

Decision Post Implementation Impact Analysis Statement: *Improving the SEQ Koala habitat regulations consultation* summary

Background

New development rules were introduced in 2020 to protect the areas in which koalas live in SEQ and help safeguard the future of this iconic species.

The rules include conditions for development approvals and assessments that deter these areas from being cleared.

Since the introduction of the rules, protections now extend to over 713,000 hectares with 331,000 hectares attracting the strongest planning protections.

Summary of public consultation

In 2023 public consultation was undertaken to review the rules to make sure they are effective and continue to protect koala habitat in South East Queensland (SEQ).

What we heard:

- Koalas are important to Queenslanders.
- You want regulation and prohibition of habitat clearing.
- Landowners often experience that exemptions are complex and inconsistently applied.
- Overuse of development exemptions (stacking) is leading to negative impacts on koala habitat.
- You support the requirement of a notification before clearing.
- You have asked for more detail about amendments to regulation.

Outcomes

The review confirmed the rules have been effective and minor improvements will begin to be implemented to:

- Improve guidance and certainty to landholders proposing to clear koala habitat.
- Make shorter wait times for landholders who require development approval.
- Find better ways to limit the amount of clearing that can occur during development and encourage people to avoid causing harm.

The implementation of the changes will:

- Provide for a new web-based notification system for interfering with koala habitat areas.
- reduce complexity of exemptions.
- Improve guidelines and supporting materials.

The Queensland Government has considered the submissions received and are preparing recommendations that will be presented the Decision Post Implementation Impact Analysis Statement (Decision Post IAS).



Summary of consultation feedback received 2023

Queenslanders and the urban development and conservation sectors were consulted to determine how effective the regulations are at increasing protections for koala habitat in SEQ and the impacts they may have had.

Consultation took place from 20 April to 5 June 2023, 250 responses were received from local government, urban development, environment organisation and community stakeholders. Results confirmed the rules have been effective.

An online consultation survey allowed people to share information about:

- experiences in applying the 2020 koala regulation to development approvals
- perspectives on the impacts and effectiveness of the 2020 koala regulation
- feedback on the proposed options.

The review considered the following options for the regulations:

1. Leave them as they are.
2. Make clarifications to the regulations:
 - Clarify what the regulations are for preventing development that impacts koala habitat and which types of development are allowed without permission.
 - Create a way for people to inform the government when they plan to interfere with koala habitat (eg. clearing of koala habitat).
 - Make a new process for people to check if their development plans will impact koala habitat and how they can minimise the impact.
3. Make changes to and add to the rules: As per option 2, plus:
 - Amend the regulations in relation to what is exempt from needing permission and make it clearer when exemptions apply in part or when other laws also apply.
 - Set clear limits for when development needs to be assessed or prohibited.

Option 3 was the recommended option as it provides improved guidance and certainty to landholders proposing to undertake development that interferes with koala habitat for new small-scale infrastructure, which includes clearing to build a house. Compared with the other options, Option 3 reduces wait times for landholders, more accurately counterbalance development impacts and incentivise avoidance behaviour.

Figure 1. Survey responses by stakeholder group

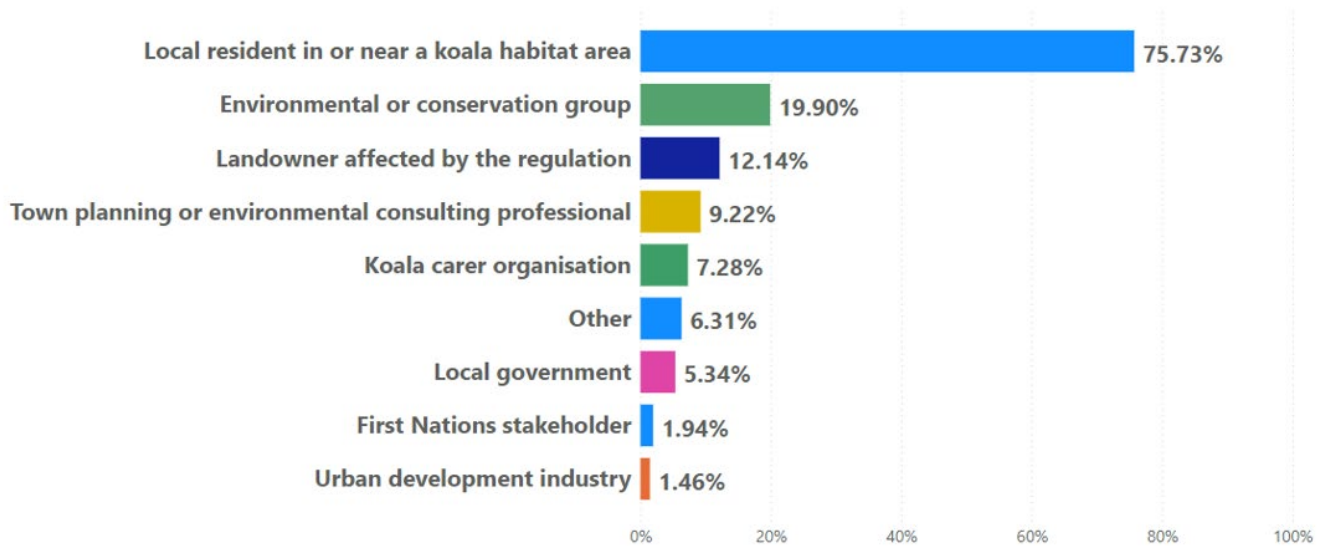
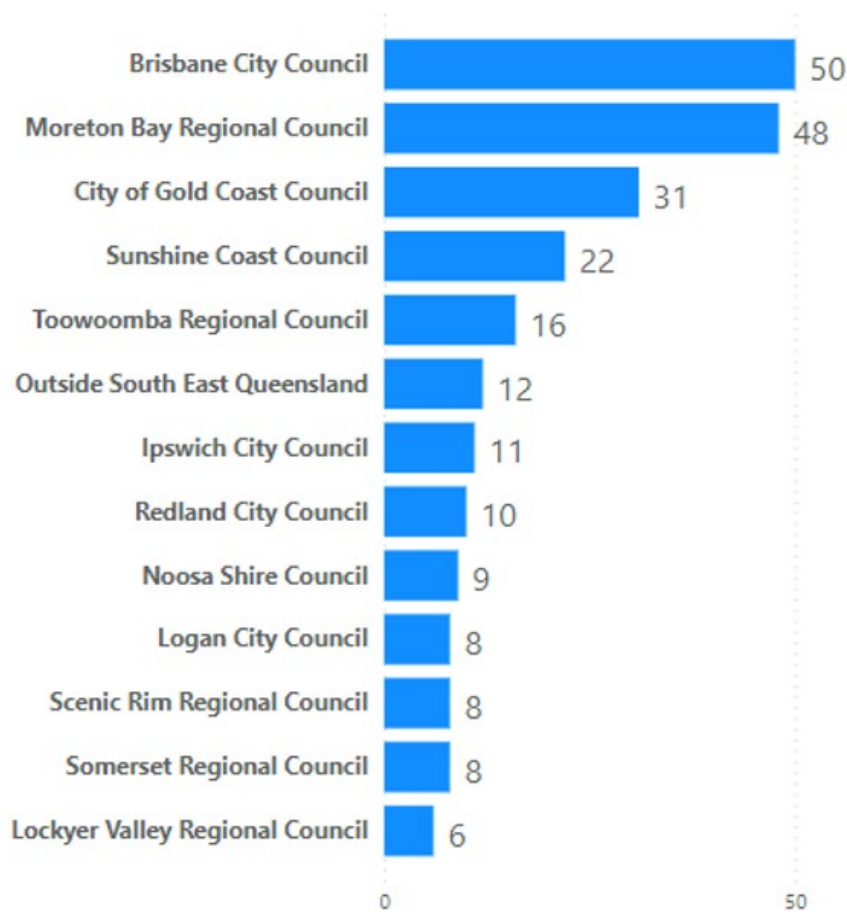


Figure 2. Number of survey responses by stakeholder group

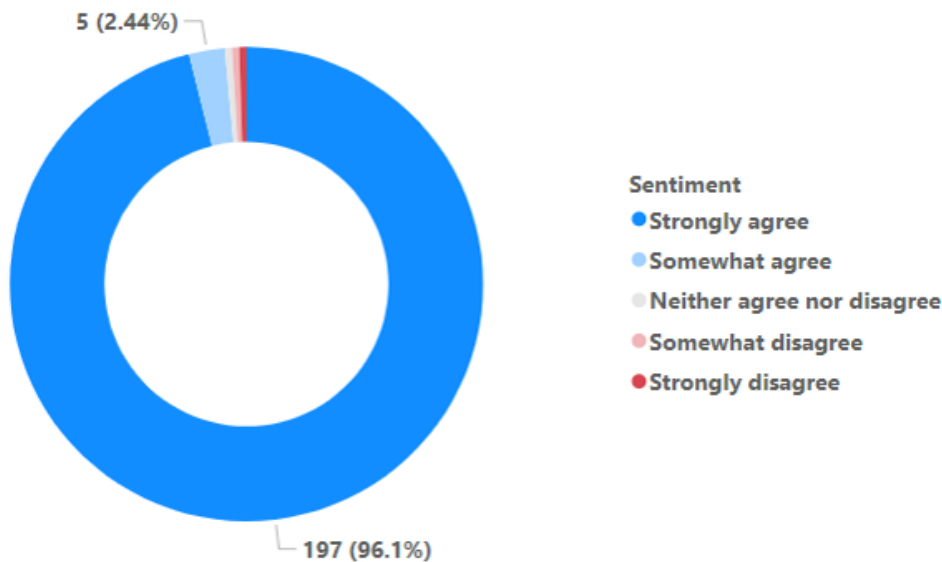


Consultation outcomes

Stakeholders **strongly** support regulating the protection of koala habitat from development.

We asked, do you support koala conservation and regulating koala habitat to reduce its loss and maintain connectivity?

Figure 3. Community response when asked “do you support koala conservation and regulating koala habitat to reduce its loss and maintain connectivity?”



Impacts of regulation

We invited you to share feedback on the impact and effectiveness of the new regulations.

We asked if:

- Development prohibitions in koala priority areas are an effective way to protect koala habitat.
- Exemptions are important to allow landowners undertake reasonable and low-risk clearing activities.
- The wording and structure of the exemptions are too complex.
- Stacking of exemptions can lead to unreasonably large areas of clearing.

Figure 4 – Community response when asked if development prohibitions in koala priority areas are an effective way to protect koala habitat

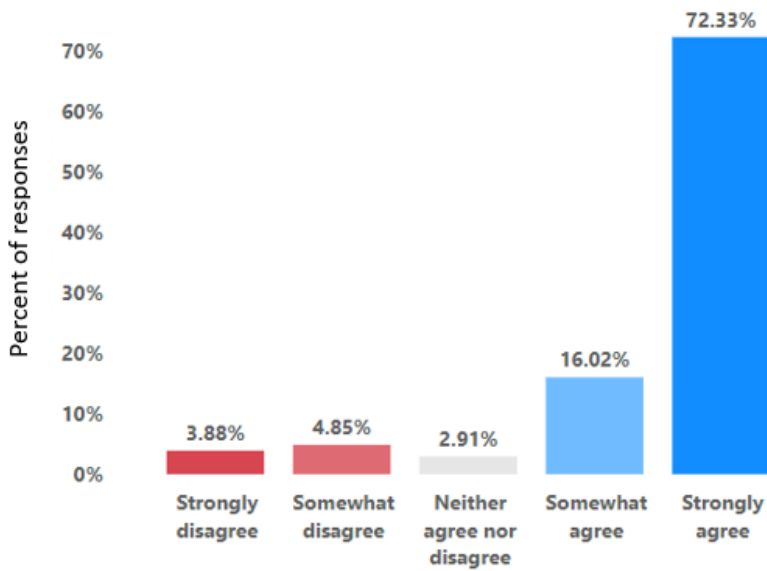


Figure 5 – Community response when asked if exemptions are important to allow landowners to undertake reasonable and low-risk clearing activities.

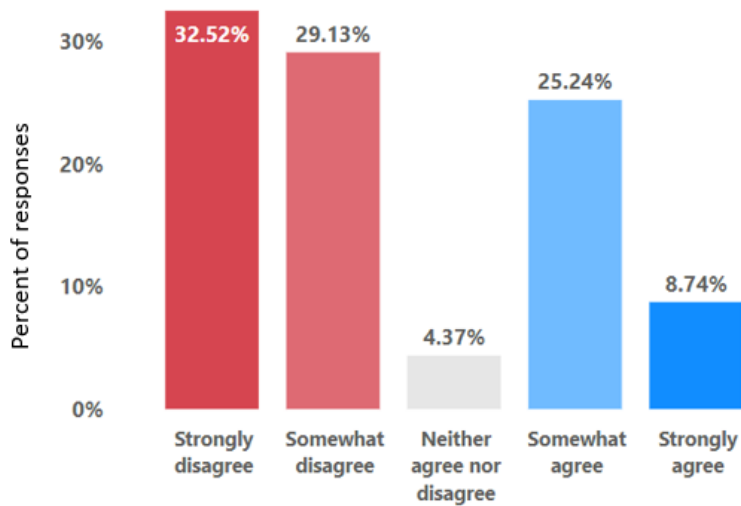


Figure 6 – Community response when asked if exemption stacking is problematic

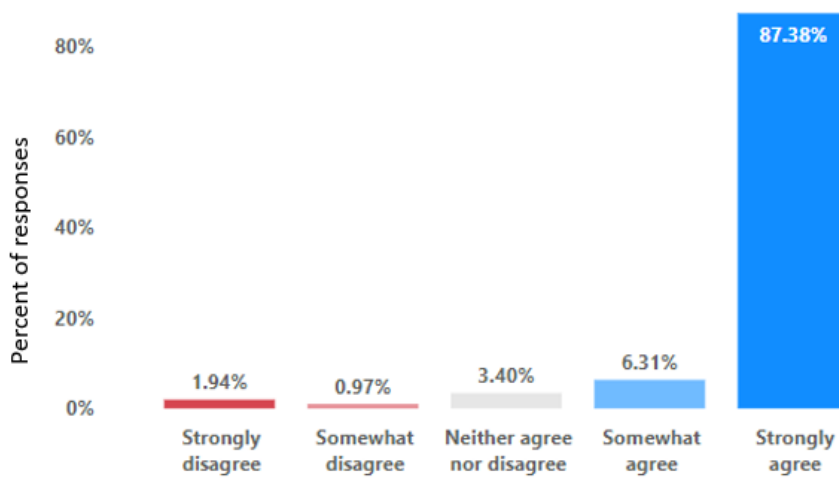
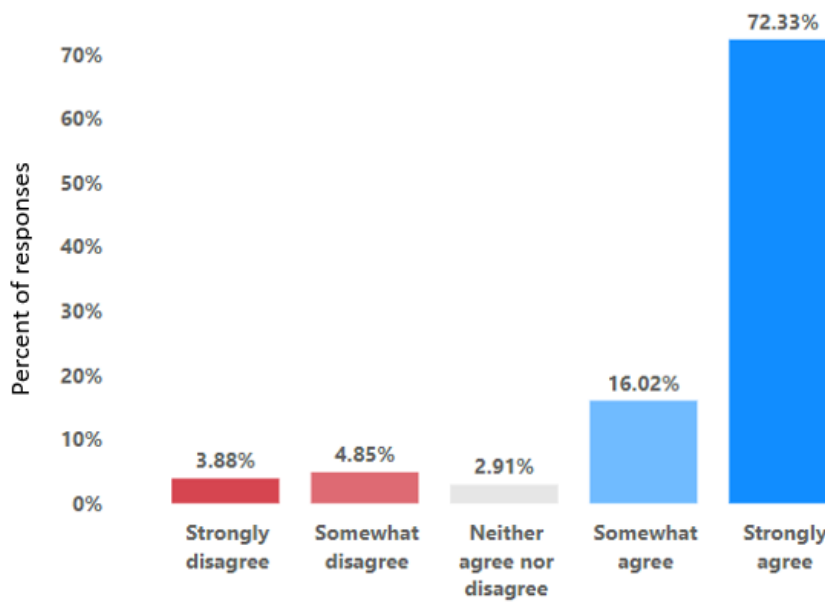


Figure 7 – Community response when asked if exemptions are too complex



Recap: What were the two key problem areas identified in the Consultation PIR?

Problem 1: Unintended clearing of koala habitat areas and ineffective monitoring. Evidenced by:

- *case studies of areas up to 10,000 square meters of koala habitat being impacted due to stacking of exempted development provisions.*
- *unclear wording of the exempted development definition has led to partial assessment, which reduces the area of development that can be assessed and subsequently offset.*
- *there is no ability to encourage landholders and developers to avoid or minimise impacts of development that meets the requirements of exempted development, resulting in poor outcomes for koalas and koala habitat including within koala priority areas.*
- *no ability to monitor clearing that is either approved or undertaken as exempted development, which has limited the ability of government agencies to perform effective compliance.*

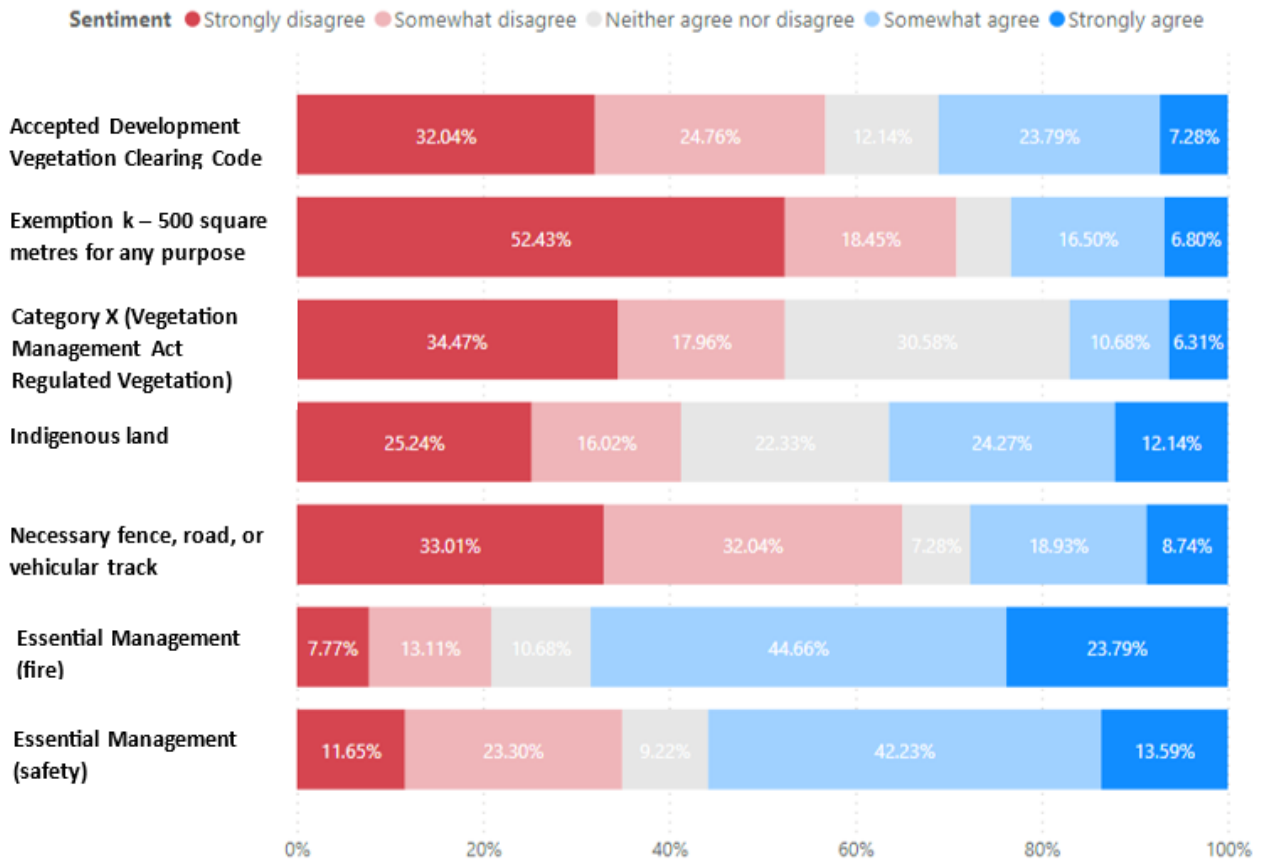
Problem 2: Unnecessary complexity, costs, and limited certainty for users. Evidenced by:

- *the exempted development definition which is complex and lengthy with 46 separate limbs, and which cross references other legislation and schedules of the Planning Regulation 2017.*
- *some limbs of exempted development are overly complex with similar purposes, and there may be opportunity to consolidate to improve clarity and consistency.*
- *reliance on the Vegetation Management framework has led to some confusion and inconsistencies, for example the exhaustible 500 square meter clearing allowance (exempted development (k) under the Planning Regulation 2017) for any purpose such as for a building envelope, and allowable widths for constructing a necessary fence, road or track differ between the 2020 koala regulations and Accepted Development Vegetation Clearing Codes (ADVCCs).*
- *it is unnecessarily difficult to determine whether a development is assessable, prohibited, or exempted as a whole, due to some exempted development provisions resulting in a project becoming partially exempted.*
- *it is unclear how the policy should be applied to different aspects of development, and how the exhaustible 500 square meter allowance under exempted development (k) can be relied upon for different purposes over time and as subdivisions occur creating new Child Lots from Parent Lots.*

We invited you to share feedback on whether exemptions are important for a range of different purposes.

Overall, views about the exemptions were mixed, with respondents more supportive of exemptions for safety and fire management, and less supportive of exemptions to interfere with 500 square meters of koala habitat for any purpose, and establishing a fence, road or track.

Figure 8 – Community support for exemptions



Options for improvement

We asked, which option do you think provides the best outcomes for developers, government, community and koalas?

Recap: What were the options presented in the Consultation PIR?

Option 1 Status quo

Retaining the 2020 koala regulations without any changes of a regulatory or non-regulatory nature.

Option 2 Clarification of regulatory requirements

This option involves minor regulatory amendment to:

- **clarify the intended application of the prohibition, development assessment and exempted development provisions.**
- **develop a process for notification to the department for development that interferes with koala habitat areas.**
- **establish a new self-assessment pathway which supports small scale rural and residential development to minimise impacts on koalas.**

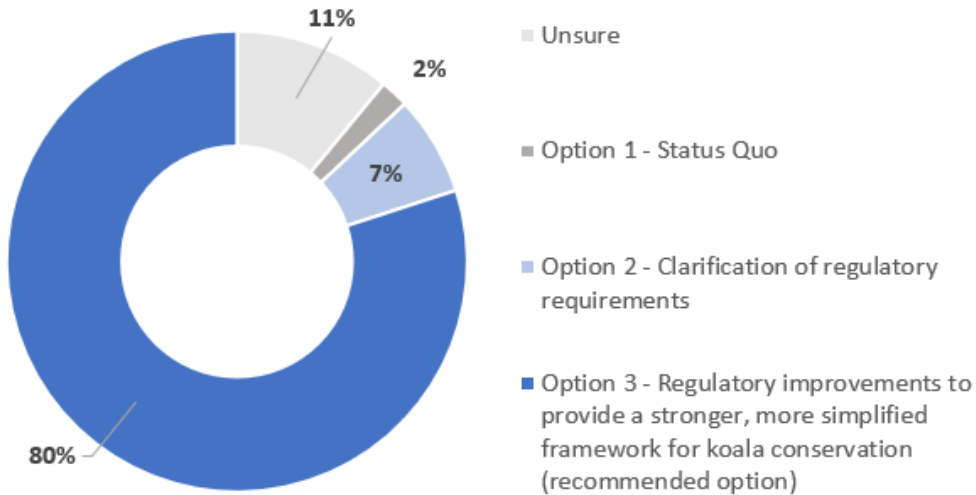
Option 3 Regulatory improvement to provide a stronger, more simplified framework for koala conservation (recommended option)

This option involves regulatory review and amendment to:

- **reduce complexity of exemptions and remove ambiguity of partial exemptions and interaction with other legislation.**
- **establish clear thresholds above which development assessment or prohibition is required**
- **clarify the intended application of the prohibition, development assessment and exempted development provisions.**
- **develop a process for notification to the department for development that interferes with koala habitat areas.**
- **establish a new self-assessment pathway which supports small scale rural and residential development to minimise impacts on koalas.**

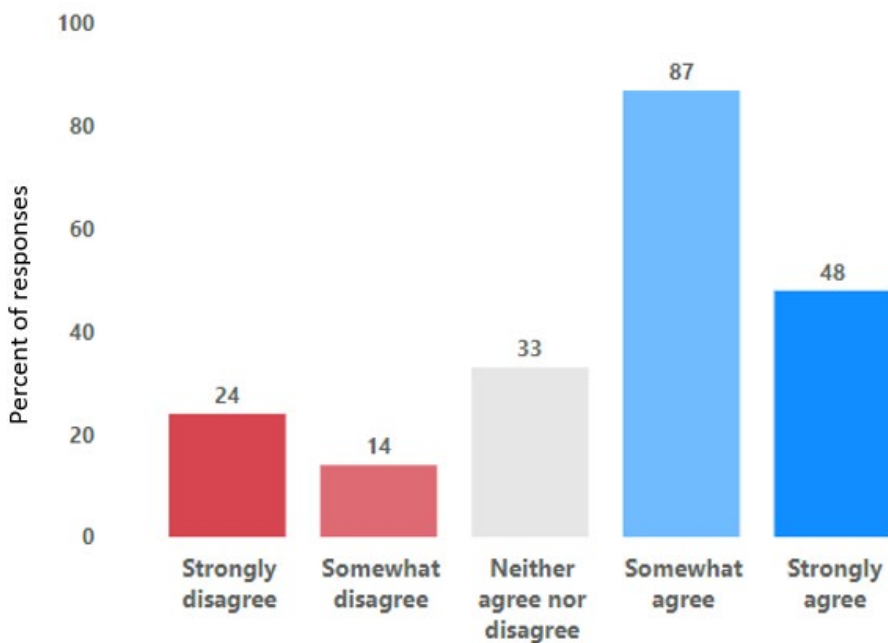
There was strong support for option 3 – but often with a caveat of request for further consultation, more detailed information, or more stronger protections.

Figure 9 – Community support for each option (1,2 and 3)



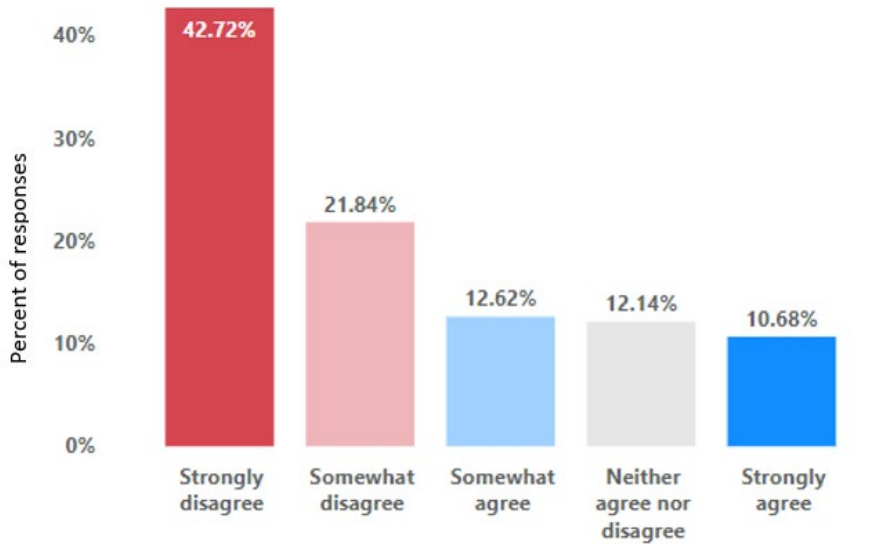
We asked, overall, to what extent do you agree that the recommended option (Option 3) would improve the 2020 koala regulations by establishing a clear prohibition and assessable development threshold, reducing the complexity of the exempted development definition, and establishing a new self-assessment pathway and online clearing notification?

Figure 10 – Overall support for the statement that “Option 3 would improve the 2020 koala regulations by establishing a clear prohibition and assessable development threshold, reducing the complexity of the exempted development, definition, and establishing a new self-assessment pathway and online clearing notification?”



We asked, to what extent do you agree with introducing a self-assessable pathway for development below the thresholds to minimise impacts to koalas and their habitat?

Figure 11 – Overall response to the question “to what extent do you agree with introducing a self-assessable pathway for development below the thresholds to minimise impacts to koalas and their habitat?”



Town planners were supportive of the self-assessment pathway as it would reduce complexities and address legislative interpretation issues. However, koala carers, environmental organisations and the general community were generally opposed to any exemptions using self-assessment due to concerns surrounding non-compliance from developers, continued loss of koala habitat and the cumulative impacts of exempt clearing activities. Many stated a preference that government should take a role in all assessment of development in koala habitat. Finally, most stakeholders stated that there was insufficient information to make an informed decision about the self-assessment pathway.

Figure 12 – Town planners response to the question “to what extent do you agree with introducing a self-assessable pathway for development below the thresholds to minimise impacts to koalas and their habitat?”

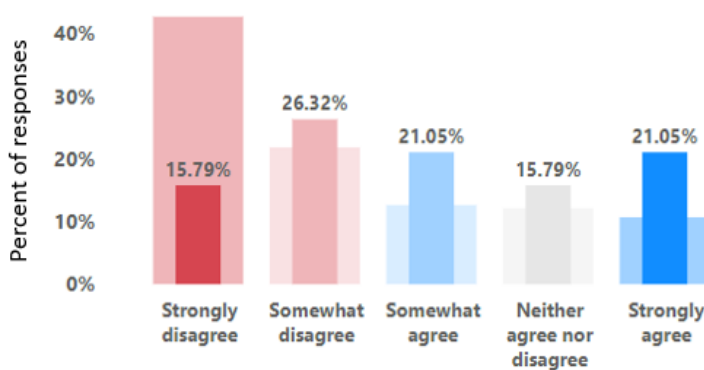


Figure 13 – Koala Carers response to the question “to what extent do you agree with introducing a self-assessable pathway for development below the thresholds to minimise impacts to koalas and their habitat?”

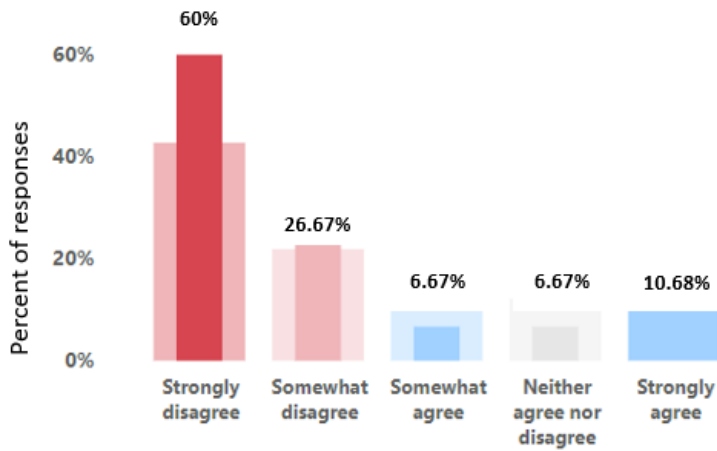
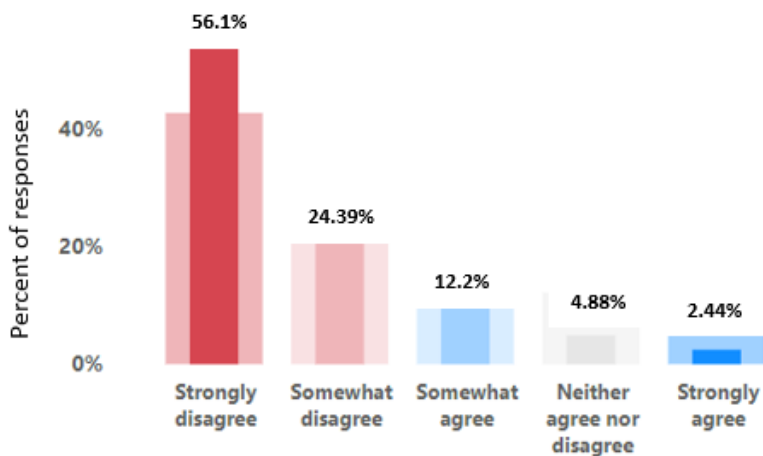
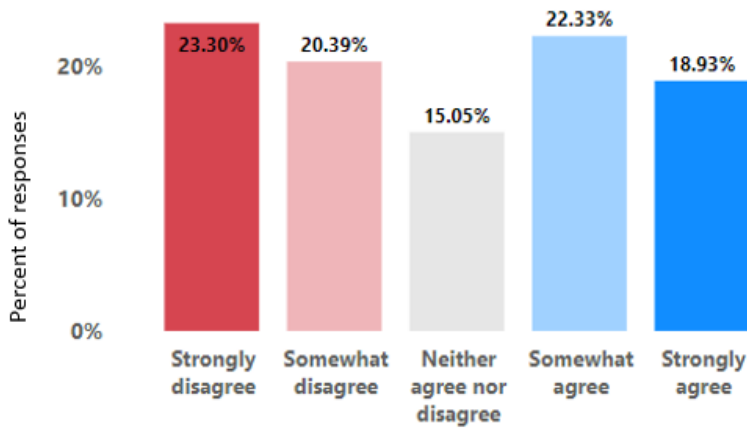


Figure 14 – Environment organisations response to the question “to what extent do you agree with introducing a self-assessable pathway for development below the thresholds to minimise impacts to koalas and their habitat?”



We asked, to what extent do you agree with the proposed thresholds for new development above which development approval or prohibition would be triggered?

Figure 15 – Overall response to the question “to what extent do you agree with the proposed thresholds for new development above which development approval or prohibition would be triggered?”



Local governments were generally supportive of the use of exempt development thresholds (Figure 16). However, urban development industry was not supportive of the thresholds- stating preferences for no thresholds or for higher thresholds, so less clearing is assessable (Figure 17).

Most local residents in or near koala habitat areas were not supportive of any form of development in koala habitat areas, while many suggested that the current thresholds for exempt development should be reduced significantly. Further, many submissions raised concerns about cumulative impacts of exempt development and its potential overall impact on koala habitat.

Many local residents expressed concerns that wildlife corridors should be protected from development exemptions. Others were concerned that the reforms did not address compliance issues such as unlawful development, insufficient penalties and the misuse of exemptions.

Figure 16 – Local government response to the question “to what extent do you agree with the proposed thresholds for new development above which development approval or prohibition would be triggered?”

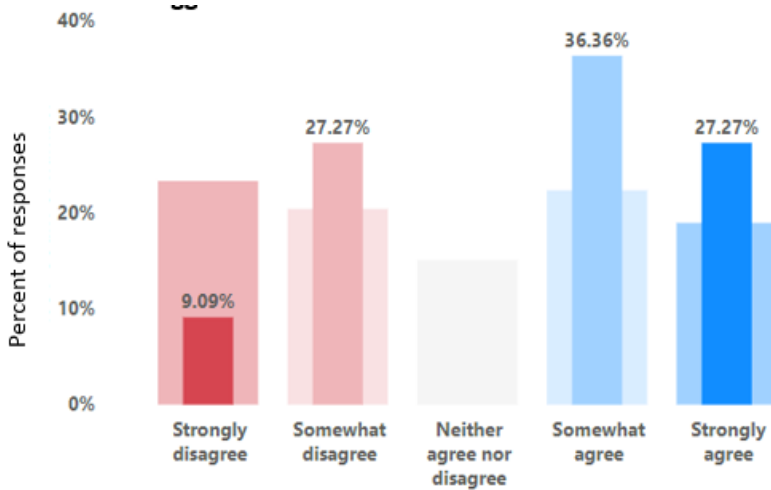


Figure 17 – Urban Development Industry response to the question “to what extent do you agree with the proposed thresholds for new development above which development approval or prohibition would be triggered?”

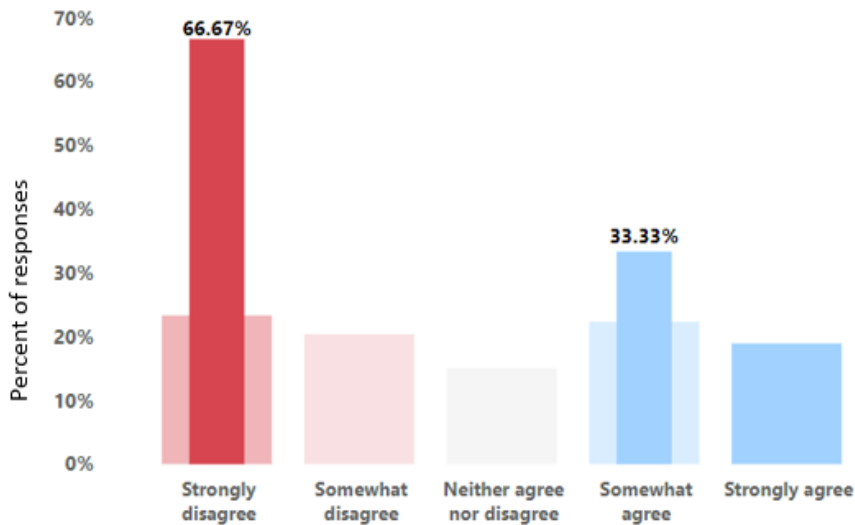
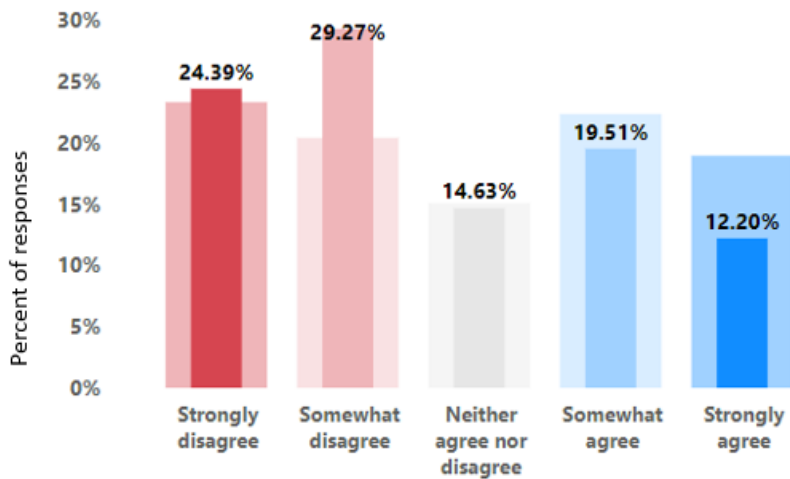


Figure 18 – Environment and Conservation group response to the question “to what extent do you agree with the proposed thresholds for new development above which development approval or prohibition would be triggered?”



We asked, to what extent do you agree with a process for notifying the department before undertaking clearing in koala habitat? And to what extent do you agree that areas that have been legally cleared should be recorded on a publicly accessible register?

Figure 19 - Overall support for notification to the Department of Environment, Science and Innovation

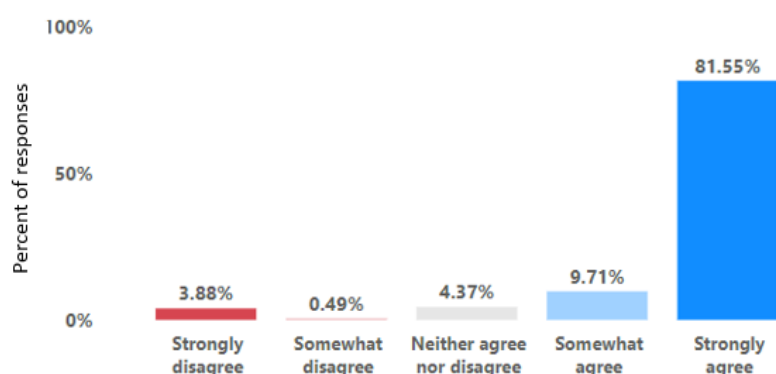
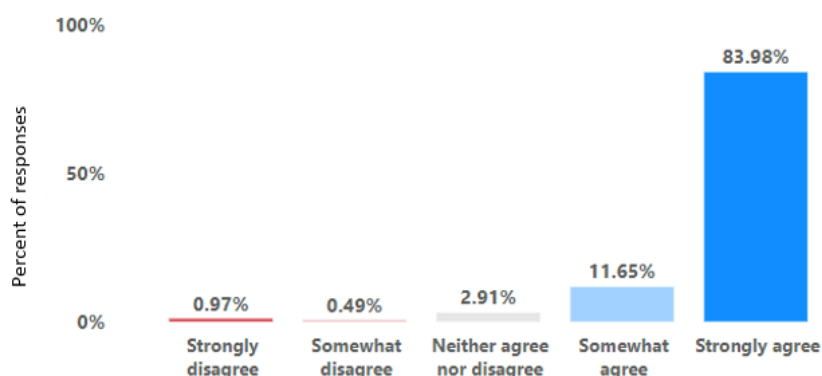


Figure 20 – Overall support for public register



Valuing koalas

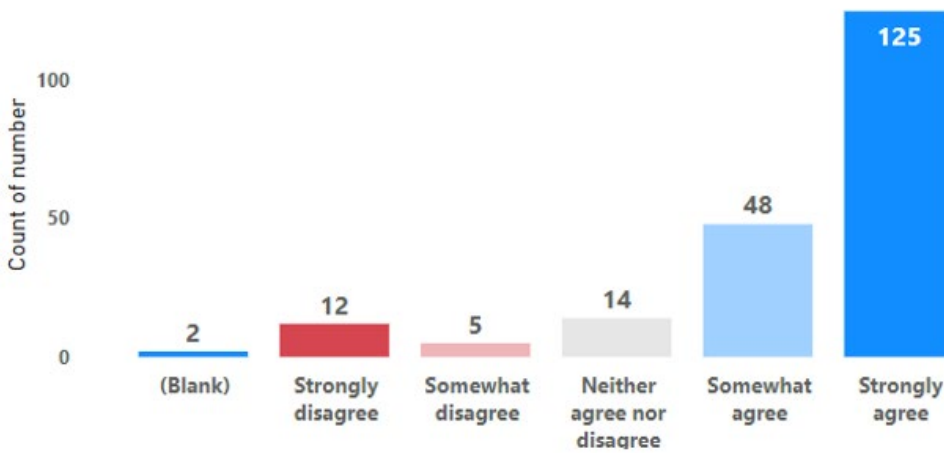
We asked what do you value about koalas in South East Queensland?

The vast majority of submitters stated that koalas held significant cultural and spiritual intrinsic value, were extremely important to them personally and could not be assigned to a dollar figure. More specifically, submitters stated they valued the unique beauty of koalas, having koalas on their property and that koalas provided them with a sense of joy, wellbeing, happiness and identity.

Several submitters also pointed out external values of koalas, such as economic benefits through international tourism, the ecosystem services associated with koalas and their habitat, including inadvertent protection of other native species through koala conservation. Lastly, many submitters also stated that koalas were a unique and iconic Australian species that is critical to national identity.

We asked, would you pay a higher purchase price or higher rent for a property that had avoided koala habitat clearing or incorporated koala sensitive design?

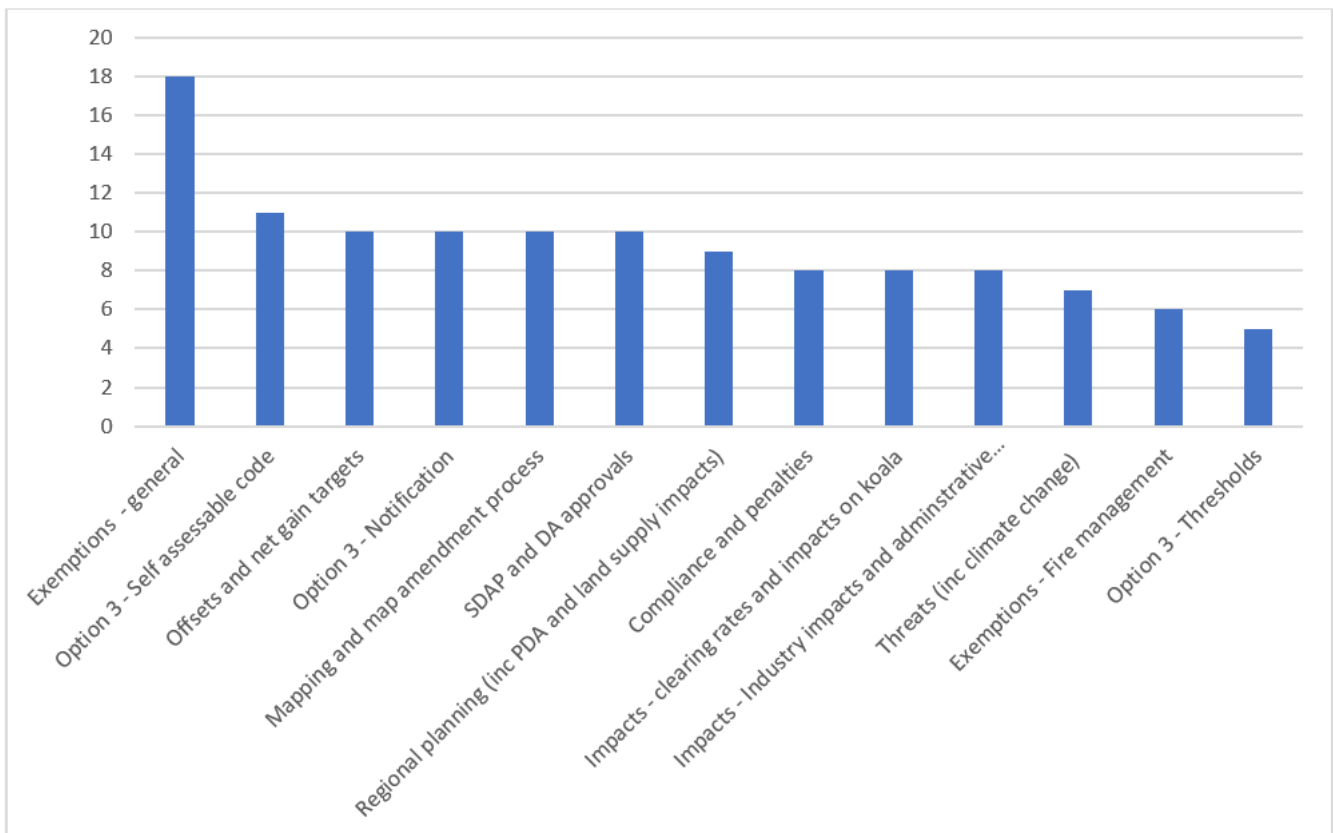
Figure 21 – Overall response to the question “would you pay a higher purchase price or higher rent for a property that had avoided koala habitat clearing or incorporated koala sensitive design?”



Matters raised in submissions

Exemptions were the most commonly raised matter from written submissions. The graphs below show other commonly raised matters. Detailed analysis of submission themes is provided in the body of the Decision Post Implementation IAS report.

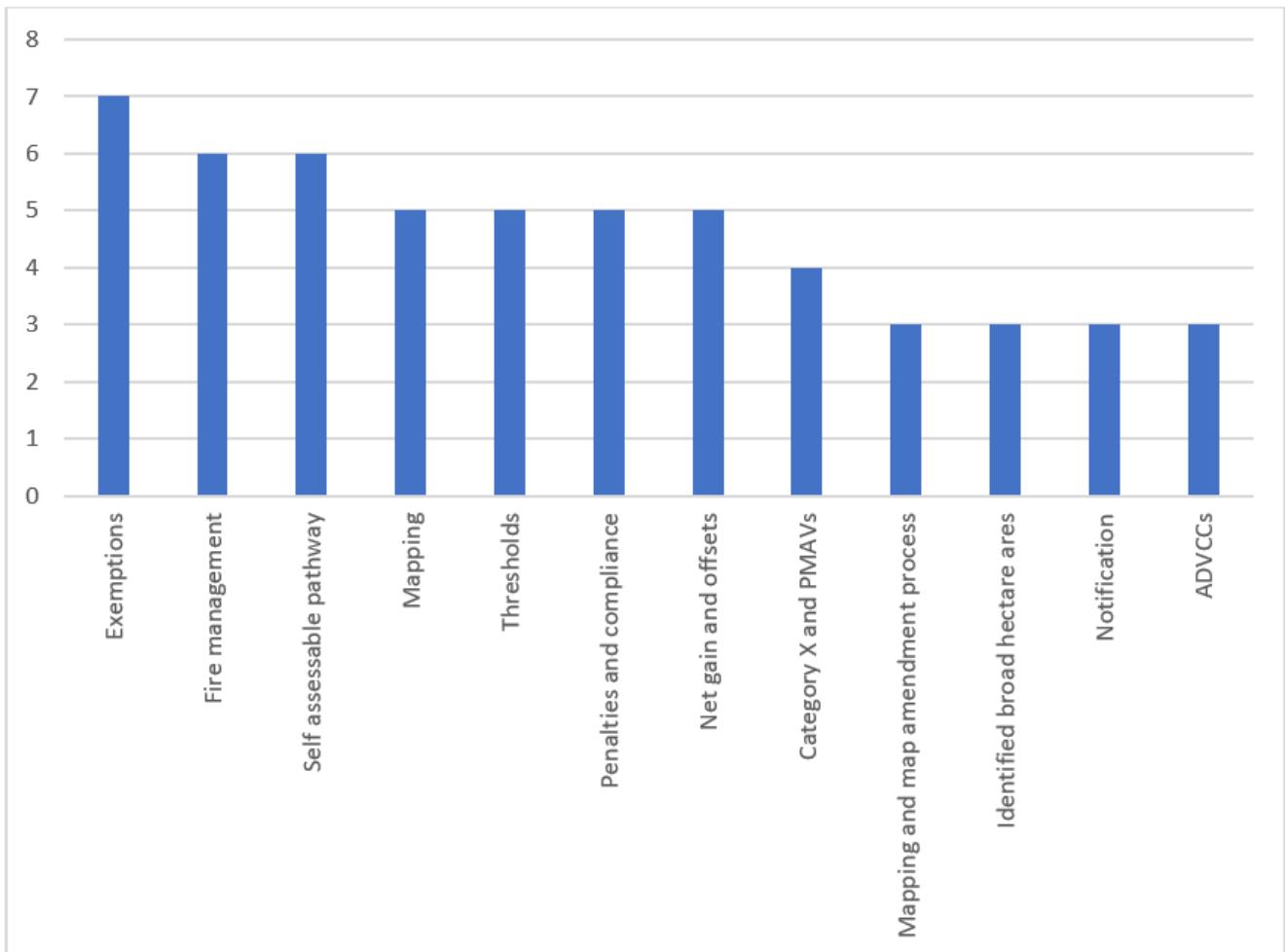
Figure 22 - Commonly raised matters – written submissions (excluding local government)



Other raised matters with less than 5 references:

- Limitations
- Rest of Queensland
- Transitional provisions
- Guidance material
- Exempted development- property map of assessable vegetation (PMAV) and Category X areas
- Scattered trees / Matters of local environmental significance (MLES)
- Monitoring
- Existing use rights and compensation
- Exempted development for ADVCCs
- Koala values
- Koala sensitive design guide
- Exempted Development for Native forest practice
- Protected areas
- Key resource areas and extractive industry
- Biodiversity corridors
- Other government policy (national and local)
- Koala Conservation Plan
- Development charges
- Tourism
- Koala Expert panel
- Exempt Clearing Work under Schedule 21 of the Planning Regulation 2017
- Infrastructure
- Schedule 11
- Consultation
- Prohibition
- Rehabilitation areas
- QCAT decision.

Figure 23 - Commonly raised matters – local government



Other matters raised with less than 3 references:

- Building works
- Administrative burden
- Subdivision
- SDAP and Development approvals
- Native forest practice
- Clearing rates
- MLES
- Infrastructure
- Guidance material
- Schedule 10
- Restoration
- Koala Conservation Strategy
- Prohibition
- Consequential clearing
- Regional planning
- Monitoring

List of submitters

General public
Stakeholder
1. Individual
2. Individual
3. Individual
4. Individual
5. Individual
6. individual
7. Individual
8. Individual
9. Individual
10. Individual
11. Individual
12. individual
13. Individual
14. Individual
Petitions (general public continued)
15. individual
16. Individual
17. Individual
18. individual
19. Individual
20. Individual
21. individual
22. Individual
23. Individual
24. individual
25. Individual
26. Individual
27. individual
28. Individual
29. Individual
30. individual
31. Individual
32. Individual
33. individual
34. Individual
35. Individual
36. individual
Industry
1. Cement Concrete & Aggregates Australia (CCAA)
2. Holcium
3. Qld Law Society

4. Urban Development Institute of Australia (UDIA)
6. Property Council of Australia
7. Saunders Havil
Local Government
1. Lockyer Valley Regional Council
2. City of Gold Coast
3. Local Government Association of Queensland (LGAQ)
4. City of Ipswich
5. City of Moreton Bay
6. Sunshine Coast Council
7. Scenic Rim Regional Council
8. Redland City Council
9. City of Logan
10. Brisbane City Council
Environmental Organisations
1. SME environmental organisation
2. Birkdale Progress Association
3. Koala Action Group Qld Inc
4. Nerang Community Associate
5. Sunshine Coast Environment Council
6. Queensland Conservation Council, Wilderness Society and Environmental Defenders Office (joint submission)
7. Humane Society
8. Wide Bay Burnett Environment Council
9. Wildlife Qld (Wildlife Preservation Society) Gold Coast Branch
10. Erapah Creek Catchment Landcare Association
11. Koala Action Inc. (KAI) and Queensland Koala Crusaders Inc. (QKC)
12. Lockyer Community Action
13. Save North Lakes Gold Course In
Environmental consultants
1. Environmental consultant

