

# State Government Supported Community Infrastructure

## Koala Conservation Policy

Prepared by:

Sustainable Communities and Landscapes

Department of Environment and Resource Management

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## 1. Purpose

The purpose of this policy is to outline how Queensland public sector entities will consider koala conservation outcomes in the planning and delivery of government -supported community infrastructure.

## 2. Background

The Queensland Government recognises that koala conservation is a critical issue in south-east Queensland. The primary cause of koala population decline is habitat loss, but threats associated with development, such as car strike, dog attack and disease, also contribute.

A Koala Response Strategy was introduced in December 2008 to address the decline of koala populations in the region. A specific action under the Koala Response Strategy was introducing a freeze on clearing and disposing of State-owned land with koala habitat values, and introducing a State Planning Policy and State Planning Regulatory Provisions to manage impacts on koalas and their habitat arising from development.

This policy replaces the State land freeze and assessment requirements for applicable Queensland Government supported community infrastructure activities within the South-East Queensland Koala Protection Area (SEQKPA).

The policy is to ensure that State activities not regulated through the State Planning Policy 2/10: Koala Conservation in South East Queensland (SPP) and the South East Queensland Koala Conservation State Planning Regulatory Provisions (SPRP) meet the requirements of the SPP and SPRP, ensuring equitable treatment of State and non-State community infrastructure projects.

## 3. Authority

This Policy is supported by a whole of government decision made 10 May 2010.

## 4. Application

This policy applies to the planning and delivery of all Queensland Government supported community infrastructure within the SEQKPA that is not otherwise regulated or exempt development. An explanation of these exemptions is provided in Annexe 1.

All other State community infrastructure activities within the SEQKPA must undertake a self assessment and comply with requirements of either:

- the community and linear infrastructure development outcomes as specified in the South East Queensland Koala Conservation State Planning Regulatory Provision (refer to Annexe 2), or
- an approved memorandum of understanding (MOU) endorsed by the Chief Executive responsible for the administration of the *Nature Conservation Act 1992*.

## 5. Appropriate circumstances for memorandum of understanding

Using an MOU as an alternative for compliance with requirements of the community and linear infrastructure development outcomes as specified in the South East Queensland Koala Conservation State Planning Regulatory Provision is only appropriate where the Chief Executive responsible for the administration of the *Nature Conservation Act 1992* is satisfied that complete compliance with the SPRP's provisions would significantly impact on the State's ability to deliver important community infrastructure.

Variances from the SPRP's requirements would only be granted to the extent necessary to permit the successful delivery of that infrastructure.

## 6. Policy statement and principles

The planning, design and construction of State Government supported community infrastructure in the SEQKPA is to be carried out in a way that reduces adverse impacts to koalas and koala habitat and conforms with the

Queensland Government's commitment to leadership on koala habitat protection in south-east Queensland.

All government supported community infrastructure providers must:

1. commit to planning, developing and delivering community infrastructure that contributes to a net gain in bushland koala habitat in south-east Queensland
2. ensure community infrastructure is planned and developed in accordance with the requirements detailed in the community and linear infrastructure provisions of the SPRP to the extent practicable under legislative arrangements or in accordance with an endorsed MOU
3. ensure compliance with provisions of the SPRP or in accordance with an endorsed MOU through a self-assessable framework established by this policy
4. ensure that any foreseeable costs associated with complying with requirements of the SPRP or in accordance with an endorsed MOU—including the provision of environmental offsets—are included in project costing where required
5. deliver appropriate environmental offsets to mitigate the loss of koala habitat arising from community infrastructure delivery according to the *Offsets for Net Gain of Koala Habitat in South East Queensland Policy*
6. agree that the department administering the *Nature Conservation Act 1992* (the Department of Environment and Resource Management (DERM)) will exercise an auditing and assessment role to support compliance with this policy.

## 7. Responsibilities

DERM undertakes to:

- notify government supported community infrastructure providers of any amendments to the community infrastructure requirements of the SPRP, including but not limited to, amendments to the regulatory mapping
- provide advice to government supported community infrastructure providers about development solutions that will help achieve the linear infrastructure and community infrastructure requirements of the SPRP
- conduct an annual audit of government supported community infrastructure projects within the SEQKPA, as a means of assessing compliance with the provisions of this policy
- provide updates on the details of how environmental offsets in the form of financial contributions will be/have been used by DERM to contribute to preserving koala populations in south-east Queensland.

Government supported community infrastructure providers undertake to:

- self-assess their obligations under this policy and in accordance with any associated guidelines
- maintain records of self-assessment appropriate for auditing and reporting purposes
- provide access to those records and any other relevant information used in the self-assessment of community infrastructure requirements under the policy for the purposes of an annual audit
- provide environmental offsets as specified in the *Offsets for Net Gain of Koala Habitat in South East Queensland Policy*.

## 8. Effective date

This policy applies to all Queensland Government supported community infrastructure development activities that will commence subsequent to the date of approval of this policy.

## 9. Transitional arrangements

### Freeze on clearing and disposing of State-owned land

A freeze on clearing koala habitat trees on State-owned land and disposing of State-owned land has been in place since December 2008 to protect koalas and koala habitat values whilst detailed mapping and longer-term protective tools were developed.

As this policy replaces the State land freeze for habitat clearing, community infrastructure activities that were assessed against the State land freeze and decided by the Minister for Climate Change and Sustainability are considered exempt or otherwise regulated activities for the purposes of this policy and are not required to be reassessed. Contact DERM to determine if a project has been considered under the State land freeze.

Where State Government supported community infrastructure providers have projects that require endorsement under the State land freeze protocol in order to proceed prior to the commencement of this policy, they should continue to refer these projects to DERM for assessment and consideration by the Minister for Climate Change and Sustainability.

Projects submitted for consideration under the State land freeze but not endorsed by the date this policy commences will be dealt with under this policy.

**Table 1 Summary of State land freeze transition**

Freeze	Within the SEQKPA, replaced by	Outside the SEQKPA, replaced by
Clearing of koala habitat trees on State-owned land in south-east Queensland	State Government Supported Community Infrastructure Koala Conservation Policy  For community infrastructure designations—  State Planning Policy 2/10: Koala Conservation in South East Queensland	Requirements of local government planning schemes and relevant State requirements  May comply with SPP and/or this policy as best practice
Disposal of State-owned land within south-east Queensland	Property management committee policies for land disposal for properties with koala habitat values	General property management committee policies for land disposal

## 10. Further information

Should you require any further information or clarification, please contact:

Director, Threatened Species

Department of Environment and Resource Management

## 11. Definitions / glossary of terms

Community infrastructure activities has the same meaning as Schedule 2, Sustainable Planning Regulation 2009:

- a. aeronautical facilities
- b. aged-care facilities
- c. cemeteries and crematoriums
- d. communication network facilities
- e. community and cultural facilities, including child-care facilities, community centres, meeting halls, galleries and libraries
- f. correctional facilities
- g. educational facilities
- h. emergency services facilities
- i. hospitals and associated institutions
- j. wharves, public jetties, port facilities and navigational facilities
- k. miscellaneous transport infrastructure under the *Transport Infrastructure Act 1994*
- l. oil and gas pipelines
- m. operating works under the *Electricity Act 1994*

- n. parks and recreational facilities
- o. railway lines, stations and associated facilities
- p. sporting facilities
- q. State-controlled roads
- r. transport infrastructure mentioned in schedule 3 of the *Transport Infrastructure Act 1994*, definition development infrastructure,
- s. water cycle management infrastructure
- t. waste management facilities
- u. storage and works depots and the like including administrative facilities associated with the provision or maintenance of the community infrastructure mentioned in paragraphs a to t
- v. any other facility not mentioned in paragraphs a-u and primarily intended to accommodate government functions.

Government supported community infrastructure is community infrastructure activities that are undertaken by, on behalf of or under contract with, the Queensland Government, and includes activities provided by:

- a public sector entity
- an entity under contract with a public sector entity
- an entity authorised on behalf of a public sector entity.

Otherwise regulated or exempt development includes community infrastructure development that:

- is proposed to be undertaken by community infrastructure designation
- was assessed against the State land freeze and endorsed by the Minister for Climate Change and Sustainability
- is the disposal of State-owned land
- is undertaken by or on behalf of<sup>1</sup> a non-State entity (that is, not the Queensland Government, a Queensland Government department, Queensland Government statutory authority, Government owned corporation or contractors acting on their behalf)
- is undertaking activities that results in:
  - the clearing of native vegetation that will result in a total cleared area of no more than 500m<sup>2</sup>
  - a new building and any reasonably associated infrastructure with a total development footprint of no more than 500m<sup>2</sup>
  - an extension to an existing building and any reasonably associated infrastructure if the extension results in a total development footprint of no more than 500m<sup>2</sup>
  - extracting gravel, rock or sand from an area of no more than 5000m<sup>2</sup>
  - excavating or filling an area of no more than 5000m<sup>2</sup>.

Public sector entity means the same as in the *Sustainable Planning Act 2009*:

1. Public sector entity means:
  - a. department or part of a department
  - b. an agency, authority, commission, corporation, instrumentality, office, or other entity, established under an Act for a public or State purpose.

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<sup>1</sup> On behalf of includes contracting to service providers

2. Public sector entity includes a government owned corporation.

South-East Queensland Koala Protection Area is defined in State Planning Policy 2/10: Koala Conservation in South East Queensland as the following local government areas:

- Sunshine Coast Region
- Moreton Bay Region
- Brisbane City
- Ipswich City
- Logan City
- Redland City
- Gold Coast City.

# Annexe 1

## Activities exempted or otherwise regulated

### Community infrastructure designation

Requirements for community infrastructure designations are provided for in the State Planning Policy 2/10: Koala Conservation in South East Queensland.

Requirements outlined in this policy mirror those in the State Planning Policy 2/10: Koala Conservation in South East Queensland for community infrastructure designation and the South East Queensland Koala Conservation State Planning Regulatory Provisions for non-State Government community infrastructure development.

### State land freeze – clearing and disposal

Activities which have previously completed assessment requirements and delivery of conditions under the State land freeze are not subject to this policy. Further information on transitional provisions for the state land freeze is provided in section 9 of this policy.

### Disposal of State-owned land

This policy does not apply to koala conservation considerations for the disposal of State-owned land. When considering disposal activities, refer to Queensland government general land policies administered by the Property Management Committee.

### Activities below thresholds

This policy mirrors requirements for non-Queensland Government community infrastructure activities required by the SPRP. As such, activities which do not meet thresholds regulated by that SPRP are not intended to be regulated by this policy.

Nevertheless, State public sector entities should undertake a risk assessment of the potential implications of activities below the thresholds and comply with requirements of this policy where the risk to koala populations or habitat is increased by the proposed activity.

## Annexe 2

### SPRP linear and community infrastructure requirements

The requirements below were current and accurate at the time this policy commenced, however it is recommended that you refer directly to the SPRP to ensure that no changes or updates have occurred since this time. Guidelines are available to support consideration of these requirements. A copy of the SPRP and associated guidelines can be found on the DERM website <[www.derm.qld.gov.au](http://www.derm.qld.gov.au)>.

Table 4 – Development for linear infrastructure and community infrastructure in the assessable development area	
Column 1 Assessable development to which Column 2 does not apply	Column 2 Assessment criteria for assessable development
<ol style="list-style-type: none"> <li>1. Development on premises that will not result in any of the following:               <ol style="list-style-type: none"> <li>a. clearing of native vegetation that will result in a total cleared area of more than 500m<sup>2</sup></li> <li>b. a new building or extension and any reasonably associated infrastructure that will result in a total development footprint of more than 500m<sup>2</sup></li> <li>c. extracting gravel, rock or sand from an area of more than 5000m<sup>2</sup></li> <li>d. the excavation or filling of an area of more than 5000m<sup>2</sup>.</li> </ol> </li> <li>2. Reconfiguring a lot that will not result in the creation of an additional lot.</li> </ol>	<ol style="list-style-type: none"> <li>1. Site design must avoid clearing non-juvenile koala habitat trees in areas of bushland habitat, high value rehabilitation habitat, and medium value rehabilitation habitat, with any unavoidable clearing minimised and offset 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.</li> <li>2. Site design provides safe koala movement opportunities, including koala movement infrastructure, as appropriate to the development type and habitat connectivity values of the site determined by reference to the factors for consideration in Schedule 2.</li> <li>3. Native vegetation clearing is undertaken as sequential clearing and under the guidance of a koala spotter where the native vegetation is a non-juvenile koala habitat tree.</li> <li>4. During construction phases:               <ol style="list-style-type: none"> <li>a. measures are taken in construction practices to not increase the risk of death or injury to koalas</li> <li>b. native vegetation that is cleared and in an area intended to be retained for safe koala movement opportunities is progressively restored and rehabilitated.</li> </ol> </li> <li>5. Landscaping activities provide food, shelter and movement opportunities for koalas consistent with the site design.</li> </ol>