



**AUSTRALIAN
CONSERVATION
FOUNDATION**

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a sustainable future

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Suite One Level One
96 – 98 Lake Street
Cairns QLD 4870
phone 07 4031 5760
fax 07 4031 3610
email acf@acfonline.org.au
web acfonline.org.au
twitter @acfonline.org.au

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The Research Director
State Development, Infrastructure and Industry Committee
Parliament House
George Street
BRISBANE QLD 4000
sdiic@parliament.qld.gov.au

Dear Sir/Madam

Supplementary submission to the Queensland Parliamentary Inquiry into the Regional Planning Interests Bill 2013.

The Australian Conservation Foundation (ACF) welcomes the opportunity to respond to the Queensland Parliamentary inquiry into the Regional Planning Interests Bill 2013.

ACF is a not-for-profit community organisation committed to inspiring people to achieve a healthy environment for all Australians. For 40 years we have been a strong voice for the environment, promoting solutions through research, consultation, education and partnerships. We work with the community, business and government to protect, restore and sustain our environment. In northern Australia, ACF works in partnership with Traditional Owners to support the development of culturally and ecologically sustainable economic opportunities.

ACF was appointed to the membership of the Cape York Regional Planning Committee in 2012 and has a direct interest in the application and effect of legislation concerning the implementation of the draft Regional Plan for Cape York.

First and foremost, the *Regional Planning Interests Bill 2013* (the Bill) fails to provide the necessary mechanism for the Cape York Regional Plan to:

- deliver land-use certainty (for tourism, cultural uses , conservation enterprise)
- protect high ecological values, and
- protect iconic natural cultural areas.

The purpose of the proposed legislation is to regulate resource activities in areas of regional importance to the State's economic, social and environmental prosperity. ¹ On Cape York

¹ <https://www.legislation.qld.gov.au/Bills/54PDF/2013/RegionalPlanningB13.pdf>

Peninsula, economic, social (if it includes cultural) and environmental prosperity depends on the adequate protection of cultural and natural landscapes.

Strategic Environmental Areas

Of central importance to ACF is the adequacy of measures that provide a legally robust and transparent process that ensures the strength and integrity of the Strategic Environmental Areas (SEAs) presently covering approximately 32% of the region.

However, the bill is inadequate to meet a range of policy mechanisms, commitments and promises of the Queensland Government², particularly in relation to SEAs.

Further, under the current arrangements the SEAs may:

- be removed and reduced during the finalisation of the Regional Plan for Cape York, and
- allow open-cut or strip mining in some areas as the Regional Plan for Cape York is finalised.

Certainty must be provided to SEAs particularly in instances where communities have specially requested such outcomes.

Recommendation:

Consistent with existing government policy statements and assertions of ‘protection’ the Bill must provide a legally robust mechanism that serves to provide security and certainty for land designated as SEAs.

Discretionary Powers

The draft Cape York Regional Plan and the Bill illustrates that ultimately any SEA can be made available to any form of development by ministerial discretion. From the Premier to the CEO of the Department of State Development, Infrastructure and Planning, a select few in Government could take a view that a development, such as an open-cut mine should go ahead. Third-party appeal rights won’t be available, not even to Traditional Owners or competing industries such as tourism.

Recommendation: Provisions under the draft Cape York Regional Plan and the Bill allowing for ministerial discretion in allowing large scale agriculture and open-cut or strip mining in SEAs must be removed.

Overriding Authority

Inconsistent with the *Environment Protection Act 1994* the Bill proposes to provide the potential of a Regional Interest Authority (RIA) to override Traditional Owner, Native Title holder or other stakeholder (e.g. tourism operator) interests in land.³ Under existing legislation there are third party appeal rights. The Bill proposes that the granting of an RIA

² <https://lnp.org.au/uncategorized/protecting-cape-york-with-locals-not-against-them/>

³ EDO Qld and EDO NQ joint submission to the Regional Planning Interests Bill 2013

will serve to exclude third party appeal rights. This is particularly problematic across both SEAs and general use areas.

Government policy objectives are to reduce land use conflict on Cape York Peninsula. Removing third-party appeal rights to major development decisions undermines this objective.

Recommendation

Given Cape York Peninsula's cultural and environmental significance, third party appeal rights must be maintained in all development assessment and approval processes.

Public Interest

In addition the third party appeal rights for affected stakeholders mentioned above, the Bill also fails to provide the opportunity for the broader community, or public to appeal development decisions. Given that the purpose of Statutory Regional Plans are intended to provide for the economic, social and environmental benefit and prosperity of Queensland and that the nature of SEAs is defined by State interests, it makes no sense that there would be no opportunity to allow third party public interest appeal rights. Historically, this has been very important on Cape York Peninsula with a number of iconic landscapes being subject to exploration, mining and other development proposals. In a number of instances NGOs working in partnership with Traditional Owners only method of opposing inappropriate develop was through third-party public interest appeal rights.

Recommendation:

The opportunity for third party – public appeal rights must be included within the Bill allowing for the continued participation in public say over land-uses, particularly in relation to the SEAs but also across general use areas.

For further information contact:

Andrew Picone

Northern Australia Program Officer

Australian Conservation Foundation

Suite 1, Level 1, 96-98 Lake St, CAIRNS QLD 4870, Australia

Ph [+61 7 4031 8983](tel:+61740318983) Mob [+61 457 798 359](tel:+61457798359) Fax [+61 7 4031 3610](tel:+61740313610)

a.picone@acfonline.org.au