

Our Ref A10225/005 :MH

Contact Mark Harris



25 January 2008

Project Services  
Department of Public Works  
GPO Box 2906  
BRISBANE QLD 4001

Attention: Ms Janette Rowe

Dear Ms Rowe

**RESPONSE TO COMMENTS PROVIDED BY THE ENVIRONMENTAL PROTECTION AGENCY IN RELATION TO THE PROPOSED MINISTERIAL DESIGNATION OF LAND FOR COMMUNITY INFRASTRUCTURE FOR THE GATTON CORRECTION PRECINCT**

I refer to the letter (dated 14 January 2007) prepared by Kerri Milner (A/Manager, SEQ Planning Southern Region) of the Environmental Protection Agency ("EPA") which identified a number of issues and contains recommendations in relation to the establishment of the Correctional Precinct.

A response to the items raised by the EPA in their letter under the heading "Issues and Recommendations" is provided as follows.

**ISSUE**

*The site is located within the Regional Landscape and Rural Production Area under the South East Queensland Regional Plan 2005-2026 (SEQ Regional Plan). Policy 2.1.1 of the SEQ Regional Plan requires the protection, management and enhancement of the region's nature conservation and biodiversity values and supporting ecological processes, including areas of state, regional and local biodiversity significance.*

**RESPONSE**

The Correctional Precinct site, which to the west adjoins the Lockyer State Forest a protected reserve containing approximately 8,960 hectares of intact and contiguous native remnant vegetation, has been subject to a pattern of historical and ongoing disturbances associated with landuses such as cattle grazing and selective timber clearance. As such, the site currently supports large cleared areas, a high weed presence in wetter areas (i.e. the watercourses) and native regrowth currently identified as non-remnant vegetation on the Certified Regional Ecosystem Map. It is also relevant to note that much of the vegetation within the site (particularly Lot 24) has, in the last six months, been cleared as a consequence of selective logging activities. This clearance involved the removal of trees within the Ecologically Dominant Layer of areas identified as supporting remnant vegetation as well as trees associated with the watercourse that flows through the central parts of the site. The logging activities have generated significant disturbance within parts of the site through the creation and establishment of logging tracks, loading ramps, the exposure of soils and the general clearance of mid and understorey vegetation surrounding those trees considered to have a commercial value.

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The impacts of the abovementioned disturbances have resulted in a reduction to the site's biodiversity values. In this regard, the functional State, Regional and Local biodiversity significance of the site is quite low when considered in comparison to the adjoining 8,960ha of protected State Forest which will undergo a change in tenure to National Park in the near future.

Notwithstanding the above, it is acknowledged that the site provides habitat for a range of native wildlife species and contributes to localised dispersal opportunities. In this regard, the site's most important ecological feature is the watercourse which flows through the central extent of Lot 240. This watercourse, and its associated vegetation, provides a linkage between remaining areas of remnant vegetation and two clumps of Swamp Tea-tree (*Melaleuca irybana*) (a tree species which is listed as *Rare* pursuant to the *Nature Conservation Act 1992* and which forms part of a *Critically Endangered* ecological community pursuant to the *Environment Protection and Biodiversity Conservation Act 1999*) within the site and the large expanse of remnant vegetation contained within the 8,960ha Lockyer State Forest. This corridor is likely to be utilised by a variety of wildlife during within-site and broader off-site movements.

The proposed plan of development provides for the retention of vegetation associated with this watercourse in addition to a 40m setback from its Q<sub>100</sub> level, and for the protection and preservation of the two clumps of Swamp Tea-tree and surrounding vegetation. Furthermore, an effort would be made, as part of the development of the Correctional Precinct, to rehabilitate and enhance vegetation associated with the watercourse and the development setback, through some limited weed control and revegetation works.

The site has been confirmed, by Natural Solutions, as providing habitat for the Koala (*Phascolarctos cinereus*) and Greater glider (*Petauroides volans*). Whilst the site is recognised as providing potential habitat resources for the Stephens' banded snake (*Hoplocephalus stephensii*) it is unlikely to be utilised by the Brush tailed rock wallaby (*Petrogale penicillata*) or Long nosed potoroo (*Potorous tridactylus tridactylus*) due to the absence of suitable habitat (i.e. rocky outcrops and coastal heathy woodlands respectively). It is noted that significant areas of habitat suitable for the Koala, Greater glider, Stephens' banded snake and other wildlife species are contained within the extensive protected reserve that adjoins the site (i.e. the 8,960ha Lockyer State Forest). The existence of this reserve within the immediate locality and the disturbed, partially cleared nature of the site reduces the likelihood of the site representing 'critical habitat' for any of above discussed species. Furthermore, it is considered that the Lockyer State Forest would be far more significant in its contribution and effective function as a "wildlife refugia" than the site due to its large size, diversity of habitat types and landforms and future designation as a National Park.

It is also relevant to note that Powerlink have proposed the establishment of a high voltage transmission line along the internal eastern boundary of the adjoining State Forest. The establishment of this transmission line will require the removal of a corridor of vegetation that is approximately 120 metres in width, 100m of which will be located within the State Forest and 20m of which will be located within the site. This powerline corridor will be maintained as regularly slashed grassland. The establishment of this infrastructure will physically separate vegetation retained within the site from that contained within the State Forest and require wildlife dispersing into the site to move across an open area where they may be susceptible to predation.

All works conducted within the site, including the clearance of vegetation, would be the subject of a detailed Construction Environment Management Plan ("CEMP"). The CEMP would contain management strategies specifically designed to avoid adverse impacts to fauna during vegetation clearance and, in this regard, would be prepared in accordance with *Policy 6 – Vegetation Clearing Practices of the Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006 – 2016* ("the Koala Plan").

The development footprint associated with the Correctional Precinct has been specifically designed and located to minimise the impact of remnant vegetation identified within the site. Whilst the majority of the development footprint is to be located within areas identified as supporting non-remnant vegetation, the footprint will require some limited clearance of remnant vegetation with a *Not of Concern* status

pursuant to the *VM Act* to accommodate an entry road, two compounds and some water storage infrastructure associated with the prison. Efforts have been made in the design and layout of the Correctional Precinct to maintain and conserve acknowledged ecological corridors within the site and to ensure adequate retention of remnant vegetation whilst enabling the orderly establishment of a prison facility.

As such, and with respect to the above, the proposed layout of the Gatton Correction Precinct achieves compliance with the purpose and intent of Policy 2.1.1 of the SEQ Regional Plan when consideration is given to:

- the comparative biodiversity values of the site and the adjoining future National Park to the west;
- the proposed siting of infrastructure associated with the Correctional Precinct; and
- the intent to retain and provide an appropriate setback from the watercourse which traverses the central portions of Lot 240.

#### **ISSUE**

*Due to the significant biodiversity values over the area, and the presence of endangered Regional Ecosystems identified and referred to in section 10.3 of the Gatton Correctional Precinct Initial Assessment Report, the development footprint should be located to avoid or minimise impact on remnant vegetation.*

#### **RESPONSE**

As stated above, the clearance of remnant *Not of Concern* vegetation within the site has been limited to that required for an entry road, two compounds and some water storage infrastructure associated with the prison complex.

Natural Solutions indicated, in Section 3.1 and Figure 5 of their report, that some of the remnant *Not of Concern* vegetation that would be affected by the project had been incorrectly mapped on the Certified RE Map and was actually representative of remnant vegetation with an *Endangered* status pursuant to the *VM Act* (i.e. RE 12.5.2 - *Eucalyptus tereticornis*, *Corymbia intermedia* on remnant Tertiary surfaces, usually near coast). The area in question is mapped as Community 8 on Figure 5 within the Natural Solutions Report.

Cardno held a site meeting with the Senior Vegetation Management Officer ("VMO") and a technical officer with geological expertise from DNRW's Ipswich office for the purposes of confirming the status, pursuant to the *Vegetation Management Act 1999* ("*VM Act*"), of the vegetation within "Community 8". DNRW is the agency responsible for assessing applications for vegetation clearing against the provisions of and policies associated with the *VM Act*. Subsequent to this meeting, Cardno has received written confirmation from the Senior VMO that vegetation within "Community 8" is "*best described as regional ecosystem type 12.5.1*". RE 12.5.1 is described as an open forest complex with *Corymbia citriodora* on subcoastal remnant Tertiary surfaces and has a *Not of Concern* status pursuant to the *VM Act*. A copy of the written confirmation is provided herewith.

As such, the proposed plan of development will not require or result in the clearance of any remnant vegetation with an *Endangered* status pursuant to the *VM Act*.

#### **ISSUE**

*The EPA concurs with the recommendation provided by Natural Solutions Environmental Consultants Pty Ltd, that development and operational works could potentially be contained within cleared areas. Lots 238 and 242 on CA31519 and CA31612 respectively, are largely devoid of any remnant vegetation and have limited biodiversity value.*

#### **RESPONSE**

As previously stated, proposed development and operational works associated with the Gatton Correctional Precinct will be predominantly located in the western part of the Lot 240 in an area which:

- has been the subject of disturbance associated with recent forestry operations; and

- is currently identified as supporting non-remnant vegetation on the Certified RE Map.

The clearance of remnant *Not of Concern* vegetation within the site has been limited to that required for an entry road, two compounds and some water storage infrastructure associated with the prison complex. Efforts will be made to appropriately revegetate some of this cleared area following establishment of the roadway and other associated infrastructure. Details relevant to these revegetation works are illustrated on the landscape drawing provided by Gamble McKinnon Green.

## ISSUE

*The current site plan shows the proposed location of the correctional facility structure occurring primarily on the western part of lot 240 on CA31519. However, the intended access road will intersect the wetland area displayed on the attached map (Attachment 1). The EPA generally recommends that a 100m buffer should be maintained around wetland areas to ensure long-term viability of the wetland community and maintain ecological functioning and natural fluctuations of the wetland. As such, access tracks should be located and constructed to have a minimal effect on wetland areas, preferably by location outside of such areas whilst maintaining a setback distance.*

## RESPONSE

The proposed access road will be wholly located outside of RE 12.3.7, which the EPA considers to represent a riverine wetland or fringing riverine wetland. As previously stated, the proposed plan of development provides for the retention of vegetation associated with this watercourse (i.e. RE 12.3.7) and a 40m setback from its Q<sub>100</sub> level. Given the site's current condition and its recent disturbance history, this setback provides an appropriate buffer to RE 12.3.7. Furthermore, the proposed rehabilitation of the watercourse (and development setback) will ensure the long-term viability of this "wetland" community and maintain its ecological functioning and natural fluctuations. Additional measures such as the implementation of strategies outlined within an appropriately designed Erosion and Sediment Control Plan and CEMP for the site will also contribute to the protection of RE 12.3.7 during the construction and operation of the Correctional Precinct.

It is also noted that the watercourse which flows through the central portions of the site has a stream order of 1 pursuant to the definition provided for stream ordering outlined in the *Regional Vegetation Management Code for Southeast Queensland Bioregion 20 November 2006* ("RVM Code"). Part P of the RVM Code, which relates to the establishment of necessary built infrastructure, contains Performance Requirement ("PR") P.3 which requires the following, in relation to the clearance of native vegetation.

*To regulate the clearing of vegetation in a way that does not cause land degradation, prevents the loss of biodiversity and maintains ecological processes - assessable vegetation associated with any watercourse is protected to maintain:*

- a) bank stability by protecting against bank erosion; and*
- b) water quality by filtering sediments, nutrients and other pollutants; and*
- c) aquatic habitat; and*
- d) terrestrial habitat.*

The nominated Acceptable Solution ("AS") P.3.1 states.

*Clearing does not occur:*

- a) in any watercourse; and*
- b) within 50 metres from each high bank of each watercourse with a stream order 5 or greater; and*
- c) within 25 metres from each high bank of each watercourse with a stream order 3 or 4; and*
- d) within 10 metres from each high bank of each watercourse with a stream order 1 or 2.*

It is noted that the clearance of remnant vegetation proposed to establish infrastructure will be setback from the watercourse (stream order 1) a significantly greater distance than that required by the provisions of the RVM Code and that which would be required by DNRW if an application were made to clear this vegetation under the *VM Act* prior to the site's Ministerial Designation for Community Infrastructure.

## ISSUE

Similarly a setback of at least 100m from the adjoining Lockyer Forest Reserve is recommended to limit any edge effects on biodiversity within the reserve. A buffered area is important in minimising the effects of noise and lighting disturbance both during and after construction phase of the correctional facilities and supporting infrastructure. Where possible, the effects of noise and lighting along the Forest Reserve boundary should be equal to or no greater than at pre-development ambient conditions. If necessary, a landscaped area buffering the Forest Reserve should be adopted to achieve to filter noise and lighting effects. Landscaping works should use locally native species that reflect the pre-clearing regional ecosystem, with preference given to endemic species. Plants should be of local preference where possible.

## RESPONSE

It is of relevance to note that Powerlink propose the establishment of a high voltage transmission line along the internal eastern boundary of the adjoining State Forest. The establishment of this transmission line will require the removal of a corridor of vegetation that is approximately 120m in width, 100m of which will be located within the State Forest and 20m of which will be located within the site. This powerline corridor will be maintained as regularly slashed grassland. As such, the western boundary of the site will be effectively setback from the edge of vegetation contained within the State Forest by a distance of 100m. The establishment of this transmission line will have a significantly impact on edge effects within the State Forest.

Buildings associated with the Correctional Precinct will be setback approximately 320m from the western boundary of Lot 240. This setback will contain:

- a minimum 70m wide cleared area along the western boundary of the Correctional Precinct to facilitate necessary and required Corrective Services operations (e.g. sight lines);
- a cleared firebreak/fire maintenance trail (the width of which will depend upon the timing of Correctional Precinct infrastructure relative to the transmission line) established along the site's western boundary in accordance with the requirements of the *State Planning Policy 1/03 Guideline – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide*; and
- appropriate landscape plantings established in accordance with the landscape drawing prepared by Gamble McKinnon Green.

As such the Correctional Precinct will, following establishment of the transmission line, be setback a minimum total distance of approximately 420m from the edge of vegetation contained within the State Forest. This setback exceeds that recommended by the EPA by four times and will limit edge effects on the State Forest whilst giving due regard to the bushfire hazard posed by this reserve.

Please do not hesitate to contact the undersigned should you have any queries in relation to the above.

Yours faithfully



Mark Harris  
Senior Ecologist/Project Manager - Ecology  
for **Cardno**

Encl. Confirmation Letter from DNRW dated 22 January 2008