

Ref CTS 14630/09

9 DEC 2009

Department of
Environment and Resource
Management

Mr Brian Stewart
Urban Development Institute of Australia (UDIA)
GPO Box 2279
BRISBANE QLD 4001

Dear Mr Stewart

Thank you for Monday's opportunity to meet with you and other representatives of the development industry to discuss the proposed koala planning instruments. We found these discussions very valuable.

I undertook to write to you to confirm our preferred approach for consultation on these instruments and commitment to working through issues of concern to the UDIA.

As discussed yesterday, the Queensland Government has been undertaking early, advance engagement on proposed instruments to better protect koalas and their habitat, being a State Planning Regulatory Provision (SPRP) and a State Planning Policy (SPP). It is the Government's intention to release the draft SPRP and the draft SPP for formal public consultation in the near future.

The Government is committed to a full and detailed consultation process for these instruments to ensure they protect our koalas whilst not having unintended and avoidable consequences in other areas. I anticipate this consultation being open until 28 February 2010.

In that context, I would like to reaffirm the Government's commitment to genuine engagement with the development industry during the public consultation phase.

While the Government is committed to taking urgent action to save the koala in south-east Queensland, it is important to ensure that the measures introduced are well understood in their intent and effective in their delivery and implementation. As such, relevant senior officers and I will be available to attend the workshop with UDIA representatives set down for tomorrow to work through the planning instruments in more detail. As we discussed, I would also support a broader industry meeting as soon as the UDIA considers appropriate.

I would also like to take this opportunity to provide clarity on a couple of the specific issues we discussed on Monday.

Concern has been raised by the UDIA about the impact of the 30% habitat retention requirements under the SPRP. The 30% quantum is part of a 'probable solution' that if complied with, is deemed to meet the specific outcome required by the SPRP. The specific outcome is as follows:

'Areas of koala habitat are retained that are of sufficient size and located on the lot(s) the subject of the application in a way to maintain habitat functioning.'

Habitat functioning is further defined as follows:

'protecting existing habitat areas, habitat trees or habitat linkages on the site in their natural state to maximise and provide koalas with feeding, resting and movement opportunities.'

If your members believe that the specific outcome can be met through an alternative solution, they can seek approval from the assessment manager that the alternative solution meets the specific outcome.

DERM is keen to work through some specific examples provided by the development industry to further examine the applicability of the framework, particularly the 30% component of the probable solution.

With respect to the specific outcome, DERM is also working to clarify the wording of this, so that the intention is more immediately clear.

Master planning and structure planning was also raised on Monday. It is proposed that development in areas covered by structure plans and master plans that have already gone through the State interest check process will be exempted from the SPRP's habitat retention requirements. It is intended to review all plans in this category as soon as possible and prior to the SPRP taking regulatory effect. But it would only be as a result of an extreme issue of concern that the State would vary from the above principle.

It is intended that the requirements of the SPRP in terms of koala safety fencing and other measures that allow koalas to move across developments would generally continue to apply as such requirements are usually not applied at the structure/master planning stage. I would emphasise that these measures are not anticipated to result in significant cost or design implications for developers, particularly when factored early into the process of planning a development.

It is currently proposed that those structure plans and master plans that have not yet undergone State interest checks will need to reflect the intent of the forthcoming SPP. It is intended that the draft SPP to be released shortly will be used to guide the State's input into any active structure/master planning processes in advance of the SPP being finalised.

There may also be a misconception around the application of the SPRP to those development applications that have already been lodged. I would like to assure you that any applications that have been lodged prior to when the proposed SPRP takes effect will be assessed under the regulations that were in place at the time. This is the general approach adopted under the *Integrated Planning Act 1997*.

I appreciate that there are a number of issues that we should discuss/clarify and I am committed to do so, commencing tomorrow. This includes the matter of domestic dog requirements and situations where preliminary approvals are already held.

In conclusion, I look forward to continued engagement with you and your members as the development of this important planning framework progresses.

Yours sincerely



John Bradley
Director-General