



Hon Vicky Darling MP
Member for Sandgate



**Queensland
Government**

Ref CTS 12122/11

Minister for Environment

22 AUG 2011

Mr Stephen Palethorpe
Committee Secretary
The Senate Environment and Communications References Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600



Dear Mr Palethorpe

Thank you for your letter of 7 July 2011 regarding a submission from Dr Julie Cox which comments adversely on the Queensland Department of Environment and Resource Management (DERM).

DERM shares Dr Cox's concern regarding the protection of koala habitat in South East Queensland (SEQ). Unfortunately, her submission does not accurately represent the role of DERM in protecting koalas in SEQ.

Throughout her submission, Dr Cox refers to the 'State Koala Plan'. DERM previously had a concurrence agency role under the *Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006-2016*, which is commonly referred to as 'the Koala Plan'. As a concurrence agency, DERM had a role in assessing development applications against the koala conservation criteria contained in the Koala Plan and had the power to apply conditions to a development approval and to refuse a development application for not complying with the provisions of the plan.

The planning and development assessment provisions of the Koala Plan ceased effect on 31 May 2010. They were replaced by the *South East Queensland Koala Conservation State Planning Regulatory Provisions (SPRP)* and the *State Planning Policy 2/10: Koala Conservation in South East Queensland (SPP)*. Both of these instruments are made under the *Sustainable Planning Act 2009*, which is administered by my Ministerial colleague, the Honourable Paul Lucas MP, Deputy Premier and Attorney-General, Minister for Local Government and Special Minister of State.

The SPRP provides immediate protection for koala habitat and requires local governments to assess all relevant new development applications against its criteria. The SPP provides long term protection for koalas and their habitat by providing direction to local governments on how to incorporate koala conservation into land use planning instruments, such as local government planning schemes.

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Under these planning instruments, DERM is no longer a concurrence agency for koala conservation. Development assessment responsibility now lies with the assessment manager who is usually the local government. Instead, DERM has a more strategic role in ensuring that koala habitat conservation is considered in planning processes in SEQ through the delivery of the outcomes of the SPP and SPRP. The major outcome required by the Queensland Government is the requirement that local governments demonstrate a net gain in koala bushland habitat by 2020.

In her submission, Dr Cox indicated that the 'Koala Unit' (i.e. Koala Policy and Operations Branch) was not aware of the development application at 3334 Moggill Road, Moggill when she spoke to a Koala Unit member of staff on 9 June 2010. As stated above, DERM no longer has a concurrence agency role regarding development applications and, as a consequence, such applications are not referred to the department for assessment. In this particular case, Brisbane City Council is the assessment manager.

Dr Cox also raised in her submission the matter of a development application at the Moggill Country Club. In a letter dated 18 October 2010, DERM advised her of the role of the SPP and SPRP and koala habitat values mapping relating to this application. She was further advised in the letter that DERM had no jurisdiction in this matter as the assessment manager was Brisbane City Council (Attachment 1).

In her submission, Dr Cox additionally raises the issue of non-juvenile koala habitat trees being removed for the State Government Ministerial Designation for the Pinjarra Hills Queensland Ambulance Station (QAS).

The process for designating land for community infrastructure requires consideration of the provisions of the SPP. DERM assesses applications for land to be declared for community infrastructure and provides advice to the relevant agency responsible for making the final designation. Conditions are attached to the Ministerial Designation which apply when the land is developed for its specified use.

After assessing the QAS Ministerial Designation, DERM was satisfied that the development was designed and located in a manner that minimised the required clearing of non-juvenile koala habitat trees and retained habitat connectivity and koala safe movement opportunities. The clearing of 136 non-juvenile koala habitat trees was required to be offset at a 5:1 ratio which, at a rate of \$920 per tree removed, equates to a total offset value of \$125,120.

Offset monies are used for the acquisition and rehabilitation of strategic koala habitat in SEQ. This is in addition to the funding already committed by the Queensland Government to implement its Koala Habitat Acquisition Program and the Koala Nature Refuges Program. Information on both these programs was provided in the State Government's submission to the inquiry and can be obtained at: www.derm.qld.gov.au/wildlife-ecosystems/wildlife/koalas/koala_crisis_response_strategy/koala-habitat-programs.html.

As indicated above, DERM has a strategic level role in ensuring that koala habitat conservation is considered in planning processes in SEQ. DERM is currently establishing a compulsory reporting framework to gather information from local governments and report on key performance indicators for koala conservation. These key performance indicators measure local government progress towards a net gain in bushland koala habitat, implementation of the SPP outcomes and what koala protection measures have been adopted within their local government area.

DERM has already provided training to State Supported Community Infrastructure providers. Further, DERM will shortly commence its monitoring and compliance role with those providers and its monitoring role with local government to ensure planning and development projects contribute to a net gain in bushland koala habitat in SEQ by 2020.

Thank you for bringing this matter to my attention.

Yours sincerely

Vicky Darling MP
Minister for Environment

Att

18 October 2010

Ms Julie Cox

COPY

Dear Ms Cox

Thank you for your email dated 13 September 2010 concerning the revised development application lodged with Brisbane City Council for the Moggill Country Club at 126 Weekes Road, Moggill.

The bushland that you refer to was mapped under the *Interim South East Queensland Koala State Planning Regulatory Provisions* (February 2010) as 'protected koala bushland habitat'. However, on 31 May 2010 this interim planning instrument was replaced by the *South East Queensland Koala Conservation State Planning Regulatory Provisions* (SPRP) and *State Planning Policy 2/10: Koala Conservation in South east Queensland* (SPP). The SPRP is more limited in its extent than the previous interim SPRP with a particular focus on the high priority areas of the old Pine Rivers local government area and the Koala Coast, which covers Redlands and parts of Logan, Brisbane and Gold Coast local government areas. The SPRP also reflects the old statutory mapping under the *Nature Conservation (Koala) Conservation Plan and Management Program 2006-2016*. As stated in your email, the site is not mapped under the SPRP and therefore development applications are not regulated by this policy.

The Koala Habitat Values statutory mapping for the SPP does recognise the values of the site including the area of bushland along the river corridor, being identified as medium value bushland habitat. Although the SPP does not apply to development applications, Brisbane City Council (BCC) is required to achieve the outcomes sought by this policy where a planning scheme amendment or structure planning process is undertaken over the area. This includes identifying and protecting significant koala habitat values within the planning area and making development assessable in areas of known importance to koala conservation. With reference to the Moggill Country Club, the site contains mapped koala bushland habitat and has well established koala sightings on and in close vicinity of the site, provides connectivity to other patches of bushland, is part of a strategic waterway corridor and lies within one kilometre of an area mapped under the SPRP.

I also note that the site is considered to be within River Precinct 1 under the BCC Planning Scheme requiring a 100m setback from the river. The Brisbane River Management Plan's guiding principles include a commitment to cooperate with State agencies, and given that the SPP adopts a clear position on koala conservation in SEQ, there may be scope within the precinct code to identify the important koala habitat within the waterway corridor as a State Interest.

The SPP also encourages Council to undertake voluntary, non-statutory measures to identify and protect koalas and their habitat within their local government area, as local government will be required to report on meeting net gains in bushland targets.

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Given that the site contains several credentials establishing its ecological value to koalas, the Department of Environment and Resource Management would recommend that Brisbane City Council recognise the outcomes of the SPP when considering development proposals for this site. The policy's intent is to reduce the impacts of development on koalas in South East Queensland through the retention of habitat, maintaining and enhancing connectivity and safe movement opportunities.

Yours sincerely

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Koala Policy and Operations Branch
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