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The Hon. Stirling Hinchliffe
Minister for Infrastructure and Planning
Draft SEQ Climate Change Management Plan Feedback
Department of Infrastructure and Planning
Reply Paid 15009
Brisbane QLD 4002

By email planning@dip.qld.gov.au
By fax (07) 3247 1809

Dear Minister,

SUBMISSION – DRAFT SOUTH EAST QUEENSLAND CLIMATE CHANGE MANAGEMENT PLAN 2009-2031

The Department of Infrastructure and Planning has invited public comment on the draft South East Queensland Climate Change Management Plan (draft Plan). The purpose of the draft Plan, developed under the revised South East Queensland Regional Plan 2009-2031 (SEQRP), is to guide the implementation of regional planning policies to reduce greenhouse gas emissions (Policy 1.3) and increase the resilience of SEQ to the impacts of a changing climate (Policy 1.4).

A. Our key recommendations to improve the draft Plan

1. The draft SEQ Climate Change Management Plan needs to be supported by an appropriate statutory framework to make its contents and targets binding. Without this, the draft Plan is most unlikely to deliver actual greenhouse gas emissions reductions or improve SEQ's resilience to climate hazards.
2. The draft actions need to cap population at sustainable levels but instead only address energy efficiencies, and improvements in public transport (through transit oriented developments). We support these initiatives, however any gains attributed to energy efficiencies will be swallowed up by our unrestrained, burgeoning population, a population that is addicted to carbon polluting activities.
3. The final Plan must contain short term, medium and longer term emissions reduction targets and identify these for each sector. The plan also needs to contain renewable energy targets. Although these targets will not be legally binding unless the statutory framework is altered, clear targets will give local governments guidance in implementing DRO1 of the SEQRP. Burton identified the absence of any emissions reduction targets in the SEQRP as a key barrier to evaluating local government efforts to reduce greenhouse gas emissions in SEQ¹. Most environment organisations advocate an emissions reduction target of, at least, 30% by 2020

¹ For a discussion of these issues see Burton D "Evaluating climate change mitigation strategies in south east Queensland" *Research Paper 11*, Griffith University Urban Research Program, March 2007 available www.griffith.edu.au/_data/assets/pdf_file/0007/48580/urp-rp11-burton-2007.pdf (accessed 6 October 2009)

below 1990 levels. Queensland Conservation Council (QCC) believes that Australia is well placed to move even further and set a 50% reduction target with a climate neutral position by 2050. As to renewable energy targets the final Plan should require that 25% of SEQ's energy needs be sourced from renewable energy generation (ie solar, wind, tidal, geothermal).

4. The Draft Actions must be strengthened, particularly to address emissions from electricity generation and industrial sector. It is noticeable that the draft Plan is devoid of draft actions to reduce emissions from electricity generation or from the industry sector – according to your Department's own statistics the two biggest producers of greenhouse gas emissions by source and sector respectively. None of the 30 actions are directed at reducing emissions from these sources/sectors.
5. The draft actions do not adequately prioritise biodiversity conservation. A risk assessment strategy must be incorporated to identify and rank areas and ecosystems of SEQ, and adequately buffer and protect them, from risk of adverse effects caused by changing climate. Moreover, the management plan must create climate change specific development assessment rules that are wide enough to prohibit development from occurring on at risk areas or ecological buffers or refuges.
6. Responding to the threats of climate change is an urgent priority. On this basis we say that all the proposed actions in the draft Plan must be considered a very high priority.

B. Background to EDO's work on Climate Change

This submission was prepared by Jo-Anne Bragg and Scott Sellwood, Solicitors at the Environmental Defenders Office (Qld) Inc (EDO) with the assistance of Nikki Wawryk and Benedict Coyne, volunteer law students with a keen interest in ecological sustainability, and planning and environment law.

Our office, the EDO Qld, is an active and independent leader in the law and policy of climate change. EDO is a public interest environmental and planning law community legal centre. We advise individuals, community groups and conservation groups on how to use the law to protect the environment. As you are aware we regularly provide law reform comments on draft policy and legislation to the Government.

In the context of climate change, we have, in the last 2 years:

- run a test case on greenhouse gas emissions and coal mines against Xstrata Coal in the Land and Resources Tribunal and the Court of Appeal;
- drafted and advocated for changes to planning laws in 2006 to reduce greenhouse gas emissions;
- run a successful seminar for industry with Queensland Conservation Council entitled "The legal responsibility for greenhouse gas emissions for coal mined in Queensland";
- lodged submissions on the Queensland Government's *ClimateSmart 2050 Queensland Climate Strategy*, the *Climate Smart Adaptation Paper*, the *Issues Paper - Review of the Queensland Government climate change strategy*, the *Towards Oil Resilience Community Information Paper*, and the revised *South East Queensland Regional Plan 2009-2031*; and
- spoken out as an independent public voice on the gap between Government policy and necessary action.

While we welcome the opportunity to comment on the draft Plan we do not believe it will deliver emissions reductions or improve the resilience of SEQ to climate hazards. Inimical to the successful implementation of the draft Plan mitigating hazards of climate change is the statutory planning

framework under which the Plan is promulgated. The Department has, under your direction, failed to show any skerrick of climate leadership, preferring to pass the buck to future generations to respond to this urgent issue.

C. Lost opportunities: draft SEQ Climate Change Management Plan is not supported by an appropriate statutory framework

SEQ has been recognised as the most vulnerable area of Australia to climate change impacts. Our vulnerability arises from the high biological diversity and species endemism of the region, rapid and intensive development of coastal floodplains, rapid population growth, and pressures on urban water supply. The State of the Region Report (2008) highlights that the ecological footprint of SEQ has markedly increased since the first regional plan for SEQ was introduced in 2005.

Increasing our resilience to the expected (and unexpected) impacts of a changing climate must, therefore, be at the heart of our regional planning efforts. Reducing greenhouse gases across all sectors of our economy, increasing initiatives to sequester emissions, and increasing our renewable energy infrastructure must be the long term goals for SEQ. The focus of the draft Plan must be on overall emissions reductions, not merely energy efficiencies and so-called 'green housing estates'.

In attempting to plan for greenhouse gas emissions reductions in concert with increasing the adaptive capacity of SEQ to respond to the expected (and unexpected) impacts of a changing climate, the inescapable difficulty facing the draft SEQ Climate Change Management Plan is that it is not supported by an appropriate statutory framework. On two significant occasions this year your Department has failed to adopt recommendations that were designed to strengthen the climate capabilities of Queensland's planning laws.

The first missed opportunity was during the revision of the SEQRP. EDO welcomed the inclusion of Desired Regional Outcome One (DRO1) in the SEQRP. On its face, DRO1 contemplated an active, immediate transition from a society dependent on fossil fuels for energy production and oil based transport towards a society that relies on local energy sources, and has the capacity to sequester its own emissions. However, it was disappointing that the final revised regional Plan fell short of setting out the mechanics – for example emissions reduction targets and prioritisation of DRO1 within the regulatory provisions – to guarantee this vision will be achieved.

The second missed opportunity was in the reforms to the *Integrated Planning Act 1997*. In failing to incorporate amendments in the *Sustainable Planning Bill* to require, firstly, all planning schemes and regional plans to contain emissions reductions targets and, secondly, all planning related decisions to achieve those targets your Department has confirmed Queensland as a climate laggard not leader. Regional plans do not have the legislative strength to drive behavioural change.

We welcome a chance to discuss our submission further with you.

Yours faithfully
Environmental Defenders Office (Qld) Inc



Jo-Anne Bragg
Principal Solicitor

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