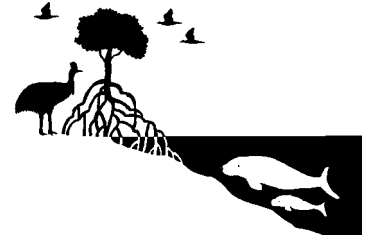


Environmental Defender's Office Of Northern Queensland Inc.



20 September 2005

Hon Ms Desley Boyle

Minister for Environment, Local Government, Planning and Women
PO Box 31,
BRISBANE ALBERT STREET
QLD 4002

Dear Minister Boyle,

Protection under Nature Conservation (Koala) Conservation Plan 2005

The EDO-Qld has recently highlighted some concerns and necessary improvements required in relation to the above *Nature Conservation (Koala) Conservation Plan 2005* ("*Koala Plan*") in their submission dated 24 March 2005, which we reiterate and support. It has come to our attention that the protections for the koala population in North Queensland under the *Koala Plan* are also deficient, and this letter sets out our concerns.

Although the public consultation period for the draft *Koala Plan* has ended and the Plan is currently being finalised, we have only recently become aware of these genuine deficiencies in the Plan regarding protection for the northern Queensland koala population.

The range of this population has been identified as extending as far north as the Atherton Tablelands. Local accounts report that a few decades ago koalas were known to inhabit eucalypt dominated forest and woodlands as far north as Cooktown. During late 2004, there was a recorded koala sighting near Koah. There is little data currently available about koalas in the north Queensland range, for example, the size of the surviving population, or injury or death statistics.

Despite the lack of adequate research or surveys undertaken, koalas in north Queensland are listed as 'common' or 'least concern'. This area is therefore within Koala District C of the *Koala Plan*, which also denotes a "lower perceived threat" to the population's survival.

The protection afforded to the northern Queensland koala population under the Plan is therefore based on the assumption that existing legal mechanisms, specifically the *Vegetation Management Act 1999* and *Water Act 2000*, will provide adequate protection. As a result, no additional provisions for regulation or protection are afforded.

The limited scope of areas protected under the *Vegetation Management Act 1999* (areas declared “remnant endangered regional ecosystems”) and *Water Act 2000* (“riparian areas”), and the several significant exceptions this is subject to, results in many areas of koala habitat in northern Queensland receiving no legal protection. The confirmed koala sighting near Koah and subsequent approval of a development which will impact on any surviving koala population in the area (detailed below), is one example of the occurrence of unique, small communities of koalas in north Queensland in fragmented habitat which will fall outside the scope of legal protection.

The inadequate protection afforded by the *Koala Plan*, in relying wholly on existing legal mechanisms, is demonstrated by this recent decision by the Mareeba Shire Council (MSC) to grant development approval for the establishment of a horse riding and ATV (All Terrain Vehicle) facility at Kennedy Highway, Koah. A koala was sighted in late 2004 on a property directly adjacent to the proposed development site. This was evidently not taken into account by the MSC in granting development approval. No existing precautionary or protective legal mechanisms were brought into play to require the koala sighting and lack of information about the koala population in the area to be taken into account in the development assessment process. There was no further evidence sought, or research or surveys required in response to the koala sighting, to ascertain numbers remaining, the range, and therefore the extent of the impact of the proposed development on the surviving koala population. As a result, satisfactory measures to guarantee the population’s protection from the proposed development are unable to be implemented. There have been no conditions imposed on the development approval which relate to the presence of koalas in this area.

The purpose of Koala District C – to achieve maximum habitat retention and ensure that there is no further decline of the koala population – will not be achieved while no real protection is provided to the surviving population of koalas throughout this range, and while the real status of this population and therefore the significance of attendant threats are not adequately established.

We ask that the protections offered by the *Koala Plan* to Koala Districts A and B, be extended to Koala District C to address this situation.

Yours faithfully
EDO-NQ

Kirsty Ruddock
Solicitor/Coordinator