



ENVIRONMENTAL DEFENDERS OFFICE (QLD) INC.

30 Hardgrave Rd,
West End
Brisbane 4101

Telephone: (07) 3211 4466
Facsimile: (07) 3211 4655
Email: edoqld@edo.org.au
www.edo.org.au/edoqld
ABN 14 911 812 589

27 February 2009

Draft SEQ Koala State Planning regulatory provisions
Department of Infrastructure and Planning
By email seqkoalareview@dip.qld.gov.au

Dear Sir/ Madam

Draft SEQ Koala State Planning Regulatory Provisions These will not stop koala extinction in current form

The number of koalas in SEQ Qld has dropped alarmingly in recent years and has fallen well below the level of a sustainable population. There is very strong community and political support to take strong action to protect koalas.

The proposal announced by Minister McNamara by Press Release on Saturday 6 December 2008 include some useful initiatives but will not stop extinction of koalas in SEQ Qld. So the package is not the strong action that is needed and is totally unacceptable in its current form. We were invited to comment on one part of that package, the above mentioned Draft SEQ Koala State Planning Regulatory Provisions which expire on 1 July 2009.

Our comments and 10 recommendations: **R1- R7** etc are below. We are more than happy to work with you on precise wording to implement any of these proposals.

Interim Koala Protection Area needs Expansion

Urban koala areas contain a significant proportion of the total koala population (33% of the koala population in 2005/6 surveys). The "interim koala protection area" needs to be expanded to include not just mapped areas but areas that are in fact koala habitat.

Then if a development was proposed in areas used by koalas but not mapped, anyone who knew the area could come forward to say it was koala habitat to enable it to be assessed under relevant Regulatory Provision criteria. Questions about presence of koalas could be included on the IDAS application form leading to referral to the concurrence agency. Expert evidence and reliable sightings can establish if the land is or is not koala habitat.

If this is not done, koala habitat will be destroyed before it is fully identified. People will try to develop without mentioning koalas on their unmapped land to get in ahead of regulation, just as damaging pre-emptive clearing occurred on endangered regional ecosystems out west before the *Vegetation Management Act* 1999 came into force.

R1. We propose that you expand the definition of "interim koala protection area" to include both mapped koala habitat and also areas that are in fact used by koalas or important to their species survival.

Div 2 Material Change of use and Reconfiguring a Lot

The EPA has greater expertise on koalas than DIP and unlike DIP has conservation of species as a main purpose within its organisational priorities. We need a consistent concurrence agency for koala decision-making.

R2. We propose that the agency to make decisions on any assessable development in the interim koala protection area ought to be the EPA, with adequate additional resources, not the Department of Infrastructure and Planning.

Table 1 Column 1- Assessable Development not requiring referral agency assessment

1. & 2. The definition of “domestic activity” needs to be tightened as people build massive single dwellings with pools, paved areas etc. A limit on the size of those dwellings and extent of the associated building is needed. We also need to avoid extensive unnecessary clearing associated with operationalising development approvals- i.e. the bulldozer driver that clears twice as much as necessary.

This might be addressed by council approving a house pad marked on a plan submitted with the development application with identified necessary construction area for equipment or storage of building materials. So it can be judged against the limits of the new definition of “domestic activity” and shown on the approved plan. The area is permitted to be cleared, then must be revegetated within safety considerations.

If any clearing occurs that is outside what is approved it is assessable development without a valid development approval i.e. a development offence is committed under the *Integrated Planning Act 1997*.

R3. We propose tightening the definition of “domestic activity” by strictly limiting the gross floor area of the single dwelling and any area to be cleared due to construction needs and similarly limiting the GFA of any associated building or structure.

R4. We propose the building not requiring referral ought to be less than 300m² including any clearing needed for construction.

Again the building pad and construction area to be shown on the plans submitted as part of the development application.

3. Development resulting in 2,500m² clearing can destroy narrow corridors needed for urban koala survival. There is no protection against staging clearing- a bit this year, more next year. Cleared areas might be needed as vital connections between habitat even if they do not have mature trees.

R5. We propose 3 (a) and (b) needs to be deleted, moving more matters to Column 2 for assessment.

Table 1 Column 2 Assessment Criteria for assessable development

Planning instruments intent might envisage development of important koala habitat in the urban footprint. So it is not acceptable to allow that development on simple condition of Schedule 3 offset- this will not protect the koala from extinction as the biodiversity gains from offsets are unreliable compared to simply protecting existing koala habitat from development. Further consideration of assessment criteria is needed, such as what is found in koala conservation criteria tables in the *Nature Conservation (Koala) Conservation Plan 2005 and Management Program 2005-2015*.

R6. We propose that the assessment criteria must not allow any development that clears more than 300m² of vegetation and must not allow any development to harm any mature koala trees. We refer to the koala conservation criteria tables in the *Nature Conservation (Koala) Conservation Plan 2005 and Management Program 2005-2015* for further consideration for application in urban koala areas.

Div 3 Operational work for clearing native vegetation

Table 2 Column 1- Assessable Development not requiring referral agency assessment

1,2,3 We refer to our discussion above and **repeat recommendations R3, R4 and R5** and propose that those recommendations are applied to table 2, column 1.

4. (a) The cut off date for applications to escape assessment ought to be the earlier date when Premier Anna Bligh announced the set up of the SEQ Koala Task force, not when the regulatory provisions came into force. This ensures people don't escape assessment of applications for clearing by lodging applications when they heard about the proposed tightening of rules in the Urban Footprint.

R 7. We propose that the cut off date for applications to escape assessment ought to be the earlier date when Premier Anna Bligh announced the set up of the SEQ Koala Task force.

We are more than happy to work with you on precise wording to implement any of these proposals.

Yours faithfully
Environmental Defenders Office (Qld) Inc.



Jo-Anne Bragg
Principal Solicitor

Cc
Colin Jensen
Gary White
Terry Wall