

# Information sheet

Planning Regulation 2017

## Development in identified koala broad-hectare areas

*This information sheet provides an overview of requirements that apply to certain types of development in identified koala broad-hectare areas under the Planning Regulation 2017.*

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## 1 Background

On 7 February 2020, new provisions were introduced into the Planning Regulation 2017 (Planning Regulation) to improve koala habitat protection in South East Queensland. These new provisions apply to development that is proposed in koala priority areas, koala habitat areas and identified koala broad-hectare areas.

This information sheet has been developed to provide an overview of the new koala habitat protections that apply to certain types of development in identified koala broad-hectare areas under the Planning Regulation.

## 2 Areas mapped as identified koala broad-hectare areas

There are seven identified koala broad-hectare areas in South East Queensland. These are areas with pre-existing, long-term, established development commitments. Koala broad-hectare areas include areas identified under the *Queensland Housing Affordability Strategy* and declared master planned areas under the repealed *Sustainable Planning Act 2009* and the repealed *Integrated Planning Act 1997*.

Identified koala broad-hectare areas are established under the Planning Regulation:

- [Oxley Wedge, Brisbane City Council \(PDF, 2.3MB\)](#)
- [Rochedale, Brisbane City Council \(PDF, 1.5MB\)](#)
- [Coomera, Gold Coast City Council \(PDF, 1.3MB\)](#)
- [Ripley Valley, Ipswich City Council \(PDF, 895KB\)](#)
- [Kinross Road, Redland City Council \(PDF, 660KB\)](#)
- [South East Thornlands, Redland City Council \(PDF, 696KB\)](#)
- [Palmview, Sunshine Coast Regional Council \(PDF, 950KB\)](#)

### **NB No new identified koala broad-hectare areas will be established.**

Detailed land use planning has been undertaken to guide the landscape-scale design of these areas in relation to environmental, land use, infrastructure and development outcomes. Although environmental considerations such as connectivity have been incorporated into the landscape-scale design of these areas, site-based measures to achieve koala conservation outcomes have not and therefore must be considered on a case-by-case basis.

Assessment benchmarks in schedule 11, part 3 of the Planning Regulation have been developed to ensure development completely or partly in an identified koala-broad hectare area incorporates site-based measures to maximise the safe and unimpeded movement of koalas through the landscape, allow koalas to safely disperse from an area being cleared and reduce the risk of koala death or injury.

### 2.1 Assessment benchmarks

The assessment benchmarks prescribed in Schedule 11, Part 3 of the Planning Regulation now apply to development applications that are made for development that:

- is in an identified koala broad-hectare area<sup>1</sup>

and

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<sup>1</sup> More information on the identified koala broad-hectare area mapping can be found in the *Information sheet – Koala mapping*.

- the local government planning scheme makes assessable (i.e. where the local government planning scheme provides that the development requires development approval before it can be undertaken lawfully).<sup>2</sup>

Figure 1 provides an example of area that is mapped as an identified koala broad-hectare area.



**Figure 1: Example of an area that is in an identified koala broad-hectare area**

A development application made for this type of development would be assessed and decided by the local government in accordance with the assessment benchmarks prescribed in Schedule 11, Part 3 of the Planning Regulation. These assessment benchmarks seek to ensure that the development provides for safe koala movement opportunities and does

not increase the risk of injury or death of koalas.

The [Koala Sensitive Design Guideline](#) outlines the assessment benchmarks prescribed in Schedule 11, Part 3 of the Planning Regulation, the intent of these assessment benchmarks and advice on how proposed development may meet these assessment benchmarks.

As local government are responsible for assessing and deciding development applications that these assessment benchmarks apply to, it is advised that advice is sought from the local government to confirm whether these assessment benchmarks apply to a proposed development and if so, information that should be provided with the development application to address the assessment benchmarks.

### 2.1.1 Exemptions to assessment benchmarks

There are a number of instances where the assessment benchmarks prescribed in Schedule 11, Part 3 of the Planning Regulation would not apply including where:

- the chief executive of the *Planning Act 2016* is the prescribed assessment manager for the development application
- the development is for a coordinated project declared under the *State Development and Public Works Organisation Act 1971*
- the development is in a State development area declared under the *State Development and Public Works Organisation Act 1971*
- the development is in a development control plan<sup>3</sup>

<sup>2</sup> See Schedule 10, Part 10, Division 6 of the Planning Regulation 2017.

<sup>3</sup> **Development control plans** were a planning mechanism under the former *Integrated Planning Act 1997* that has since been repealed and replaced by the *Planning Act 2017*, which no longer includes development control plans.

- the development is for infrastructure stated in Schedule 5 of the Planning Regulation and is carried out by, or for, the State or a public sector entity
- the development is priority development area (PDA) related development<sup>4</sup>
- the development is for extractive industry<sup>5</sup>
- the development results in a development footprint of 500m<sup>2</sup> or less
- the development results in a total area on the premises of 500m<sup>2</sup> or less of 1 or more koala habitat area being cleared of native vegetation since 7 February 2020
- the development is carried out under a development permit given for a development application that was properly made before 7 February 2020
- the development is consistent with a development approval:
  - in effect for the premises on which the development is to be carried out; and
  - given for a development application that was properly made before 7 February 2020.

**NB** Clearing requirements prescribed in the Nature Conservation (Koala) Conservation Plan 2017 still apply to clearing that is identified above as exempt. More information on these clearing requirements can be found in the *Information sheet – Koala Conservation Plan clearing requirements*.

It is also noted that the koala habitat protections described in the *Information sheet – Development in koala priority areas* and *Information sheet – Development in koala habitat areas outside koala priority areas* would not apply to development that involves interfering with koala habitat in a koala habitat area within an identified koala broad-hectare area if the local government planning scheme makes the development accepted development<sup>6</sup> or assessable development<sup>7</sup>. The one exception to this is where the development is for an extractive industry that involves interfering with koala habitat in a koala habitat area. More information on the requirements for this type of development can be found in the *Information sheet - Extractive industries in koala habitat areas within key resource areas*.

### 3 Further Information

If you have any further queries about the new koala habitat protections introduced into the Planning Regulation on 7 February 2020, please contact the Koala Assessment and Compliance team at [koala.assessment@des.qld.gov.au](mailto:koala.assessment@des.qld.gov.au) or 13 QGOV (13 74 68).

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Please contact the State Assessment Referral Agency (SARA) for advice on whether a particular area of land is within a development control plan (<https://planning.dsdmip.qld.gov.au/planning/resources/regional-contacts>).

<sup>4</sup> **PDA-related development** means:

- (a) development in a priority development area; or
- (b) PDA-associated development for a priority development area.

(as defined under the *Economic Development Act 2012*)

<sup>5</sup> **Extractive industry** means the use of premises for:

- (a) extracting or processing extractive resources; and
- (b) any related activities, including, for example, transporting the resources to market.

(as defined under the Planning Regulation)

<sup>6</sup> **Accepted development** is development for which a development approval is not required under the *Planning Act 2016*.

<sup>7</sup> **Assessable development** is development for which a development approval is required under the *Planning Act 2016*.

**Human Rights Act 2019 compatibility**

The department is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this information sheet, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

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**Approved By**

Ben Klaassen

Signature

30/11/2023

Date

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