

# COMMUNITY PLANNING ADVOCACY CENTRE

A SPECIALISED PROGRAM OF THE EDO Qld

*Resourcing Community Participation in Planning*

PO Box 172

Ashgrove

Qld 4060

23 February 2005

Draft Regional Plan Feedback  
Office of Urban Management  
Reply Paid 31  
Brisbane Albert Street BC QLD 4002

Dear Sir/Madam

## ***SUBMISSION ON THE DRAFT SEQ REGIONAL PLAN***

While there is much to support in the draft SEQ Regional Plan ('the Plan'), there are also serious deficiencies that will prevent the Plan from being as effective as it needs to be to meet the challenge of achieving ecologically sustainable development in SEQ.

This submission<sup>1</sup> discusses the **deficiencies** and makes **recommendations** on how the Plan can be improved. The main points of the submission are outlined in the following summaries.

The **deficiencies** are broadly as follows:

1. The Plan preparation process did not incorporate best practice public participation in debating alternative futures for SEQ. The Plan process has not given citizens sufficient information on the implications and tradeoffs inherent in different alternative scenarios and has not enabled citizens to make informed choices about the future of the region.
2. The Plan is not effective in promoting ecologically sustainable development (ESD) as defined in the *National Strategy for Ecologically Sustainable Development* (NSES D). The essential principles in the NSES D are poorly incorporated into the Plan.

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<sup>1</sup> The submission has been prepared with input from Ms Jo Bragg (Principal Solicitor, EDO Qld)

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Send donations to EDO Qld below and ordinary mail to CPAC address above.

Environmental Defenders Office (Qld) Inc.  
Level 9, 193 North Quay (corner Herschel St)  
Brisbane 4000

ABN 14 911 812 589  
Telephone: (07) 3211 4466  
Facsimile: (07) 3211 4655  
E-mail address: [edoqld@edo.org.au](mailto:edoqld@edo.org.au)  
[www.edo.org.au/edoqld](http://www.edo.org.au/edoqld)

3. The Plan has been prepared without regard to an explicit analysis of the critical environmental and liveability thresholds within major drainage catchments and other sub-regional areas (e.g. minimum water quality standards for waterways). The Plan fails to demonstrate that these thresholds will not be exceeded as a consequence of further development and population growth (including associated infrastructure provision) up to 2026.
4. The Plan does not directly address the need to reduce the 'ecological footprint' and per capita impacts of the region.
5. The Urban Footprint in the Plan is too large and should be reduced in size so that it includes no more than 25 years supply of land for urban purposes, having regard to an analysis of critical environmental and liveability thresholds in major drainage catchments and other sub-regional areas.
6. The Plan does not make a firm commitment to implement its preferred urban growth pattern (western corridor growth and urban consolidation).
7. The Plan does not contain sufficient guidance for resolving conflicts between and within different Draft Regional Outcomes (including associated Principles and Strategies). (This creates uncertainty leading to money wasted on Court cases).
8. The Plan does not include an explicit commitment to the principle of equity in sharing the benefits of growth and change in SEQ.
9. The Plan does not promote 'sustainable industries' which involve clusters of enterprises sharing energy and resource inputs and outputs to reduce overall impact.
10. A number of the transport policies and infrastructure proposals in the Plan do not support ESD and are likely to work against the Plan's preferred form of development. The Plan lacks an express Greenhouse gas reduction strategy.
11. While the Plan includes some performance indicators (Sustainability Indicators), these need to be directly linked to critical environmental and liveability thresholds within major drainage catchments and other sub-regional areas.
12. While the *Nature Conservation Act 1992* (Qld) protects some areas, the draft Regulatory Provisions fail to deliver legal certainty for protection of regionally significant nature conservation areas both inside and outside the Urban Footprint.
13. The draft Regulatory Provisions are ambiguous in relation to material change of use for urban purposes outside the Urban Footprint.

The **recommendations** of this submission are:

1. That further implementation processes for the Plan (including the five-year formal reviews) incorporate best practice public participation and the principles of ESD (including reducing per capita impacts in the region).
2. That critical environmental and liveability thresholds within major drainage catchments and other sub-regional areas (e.g. minimum water quality standards for waterways) be identified as a matter of urgency and be available to inform public debate about alternative futures for SEQ before this Plan is finalised and also for the first formal review of the Plan due in 2010.
3. That the Plan not be finalised until the impacts of infrastructure provision as detailed in the *SEQ Infrastructure Plan and Program* (e.g. water supply) on critical environmental and liveability thresholds within major drainage catchments and other sub-regional areas have been assessed and debated.
4. That the Urban Footprint contain no more than 25 years supply of land for urban purposes (having regard to critical environmental and liveability thresholds in major drainage catchments and other sub-regional areas) and that it not be expanded before the first formal review of the Plan in 2010.
5. That the adopted Regional Plan resolve conflicts between and within different Draft Regional Outcomes (including Principles and Strategies).
6. That development for urban purposes not be permitted in the Investigation Areas and the North Beaudesert Investigation Area before the first formal review of the Plan in 2010.
7. That land with characteristics of State or regional significance (other than for urban development) be removed from the Urban Footprint.
8. That 'no go' regionally significant nature conservation areas be identified as a matter of urgency through a best practice public participation process.
9. That infill development within existing urban areas maintains accepted levels of urban open space (generally 4 ha per 1000 persons) to cater for the future population and if necessary land be purchased to ensure that the area of open space is not below accepted standards.
10. That the Regulatory Provisions not be weakened in response to other submissions on the Plan but that they be strengthened to deliver legal certainty for the protection of identified 'no go' regionally significant nature conservation areas (specified in a list and on a cadastral map or maps in the Regulatory Provisions). While the *Nature Conservation Act 1992* (Qld) protects some areas, many other areas need protection under the Plan.
11. That the Regulatory Provisions be amended to unambiguously prevent residential development for permanent occupation (except for one house on each existing allotment and other minor exceptions that may be available to genuine primary producers) outside the Urban Footprint.
12. That the Plan's transport policy and infrastructure proposals be amended to clearly promote ESD and the Plan's preferred pattern of development. A Greenhouse gas reduction strategy needs to be included.

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| 13 | That the Plan's performance indicators (Sustainability Indicators) be directly linked to the critical environmental and liveability thresholds within major drainage catchments and other sub-regional areas referred to above. |
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The details of this submission are set out below.

*Public Debate on Alternative Futures for SEQ*

1. The Plan preparation process should have provided opportunities for citizens to participate in making choices about the future they want for SEQ, including choosing the relative importance to be given to values like economic growth, social inclusion, recreation spaces and biodiversity. These are values choices that citizens are qualified to make and which should not be made for them by planning professionals. The Plan preparation process has not given citizens sufficient information on the implications and tradeoffs inherent in different alternative scenarios and has not enabled citizens to make informed choices about the future of the region.
2. A complete stage has been left out of the public participation process for the Plan. Best practice in Vancouver (Canada) and Portland (Oregon, USA) has for many years included extensive consultation on alternative futures and the implications of choices. For example, for the preparation of the Vancouver CityPlan in the mid-1990s, the implications of a number of alternatives were detailed in 'neutral' language for public debate.
3. About the same time in the Portland region, extensive analysis of four scenarios for regional growth informed major public involvement in choosing the preferred growth concept (the 2040 Growth Concept).

*Population Growth*

4. There is widespread concern in the community that the projected population increase for SEQ of around 1,000,000 extra people by 2026 will have unacceptable impacts on the natural environment of the region and on liveability for residents.
5. The Plan's 'predict and provide' approach to the projected population growth is seriously questioned in the context of ESD principles that recognize there are 'limits to growth'. (ESD issues are discussed in a later section of this submission).
6. While it is acknowledged that incorporating environmental and liveability 'limits to growth' in the Plan is far from straightforward, this is an approach that should be pursued by OUM as a matter of urgency.
7. It is also acknowledged that the 'limits to growth' concept is multi-dimensional. For example, the SEQ authorities may be able to provide sufficient water for the projected population but this may (for example) require extracting water from the Moreton Bay islands at a rate that will irreversibly change ecosystems on the

islands. In this example, growth would not exceed the physical threshold for water harvesting but a threshold for protection of ecological processes may well be exceeded.

8. In theory, thresholds could be estimated for a range of environmental and liveability dimensions. For example, some data are available for the health of waterways in the region (refer to the State of SEQ Waterways report), which could be used to develop thresholds for minimum water quality standards. Similarly, the concept of ‘environmental capacity’ thresholds for different types of streets is widely accepted in the context of liveability.
9. A set of critical environmental and liveability thresholds should be developed for the major drainage catchments and other sub-regional areas in SEQ and be available to inform public debate about alternative futures for SEQ both now before the Plan is finalised and also for the first formal review of the Plan due in 2010.
10. The Plan has been prepared without explicit regard to these critical environmental and liveability thresholds and has failed to demonstrate that these thresholds will not be exceeded as a consequence of further development and population growth up to 2026.

#### *Infrastructure Impacts*

11. Some of the concern about population growth in SEQ is connected to the likely impacts on the natural environment of the engineering infrastructure to service the future population.
12. For example, the requirements of a future regional population of 3,500,000 to 4,000,000 people for potable water is very likely to impact on areas of State and regional biodiversity significance as evidenced by Map 3 (Nature Conservation) and Map 4 (Rural Production and Natural Resources) in which the biodiversity protection areas on Moreton and North Stradbroke Islands are also earmarked as groundwater resources.
13. The extent of these impacts will not be revealed until the *SEQ Infrastructure Plan and Program* (the Infrastructure Plan) is released after the closing date for submissions on the Plan.
14. The Plan finalisation process should include an assessment of whether regional-scale infrastructure proposed in the Infrastructure Plan for the projected SEQ population will result in any of the critical environmental and liveability thresholds described above being exceeded.

#### *Sustainability*

15. The overriding intent of the Plan is described on page 5 of the Plan document as:

*‘to ensure that the region can grow and change in a sustainable way, generating prosperity while at the same time maintaining and enhancing quality of life and providing high levels of environmental management’.*

16. The explanation of what sustainable/sustainability means in Part E of the Plan document (page 16) does not accord with the definition of ESD in the *National Strategy for Ecologically Sustainable Development* (NSES D) but instead mirrors the unsatisfactory definition of *Ecological Sustainability* (ES) in the *Integrated Planning Act*, which in my view, does not adequately incorporate the intention of the NSES D. In the NSES D, the maintenance of ecological processes is fundamental, not something that is to be ‘balanced’ with economic development and cultural/economic/physical/social wellbeing as in the *IPA* definition of ES.

17. The *Melbourne 2030* Plan is the Melbourne metropolitan region’s equivalent to the SEQ Regional Plan. However unlike the SEQ Regional Plan, the *Melbourne 2030* Plan accepts the framework for sustainability in the NSES D, including the core objectives to:

- safeguard the welfare of future generations;
- improve equity within and between generations; and
- protect biological diversity and maintain systems essential to support life.

18. The definition of Ecologically Sustainable Development (ESD) in the NSES D is:

*‘Using, conserving and enhancing the community’s resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future can be increased.’*

19. By contrast in the Plan document, under the heading *Sustainability* in Part E (page 16), reference is made to the region’s future population growth and consolidating a reputation for liveability, attractiveness and prosperity. This is to be achieved by:

*‘balance(ing) the protection of ecological processes and natural systems at a region level with economic development and the maintenance of the cultural, economic, physical and social well-being of people and communities.’*

20. This is significantly different from the definition of ESD in the NSES D and is even more inadequate than the definition of *Ecological Sustainability* in the *Integrated Planning Act* as the Plan’s definition does not require the balance to ‘integrate’ the ecological, economic and social dimensions as required by the *IPA*.

21. The essential principles in the *National Strategy for Ecologically Sustainable Development* are therefore insufficiently incorporated into the Plan. The Plan’s vision does not sufficiently emphasise an ecologically sustainable future. The *Melbourne 2030* Plan is an example of how these principles can be much better incorporated.

22. The performance of the SEQ region with regard to sustainability is not discussed in the Plan document except in a general and qualitative way (page 6]. Instead there are statements like ‘our region is one of the most sought after places to live in Australia.’

23. SEQ is performing badly relative to other regions globally on a number of measures of ESD (eg greenhouse gas emissions per capita and vehicle kilometres travelled per capita). Concern about this relatively poor performance is not

reflected sufficiently in the Plan. An express Greenhouse gas reduction strategy needs to be included in the Plan.

24. The Plan does not have regard to an explicit analysis of the critical environmental and liveability thresholds within major drainage catchments and other sub-regional areas. The Plan fails to demonstrate that these thresholds will not be exceeded as a consequence of further development to 2026.
25. While the Plan includes some performance indicators (Sustainability Indicators), these need to be directly related to critical environmental and liveability thresholds within major drainage catchments and other sub-regional areas. For example, several major waterways in SEQ appear to have unacceptable levels of pollutants but this is not explicitly acknowledged in the Plan.

#### *Urban Footprint*

26. While the Plan does include an Urban Footprint (UF) and generally prohibits development for urban purposes outside the UF, there are several aspects of the UF that are unsatisfactory.
27. Firstly, the UF is ‘20% larger than we need to provide for those 550,000 dwellings, so it is not tight’ (Minister Mackenroth quoted in *The Australian* 28/10/2004 talking about how the predicted number of new dwellings will be catered for in the Plan).
28. Minister Mackenroth went on to say that, together with the investigation areas (which could provide an extra 25 percent of land), ‘there is plenty of land which has been allocated in this plan...I would suggest probably to see us through well into the second half of this century.’
29. Therefore, by the Minister’s own estimates, the Plan probably has in excess of 50 years supply of land for housing within the UF and investigation areas. (No information has been released to the public on how the dwelling yield within the Urban Footprint or the investigation areas has been calculated).
30. Other places where a UF or equivalent is used include only 15 years (*Melbourne 2030 Plan*) or 20 years (Portland (Oregon) Urban Growth Boundary) supply of urban land within the UF. Typical town planning practice as generally enforced by the Queensland Department of Local Government and Planning is 15-20 years supply to allow the land market to operate effectively.
31. It can only be concluded therefore that the UF is too large and should be reduced in size. The UF includes ‘areas identified as having biodiversity values of State, regional or local significance’ (page 13), and these should be deleted from the UF during the process of reducing its size.
32. Secondly, there is no statement in the Plan that the already ‘bloated’ UF will not be expanded at any time, even though on the Minister’s reckoning, there will still be about 30 years residential land supply left in 2026.
33. By contrast, the Melbourne Urban Growth Boundary (UGB) will be fixed after a consultation period to correct anomalies. ‘Once the UGB has been settled by the Minister, it will be permanent. Modifications will be considered only in designated

growth areas following an assessment of housing needs and a revision of growth plans or, if applied to smaller towns and settlements.’ (*Melbourne 2030* website).

34. For Melbourne, the UGB ‘follows the existing boundary defined by urban zones and growth strategies for the majority of the urban areas.’ (*Melbourne 2030* website). Specific growth areas are designated for greenfield development with a 20 year supply of residential land being maintained through development within these growth areas.
35. The SEQ Urban Footprint contains both existing and future urban areas and with the investigation areas, has, according to the Minister, more than 50 years supply of residential land. On that basis, there is therefore no justification at a regional level to expand the current UF to cater for regional housing demand for at least another 10 years.
36. Thirdly, if it is intended that the UF will be expanded in response to more ‘local’ circumstances (eg if all the Sunshine Coast allocation of land for housing in the Plan was taken up well before 2026), then one could question what role the UF has other than to provide a sequencing mechanism for the trend growth pattern.
37. If the UF is regularly extended in response to ‘local’ housing demand outside the western corridor (particularly in near-coastal local government areas), then the perception will be that the OUM isn’t really serious about implementing the Plan and the trend development pattern will continue with only relatively minor delays.
38. Perceptions of the Plan will be strongly influenced by OUM’s commitment (or lack of commitment) to keeping the UF fixed and directing population growth to the west and to higher density development in suitable locations within the existing urban areas.
39. The Plan should make it clear that the UF is fixed, at least until the first formal review (nominally in 2010); otherwise, the implied intention of the Plan to redirect development away from the coastal areas will be undermined. Fixing the UF for that period will also tend to minimise speculation in land close to but outside the UF.
40. Development for urban purposes in the Investigation Areas and the North Beaudesert Investigation Area would not support the implementation of the preferred urban growth strategy and therefore should not be permitted before the first formal review of the Plan (nominally in 2010).

*Lack of commitment to implementing the Preferred Urban Growth Strategy*

41. The Plan document states that:

*‘The Regional Plan will guide growth and development in SEQ to 2026...The extent to which this urban pattern is achieved will depend upon a number of factors, including future growth rates, community attitudes and behaviours, government regulation, the ability to provide infrastructure efficiently and technology’ (page 4).*

While it is acknowledged that there will always be a need to be able to respond to 'the unexpected', the Plan should make a firm commitment to its preferred urban growth pattern (western corridor growth and urban consolidation).

42. There doesn't seem to be a clear statement that the Government will actively promote its preferred urban growth strategy. The strategy would be significantly undermined if the UF were expanded in the short-term (10 years or less) in response to local housing demand outside the western corridor (eg at the Sunshine Coast).

43. Successful implementation of the preferred urban growth pattern requires a change in perception by the development industry. If it is perceived that the UF will be extended in response to local housing demand outside the (preferred) western corridor, then the perception will be that the Government isn't serious about redirecting growth to the western corridor and that lobbying can get the UF progressively changed to accord with market trends.

#### *Conflicting Draft Regional Outcomes and Conflict with Local Planning Schemes*

44. Several of the Draft Regional Outcomes (DROs) and associated Principles and Strategies are likely to be in conflict with each other e.g. Principle 1.2 Conserving Nature and Principle 1.5 Natural Economic Resources.

45. This conflict is illustrated by overlaying Map 3 with Map 4 in Part E of the Plan document. This clearly shows that a number of the extractive resources and mineral resource areas are in areas of State or regional significance for nature conservation.

46. The Plan fails to provide any guidance as to how conflicts of this type are to be resolved. For matters of State or regional significance, the Plan is the appropriate mechanism to resolve these conflicts. By reference to the purpose of the *Integrated Planning Act 1997* and on a proper interpretation of that purpose, priority ought to be given to protection of many of these regionally significant nature conservation areas.

47. According to legislation, the Plan prevails over local planning scheme provisions in the event of conflict. It is therefore very important that the priorities of the Plan are clear otherwise there will be legal battles over whether or not there are these types of conflicts.

#### *Lack of Integration of Existing Environmental and Resource Management Strategies and Programs*

48. While the Plan 'has not sought to reproduce, refine or amend the detailed issues, policies and strategies covered by these programs,' it acknowledges that 'there is an emerging need to develop a more coordinated and integrated approach to managing the region's environmental and natural resource areas' (page 26).

49. Principle 1.9 Regional Integration and Strategy s1.21 (page 19) should be a priority in the implementation process for the Plan and include best practice public participation in resolving the tradeoffs and conflicts between the various strategies and programs.

*Natural Environment, Resources and Rural Production*

50. Principle 1.2 Conserving Nature and Strategy s1.4 are inadequate. The implementation process for the Plan should include designating 'no go' biodiversity areas that will be protected from incompatible uses in the Regulatory provisions, having regard to Map 3 in the Plan. A statement to this effect should be added as a new Strategy under Principle 1.9 Regional Integration. This process should include best practice public participation.
51. Principle 1.4 Managing Air Quality and Strategy S1.10 are inadequate. There is sufficient information currently available to take action through the Plan to improve air quality. A key principle of the *National Strategy for Ecologically Sustainable Development* (NSES) is that where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective actions.

*Urban Infill*

52. The Plan quite rightly promotes higher density residential development within existing urban areas to reduce pressures for further greenfield expansion. However, this has raised a number of concerns that urban consolidation will further erode urban 'greenspace' (parks and urban bushland).
53. The Local Growth Management Strategies that the Plan requires Councils in SEQ to prepare should make it clear that open space within existing urban areas will not be diminished to accommodate the future population and that additional open space areas will be provided (at recognised per capita rates) to cater for that future population. This additional urban open space should be recognised as an essential infrastructure element for the implementation of the Plan.

*Strong Communities*

54. The Plan does not include any explicit commitment to the principle of equity in sharing the benefits of growth and change in SEQ. By contrast, the *Melbourne 2030* Plan states that 'the Government is committed to ensuring fairer access to the benefits of growth and change. All Victorians will benefit because in providing social, economic and environmental infrastructure, we will focus on areas of need and current inequality' (*Melbourne 2030* website). This reflects one of the objectives of the NSES of improving equity within and between generations.
55. Principle 3.4 Affordable Housing and associated Strategies are inadequate to prevent the decline in affordable housing in SEQ. Strategies s3.7, s3.8 & 3.9 are already being done on an on-going basis and have yet to stop the decline in affordable housing stock.
56. Principle 3.6 and associated Strategies are inadequate in addressing locational disadvantage. The restrictions in the *Integrated Planning Act* on levying contributions on developers for social infrastructure such as affordable housing, together with the Queensland government's poor performance in providing the lowest per capita funding for community and social facilities/services in Australia mean that Queensland and parts of SEQ are below recognised benchmarks for community and social services/facilities. This impacts on more vulnerable citizens who can't afford to buy private sector services.

57. Best practice in most parts of the industrialised world (including other Australian states) is to require developers to contribute to the social and community infrastructure required for new development. In Queensland, the *IPA* prohibits such contributions. In the absence of adequate funding for such infrastructure by governments in Queensland to make up for the lack of developer contributions, there is continual pressure on government agencies to provide the necessary facilities. This exacerbates locational disadvantage.

#### *A Diverse Economy*

58. Despite the Plan's use of the term 'sustainable' twice in the regional vision (page 9), there is no mention in the section on Diverse Economy of promoting so-called 'sustainable industries', which involve clusters of enterprises sharing energy and resource inputs and outputs to reduce overall impact.

#### *Integrated Transport*

59. Principle 5.1 Integration includes 'promote the self-containment of travel in sub-regions.' None of the Strategies for this Principle specifically promotes self-containment.

60. Principle 5.2 Connecting People, Places and Activities is potentially in conflict with Principle 5.1 in that improving accessibility between separate sub-regions can work against self-containment of travel within sub-regions. Strategy s5.8 is also potentially in conflict with sub-regional self-containment and achieving a compact pattern of urban development as evidenced by the effect on urban form of the upgrading of the Pacific Motorway in the late 1990s.

61. Principle 5.3 Sustainable travel and equitable access does not acknowledge how poor the performance of the SEQ passenger transport system is on measures of ESD including greenhouse gas emissions, vehicle kilometres travelled per capita, and mode share of single-occupant vehicles. None of the proposed Strategies for this Principle are new and there is nothing to suggest that the Strategies will reverse current negative trends.

62. Turning around the current poor performance of the SEQ passenger transport system on ESD indicators will require a full range of measures including anti-congestion pricing; low cost, high quality public transport and extensive use of T2 & T3 transit lanes on all arterials.

63. Principle 5.4 and associated Strategies suggest that transport investment will support the 'preferred sequence and form of development.' The proposed transport elements are shown on Maps 11, 12 and 13. While a number of these elements do promote self-containment within the sub-regions of Sunshine Coast and the Gold Coast, some elements seem to work against the 'preferred sequence and form of development' and Principle 5.1.

64. Elements that are likely to work against sub-regional self-containment are the Gold Coast-Brisbane intra-regional transport corridor (element 13 on Map 12), the southern corridor investigation (element 13 on Map 13) and the western Brisbane road network investigation (element 12 on Map 13).

65. Proposed transport elements should demonstrate that they support the preferred form of compact development and not be justified on the basis of some theoretical road network (radials and orbitals) that may well work against the preferred compact urban form.
66. The so-called ‘western by-pass’ (element 12) in particular is likely to encourage trips from the middle-west suburbs (e.g. Kenmore) to the outer northern suburbs (e.g. Strathpine), which are now discouraged by lack of direct road access.

*Implementation and monitoring*

67. As indicated in paragraph 46 above, the implementation process for the Plan should include designating ‘no go’ biodiversity areas that will be protected from incompatible uses, having regard to Map 3 in the Plan document. This should be added to the list of key steps for implementation on page 71.
68. The performance indicators (Sustainability Indicators) should be directly related to critical environmental and liveability thresholds within major drainage catchments and other sub-regional areas. They should also include a comparison with other regions in Australia and other industrialised countries so that SEQ can be benchmarked against best practice in comparable regions
69. The five-yearly formal reviews of the Plan should be a time for explicit assessment of how the region is performing in relation to the critical environmental and liveability thresholds within major drainage catchments and other sub-regional areas.

*Draft Regulatory Provisions*

70. The draft Regulatory Provisions are supported as a significant first step in protecting SEQ’s non-urban areas. The level of regulation in these Provisions should not be diminished in response to submissions on the Plan but the Regulations should be strengthened to make them more effective.
71. The Plan will not deliver legal certainty for protection of regionally significant nature conservation areas.

*‘Those regionally significant areas are not identified and protected from development in the regulatory provisions of the Regional Plan, which is where the strength of the Regional Plan lies. Those areas are referred to in the other parts of the Regional Plan (eg page 21 and Map 3) but the failure to give priority protection to those areas compared to other conflicting strategies and outcomes will mean that many of our regionally important nature conservation areas are likely to be lost to development over the next ten years. The way to deliver certainty is to specifically identify and protect these valuable areas in the Regulatory Provisions.*

*I am not talking about national parks or areas protected under the Nature Conservation Act but the many areas outside those reserves. We have experience in the Planning and Environment Court in numerous cases where nature conservation has lost out to other priorities when planning instruments have been unclear about priorities’ (Jo Bragg, Principal Solicitor, EDO Qld).*

72. The Regulatory Provisions need to be amended to deliver legal certainty for the protection of identified ‘no go’ regionally significant nature conservation areas (specified in a list and on a cadastral map).
73. Section 3 in Division 2, criteria (b) (i) and (b) (ii) are too broad. More specific restrictions on material change of use for urban purposes outside the Urban Footprint should be included.
74. While development for urban purposes is generally restricted in the Regional Landscape and Rural Production Area, there are a number of ‘urban overflow’ uses such as medium-to-high impact recreational uses (e.g. motor sports venues, rifle ranges) and golf courses that will be able to demonstrate a need to locate outside the Urban Footprint. These generally require large sites and should be restricted from locating in regionally significant nature conservation areas.
75. Some rural villages (eg Springbrook) are located in areas of International, National, State or regional biodiversity significance. The Plan should support these biodiversity values by restricting the extent to which such rural villages can expand. This is particularly important as these villages will almost certainly not have the necessary infrastructure to treat sewage or stormwater.

Yours faithfully

**COMMUNITY PLANNING  
ADVOCACY CENTRE**

**BRIAN FEENEY (MPIA)**  
*Principal Planner*