



January 2014

SEQ CATCHMENTS LTD.

Submission on: *Regional Planning*

Interests Bill 2013

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Introduction

SEQ Catchments congratulates the Deputy Premier in taking steps to manage potential land use conflicts at the regional scale in Queensland including the potential impacts of resource activities through the new Regional Planning Interests Bill 2013. This submission presents SEQ Catchments' position on the proposed changes particularly as they relate to South East Queensland's natural assets.

SEQ Catchments is a natural resource management organisation, which works with landholders, the community, the corporate sector and all levels of Government to ensure the long term sustainability of our natural assets. The importance of these assets to a region's economy and social stability is well documented and increasingly understood¹.

The balance between the Four Pillars at the regional and local level will create land use challenges for governments now and well into the future. Three of the Four Pillars (Agriculture, Tourism and Resources) rely heavily on the condition and trend our natural assets (for example: national parks, beaches and streams, scenic amenity, soil health, water, vegetation, fisheries, open space). The fourth indirectly relies on the services provided by these assets including clean air, clean water, and sustainable timber production. Without these natural assets, the Four Pillars will not be efficiently achievable.

The decision to use the Bill to simplify the *Strategic Cropping Land Act 2011* (SCL Act) is applauded. While the intentions of the SCL Act were laudable, it created confusion and in certain circumstances, process duplication for landholders and proponents which seemed out of proportion to the outcomes gained. In our submission addressing the Strategic Cropping Land Framework² discussion paper in September 2013, we advocated for a regional planning approach to the framework, so it is pleasing to note the State Government's intentions in this regard.

Importantly, the Bill will ensure the State and local governments have the spatial tools to ensure all regions in general and the South East Queensland region in particular does not end up with inappropriate development. Regions such as South East Queensland are best served by being comprised of number of self-contained business and industry hubs which are serviced by dormitory suburbs connected by high speed and high quality transport links. These hubs are separated by natural assets which deliver environmental services such as good water quality, clean air, tourism, scenic amenity, nature based experiences and recreation. Initiatives such as "Creating Places for People – an urban design protocol for Australian cities³" encourage such

¹ Marsden Jacob and Associates (April 2010), Managing what matters: The cost of environmental decline in South East Queensland, Brisbane

² SEQ catchments Limited (Sept 2013), Submission on: Strategic Cropping Land Framework: discussion paper, Brisbane

³ Australian Government (Nov 2011), Creating Places for People – an urban design protocol for Australian cities, Canberra

approaches to ensure the people of Queensland do not lose their lifestyle whilst still encouraging economic growth.

Areas of Regional Interest

The four categories of areas of regional interest are clearly articulated in the Bill and cover the suite of potential land uses where conflict and co-existence matters can be resolved. These categories provide the basis for spatial tools to support creating built and natural places for people. Together with the newly released State Planning Policy, all levels of government have the tools to create regions which optimise our natural and built environment to provide liveable, safe, prosperous and sustainable communities.

The relationship between the regional areas of interest is understood; however, we believe the relationship between the priority agriculture area and the strategic cropping area needs clarification. The definition of the two types of agricultural areas is clear enough in themselves; however, a strategic cropping area will fall wholly within a priority agricultural area by definition, given cropping is a subset of agricultural land use.

Presumably, the major reason for the strategic cropping area is to ensure the assessable component to the former SCL Act still has a head of power. This situation may lead to confusion for landholders. Clarification could be achieved by the amendment of clause 10(1) to read “a **strategic cropping area** is that part of a **priority agricultural area** which is shown on the SCL trigger map as strategic cropping land or potential strategic cropping land”.

Creating strategic environmental areas is seen as an excellent mechanism to create certainty for the development and resource sectors while ensuring important natural assets and the general liveability of regions is maintained. SEQ Catchments is working with the Department of Environment and Heritage Protection to identify strategic investment areas as part of its work to create a single State offsets policy. This work is based on the landscape’s ability to provide ecological processes to support development and wellbeing while preserving high environmental values. In South East Queensland, these investment areas have also been extensively negotiated and agreed with local governments.

There is also scope to utilise strategic environmental areas to create specialist management areas for catchment level outcomes. For example, the catchments of a region’s water supply dams could be set aside as strategic environmental areas in order to ensure the health, safety and public amenity aspects of our water supplies. Our submission to the Agriculture, Resources and Environment Parliamentary Committee on the Land, Water and Other Legislations Amendment Bill 2013 outlined our aspirations for logical management units for natural assets, particularly high risk assets found in water supply catchments.⁴ While we were disappointed that our aspirations

⁴ SEQ Catchments Limited (April, 2013), Submission on: Land, Water and Other Legislation Amendment Bill 2013, Brisbane

were not met in that Amendment Bill and Declared Catchment Areas were removed from the legislative framework, we are very pleased to see the State government creating the spatial planning tools for local governments to facilitate the important outcomes we sought. We believe this new approach to strategic areas in regional plans provides a better mechanism.

A Project Reference Group made up of Queensland Farmers Federation, Chamber of Commerce and Industry Queensland, Council of Mayors SEQ, Queensland Tourism Industry Council, Queensland Government, Landcare and Environment Groups, SEQ Catchments and Healthy Waterways are working on a program to identify strategic areas important for community wellbeing and prosperity. This work will identify and develop targets for the regions natural assets in the revision of the South East Queensland Natural Resource Management Plan.

A program of action and investment in these areas will be one outcome of this work. The work will seek to align with the State's planning framework and local government plans. The areas identified from this process may inform the SEQ Regional Plan.

Notwithstanding the usefulness of the areas of regional interest to providing certainty and assisting with the negotiation of competing land uses in a region, the new community infrastructure exemptions from the overall planning and assessment framework in Queensland provides a major avenue for impacts into these areas regardless of the Bill and any associated regulations. These exemptions in some cases could affect the integrity of any of the areas of regional interest without need for any assessment.

We note the State Planning Policy (Page 12) gives some attention to this concern, and suggests that entities involved in delivering activities now exempt from the development assessment system give due regard to the State Planning Policy and other relevant planning interests. SEQ Catchments looks forward to seeing how this intention is implemented within the regional framework established by the Bill.

Provisions applying to resource activities

The Bill proposes the use of resource authorities which coexist with other legislative authorities such as the environmental authority under the *Environmental Protection Act 1994*. While this seems to create extra administrative burden for entities carrying out resource activities, it is difficult to envisage an alternative to that proposed by the Bill without complex legislative amendment.

Given that the Bill has brought certain activities of the resources sector into the regional planning system for the first time, the application of this part of the Bill will need strong monitoring and evaluation processes in place to ensure the potential for unintended consequences (for community, industry and the resources sector) in both process and application are identified and rectified quickly.

The exemptions (Division 2) proposed by the Bill seem practical and sensible given the lower level of risks involved with the proposed exempt activities. It is unclear at this stage whether the State will issue guidelines and other support materials to assist with the exempt activities. The requirement to notify the chief executive implies the need for some guidance material in order to facilitate the creation of an authority holder's plan. We would encourage the use of such an approach so that authority holders and landholders transparently understand the requirements for carrying out exempt activities

Regional Interest Authorities

Again, the provisions relating to the regional interest authorities seem to be sensible and the notification requirement is important to ensure transparency and natural justice for the process. There may, however, be administrative and equity challenges in instances where there are cumulative impacts created by a number of applications in a single area of regional interest. The Bill does not deal with this eventuality at this stage.

We also note that the consequences of not notifying in terms of s.34 and s.35 seem to be at the discretion of the chief executive. We note that there may be no consequences to the applicant for failing to notify, if the chief executive so chooses. It is not clear as to the intent of s.36 except to set out that the chief executive has discretion as to whether there are consequences for failing to notify. This leaves potentially the only consequence for not notifying being the 500 penalty unit provision in s.20. As with a number of sections in the Bill, until the regulations and associated supporting materials are available, it is difficult to provide detailed comments or advice on the appropriateness of these provisions.

Assessment and compliance framework

The Bill establishes an assessment framework for applications; however as the framework will depend on yet to be proclaimed regulations, there is little scope for comment. The mitigation aspects of the assessment framework are a continuation of the existing SCL Act process which makes sense. The rest of the provisions establishing the assessment regime are rational and largely what is already in place for other development assessment.

The compliance framework is based on existing practices and seems sensible. There is an argument for adding an authorised person under the *Water Act 2000* to the authorised officer under the *Vegetation Management Act 1999* given priority agricultural areas also cover aspects of water infrastructure and supply. In some instances, the critical factor in considering an application under this Bill will be *Water Act 2000* related.

Conclusion

The Regional Interests Planning Bill 2013 together with the State Planning Policy provides a solid basis for best practice regional land use planning.

While there is a lack of information about how the instruments will work in practice, the instruments are a positive step toward an integrated and simplified planning system.

The working draft of the Queensland Plan⁵ also deals with the topic of regions with the preliminary target to have half of Queensland's population living outside South East Queensland. We also note the Queensland Plan which aims for a 30 year planning horizon, projects the state will have a population of just under 8 million people which indicates the State government's aim to have the South East Queensland population at around 4 million people.

We note the State government is in the process of drafting the South East Queensland Regional Plan. We also note the current South East Queensland Regional Plan 2009-2031 made provision for 4.4 million by 2031 (400,000 more than projected by the Queensland Plan) providing a challenge for the State and local government planning system. The tools provided by the Bill will be critical in assisting the State government rise to the challenge of achieving its 30 year ambitions for Queensland.

SEQ Catchments thanks the State Government for the opportunity to provide comment on the Bill and looks forward to assisting with the development of regulations and the Bills implementation at the practical level should the opportunity arise.

Key Recommendations

1. Clarify Clause 10(1) to better reflect the nature of strategic cropping areas and priority agriculture areas. Our suggested wording is: "a **strategic cropping area** is that part of a **priority agricultural area** which is shown on the SCL trigger map as strategic cropping land or potential strategic cropping land"
2. Given the importance of the assessment and compliance framework to the success of the resource interest provisions and the involvement of the *Water Act 2000* jurisdiction in the assessment processes involved in the Bill, amend Division 3 to include a provision for an authorised person under the *Water Act 2000*.
3. Ensure the regulations and supporting guidance materials account for the intentions being developed under the Queensland Plan given its clear aspirations regarding the future of regions in Queensland. The Bill should facilitate the Queensland Plan 30 Year Vision.

Yours sincerely


Simon Warner
Chief Executive Officer

⁵ Queensland Government (Dec 2013), The Queensland Plan: a 30-year vision for Queensland. Our working draft created by Queenslanders, for Queensland, Brisbane