

State Government Supported Infrastructure

Koala Conservation Policy

July 2017

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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 infrastructure.

2 Background

This policy is to ensure that State activities not regulated through planning schemes or in accordance with the koala assessment benchmarks in Schedule 11 of the Planning Regulation 2017 (i.e. previously regulated under the repealed 'South East Queensland Koala Conservation State Planning Regulatory Provisions), meet the same requirements as the Planning Regulation 2017, to ensure equitable treatment of State and non-State infrastructure projects.

3 Authority

This policy was endorsed by the Premier as a whole-of-Government policy on 30 August 2012.

The Minister for Environment and Heritage Protection has made two subsequent amendments to this policy:

- First, in July 2014 to align with the introduction of the *Environmental Offsets Act 2014*.
- Second, in July 2017 to align with the introduction of the *Planning Act 2016*.

4 Application

This policy applies to the planning and delivery of all Queensland Government supported infrastructure projects, identified as any type of infrastructure listed under Schedule 5 of the Planning Regulation, within the South East Queensland Koala Protection Area (SEQKPA) that is not otherwise regulated or where no development approval is required (i.e. accepted development under the *Planning Act 2016*). Schedule 1 includes activities which are not subject to this policy.

Note: Maintenance and repair works that are undertaken to maintain existing assets in working condition and that do not enhance the asset significantly or extend its useful life do not apply to this policy. This is in contrast to capital works on existing assets which will substantially change or improve the asset through expansion or upgrade.

All other State infrastructure activities, identified as a type of infrastructure listed under Schedule 5 of the Planning Regulation, within the SEQKPA must undertake a self-assessment and comply with the requirements of either:

- the outcomes specified in the Infrastructure Assessment Criteria (Table 1) of this policy; 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 (MOU)

Using a MOU as an alternative for compliance with requirements of the Infrastructure Assessment Criteria is only appropriate where the chief executive is satisfied that complete compliance would significantly impact on the State's ability to deliver important infrastructure projects.

Variances from the Infrastructure Assessment Criteria 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 Queensland Government supported infrastructure in the SEQKPA is to be carried out in a way that reduces adverse impacts on 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 infrastructure providers must:

1. commit to planning, developing, and delivering infrastructure that ensures the extent and condition of koala habitat in south east Queensland is protected and enhanced to maintain a viable population of koalas in the wild
2. ensure infrastructure is planned and developed in accordance with the requirements detailed in the Infrastructure Assessment Criteria to the extent practicable under legislative arrangements or in accordance with an endorsed MOU
3. ensure compliance with the Infrastructure Assessment Criteria of this policy 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 Infrastructure Assessment criteria 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 provide a conservation outcome for significant residual impacts to koala habitat arising from the delivery of infrastructure projects, according to relevant requirements of the Environmental Offsets Policy and *Environmental Offset Act 2014*
6. agree that the department administering the *Nature Conservation Act 1992* (the Department of Environment and Heritage Protection (EHP)) will exercise a review and assessment role to assist with compliance of this policy.

7 Responsibilities

EHP undertakes to:

- notify government supported infrastructure providers of any amendments to the Infrastructure Assessment Criteria including but not limited to, amendments to the map of koala habitat values
- provide advice to government supported infrastructure providers about development solutions that will help achieve the requirements of the Infrastructure Assessment Criteria
- conduct an annual review of government supported infrastructure activities 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 EHP to contribute to the conservation of koala populations in South East Queensland.

Government supported infrastructure providers undertake to:

- self-assess their obligations under this policy and in accordance with any associated guidelines
- maintain accurate records of self-assessment appropriate for assessment and reporting purposes
- provide access to those records and any other relevant information used in the self-assessment of infrastructure requirements under the policy for the purposes of an annual review and assessment process
- provide environmental offsets as required by the Environmental Offset Policy
- where offsets are provided by planting new koala trees, ensure plantings are secured in a way consistent with section 29 of *Environmental Offsets Act 2014*.

Note: If a financial contribution is proposed for offsetting the clearing of koala habitat trees, the money is payable to EHP.

To request an invoice to make this payment, please visit the EHP website
www.ehp.qld.gov.au/management/environmental-offsets/offset-payments.html.

Complete the Invoice request for Koala Offsets form and send it to seqkoala@ehp.qld.gov.au.

8 Effective date

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

9 Infrastructure assessment Criteria

The Infrastructure assessment Criteria apply to State Government supported infrastructure activities in any koala habitat value type within the SEQKPA.

The map of koala habitat values shows koala habitat values across the SEQKPA and includes all of the following local government areas:

- Sunshine Coast Regional Council
- Moreton Bay Regional Council
- Brisbane City Council
- Redland City Council
- Ipswich City Council
- Logan City Council
- Gold Coast City Council
- Noosa Shire Council

Activities to which this policy applies must comply with the assessment criteria listed in Table 1, Infrastructure Assessment Criteria.

Table 1. Infrastructure Assessment Criteria

Column 1— Infrastructure activities to which column 2 does not apply	Column 2—Assessment criteria for infrastructure activities
<ol style="list-style-type: none"> 1. Development that results in— <ol style="list-style-type: none"> (i) A total area of 500m² or less being cleared of native vegetation (ii) A development footprint of 500m² or less (iii) A total area of 5000m² or less of gravel, rock or sand being extracted (iv) A total area of 5000m² or less being excavated or filled. 2. Reconfiguring a lot that will not result in the creation of an additional lot. 	<ol style="list-style-type: none"> 1. Development does not involve clearing non-juvenile koala habitat trees in an area that— <ol style="list-style-type: none"> (i) is a bushland habitat area, or (ii) is a high value rehabilitation area, (iii) is a medium value rehabilitation habitat area. 2. If the clearing of non-juvenile koala habitat trees cannot be avoided— <ol style="list-style-type: none"> (i) the area of clearing is minimised, (ii) any significant residual impact of the clearing is offset. <p>The size and other characteristics of the offset must be as required by the Environmental Offset Policy.</p> <p>Where an offset is delivered as a land based offset, the site must be secured as a legally secured offset area as defined by section 29 of the <i>Environmental Offsets Act 2014</i> (other than as Environmental Offset Protection Area).</p> 2. Site design provides safe koala-movement measures, including koala-movement infrastructure, as appropriate to the development type, and habitat connectivity values of the site identified in Schedule 2 of this policy. 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. 4. During construction phases: <ol style="list-style-type: none"> a. Measures are taken in construction practices to not increase the risk of death or injury to koalas. b. Native vegetation that is cleared and in an area intended to be retained for safe koala movement opportunities in progressively restored and rehabilitated. 5. Landscaping activities provide food, shelter and movement opportunities for koalas consistent with the site design.

10 Transitional arrangements

Freeze on clearing and disposal of State-owned land

A freeze on the clearing of koala habitat trees on State-owned land and the disposal of State-owned land was announced in 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, infrastructure activities that were assessed against the State land freeze and a determination made by the former 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 EHP to determine if a project has been considered under the State-land freeze.

Where the Queensland Government supported 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 EHP for assessment and consideration by the Minister for Environment and Heritage Protection.

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 2. 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 Infrastructure Koala Conservation Policy. For infrastructure Designations - State Planning Policy	Requirements of local government planning schemes and relevant State requirements. May comply with State Planning Policy 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.

Further information

Should you require any further information or clarification, please contact Department of Environment and Heritage Protection.

11 Definitions/glossary of terms

The dictionary in Schedule 24 of the *Planning Act 2016* defines words used in this policy, unless otherwise defined below:

Area where koalas are generally not present means an area:

- that is mapped on the maps of South East Queensland Koala Protection Area koala habitat values as an area where koalas are generally not present; or
- that:
 - has a land cover composition that is dominated by bare and impervious surfaces; and
 - is unsuitable for maintaining koala populations due to the alienation of any suitable koala habitat and high level of threats within a hostile matrix; and
 - generally does not have any koalas present at the scale of tens of thousands of hectares.

Bushland habitat means:

- a. an area in the SEQ region shown as any of the following on a map of koala habitat values—
 - (a) high value bushland;
 - (b) medium value bushland;
 - (c) low value bushland; or
- b. an area:
 - (i) that is 2ha or more, or less than 2ha but within 50m of bushland; and
 - (ii) contains mainly forested areas of native vegetation, including areas ranging from closed canopy forest to open woodland; and
 - (iii) contains a variety of trees of the *Eucalyptus* genus typically used by koalas for food, shelter, movement or dispersal; and
 - (iv) is not a plantation forest.

Infrastructure activities are any type of activity listed under Schedule 5 of the Planning Regulation 2017.

Environmental Offsets Act 2014 s29 specifies the ways in which an offset site may be legally secured.

Environmental Offsets Policy is the current version of the policy approved under section 12 of the *Environmental Offsets Act 2014* by the chief executive under that Act.

Government supported infrastructure is an infrastructure activity 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.

High value rehabilitation habitat is an area that is rehabilitation habitat with a high koala habitat value as shown on the maps of South East Queensland Koala Protection Area koala habitat values.

Habitat connectivity value of premises means the same as under the Planning Regulation 2017.

Koala habitat tree means:

- a. a food tree of the *Corymbia*, or *Melaleuca*, or *Lophostemon* or *Eucalyptus* genera; or
- b. a preferred shelter species such as *Angophora* genera.

Koala spotter means a person who has demonstrated experience in locating koalas in koala habitats or conducting fauna surveys.

Medium value rehabilitation habitat means rehabilitation habitat with a medium koala habitat value as shown on the maps of South East Queensland Koala Protection Area koala habitat values.

Non-juvenile koala habitat tree is a koala habitat tree that has:

- a. a height of more than four metres; or
- b. a trunk with a circumference of more than 31.5 cm at 1.3 m above the ground.

Other area of habitat value means an area that:

- a. is mapped as an other area of habitat value on the South East Queensland Koala Protection Area koala habitat values; or
- b. is an area of habitat other than intact, contiguous native vegetation on a lot less than 0.5 ha in size that:
 - i. has a land cover composition comprising of a mix of forest, scattered trees, grass and bare surfaces; and
 - ii. provides koala populations with food and shelter trees while allowing for day-to-day movement, dispersal and genetic exchange.

Public sector entity means the same as in the *Planning Act 2016*:

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.

2. Public sector entity includes a government owned corporation.

Rehabilitation habitat is an area that is:

- a. mapped as rehabilitation habitat on the maps of South East Queensland Koala Protection Area koala habitat values; or
- b. an area of habitat other than intact, contiguous native vegetation on a lot equal to or larger than 0.5 ha in size that:
 - i. has a land cover composition comprising of a mix of forest, scattered trees, grass and bare surfaces; and
 - ii. provides koala populations with food and shelter trees while allowing for day-to-day movement, dispersal and genetic exchange.

Safe koala movement opportunity is a measure that is intended to:

- a. minimise threats to resident and transient koalas; or
- b. achieve permeability to provide for the safe movement of koalas within and across a site; or c. provide food or refuge sources for koalas.

Sequential clearing is the clearing of vegetation that:

- a. is carried out in a way that ensures koalas on the area being cleared have enough time to move out of the clearing site without human intervention and, for sites with an area of more than three hectares, involves:
 - i. carrying out the clearing in stages; and
 - ii. ensuring not more than the following is cleared in any one stage:
 - 1. for a clearing site with an area of 6 ha or less—50 per cent of the site's area
 - 2. for a clearing site with an area of more than 6 ha—3 ha or three per cent of the site's area, whichever is the greater; and
 - iii. ensuring that between each stage and the next there is at least one period of 12 hours that starts at 6.00pm on a day and ends at 6.00am on the following day, during which no trees are cleared on the site
- b. is carried out in a way that ensures, while the clearing is being carried out, appropriate habitat links are maintained within the clearing site and between the site and its adjacent areas, to allow koalas living on the site to move out of the site; and
- c. ensures that no tree in which a koala is present, or a tree with a crown overlapping a tree in which a koala is present, is cleared.

Site design is the configuration of a development, including for example the following:

- a. the location of infrastructure, such as buildings, roads and access tracks, fences and constructed waterways;
- b. the location of essential firebreaks and fire management lines;
- c. areas of open space or subject to landscaping; and d. undeveloped areas of the site.

South-East Queensland Koala Protection Area is defined as the following local government areas:

- Sunshine Coast Region
- Moreton Bay Region
- Brisbane City
- Ipswich City
- Logan City
- Redland City
- Gold Coast City
- Noosa Shire Council

Schedule 1 – Activities exempted or otherwise regulated

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 10 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 the Queensland government general land policies administered by the Property Management Committee.

Activities below thresholds

Activities which do not meet thresholds regulated by the Infrastructure Assessment Criteria are not intended to be regulated by this policy. These are activities that result in:

- the clearing of native vegetation that will result in a total cleared area of less than 500m²
- a new building and any reasonably associated infrastructure with a total development footprint of less than 500m²
- an extension to an existing building and any reasonably associated infrastructure if the extension results in a total development footprint of less than 500m²
- extracting gravel, rock or sand from an area of less than 5000m²
- excavating or filling an area of less than 5000m².

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.

Schedule 2 – Determining habitat connectivity value for koala movement

To determine the habitat connectivity values of the site, with regards to facilitating koala movement through the landscape, the following factors should be taken into consideration:

1. The site's location with regards to the following:
 - a. areas of vegetation that are a koala habitat type—with particular focus on bushland habitat, high value rehabilitation habitat, and medium value rehabilitation habitat
 - b. areas that are remnant or regulated regrowth regional ecosystems where koalas are known to occur
 - c. areas of ecological significance
 - d. waterway and ecological corridors.
2. The attributes of the site, including the following:
 - a. presence of koalas
 - b. condition of the habitat
 - c. the presence of any of the following on the site:
 - i. waterway and ecological corridors
 - ii. areas that are remnant or regulated regrowth regional ecosystems where koalas are known to occur.
3. Any factors which diminish the site's habitat connectivity value for koala movement, including:
 - 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.