions.

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- (3) The holder of the rehabilitation permit, or a relevant person for the holder, must release the koala into prescribed natural habitat for the koala that—
  - (a) is as close as practicable to the place where the koala was taken; and
  - (b) is suitable for maximising the koala's chance of long-term survival in the wild; and
  - (c) is suitable for minimising negative impacts on any existing koala population in the habitat.
- (4) Subsection (3)(a) applies subject to subsection (3)(b) and (c).
- (5) A person complies with subsection (3) if the person releases the koala in a way that complies with the koala rehabilitation code to the extent the code provides for where the koala should be released.
- (6) Subsection (5) does not limit the ways in which a person may otherwise comply with subsection (3).

## **Part 5                      Transitional provisions**

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

#### **17                      State map taken to be Koala Conservation Plan Map**

- (1) This section applies to the State map—
  - (a) prepared under section 10 of the expired conservation plan; and
  - (b) in existence immediately before the commencement.
- (2) The State map is taken to be the Koala Conservation Plan Map.



## **18 References to expired conservation plan**

- (1) In a document, a reference to the expired conservation plan may, if the context permits, be taken to be a reference to this plan.
- (2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.

## **19 Effect of division**

This division stops having effect on 7 February 2020.

## **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.

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## Schedule 1 Koala districts

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

### 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 Koala district B

Koala district B consists of the following local government areas—

Bundaberg, Cherbourg, Fraser Coast, part of Gladstone, Gympie, part of North Burnett, part of South Burnett, part of Toowoomba

### 3 Koala district C

Koala district C consists of the following local government areas—

Balonne, Banana, Barcaldine, Barcoo, Burdekin, Cairns, Cassowary Coast, Central Highlands, Charters Towers, Etheridge, Flinders, part of Gladstone, Hinchinbrook Shire, Isaac, Longreach, Mackay, Maranoa, Mareeba, Murweh, part of North Burnett, Paroo, Quilpie, Rockhampton, part of South Burnett, Tablelands, part of Toowoomba, Townsville, Western Downs, Whitsunday, Woorabinda

## Schedule 2 Dictionary

### section 5(1)

*clear*, for vegetation, see the *Vegetation Management Act 1999*, schedule.

*Koala Conservation Plan Map* see section 8.

*koala district* means—

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

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

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

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

*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—

- (a) a tree of the *Corymbia*, *Melaleuca*, *Lophostemon* or *Eucalyptus* genera that is edible by koalas; or

- 
- (b) a tree of a type typically used by koalas for shelter, including, for example, a tree of the *Angophora* genus.

***koala priority area*** see section 7A(1).

***prescribed natural habitat*** means—

- (a) for a koala taken from the wild—
- (i) if, when the koala was taken, the koala was or would have been dependent on its mother—koala habitat within a maximum distance of 20 kilometres from where the koala was taken; or
  - (ii) otherwise—koala habitat within a maximum distance of 10 kilometres from 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 habitat will not adversely affect any species of wildlife in the habitat;
  - (ii) the genetic makeup of the koala is similar to the genetic makeup of koalas living in the habitat.

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