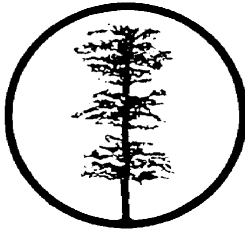
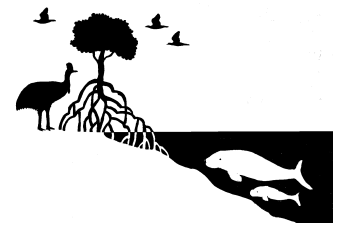


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SUBMISSION ON THE DRAFT QUEENSLAND COASTAL PLAN 2009

The Environmental Defenders Office (Qld) Inc. ("EDO(Qld)") and Environmental Defender's Office of Northern Queensland Inc. ("EDO-NQ") ("EDOs") welcome the opportunity to provide comments on the Draft Queensland Coastal Plan ("the DQCP").

The EDOs are community legal centres which specialise in public interest environmental law in Queensland. We frequently advise community member clients on their rights under both Queensland and Commonwealth environmental law. Should you have any queries about any part of this submission please do not hesitate to contact us.

Yours faithfully
Environmental Defenders Office (Qld) Inc. and
Environmental Defender's Office of Northern Queensland Inc.

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SUBMISSION ON THE DRAFT QUEENSLAND COASTAL PLAN 2009

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1. Introduction

The DQCP is intended to be Queensland's principal coastal planning policy. This is a very important topic for Queensland, as our coastline includes three World Heritage Areas, substantial tracts of undeveloped land, significant tourism and recreational areas, and major urban centres such as Brisbane, the Gold Coast and Townsville.

In addition, compared to other Australian States, Queensland is particularly at risk from both natural coastal hazards and inappropriate coastal development. Over 87% of Queensland's population lives on the coast - the highest of any Australian State. Therefore, impacts on the coastal environment will have significant ramifications for the majority of the State's population.¹

This high population also puts unique pressure on Queensland's coast – while many Queenslanders enjoy the benefits of a coastal lifestyle, the intensification of land use that results also places substantial pressure on the coastal environment. If this population and desire for a coastal lifestyle is allowed to drive coastal development unchecked, the values that make this lifestyle possible will be placed in jeopardy. Therefore, it is very important for the DQCP to have the correct framework for managing coastal development.

The EDOs submission will follow the structure of the DERM online submission form, focusing on three policy issues on which DERM is inviting feedback. These policy issues are:

1. coastal zone definition;
2. development and land use planning; and
3. coastal hazards.

Our submission will answer each of the questions asked by DERM in relation to these three policy issues. In doing so we will highlight our main concerns with the DQCP and provide key recommendations for improving the DQCP so that it may better meet its policy objectives.

¹ DERM website, viewed November 5 2009:

http://www.derm.qld.gov.au/environmental_management/coast_and_oceans/coastal_management/index.html

2. Key recommendations

The key recommendations contained in this submission are:

1. The maps defining the coastal zone are regularly updated to reflect the areas affected by coastal processes and hazards to avoid becoming outdated due to sea level rise.
2. The key coastal sites and areas of state significance such as significant wetlands, dune systems and endangered regional ecosystems currently protected under the regional coastal management plans are re-examined to ensure they are each and everyone still protected as areas of high ecological value in the DQCP.
3. Areas of high ecological value need to also be re-examined to ensure they include turtle nesting sites and areas where dugongs are found.
4. The DQCP to at least adopt a similar or better standard than the coastal management policies of other states in Australia. Queensland is the most vulnerable to climate change and coastal hazards of any State in Australia, and so the DQCP should reflect this.
5. The DQCP should contain strong provisions to ensure all developments are consistent with existing scenic amenity.
6. The DQCP should require all development to maintain existing public access to public areas.
7. The DQCP should strongly reflect the provisions in Queensland's regional planning policies which require development to achieve urban consolidation. However even in the urban foot print, the impacts of development need careful consideration as growth rates in areas such as South East Queensland are ecologically unsustainable.
8. Classification of areas as Marine Development Areas is a means to facilitate development on those areas. The four proposed MDAS subject to approval and the four MDAS that are specified areas ought to be excluded from the classification of MDAs. Public boat ramps need to be excluded from MDAs.
9. The DQCP should adopt a sea level rise estimate of 1.5 metres by 2100, rather than 0.8 metres. This takes into account the vulnerability of Queensland to sea level rise, the fact that estimates of 0.8 metres are outdated, the uncertainties associated with estimating sea level rise, and the need to ensure Queensland is not subject to high costs past 2100.
10. The DQCP should take into account the increased frequency of storm surges and other inundation hazards that will come from climate change, instead of simply basing risks on the 100-year interval for major storms.

11. The DQCP should ensure that future development, especially urban and residential development, be prevented in all coastal hazard zones.
12. The DQCP should not allow existing development commitments to proceed in high coastal hazard areas.
13. The DQCP should only allow developments with an existing full development permit to proceed in low coastal hazard areas, if the development is not for urban or residential purposes.
14. The DQCP should require all existing development commitments which are only preliminary approvals to be reassessed for their compatibility with the DQCP.

Submissions

A. Coastal zone definition

The online submission form asks two questions in relation to the new definition of the coastal zone:

1. *Does the definition provide more certainty than the previous whole of catchment definition used in the current State Coastal Management Plan?*
2. *Do you agree that the regional and local planning instruments and the draft SPP will be effective in replacing regional coastal management plans?*

Does the new definition provide more certainty?

The new definition will be that the coastal zone includes coastal waters and land within 5 kilometres of the coast or below 10 metres Australian Height Datum, whichever is furthest inland. In addition, the coastal zone will also be mapped in the Coastal Plan. This is to replace the existing definition on the *Coastal Protection and Management Act 1995* (Qld) which states that the coastal zone is either all coastal waters, or all areas to the landward side of coastal waters in which there are physical features, ecological or natural processes or human activities that affect, or potentially affect the coast or coastal resources.²

The new definition appears to be aimed at increasing certainty, by moving from a whole-of-catchment definition to one defined by a geographical area. We stated in our submission on the 2008 State Coastal Management Plan Review:

² s.15: *Coastal Protection and Management Act 1995*.

The definition of the coastal zone in Queensland is arguably the most progressive in Australia; however, it aligns poorly with agencies and governments that are traditionally used to dealing with lines on maps.³

The new definition does provide more certainty for government agencies however in practice it needs to be mapped and the mapping then provides certainty. However, the EDO's note that the coastal zone will change depending on rising sea levels. As sea levels rise, new areas further in from the coast will also be affected by inundation events. Therefore, the EDOs consider it important that the coastal zone maps be regularly updated to reflect the areas affected by coastal processes, so that these maps do not become outdated in the face of climate change.

Will the regional and local planning instruments and the draft SPP be effective in replacing regional coastal management plans?

The EDOs do not believe regional and local planning instruments and the draft SPP will be entirely effective in replacing regional coastal management plans. The EDOs recognise the intention to remove a layer of duplication which in some cases may be unnecessary. However, the EDOs are concerned that this will result in a lower level of protection for some areas. Certain existing protections currently provided by the regional coastal management plans have not been replicated in other planning instruments, with no guarantee these protections will return.

A key concept in the regional coastal management plans which has not been implemented in the DQCP is the areas of State significance (natural resources). Under each of the regional coastal management plans, areas of State significance (natural resources) are:

- (a) significant coastal wetlands;
- (b) significant coastal dune systems;
- (c) endangered regional ecosystems; and
- (d) protected areas (State land), land declared critical natural habitat, and areas of major interest as defined under the *Nature Conservation Act 1992*.⁴

The protection of these areas is recognised as being highly important in each of the regional coastal management plans. For example, the Cardwell-Hinchinbrook Regional Coastal Management plan states:

'Areas of State significance (natural resources)' play a critical role in maintaining a healthy functioning coast and are key elements of coastal resources that the State government is seeking to protect and manage. These important coastal resources have associated economic (e.g. fisheries habitats) and social (e.g. recreational

³ EDO-QLD, EDO-NQ & QCC 2008, *Submission on the State Coastal Management Plan Review*, pp 3-4.

⁴ *Cardwell-Hinchinbrook Regional Coastal Management Plan*, pp 70-71; *Curtis Coast Regional Coastal Management Plan*, p 79; *South-East Queensland Regional Coastal Management Plan*, p 47; *Wet Tropical Coast Regional Management Plan*, p 87.

amenity) values. These areas must be protected from land uses and activities that may have adverse impacts on their continued integrity and functioning. Uses and activities adjacent to 'areas of State significance (natural resources)' also have the potential to impact on their values (e.g. through degrading water quality).

The natural resources of the coast are very important to Indigenous Traditional Owners as they have a range of cultural resource values.⁵

The DQCP generally replaces areas of State significance (natural resources) with areas of High Ecological Significance. However, not all areas of state significance (natural resources) are protected by a corresponding area of High Ecological Significance.

The EDOs strongly believe that the replacement of the regional coastal management plans should not lead to some areas being without strong protections under the DQMP due to the removal of their status as areas of State significance without designating these areas as of High Ecological Significance.

On 14 October 2009, the EDOs and a number of other conservation groups wrote to Minister Kate Jones requesting a list and map of all previously identified key coastal sites, coastal management districts, regular turtle nesting beaches, dugong protection areas, islands and regionally and nationally significant wetlands which have not been included as areas of HES under the Draft Queensland Coastal Plan. The response to that letter dated 13 November 2009 confirmed that many of the issues addressed by the regional coastal management plans in relation to key coastal sites and coastal management districts have not been picked up by the draft plan. EDO seeks further information to ensure all the areas identified in our joint letter to the Minister are protected under the DQCP.

All of the coastal management districts, key coastal sites and areas of State significance (natural resources) identified in the four existing regional coastal plans should be included as areas of High Ecological Significance.

B. Development and land use planning

The online submission form asks six questions in relation to development and land use planning:

1. *How important is it to manage urban development on the coast?*
2. *State and regional planning instruments are the most appropriate mechanism for ensuring that development does not impact on coastal areas?*
3. *Do you agree with avoiding new development in areas of high ecological significance?*
4. *The location and design of new development along the coast needs to be consistent with existing scenic amenity?*

⁵ *Cardwell-Hinchinbrook Regional Coastal Management Plan*, p 71.

5. *If a development can not avoid causing a loss of public access to a beach or other public area, it needs to ensure that new public access opportunities will be established in, or near to, the development?*
6. *Consolidating new developments into existing development hubs is the preferred way to accommodate urban growth?*⁷

How important is it to manage urban development on the coast?

It is very important to manage urban development on the coast. As the DQCP states, Queensland's coast has significant environmental, social and economic values.⁶ The Queensland coast includes three World Heritage Areas, substantial tracts of undeveloped land, significant tourism and recreational areas, and major urban centres such as Brisbane, the Gold Coast and Townsville.

The EDOs are supportive of the DQCP's recognition of this, and its recognition that many of these values will be threatened by poor management of urban development.⁷

In addition, compared to other Australian States, Queensland is particularly at risk from both natural coastal hazards and inappropriate coastal development. Over 87% of Queensland's population lives on the coast - the highest of any Australian State. Therefore, impacts on the coastal environment will have significant ramifications for the majority of the State's population.⁸

This high population also puts unique pressure on Queensland's coast – while many Queenslanders enjoy the benefits of a coastal lifestyle, the intensification of land use that results also places substantial pressure on the coastal environment. If this population and desire for a coastal lifestyle is allowed to drive coastal development unchecked, the values that make this lifestyle possible will be placed in jeopardy. Therefore, it is very important for the DQCP to have the correct framework for managing coastal development.

State and regional planning instruments are the most appropriate mechanism for ensuring that development does not impact on coastal areas?

The EDOs submit that in the context of State and local government relations, strong State and regional planning instruments are necessary for avoiding impacts on coastal areas. The coastal zone is an area where many sectors – environment, resource management and urban development combine, and where many agencies – State, local government and federal have input. State and regional planning instruments are necessary to provide an overall framework to the efforts of these

⁶ DQCP, p 2.

⁷ DQCP, p 2.

⁸ DERM website, viewed November 5 2009:

http://www.derm.qld.gov.au/environmental_management/coast_and_oceans/coastal_management/index.html

sometimes-competing sectors and agencies. Without a strong State policy framework, approaches to Queensland's coastal management risk being limited and fragmented.

However, the EDOs also submit that a national approach will be most effective for ensuring proper coastal management. Coastal zone management issues are of a national character and not just State, regional or local.

Therefore, the EDOs recommend that where possible, the DQCP be in line with the approaches of the Commonwealth and other State governments. In particular, where the policy guidelines developed by the Commonwealth Government or other State governments provide stronger protection than the DQCP, the DQCP should be amended to reflect the stronger approach to maintain a best-practice management standard in Australia.

Do you agree with avoiding new development in areas of high ecological significance?

The EDOs strongly agree that new development should be avoided in areas of high ecological significance. As the DQCP Coastal Protection Policy Guideline states, areas of high ecological significance have a critical role in maintaining the biodiversity of the coastal zone.⁹

The EDOs oppose the provisions for offsets and other provisions within the development assessment clauses and codes of the DQCP that allow compromises or adverse impacts on areas of high ecological value.

The location and design of new development along the coast needs to be consistent with existing scenic amenity?

The EDOs strongly agree that the location and design of new coastal developments need to be consistent with existing scenic amenity. The DQCP should contain strong provisions to prevent the approval of developments which are inconsistent with existing scenic amenity.

If a development can not avoid causing a loss of public access to a beach or other public area, it needs to ensure that new public access opportunities will be established in, or near to, the development?

The EDOs are opposed to the use of offsets for maintaining public access to public areas. Private interests should not take precedence over public use of public areas. All development should be subject to a condition that existing public access to public areas be maintained.

⁹ DQCP Coastal Protection Policy Guideline, p 6.

Consolidating new developments into existing development hubs is the preferred way to accommodate urban growth?

The EDOs strongly agree that consolidating new developments into existing development hubs is the preferred way to accommodate urban growth. This is in line with the accepted urban development policies in the South-East Queensland and Far North Queensland regional plans.¹⁰ As these regional plans state, consolidation into existing urban footprints provides a range of benefits including the efficient use of land, conservation of open spaces, the maintenance of regional identities and the cost-efficient provision of infrastructure.¹¹

However, the EDOs also stress that the levels of population growth in many regions of Queensland such as South-East Queensland is ecologically unsustainable. Before development is approved, even in existing urban footprints, the sustainability of such development in that location needs to be evaluated.

We also protest the inclusion of 400 public boat ramps as Maritime Development Areas. This classification will facilitate inappropriate ancillary commercial, industrial or retail or accommodation development at those sites. Instead more restrictive rules should apply for development near public boats ramps.

The proposed MDAS on hold subject to approval Shute Harbour, Urangan Boat Harbour, North Water Business Park and Thomson's and those proposed MDAS that are "specified areas" all ought to be excluded from MDA classification. The reason is that they have not gone through rigorous assessment and/or the proposal is based on past poor planning.

We have not checked to see if those proposed MDAS are in planning schemes. However, if the provisions of a planning scheme are changed due to a new State planning policy that does not give rise to a claim for compensation under the Integrated Planning Act 1997- see section 5.4.4 of the *Integrated Planning Act 1997*.

C. Coastal hazards

The online submission form asks five questions in relation to coastal hazards:

1. *How important is this topic to coastal planning and management policies?*
2. *The draft plan uses the following parameters to determine areas at risk from coastal hazards. Are these parameters sufficient to address potential impacts of climate change including sea level rise and increased storm intensity?*
3. *To protect people and property it is appropriate for planning policies to prevent future development being placed in areas likely to be impacted by coastal hazards?*

¹⁰ *Far North Queensland Regional Plan 2009-2031*, p 74; *South-East Queensland Regional Plan 2009-2031*, p 91.

¹¹ *Far North Queensland Regional Plan 2009-2031*, p 73; *South-East Queensland Regional Plan 2009-2031*, p 90.

4. *Is it appropriate to allow development in identified coastal hazard areas if the development has already been approved or a planning instrument has designated the area for development purposes?*
5. *Is it appropriate to allow some types of development that are not for urban or rural residential purposes (for example, cattle feedlots) to occur within identified coastal hazard areas?*

How important is this topic to coastal planning and management policies?

The EDOs believe planning for coastal hazards is very important. With a very high percentage of its population living on the coast, and Queenslanders relying on the coast for many environmental, economic and social benefits, Queensland is at particular risk from coastal hazards. Therefore, the EDOs believe planning for coastal hazards should take a high priority within the DQCP.

The draft plan uses the following parameters to determine areas at risk from coastal hazards:

- *Planning period of 100 years*
- *Sea level rise factor of 0.8 metres by 2100*
- *100-yr average return interval for major storms or water levels*
- *10% increase in storm intensity (relative to maximum potential intensity)*

Are these parameters sufficient to address potential impacts of climate change including sea level rise and increased storm intensity?

The EDOs strongly disagree that these parameters are sufficient to address the potential impacts of climate change. The EDOs submit that these parameters are insufficient on the following grounds:

1. The parameters do not take into account the uncertainties surrounding climate change science.
2. The Parameters do not account for rising sea levels past 2100.
3. The Parameters do not take into account the increased return interval for major storms climate change will bring.

1. The Parameters do not take into account the uncertainties surrounding climate change science

As the explanatory notes state, the parameters are based on the upper limit of the projections released by the Intergovernmental Panel on Climate Change (“IPCC”) in their Fourth Assessment Report (“AR4”) released in 2007.

AR4 summarised the state of climate science up to 2005-2006. However, as the Commonwealth of Australia House of Representatives Standing Committee on Climate Change, Water Environment and the Arts (“the Standing Committee”) noted, climate change is a rapidly evolving field of study and much important research has been published since AR4.¹²

Some of the recent developments since AR4 noted by the Standing Committee were:

- The climate system is changing faster than earlier thought likely.
- Uncertainties still surround important aspects of climate science, especially the rates and magnitudes of the major processes that drive serious impacts for human societies and the natural world. These uncertainties most operate towards more rapid and severe climate change – it is not accepted that there is strong chance climate change will have lower impacts than thought earlier.
- Climate change does not proceed in smooth curves of mean values, but will also feature extreme events and abrupt changes. These abrupt changes will be a source for impacts on people and ecosystems.
- Long-term feedbacks in the climate system may be starting to develop now, such as the processes affecting the large polar ice sheets and northern permafrost.¹³

These new findings highlight the uncertainty surrounding the impacts of climate change. The IPCC predicted this possibility in the AR4, when discussing key uncertainties surrounding the estimates on which the DQPC is based on:

Future changes in the Greenland and Antarctic ice sheet mass, particularly due to changes in ice flow, are a major source of uncertainty that could increase sea level rise projections. The uncertainty in the penetration of the heat into the oceans also contributes to the future sea level rise uncertainty.

Large-scale ocean circulation changes beyond the 21st century cannot be reliably assessed because of uncertainties in the meltwater supply from the Greenland ice sheet and model response to the warming.

Projections of climate change and its impacts beyond about 2050 are strongly scenario- and model-dependent, and improved projections would require improved

¹² House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts 2009, *Managing our coastal zone in a changing climate*, p 26.

¹³ House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts 2009, *Managing our coastal zone in a changing climate*, p 27.

*understanding of sources of uncertainty and enhancements in systematic observation networks.*¹⁴

The first implication of these uncertainties for the DQCP is that while the parameter of a 0.8 metre sea level rise is at the upper end of the IPCC's estimates, it is very plausible that the actual sea level rise experienced will be greater than this. The Standing Committee noted that sea levels have been rising at or near the upper limit of the envelope of the IPCC projections.¹⁵

It appears that the 0.8 metre sea level rise parameter adopted by the DQCP will allow no room for these uncertainties. Accounting for this uncertainty is important as Queensland is very dependent on its coastal communities for its economic development. With the major urban centres of Brisbane and the Gold Coast located on the coast, as well as many regional centres such as Cairns, Townsville, Bowen and Mackay; Queensland is at particular risk from sea level rises. Out of all states in Australia, Queensland is most at risk from climate change.

Therefore, to account for both the uncertainty in the predictions and the particular vulnerability of Queensland to sea level rise, the EDOs recommend that the DQCP apply the precautionary principle and adopt a far higher parameter than 0.8 metres. A parameter of at least 1.5 meters would give Queensland a better capacity to deal with higher sea level rises. The EDOs note that the Standing Committee acknowledged that a sea level rise of 1.5 metres or more cannot be ruled out, and the EDOs submit that this be the parameter which is adopted.¹⁶

Prof. Will Steffen, Executive Director of the Climate Change Institute at ANU and the Climate Advisor to the Australian Government supported this estimate, stating in a presentation at the Coast to Coast Conference in Darwin (August 2008):

'We may be nearing a point of no return for Greenland (7 m sea level rise).....in the 21st century sea level rise of at least 0.5 m is a certainty. A rise of 1 to 1.5 m is more likely. According to palaeo-evidence, a rise of up to 4 s this century is possible.'

The Queensland Government's own published information *Climate Change in Queensland: what the science is telling us* highlights the significance of storm surge as an additional threat. It suggests that a further 0.5 m needed to be added to sea level rises to reflect a 1-in-a-hundred year storm surge event.¹⁷ This further highlights the need to adopt a higher parameter than the DQCP's 0.8 metres.

The EDOs also recommend that the DQCP follow the example of the Victorian Coastal Strategy 2008 in anticipating the need for review of the parameters as new information becomes available.¹⁸ It is important that Queensland's coastal planning be based on the most accurate and contemporary science. As we have noted, a

¹⁴ Intergovernmental Panel on Climate Change 2007, *Climate Change 2007: Synthesis Report*, p 73.

¹⁵ House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts 2009, *Managing our coastal zone in a changing climate*, p 26.

¹⁶ House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts 2009, *Managing our coastal zone in a changing climate*, p 44.

¹⁷ Queensland Government - Office of Climate Change 2008, *Climate Change in Queensland: what the science is telling us*, p 16.

¹⁸ The State of Victoria - Victoria Coastal Council 2008, *Victorian Coastal Strategy 2008*, p 14.

particular problem in this area is the large uncertainty which must be taken into account. Therefore, adopting a mechanism to review the coastal hazard parameters would help ensure that the DQCP does not become outdated by rapidly advancing scientific research.

2. The Parameters do not account for rising sea levels past 2100

The EDOs submit that the planning period of 100 years out to 2100 is too arbitrary and not well suited to basing coastal policy on. The defined date of 2100 is useful for providing a time period over which estimates of climate change impacts can be easily compared with each other. However, sea level rise will not stop in 2100. The Standing Committee has recommended that to account for this we need a longer-term outlook for coastal policy development.¹⁹

Taking a longer-term outlook recognises that developments built to withstand a sea level rise of 0.8 metres by 2100 may be placed at risk past this date. This would result in a situation where substantial coastal developments built to withstand only a 0.8 meter sea level rise would quickly become at risk past the date this sea level became a reality. This would impose significant economic and public safety costs on Queensland in the future. Therefore, the DQCP should adopt a higher estimation of sea level rise of at least 1.5 meters to take into account the need to plan past 2100.

3. The Parameters do not take into account the increased storm interval or water level for major storms climate change will bring

The EDOs believe that a 100 year return interval for major storms is inadequate as a measuring stick for coastal hazards. While large, 100 year return interval storms will always be a major hazard for Queensland, climate change will also lead to a greatly increased frequency of smaller extreme events.

The Standing Committee reported that that sea level rises will greatly increase the frequency of flooding events due to high tides and storm surges.²⁰ The Standing Committee quoted the Australian Bureau of Meteorology as stating that a rise of only 10 metres of sea level would see Brisbane experience four to six times as many extreme events as currently observed.²¹ It also supported submissions that stated that by the end of the century, flooding events which may only happen every year at present may happen every day.²²

¹⁹ House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts 2009, *Managing our coastal zone in a changing climate*, p 45.

²⁰ House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts 2009, *Managing our coastal zone in a changing climate*, pp 46-47.

²¹ House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts 2009, *Managing our coastal zone in a changing climate*, p47.

²² House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts 2009, *Managing our coastal zone in a changing climate*, p 47.

The DQCP does not adequately address this hazard as it makes no mention of this increased frequency. Therefore, the EDOs recommend that more analysis of the impacts of extreme flooding events be included within the DQCP to take into account the increased frequency of these events which will occur over the next century.

To protect people and property it is appropriate for planning policies to prevent future development being placed in areas likely to be impacted by coastal hazards?

The EDOs strongly agree that future development should be prevented from being placed in areas likely to be impacted by coastal hazards. There are particular issues with public safety and the economic and social consequences of allowing development in areas that will become inundated in the future as a result of climate change.

In particular, the EDOs submit that the nature of climate-change induced inundation will mean that the distinction between low and high hazard zones will be unhelpful in practice. The Draft Guideline Coastal Hazards defines low hazard areas as those which will be inundated with less than 1 metre of water, while high hazard areas are those with inundation depths of 1 metre or more and where most residential structures will suffer moderate to severe damage.²³

The uncertainties surrounding rising sea levels mean that determining which areas will be low hazard zones, and which will be high hazard zones, will be very difficult. In addition, as the Standing Committee has noted, even a small amount of sea level rise will cause a disproportionately large increase in the frequency of high tide and storm surge flooding events.²⁴

Therefore, the EDOs strongly recommend that future development, especially urban and residential development, be prevented in all coastal hazard zones.

Is it appropriate to allow development in identified coastal hazard areas if the development has already been approved or a planning instrument has designated the area for development purposes?

The EDOs strongly disagree that it is appropriate to allow pre-approved development in identified coastal hazard areas. As was stated above, there are serious public safety, economic and social consequences that come from allowing development in coastal hazard areas.

Existing development commitments do not change this central issue. If development is allowed to go ahead despite its location in a coastal hazard area, it will still result in high costs to the State and people of Queensland.

²³ DQCP Draft Guideline Coastal Hazards, p 19.

²⁴ House of Representatives Standing Committee on Climate Change, Water, Environment and the Arts 2009, *Managing our coastal zone in a changing climate*, p 46.

Using existing development commitments to circumvent the protections in the DQCP is particularly unwarranted given the very broad definition of what constitutes a “development commitment”. Among other things, the DQCP defines development commitment as including “development with a valid preliminary approval”.²⁵ The effect of this definition is that as per part 4.7 of the DQCP, if there is a preliminary approval for a development, this can be used as acceptable circumstances for not fully achieving the policy outcomes of the DQCP. This arguably gives preliminary approvals more weight than they are intended to have under IPA.

A preliminary approval does not authorise assessable development to occur, and a full development permit must still be sought to commence construction.²⁶ Although a preliminary approval will bind the assessment manager, a full assessment of the impacts and risks associated with the development must still be undertaken when assessing a future application for a development permit. The purpose of a preliminary approval is to assist the staging of a development, so that a developer can gain initial approval of certain aspects of a project before investing money into detailed project design.²⁷ Approval of a development under a preliminary approval is strictly limited to the extent stated in the approval.²⁸

Furthermore, a preliminary approval is in no way a comprehensive assessment of the merits of a development, and an application for a preliminary approval is unlikely to include sufficient information for a fully informed decision to be made on its impacts or susceptibility to coastal hazards. A preliminary approval in particular is a poor justification for allowing development to proceed in identified coastal hazard areas.

The EDOs recommend that the DQCP, including the development assessment provisions and codes be amended to:

1. not allow existing development commitments to proceed in high coastal hazard areas;
2. only allow developments with an existing full development permit to proceed in low coastal hazard areas, if the development is not for urban purposes; and
3. require all existing development commitments which are only preliminary approvals to be reassessed for their compatibility with the DQCP.

The EDOs also note that under section 5.4.4(h) of IPA, compensation is not payable to property owners if a change to a planning scheme affects the value of land that was needed to avoid significant risk to persons or property from natural processes and the risks could not have been significantly reduced by conditions attached to the development approval. Therefore, the EDOs believe that the possibility of the State having to pay compensation to affected landowners should not be a relevant consideration in deciding whether to allow development in coastal hazard areas.

²⁵ *DQCP*, p 49.

²⁶ s.3.1.5(1): *IPA*.

²⁷ s.3.1.5: *IPA*.

²⁸ s.3.1.5(1): *IPA*.

Is it appropriate to allow some types of development that are not for urban or rural residential purposes (for example, cattle feedlots) to occur within identified coastal hazard areas?

The EDOs agree it may be appropriate to allow some types of development that are not for urban or rural residential purposes in identified coastal hazard areas, if it meets the probable solutions for high hazard zones in the Development Assessment Code for the DQCP. However, this development should not compromise public safety.

4. Conclusion

The DQCP is a very important policy for managing Queensland's coastal resources now and into the future. As a State, Queensland depends on the maintenance of these resources, for economic, social, environmental and cultural reasons. Therefore, it is extremely important that the policy recognise the value of the Queensland coast and not allow it to be squandered away by inappropriate development and bad planning decisions. As such, the DQCP needs to have firm restrictions on what can and cannot be done in coastal areas.

The EDOs believe there is substantial room for improvements to be made to the DQCP so that it is able to appropriately guide land use planning on the Queensland coast. The DQCP needs to:

1. Recognise all key coastal sites with high environmental values, and firmly protect them from inappropriate development.
2. Make use of the most up-to-date climate change science, including making provision for the DQCP to be easily updated as this science improves.
3. Address the risk of inundation and storm surges from climate change, rather than only sea level rise and 100-year interval major storm events.
4. Recognise the significance of Queensland's coastal resources, and adopt a best-practice approach to coastal planning.
5. Maintain existing scenic amenity and public access to coastal resources.
6. Protect public safety by preventing development from occurring in coastal hazard zones.

We thank you in advance of your consideration of and attention to these submissions. Of course, if you would like to discuss any aspect of this submission or its recommendations, then please do not hesitate to contact Patrick Vuleta at EDO-NQ or at Jo-Anne Bragg at EDO-QLD.