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

By email seqreview@dip.qld.gov.au

Dear Minister,

SUBMISSION – DRAFT SOUTH EAST QUEENSLAND REGIONAL PLAN 2009-2031

1	Executive Summary	1
2	Introduction.....	3
3	PART B – Regional Vision and Strategic Directions (population growth).....	4
4	PART D – Desired Regional Outcome 1 – Sustainability and Climate Change	8
5	PART D – Desired Regional Outcome 2 – Natural Environment.....	15
6	PART D – Desired Regional Outcome 3 – Regional Landscape; Desired Regional Outcome 6 – Strong Communities; and Desired Regional Outcome 8 – Smart Growth (OPEN SPACE)	20
7	PART D – Desired Regional Outcome 11 - Water Management.....	23
8	PART F – Draft State Regulatory Provisions.....	25
9	Conclusion	29

1 EXECUTIVE SUMMARY

- EDO does not support the draft SEQRP in its current form
- Under current population growth projections the plan cannot deliver its promise of balancing economic growth and sustainability, environmental protection and climate change within an ecologically sustainable framework
- We do not agree there is, in fact, sufficient land (or resources) available to accommodate 4.4 million people and meet, indefinitely, their social, environmental and economic needs. Land may be available, but it supports the remaining pockets of biodiversity, is good quality agricultural land, or is at risk of climate change hazards
- Notwithstanding the question of land availability, the draft Plan fails to identify whether there is sufficient water, food, energy and open space (recreational space) to support such a population. Water is the most limiting resource in SEQ. Accepting current water shortages, it is hard to see how adequate water for another 735,500 homes can be provided without diverting stocks that are currently allocated for environmental flows.
- Priority must be given to DRO1 in all planning related decisions. Specificity is needed to ensure that climate risks are incorporated into planning schemes (and amendments) and all planning decisions.
- Mandatory targets for greenhouse gas emission reductions and renewable energy in SEQ must be determined before the SEQRP is finalised. These regional targets should be incorporated into the draft State regulatory provisions to make them binding on all parties. Most environment organisations advocate an emissions reduction target of, at least, 30% by 2020 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
- All High Ecological Value areas must be protected from development. EDO opposes any distinction between urban and regional areas with respect to the protection of their biodiversity and recommends that all planning schemes and approvals be required to avoid impacts on any area identified as significant in terms of biodiversity. More specifically, a consistently high level of protection for all koala populations in SEQ is recommended.
- EDO recommends that the Department prepare a more detailed and up-to-date Map of High Ecological Value areas. This map must be incorporated in the state regulatory provisions of Part F.
- Under the current population growth scenario we will continue to lose open space, to the detriment of the communities of SEQ. The final Plan must protect existing open spaces and ensure that any infill and broadhectare developments provide new open space areas at a ratio of 2ha of local open space and 2ha of regional open space every 1000 people
- EDO is concerned that the draft regulatory provisions **do not clearly prohibit** urban activities from taking place within Regional Landscape and Rural Production Areas (RLRPA) and Rural Living Areas. Unless strict limits (and prohibitions) are placed on the type, bulk and size of developments permitted outside the urban footprint, the draft SEQRP will fail to **safeguard** the indicated 84% of the region from urban development. It is imperative that key conservation and sustainability initiatives are incorporated into these provisions.
- EDO calls on the Department to use this review of the SEQRP to strengthen the regulatory provisions in Part F of the draft by placing binding limits on the type, bulk and size of developments permitted outside the urban footprint and prohibiting development on land containing high value biodiversity, good quality agricultural land, and land at risk of climate hazards.

2 INTRODUCTION & ACKNOWLEDGMENT

This submission was prepared by Jo-Anne Bragg and Scott Sellwood, Solicitors at the Environmental Defenders Office (Qld) Inc (EDO) with the assistance of Sarah Wilson, Benedict Coyne, Polly Grace, Joyce Teh, Jena Moghaddam and Jayne Lightfoot, volunteer law students with a keen interest in ecological sustainability, and planning and environment law.

The 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. We regularly provide law reform comments on draft policy and legislation to the Government.

On a weekly basis, we provide legal advice to community groups interested in development proposals, making submissions on planning schemes and appealing to the Planning and Environment Court. We have also advised clients on laws concerning koalas for 15 years, made submission on the Draft Koala Plans in 2006 and the recent regulatory provisions applying to development within the urban footprint and prepared legal papers for seminars. We have been involved in a number of Court cases where our client's objective was the protection of koala habitat.

In the context of climate change, EDO is an active and independent leader in the fight against the inherent dangers of climate change. In the last 2 years, we have:

- 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 Qld 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*, and the *Towards Oil Resilience Community Information Paper*; and
- spoken out as an independent public voice on the gap between Government policy and necessary action.

We welcome the opportunity to comment on this revision of the South-east Queensland Regional Plan 2009-2031 (SEQRP).

This submission addresses the following parts of the draft Plan:

- Part B – Regional vision and Strategic directions (Population growth)
- Part D – Desired Regional Outcome 1 - Sustainability and Climate Change
- Part D – Desired Regional Outcome 2 – Natural Environment
- Part D – Desired Regional Outcome 3 – Regional Landscape; Desired Regional Outcome 6 – Strong Communities; and Desired Regional Outcome 8 – Smart Growth (addressing open space)
- Part D – Desired Regional Outcome 11 - Water management
- Part F – Draft regulatory provisions

For each Part, we provide a summary of our recommendations, followed by the detailed content of our submission.

3 PART B – REGIONAL VISION AND STRATEGIC DIRECTIONS (POPULATION GROWTH)

3.1 Summary

EDO makes the following recommendations:

- The State government needs to take out the State of the Region Report 2008 it produced, read the worrying “red” ratings it gives on many key indicators such as climate change and biodiversity and reject and rethink the “pro population growth” direction of the SEQ Regional Plan.
- Under current population growth projections the plan cannot deliver its promise of balancing economic growth and sustainability, environmental protection and climate change within an ecologically sustainable framework.
- The current ecological footprint of an average person in SEQ already exceeds the capacity of the region to provide the services we depend on and to assimilate the wastes we produce;
- The ecological carrying capacity of South East Queensland (SEQ) has already been exceeded on the basis of the findings of State of the Region Report.
- Patterns of consumption (of energy, water, land, and air) of our existing population must be reduced but reduced consumption does not justify increased further population increases.
- “Accommodating future growth” be removed as a strategic direction. Instead the strategic direction needs to be limiting growth.
- Priority must be expressly given to strategic directions that drive the overall contraction of the ecological footprint of SEQ;
- The primacy of economic growth, as a necessary step to achieving healthy communities and environments, must be removed.
- Food security, a condition in which all people obtain a safe, culturally acceptable, nutritionally adequate diet through a sustainable food system that maximizes community self reliance and social justice, be identified as a strategic direction;
- Rural, peri-urban and urban agriculture must be recognised as legitimate land uses and for its contribution to regional food security; and
- Protection of rural, peri-urban and urban agriculture from urban activities (and incidental developments) clearly identified in Part F – the state regulatory provisions.

3.2 Introduction

The draft SEQRP attempts to map out, or manage, the growth and development of SEQ to 2031. Ensuring that the protection of ecological life support systems, on which all life (human and non-human, equally) depends, is not given primacy in the draft Plan. The final SEQRP must acknowledge that there are ecological limits to the amount of growth and development which the SEQ region can support.

The issue of ecological carrying capacity has not been addressed in the draft SEQRP. Before committing to a population of 4.4 million by 2031 we need to determine how many people SEQ can feed, water and house sustainably under different models of consumption. EDO urges the Department to undertake a detailed analysis, based on limits to growth model, and considering the State of the Region Report 2008 (SORR) before blindly accepting a doubling in population which will place the ecological life support systems of SEQ under even more pressure.

3.3 Current and projected growth rates in SEQ are unsustainable

The *Integrated Planning Act 1997* defines, in section 1.3.3 ecological sustainability for the purpose of planning and development as: ‘a balance that integrates protection of ecological processes and natural systems at the local, regional, state and wider levels; and economic development; and maintenance of the cultural, economic, physical and social wellbeing of people and communities’.

The State of the Region Report 2008 (SORR) and draft SEQRP acknowledge that the population of SEQ is rapidly growing and is ‘projected to grow substantially over the next 25 years’¹ with population currently increasing by a rate of approximately 1289 people per week.² The draft Plan suggests that SEQ region can, comfortably, absorb up to 735,500 new homes to cater for those communities (with at least 326,500 dwellings provided through broadhectare development). Yet, the SORR makes it very clear that the ecological footprint (based on current population levels) far exceeds the carrying capacity of the region. The ecological and social health of SEQ is in decline in large part due to the number of people living in SEQ and the manner in which we live.

The unsustainable nature of rapid population growth was described in the SORR in these terms:

*“If population growth occurs at a rate that exceeds the provision of essential services, the result is likely to be a loss of environmental amenity for the area. This may be experienced in a number of dimensions, such as changes to the physical environment, increasing social pressures or direct economic costs. Common examples of negative physical impacts associated with growth pressures include a loss of valuable biodiversity; increased air, water or noise pollution; and traffic congestion. Social and economic consequences may be experienced in terms of diminishing housing affordability or growing crime rates”*³

Recommendation:

- The State government needs to take out the State of the Region Report 2008 (SORR) it produced, read the worrying “red” ratings it gives on many key indicators such as climate change and biodiversity and reject and rethink the “pro population growth” direction of the SEQ Regional Plan;
- The current ecological footprint of an average person in SEQ already exceeds the capacity of the region to provide the services we depend on and to assimilate the wastes we produce;
- The ecological carrying capacity of South East Queensland (SEQ) has already been exceeded on the basis of the findings of State of the Region Report;
- Patterns of consumption (of energy, water, land, and air) of our existing population must be reduced but reduced consumption does not justify increased further population increases.

3.4 Regional Vision for SEQ accepts unrestrained population growth

Part B of the Plan describes the regional vision for SEQ as “a future that is sustainable, affordable, prosperous, liveable and resilient to climate change”. EDO supports this vision in principle. We are, deeply concerned that the projected population growth in the region will, notwithstanding efforts to change individual patterns of consumption, far exceed the ecological carrying capacity for SEQ. Without clear priorities between the nine strategic directions that underpin the regional vision, EDO is not convinced the draft Plan will achieve its purpose.

¹ Department of Infrastructure and Planning (2008) Draft South East Queensland Regional Plan 2009-2031, p 17

² Department of Infrastructure and Planning (2008) State of the Region Report, p 16

³ Above, n 2, p 59

In particular, one of the nine strategic directions, “accommodating future growth”, supporting the draft Plan accepts that there is sufficient land in SEQ to accommodate a projected population of 4.4 million people by 2031 and their associated employment and economic development⁴. We strongly oppose this assertion and call on the Department to demonstrate the basis for this claim.

We do not agree there is, in fact, sufficient land (or resources) available to accommodate 4.4 million people and meet, indefinitely, their social, environmental and economic needs. Land may be available, but it supports the remaining pockets of biodiversity, is good quality agricultural land, or is at risk of climate change hazards.

The above strategic direction also contemplates that land outside the urban footprint, currently those areas identified as future growth areas, be available for urban development *when the need arises*. Blindly accepting that population can continue to grow, with previously protected land becoming available for urban development as necessary, contradicts the purpose of the Plan, its vision, the remaining strategic directions and the 12 proposed regional policies. Furthermore it contradicts the statements authorised by the Department that 84% of SEQ is safeguarded from urban development –only until the need arises?

Notwithstanding the question of land availability, the draft Plan fails to identify whether there is sufficient water, food, energy and open space (recreational space) to support such a population. Water is the most limiting resource in SEQ. Accepting current water shortages, it is hard to see how adequate water for another 735,500 homes can be provided without diverting stocks that are currently allocated for environmental flows.

Recommendation:

- “Accommodating future growth” be removed as a strategic direction Instead the strategic direction needs to be limiting growth;
- Priority be expressly given to strategic directions that drive the contraction of the ecological footprint of SEQ (e.g. addressing climate change and oil price increases, protecting regional landscape and supporting rural production);
- Primacy of economic growth, as a necessary step to achieving healthy communities and environments, must be removed.

3.5 Regional Policies provided for in the SEQ Regional Plan are severely undermined by the failure to address or provide for sustainable population growth

The State of the Region Report identifies population growth as impacting upon:⁵

- Infrastructure and services, including housing, water supply, sewerage and waste disposal, transport networks, and energy; and
- Social services including health, education, law enforcement and recreation and cultural activities.

The failure to integrate sustainable population management strategies into the draft SEQRP will prevent it from successfully realising the desired regional outcomes.

In relation to DRO1 – Sustainability and Climate Change, unrestrained population growth:

- Fails to incorporate long and short-term environmental, economic and social considerations into planning schemes, planning scheme amendments and development application decision making;

⁴ Above, n1, p 10

⁵ Above, n 2, p58

- Threatens biodiversity and the health of the environment, undermining the achievement of inter-generational equity; and
- The growth and expansion of the urban footprint (to occur in Ipswich, Moreton Bay, Gatton North, Plainland and Toowoomba) threatens biological diversity and ecological integrity.

With respect to DRO2 - Natural Environment, existing growth and development pressures are recognised as the cause of continued decline in biodiversity, particularly SEQ koala populations. SORR recognises that "...population growth, household numbers and the increasing reliance on motor vehicles in urban areas all pose a threat to future air quality".⁶ Permitting the population of SEQ to double by 2031 would significantly increase these impacts on the natural environment.

Unlimited population growth will also prevent the achievement of DRO3 - Regional Landscape, DRO4 – Natural Resources and DRO5 – Rural futures. Doubling the population by 2031 will, at least, double the pressures on open-spaces and demand for extractive industries, minerals, forestry and fisheries and ecosystem services.

3.6 SEQRP fails to recognise food security

Food is a basic human right. Population growth coupled with dangerous climate change will place water availability for crop production at a critical level. As demand for housing, land, recreational opportunities and natural resources increases, the value of land within the Rural Living Areas and the Regional Landscape and Rural Production Areas (RLRPA) will rise sharply, placing economic pressure on primary producers to transform their lands to non-food producing purposes. Within SEQ and under the draft SEQRP rural, peri-urban and urban agriculture are not recognised as valuable land uses. As the SEQ population increases and the effects of climate change and rising fuel prices on the cost and availability of food are realised, food security will become a significant social, economic and environmental issue. The draft SEQRP ignores regional food security. Encouraging diverse, innovative and sustainable regional agriculture initiatives represents an as yet untapped potential to improve regional agricultural yield and opportunities for ensuring food security in SEQ.⁷

Without recognising and supporting rural, peri-urban and urban agriculture and protecting them from being encroached by housing, infrastructure, and other incidental urban growth and development purposes, SEQ will suffer increasingly from food insecurity. EDO urges the Department to identify food security, a condition in which all people obtain a safe, culturally acceptable, nutritionally adequate diet through a sustainable food system that maximizes community self reliance and social justice, as a standalone strategic direction.

Recommendation:

- Food security, a condition in which all people obtain a safe, culturally acceptable, nutritionally adequate diet through a sustainable food system that maximizes community self reliance and social justice, be identified as a strategic direction;
- Rural, peri-urban and urban agriculture be recognised as legitimate land uses and for their contribution to regional food security;
- Protection of rural, peri-urban and urban agriculture from urban activities (and incidental developments) is clearly identified in Part F – the state regulatory provisions.

⁶ Above, n 2, p 47

⁷ EDO understands *food security* as a condition in which all people obtain a safe, culturally acceptable, nutritionally adequate diet through a sustainable food system that maximizes community self reliance and social justice

4 PART D – DESIRED REGIONAL OUTCOME 1 – SUSTAINABILITY AND CLIMATE CHANGE

4.1 Summary

EDO makes the following recommendations:

- That the principles in DRO1 are mandatory for all planning schemes, planning scheme amendments and development assessment decisions in SEQ. The draft regulatory provisions should be amended to reflect this;
- That the precautionary principle, as defined in the National Strategy for ESD (1992), be included as a sustainability characteristic;
- EDO supports the inclusion of the sustainability characteristics and agrees they should be included in the final plan. That all State planning policies, planning scheme amendments, master plans, structure plans and infrastructure planning must apply the sustainability characteristics as outlined under DRO1
- The ‘State of the Region Report’ be produced every 2 years.
- That the language used in the principles, policies and programs be strengthened so that implementation is mandatory, and not desirable or optional. These changes will better reflect the pre-eminence of DRO1;
- That regional sustainability targets (indicators) be determined, and be submitted for public comment, before the draft Plan is finalised;
- That mandatory greenhouse gas emission reduction targets for the region be determined before the draft Plan is finalised. These regional targets should be incorporated into the draft State regulatory provisions to make them binding on all parties. Most environment organisations advocate an emissions reduction target of, at least, 30% by 2020 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.
- That binding renewable energy targets which increase the proportion of energy demands being met through renewable energy sources, are determined before the draft Plan is finalised. These regional targets should also be incorporated into the draft State regulatory provisions to make them binding on all parties;
- That planning schemes, planning scheme amendments and development assessment decisions *must minimise* the risks from climate hazards;
- That planning and design of infrastructure *must be* undertaken in ways that reduce the risks posed by climate hazards;
- That the draft SEQ Regional Climate Change Management Plan be made available for public comment prior to the draft SEQRP being finalised; and
- That planning schemes and the planning scheme amendments and development assessment decisions must minimise the risks to people, economic sectors and areas because of the effects of rising oil prices
- That active transport strategies be included in all development assessment decisions in all urban areas, not only urban growth areas.

4.2 Introduction

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.

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 must be on overall emissions reductions, not merely per capita (or industry specific) reduction targets.

The State of the Region Report (2008) highlights that the ecological footprint of SEQ has markedly increased since the 2005 Plan was introduced.

Although the draft SEQRP recognises this threat under Desired Regional Outcome One (DRO1) it fails to provide a concrete roadmap for local Governments to follow. Without mandatory, emissions reduction steps and prohibitions on developments and infrastructure that are dependent on fossil fuel energy, it will be impossible to avoid catastrophic climate change.

4.3 DRO1 – Sustainability and Climate Change

EDO welcomes the inclusion of DRO1.

On its face, DRO1 contemplates 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, there is nothing in the mechanics of the draft Plan that guarantees this vision will be achieved.

First and foremost, the draft Plan does not create a transparent process for resolving conflicts between contradictory DROs. There are twelve desired regional outcomes in total. Some of these DRO, for example DRO4 Natural Resources, DRO8 Smart Growth, and DRO9 Economic development, prioritise “business as usual” decisions that are, largely, in conflict with DRO1.

Economic activity can, and must, be decoupled from reliance on fossil fuels. Recognition that all development must not contradict the principles in DRO1, within the draft regulatory provisions, offers a simple, yet binding solution to this quandary.

As in the past, continued support by the State for increased population, in the absence of any assessment of the ecological carrying capacity of SEQ, in light of different climate change scenarios, will result in short term economic outcomes gazumping climate change mitigation and adaptation priorities.

Recommendation:

- That the principles in DRO1 be mandatory for all planning schemes, planning scheme amendments and development assessment decisions in SEQ. The draft regulatory provisions should be amended to reflect this.

4.4 Intent of DRO1

- *Sustainability Principles*

A list of sustainability principles, adapted from National Strategy for Ecologically Sustainable Development, has been included in the intent for DRO1. EDO supports this inclusion, however, we note that the precautionary principle is absent from the framework. This should be remedied.

Recommendation:

- That the precautionary principle, as defined in the National Strategy for ESD (1992), be included under the “Intent for DRO1”. The National Strategy for ESD (1992) defines the precautionary principle in this way: *“where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation”*

- *Sustainability Characteristics*

The list of sustainability characteristics is an innovative and intelligent approach to the urgent environmental issues at hand.

Recommendation:

- EDO supports the inclusion of the sustainability characteristics and agrees they should be included in the final plan. That all State planning policies, planning scheme amendments, master plans, structure plans and infrastructure planning must apply the sustainability characteristics as outlined under DRO1

- *Measuring Success*

While EDO endorses the medium of a ‘State of the Region report’ for monitoring the progress made towards a renewable, non-carbon dependent SEQ we strongly urge the review be biennial, rather than every 5 years. Biennial monitoring, in light of the urgency of mitigating greenhouse gas emissions and adapting to a changing climate, will give SEQ a greater chance of responding proactively should emissions continue to increase or if the effect of climate change snowball.

Recommendation:

- That the ‘State of the Region Report’ be produced every 2 years.

4.5 DRO1 Principles and Policies

- *1.1 Sustainability Principles*

EDO supports principle 1.1, through its recommendation of the inclusion of the precautionary principle within the ecologically sustainable development framework for the draft Plan. We repeat recommendation 2 here. We also recommend the Department strengthen the language used in the principle to make the sustainability principles are mandatory, rather than hortatory.

Policy 1.1.1, similarly, adopts very weak language.

Recommendation:

- The phrase “should reflect” in principle 1.1 is changed to “must apply”. This will strengthen the draft plan by giving greater clarity and certainty for local Governments, industry and community in applying the draft Plan at local levels. The change will also better reflect the pre-eminence of DRO1.
- Policy 1.1.1 is changed so that all State planning policies, planning scheme amendments, master plans, structure plans and infrastructure planning must apply the sustainability characteristics in DRO1

- ***1.2 Sustainability Monitoring***

EDO supports the ongoing monitoring of the sustainability of SEQ region as set out in principle 1. However, there must be mechanisms in place to enable adaptive management to respond to ongoing decline, and reverse trends, in the recognised indicators.

Policy 1.2.1 refers to as yet undeveloped regional targets. These targets need to be developed prior to this draft Plan being finalised.

Recommendation:

- That regional targets (indicators) be determined before the draft Plan is finalised, inviting community comments and suggestions on the suitability of these targets.

- ***1.3 Reducing Greenhouse Gas Emissions***

Principle 1: Establish goals for the reduction of greenhouse gas emissions from land use and urban development in the SEQ region

EDO supports the use of a timetable for reducing greenhouse gas emissions, and for ongoing monitoring of greenhouse gas trends. There is, however, sufficient evidence available to identify clear emission reductions targets, and the land use, infrastructure and planning mechanisms to achieve those targets. Principle 1, as it is currently drafted, ignores the current state of knowledge and instead puts in place policies and programs for identifying greenhouse gas trends. Such an approach is lethargic and defers action to another day.

A proactive approach would see Principle 1 identify the short, medium and long term goals (arriving at stabilising SEQ’s greenhouse gas emissions at below 350ppm) and emissions reduction targets for 2020 and 2050 as regional targets for the draft Plan. Reference is made in the Notes to Q2 target of 1/3 reduction in state-wide greenhouse gas emissions by 2020. The scientific consensus says we need a 60-90% target by 2050 based on 1990 levels, and targets for 2020, to hold temperature to a 2°C rise. Even tighter reductions are required to constrain climate change to 1°C to safeguard the Great Barrier Reef. Regional targets must include all emitters including individual large emitters whose emissions will be controlled through the federal Government’s Carbon Pollution Reduction Scheme (CPRS).

Reference to these emissions reduction goals and targets must be binding. To be binding, they must be incorporated into the draft regulatory provisions.

Recommendation:

- That clear emissions reduction targets for the region are determined before the draft Plan is finalised. These regional targets should be incorporated into the draft State regulatory provisions to make them binding on all parties. Most environment organisations advocate an emissions reduction target of, at least, 30% by 2020 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.

Principle 2 Align greenhouse gas emissions from land use and urban development with the regional goals

Principle 2 is ambiguous. In reality development of over 21, 000 ha of land (and all related infrastructure required to support such massive population growth as projected by the draft Plan – representing some 735,500 households in the next 25 years) will significantly increase the total emissions in the region. With this level of growth over the 25 years total, emissions will increase notwithstanding the savings made through energy efficiency.

Encouraging the use of renewable energy, the development of energy efficient buildings, and encouraging sustainable land use patterning are all positive initiatives. Instead of the non-binding language currently being used, the draft policies and programs under this principle must include: the methods for securing such reductions (ie more public transport infrastructure, increased funding research and development of renewable energy technology powered vehicles), and outline the reductions that need to be reached in a specific timeframe.

Clearing existing vegetation for the construction of additional houses will also release carbon into the atmosphere and the high emissions of the construction industry must also be taken into account.

Principle 3: Increase the proportion of energy that is derived from renewable sources to contribute to meeting the greenhouse gas emissions reduction goals

EDO supports the increase in the use of renewable energy technology. Again, we reiterate our recommendation that clear emissions reductions targets for the region be determined before the draft Plan is finalised (see recommendation 7). With these targets clearly identified, we strongly urge the State Government to set mandatory renewable energy targets, for example, requiring by 2012, 25% of all industrial and domestic energy demand be met by renewable sources and, by 2020, that this percentage increase to 50-60%. This is a transparent approach that can be adequately monitored. It also gives local Governments clear benchmarks that can be easily incorporated into local planning schemes.

Recommendation:

- That regional targets are included to address the proposed increase in proportion of energy demand being met through renewable energy sources. These regional targets should also be incorporated into the draft State regulatory provisions to make them binding on all parties.

- **1.4 Climate Change Adaptation**

Principle 1: Increase the resilience of people, environments, locations and economic sectors to the risks of climate hazards.

Increasing the resilience of SEQ, to the expected (and unexpected) impacts of a changing climate must be at the heart of our regional planning efforts. Consideration of the likely risks from climate hazards must not, then, be optional or desirable. Specificity is needed to ensure that climate risks are, in fact, incorporated into planning decisions. Amendments to the language used in policies 1.4.1 and 1.4.2 are required to reflect the importance of climate change adaptation for the SEQ region.

Recommendation:

- Policy 1.4.1 be amended so that planning schemes, planning scheme amendments and development assessment decisions *must minimise* the risks from climate hazards; and
- Policy 1.4.2 be amended so that planning and design of infrastructure *must be* undertaken in ways that reduce risks from climate hazards.

- **1.5 Climate Change Management**

Principle: Align actions to reduce greenhouse gas emissions and build resilience to the impacts of climate change through the proposed SEQ Regional Climate Change Management Plan

EDO supports the development of a SEQ Regional Climate Change Management Plan. We are deeply concerned that the draft Management Plan is not available for public comment, contemporaneously with the draft SEQRP. EDO understands the draft Management Plan is to be incorporated into the final SEQRP. We ask that the community be given adequate time to make comments and suggestions on the draft Management Plan prior to the draft SEQRP being finalised.

Notwithstanding the draft Management Plan not being available for comment, we make the following general comments:

- The Management Plan contain binding emissions reduction targets and renewable energy targets;
- It must establish a risk assessment strategy to identify and rank areas, and ecosystems of SEQ at risk of adverse effects caused by changing climate;
- It must identify areas that act as ecological buffers;
- 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;
- It must prioritise infrastructure to deliver renewable energy, to reduce dependence on liquid fossil fuels (ie car dependency) (see recommendations below in response to 1.6 Responding to rising oil prices).

EDO is available to assist the Department in preparing the draft Management Plan.

Recommendation: That the draft SEQ Regional Climate Change Management Plan be available for public comment prior to the draft SEQRP being finalised.

- ***1.6 Responding to Rising Oil Prices***

The wording of the principles, policies and programs in this section are again very general. EDO recommends more substantive wording in order to make the policies and programs proactive rather than passive.

EDO supports incorporating active transport strategies in the design of urban growth areas. However, we urge the Department to extend Policy 1.6.2 to all development assessment decisions within the urban footprint.

We reiterate the recommendations we made as part of the Queensland Government's *Towards Oil Resilience Community Information Paper*, particularly:

- Local food production should be protected and encouraged, to reduce food miles;
- Infill development must not compromise green space areas; and
- Urban development be focussed along existing public transport networks with an extension of public transport services to outer suburbs and regional areas to reduce reliance on private vehicles;
- Funding for transport infrastructure be directed away from private car use to other forms of mass public transport.

Recommendation:

- Policy 1.6.1 be amended so that planning schemes and planning scheme amendments and development assessment decisions *must minimise the risks* to people, economic sectors and areas because of the effects of rising oil prices
- Policy 1.6.2 be amended so that active transport strategies be included in all development assessment decisions in all urban areas, not only urban growth areas

5 PART D – DESIRED REGIONAL OUTCOME 2 – NATURAL ENVIRONMENT

5.1 Summary

EDO makes the following recommendations:

- That the Department prepare an up-to-date Map of High Ecological Value areas in South East Queensland (SEQ), at lot on plan scale if available which is incorporated into the state regulatory provisions in Part F;
- That certain types of development are clearly prohibited on lands classified as High Ecological Value regardless of whether the land is within the urban footprint, RLRPA or rural living areas;
- If at the present time the map cannot be at lot on plan scale, inappropriate development is still clearly prohibited on the lands classed as High Ecological Value in the map. Criteria of how High Ecological Value land is identified could be included in a code so that any landholder who thought his or her land was wrongly mapped as HEV land could present their case for development.
- That any form of development within or near Koala Conservation Area and Koala Sustainability Areas are prohibited (with no exceptions);
- That the level of protection for urban koala populations be the same as Koala Sustainability Areas in RLRPA and rural living areas; and
- That the finalised SEQRP contain a map of remaining koala habitat, as well as areas suitable for rehabilitation, that applies to all planning schemes, planning scheme amendments and development assessment decisions.

We reiterate the seven recommendations EDO made in response to the draft koala regulatory provisions.

5.2 Introduction

Biodiversity sustains life on earth. Survival of a diverse range of native species is important for all life and is the source of many economic, social and physical benefits for the SEQ region. Yet biodiversity in SEQ is under increasing pressure, primarily, due to increasing urbanisation and associated non-urban activities like mining, energy generation and infrastructure.

Currently, the draft SEQRP supports a land form in the urban footprint that significantly reduces the quantity of the region's unprotected vegetation which, in turn, removes essential ecosystem services and places increased pressures on the remaining pockets of biodiversity. It does not offer any additional level of protection for biodiversity in SEQ.

5.3 State of the Region Report 2008

The SORR released in late 2008 concluded that biodiversity was in the “Red”- a grave problem. It identifies over 1685 species, with 392 (23%) species threatened by extinction; 86 have been identified as priority species for management action. Threatened plant species continue to grow extinct; threats include inappropriate fire regimes, weed invasion, clearing, and road construction. While there are

some protected areas in the region, many areas of ecological significance fall outside scope of protection offered under the *Nature Conservation Act 1992 (Qld)*.

The SORR outlines that there are 53 species which are ‘data- deficient’, with not enough information known about them or their survival. Research is required to remove the data-deficient status of these species and identify any conservation actions that may be required to ensure their survival in SEQ. In light of this data deficiency, precautionary action must be taken at a regional planning scale to protect SEQ’s biodiversity.

SORR highlights that the 2005 Regional Plan has failed to deliver ecological sustainability, particularly, with respect to the natural environment. The 2005 Plan set out to manage, not limit growth, and permitted development in and outside the urban footprint without regard to the cumulative adverse impacts on biodiversity and other values.

EDO is extremely concerned that the draft 2009 Plan does not offer any additional level of protection for biodiversity in SEQ.

5.4 DRO2 – Natural Environment

DRO2 provides that SEQ will present “A healthy and resilient natural environment that supports the region’s rich biodiversity, clean air and water, and is sustainably managed to support economic development, outdoor lifestyles and community needs”.

We support this vision but, again, there is nothing in the mechanics of the draft Plan that will guarantee this vision will be achieved

- 2.1 Biodiversity

Protection of biodiversity is addressed at principle 2.1.

Under this part, the policies and programs that are directed at protecting biodiversity refer to Map 5, which identifies significant biodiversity areas. Map 5 encompasses the whole SEQ region, including the urban footprint, regional landscape and rural production areas (RLRPA) and rural living areas.

EDO is critical of Map 5 on the basis that it is based on 2005 data (which, even at that time, the map was out of date), lacks detail at the lot on plan scale, does not identify key non-reserve nature conservation areas (or small pockets with high value biodiversity) and is not binding on local governments. Map 5 is not referred to expressly in the principles or policies under part 2.1. Reference is only made in the Notes.

The draft Plan gives greater protection to significant biodiversity values in the RLRPA than to those biodiversity values in the urban footprint and rural living areas. EDO opposes this distinction and urges the Department to require all planning schemes, planning scheme amendments and development approvals to avoid impacts on areas identified as significant in terms of biodiversity. This is the language used in Policy 2.1.1. Areas identified as significant should, as mentioned above, be based on an up-to-date, peer reviewed map. of High Ecological Value Areas, ideally on a lot on plan basis.

Certain types of development must be clearly prohibited on lands classified as High Ecological Value regardless of whether the land is within the urban footprint, RLRPA or rural living areas.

If at the present time the map cannot be at lot on plan scale, inappropriate development is still clearly prohibited on the lands classed as High Ecological Value in the map. Criteria of how High Ecological Value land is identified could be included in a code so that any landholder who thought his or her land was wrongly mapped as HEV land could present their case for development.

Broadly, this was the approach taken with Vegetation mapping under the Vegetation Management Act 1999. While some land owners might complain the maps have flaws, this approach needs to be taken or biodiversity protection for our region is a lost cause as developers will clear faster than those perfecting lot and plan mapping.

Under the predecessor to the Integrated Planning Act 1999, the *Local Government(Planning and Environment) Act* 1990, it was common for strategic plans to identify areas of high conservation value at a broad level, with the classification then ground truthed against criteria when a land holder wished to develop. The EDO worked on such a planning appeal concerning a development at Springbrook in 2003.

Recommendation:

- That the Department prepare an up-to-date Map of High Ecological Value areas in South East Queensland (SEQ), at lot on plan scale if available which is incorporated into the state regulatory provisions in Part F;
- That certain types of development are clearly prohibited on lands classified as High Ecological Value regardless of whether the land is within the urban footprint, RLRPA or rural living areas;
- If at the present time the map cannot be at lot on plan scale, inappropriate development is still clearly prohibited on the lands classed as High Ecological Value in the map. Criteria of how High Ecological Value land is identified could be included in a code so that any landholder who thought his or her land was wrongly mapped as HEV land could present their case for development.

- ***Example of Far North Queensland Regional Plan***

The recently finalised Far North Queensland Regional Plan (FNQRP) offers an improved approach to regional biodiversity protection. FNQRP classifies land within the region as either:

- high ecological significance (highest protection);
- general ecological significance; or
- a strategic rehabilitation area.

For any address or lot on Plan in the region a person can identify, using an online mapping tool, the biodiversity classification <http://www.dip.qld.gov.au/regional-planning/maps.html>. Depending on the biodiversity classification and the location of the land (whether within the urban footprint, RLRPA or rural living areas), the FNQRP seeks to prevent adverse impacts of urban development generally by:

- Locating development outside areas of high ecological significance;
- Avoiding or minimising impacts, and offsetting any unavoidable impacts on land classified as high or general ecological significance; and
- Requiring setbacks (where development is adjacent to an area of high ecological significance)

A similar approach to biodiversity conservation should be used in SEQ.

- **2.2 Koala Conservation**

EDO continues to advocate for increased protection for urban and non-urban koala populations in SEQ. The recommendations made by the Koala Taskforce have not been implemented. Koala populations in SEQ continue to decline.

Vegetation clearing is directly leading to the decline of this iconic animal. The population in 1997 was 6246 koalas, and reduced to 4611 in 2005, representing a 26% decline in abundance of this regional population. The largest proportion of the population persists in the bushland stratum, with the greatest declines associated with the urban zone. There are approximately 300 sightings of Koalas in the North Beaudesert area, which are not mapped, and consequently not protected. Biodiversity is being further decimated with almost 500 of the 1700 species currently waiting for recovery plans. The urban footprint delineated in the SEQ RP encompassed 42% of the koala population in 1997. However, as a consequence of the decline in the urban stratum, the urban footprint now supports only 33% of the koala population. The remaining areas of koala habitat must be protected from all forms of development.

The principles, policies and programs in DRO2 that are directed towards protection of koalas will not save SEQ's koalas. Interim policy 2.2.3 permits clearing within koala conservation areas and koala sustainability areas (relating to non-urban koalas) where there are 'development commitments' and in "other circumstances, where there is a need for extractive industry or community infrastructure. This is unacceptable given the state of SEQ koala populations.

IPA gives the Department the power to prohibit development over land with development commitments, without the need to pay compensation: see section 5.4.2. We call on the Department to take strong action to prevent the regional extinction of the koala.

Recommendation:

- That any form of development within or near Koala Conservation Area and Koala Sustainability Areas are prohibited (with no exceptions);
- That level of protection for urban koala populations be the same as Koala Sustainability Areas in RLRPA and rural living areas; and
- That the finalised SEQRP contain a map of remaining koala habitat, as well as areas suitable for rehabilitation, that applies to all planning schemes, planning scheme amendments and development assessment decisions

- **New Koala State Regulatory Provisions**

EDO recently made submissions on the state regulatory provisions purporting to protect urban koala populations. We reiterate the seven recommendations we made in response to those provisions and attach a copy for you.

Recommendation: In response to the draft koala regulatory provisions that apply within to certain developments within the urban footprint EDO made the following seven recommendations:

- R1. That the definition of "interim koala protection area" is expanded to include both mapped koala habitat and also areas that are in fact used by koalas or important to their species survival.

- R2. That the agency to make decisions on any assessable development in the interim koala protection area ought to be the EPA, with adequate additional resources, not the Department of Infrastructure and Planning.
- R3. That the definition of “domestic activity” is tightened by strictly limiting the gross floor area of the single dwelling and any area to be cleared due to construction needs and similarly limiting the GFA of any associated building or structure.
- R4. That a building not requiring referral ought to be less than 300m² including any clearing needed for construction.
- R5. That, in relation to *Table 1 Column 1- Assessable Development not requiring referral agency assessment*, that item 3 (a) and (b) be deleted, moving more matters to Column 2 for assessment.
- R6. That the assessment criteria must not allow any development that clears more than 300m² of vegetation and must not allow any development to harm any mature koala trees. We refer to the koala conservation criteria tables in the *Nature Conservation (Koala) Conservation Plan 2005 and Management Program 2005-2015* for further consideration for application in urban koala areas.
- R 7. That the cut off date for applications to escape assessment ought to be the earlier date when Premier Anna Bligh announced the set up of the SEQ Koala Task force.

6 PART D – DESIRED REGIONAL OUTCOME 3 – REGIONAL LANDSCAPE; DESIRED REGIONAL OUTCOME 6 – STRONG COMMUNITIES; AND DESIRED REGIONAL OUTCOME 8 – SMART GROWTH (OPEN SPACE)

6.1 Summary

EDO makes the following recommendations:

- Open spaces are an essential requirement of a healthy, safe and sustainable SEQ;
- Regional open space network be reflected in planning scheme, planning scheme amendments and development assessment decisions;
- Existing open spaces must be protected from infill and broad hectare development (by including 6.4.3 in State regulatory provisions, Division 4);
- Department identify how it will deliver a 50% increase in open space;
- The final Plan include a ratio of open space to population (only effective way to ensure a corresponding increase in per capita open space by 2031) We propose that the ratio be the old BCC ratio of 2 ha of local open space and 2 ha of regional open space per 1000 people;
- Regulations are linked to topographic identification of open spaces, promoting ecological corridors and ensuring clear identification of protected areas

6.2 Introduction

The interconnection between open space and quality of life and liveability in a region is recognised⁸. In the context of regional planning, open space is understood to represent landscape attributes like scenery, nature conservation, or outdoor recreation opportunities. Protecting and enhancing these attributes is essential for ensuring the health and well being of a community. Protecting open spaces also presents opportunities for securing biological diversity in urban environs.

While the draft SEQRP appears to acknowledge the importance of open spaces, it fails to act upon this recognition, providing inadequate protection to existing open spaces and making insufficient provision for the establishment of future open spaces. Under the current population growth scenario we will continue to lose open space, to the detriment of the communities of SEQ.

6.3 Limited protection for regional open space network

In regional areas, the value of open spaces is poorly recognised. The notes under 3.6.5 of the draft proclaims “*The regional open space network preserves and protects regionally significant open space, which is publicly accessible and provides for outdoor recreation, nature conservation, genetic diversity, scenic amenity, water resources, forest production, spiritual connections, cultural heritage, education and scientific research.*”

Yet, there is nothing concrete to require planning schemes, planning scheme amendments and development assessment decisions to provide this network.

⁸ Low Choy, D.C., 2005: “Achieving the Vision: *The role of environmental infrastructure in the achievement of a sustainable and liveable region*”, in *Queensland Planner*, 45(2), June, 2005, pp 14-17

Recommendation: That the regional open space network, when mapped, be incorporated in the State regulatory provisions, with planning schemes, planning scheme amendments and development assessment decisions complying with the map.

6.4 No protection of open spaces within the urban footprint

The SEQRP seeks to address the need for open space through vague assertions, scattered across the disparate regional outcomes in Part 3. The general absence of principles, policies and programs protecting urban open spaces is particularly stark.

The draft plan is silent, however, on the steps to developing something akin to an urban open space network.

In urban areas the policies promoting infill development and new high-density urban developments (DRO8) are in direct conflict with the development of an urban open space network (indirectly addressed in DRO6).

DRO8 – Smart Growth sets the framework for delivering urban growth to match the projected population boom. Only policy 8.3.4 considers the need for “well designed public places”. Under the Subtropical design principles (called up under DRO8.3) reference is made to the importance of open space diversity, and the need to incorporate access to open space. However, nowhere in this DRO is there any clear guidance on this will be met.

Under DRO 6 – Strong Communities, policy 6.3.3 says that healthy and safe communities in SEQ require “adequate and appropriate provision of open space, recreation and sport spaces and facilities, and community facilities and spaces to enable community activity and healthier lifestyles”. Policy 6.4.3 goes further and discloses a need for broadhectare and infill development to have provision for adequate and accessible public spaces for a diverse range of community uses. To ensure priority is given to policy 6.4.3 reference to it should be included in the assessment criteria listed under Part F – State Regulatory Provisions, Division 4 (see our comments below, at 7.6)

Recommendation: That urban open spaces be adequately protected from infill and broadhectare development (by incorporating 6.4.3 in State regulatory provisions, Division 4)

6.5 No minimum ratio of open space to population

Ensuring increases in population density are paralleled with correlative increases in open spaces is fundamental to a healthy SEQ. A ratio of population to open space (hectares, or some other unit) is therefore required.

The population is predicted to increase to 4.4 million. For both urban and regional open space networks, provisions must be made in the final Plan to accommodate this growth. At the moment, the draft Plan does not address this issue and merely asserts that by 2031 there will be 50% more land available for public recreation. Where is this land? How will it be protected or delivered? The draft is silent on these questions.

In any case, this commitment to achieve 50% more open space is non-binding, and has not been translated into direct policy or regulatory measures. It can not be relied upon to actually deliver its

promise. Furthermore, given population levels are predicted to increase by 100% by 2030, a 50% increase in open spaces will result in an overall decline in the quality of life and liveability of SEQ.

Information on sustainable population density, current use of open areas and sustainable usage capacity of open spaces should be used to create a population to open space ratio. Regulation should mandate that increases in population density must be paralleled with correlative increase in open spaces, in accordance with this ratio.

Population growth will be accompanied by a simultaneous increase in demand and use of open spaces. Existing open spaces will be subjected to far heavier usage, decreasing their community value as a result of crowding, and placing environmental ecosystems under increased pressure.

The Brisbane City Council some years ago proposed ratios of open space per population. Due to population growth, and the need to cram more people in, councils and State governments avoid setting standards which leads to massive overdevelopment without adequate recreational space. We propose that the BCC ratio be adopted: it was 2 ha of local open space and 2 ha of regional open space per 1000 people.

The West End peninsula is an example where massive population growth is proposed under the local plan and further planning documents despite the complete absence of any additional open space. Open space standards will stop the development of inner city ghettos.

Recommendation:

- Department identify how it will deliver a 50% increase in open space;
- The final Plan include a ratio of open space to population (only effective way to ensure a corresponding increase in per capita open space by 2031). We propose that the ratio be the old BCC ratio of 2 ha of local open space and 2 ha of regional open space per 1000 people;
- Regulations are linked to topographic identification of open spaces, promoting ecological corridors and ensuring clear identification of protected areas.

7 PART D – DESIRED REGIONAL OUTCOME 11 - WATER MANAGEMENT

7.1 Summary

EDO makes the following recommendations:

- That DRO 11 recognises the limits to water availability and deletes from the overview of DRO11 on page 11 the reference to ensuring “that water supply is not a constraint to growth”.
- That DRO 11.1 include, in its principles instead of in its notes, the key elements of total water cycle management;
- That mandatory setbacks for all developments from waterways and water bodies be required to ensure waterway protection and quality;
- That clear provisions prohibiting clearing of vegetation around waterways and wetlands and buffer zones around them be included to support the implementation of mandatory setbacks referred to above. NB the *Vegetation Management Act* does not apply to stop clearing of this vegetation in many cases.
- EDO generally support amendments to DRO 11 proposed by SEQ Healthy Waterways Partnership in 2008 and their recommendations for related changes in other parts of the draft Plan

7.2 Introduction

As the effects of climate change continue to be experienced in SEQ ensuring clear, safe water is available not only for human consumption but also to support the myriad of ecosystem services dependent on this natural resource, is a priority in the short, medium and long term. While the State of the Region Report 2008 identifies that residential potable water use has decreased remarkably, groundwater levels across the region are in decline. While 2008/2009 has seen above average rainfall in SEQ prolonged drought is predicted under climate change scenarios. SEQ must be prepared for increasingly severe, and regular, drought conditions.

EDO is concerned that DRO11, as it is currently drafted, will not guarantee water availability for ecological services. Water management that fails to balance human water needs with the needs of environmental services does not meet the sustainability principles articulated under state, national and international laws. The following submission recommends amendments to DRO11 so that the water issues, particularly in relation to groundwater levels and flows, identified in the State of the Region Report are addressed, and SEQ moves towards regional water resilience. We recommend the Department adopt key parts of the SEQ Healthy Waterways Strategy, particularly the Vision and Targets of the Strategy in the finalised version of the draft Plan.

EDO generally support amendments to DRO 11 proposed by SEQ Healthy Waterways Partnership in 2008 and their recommendations for related changes in other parts of the draft Plan

7.3 DRO11 – Water Management, health and planning

EDO supports the total water cycle approach to planning for water sustainability that is advocated in the vision of DRO11.

We are however concerned that there is no acknowledgment that water, like all natural resources, is limited. Planning for water sustainability requires our recognition that unrestrained population growth will, ultimately, deplete our water resources.

We are familiar with waterways and wetlands being filled, both legally and illegally for development. We are also familiar with developments that do not respect riparian vegetation or provide adequate buffer zones, thus causing degradation of waterways and wetlands, both in their water quality and ecological function. The codes under the *Vegetation Management Act* 1999 include mandatory setbacks that apply if clearing triggers assessable development. However those codes do not apply in many cases eg clearing of most regrowth vegetation (the Premier has just introduced moratorium on clearing endangered regrowth) or if various exemptions and exceptions apply, so mandatory setbacks are needed in the SEQ Regional Plan.

Recommendation:

- That DRO 11 recognises the limits to water availability and deletes from the overview of DRO11 on page 11 the reference to ensuring “that water supply is not a constraint to growth”.
- That DRO 11.1 include, in its principles instead of in its notes, the key elements of total water cycle management;
- That mandatory setbacks for all developments from waterways and water bodies be required to ensure waterway protection and quality;
- That clear provisions prohibiting clearing of vegetation around waterways and wetlands and buffer zones around them be included to support the implementation of mandatory setbacks referred to above. NB the *Vegetation Management Act* does not apply to stop clearing of this vegetation in many cases.

8 PART F – DRAFT REGULATORY PROVISIONS

8.1 Summary

EDO makes the following recommendations:

- Division 1 include a clause that all development outside the urban footprint is prohibited, unless made impact assessable or exempt from referral to the planning Department under Divisions 2 or 3;
- Lower the thresholds (specifically those for GFA and short-term accommodation) under Division 2.1, Tables 2B, 2C, and 2D for MCU applications that trigger impact assessment and referral to the Department in its concurrence agency be reduced;
- That assessment criteria for all development applications referred to the Department under the SEQRP concurrence agency jurisdiction, be clarified;
- That site requirements in Schedule 4.1.1(b) apply to the assessment of all development applications under Division 2.1 and 2.2 (i.e all developments that come within Columns 2 or 3 of the Tables);
- Inclusion of maps of high ecological value areas (see discussion under DRO2 Natural Environment), koala habitat and areas at risk from natural hazards, including predicted impacts of climate change, and good quality agricultural land and identified buffer zones around waterways and watercourses. Those mapped areas and identified areas to be protected from development by mandatory provisions in Part F. (with the maps incorporated into Part F);
- Inclusion of mandatory greenhouse gas emission reduction targets in Part F, as discussed in DRO1.
- That Division 2.2. is expanded to apply to all applications for MCU within the urban footprint, not only future growth areas and urban growth areas (subject to the relevant thresholds in Table 2G);
- That assessment criteria in Division 4.1 be extended to include climate change, natural environment and strong communities' policies; and
- That Division 5, Ministerial Notices, be deleted.

8.2 Introduction

State planning regulatory provisions represent the only binding parts of a regional plan. They are the main tool used to implement the Plan's outcomes.

EDO is concerned that the draft regulatory provisions **do not clearly prohibit** urban activities from taking place within Regional Landscape and Rural Production Areas (RLRPA) and Rural Living Areas. Unless strict limits (and prohibitions) are placed on the type, bulk and size of developments permitted outside the urban footprint, the draft SEQRP will fail to **safeguard** the indicated 84% of the region from urban development. It is imperative that key conservation and sustainability initiatives are incorporated into these provisions.

EDO calls on the Department to use this review of the SEQRP to strengthen the regulatory provisions in Part F of the draft by placing binding limits on the type, bulk and size of developments permitted outside the urban footprint and prohibiting development on land containing high value biodiversity, good quality agricultural land, and land at risk of climate hazards.

8.3 Division 1 Preliminary

The purpose behind classifying all land in SEQ as urban footprint, RLRPA or Rural Living Area is to protect non urban areas from the impacts of urban development. To achieve this objective in a way that is clear and transparent, the regulatory provisions should commence with a general presumption that all development outside the urban footprint is prohibited unless it falls within one of the exceptions provided in Division 2 and Division 3. In their current form the draft regulatory provisions do not do this. Divisions 2 and 3 list criteria for which no referral agency assessment is required.

Recommendation:

- That Division 1 include a clause that all development outside the urban footprint is prohibited, unless it is made impact assessable or exempt from referral to the planning Department under Divisions 2 or 3.

8.4 Division 2 Material Change of Use

- *2.1 MCU outside the urban footprint*

Division 2.1 will not safeguard the RLRPA and Rural Living Areas from the adverse impacts of urban development because:

- they allow a wider range of MCU applications than under the 2005 Plan, particularly in relation to provision of tourism facilities, sport and recreation and community activities in RLRPA and Rural Living Areas; and
- the thresholds (specifically those for GFA and provision of short-term accommodation) under Division 2.1, Tables 2B, 2C, and 2D for MCU applications that trigger impact assessment and referral to the Department in its concurrence agency are too high.

Recommendation:

- that in Table 2B, Column 1, the GFA be reduced to 500m², with maximum short-term accommodation catering for 10 persons
- that in Table 2B, Column 2, the GFA be reduced to 1000m², with a maximum short-term accommodation catering for 20 persons
- that in Table 2C, Column 1, the GFA be reduced to 500m², with maximum short-term accommodation catering for 10 persons
- that in Table 2C, Column 2, the GFA be reduced to 1000m², with a maximum short-term accommodation catering for 20 persons
- that in Table 2D, Column 1, there be no short-term accommodation permitted with an indoor recreation facility

Where the concurrence agency jurisdiction of the Department is enlivened for applications that fall within Columns 2 and 3 of the Tables in Division 2.1 it is unclear what criteria will be used to assess the application. For example, do the assessment criteria in Schedule 4 apply to all applications referred to the Department, whether or not the additional criteria related to location and overriding need in the public interest, apply? The assessment criteria must be clarified before the draft SEQRP is finalised.

Recommendation:

- That the assessment criteria for all development applications referred to the Department under the SEQRP concurrence agency jurisdiction are clarified.

EDO supports the site and criteria requirements, listed in Schedule 4, particularly the exclusion in 4.1.1(b) of community activities from areas:

- of high ecological significance;
- of koala habitat;
- that have an unacceptable risk from natural hazards, including predicted impacts of climate change; and
- good quality agricultural land.

In light of the Department's recognition of the significance of these vulnerable areas, Schedule 4.1.1(b) should apply to the assessment of all development applications for MCU outside the urban footprint that trigger referral to the Department, not only applications for community activities.

Identification of areas of high ecological significance should be based on an up-to-date map of biodiversity (see our comments above at 5.4). Similarly, areas at risk of natural hazards, particularly areas at risk of climate hazards, and remaining areas of good quality agricultural land, should be mapped with appropriate buffer zones introduced. These maps should be included in Part F.

Recommendation:

- That the site requirements in Schedule 4.1.1(b) apply to the assessment of all development applications for MCU outside the urban footprint that are referred to the Department (that come within Column 2 or 3 of the Tables in Division 2.1);
- Inclusion of maps of high ecological value areas (see discussion under DRO2 Natural Environment), koala habitat and areas at risk from natural hazards, including predicted impacts of climate change, and good quality agricultural land and identified buffer zones around waterways and watercourses. Those mapped areas and identified areas to be protected from development by mandatory provisions in Part F. (with the maps incorporated into Part F);
- Inclusion of mandatory greenhouse gas emission reduction targets in Part F, as discussed in DRO1.

- ***2.2 MCU in future growth area or urban growth area***

The SEQRP recognises that not all land within the urban footprint should be developed.⁹

EDO supports the application of the regulatory provisions to land within the urban footprint. This is an improvement on the 2005 Plan (and its 2007 amendments). However, we urge the Department to extend its regulation of development within the urban footprint beyond areas identified as future growth areas or urban growth areas, to include infill developments.

This submission is based on the recognition within the State of the Region Report 2008 that areas within the urban footprint provide significant social and environmental benefits. There are vast areas of the urban footprint, earmarked for infill development, that are not characterised as urban or future growth areas.

In our opinion, the draft regulatory provisions should be amended to expand Division 2.2 so that it applies to all MCU applications within the Urban Footprint. Applications that fall within the relevant thresholds in Table 2G should be assessed against site requirements that prohibit development on land that have high ecological significance, are koala habitat, or are at risk from natural hazards, including predicted impacts of climate change.

⁹ Above, n1, page 14

Good quality *urban* agricultural land within the urban footprint must also be protected.

Recommendation:

- Division 2.2. is expanded so that it applies to all applications for MCU within the urban footprint (subject to the relevant thresholds in Table 2G); and
- The assessment criteria for Division 2.2 include Schedule 4.1.1(b) site requirements to prohibit development on land that have high ecological significance, are koala habitat, are at risk from natural hazards, including predicted impacts of climate change, or are good quality urban agriculture lands.

8.5 Division 3 Subdivision

- *3.1 Subdivision outside the urban footprint*

EDO supports the restriction on the further subdivision and fragmentation of land in the RLRPA and Rural Living Areas.

- *3.2 Subdivision inside a future growth area or an urban growth area*

EDO supports the restrictions on subdivision within future growth areas and urban growth areas as described in Division 3.2.

8.6 Division 4 Assessment Criteria

As previously discussed it is unclear when Division 4 will be used to assess applications under the draft regulatory provisions.

Further to the need for clarification regarding the assessment criteria, and the recommendation that Schedule 4.1.1(b) apply to all applications assessed by the Department, EDO recommends that Division 4.1 be extended to include climate change, natural environment, and strong communities policies.

Recommendation: That Division 4.1 be extended to include climate change, natural environment and strong communities' policies, specifically:

- policy 1.3.4 (reduce vehicle emissions)
- policy 1.3.5 (reduce demand for energy produced from non-renewable sources)
- policy 1.3.6 (incorporate use of renewable energy)
- policy 1.4.1 (minimise risks from climate hazards)
- policy 1.6.2 (early provision of public & active transport services)
- policy 2.1.2 (minimise impacts on significant biodiversity values)
- policy 6.4.3 (broadhectare and infill development provide adequate and accessible public spaces and places for diverse range of community uses)

8.7 Division 5 Regional Planning Minister Notice

Part 5.1 appears to give unfettered discretion to the Planning Minister to make changes to the spatial and land use patterns in SEQ. The power to unilaterally designate an area within SEQ as one of the classifications in (a) to (e), appears to represent a substantial expansion of Ministerial power. A designation under Division 5 might change the boundary of the urban footprint. The Planning Minister cannot make changes to the regulatory provisions, if the changes are more than minor, without first complying with the requirements for public consultation in sections 2.5C.9 – 2.5C.11.¹⁰

EDO calls on the Department to remove Division 5.1 before the draft Plan is finalised. Any attempted exercise of the power in Division 5.1 would be a breach of Part 2.C of IPA.

Recommendation:

- That Division 5, Ministerial Notices, be deleted.

9 CONCLUSION

EDO is available to answer any questions the Department has regarding the comments and recommendations in this submission. We thank you for this opportunity to comment on the draft SEQRP.



Jo-Anne Bragg
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Environmental Defenders Office (Qld) Inc.

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¹⁰ Section 2.5C.14