

State Planning Policy 2/10

Koala Conservation in South East Queensland

Prepared by:

Sustainable Communities and Landscapes

Department of Environment and Resource Management

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Explanatory statement

This State planning policy is made under chapter 2, part 4, division 2 and part 4 of the *Sustainable Planning Act 2009* (SPA) and is a statutory instrument under section 41 of the SPA.

Aims of the State planning policy

State Planning Policy 2/10: Koala Conservation in South East Queensland (the Policy) aims to ensure that koala habitat conservation is taken into account in planning processes within the South East Queensland Koala Protection Area¹ (SEQKPA), 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.

Within the SEQKPA, the policy is the mechanism for ensuring that the State's interest in koala conservation is considered in land use planning decisions made under the SPA.

Background

In December 2008, the Queensland Government announced the Koala Response Strategy in response to scientifically reported declines of key koala populations in south-east Queensland. The overarching goal of the response strategy is to increase the extent of mature and actively regenerating koala habitat by 2020. The policy forms part of the response strategy.

The policy builds upon previous koala conservation planning instruments by extending the geographical area to which the policy is applicable and including specific requirements for planning processes to adequately reflect the State's interest in protecting koalas from adverse consequences of development. When adopted, the Policy will replace the Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006–2016 for the purposes of reflecting the State's interest in koala conservation with regard to land use and infrastructure planning in the SEQKPA.

In July 2009 the South East Queensland Regional Plan 2009-2031 (SEQ Regional Plan) was adopted to require that koala populations in the region are enhanced through the protection, management and achievement of a net gain in bushland koala habitat and through managing the conflict between urban development and koala conservation. The SEQ Regional Plan identified the making of a State planning policy for koala conservation as a key program for achieving that goal.

In addition to the policy, measures have been put in place to ensure the planning and delivery of essential State infrastructure carried out other than through a community infrastructure designation, delivers a net benefit for koala conservation.

Implementing the State planning policy

The policy both directs and influences land use planning, as it is intended that it will be reflected in local planning instruments, structure plans and master plans for declared master planned areas. The policy is also to be reflected in infrastructure planning decisions, such as designating land for community infrastructure.

Once the policy is appropriately reflected in the relevant local planning instrument, structure plan and master plan or community infrastructure designation, those instruments will be the mechanism for implementing the policy.

The implementation of the policy and achievement of outcomes sought will be monitored by the State and publicly reported annually. Participation of local governments in this monitoring and reporting process is vital to ensure koala conservation outcomes are understood and accurately communicated to the community. Monitoring and reporting will focus on the way in which the planning and development system has progressed towards meeting the outcomes of the policy.

¹ See Schedule 3 for a definition of the South East Queensland Koala Protection Area

Relationship to the South East Queensland Koala Conservation State Planning Regulatory Provisions

The South East Queensland Koala Conservation State Planning Regulatory Provisions May 2010 (the SPRP) provide the development assessment requirements for defined areas within the SEQKPA. The SPRP addresses impacts from development in areas where koala populations are under immediate threat and in other areas within previous State instruments providing for koala protection.

Relationship to other koala protection measures

Other policies and requirements relevant to the protection of koalas will continue through the operation of those parts of the Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006-2016 that do not relate to land-use planning under the SPA and the *Nature Conservation Act 1992* and associated regulations.

In some instances, existing local government planning schemes, management programs, actions and policies may prescribe outcomes beyond what is required by the policy. Nothing in the policy restricts the implementation of measures that exceed the requirements or standards in the policy.

1. Policy outcome

Outcomes sought by the State planning policy

- 1.1 The outcomes of the policy are to:
 - a. ensure koala habitat conservation is taken into account in the planning process, contributing to a net increase in koala habitat in South East Queensland, and
 - b. assist in the long term retention of viable koala populations in South East Queensland.

2. Application of the policy

State Planning Policy and State Planning Policy Guideline

- 2.1 State Planning Policy 2/10: Koala Conservation in South East Queensland (the Policy) is a statutory instrument under the SPA.
- 2.2 State Planning Policy Guideline: Koala Conservation (the Planning Policy Guideline) provides advice about implementing the State planning policy. The Planning Policy Guideline is extrinsic material under the *Statutory Instruments Act 1992*, section 15.
- 2.3 Terms used in the Policy and the Planning Policy Guideline have the same meaning as those terms defined in the SPA, schedule 3 unless otherwise defined in schedule 3 of this Policy.

Area to which the policy applies

- 2.4 The planning policy applies to the following local government areas:
 - a. Sunshine Coast
 - b. Moreton Bay
 - c. Brisbane
 - d. Ipswich
 - e. Logan
 - f. Redland
 - g. Gold Coast
- 2.5 For the purposes of the policy, the area outlined in section 2.4 is area is known as the South East Queensland Koala Protection Area (SEQKPA).
- 2.6 The State planning policy applies to the following, to the extent they relate to land in the SEQKPA:
 - (a) making or amending a local planning instrument or structure plan;
 - (b) designating land for community infrastructure.
- 2.7 The approach outlined in the policy may also be used to assist land use and infrastructure planning in areas outside the SEQKPA to achieve koala conservation outcomes.

Relationship to other State planning policies

- 2.8 This State planning policy does not prevail over the requirements of any other State planning policy, to the extent of any inconsistency.
- 2.9 The requirements of this State planning policy are to be balanced with the requirements of other State planning policies when making or amending a local planning instrument or structure plan.
- 2.10 Where there is a conflict between this State planning policy and another State planning policy, an outcome that best achieves the purposes of both instruments should be sought.

3. Making or amending a planning instrument

Achieving the policy outcome through the SEQ Regional Plan

- 3.1 The South East Queensland Regional Plan 2009-2031 Regional Policy 2.2 recognises the need to protect koalas and koala habitat areas and manage conflict between urban development and koalas in south-east Queensland.
- 3.2 Future making or amendments of the SEQ Regional Plan may consider the purposes of this State planning policy and seek to further the planning policy outcomes by:
 - a) including koala conservation and koala habitat protection policies for the region; and
 - b) considering koala conservation and koala habitat protection outcomes for future planning directions articulated in regional policies; and
 - c) considering the outcomes of the Policy in the consideration of:
 - i) future amendments to the urban footprint (including the evaluation of Identified Growth Areas); and
 - ii) the identification of regional and local development areas.

Achieving the policy outcome through local planning instruments and structure plans

- 3.3 A local planning instrument, structure plan or an amendment to a planning scheme made under the SPA must include planning strategies and measures aimed at minimising the impacts of new development on koalas and koala habitat.
- 3.4 The strategies and measures mentioned in section 3.3 must consider and seek to respond to potential conflicts between achieving koala conservation objectives and development by, for example:
 - a) considering the long term conservation and management of koala habitat within the planning scheme area or declared master planned area; and
 - b) minimising and mitigating threats to koalas and koala habitat associated with development, including for example, car strike and dog attacks.
- 3.5 A local planning instrument, structure plan or amendment will be taken to reflect the objectives of the policy if:
 - a) koala habitat values within the planning scheme area or declared master planned area are identified, using the SEQ Koala Habitat Values Map in Schedule 1 and mapping methodology in the planning policy guideline; and
 - b) significant areas of koala habitat value are protected and habitat connectivity is retained and enhanced to maintain koala population viability; and
 - c) koala safety and movement are maximised through design and layout of development; and
 - d) a net gain in bushland habitat is achieved through the use of environmental offsets and other mechanisms, incorporating at a minimum requirements of the Queensland Government Offsets for Net Gain of Koala Habitat in South East Queensland Policy; and
 - e) preferred dominant land uses are consistent with achieving the outcomes of the policy;
 - f) development within koala habitat is made assessable development where required to achieve compatibility with the desired koala conservation outcomes of the policy;
 - g) koala conservation assessment criteria, consistent with the principles specified in Schedule 2, are included in all relevant codes for assessable development or a priority species overlay code; and
 - h) local governments provide a koala conservation strategy to demonstrate how the policy outcomes are to be achieved, including complimentary, non-statutory management strategies.

4. Designating land for community infrastructure

- 4.1 When designating land for community infrastructure, a Minister or local government must consider the

outcomes in section 1.1 of this policy.

- 4.2 Designating land for community infrastructure achieves the policy outcomes when:
- a) koala habitat values within the area subject to the designation are identified, using the SEQ Koala Habitat Values Map in Schedule 1 and mapping methodology in the planning policy guideline;
 - b) significant areas of koala habitat value are protected and habitat connectivity is retained and enhanced to maintain koala population viability;
 - c) koala safety and movement are maximised through design and layout of development;
 - d) a net gain in bushland habitat is achieved through the use of environmental offsets and other mechanisms. At a minimum, offsetting the clearing of non-juvenile koala habitat trees is to be undertaken in accordance with the Offsets for Net Gain of Koala Habitat in South East Queensland Policy at a ratio of five new koala habitat trees for every one non-juvenile koala habitat tree removed or an equivalent cash contribution;
 - e) design and layout of the community infrastructure land use is consistent with achieving the outcomes of the policy; and
 - f) the community infrastructure provider develops a koala conservation strategy to demonstrate how the policy outcomes are to be achieved, including complimentary, non-statutory management strategies.

5. Biodiversity development offset area

Declaration of a biodiversity development offset area

- 5.1 Under this policy, the planning Minister may, by gazette notice, declare an area to be a biodiversity development offset area for the purposes of the South East Queensland Regional Plan 2009 – 2031 Regulatory Provisions.
- 5.2 In accordance with section 1.5(1)(b) of the South East Queensland Regional Plan 2009 – 2031 Regulatory Provisions, sections 2.1 and 3.1 of the South East Queensland Regional Plan 2009 – 2031 Regulatory Provisions do not apply to development in the Regional Landscape and Rural Production Area or Rural Living Area on premises in a biodiversity development offset area.

Notification of a biodiversity development offset area

- 5.3 The planning Minister must publish a copy of any gazette notice on the Department of Infrastructure and Planning's website.
- 5.4 The planning Minister must give a copy of the gazette notice to:
 - a) the local government to which the biodiversity development offset area relates;
 - b) all owners of the land to which the biodiversity development offset area applies; and
 - c) owners of all land adjoining the land to which the biodiversity development offset area applies.
- 5.5 Failure to comply with this section does not affect the validity of the gazette.

6. Information and advice on the policy

Sources of information and advice

- 6.1 The Queensland Department of Environment and Resource Management provides advice on implementing and interpreting this planning policy and on reflecting this planning policy in a planning instrument in relation to its jurisdictional interests in koala conservation.
- 6.2 The Queensland Department of Infrastructure and Planning provides technical advice on reflecting the policy in a planning instrument and the operation of the Integrated Development Assessment System.

Schedule 1—maps of South East Queensland Koala Protection Area Koala Habitat Values

The maps are available through the Department of Environment and Resource Management.

Maps of South East Queensland Koala Protection Area Koala Habitat Values are provided for the following seven local government areas:

- Sunshine Coast
- Moreton Bay
- Brisbane
- Ipswich
- Logan
- Redland
- Gold Coast

Schedule 2—principles for development assessment codes

A development assessment code developed in accordance with section 3.5(g) of the planning policy is to be consistent with the following principles:

1. achieving net gain in mature and actively regenerating koala habitat, such as through requirements for:
 - restricting clearing of native vegetation, with priority on non-juvenile koala habitat trees, in bushland habitat;
 - restricting clearing of native vegetation, with priority on non-juvenile koala habitat trees, in high value and medium value rehabilitation habitat; and
 - offsetting the clearing of non-juvenile koala habitat trees, at a minimum incorporating requirements of the Queensland Government Offsets for Net Gain of Koala Habitat in South East Queensland Policy;
2. reducing threats to koalas as a result of construction or ongoing heavy-vehicle or machinery activities, such as through requirements for:
 - limiting operational activity between the hours of 6pm and 6am;
 - sequential clearing and use of koala spotters;
 - mitigating the effect of vegetation clearing on-site through habitat restoration and rehabilitation;
 - limiting presence of domestic dogs or security dogs on site; and
 - use of koala safety fencing and measures as appropriate;
3. reducing threats to koalas as a result of development, such as through requirements for:
 - removing or mitigating the impact of barriers restricting the movement and dispersal of koalas across the development site and to adjacent areas;
 - use of appropriate wildlife infrastructure to increase landscape connectivity; and
 - use of other koala safety fencing and measures as appropriate.

Schedule 3 – dictionary

Area where koalas are generally not present means an area:

- (a) that is mapped on the maps of South East Queensland Koala Protection Area Koala Habitat Values as an area where koalas are generally not present; or
- (b) that:
 - (i) has a landcover composition that is dominated by bare and impervious surfaces; and
 - (ii) is unsuitable for maintaining koala populations due to the alienation of any suitable koala habitat and high level of threats within a hostile matrix; and
 - (iii) generally does not have any koalas present at the scale of tens of thousands of hectares.

Example of paragraph (b) – major urban centres, industrial development, major transport corridors and large water bodies.

Bushland habitat means:

- (a) an area that is mapped as bushland habitat on the maps of South East Queensland Koala Protection Area Koala Habitat Values; or
- (b) an area:
 - (i) that is either:
 - (A) greater than two hectares in size; or
 - (B) less than two hectares in size but is within 50 metres of surrounding bushland habitat; and
 - (ii) that is characterised by intact contiguous native vegetation and may include remnant and non-remnant or regrowth vegetation; and
 - (iii) that has a landcover composition of predominantly forest ranging from closed canopy to open woodland; and
 - (iv) that contains an assortment of eucalypt species used by koalas for food, shelter, movement and dispersal; and
 - (v) that is not a plantation forest.

High value rehabilitation habitat is an area that is rehabilitation habitat with a high koala habitat value as shown on the maps of South East Queensland Koala Protection Area Koala Habitat Values.

Koala habitat is an area that is bushland habitat, rehabilitation habitat or other area of habitat value, excluding areas where koalas are generally not present.

Koala habitat tree is:

- a) a food tree of the *Corymbia*, *Melaleuca*, or *Lophostemon* or *Eucalyptus* genera; and
- b) a preferred shelter species such as *Angophora*.

Medium value rehabilitation habitat is an area that is rehabilitation habitat with a medium koala habitat value as shown on the maps of South East Queensland Koala Protection Area Koala Habitat Values.

Native vegetation means vegetation as defined under the Vegetation Management Act 1999.

Non-juvenile koala habitat tree is a koala habitat tree that has a height of more than four metres, or a trunk with a circumference of more than 31.5 centimetres at 1.3 metres above the ground, or both.

Other area of habitat value means an area that:

- a) is mapped as an other area of habitat value on the maps of South East Queensland Koala Protection Area Koala Habitat Values; or
- b) is an area of habitat other than intact, contiguous native vegetation on a lot less than 0.5 hectares in size that:
 - i) has a landcover composition comprising of a mix of forest, scattered trees, grass and bare surfaces; and
 - ii) provides koala populations with food and shelter trees while allowing for day-to-day movement, dispersal and genetic exchange.

rehabilitation habitat is an area that is:

- (a) mapped as rehabilitation habitat on the maps of South East Queensland Koala Protection Area Koala Habitat Values ; or
- (b) an area of habitat other than intact, contiguous native vegetation on a lot equal to or larger than 0.5 hectares in size that:
 - (i) has a landcover composition comprising of a mix of forest, scattered trees, grass and bare surfaces; and
 - (ii) provides koala populations with food and shelter trees while allowing for day-to-day movement, dispersal and genetic exchange.

SEQKPA means the South East Queensland Koala Protection Area.

South East Queensland Koala Protection Area means the area that includes the following local government areas:

- (a) Sunshine Coast Region
- (b) Moreton Bay Region
- (c) Brisbane City
- (d) Ipswich City
- (e) Logan City
- (f) Redland City
- (g) Gold Coast City.

SPA means the *Sustainable Planning Act 2009*.