



# South East Queensland Koala State Planning Regulatory Provisions

February 2010

RPS\_0302\_01



# Table of contents

<b>Division 1—Preliminary .....</b>	<b>3</b>
1.1 Short title.....	3
1.2 Definitions.....	3
1.3 When these state planning regulatory provisions do not apply .....	3
<b>Division 2—Development in the protected koala bushland habitat area.....</b>	<b>4</b>
2.1 Development in the protected koala bushland habitat area .....	4
<b>Division 3—Development in the interim koala habitat protection area .....</b>	<b>4</b>
3.1 Development in the interim koala habitat protection area.....	4
<b>Schedule 1—Maps .....</b>	<b>5</b>
<b>Schedule 2—Dictionary .....</b>	<b>5</b>
<b>Schedule 3—Determining whether development adversely affects movement of koalas through a koala movement corridor .....</b>	<b>6</b>
<b>Schedule 4—Koala Habitat Management Plan.....</b>	<b>7</b>
4.1 Purpose of a Koala Habitat Management Plan.....	7
4.2 What information should be included in a KHMP? .....	7
4.2.1 KHMP plan of layout .....	7
4.2.2 KHMP supporting text .....	8
4.3 Identification of an offset area.....	8
4.4 Securement of the necessary offset .....	8



# Division 1—Preliminary

## 1.1 Short title

These state planning regulatory provisions may be cited as the *South East Queensland Koala State Planning Regulatory Provisions (February 2010)*.

## 1.2 Definitions

The words used in these state planning regulatory provisions have the meaning given in the *Sustainable Planning Act 2009*, schedule 3 unless otherwise defined in schedule 2.

## 1.3 When these state planning regulatory provisions do not apply

- (1) Subject to subsection (3), these state planning regulatory provisions do not apply to the following—
  - (a) a development application that was properly made before the day these state planning regulatory provisions commenced;
  - (b) development carried out under a development approval that has not lapsed for a development application that was properly made before the day these state planning regulatory provisions commenced;
  - (c) development mentioned in the *Sustainable Planning Regulation 2009*, schedule 4;
  - (d) development that is generally in accordance with a rezoning approval given under the repealed *Local Government (Planning and Environment) Act 1990*, section 4.5(6), 4.8(6), 4.10(6) or 8.10(9A) or the *Integrated Planning Act 1997*, section 6.1.26;
  - (e) development that is generally in accordance with a rezoning approval given under the repealed *Local Government Act 1936*, section 33(5)(K), to which section 33(5)(M) also applied;
  - (f) development that is—
    - (i) declared to be a significant project under the *State Development and Public Works Organisation Act 1971*, section 26(1)(a); or
    - (ii) in a state development area under the *State Development and Public Works Organisation Act 1971*.
- (2) These state planning regulatory provisions also do not apply to a development application made for development that is consistent with development mentioned in subsections (1)(b) to (f).
- (3) Subsection (1)(d) and (e) apply only if—
  - (a) the development rights conferred by the resulting zone have been preserved under a planning scheme; or



- (b) a development permit is given in respect of the land for a development application (superseded planning scheme) where the superseded planning scheme preserved the development rights conferred by the resulting zone;
- (c) an acknowledgement notice is given in respect of the land under section 3.2.5(1)(a) of the *Integrated Planning Act 1997*, where the superseded planning scheme preserved the development rights conferred by the resulting zone;
- (d) the local government agrees to a request under section 95(1)(a) of the *Sustainable Planning Act 2009*, where the superseded planning scheme to which the request relates preserved the development rights conferred by the resulting zone.

## Division 2—Development in the protected koala bushland habitat area

### 2.1 Development in the protected koala bushland habitat area

All development is prohibited development to the extent it is carried out in the protected koala bushland habitat area, unless:

- (a) the development is for a private residence on a lot; or
- (b) the development will result in the clearing of no more than 500m<sup>2</sup> of native vegetation; or
- (c) the development is for community infrastructure carried out by on or behalf of a public sector entity.

## Division 3—Development in the interim koala habitat protection area

### 3.1 Development in the interim koala habitat protection area

- (1) Division 3 does not apply to a development application for development carried out in the interim koala habitat protection area and mentioned in column 1 of table 1.

*Note: as division 3 does not apply to a development application mentioned in subsection (1), these applications will not be required to be referred to the chief executive administering the Sustainable Planning Act 2009 under schedule 7, table 3, item 20 of the Sustainable Planning Regulation 2009.*



- (2) Subsection (3) applies to a development application for development that is a material change of use, reconfiguring a lot or operational work that is carried out in the interim koala habitat protection area and not mentioned in column 1 of table 1.
- (3) The development must comply with the assessment criteria listed in column 2 or column 3 of table 1.

<b>Table 1—Development in the interim koala habitat protection area</b>		
<b>Column 1 Development to which division 3 does not apply</b>	<b>Column 2 Assessment criteria for assessable development</b>	<b>Column 3 Assessment criteria for assessable development</b>
<ol style="list-style-type: none"> <li>1. Development for a private residence on a lot.</li> <li>2. Development on premises that will result in:               <ol style="list-style-type: none"> <li>(a) a gross floor area of no more than 500m<sup>2</sup>; and</li> <li>(b) the clearing of no more than 2500m<sup>2</sup> of native vegetation; and</li> <li>(c) the excavation or filling of an area no more than 5000m<sup>2</sup>; and</li> <li>(d) no loss of mature koala habitat trees.</li> </ol> </li> <li>3. Reconfiguring a lot that will not result in the creation of an additional lot.</li> </ol>	<p>Having regard to the matters specified in schedule 3, development does not adversely affect movement of koalas through a koala movement corridor.</p>	<p>Development must:</p> <ol style="list-style-type: none"> <li>1. be consistent with the proposed biodiversity outcomes in a planning scheme for the premises; and</li> <li>2. maximise opportunities for safe koala movement through its design and layout; and</li> <li>3. in accordance with a koala habitat management plan, offset the loss of mature koala habitat trees through replanting koala habitat trees at a rate of 1 tree for every 1 metre height of tree lost, occurring either:               <ol style="list-style-type: none"> <li>(a) on-site; or if this is not possible;</li> <li>(b) off-site.</li> </ol> </li> </ol>

## Schedule 1—Maps

South East Queensland Koala Habitat regulatory maps (February 2010) numbered SEQKH1, SEQKH3, SEQKH4, SEQKH6, SEQKH7, SEQKH9, SEQKH10, SEQKH13, SEQKH14, SEQKH18, SEQKH19, SEQKH20, SEQKH22, SEQKH23, SEQKH24, SEQKH25, SEQKH28, SEQKH29 and SEQKH32, as shown on the SEQKH Key Map.

## Schedule 2—Dictionary

- **gross floor area** means the total floor area of all storeys of a building measured from the outside of the external walls or the centre of a common wall



- **interim koala habitat protection area** means an area shown as an interim koala habitat protection area on maps mentioned in schedule 1  
*Note: the interim koala habitat protection area may include areas of relatively intact and/or fragmented remnant and non-remnant regrowth native vegetation (eucalypt-dominated forest/woodlands) and cleared areas, with varied levels of connectivity. It also contains areas with varied koala habitat values and/or koala densities (relative to the local government area). The interim koala habitat protection area identifies certain areas mapped under the Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006 – 2016.*
- **KHMP** means a koala habitat management plan
- **koala habitat tree** means a tree of any of the following genera—
  - Angophora;
  - Corymbia;
  - Eucalyptus;
  - Lophostemon;
  - Melaleuca.
- **koala habitat management plan** is a plan prepared under schedule 4
- **koala movement corridor** means an area which forms a connecting link for koala movement across the landscape, including habitat and vegetation which forms mosaic, contiguous or stepping stone corridors
- **mature koala habitat tree** means a koala habitat tree that has a height of more than 4 metres, or a trunk with a diameter of more than 10 centimetres at 1.3 metres above the ground, or both
- **private residence** means a residential activity limited to no more than—
  - (a) a private residence; and
  - (b) a secondary residence (e.g. granny flat); and
  - (c) a manager’s residence.
- **protected koala bushland habitat area** means an area shown as a protected koala bushland habitat area on maps mentioned in schedule 1  
*Note: the protected koala bushland habitat area is to include areas of relatively intact remnant and non-remnant regrowth native vegetation (eucalypt-dominated forest and woodlands).*

## Schedule 3—Determining whether development adversely affects movement of koalas through a koala movement corridor

Determining whether development adversely affects movement of koalas through a koala movement corridor requires an assessment of whether there is any connectivity value for koala movement through the landscape, including movement within and between interim koala habitat protection areas and/or protected koala bushland habitat. This may require an ecological assessment to determine the koala habitat values and the distribution and density of koalas across the site.

The key factors which will assist in determining the connectivity value of an area as a koala movement corridor, include:

- (a) areas of ecological significance;
- (b) waterway and ecological corridors;
- (c) koala habitat areas;
- (d) site attributes; including specific habitat/vegetation type, condition and conservation status.



Factors which diminish an area's connectivity value for koala movement, include;

- (a) edge effects and other indirect impacts of development on ecological features;
- (b) the presence of infrastructure and services such as roads, which present barriers for koala movement and dispersal.

## Schedule 4—Koala Habitat Management Plan

### 4.1 Purpose of a Koala Habitat Management Plan

The purpose of a KHMP is to demonstrate how koala habitat values are to be protected or enhanced, including how the threats to koala habitat values will be removed or mitigated. It will describe the actions and processes that will be undertaken to manage habitat and vegetation before, during and after construction at a development site and, if required, additional actions and processes off-site.

### 4.2 What information should be included in a KHMP?

A KHMP usually comprises a plan of layout and supporting text.

#### 4.2.1 KHMP plan of layout

The following are standard features of a plan of layout:

- title
- identification number
- orientation
- date drawn
- scale (usually 1:1000)
- legend
- cadastral/ property boundaries and dimensions adequate to interpret the plan
- layout of development, including a building or development envelope (BE or DE) where appropriate
- location, description and extent of habitat/ vegetation to be retained, cleared, and planted
- location of protective fences and/ or other vegetation protection measures e.g. tree guards and retaining clumps of trees for wind and storm protection
- location of fauna-friendly fencing/fauna movement facilitation structures and fauna exclusion fencing
- existing and proposed alignments of services and infrastructure, with potential to act as barriers or impediments to koala movement
- in addition, the following may also need to be shown:
  - contours
  - drainage lines
  - waterway corridors
  - location/ type of erosion control measure



## 4.2.2 KHMP supporting text

The supporting text is a critical component of a KHMP and reports on the four main steps of koala habitat management processes, including:

- project management
- vegetation protection
- vegetation clearing and disposal
- habitat and vegetation rehabilitation, maintenance and monitoring.

## 4.3 Identification of an offset area

The applicant must identify an appropriate offset area which will provide long term benefit for koalas.

The KHMP is to identify the location, description and extent of habitat and vegetation to be retained and rehabilitated.

## 4.4 Securement of the necessary offset

The KHMP is to outline how the offset area is to be secured, achieving long term protection. Protection may be achieved by, for example, one or more of the following—

- a covenant under the *Land Act 1994* or the *Land Title Act 1994*;
- a conservation agreement under the *Nature Conservation Act 1992*;
- inviting declaration of an area of high conservation value under the *Vegetation Management Act 1999* (that identifies vegetation that cannot be cleared);
- gifting the area to the State (if acceptable to the Department of Environment and Resource Management) or local government for the purpose of inclusion in the protected area or parkland estate; or
- proposing its inclusion within a zone under a planning scheme, which has a biodiversity/conservation intent.