28 SOUTH Environmental

# Koala Expert Panel Findings, and the State's Response: Implications for Urban Residential Development

**Queensland Koala Expert Panel**

**A new direction for the conservation of koalas in Queensland**

2017

**Koala Conservation Response**

**The Queensland Government Response to the Queensland Koala Expert Panel's Report**

*A new direction for the conservation of koalas in Queensland*

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**For general information purposes only. Please contact the author for more detailed assessment of specific sites and risks.**

# Outline of today's presentation

- Where are we now – recap on koala legislation affecting your projects today.
- Why was the panel established.
- Summary of relevant recommendations arising from the review.
- State intends to adopt the recommendations – what will that mean for industry (focus of today)
- Project Example **(not in this version)**
- Take away messages

# Presentation is a bit "information heavy", but intended to be reference source for ongoing due diligence and site acquisition. We will provide updates as the information becomes available.

# Existing regulation

- Koala protection measures are enshrined in legislation at the three levels of government:

  - Commonwealth level: EPBC Act – Koala is listed as a MNES. A project giving rise to a Significant Impact on Koala may require further assessment and approval under the Act (Controlled Action). SEQ Strategic Assessment will be discussed in this presentation.

  - State level: Planning Regulation 2017 – Development in the PKADA and KADA needs to demonstrate compliance against the Planning Regulation (Part 10 – Prohibited) and Schedule 11 (Assessment Benchmarks – replicating the former Koala SPRP). Differential development assessment by each LGA (BCC tough; MBRC more relaxed) creates confusion.

  - LGA level: BCC and GCCC have reasonably strong provisions in their schemes, which create additional constraint. In BCC, the provisions apply strongly for residential development, but not so for industrial development.

  - Assessment is complex, and there are overlaps and conflicts.

# Why was the panel established

Despite reasonably strong koala protection measures in SEQ since 2006, recent studies (Rhodes *et al* 2015) have identified that important koala populations in the region continue to decline.

The declines have been attributed to habitat loss from urbanisation, and other associated threats such as dog attack and vehicle strike. Clearing for agriculture, and disease are also factors.

The current habitat protection strategies are considered unsuccessful, and the panel was tasked with providing the State with recommendations that would address the decline of the SEQ koala population.

The outcome of the panel's review is the document we have before us. It is also the document that has informed the State's response.

# Key Findings and Recommendations

For the southeast corner of the region there was a need for:

- **A Strategic and Coordinated Approach to Koala Conservation – better coordination to overcome "death of a thousand cuts" and strategise for the protection of large (ecologically-meaningful) koala conservation areas.**
- **Protection of koala habitat - greatest implications for industry.**
- **Strategic and landscape scale koala habitat restoration – Greater focus on achieving koala conservation outcomes outside of urban areas, but at the same time not abandoning urban koalas.**
- **Coordinated threat reduction and population management – vehicle strike, dog attack and disease were also found to make a significant contribution to koala declines. Threat management will now be given more serious consideration.**
- Strong community partnerships and engagement; and
- Targeted mapping, monitoring, research and reporting.

# For the rest of the region there was a need for:

**Conservation measures recommended for SEQ being rolled out in regional LGAs experiencing high rates of development (Gladstone, Bundaberg, Fraser Coast, Gympie, North and South Burnett). Expect habitat mapping, and protection measures discussed below in these areas over time. SEQ will go first.**

Regional studies to fill in knowledge gaps, and then investment in consolidation and recovery at a landscape scale.

# The State's Response

The State indicates strong support for the panel's recommendations, and indicates that they will be implemented in three phases:

**Immediate Actions (noting Panel's report is dated 2017, so occurring now)**

**Review the planning framework as it relates to koala protection, and produce updated mapping**:

- **Mapping** - New (much tighter) habitat mapping is already being prepared. It will extend beyond the current PKADA / KADA areas to cover much more (if not all) of SEQ. It will also identify the areas of strategic importance where large-scale, long-term conservation outcomes for koala can be realistically achieved (strategic investment areas). Not clear whether there is an applicant-driven mechanism for map amendments, but if so, suspect a more rigorous process than currently in place. Site-scale mapping and impact assessment negotiated through new process (below).

- **New Policy** - SDAP Code, with the State as assessment manager or referral agency. More consistent decision making across the board. I think assessment will become much tighter in MBRC LGA. The policy will be premised on Priority Areas, and core, non-core habitat. The panel recommends are:
  - *Do not permit* clearing of core (remnant and regrowth) and non-core (scattered trees) habitat within *Priority Areas,* whether in or out of the urban footprint. No "urban area-urban purpose" exemption. Much like existing PKADA bushland habitat constraint, but more extensive;

- *Avoid* clearing of core habitat inside the urban footprint but outside of Priority Areas, with any impact offset as a "last resort".

- *Do not permit* clearing of core and non-core habitat outside of the urban footprint. While not yet expressed, some relaxations will have to be allowed for infrastructure and extractive industry as per existing Planning Regulation

- Offsets as "*a last resort, and not an automatic licence to clear habitat*". Expect tougher testing of layouts to reduce the residual impact of development.

- But positively:

  - Offsets can be moved outside of the impacted LGA so that more strategic outcomes are achieved – strategic offset investment corridor mechanism (Offsets Act). State Gov't approach will overcome resistance of BCC to this, but issues will arise in relation to other BCC offsets (HES).
  - For financial offsets this should mean that costs will reduce, because offsets will be established in rural areas (to be confirmed). Financial offsets will be encouraged so that more strategic outcomes are achieved.
  - In urban infill areas, perhaps less focus on on-site offset, and more strategic (rural) direct offsets/financial contribution.
  - Potential for advanced offsets: applicants can landbank an offset for a future development impact – suspect that this will create a strategic advantage for applicants.

- **Better management of threats** – Road kill, dog attack, bushfire and disease were also acknowledged as significant threats to koala. While the recommended actions will be largely implemented by government, industry will be required to demonstrate how new development will manage (and not expand) these threats. Underpasses and exclusion fencing (already in use) will become standard on corridors. Greater expectations for analysis of dog attack impacts associated with development.

- **Regulator "Crack Team**" - Applications will be assessed by a more specialised team of ecologists with particular experience in koala, who will be emboldened by the new legislation (n.b. Government come in with a strong Green vote). Expect tougher negotiations, and perhaps standard (non-negotiable) conditions in relation to some matters (protection of core habitat, underpass size, offset ratios etc.).

- **Council requirements can still apply** – The proposed new provisions do not override any requirements that Council may chose to impose (e.g. PO7 of the BCC Biodiversity Areas Overlay Code.

**Time to commencement ~12-18 months**

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**Within 3-9 months (actions with imminent outcomes)**

**Establish a Koala Advisory Panel** – With representatives from State and Local government; Community, NGO's; and Industry.

The panel will advise the State on implementation of the intended Koala Conservation Strategy, and fulfil a number of other roles not wholly relevant to today's discussion.

**Time to commencement ~ Imminent. Positions for industry on the panel are likely to be limited. Seek information through industry group contacts in the State**

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## Within 12 months (actions with medium and longer term outcomes)

**Commence the Koala Conservation Strategy**

- Policy commencement (new mapping, SDAP etc) seems likely to coincide with commencement of the Koala Conservation Strategy.
- Future identification of urban areas by the SEQRP will be more strongly informed by the koala mapping. Care needs to be taken with speculative acquisition of sites outside the urban footprint (even if cleared) until the mapping is revealed. There are then opportunities to strategically acquire offset land to deal with development impacts within the urban footprint
- Greater focus on infill development, but ironically tougher regulation on such development in areas where priority habitat is identified. Tougher regulation around greenfield development.
- New arrangements are likely to link to the EPBC Act Strategic Assessment proposed for SEQ.

**Time to commencement of new policy ~ Suspect it will take more than 12 months to go through the necessary policy making and consultation processes, but before 2020. No date will be announced (fear of pre-emptive clearing).**

# Take Home Messages

- Change is coming
- Applicants with existing DAs need to consider their status / progress through the process in relation to the likely commencement date of the legislation.
- Until the new mapping is released, very careful due diligence will be required for all greenfield sites. After it is released, consider both the development and offset potential of land – the latter is important for achieving development outcomes elsewhere.
- New mapping is in preparation. It will be at a finer resolution than the current mapping, and include paddock tree areas as koala habitat. Detailed assessment will be required to clarify the constraint at a site-scale.
- Development assessment will be undertaken by the State through an SDAP code. Assessment will be more consistent across the region, but expect tougher negotiations, and greater constraint in some LGAs (MBRC).

- The new arrangements are likely to largely obviate EPBC referrals for Koala in SEQ, and over time other parts of Qld. There are benefits in reducing costs and time delays for projects.
- There'll be a potentially bumpy transition, but all developers will be in the same boat. It's more important than ever that you're properly informed at the DD stage, and that a solid effort is put into responding to the SDAP Code at the DA stage.

# Thankyou, and Question