4 March 2010

The Hon. Kate Jones MP  
Minister for Climate Change and Sustainability  
Department of Environment and Resource Management  
Reply paid 15155  
CITY EAST  QLD  4002

Dear Minister


The Property Council of Australia again reiterates that it has major concerns with both the South East Queensland Koala Conservation State Planning Regulatory Provisions (Koala SPRPs) and the Draft Koala Conservation State Planning Policy (Draft Koala SPP), our submission of 10 December 2009 also refers.

These documents represent a blunt and poorly conceived approach to the management of koala habitat in the region. The Proposed Koala SPRPs take a draconian approach that removes the basic rights of land holders without compensation, and will see large areas of land previously earmarked for development sterilised and devalued.

If the State Government is genuinely concerned about the conservation and rehabilitation of koala habitat within the South East Queensland urban footprint, it should dedicate funds to acquiring and revegetating suitable land at a fair market price or enter into suitable conservation agreements with landowners (and compensate them accordingly). It is unequitable that one segment of society is now required to foot the bill to reverse years of poor koala conservation practice.

The Property Council has prepared a detailed submission (attached). The Koala SPRPs and the Draft Koala SPP will only serve to confuse planning within the urban footprint and lead to the erosion of rights of property owners, which is unacceptable.

The Koala SPRPs have been described as "a moratorium on clearing vegetation". They are, however, more accurately described as a "moratorium on development" in protected koala bushland habitat areas. This will have far reaching implications for the Queensland building and development industry, put additional strain on the issue of housing affordability, and seriously impede Queensland’s growth and development prospects under the South East Queensland Regional Plan.
The Draft Koala SPRPs were deficient in providing clear exemptions to adequately protect rights accrued before their commencement. Although the February 2010 Koala SPRPs have been amended, they again fail to exempt and facilitate development under a protected existing development approval, in circumstances where subsequent development permits are required to enable the project to be carried out. Further an exemption should be included for declared master planned areas for which a structure plan has effect.

The proposed Koala Planning legislation operates, in the main, on the basis of mapping. The Property Council is very concerned that although the consultants who prepared the mapping document provided a disclaimer that if the mapping was to have statutory effect, detailed field assessment should accompany the planning instruments. Yet, it is not clear if detailed field assessments have indeed been undertaken – nor is there any right of appeal for property owners captured by the mapping.

The Property Council urges you to take urgent and decisive action to foster development opportunities and establish an efficient legislative background to support the development and growth of Queensland within the identified urban footprint under the South East Queensland Regional Plan.

As requested, the Property Council has provided in a confidential Annexe a number of examples of property owners that will be adversely affected by the proposed Koala Planning Laws.

The Minister for Planning and Infrastructure, the Hon. Stirling Hinchliffe MP, has also been sent a copy of the attached submission.

Please do not hesitate to contact me on 3225 3000 if you have any queries in relation to this submission.

I appreciate the extension of the deadline for this submission until 5 March 2010 as afforded to this office.

Yours sincerely

Steve Greenwood
EXECUTIVE DIRECTOR