

# Agenda



**ORDINARY MEETING OF COUNCIL**

**SUPPLEMENTARY AGENDA**

**22 JANUARY 2020**

Supplementary

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## TABLE OF CONTENTS

Item	Subject	Page No.
11.	Organisational Development and Planning SERVICES Reports .....	3
11.8	Draft South East Queensland Koala Conservation Strategy .....	3

Supplementary

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## 11. ORGANISATIONAL DEVELOPMENT AND PLANNING SERVICES REPORTS

### 11.8 Draft South East Queensland Koala Conservation Strategy

**Date:** 14 January 2020

**Author:** Renee Sternberg, Senior Environmental Planner; Prudence Earle, Planning Officer

**Responsible Officer:** Belinda Whelband, Coordinator Environment and Pest

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#### Summary:

The purpose of this report is to seek Council approval for the content of a submission on the Draft South East Queensland Koala Conservation Strategy 2019-2024, recently released by the Queensland Department of Environment and Science (DES) for public consultation until 31 January 2020. The submission will also cover the associated draft koala habitat mapping and the intent of the proposed regulatory provisions. Although Lockyer Valley Regional Council are supportive of some of the changes, there are outstanding concerns which are outlined in this report.

#### **Officer's Recommendation:**

**THAT Council authorise the Chief Executive Officer to make a submission to the Queensland Department of Environment and Science, the Queensland Department of State Development, Manufacturing, Infrastructure and Planning and the Local Government Association of Queensland providing feedback and highlighting concerns regarding the Draft South East Queensland Koala Conservation Strategy, draft koala habitat mapping and proposed regulatory provisions.**

#### Report

##### 1. Introduction

In July 2016, the Queensland Government appointed the Queensland Koala Expert Panel to provide recommendations on the most appropriate and realistic actions to address the decline in koala population densities in South East Queensland. The Panel provided the Queensland Government with six recommendations and a number of supporting actions.

The Queensland Government accepted all six recommendations and supported the actions either fully or in-principle. Since 2017, the Department of Environment and Science (DES) have been developing a SEQ Koala Conservation Strategy, including new koala habitat mapping and new policies to address the recommendations. In June 2019, DES provided information to Council Officers under a strict confidentiality agreement in an attempt to prevent pre-emptive clearing of koala habitat. DES released the Draft South East Queensland Koala Conservation Strategy 2019–2024 for public consultation in December 2019:

[https://environment.des.qld.gov.au/data/assets/pdf\\_file/0032/97547/draft-seq-koala-conservation-strategy-2019-2024.pdf](https://environment.des.qld.gov.au/data/assets/pdf_file/0032/97547/draft-seq-koala-conservation-strategy-2019-2024.pdf)

DES is planning to release a final Strategy in 2020. Consultation on the draft Strategy closes Friday 31 January 2020. LGAQ have requested Council comments by 24 January 2020 to enable collation and joint submission to DES by 31 January.

To address the expert panel’s recommendation of restoring koala habitat, DES have engaged Queensland Trust for Nature (QTFN) to deliver an on-ground koala habitat restoration program.

**2. Background**

In Queensland, the greatest concentration of koalas is in South East Queensland (SEQ). Three quarters (74%) of core koala habitat has already been cleared in SEQ since 1960 and the species is now listed as vulnerable in SEQ. The vision of the draft South East Queensland Koala Conservation Strategy 2019-2024 is “A sustainable koala population in the wild in South East Queensland that is supported by a coordinated and strategic approach to habitat protection, habitat enhancement and threat reduction”.

The intent of the Draft South East Queensland Koala Conservation Strategy 2019-2024 is to propose new ways to protect koalas and their habitat into the future. The Queensland Government has advised that the draft strategy has been developed in consultation with representatives from the conservation, building and development sectors, Traditional Owners and First Nations peoples, state and local government, through the Koala Advisory Council (KAC), to outline the actions needed to improve koala conservation.

In June 2019 local governments were engaged through Local Government Association of Queensland (LGAQ) to review and provide comment on draft koala habitat mapping and policy changes under strict confidentiality agreements with DES. Officer level comments and feedback have been continually provided up until the draft Strategy was released for public comments in December 2019.

Although supportive of the overall changes, Council Officers have provided written and verbal feedback to DES on numerous occasions, much of which is still outstanding.

It is noted that the proposed policy has implications for:

- Department of State Development Manufacturing Infrastructure and Planning (DSDMIP) (*Planning Act 2016 and Planning Regulation 2017*),
- Department of Natural Resources Mines and Energy (DNRME) (*Vegetation Management Act 1999*),
- DES (*Nature Conservation Act 1992*) and
- Councils (implementers of State legislation).

**3. Report**

Below is a table outlining Council’s feedback and concerns regarding the draft koala Strategy, draft koala habitat mapping and proposed legislation reforms.

Although supportive that koalas and their habitat are now being recognised within LVRC, Council Officers have ongoing concerns. Some of these concerns have been raised with DES and not addressed, and others are new concerns based on information recently released for community consultation.

Please see the table 1 below:

**Table 1: Lockyer Valley Regional Council’s feedback and concerns regarding the Draft South East Queensland Koala conservation Strategy, draft koala habitat mapping and proposed regulatory provisions.**

Issue	Issue #	Response
Communication and consultation to date	1	<u>Council actions:</u> Council has been involved in communication, meetings and providing feedback to DES and DSDMIP through LGAQ since

		June 2019.
	2	<p><u>Council comments:</u> As part of the consultation the State Government has suggested they are collaborating with Councils to come to a resolution on policy implementation. However, to date Council has experienced disorganised consultation, unrealistic and short time frames for providing feedback and no response by the State Departments. For example:</p> <ul style="list-style-type: none"> <li>• Council Officers were told that all SEQ Mayors would be contacted by the Environment Minister to discuss the proposed changes. LVRC Mayor Milligan and other SEQ Mayors were not contacted.</li> <li>• Timing allowed for Council feedback throughout the consultation has been limited and rushed. In some cases, only a few days were allowed for provision of comments. This has limited the potential for a high-quality response from Council Officers and an inability to provide timely information to Councillors about the possible implications.</li> </ul>
	3	<p><u>Council outstanding questions:</u> What is Council's role in the consultation process? How has Council's feedback been used?</p>
	4	<p><u>Council outstanding questions:</u> What will Council's roles and responsibilities be with regards to implementation and compliance for the new policy?</p>
Package	5	<p><u>Council comments:</u> The Draft Koala Strategy, koala habitat mapping and proposed legislative changes have not been provided as one complete draft package to enable effective review and analysis.</p>
	6	<p><u>Council outstanding questions:</u> How will these legislative changes impact on Council's resources and ability to provide quality customer service? What are the financial implications? How will these legislative changes impact on the Lockyer Valley community?</p>
<b>Draft South East Queensland Koala Conservation Strategy 2019-2024</b>		
General	7	<p><u>Council comments:</u> Although Council are supportive that the State Government is taking a proactive approach towards protecting SEQ's koala populations and their habitat, it finds the Strategy unambitious and lacking in detail with regards to how the actions will be implemented. If this Strategy is meant as a high-level document, then Implementation Actions Plans should closely follow the Strategy to describe how each of the proposed 'potential future actions' will be collaboratively implemented and budgeted for. Some of the 2018 Government responses to the KEP recommendation (for example 1a.), 6f.), and 6g.)) 'The Queensland Government will develop a fully costed implementation plan, as part of the SEQ Koala Conservation</p>

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		<p>Strategy. The strategy will include directions for multi-disciplinary research and mechanisms for funding.’</p> <p>This Implementation and investment strategy is not mentioned within the SEQ Koala Conservation Strategy. No timescales or scope have been provided to date.</p>
	8	<p><u>Council outstanding questions:</u></p> <p>Will an implementation and investment strategy or action plan be written to describe how the actions outlined in the Koala Strategy will be implemented?</p>
	9	<p>When will this plan be written?</p>
	10	<p>Will the State Government collaborate with Local Governments and the community to write this plan?</p>
	11	<p><u>Council comments:</u></p> <p>The content of the Strategy could be better organised to demonstrate how and where each of the six proposed strategies and actions implement the KEP recommendations and meet the four targets.</p>
	12	<p>Due to the lack of detail in the ‘potential future actions’, it appears that many of the KEP recommendations and 2018 Government responses have not been adequately addressed by this Strategy.</p>
Rural vs Urban	13	<p><u>Council comments:</u></p> <p>Koala populations living throughout SEQ do not all have the same ecology or face the same threats. Koalas living in western SEQ Councils (including Toowoomba, Lockyer, Somerset and parts of Scenic Rim) have different habitat preferences, different population dynamics, home range requirements and less access to water. They also face different threats compared to their eastern coastal neighbours such as wild dogs, stock such as cattle, domestic dogs on large rural residential blocks, scattered vegetation within rural residential subdivisions, bushfires, drought and floods. It is for this reason that Council recommend splitting SEQ into rural and urban zones and having different koala habitat mapping methodology and different legislative requirements within each zone. This would also provide the opportunity to refine the model parameters for rural areas so that mapping is a more accurate reflection of existing populations.</p>
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<b>Targets</b>		
Target 1. Koala Habitat – No decline in total area of core koala habitat in SEQ from 2017 levels	14	<p><u>Council comments:</u></p> <p>Although koala habitat in LVRC has now been recognised through the revised mapping, many SEQ Councils have effective koala habitat mapping and associated legislative protection in place. The new koala habitat mapping reduces the total amount of koala habitat protected across these SEQ Councils, which is counter intuitive.</p>
	15	<p><u>Council comments:</u></p> <p>There are also large tracts of land within the Lockyer Valley Local Government Area (LGA) which haven’t been mapped as Koala habitat areas, which we believe should be included in the koala habitat area mapping (see below).</p>

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	16	<u>Council comments:</u> It is recommended that target should be worded using positive language such as 'Net gain in total area of core koala habitat in SEQ from 2017 levels'.
Target 2: Koala habitat restoration – Commence rehabilitation to restore 1,000ha of cleared habitat	17	<u>Council comments:</u> Council disagrees that rehabilitation of 1,000ha of koala habitat over 5 years is enough to achieve the strategic vision of a ' <i>sustainable koala population in the wild in South East Queensland</i> '.
	18	<u>Council comments:</u> The restoration areas should be located in strategic locations to build habitat within Koala Protection Areas (KPAs) as well as link KPA's together. As the majority of land within these areas is in private ownership, private landholder and industry incentives will be necessary to achieve this strategic koala habitat restoration.
	19	<u>Council comments:</u> More funding will need to be directed at koala habitat restoration.
Target 3: Populations – no long-term decline in koala population numbers in SEQ	20	<u>Council comments:</u> It is recommended that targets should be worded using positive language such as 'net gain in koala population numbers in SEQ'.
	21	<u>Council outstanding questions:</u> How is 'long term' defined? Council recommend that short term gains in koala populations need to occur in order for long term gains in population numbers to be possible.
	22	<u>Council outstanding questions:</u> How will this target will be measured, as no comprehensive studies have been undertaken to determine exact koala numbers to use as a baseline?
	23	<u>Council outstanding questions:</u> Ten monitoring sites aren't enough to adequately represent SEQ's koala populations. Where are the key representative monitoring sites in SEQ? Are they evenly distributed throughout SEQ? Do they adequately reflect the diversity of habitat within SEQ?
	24	<u>Council comments:</u> Council would recommend collaboration with Local Governments, research bodies and community groups to develop a consistent methodology that all parties can implement to survey koala populations.
	25	<u>Council comments:</u> Council also recommend including new and innovative methods for koala population surveys such as koala dogs and drones etc.
Target 3: Threat reduction – 25% reduction of injury and mortality across	26	<u>Council comments:</u> Council agree that threats need to be reduced, however the target of '25% reduction of injury and mortality across ten sites' is not ambitious enough, difficult to measure and limited

ten sites.		to insufficient sites across SEQ. The ten key sites are limited to road sites, of which the locations are unknown.
	27	<u>Council outstanding questions:</u> Are the ten sites all located on State controlled roads? How will a 25% reduction be measured? What will be used as a baseline?
<b>Strategies and Actions</b>		
1. Strategic Co-ordination	28	<u>Council comments:</u> This section deals mainly with collaborated approach to data collection, rather than holistic collaboration and strategic co-ordination of various groups.
	29	<u>Council comments:</u> It is recommended that the Strategy include a coordinated approach across Commonwealth, State and Local Government as well as research organisations, industry bodies, community groups, not-for-profit organisations and property owners to implement research, koala population monitoring, koala habitat assessment and monitoring as well as threat mitigation.
2. Habitat Protection	30	<u>Council comments:</u> The prohibition of development which involves the clearing koala habitat areas within KPAs is supported.
	31	<u>Council outstanding questions:</u> As the legislative changes have not yet been released it is unclear how many of the KEP recommendations will be achieved. For example: How will the Strategy address development assessment exemptions that have adverse impacts on koala habitat (KEP recommendation 2b)?
3. Habitat Restoration for koalas	32	<u>Council outstanding questions:</u> How will habitat restoration be funded by the State Government?
	33	<u>Council comments:</u> If habitat restoration is proposed on private land (which will be the case if koala habitat restoration is to be focused within or between KPA's) then private landholder incentives and changes to the Offset Policy will need to be funded and implemented.
	34	<u>Council comments:</u> The Queensland Environmental Offsets Framework is currently under review. Council wants to ensure the revised offsets framework securely delivers on-ground actions to restore koala habitat in a strategic manner within the LGA. To date, despite having koala offset funds, the State Department has been unable to deliver on-ground koala offsets. This presents opportunities to partner with Local Governments and other skilled industry bodies to deliver on-ground offsets for koalas.
	35	<u>Council comments:</u> It is recommended that as part of the current review of the State Environmental Offset policy, an investigation be undertaken into how vegetation, cleared under exempt development can be offset.



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4. Threat Management	36	<p><u>Council comments:</u> There is a general absence of detailed actions which address threat management, particularly mitigation of domestic and wild dog impacts and mitigation of the impacts of diseases on koala populations.</p>
	37	<p><u>Council comments:</u> The Fauna Sensitive Road Design manual is an excellent resource however there is no obligation to implement its recommendations and it is currently not widely adopted throughout SEQ. Resources should focus on implementing the recommendations of the manual rather than upgrading it.</p>
	38	<p><u>Council comments:</u> The target of ten key sites are limited to road sites, of which the locations are unknown.</p>
	39	<p><u>Council comments:</u> There are significant gaps between the KEP recommendation, the 2018 government response and the 2019-2024 potential future actions. One example, 4a) 'undertake a threat assessment across SEQ to quantify and map threats to koalas from habitat loss, vehicle collisions, dog attacks (domestic and wild dogs), disease, fire and climate change'. The 2018 Government response addresses mapping threats and priority areas for threat reduction, however the potential future actions don't mention mapping or modelling of threats.</p>
	40	<p><u>Council comments:</u> It is important to standardise koala carer record keeping and reporting, and the requirement for the <i>Operational Policy – release of rehabilitated koalas and the take and release of koalas in imminent danger</i>, however it is recommended that the State Government go one step further and ensure release sites for rehabilitated koalas are scientifically managed (including koala carer compliance) and monitored to avoid overpopulation, genetic inbreeding, disease spread and threat management.</p>
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5. Community Engagement	41	<p><u>Council comments:</u> The Strategy is lacking in detail and therefore appears to miss opportunities for partnering with the community to improve research, mapping, monitoring and threat management.</p>
6. Community Engagement	42	<p><u>Council comments:</u> There are existing networks such as the Land for Wildlife network which could be partnered with to achieve monitoring of koala population and restoration of koala habitat.</p>
7. Improved Mapping, monitoring, research and reporting	43	<p><u>Council comments:</u> More support and funding is required for wildlife carers.</p>
	44	<p><u>Council comments:</u> Although research is important, as this point in time, energy and resources should be focused more on on-ground actions than conducting more research.</p>
8. Improved Mapping,	45	<p><u>Council comments:</u> Koala surveys conducted by the State Government need to be</p>

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monitoring, research and reporting		increased in scale and the information gathered during them reviewed. It is believed that the current methodology only records koalas sighted during transects conducted by people. Koala scats should also be recorded during these surveys as an indication of koala presence. It is also important to consider the wide variety of koala survey techniques and use innovative koala survey methods such as koala dogs and drones.
	46	<u>Council comments:</u> Council are working with the Koala Survey team and community groups to ensure locations of unknown koala activity are targeted, which will improve the koala habitat area mapping over time.
	47	<u>Council comments:</u> Monitoring koala densities at 10 to 20 sites across SEQ is an inadequate number of sites to identify a representative koala population in urban and rural landscapes.
	48	<u>Council comments:</u> It is recommended that koala scat surveys be increased across the SEQ region, to improve knowledge of koala presence, koala habitat use and improve the koala habitat model.
General new initiatives	49	<u>Council comments:</u> The Strategy proposes working with local governments on many new initiatives. E.g. local laws with respect to dogs, ways to mitigate impacts of domestic dogs, new threat mitigation programs, koala awareness campaigns. All of these new initiatives are very positive. However, it is unknown who will bear the cost burden of these new initiatives.
<b>Koala Habitat Mapping</b>		
Inclusion of LVRC in koala habitat mapping	50	<u>Council comments:</u> Koala habitat mapping now being included within LVRC is supported. This will assist in protecting koala habitat and reducing threats within the region.
Areas of koala habitat missing from the koala habitat area mapping	51	<u>Council comments:</u> Unfortunately, large tracts of known koala habitat (generally at higher altitudes) have been excluded from Map E: Proposed koala conservation plan map. Some of these areas are within and surrounding Glen Rock State Forest and Main Range National Park in the south of the LGA and north of Gatton National Park. Other areas are in private ownership and while note at risk of development are at risk of clearing to increase pasture for grazing.
Areas of koala habitat missing from the koala habitat area mapping	52	<u>Council comments:</u> Given the extensive bushfires across most of the koala's range in Australia this summer (including areas in the south and north of the LVRC LGA), now more than ever, it is critical to take a precautionary approach and map all potential koala habitat for protection.
Koala habitat mapping methodology	53	<u>Council comments:</u> As the maps are proposed to be updated on an annual basis, LVRC will need to work closely with DES's Koala Survey Team and community groups conducting koala scat surveys to

		improve the accuracy of the mapping in accordance with DES's koala habitat model methodology.
	54	<p><u>Council comments:</u> The mapping methodology hasn't been released for public review and comment. The on-ground accuracy of the modelling methodology is of concern, as there are significant areas of higher altitude koala habitat missing from the mapping.</p> <p>Koala densities, food tree preferences, access to water, behaviour and home ranges vary in different regions within the diverse landscapes of SEQ and the mapping methodology should be reviewed from this context.</p>
Restoration areas	55	<p><u>Council comments:</u> The presence of restoration areas within the draft mapping is supported. However, it is noted that much of the restoration area is located within areas that may not be suitable for restoration, such as high value cropping land and planning precincts with conflicting interests (e.g. dog kennelling precincts)</p>
<b>Proposed Planning Provisions</b>		
General	56	<p><u>Council comments:</u> The co-ordinated and strategic intent of the proposed policy changes are supported. However, there are major concerns regarding the implementation and balancing the interests of three legislative documents. This is mainly due to a general lack of clarity from the State Departments.</p>
Planning provisions	57	<p><u>Council comments:</u> As the legislative documents required for implementation of the new policy have not been made available for Council review, comment cannot be made on the implications for development assessment or the resources Council will require to implement the provisions.</p>
LVRC staff and resources to perform development assessment role	58	<p><u>Council comments:</u> The inclusion of the Lockyer Valley LGA in the new koala habitat mapping and associated policy changes, has unknown resource implications, as the current Nature Conservation (Koala) Conservation Plan 2017 does not apply to development assessment in the LVRC LGA.</p>
Exemptions	59	<p><u>Council comments:</u> The proposed exemptions have not been not been made available for Council review and therefore comments on the suitability of these exemptions can't be provided.</p>
Implementation	60	<p><u>Council comments:</u> Proposed legislative documents have not been not been made available for Council review and therefore the implications of implementing the new planning provisions are unknown. Any additional resource requirements are also unknown.</p>
Implementation	62	When will Council be required to be a referral or advice

Compliance	63	<p>agency?</p> <p><u>Council comments:</u> Under the new planning provisions, it is unknown what roles and responsibilities Councils will have for compliance and enforcement for illegal vegetation clearing and non-compliance of development conditions.</p>
Compliance Court Appeals	64	<p>Therefore, the resource requirements are also unknown.</p> <p><u>Council outstanding questions:</u> What will be the penalties for non-compliance and illegal clearing? If Councils are unable to resource additional compliance requirements, what are the implications?</p>
	65	<p><u>Council outstanding questions:</u> Will the State fund and support Councils in any appeals in relation to the State's regulations and requirements regarding koalas?</p> <p><u>Council comments:</u> Property owners could appeal against enforcement actions, refusal of a development applications or appeal of development conditions.</p>
Adverse Planning Changes	66	<p><u>Council outstanding questions:</u> Has the State considered how compensation for adverse planning changes will be applied?</p>
Adverse Planning Changes	67	<p>Is there any other State legislation which must be enforced by Local Governments which is not exempt from compensation?</p>
Training	68	<p><u>Council comments:</u> It is understood training will be provided to Council staff and the general community.</p>
Training Future communication	69	<p><u>Council outstanding questions:</u> When will this be provided? What will the content of this training be?</p>
	70	<p><u>Council comments:</u> It is understood that communication materials will be provided to Council to inform Officers and the community of the changes</p>
Future communication	71	<p><u>Council outstanding questions:</u> When will this be provided?</p>

#### 4. Policy and Legal Implications

The proposed policy will undertake legislative changes to subordinate legislation within the State's legislative framework. It is unknown how or if the State will support Council in any legislative appeals and enforcement actions.

#### 5. Financial and Resource Implications

The proposed policy and subsequent legislative changes to subordinate legislation within the State's legislative framework, will have an unknown human resource cost burden on Council including the assessment of applications, and compliance for enforcement actions for illegal vegetation clearing and non-compliance of conditions of development approvals.

**6. Delegations/Authorisations**

It is unknown if the proposed policy's legislative changes to subordinate legislation within the State's legislative framework will impact delegations.

**7. Communication and Engagement**

The State Departments have indicated that they will provide training, factsheets and supporting information for the community and for Councils when the legislation takes force. Timeframes for this information are unknown and may cause community angst if information is not available within a timely manner. Once the information becomes available, it will be forwarded to the Customer Service team and made available to the community where applicable.

**8. Conclusion**

The CEO will write a letter outlining the content of this report, to ensure the State Departments and LGAQ are aware of Council's feedback and concerns with regards to the Draft South East Queensland Koala Conservation Strategy, draft koala habitat mapping and proposed regulatory provisions.

**9. Action/s**

1. That the Chief Executive Officer (CEO) write a letter to Department of Environment and Science the Hon. Leeanne Enoch and the Department of State Development, Manufacturing, Infrastructure and Planning, the Hon. Cameron Dick outlining Council's feedback, comments and concerns as outlined in this Council report.
2. That the Chief Executive Officer (CEO) provide this letter to the LGAQ by 24 January to enable collation of all relevant Councils' comments as a joint submission to DES.

**Attachments**

There are no attachments for this report.