

Koala Planning Update 2014

Regulatory Requirements and Good Practice for Planning



Before Dec 2013 In SEQ



- State planning provisions cover koala
 - Statement of Planning Policy 2/10 SEQ Koalas
 - State Planning Regulatory Provisions SEQ Koalas
 - supported by policies on offsets and government-supported infrastructure
 - *Sustainable Planning Act 2009*
 - SEQ Regional Plan
- Some Council local laws
 - animal management & vegetation protection
- Environment Protection Biodiversity Conservation Act (EPBC) triggered as MNES
- Koala listed 'vulnerable wildlife' for SEQ bioregion - Nature Conservation (Wildlife) Regulation 2006
- Nature Conservation (Koala) Conservation Plan 2006-2016 - state-wide

2014 In SEQ



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 - ~~Statement of Planning Policy 2/10 SEQ Koalas~~
 - **State Planning Policy (Biodiversity Policies)**
 - State Planning Regulatory Provisions SEQ Koalas
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Before Dec 2013 Outside SEQ



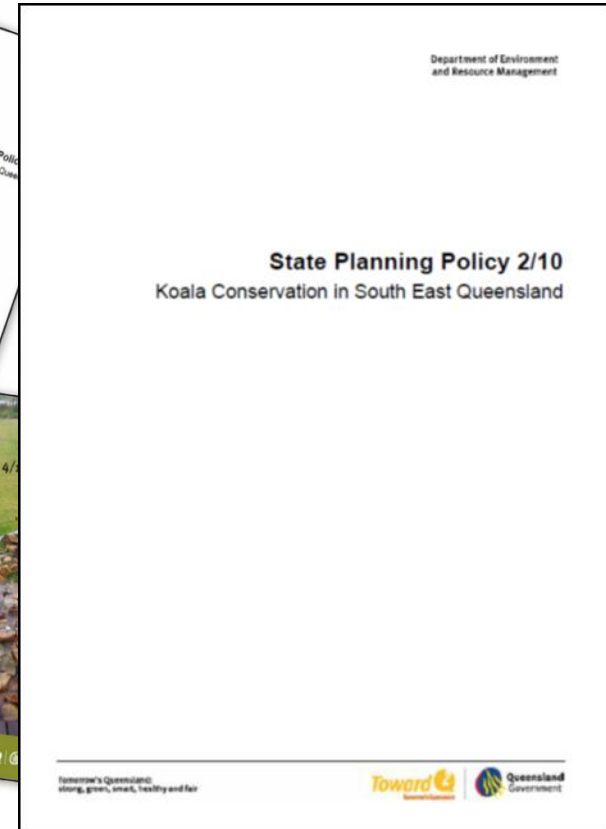
- Some Council local laws
 - animal management & vegetation protection
- Environment Protection Biodiversity Conservation Act (EPBC) – 30/4/2012
- Nature Conservation (Koala) Conservation Plan 2006-2016 - state-wide
- Koala listed “least concern wildlife”
Nature Conservation (Wildlife) Regulation 2006
- No State planning provisions protect koala

2014 Outside SEQ

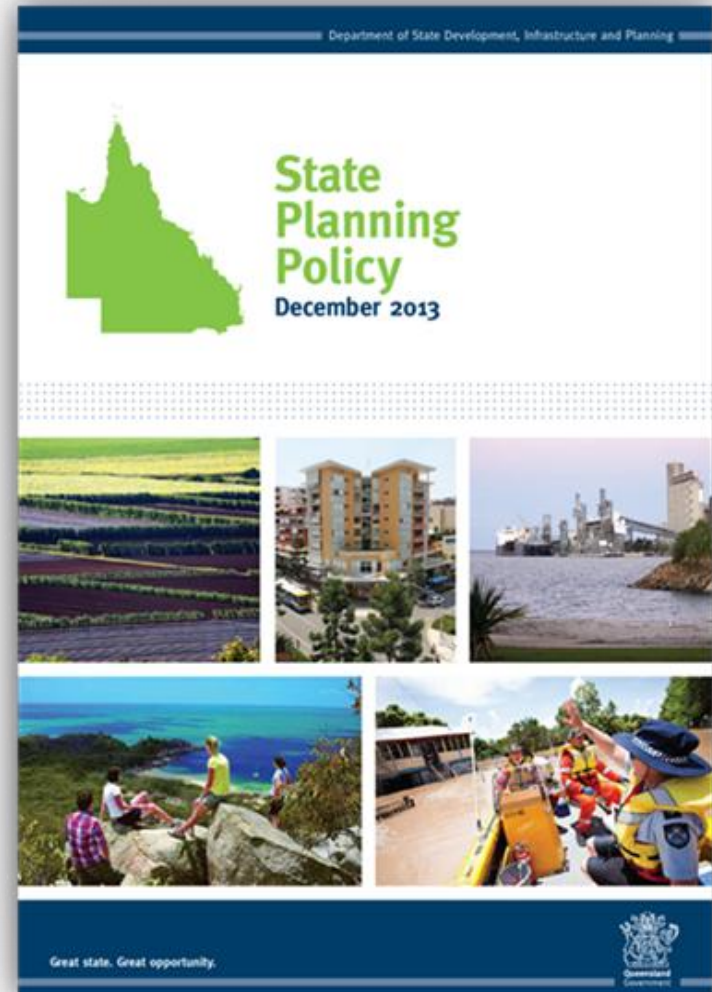


- **State Planning Policy now protects koala**
 - Koala is included as a MSES species (least concern iconic species under NCA)
 - same for platypus and echidna)
- Some Council local laws
 - animal management & vegetation protection
- Environment Protection Biodiversity Conservation Act (EPBC)
- Nature Conservation (Koala) Conservation Plan 2006-2016 - state-wide
 - Koala listed “least concern wildlife”
Nature Conservation (Wildlife) Regulation 2006

A single SPP – where it started...with 12



And now...



Sustainable Planning Act 2009

The *Sustainable Planning Act 2009* (the planning Act) is the overarching framework for Queensland's planning and development system.

Sustainable Planning Regulation 2009

The regulation supports the application of the planning Act.



State Planning Regulatory Provisions

State planning regulatory provisions (SPRP) are statutory instruments that regulate development and can apply to all or part of the state.



State Planning Policy

The State Planning Policy (SPP) is a single whole-of-government document that expresses the state's interests in land use planning and development in a comprehensive manner.



Regional Plans

Regional plans provide the strategic direction to achieve regional outcomes that align with the state's interest in land use planning and development.



**Standard Planning Scheme Provisions
(Queensland Planning Provisions)**

Standard planning scheme provisions provide a consistent format and structure for local government planning schemes across Queensland.



**Local Planning Instruments
(Planning Schemes)**

Planning schemes describe a local government's plan for the future direction of its local government area. Planning schemes provide a detailed direction focusing on community planning and aspirations, while ensuring the needs of the state and the region are incorporated.

**Planning
Hierarchy
changed**

What changed?

Guiding principles & State Interests



Part A: Introduction and policy context**Part B: Application and operation****Part C: Principles****Part D:
The state interests
and plan making
policies****Liveable communities and housing**

- Liveable communities
- Housing supply and diversity

Economic growth

- Agriculture
- Development and construction
- Mining and extractive resources
- Tourism

Environment and heritage

- Biodiversity
- Coastal environment
- Cultural heritage
- Water quality

Hazards and safety

- Emissions and hazardous activities
- Natural hazards

Infrastructure

- Energy and water supply
- State transport infrastructure
- Strategic airports and aviation facilities
- Strategic ports

SPP – Document Structure

Part E: Interim development assessment requirements**Part F: Self-assessable development code****Part G: Glossary****Part H: Appendixes**

SPP – mapping – plan making

SPP Layers State Interests Locality Search Search for Land Parcels Reset Map Identify Basemaps Draw Measure Print

SPP Interactive Mapping System (Plan Making)

- Administrative Layers
- Liveable Communities and Housing**
 - LIVEABLE COMMUNITIES
 - HOUSING SUPPLY AND DIVERSITY
- Economic Growth**
 - AGRICULTURE
 - DEVELOPMENT AND CONSTRUCTION
 - MINING AND EXTRACTIVE RESOURCES
 - TOURISM
- Environment and Heritage
 - BIODIVERSITY
 - COASTAL ENVIRONMENT
 - CULTURAL HERITAGE
 - WATER QUALITY
- Hazards and Safety
 - EMISSIONS AND HAZARDOUS ACTIVITIES
 - NATURAL HAZARDS
- Infrastructure
 - INFRASTRUCTURE FOR COMMUNITIES
 - ENERGY AND WATER SUPPLY - Bulk water supply infrastructure
 - ENERGY AND WATER SUPPLY - Major electricity infrastructure
 - STATE TRANSPORT INFRASTRUCTURE
 - STRATEGIC AIRPORTS AND AVIATION FACILITIES
 - STRATEGIC PORTS

SPP – mapping – DA

SPP Layers State Interests Locality Search Search for Land Parcels Reset Map Identify Basemaps Draw Measure Print

SPP Interactive Mapping System (DA)

Administrative Layers

- Liveable Communities and Housing
- Economic Growth
- Environment and Heritage
- Hazards and Safety

EMISSIONS AND HAZARDOUS ACTIVITIES

NATURAL HAZARDS

- All
- Flood hazard area* - Level 1 - interim floodplain assessment overlay
- Flood hazard area* - Local Government flood mapping area
- Bushfire hazard area**
 - Very high risk
 - High risk
 - Medium risk
- Coastal hazard - erosion prone area
- Coastal hazard - medium storm tide inundation area
- Coastal hazard - high storm tide inundation area

* If identified as being contained within a Local Government flood mapping area the SPP DA requirements for flood are triggered by the flood mapping contained within that Local Government's planning scheme, please refer to link below.

**Please note whilst Bushfire Hazard Areas have not been triggered they may still apply. Please turn this layer on manually.

Local Government planning schemes.

Infrastructure

- INFRASTRUCTURE FOR COMMUNITIES
- ENERGY AND WATER SUPPLY
- STATE TRANSPORT INFRASTRUCTURE

73 Gordon Street, Mackay, Mac

Mapping Layers for State Interests GSP232808

WATER QUALITY - stormwater management design objectives

NATURAL HAZARDS

- Flood hazard area* - Level 1 - interim floodplain assessment overlay
- Flood hazard area* - Local Government flood mapping area

STATE TRANSPORT INFRASTRUCTURE

- Area within 400m of a public passenger transport facility

STRATEGIC AIRPORTS AND AVIATION FACILITIES

- Operational airspace

*Please note whilst Bushfire Hazard Areas have not been triggered they may still apply. Please turn this layer on manually.

Mackay Park

SPP **changed** koala requirements outside SEQ

*“Avoid or minimise and offset’ **significant impacts** on Matters of State Environmental Significance (MSES)”*



What is MSES?

SPP defines MSES to include natural values and areas:

- **Protected areas** listed under the *NCA 1992* except ‘coordinated conservation areas’.
- **Marine parks** under the *Marine Parks Act 2004*
- **Declared fish habitats** under the Fisheries Regulation 2008.
- **Wildlife habitat-**
 - the essential habitat for wildlife listed as ‘endangered’ or ‘vulnerable’ under the *NCA 1992* and
 - the habitat for ‘special least concern animal’ (i.e. koala outside the SEQ region, echidna and platypus), under the Nature Conservation (Wildlife) Regulation 2006.

What is MSES?

- **Regulated vegetation** protected under the *VMA 1999*:
 - ‘Endangered’, ‘Of concern’ (non-urban) , or ‘Threshold’ regional ecosystems
 - Regional ecosystems that intersect with wetlands
 - on the vegetation management wetlands map or
 - watercourses on the vegetation management watercourse map
 - High value regrowth (‘Endangered’ and ‘Of Concern’ regional ecosystems):
 - on State leasehold land
 - in riverine corridors in Great Barrier Reef (GBR) catchments
 - VMA essential habitat for species listed as ‘endangered’ or ‘vulnerable’ under the NCA.

What is MSES?

- **Wetlands :**
 - in a wetland protection area & wetlands of high ecological significance (see Referrable Wetlands under EPReg 2008).
 - Wetlands within Wetlands Protection Area (GBR catchments)
 - Wetlands containing high or very high value derived from an Aquatic Conservation Assessment (ACA)
- **High ecological value (HEV) waters**
 - under the EPP (Water) 2009, schedule 2.
- **Wild rivers** (high preservation areas) *Wild Rivers Act 2005*.
- **Legally secured offset areas:**
 - covenant, easement, agreement etc.

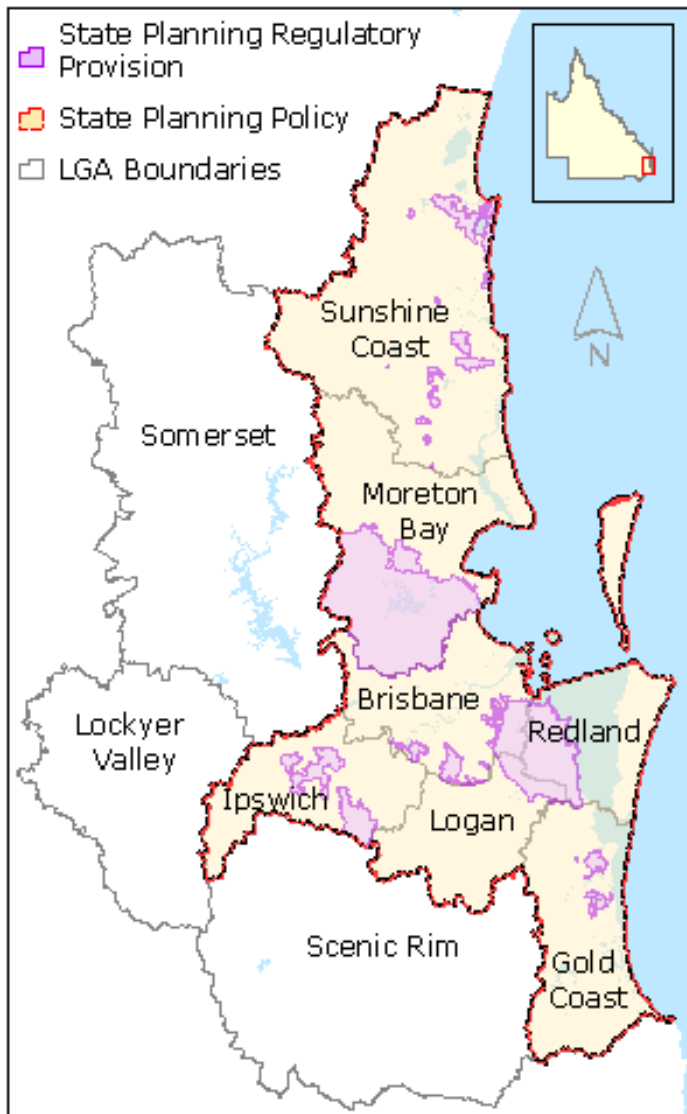
SPP **changed** koala requirements for SEQ



1. 'Avoid or minimise and offset' **significant impacts on** Matters of State Environmental Significance
2. "facilitating a net gain in **koala bushland habitat** in the SEQ region".
3. MSES is :
 1. Same as for the State but also Koala Bushland Habitat
 2. Also includes habitat for 'special least concern' animals – buffered point records for koala

SPP **refined** koala map for Eastern SEQ

1. Added **Koala bushland habitat**
 - = SPP 2/10 Con'svtn Koalas in SEQ:
 - only applied in Eastern SEQ;
 - Western SEQ not in Koala Protection Area
 - the net gain offset req't only applies to KBH
 - based on static GHD report 2009
 - some errors – dams, houses
2. Some SPP 2/10 categories no longer trigger:
 - 'Rehabilitation'
 - 'Other'



How species habitat is mapped

Hierarchy is:

- Modelled habitat – applies best available science/peer review process. About 10 species completed to date (e.g. Cassowary)
- Habitat Factors Approach – species habitat characteristics (RE, regolith, elevation & etc) within buffer of species sighting points
- Buffered species sightings points – any remnant vegetation within buffer distance of sightings point
- Rules include – removal of ‘old’ and unreliable sightings data; removal of highly mobile species.

Matters of Local Significance

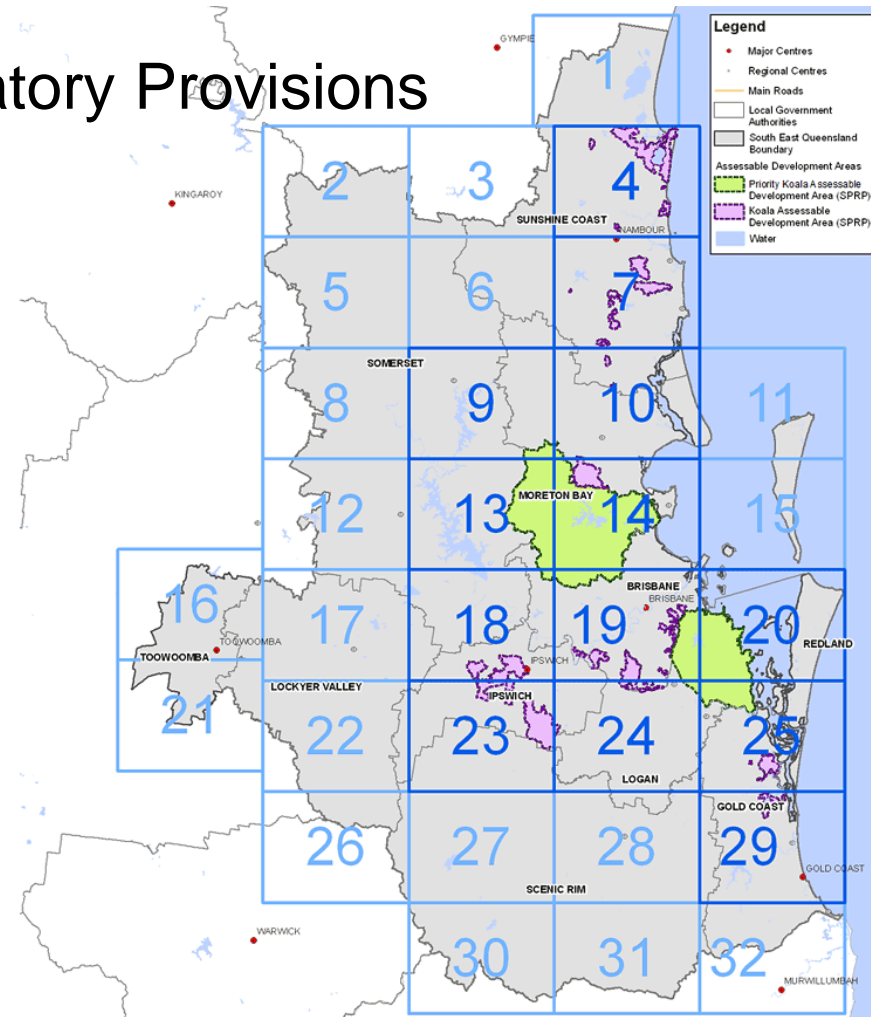
- The SPP does not affect a local government's ability to ground truth state based mapping.
- Nor does the SPP prevent a Council using its own mapping when making or amending a planning scheme.
- Local biodiversity interests can be identified in a planning scheme and codes used to avoid/minimise or offset.
- However MLES should not diminish or remove an identified MNES or MSES.

So, SPP and Planning Schemes

- Effective state wide
- Until a Council integrates SPP into its' planning scheme.
 - SPP does not say how to do this (guidelines are not must do's)
 - Any discrepancy, SPP overrides planning scheme & regional plan
- Council **must apply the** interim DA requirements
 - contained in Part E of the SPP.
 - in addition to existing relevant planning scheme requirements
- SPP is simpler - in combination with:
 - State Assessment and Referral Agency (SARA) - 1 July 2013
 - State Development Assessment Provisions (SDAP)

SEQ Koala State Planning Regulatory Provisions

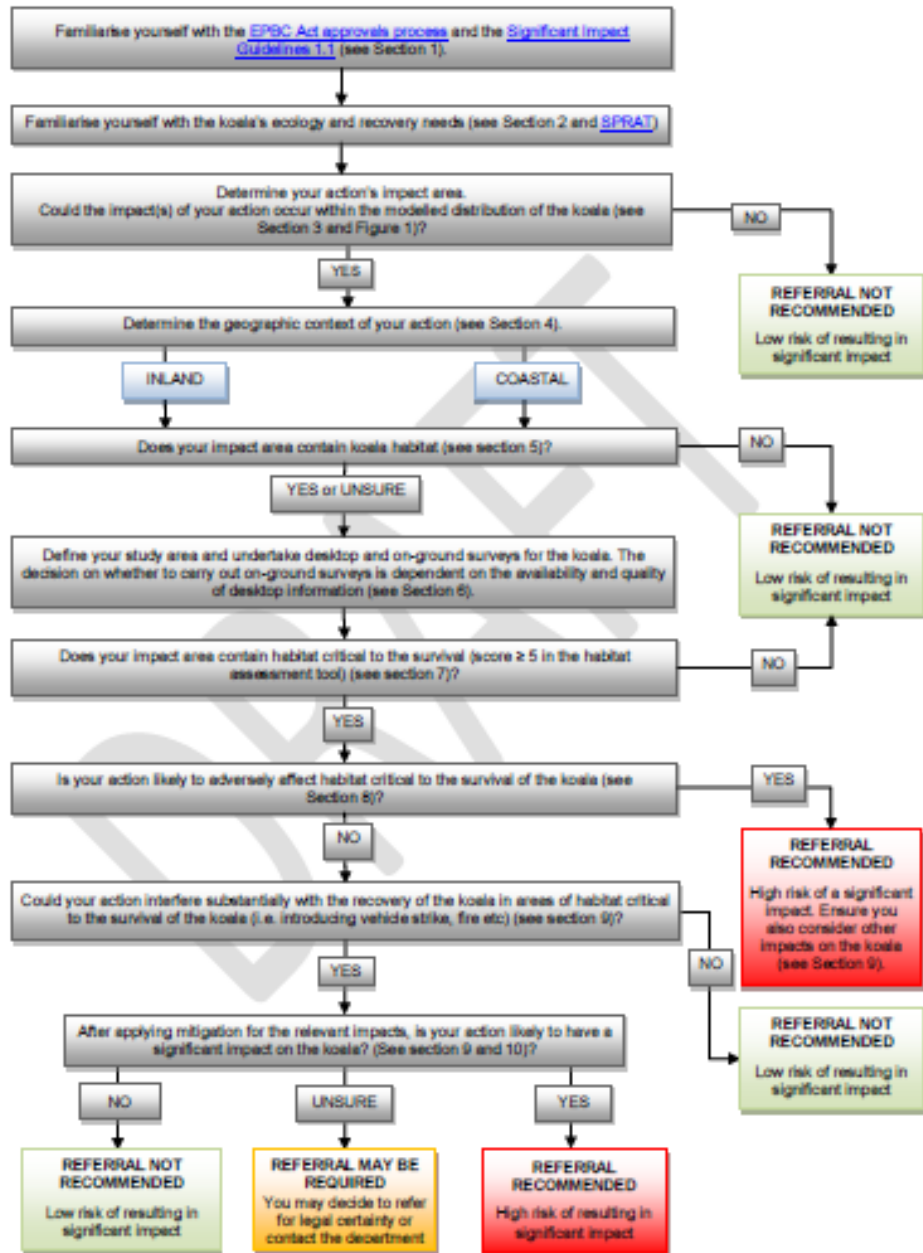
- Applies PKADA & KADA
- PKADA = Pine Rivers and the Koala Coast
- Councils assess development applications, to meet the SPRP



Environment Protection Biodiversity Conservation Act (EPBC)

- Koala (not koala habitat) listed as vulnerable under EPBC
- Department of Environment (DoE)
 - Process relies on voluntary referral, which in turn relies on self-assessment of the effects on koalas by the proponents.
 - Guidelines for project assessment (koala) in draft
 - Protected Matters Online tool for mapping
 - No cost but survey may be required
 - Fines

Figure 1: Summary of the draft EPBC Act referral guidelines for the koala.

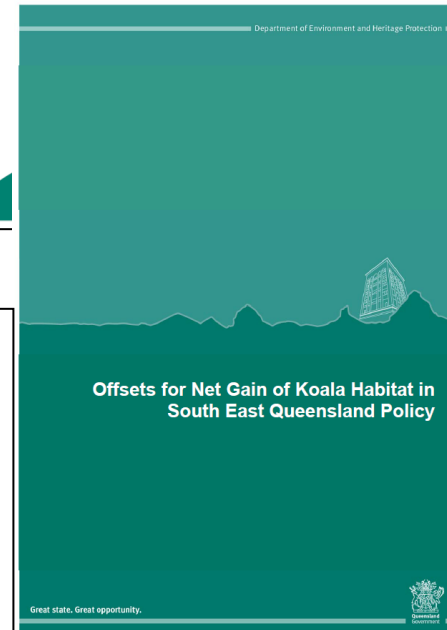
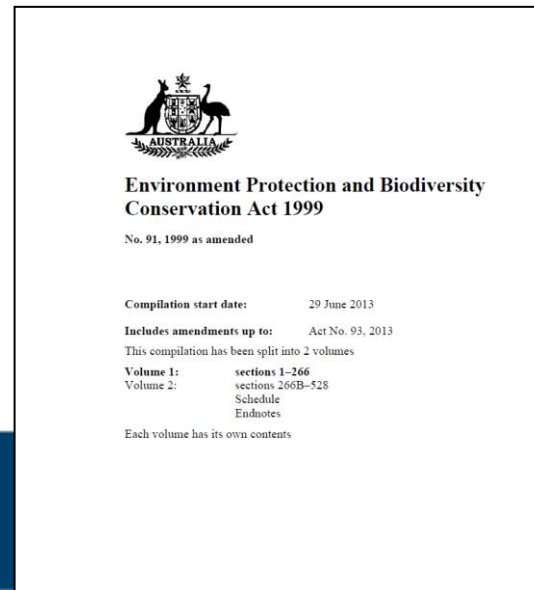
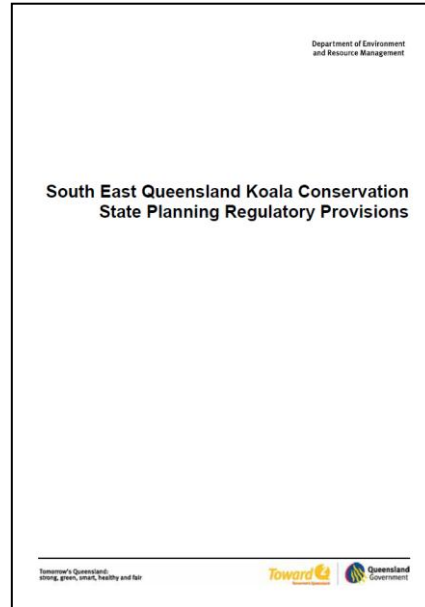


EPBC process is not simple


Where to for EPBC and koalas?

- Guidelines finalised: may answer some key questions –
 - what's an 'important population' (all in Qld?) and
 - what is a 'significant impact' (a single KHT?)
- Assessment bilateral with State – will cover all
 - Existing "Agreement between the Commonwealth of Australia and the State of Queensland relating to Environmental Impact Assessment", 13 December 2013
- Approvals bilateral with State – will cover all
 - Notice of intention 29th October 2013
- Better mapping tools, consistent methodologies

Planning now in SEQ



Planning now in SEQ



Environment Protection and Biodiversity Conservation Act 1999

No. 91, 1999 as amended


Compilation start date: 29 June 2013

Includes amendments up to: Act No. 93, 2013

This compilation has been split into 2 volumes



Volume 1: sections 1–266
Volume 2: sections 266B–528
Schedule
Endnotes

Each volume has its own contents



Australian Government
Department of the Environment


Draft EPBC Act referral guidelines for the vulnerable koala (combined populations of Queensland, New South Wales and the Australian Capital Territory)

Australian Government
Department of the Environment

Matters of National Environmental Significance

Significant impact guidelines 1.1
Environment Protection and Biodiversity Conservation Act 1999



Where 2 in SEQ? - possible change

Proposed
Single Offsets
Policy

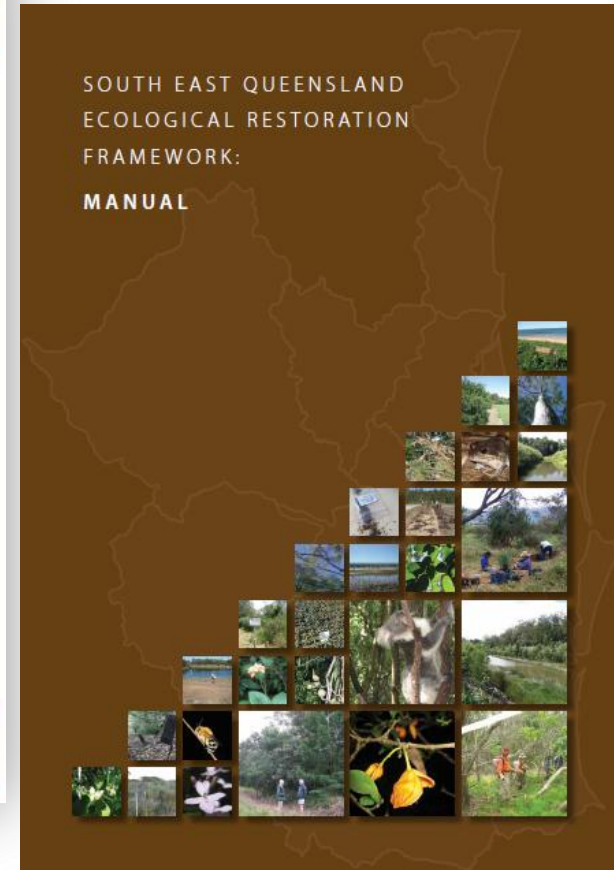
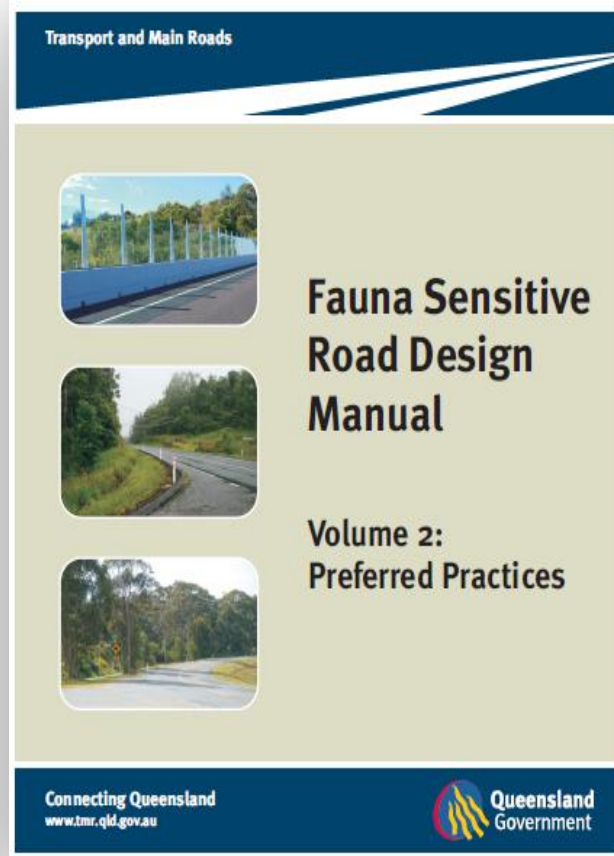
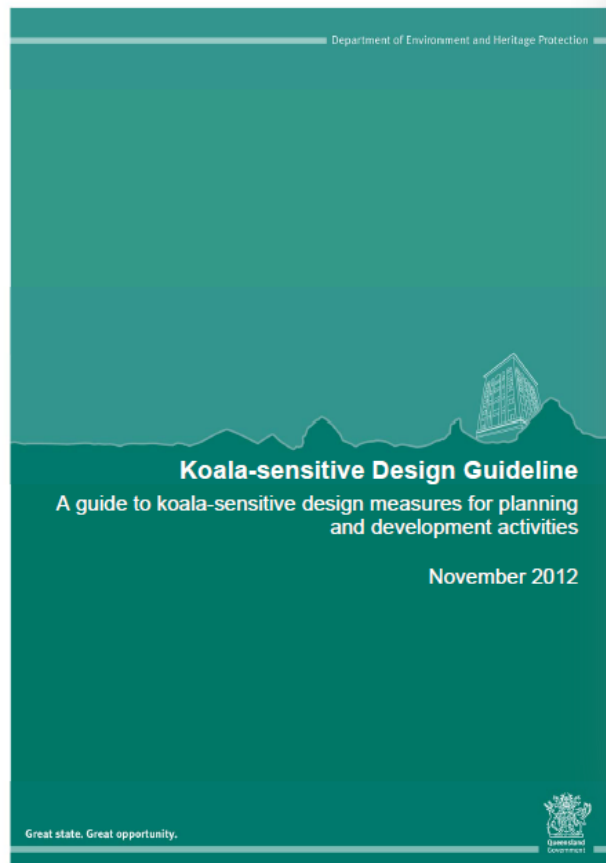
Proposed
Federal/State
Approvals
Bilateral
Agreement

SPRP SEQ
Koala
Conservation
?

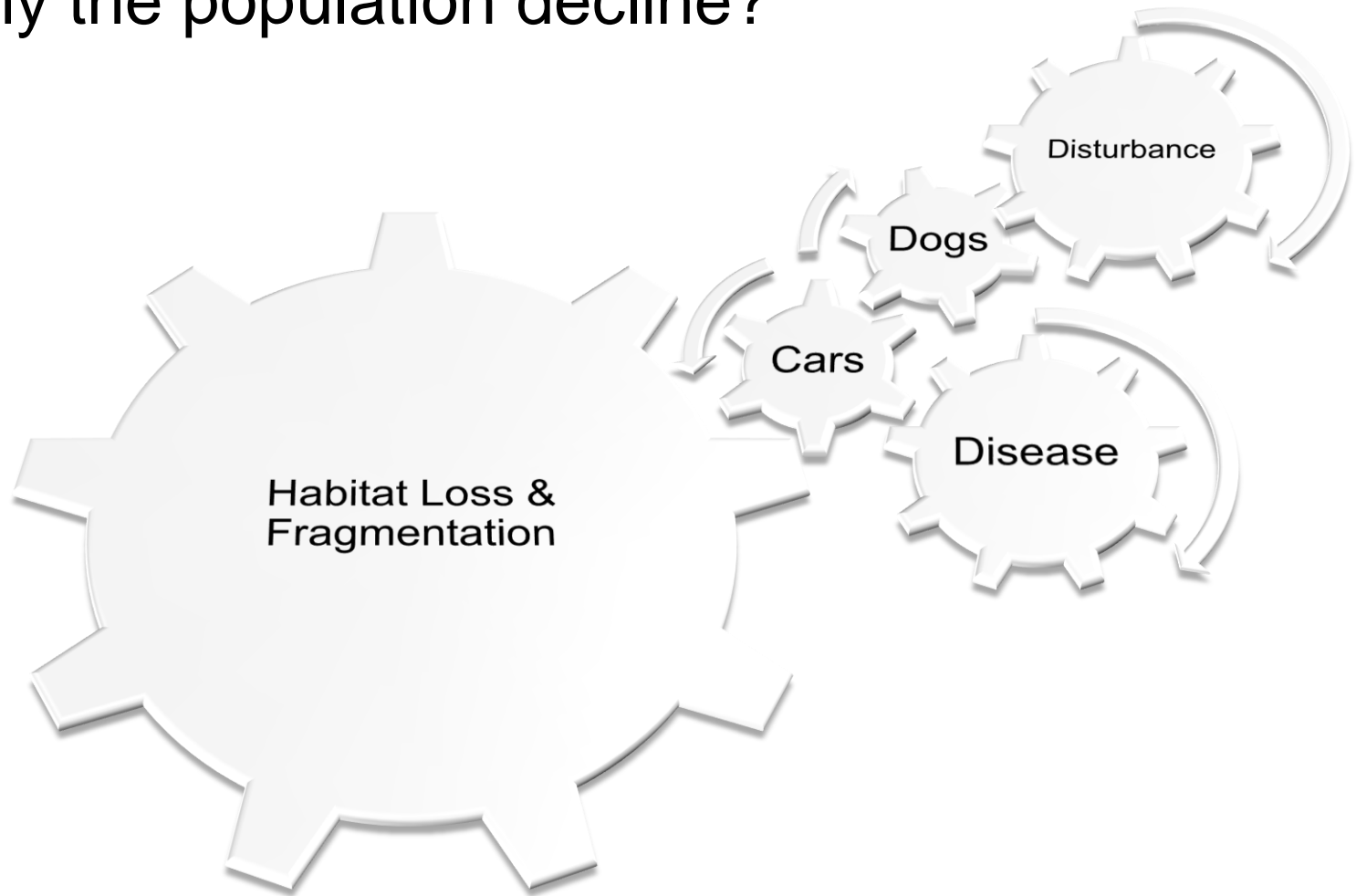
How will planners interpret all this?

- Focus “Avoid, or minimize and offset”
- Locate elsewhere, or to minimize impacts
- Use ‘best practices’ to minimize impacts
- If you must offset, then use ‘best practices’
 - New single State offsets policy expected to provide specific minimum requirements

Good practice



Why the population decline?



What planning solutions are in the above?

Retain koala habitat – more natural the better

Connect habitat, recognise corridors (for people & animals)

Provide safe movement (permeable suburbs)

Plan to overcome threats

Separate or manage vehicles and koalas (trucks, trains, cars)

Separate or manage dogs and koalas

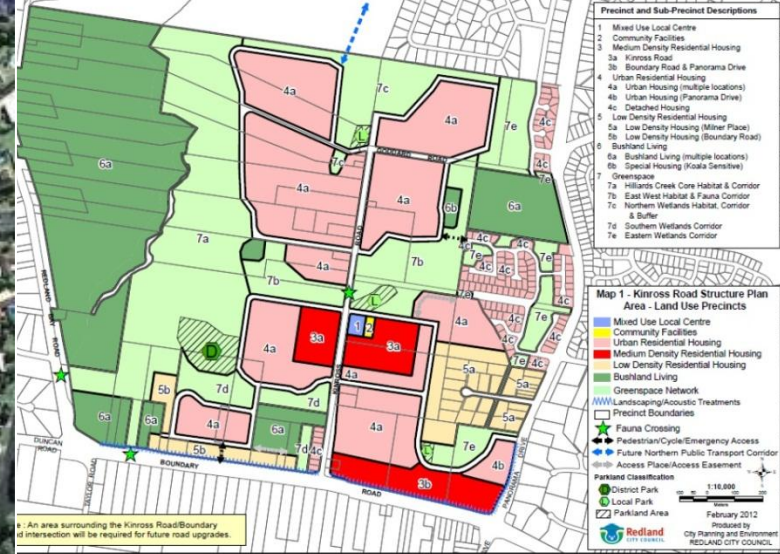
Refuge areas within reach for koalas

Recognise seasonal movement patterns of koalas

Koala hits locations mapping

Underpass retrofit (ledges, poles, lighting)

Koala fencing strategy

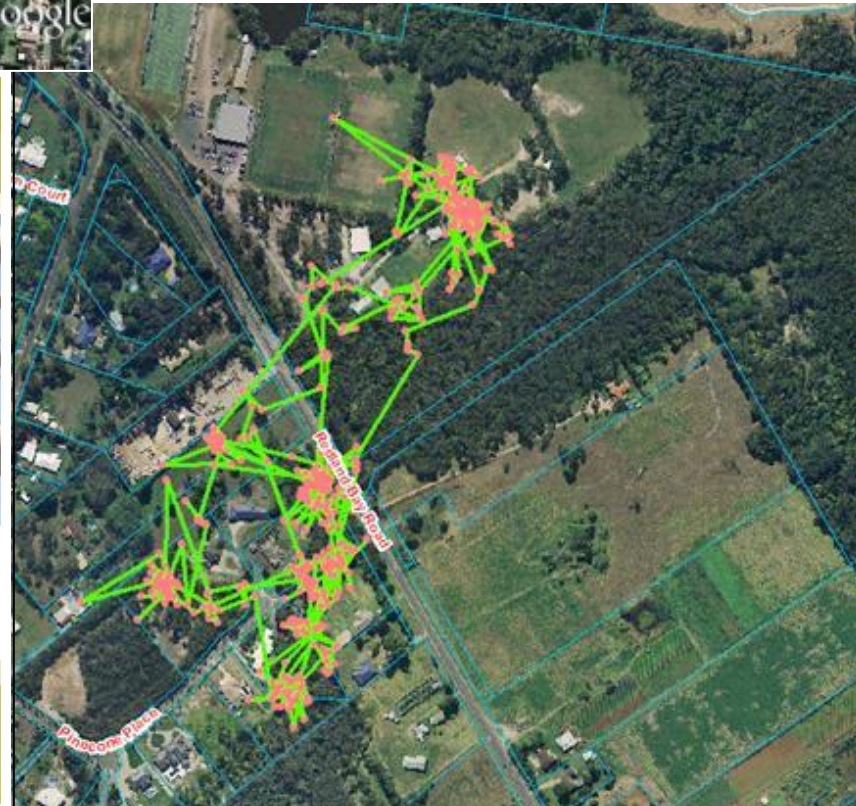


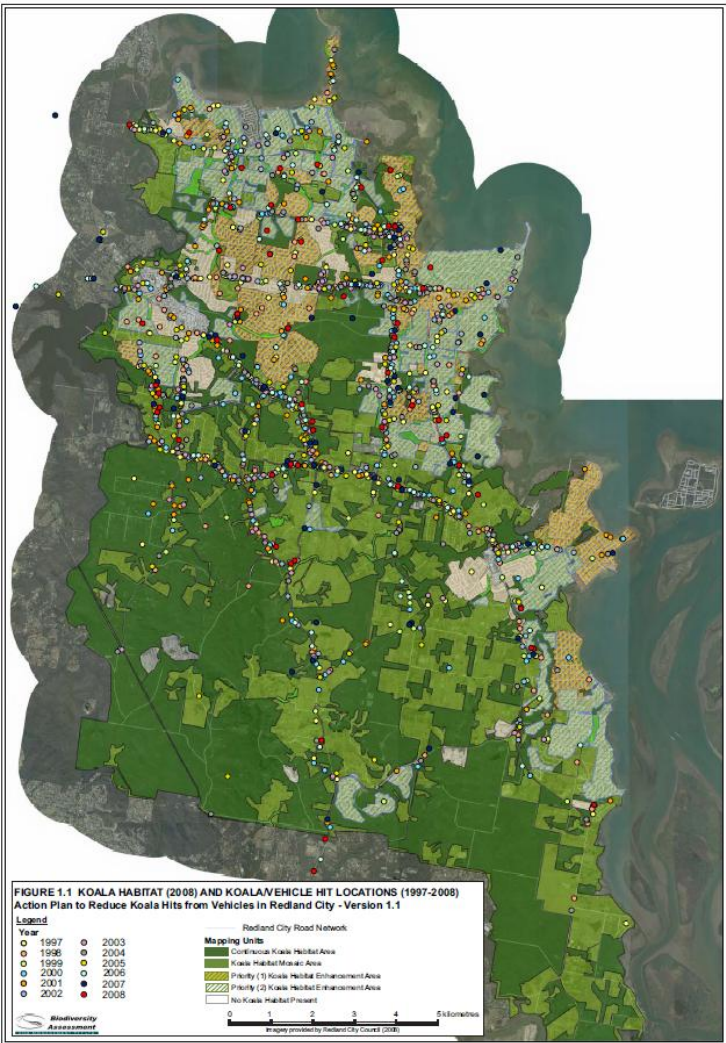
Map 1 - Kinross Road Structure Plan Land Use Precincts



Redlands Koala Policy and Implementation Strategy 2008

Working together to stop koala decline





Design solutions?

- Habitat
 - Retain or plant koala trees
 - Keep the bush natural
 - Connect habitat areas on the site & to surrounds
- Provide safe movement - permeable suburbs
- Keep development contained and separate from bush
- Separate vehicles and koalas (perimeter roads, fencing)
- Separate dogs and koalas (fencing, landscaping)
- Design in 'refuge areas' (median strips, trees, parks, poles)
- Crossing opportunities (use topography, ledges, poles, lighting)
- Have a plan for any koala fencing
- Include koala specific requirements in EMP

Credit: SMH



Credit: Darryl Jones



Great state. Great opportunity.



Wildlife Awareness



KOALAS
are active in this park during the day and at night. Please keep your dog on-leash at all times.



All enquiries 3829 8528



Construction solutions

- Locate & ensure welfare of koalas during construction
- Use spotter catchers – post ph No on site
- Don't damage koala habitat trees
- Provide safe movement
 - Don't block trees.
 - Koala permeable fencing
 - Install temporary measures (poles)
- Minimize disturbances
- Remove threats during construction
 - Fox control contractor
 - Dog control

Thank you

Warren Mortlock
Environment and Heritage Protection