



Environmental
Defenders Office

Submission to the draft Koala Conservation Strategy

31 January 2020

About EDO

Environmental Defenders Office Inc (**EDO**) is a community legal centre specialising in public interest environmental law. We help people who want to protect the environment through law. Our reputation is built on:

Successful environmental outcomes using the law. With over 30 years' experience in environmental law, EDO has a proven track record in achieving positive environmental outcomes for the community.

Broad environmental expertise. EDO is the acknowledged expert when it comes to the law and how it applies to the environment. We help the community to solve environmental issues by providing legal and scientific advice, community legal education and proposals for better laws.

Independent and accessible services. As a non-government and not-for-profit legal centre, our services are provided without fear or favour. Anyone can contact us to get free initial legal advice about an environmental problem, with many of our services targeted at rural and regional communities.

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Submitted to:

Department of Environment and Science

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Overview

EDO congratulates the Queensland Government on taking steps to address the serious decline in our koala populations in South East Queensland. The decline, and potential future extinction, of our koala populations in Queensland is a matter of state and national concern. Strong action is needed to ensure koala populations can grow back to sustainable, healthy numbers. While we are concerned that the reform package as released currently may not be enough to prevent the extinction of koalas in the not too distant future in Queensland, we recognise the significant work that has been undertaken by the Government in developing this package.

We would also like to extend our thanks to the Government for allowing us to participate as proxy for The Wilderness Society on the Koala Advisory Council upon their representative taking leave. We do note our disappointment that we were not invited on the Council in our capacity as planning and environment law experts with a robust understanding of the issues with our current legislative frameworks that are leading to the demise of koala populations. We are glad to be able to legally advise The Wilderness Society in their role on the Council, however it would be more effective and efficient for us to participate directly in the Council discussions. We hope you will reconsider our nomination to be included on the Council so that we can continue to participate into the future in the important role of the Council in ensuring the Government is effective at achieving the policy aim.

We kindly request a copy of the draft *Planning Regulation 2017* (Qld) amendments prior to them being finalised, to provide comment on whether the changes will effectuate the Government's policy intent.

Clearing needs to stop right now – until the bushfire impacts on koala habitat and populations are assessed

The recent bushfires have devastated even more of our last remaining koala habitat in Queensland, let alone through NSW and beyond. We need to prevent further habitat clearing while we reassess the state of koala populations and habitat through the affected areas and adequately assess the cumulative impacts of the fires and planned development impacts.

In summary

Our submissions on the draft Koala Conservation Strategy (**draft Strategy**) in summary are:

1. We support:

- a. The restrictions on clearing in a Koala Priority Area;
- b. The removal of the exemption for clearing for an 'urban purpose, urban area';
- c. The requirement for all clearing activities in mapped koala habitat to be assessed by the State Government to provide more consistent, and hopefully strengthened assessment;
- d. Consistent assessment benchmarks to be developed for local governments to assess development applications in mapped areas;
- e. Working with local governments to reduce the threat of dogs, however this work must be resourced by the State Government to ensure it is able to be undertaken;
- f. Achieving further commitments proposed in the draft Strategy; and
- g. Strong community partnerships and engagement to increase knowledge sharing and engagement.

2. The following reforms are strongly recommended to increase the chance that koala population health and numbers will increase in Queensland:

- a. The policy aim of Government in all instruments must be net gain of koala habitat, not no net loss;
- b. Exemptions to clearing prohibitions must be limited to essential development, and prohibitions should not be overridden by other development laws such as the *Economic Development Act 2012* (Qld) (**ED Act**), *State Development and Public Works Organisation Act 1971* (Qld) (**SDPWO Act**) or *Vegetation Management Act 1999* (Qld) (**VM Act**);
- c. The *Environmental Offsets Act 2014* (Qld) and related offsets regulations must be reformed urgently to fix the numerous failings that are leading to the justification of clearing impacts without adequate offsets being provided;
- d. Any exemptions to clearing prohibitions must be required to be offset;
- e. Maps must be able to be added to, with a clear process for any person to nominate new sites;
- f. High-value areas must be protected, including coastal koala habitat;
- g. State Development Assessment Provision for koalas must provide for strong assessment benchmarks to guide decision making that adequately protects koala habitat and koala safety;
- h. Power must not be held solely with the State Assessment and Referral Agency (**SARA**) in assessing development applications – expertise of Department of Environment and Science (**DES**) is essential in assessment;
- i. All actors must be subject to the same rules through consistent application of the koala habitat protections and safe koala movement for state and local government as well as private industry;
- j. All relevant frameworks must be amended to reflect necessary koala protections;
- k. Appeal-proof koala-related conditions must be imposed under the Planning Act framework;
- l. Resources must be committed to improving and protecting koala habitat;
- m. Clear, transparent monitoring and reporting must be provided for quantity and health of koala habitat; offsets and other restoration activities of koala habitat;
- n. Restoration commitments must be greatly increased to provide meaningful outcomes for koala habitat improvements;
- o. The threat reduction target should be more ambitious: 10 spots across the whole of South East Queensland is far too few to result in meaningful change;
- p. Upgrades to the Fauna Sensitive Road Manual are supported however the requirements around fauna sensitive road regulations must be mandatory on both private and government developers, and not simply a suggested guideline.

Detailed submissions

1. We support:

a. The restrictions on clearing in a Koala Priority Area

The Expert Panel recognised that clearing of koala habitat was the primary reason for the decline in koala populations, warranting urgent attention if we are to save koalas from becoming increasingly threatened. The loss of koala habitat is exacerbating the other key threats faced by koalas, where habitat loss forces koalas to travel more which exposes them to cars and dogs, and reducing their immunity which exposes them to higher chance of disease. On this basis, a restriction on clearing of koala habitat is essential to prevent further declines in koala populations.

This restriction should be as strong as possible and must be complemented also through the restoration of lost habitat. The decline in koala populations demonstrated over the last decade must not only stop but dramatically reverse if koalas are to survive through existing significant threats and increasing climate change related impacts of drought and fire.

b. Removal of the exemption for clearing for an 'urban purpose, urban area'

This exemption, found throughout schedule 21, part 2 of the *Planning Regulation 2017* (Qld) (**Planning Regulation**), has led to significant cumulative clearing through a broad exemption allowing clearing of vegetation for urban purposes in urban areas without assessment. We are concerned that the exemption of 500m² may lead to effectively the same exemption on most small to medium sized blocks. This exemption could be better implemented through code assessment to ensure the clearing is essential and appropriate for the site through ground-truthing of each site, and to prevent any clearing of good quality habitat that is for non-essential development. Ideally all sites outside of the mapped areas would be properly ground-truthed prior to clearing being allowed, to pick up any sites that were not picked up in the mapping but should have been. In support of this proposal, the Expert Panel noted that self-assessment should not be allowed for priority koala habitat areas, and that development assessment is triggered when there are potential impacts on koala habitat or koalas (Recommendation 2.2(c)).

- We request a copy of the draft regulatory amendments prior to entering Parliament so that we may assess how this exemption will be implemented.

c. The requirement for all clearing activities in mapped koala habitat to be assessed by the State Government to provide more consistent, and hopefully strengthened assessment

As stated by the Expert Panel, 'schedule 21 Part 1 item 1 of the Planning Regulation has the effect of exempting vegetation clearing from assessment for a material change of use or reconfiguring a lot if, among other things, the approval relates to premises of less than 5 ha. Removing these exemptions, or substantially reducing their scope as they apply to koala habitat, is vital for effectively protecting koala habitat.'

To address this for mapped koala habitat, we understand the Government's intent is that any clearing activities in mapped koala habitat will trigger assessment by the State Assessment and Referral Agency (**SARA**). This will hopefully improve the strength and consistency in assessment of habitat impacts. It does, however, rest heavily on the State Development Assessment Provisions used in the State's assessment being strong and clear in leading to appropriate decisions to protect koala habitat, health and safety. As recommended by the Expert Panel, the criteria must effectively prohibit clearing of remnant and regrowth vegetation

that makes up koala habitat (Recommendation 2.2(d)(ii)). It must be clear that offsets are an absolute last resort and only available to allow clearing where the clearing is for essential development (Recommendations 2.2(d)(iii) and 2.2(e)). Further, we note the Expert Panel's recommendation that the 'code could address both matters relating to the construction of works and, where appropriate, the ongoing use of land after works are complete' (Recommendation 2.2(a)(iv)).

We note that the effect of this framework may be that local governments are prevented from providing stronger mapping of koala habitat than the state map, which may also impact on their ability to regulate clearing of koala habitat more strictly than that provided by the state laws. We warn against this approach and encourage the Government to allow local governments to continue to regulate koala habitat in their region in a way that is suitable for the necessary protections they see fit, particularly where the state laws would otherwise allow inappropriate clearing due to the exemptions provided.

d. Consistent assessment benchmarks to be developed for local governments to assess development applications in mapped areas

Local governments are currently able to choose whether and how strictly clearing is regulated and koala habitat is mapped in their region. This move to implement consistent assessment benchmarks for local government assessment of development in mapped areas will hopefully bring about more consistent assessment and conditioning of development to reduce risks to koalas. This will depend on the strength and clarity of the assessment benchmarks, including how much discretion they allow for in interpretation, and how clear they are in what activities should be prevented and what activities should be implemented to provide for safe koala movement through and between sites.

As stated above, local governments should retain the power to strengthen the assessment benchmarks utilized for their region should they find the state implemented criteria are not sufficient to protect habitat and koala safety and health for their region. Of course, local governments should not, however, be allowed to weaken the application of the benchmarks for their region.

e. Working with local governments to reduce the threat of dogs, however this work must be resourced by the State Government to ensure it is able to be undertaken

Dog attacks are known to be a significant cause of injury and death for koalas in Queensland, as was reflected in the Expert Panel Report. Equally the Expert Panel noted that little work is being undertaken by the State Government to address the threats of dogs. The initiative to work with local governments to reduce the threat of dogs in each koala habitat area of South East Queensland is therefore welcomed. To be effective it must be supported by resourcing to assist the local governments in implementing effective strategies to reduce the threat of dog attacks.

f. Achieving further commitments proposed in the draft Strategy

We encourage the State Government to implement the proposed future actions listed in the draft Strategy, which were recommendations of the Koala Expert Panel:

2019–2024 potential future action

2.1 Incorporate koala conservation into the State Planning Policy and ShapingSEQ Regional Plan.

2.2 Identify and manage any inconsistencies between State and private sector development outcomes.

2.3 Review the Offsets Framework with regards to koala conservation strategies and priorities

- 2.4 Use the land-use planning framework to safeguard koala habitat by avoiding new expansion of the urban footprint into koala habitat.
- 2.5 Build capacity to understand the new planning framework by developing an education and extension strategy to development assessment officers.
- 2.6 Explore the use of incentives and design standards, in partnership with natural resource management groups and local governments.
- 2.7 Protect biodiversity in local planning schemes by working with local governments to identify priorities.

However, we note that some of these future actions do not reflect the strength of the recommendations from the Expert Panel. For example, with respect to proposal 2.7 above in this section, we note that the recommendation of the Expert Panel was: 'Ensure that locally significant koala habitat, not captured by the EHP mapping, or not in identified priority areas for koalas, can still be protected through local government planning schemes' (Recommendation 2.2(g)). As stated above, we recommend that this should be ensured, as inevitably koala habitat will have been missed in the mapping undertaken and local governments must have the power to protect these areas through their regulations. There is no sense in preventing the ability of local governments to protect known habitat in their region if it is not adequately protected under this reform package – we are effectively reducing the protections of koalas if this is the policy implemented by the State Government.

g. Strong community partnerships and engagement to increase knowledge sharing and engagement

We commend the focus of the draft Strategy on developing a communication, education and extension strategy in consultation with Traditional Owners, as well as citizen science projects, community partnerships and all initiatives to encourage knowledge sharing and engagement. We hope the engagement with First Nations Peoples is meaningful and respectful and provides for tangible outcomes rather than simply lip service by the Government in this engagement. Supporting citizen science is also an essential way to ensure the Government holds more available data on koalas, particularly where this work is already being done by the numerous highly engaged citizens working on the ground to protect koalas in their local areas. Any support possible should be encouraged for the amazing wildlife carers working on the front lines to ensure injured koalas are able to be rehabilitated and returned to the wild, as well as to gather the data obtained by these carers to better understand the threats faced by koalas in each area.

2. The following reforms are strongly recommended to increase the chance that koala population health and number will increase in Queensland:

a. The policy aim of Government in all instruments must be net gain of koala habitat, not no net loss

The draft Strategy and new laws must provide a requirement for a net gain in koala habitat from 2017 habitat quantity. Koala populations are dropping due to exposure to significant stress from their current diminished habitat, which is diminishing by the day due to bushfires and continued clearing. A purpose of 'no net loss of koala habitat area' would not reflect the recommendations of the Expert Panel, that the Queensland Government make: 'a commitment to ensure no reduction in the amount and quality of koala habitat over time and to preferably achieve a net gain in koala habitat.' (our emphasis) (p34)

The Expert Panel stated this suggested wording: 'Koala populations and koala habitat are conserved and enhanced and the amount and quality of koala habitat does not decline over time...' Stating, 'This would place greater emphasis on koala populations and their viability as

well as their habitat and clarify what is meant by 'no net loss' of koala habitat which is an ambiguous term.' (our emphasis) (p33)

Further, 'no net loss' is weaker than previous koala protection planning laws. In the **2010** version of the [State Planning Policy 2.10 Koala Conservation in South East Queensland](#), the aim is: 'contributing to a net increase in koala habitat in south-east Queensland' and 'assist in the long term retention of viable koala populations in South East Queensland.' (our emphasis) (p3). This is a stronger position than 'no net loss'.

'No net loss' will lead to continual loss of koala habitat due to the weak environmental offset laws in Queensland, particularly since these laws only provide for a requirement to offset *significant* residual impacts. In addition, exempt clearing activities in koala habitat areas are unlikely to be required to be offset, threatening even the ability to ensure we achieve no net loss. The Code should focus on achieving a net gain in koala habitat. The code must be strong or it is not going to lead to any improvement in outcomes for koalas.

b. Exemptions to clearing prohibitions must be limited to essential development, prohibitions should not be overridden by other development laws such as the *Economic Development Act 2012 (Qld) (ED Act)*, *State Development and Public Works Organisation Act 1971 (Qld) (SDPWO Act)* or *Vegetation Management Act 1999 (Qld) (VM Act)*

The ED Act and SDPWO Act provide powers to override the Planning Act framework, remove accountability and transparency measures, such as meaningful community involvement in decision-making, and to speed assessment. These powers do not align with good planning laws and threaten the quality of decision making and outcomes from decisions under these Acts. We are strongly concerned that the exemptions provided to this reform package may include exemptions for decisions under the ED Act and/or SDPWO Act. This would provide significant loopholes able to be exploited by the State Government which could threaten koala habitat and population numbers, and greatly threatens community confidence in the Government's genuine intention to protect koalas. As requested by the Expert Panel, we also recommend 'aligning the various different regimes which apply, including priority development areas, State development areas and infrastructure designations under the Planning Act, to ensure a consistent approach to koala development and offsetting across all development.' (Recommendation 2.2(h)(i))

We are further concerned that vegetation subject to a property map of assessable vegetation, or mapped as Category X, under the VM Act may be exempt from the protections afforded to koala habitat through this program. Many legislative instruments currently apply to restrict clearing of vegetation even if it may be allowed under the VM Act. For example, the *Nature Conservation Act 1992 (Qld)*, the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)* and even local planning schemes, as confirmed in the recent case of *Fairmont Group Pty Ltd v Moreton Bay Regional Council* [2019] QCA 81. It is inappropriate and unnecessary to allow an exemption from these stronger laws where the VM Act applies. In fact, where local governments currently regulate clearing of koala habitat, this exemption would lead to weakened protection of that local government area habitat since the exemptions don't currently apply. This also sets a particularly bad precedent for the expansion of these laws to the significant koala habitat outside of South East Queensland, where there may be more areas mapped as category X.

c. The *Environmental Offsets Act 2014 (Qld)* and related offsets regulations must be reformed urgently to fix the numerous failings that are leading to the justification of clearing impacts without adequate offsets being provided.

The package as viewed rests heavily on the use of environmental offsets to make up for lost koala habitat. The Expert Panel wisely recognised that: 'Biodiversity offsets for koala habitat

should continue to be imposed as conditions on development approvals only as a 'last resort', and not as an automatic 'licence to clear habitat'. Offsetting of residual impacts should only be an available option for impacts occurring inside the Urban Footprint that are not in identified priority areas for koalas. Elsewhere, clearing of koala habitat should not be permitted.'

The review currently underway of the implementation of biodiversity offsets in Queensland, a commitment of the Queensland Government, must urgently be finished and reforms passed to make the offsets frameworks effective, accountable and scientifically founded. Given the continued reliance on the potential to offset impacts, this reform package will be seriously undermined if we do not fix the failings in the implementation of biodiversity offsets in Queensland.

d. Any exemptions to clearing prohibitions must be required to be offset

If exemptions are provided to allow clearing of priority koala areas, this clearing must be offset otherwise it debases even a policy of 'no net loss', let alone the claimed strength of this new reform package.

e. Maps must be able to be added to, with a clear process for any person to nominate new sites

For the new mapping to be effective, it must be reviewed annually, and a process must be provided for any person to nominate new sites for inclusion where they are demonstrated koala habitat. The Expert Panel noted the need to remedy the current failings with koala habitat mapping in Queensland, being: '• lack of comprehensiveness • coarse resolution • the simplicity of the model that fails to fully account for vegetation communities • no updating of the mapping over time.' As part of their recommendations for remedying these failings, they suggested that the Government 'develop consistent mapping of koala habitat across SEQ at a fine resolution that addresses the problems of the previous mapping and implements a systematic mechanism for updating this mapping to improve accuracy and track changes in koala habitat over time.

We note that the Government has committed in the draft Strategy to 'continue to develop and update koala habitat mapping.' We support this Commitment but request that there is a legislative process for nominating new sites for inclusion annually.

f. We need to protect the high-value areas, including coastal koala habitat

There have been strong concerns raised with us by koala scientists that insufficient coastal koala habitat has been included in the draft map, with the highest protections being provided mainly for inland areas. We are informed koalas utilise coastal areas as important habitat, particularly for breeding, and the current map puts this habitat under threat of removal, for which we refer to Professor Frank Carrick's submission. We are also concerned that inland, undeveloped areas, may be more exposed to the threat of increasing fires through climate change, which make urban areas paradoxically safer. The protection of koalas in South East Queensland requires protection of coastal, urban, peri-urban and rural areas, with safe passageways provided between fragmented sites.

g. State Development Assessment Provision for koalas must provide for strong assessment benchmarks to guide decision making that adequately protects koala habitat and koala safety

We are concerned that the SDAP code may rest heavily on the environmental offset hierarchy and the ability to apply offsets, including with reference to 'no net loss' as a key purpose of the code. As mentioned above, the environmental offset laws are far too weak and ineffective to be relied upon to achieve the actions needed to ensure koalas do not go extinct in Queensland. For example, currently the environmental offset laws in Queensland

only require offsets for 'significant residual impacts' – so piecemeal impacts to koala habitat will not be required to be offset and will lead to cumulatively significant impacts with no recompense for the habitat taken. Further, there is unacceptable guidance on when development is simply not important enough to warrant the impact to koala habitat, and should simply be avoided by being refused. This is a failing of the existing offset framework that would be exacerbated by the heavy reliance of this code on that offset hierarchy.

In order to be effective, the Code should provide clear restrictions on activities and guidance for decision makers on how to make decisions under the code and what appropriate activities to avoid and mitigate impacts should look like. Further, as stated above, the Environmental Offset Act framework should be amended this term of government. These reforms have taken far too long, particularly given these koala protection reforms are resting heavily on the offsets framework, even where the Expert Panel has warned of how poorly this framework is operating and the significant impacts it is causing to koala populations and habitat.

The new SDAP code must be at least equal to and preferably stronger than the existing Planning Regulation - Schedule 11 'Assessment benchmarks for development in koala habitat area'. The code must not include discretionary elements that weaken its application, such as terms like 'reasonable' and 'reasonably'. The code must detail appropriate activities for avoiding death and injury to koalas. The SDAP code must be clear and specific and not be broad and high level. Schedule 2 of the [State Planning Policy 2.10 Koala Conservation in South East Queensland](#) provides guidance of activities that would be considered suitable for achieving net gain in koala habitat and reducing threats. The current PR Schedule 11 provides some level of guidance to decision makers in what might be suitable activities to avoid or mitigate impacts.

One of the Government's key achievements in this package is the increased oversight by the State Government in development and clearing that may impact koala habitat – this achievement is dependent on the SDAP code being strong and clear to ensure decision making is improved under the State Government's oversight. We implore the Government to provide a new SDAP koala code that is well drafted to ensure it is increasing koala habitat and it is complimented by clear decision criteria that will lead to these outcome and will not be dependent on the environmental offset framework.

h. Power must not be held solely with the State Assessment and Referral Agency (SARA) in assessing development applications – expertise of Department of Environment and Science (DES) is essential in assessment

The Department of Environment and Science must be a concurrence agency, to prevent development capture and to ensure that the best science is applied to assessment of development applications. Further, the input of SARA, DES and local governments will ensure that assessment has more integrity and is informed by the best expertise on koalas for each local area.

i. Ensure all actors are subject to the same rules through consistent application of the koala habitat protections and safe koala movement for state and local government as well as private industry

The Expert Panel recommended 'that when undertaking development, the State should, even if it is otherwise exempt from development assessment, ensure that the standards placed on State development are not less onerous than those placed on private sector proponents'. We support the implementation of these stronger rules and requirements to protect koala habitat and safety through state and local development, not only private development. Particularly given the extensive exemptions already provided to the prohibitions on clearing, and the need

to ensure no further koala habitat is removed, state and local governments must be under the same obligations as private developers.

j. All relevant frameworks must be amended to reflect necessary koala protections

As stated above, to ensure the effectiveness of this proposed reform package, all development frameworks must reflect the koala protections. Too many laws in Queensland override the Planning Act framework, particularly the ED Act and the SDPWO Act, undermining the achievement of the Government's policy of no net loss, and hopefully net gain, of koala habitat.

k. Appeal-proof koala-related conditions under the Planning Act framework

The Expert Panel wisely recommended that the State 'consider whether it is necessary to amend the Planning Act to ensure that koala-related conditions cannot be challenged on reasonableness/relevance grounds, as it has done in the past for offsets and certain infrastructure conditions'. We strongly recommend that this recommended amendment is implemented by the Government through amendments this term of Government to provide certainty to the state and local governments that koala-related conditions are beyond being challenged. This should be implemented in such a way that conditions cannot be weakened though, and not prevent challenges to the inadequacy of the conditions in actually protecting koala habitat, and koala health and safety.

l. Resources must be committed to improving and protecting koala habitat

The Expert Panel recognised that 'the planning framework only deals with future development impacts and has limited ability to deal with existing threats and actions required for koala recovery. This means that it is critical that the planning framework works in a coordinated fashion with other activities for threat mitigation and recovery.' Adequate resource commitment to provide for restoration activities is essential to ensure that previously inappropriately cleared habitat can be recovered. (Expert Panel Report s2.3)

m. Clear, transparent monitoring and reporting must be provided for quantity and health of koala habitat; offsets and other restoration activities of koala habitat

In order to be able to assess the effectiveness of the policies introduced through these reforms, it is essential that high quality, transparent monitoring and reporting on koala habitat and health are required. In support of this, the Expert Panel recommended that the Government 'identify a monitoring and evaluation strategy that measures progress towards targets and that incorporates a mechanism for amending the strategy based on new information'. There is insufficient information in the draft Strategy detailing how data will be provided on monitoring and reporting of the progress on each policy aim. This monitoring and reporting should be a legislative requirement as part of the reform package.

n. Restoration commitments must be greatly increased to provide meaningful outcomes for koala habitat improvements

The commitment to restore 1000ha is welcomed but is not sufficiently ambitious to achieve the needed restoration of the significant lost koala habitat in South East Queensland. The public expects a larger budget commitment to restoration activities, and effective use of the many dollars secured already through financial offsets, to provide meaningful restoration activities.

o. Threat reduction target should be more ambitious, 10 spots across the whole of South East Queensland is far too few to provide meaningful change

Significant data has been collected by amazing wildlife carers into where koalas are currently most at threat, with numerous sites across South East Queensland having been found to be high threat sites through dogs and car hits. From the data we have viewed, narrowing the

scope of the Government's ambitions to only 10 spots across South East Queensland is far too little. At very least this should be provided as an incremental plan, with 10 spots to start and from there an increase to further spots around South East Queensland.

p. Upgrade to the Fauna Sensitive Road Manual is supported however the requirements around fauna sensitive road regulations must be mandatory on both private and government developers, and not simply a suggested guideline

Fauna sensitive infrastructure design should be a requirement on all roads and developments, not a suggested policy. The contrast of the efforts NSW has undergone to provide fauna sensitive road design is stark as soon as one crosses the boarder from Queensland. It's time we picked up our act as a State and took the need for fauna sensitive road and infrastructure design seriously.