

# **STATE PLANNING POLICY 1/97**

## **Conservation of koalas in the Koala Coast**



QUEENSLAND GOVERNMENT

*Local Government (Planning and Environment) Act 1990*

**RESCINDING OF STATE PLANNING POLICY 1/95  
(CONSERVATION OF KOALAS IN THE KOALA COAST) ORDER**

**Short Title**

1. This Order in Council may be cited as the Rescinding of State Planning Policy 1/95 (Conservation of Koalas in the Koala Coast) Order.

**Commencement**

2. This Order in Council commences on 3 October 1997.

**Rescinding of State Planning Policy**

3. State Planning Policy No. 1 of 1995 is rescinded.

---

**ENDNOTES**

1. Rescinded by the Governor in Council on 2 October 1997.
2. Notified in the Gazette on 3 October 1997.
3. Required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Local Government and Planning.

---

*Local Government (Planning and Environment) Act 1990*

**STATE PLANNING POLICY 1/97  
(CONSERVATION OF KOALAS IN THE KOALA COAST) ORDER**

**Short Title**

1. This Order in Council may be cited as the State Planning Policy 1/97 (Conservation of Koalas in the Koala Coast) Order.

**Commencement**

2. This Order in Council commences on 3 October 1997.

**Making of State Planning Policy**

3. State Planning Policy No. 1 of 1997 is made in the term set out in the Schedule to the Order-in-Council.

---

**ENDNOTES**

1. Made by the Governor in Council on 2 October 1997.
2. Notified in the Gazette on 3 October 1997.
3. Required to be laid before the Legislative Assembly.
4. The administering agency is the Department of Local Government and Planning.

# Conservation of koalas in the Koala Coast

## POSITION STATEMENT

The Queensland Government considers that the extensive koala habitat areas in the Koala Coast should be conserved to allow for the long-term survival of the koala population. Important koala habitat should be protected from inappropriate future developments and changes in land use, without affecting existing uses and development rights or removing development commitments.

## 1 PURPOSE OF THE POLICY

1.1 This State Planning Policy addresses planning issues concerning the conservation of koalas (*Phascolarctos cinereus*) and their habitat in the Koala Coast which, for the purposes of this Policy, is the area defined on the Policy Map in Appendix 1. The Policy is administered by the Department of Local Government and Planning, with the Department of Environment providing technical advice and information on conserving koala habitat.

1.2 Local governments, the Planning and Environment Court, and the Queensland Government are required to have regard to this Policy when carrying out their planning functions. The Policy will be implemented through the preparation, review, amendment and implementation of planning schemes for the City of Brisbane, the City of Logan and Redland Shire. The Policy must also be considered when making decisions on development applications, although it does not apply to those applications seeking only a building or plumbing/drainage approval.

1.3 The Policy aims to provide a high level of direction and support to governments and others called on to make planning decisions on development\* relevant to koala conservation in the Koala Coast. The Policy should guide decisions on Crown lands and land owned by local government, as well as privately owned land.

1.4 The principles at the end of the Policy should be read in conjunction with the main text. Section 9 contains a glossary of technical terms.

## 2 BALANCING CONSERVATION WITH DEVELOPMENT

### The need to conserve koala habitat values in the Koala Coast

2.1 The koala is an internationally recognised symbol of Australia and its unique native fauna. There is widespread concern that the koala is under threat, and concern about its conservation reflects a widespread and growing concern in the community about nature conservation issues generally.

2.2 The region comprising south-east Queensland and north-east New South Wales is highly significant for koalas. Within this region, the Koala Coast is a large and extensive area of relatively unfragmented habitat containing large numbers of koalas. The large koala population (estimated to be between 3000 and 5000 animals), extensive area of relatively undisturbed habitat and high density of food and shelter trees combine to make the Koala Coast one of Australia's most important koala habitats. The area, therefore, presents a unique and very important opportunity to conserve a large component of the regional koala population.

2.3 Nationally, koala populations are dwindling or becoming locally extinct in many areas, primarily because of habitat loss associated with land development. The Koala Coast is experiencing high rates of human population growth with associated demands for urban expansion and other development. These pressures are threatening the extent and quality of remaining koala habitat. Prompt action is required to conserve the Koala Coast's important koala habitat values\*.

2.4 The Koala Coast also has broader natural qualities that are of value to the community. For example, a significant part of the area lies in the Leslie Harrison Dam

\* See Glossary Section 9

catchment, where it is essential to protect water quality. The area also supports rare and endangered plant species, and a variety of mammals, birds (including some listed as rare in the Brisbane region, such as the red-tailed black-cockatoo), reptiles, amphibians and aquatic species. Therefore, measures taken to ensure the conservation of koala habitat values may also benefit broader nature conservation objectives and the protection of the area's natural qualities.

### **Protecting development rights and providing opportunities**

2.5 Most land in the Koala Coast is freehold land with existing uses\*, development rights\* or development commitments\*. These uses, rights and commitments, however held, whether attaching to freehold or other land, must be protected to provide certainty and security for landowners. Landowners also need a range of opportunities to use their land, provided it is for purposes broadly consistent with conserving koala habitat values. Such opportunities are addressed in Section 5.

## **3 THREATS TO KOALAS**

3.1 The major threat to the long-term survival of koalas is the loss and/or fragmentation of koala habitat through development, agriculture and other activities. As well as their obvious effects, habitat loss and fragmentation may also cause less obvious, indirect effects likely to reduce population viability and genetic diversity. For example, habitat reduction can lead to overcrowding of remaining koalas and localised food shortages, which may in turn increase stress and the rate of common koala diseases.

3.2 Traffic and dogs pose significant threats to koalas. Department of Environment statistics show that in 1996 the number of koalas reported injured or killed in the Koala Coast were 279 by vehicles and 81 by domestic dogs. However, the actual number of casualties would have been higher when allowance is made for unreported incidents.

3.3 New roads and increased traffic volumes associated with new development in koala habitat areas, together with high traffic speeds, tend to increase koala deaths and injuries by motor vehicles, especially at night. New roads also contribute to habitat

fragmentation and the introduction of disturbances into previously undisturbed areas.

3.4 Koalas are at risk from dogs, including domestic dogs within residential properties. Although legal controls over the keeping of dogs might reduce koala casualties, such controls pose enforcement difficulties and conflict with other community concerns, particularly security.

3.5 Many forms of development in and near areas of koala habitat threaten the long-term survival of the koala. Even low-density residential developments, which may involve limited habitat clearing, still cause increased traffic, risks from dogs and effects on adjacent habitat areas. Therefore, they require more detailed attention and control in the planning process.

## **4 CONSERVATION DESIGNATIONS**

4.1 This Policy establishes three broad designations:

- the Koala Conservation Area,
- Other Major Habitat, and
- the Koala Coast Balance Area.

These designations are delineated on the Policy Map in Appendix 1.

### **Koala Conservation Area**

4.2 Within the Koala Conservation Area, a significant planning objective should be to conserve koalas and their habitat in ways that do not affect existing uses and development rights or remove development commitments. The boundary of the Koala Conservation Area is determined by this Policy.

4.3 The Koala Conservation Area designation comprises a large, integrated and relatively undisturbed area of koala habitat. While koalas are found throughout this area, individual animals generally use large, established home ranges. A conservation area is needed to allow koalas to move and disperse for breeding, social behaviour and feeding purposes. Such movements enable koala sub-populations to interact, which is necessary to maintain genetic diversity and the population's long-term sustainability.

4.4 The Koala Conservation Area generally comprises areas of intact or partly cleared bushland with intrinsic koala habitat values, together with some areas cleared of habitat.

\* See Glossary Section 9

Although the quality of koala habitat varies, the overall area provides a highly favourable habitat for koalas.

4.5 Some existing urban development and areas designated for future urban development are included in the Koala Conservation Area, but only where considered necessary to achieve a cohesive area.

### **Other Major Habitat**

4.6 The characteristics and intent of the Other Major Habitat designation are identical to those for the Koala Conservation Area with two exceptions. First, most of the Other Major Habitat does not form part of a single cohesive area. Second, while the boundaries of the Koala Conservation Area designation are determined by the Policy, the precise alignment of Other Major Habitat designation boundaries can be amended by the local governments, either in their planning schemes or through development assessment, as described in Section 6 of this Policy. Because the Other Major Habitat is generally located in existing or developing urban areas, the boundaries of Other Major Habitat might need adjusting to achieve the best practicable outcome for the conservation of koala habitat values.

### **Koala Coast Balance Area**

4.7 The Koala Coast Balance Area comprises all land in the Koala Coast that is not included in either the Koala Conservation Area or Other Major Habitat. The Koala Coast Balance Area includes a variety of existing land uses and will be subject to a wide range of developments and land uses in the future, including accommodation of urban growth. Nevertheless, within the Koala Coast Balance Area, any significant koala habitat should be conserved wherever practicable.

## **5 DEVELOPMENT AND LAND USE IN THE KOALA COAST**

5.1 There will be a continuing need for development in the Koala Coast. Parts of the area will accommodate urban growth, while non-urban areas will require some development to meet changing needs and opportunities. Within the Koala Conservation Area and Other Major Habitat, development may occur where development rights and development commitments provided for in planning schemes are taken up, and where

new opportunities are identified as appropriate and consistent with this Policy.

5.2 Development will occur on some sites where there are koala habitat values. Accordingly, the layout and detailed design of development anywhere in the Koala Coast should, as far as practicable, minimise adverse impacts on koala habitat values without reducing development rights or removing development commitments. This requirement does not apply to those developments needing only a building or plumbing/drainage approval, such as the construction of a dwelling on an existing allotment.

### **Koala Conservation Area and Other Major Habitat**

5.3 Unless already provided for in the relevant planning scheme, developments that might have uncertain or detrimental long-term impacts on koalas and their habitat should generally be excluded from the Koala Conservation Area and Other Major Habitat.

5.4 In the Koala Conservation Area and Other Major Habitat, development must be compatible with conserving koala habitat values except where:

- the development is a development commitment; or
- it can be demonstrated that there is an overriding public interest need for the proposed development and no other site is suitable and reasonably available for the proposal.

5.5 Any assessment of a proposed development in the Koala Conservation Area and Other Major Habitat should first establish whether the proposal is a development commitment. If so, that development is acceptable under this Policy, provided the proposal is designed to minimise adverse impacts on koala habitat values (see paragraph 5.2 above).

5.6 In other cases, within these areas there is the need to determine whether:

- the proposed development is compatible with conserving koala habitat values; or
- there is an overriding need for the proposed development in the public interest and no other site is suitable and reasonably available for the proposal.

Development proposals that meet either of these two criteria should also be designed to minimise adverse impacts on koala habitat values.

## Compatible development

5.7 Development proposals would be compatible with conserving koala habitat values if all the following criteria are met:

- little or no clearing of habitat would be required;
- for sites in the Koala Conservation Area, minimal additional night-time traffic movements would be generated on the road network in the Koala Conservation Area;
- any impedance or threats to the movement of koalas through or across the site would be minimised;
- there would be no other significant detrimental environmental impacts on the koala habitat values in the surrounding area; and
- koala habitat values would be substantially maintained or enhanced.

5.8 The Koala Coast's proximity to a large urban population and major tourist destinations should provide opportunities for a range of activities that can be designed in ways that are consistent with the above criteria and conserve the environmental qualities of the area. Some examples are small-scale individual manufacturing, distribution or storage enterprises; home-based businesses; and 'nature-based' recreation/tourism facilities and activities (including those enabling people to experience koalas in their natural habitat). Intensive poultry farming is an example of agricultural development which, if properly planned and managed, is able to meet these criteria. Similar agri-businesses might also be appropriate.

## Overriding need

5.9 Determining overriding need in the public interest will depend on the circumstances of the particular development proposal. The proposal must result in a significant overall net benefit to the community in social or economic terms that outweighs any adverse environmental impacts, and it must be shown that a similar benefit cannot be achieved on other suitable and reasonably available alternative sites. Furthermore, practices and methods employed in any activity approved as an overriding public need must be consistent with paragraph 5.2 and appropriate measures must be taken to protect or restore koala habitat values.

## Koala Coast Balance Area

5.10 This Policy does not constrain land in the Koala Coast Balance Area from development. However, development must satisfy the requirements of paragraph 5.2 above to the extent relevant to the particular proposal.

## 6 THE ROLE OF PLANNING SCHEMES

6.1 The issues set out above must be addressed when preparing, reviewing and amending planning schemes, and when making decisions on development applications. It is the role of the planning system to reconcile development requirements with the need to protect, conserve and, where appropriate, improve the koala habitat values of the Koala Coast. Planning schemes are the principal instruments through which koala habitat values on private land will be protected from inappropriate land uses and development.

6.2 Planning schemes are expected to contain policies and provisions consistent with the principles set out in Sections 4 and 5 above.

6.3 This Policy does not require local governments to take any actions that could make them liable to claims for compensation, but on the other hand a local government is free to pay compensation to achieve an enhanced conservation result. The planning principles described in Section 5 are based on the premise that development rights and development commitments in existing planning schemes are maintained.

6.4 Planning studies prepared in support of planning schemes are expected to identify the Koala Conservation Area and Other Major Habitat defined in this Policy, together with any other areas considered to be of koala habitat significance in the Koala Coast Balance Area. Planning studies should also include an explicit evaluation of the direct and indirect impacts of alternative patterns of land use on koala habitat values where this is applicable.

## Strategic planning and local area planning

6.5 Strategic plans are expected to show the boundary of the Koala Conservation Area and define the boundaries of Other Major Habitat. Any significant koala habitat in the Koala

Coast Balance Area should also be identified and protected wherever practicable. Local area plans (including any development control plans) enable the strategic plan and other policies and provisions of a planning scheme to be applied at the detailed level and on a site-specific basis. Local area planning should be used to refine the boundaries of Other Major Habitat and ensure that the form and extent of development in urban growth areas minimise any adverse impacts on koala habitat values.

6.6 If a development proposal is made for land adjacent to Other Major Habitat prior to the strategic plans or local area plans defining the precise boundaries of Other Major Habitat, an assessment of the site's koala habitat values may be required to help local governments define those boundaries.

6.7 Preferred patterns of land use in strategic plans should be designed to minimise adverse impacts on koala habitat values. Strategies of consolidating growth in and adjacent to existing and committed urban areas, combined with an emphasis on infill and higher density development, are likely to have the least adverse impacts.

6.8 Designations in strategic plans and any local area plans (including development control plans) for land in the Koala Coast should be supported by policies and development requirements to minimise adverse impacts of development on koala habitat values within the Koala Coast.

### Other planning scheme provisions

6.9 This Policy does not require development rights to be reduced. However, new or amended planning schemes should only extend or intensify development rights or development commitments in the Koala Conservation Area and Other Major Habitat where:

- those developments are compatible with the conservation of koala habitat values (see paragraphs 5.7 and 5.8 above); or
- there is justification on the grounds of overriding need in the public interest (see paragraphs 5.4, 5.6 and 5.9 above); or
- there would be enhanced outcomes for the conservation of koala habitat values.

### Development assessment

6.10 Local governments should use a variety of approaches to minimise any potentially detrimental impacts of committed development on koala habitat values. These include negotiating with development proponents to achieve the best practicable outcomes for habitat protection, and using planning conditions attached to development approvals. Planning schemes could allow for 'density bonuses' to be offered over parts of a site to permit an equivalent or increased development yield in return for conserving habitat areas on the remainder of the site. Alternative land uses that may be more compatible with conserving koala habitat values could also be encouraged.

6.11 This Policy does not require assessments of koala habitat to be made in support of all development proposals. However, in the case of development applications where the details of the proposal and its site are considered inadequate, the local government can request the applicant to provide further specific information. This can be done without invoking the formal Environmental Impact Statement procedures where that is the considered decision of the local government. Environmental Impact Statements should only be required to help implement this Policy when the proposed development is likely to have significant adverse impacts on koala habitat values.

6.12 In some locations, development may be acceptable only if it is designed to respond to the characteristics of the site in a way that protects areas of koala habitat and minimises any adverse impacts on koala habitat values. In such cases, local governments should require the development proponent to demonstrate that the specific details of the development proposal are site-responsive.

6.13 Local governments should use reasonable and relevant conditions of development approval to minimise detrimental impacts on, or enhance, koala habitat values. Conditions of development approval that may help conserve or enhance koala habitat values include:

- including land with significant koala habitat values in public open space contributions;
- rehabilitating land to enhance conservation values;
- negotiated locations of buildings, access and habitat clearance by an approved plan of development; and

requiring development to comply with the recommendations of any Environmental Impact Statement.

## **7** FURTHER GUIDANCE

7.1 This Policy addresses general issues and principles. Further information and advice on implementing this Policy are set out in the planning guidelines *Conservation of Koalas in the Koala Coast*. Information regarding conservation matters in general can be obtained from the Department of Environment, 160 Ann Street, Brisbane.

## **8** REVIEW OF THE POLICY

8.1 The Policy will be reviewed within five years to assess its effectiveness, particularly in light of on-going Department of Environment research on koalas in the Koala Coast. The review will take particular note of the implementation of the Policy in areas currently zoned Future Urban, north of Old Cleveland Road and Mt Gravatt/Capalaba Road. It is anticipated that these areas will give substantial insight into how effective and practicable the Policy has been.

## **9** GLOSSARY

The following definition of terms should be used **only** for the purposes of applying this Policy and will not necessarily be consistent with definitions in planning schemes.

**Development:** Includes any of the following:

- constructing new buildings or structures (but excluding works requiring only building or plumbing/drainage approvals and property maintenance);
- changing the use of land where that change of use requires development approval;
- intensifying an existing land use where that intensification of land use requires development approval;
- undertaking subdivisions; or
- re-aligning allotment boundaries.

**Development commitment:** Includes any of the following:

- an existing development approval;
- development that only requires a building or plumbing/drainage approval, including 'as of right' development (e.g. on existing allotments in residential and rural zones, a house, house extensions, and ancillary

- developments such as fences, garages, garden sheds and swimming pools);
- development or use that is clearly consistent with the intent of the relevant zone in a planning scheme;
- a designation in a planning scheme (e.g. strategic plan, development control plan or local area plan) where the development intent is clear; or
- a subdivision or re-alignment of allotment boundaries consistent with the requirements of the relevant planning scheme and not subject to any environmental criteria that are relevant to koala habitat conservation, other than those relating to detailed design.

**Development rights:** Those developments with a valid development approval and those developments that the relevant planning scheme states can be undertaken on a particular parcel of land without a development approval or with only a building or plumbing/drainage approval.

**Existing uses:** Those uses already lawful on the particular parcel of land concerned, including any established non-conforming uses.

**Koala habitat values:** All those characteristics of an area that make it suitable as habitat or refuge for koalas. These characteristics include not only the nature, extent and condition of habitat, but also the location of the site in relation to other areas of habitat.

## POLICY PRINCIPLES

These Policy principles should be read in conjunction with each other and the main text.

### Conserving koala habitat values

- 1 Within the Koala Conservation Area and Other Major Habitat, a significant planning objective should be to conserve koalas and their habitat in ways that do not affect existing uses and development rights or remove development commitments. [*Paragraphs 4.2–4.6*]
- 2 In the Koala Coast Balance Area, any significant koala habitat should be conserved wherever practicable. [*Paragraph 4.7*]

### Development in the Koala Coast

- 3 The layout and detailed design of development anywhere in the Koala Coast should, as far as practicable, minimise adverse impacts on koala habitat values without reducing development rights or removing development commitments. [*Paragraph 5.2*]
- 4 Within the Koala Conservation Area and Other Major Habitat, development must be compatible with conserving koala habitat values except where:
  - the development is a development commitment; or
  - it can be demonstrated that there is an overriding need for the proposed development in the public interest and no other site is suitable and reasonably available for the proposal.[*Paragraphs 5.4–5.9*]

### The role of planning schemes

- 5 Planning schemes are expected to contain policies and provisions that are consistent with the above Policy Principles. [*Section 6*]
- 6 When development applications are being determined, the Policy must be taken into account. [*Paragraph 6.1*]
- 7 Strategic plans are expected to show the boundary of the Koala Conservation Area and define the boundaries of Other Major Habitat. [*Paragraph 6.5*]
- 8 Preferred patterns of land use in the strategic plans should be designed to minimise adverse impacts on koala habitat values. [*Paragraph 6.7*]
- 9 Designations in strategic plans and any local area plans (including development control plans) for land in the Koala Coast should be supported by policies and development requirements to minimise adverse impacts of development on koala habitat values within the Koala Coast. [*Paragraph 6.8*]
- 10 New or amended planning schemes should only extend or intensify any development rights or development commitments in the Koala Conservation Area and Other Major Habitat where:
  - those developments are compatible with conserving koala habitat values; or
  - there is justification on the grounds of overriding need in the public interest as set out in principle 4 above; or
  - there would be enhanced outcomes for the conservation of koala habitat values.[*Paragraph 6.9*]