



Draft Proposed State Interests – Part 1 of the State Planning Policy

Feedback form

Personal details

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<p>Is this an individual submission or are you providing feedback on behalf of an organisation?</p> <p><input type="checkbox"/> Individual</p> <p><input checked="" type="checkbox"/> Local government/organisation Please specify the name of the local government or organisation below and if an organisation, the service the business provides.</p>	
Local gov/organisation name	Two organisations Environmental Defenders Office (Qld) Inc --- Jo Bragg and Environmental Defenders Office of Northern Queensland Inc.--- Pat Pearlman
Service: Free legal advice to community and environmental groups on public interest planning and environmental matters.	
<p>Would you like to be contacted in the future about this project and related projects?</p> <p><input checked="" type="checkbox"/> Yes If yes, please ensure you have provided your email address above.</p> <p><input type="checkbox"/> No</p>	
<p>If you live in Queensland, what region are you from?</p> <p>Services provided over Queensland as a whole by the two organisations.</p>	
<p>What categories best describe your interests?</p> <p><input checked="" type="checkbox"/> Environment</p> <p><input checked="" type="checkbox"/> Professional, scientific and technical services</p> <p><input checked="" type="checkbox"/> Community group</p> <p><input type="checkbox"/> Other Please specify your other interests below.</p>	
Other interests	Community Legal centres I



Feedback questions

Element: Agriculture

Agricultural productivity—Proposed state interest statement: The long term growth of a productive and [ecologically](#) sustainable agricultural sector is provided for, which includes:

- supporting and protecting land and water resources used for agriculture from the effects of incompatible activities to ensure its long term viability
- maximising opportunities for co-existence between agricultural and non-agricultural activities.

[Ecologically sustainable agriculture means agriculture that protects land and water for future generations, protects biodiversity, protects riparian vegetation and minimises the use of pesticides and chemical fertiliser.](#)

I do not agree with this statement as it is unclear and creates uncertainty:

- it refers to land and water resources used for agriculture but does not refer to known categories of agricultural land for example Good Quality Agricultural Land or Strategic Cropping Land;
- the concepts of “incompatible activities” and “non-agricultural activities” are not defined. We don’t know if those terms include other land uses like mining or extend to environmental protection;
- this element directly conflicts with other elements of the single SPP , such as mining or environment and heritage without making it clear how such conflicts are to be resolved.

This uncertainty will:

- place a burden on local governments attempting to reflect it in planning schemes;
- gives excessive discretion to the Department in reviewing planning schemes or deciding development applications; and
- lead to more court actions by developers causing cost to the State and local governments.

Parts of the statement that I agree with:

- Reference to long term viability and reference to sustainable agriculture as it is important to think long term.

Extra elements needed:

- To define “sustainable agriculture” to include agriculture that protects land and water for future generations, protects biodiversity, protects riparian vegetation and minimises the use of pesticides, herbicides and chemical fertiliser.
- See suggested amendments [in blue and underlined](#) above.

Element: Tourism

Tourism industry—Proposed state interest statement: A strong [long term](#) tourism industry is facilitated through land use planning that:



- enables [ecologically](#) sustainable development of tourism accommodation, attractions, facilities, infrastructure and other ancillary services
- supports tourism development opportunities that are compatible and complementary with existing land uses;
- [protects our natural assets which underpin our long term tourism industry such as wildlife corridors of State and regional significance areas of regional and State ecological value](#)

I do not agree with this statement as it is unclear and creates uncertainty:

- it refers to sustainable development but the meaning of that term is unclear compared to the well understood and preferable term of “ecologically sustainable development” or “ecological sustainability” as set out in SPA;
- the term “compatible and complementary with other land uses” is so broad it is hard to see how this offers much guidance
- this element directly conflicts with other elements of the single SPP, such as environment and heritage without making it clear how such conflicts are to be resolved.

This uncertainty will:

- place a burden on local governments attempting to reflect it in planning schemes;
- gives excessive discretion to the Department in reviewing planning schemes or deciding development applications; and
- lead to more court actions by developers causing cost to the State and local governments.

Extra elements needed:

- To insert references to a “long term” tourism industry, to “ecologically sustainable development” and to protecting natural assets. See suggested changes [in blue and underlined](#).

Element: Mining

Productive use of mining resources—Proposed state interest statement:

[Recommended new statement](#)

[Significant mineral, coal, petroleum and extractive resources may be protected from incompatible development as long as the land will not be needed now or in the future for more sustainable industries such as tourism or agriculture or to protect vital resources such as water or biodiversity.](#)

[No designation in a planning scheme may be made or application accepted for or granted for extraction of mineral, coal, petroleum and extractive resources or for construction of associated infrastructure unless the footprint is outside of and at least 10 km from: :](#)

- [a locality of 200 people or more;](#)
- [an urban area of 1000 people or more;](#)
- [waterways or areas of high conservation value;](#)
- [protected areas under the Nature Conservation Act 1992.](#)

I do not agree with the statement proposed in the document:

- this element directly conflicts with other elements of the single SPP , and suggests that the significant resources outlined will always win out over other uses.

This uncertainty will:

- place a burden on local governments attempting to reflect it in planning schemes;
- gives excessive discretion to the Department in reviewing planning schemes or deciding development applications;
- lead to continuing uncertainty for small communities and landholders threatened by mining; and
- lead to more court actions by mining companies causing cost to the State and local governments.

Extra sections needed

Deputy Premier Seeney has said to the ARE Committee response to the Mines Streamlining Bill that “restricted areas” will be dealt with not in the Bill but in the regional plans. Human Health is clearly a state issue. So that guidance ought to be clearly set out in the single SPP to require that regional plans address this matter.

Extra sections needed

What we need to see here are strong qualifications- best in legislation but if not, in the SPP- that provide clear cut no go areas for mining and gas to protect communities, waterways and ecological assets:

Extra elements needed: provisions for Urban Restricted Areas. The provisions are to protect small communities over 200 people and urban areas of over 1000 people from noise, dust and fumes and to not allow for application for or grant of tenures within that area AND not allow for the grant of higher tenures if there is an existing tenure. The distance ought to be not 2km but a wider area. Doctors for the Environment recommend 10km zone around those communities given the health impacts of coal dust. See suggested areas [in blue and underlined](#).

Element: Construction

Construction industry—Proposed state interest statement: Planning instruments and decisions contribute to a strong and competitive construction industry, supporting employment by removing impediments to a steady supply of land and facilitating appropriate development opportunities.

I do not agree with this statement as it is unclear and creates uncertainty:

- this element directly conflicts with other elements of the single SPP , such as environment and heritage without making it clear how such conflicts are to be resolved;
- for example what are “impediments”- environmental protection of areas of biodiversity?
- We are not aware that there is a lack of adequate supply of land for development- what is the evidence that there is a problem?

This uncertainty will:

- place a burden on local governments attempting to reflect it in planning schemes;
- gives excessive discretion to the Department in reviewing planning schemes or deciding development applications; and
- lead to more court actions by developers causing cost to the State and local governments.



Element Planning for economic growth

Best practice planning—Proposed state interest statement: Planning instruments contribute to the state's prosperity, economic growth and employment needs by:

- Supporting efficient use of existing infrastructure and planning for future infrastructure needs.
- Supplying an adequate amount and appropriate balance of suitably zoned land.
- Facilitating development of a diverse range of employment opportunities and appropriate services for communities.
- Enabling processes and decision-making that are:
 - Efficient
 - Effective
 - Transparent and accountable
 - Responsive and equitable
 - Innovative.

Do you agree with the above statement or have other comments to provide us?

This element is confusing and not needed- its describing the role of planning instruments and processes which are set out in SPA

If this element is put in then you need to also add how planning instruments assist communities and you could also add how they are intended to protect the environment for future generations.

We don't want innovative decision making- communities want clear cut open and transparent decision making.

Element: Housing and liveable communities

Housing availability, affordability and diversity—Proposed state interest statement: A range of affordable housing options are provided for in each community and respond to identified community needs.

We suggest it is very important to have definition of affordable housing, so that low income people actually benefit from such an element in the SPP.

The State Department of Housing or NGOs that work in the area like Shelter can probably help with an appropriate definition.

Affordable housing does not mean making innercity apartments slightly cheaper.



Liveable communities—Proposed state interest statement: Support healthy liveable communities for the wellbeing of all.

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I agree with the intent but I do not agree with this statement as it is unclear and creates uncertainty:

- this element directly conflicts with other elements of the single SPP , such as mining without making it clear how such conflicts are to be resolved;

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This uncertainty will:

- place a burden on local governments attempting to reflect it in planning schemes;
- gives excessive discretion to the Department in reviewing planning schemes or deciding development applications; and
- lead to more court actions by developers causing cost to the State and local governments.

I suggest a lot more detail is needed, for example that the community health is safeguarded by freedom from dust, pollution, noise. See suggested additions to the elements referred to under mining.

Element: Environment and heritage

Biodiversity—Proposed state interest statement: Significant impacts on matters of state or national environmental significance are avoided, or where this cannot be reasonably achieved, impacts are minimised and/or residual impacts offset.

Do you agree with the above statement or have other comments to provide us?

This is too general and vague. It is not consistent even with the purpose of the *Sustainable Planning Act 2009*.

There should be a clear statement that:

- matters of state or national environment significance should be protected and enhanced
- significant impact should be avoided
- impacts which aren't significant should firstly be minimised and offsets lead to a gain
- local governments need policies and plans to protect biodiversity locally

This highly generalised statement is not very helpful, especially given the other elements of the SPP that positively promote development of various types like mining or agriculture or construction.

Koala conservation—Proposed state interest statement: Koala conservation is taken into account in planning processes across Queensland, contributing to a net increase in koala habitat, and assisting in the long-term retention of viable koala populations.

Do you agree with the above statement or have other comments to provide us?

This highly generalised statement is not very helpful, especially given the other elements of the SPP that positively promote development of various types like mining or agriculture or construction.

If you read the *State of the Environment Report for Queensland 2011*, page 3, there are over 1000 species on the list as vulnerable or threatened etc in Queensland so the need to protect species is evident

Instead the SPP element needs a specific section on koalas and also a more encompassing section to refer to all species:

“Protection of Species” Planning and development needs to protect habitat of native species to ensure that all species are able to survive and flourish in Queensland in the short, medium and long term and so that no species moves to a more vulnerable category under the *Nature Conservation Act 2012*. Regional and local planning instruments need to identify regionally significant and locally significant wildlife corridors respectively, and off reserve conservation areas and to clearly restrict development in those area incompatible with protection of the species.

Heritage—Proposed state interest statement:

- Significant impacts on national heritage areas in Queensland are avoided.
- Queensland’s national, state and local heritage is protected from incompatible development and conserved for the benefit of the community and future generations.

Coastal environment—Proposed state interest statement: Development which complements and encapsulates existing coastal values is preferred over other development types in areas along the coast. Public access to or along the foreshore is to be maintained in a way that protects coastal resources and their associated values while also ensuring public safety.

Do you agree with the above statement or have other comments to provide us?

This is far too general. Instead we need strong statements detailing coastal values and how to protect them, and detailed codes and maps.

- The coastal zone is critical to some of our most economically and environmentally significant areas such as the Great Barrier Reef and Moreton Bay.
- Planning and development must ensure that critical values are protected and that development meets high standards.
- There needs to be a clear statement that:
 - High environment significance areas must be identified and excluded from development.
 - If development is not coastal dependent then it is not appropriate on the coast.
 - High intensity industrial and port development must only occur in identified hubs and must meet best practice standards
 - Other intensive development (urban and general industrial) should also be contained to small areas and meet high development standards
 - Broadscale development such as agriculture should avoid environmentally sensitive areas and be managed to avoid offsite impacts.



Water quality—Proposed state interest statement: Development is planned, designed, constructed and operated to protect environmental values and support achievement of water quality objectives.

Do you agree with the above statement or have other comments to provide us?

This is far too general and as such is unhelpful.
We need the detail of SPPs on Wetlands and Healthy Waterways and codes.

Element: Transport

State transport networks—Proposed state interest statement: Existing and future state transport infrastructure and transport networks are identified and protected from the impacts of development to ensure their ongoing safe and efficient operation.

Development is located and designed to:

- Address and mitigate impacts from environmental emissions generated by state transport infrastructure.
- Make the most effective use of existing and planned state transport infrastructure.

Do you agree with the above statement or have other comments to provide us?

Element: Community Safety

Natural hazards—Proposed state interest statement: Planning and development decisions avoid or mitigate natural hazard and associated risks to protect people and property and enhance the community's resilience to natural hazard risks.

Do you agree with the above statement or have other comments to provide us?

See the proposal at the end of this form that a climate change element be added.

That proposal contains sections that could be added to the element of community safety, as climate change is leading to an increase of extreme weather events which threaten community safety.

Managing nuisance and adverse impacts—Proposed state interest statement: Managing nuisance and adverse impacts by:

- Protecting sensitive land uses from activities that cause nuisance or adverse impacts.
- Protecting land being used, or planned for activities that cause nuisance or adverse impacts from the encroachment of sensitive land uses.

Do you agree with the above statement or have other comments to provide us?

The suggestions I made under mining could also be added to this section

Element: Infrastructure

Dam catchments and water supply—Proposed state interest statement: Ensure a safe, secure and efficient water supply through protection of water supply catchments and infrastructure from development that may have negative functional, safety or cost impacts.



Ports—Proposed state interest statement: Strategic ports are identified and protected from incompatible development and land uses to ensure their ongoing viable operation and development. Development is located and designed to address and mitigate adverse impacts from environmental emissions from strategic ports.

Do you agree with the above statement or have other comments to provide us?

This ignores the requirements of UNESCO to avoid creating new ports and would be damaging to the Great Barrier Reef. Therefore port development should be constrained to the existing port areas and these areas used more efficiently bringing both economic and environmental outcomes.



Do you think that there are other state interests which should be covered in the State Planning Policy? If so please identify and provide justification.

We recommend that 2 extra elements are included in the Single SPP

1. Element: Great Barrier Reef

The State's interest in protecting the Great Barrier Reef is as follows:

Great Barrier Reef ("Reef")

The Reef is a World Heritage site and irreplaceable legacy that the global community wants to protect for the future. In 1981 the Great Barrier Reef was inscribed on the World Heritage List for its unique natural properties and enormous scientific and environmental importance.

As well as its ecological importance, the Reef provides security to coastal communities and provides significant benefits to the Queensland and Australian economy. Industries, such as tourism and fishing are heavily reliant on a healthy reef.

Climate change, pollution, crown-of-thorns starfish and fishing are the primary threats to the health of this reef system. Other threats include shipping accidents, oil spills, and tropical cyclones. According to a 2012 study by the National Academy of Science, since 1985, the Great Barrier Reef has lost more than half of its corals with two-thirds of the lost occurring from 1998 due to the factors listed before. Queensland terrestrial planning and development has a major impact on those threats to the Reef.

Proposed State interest element

Planning and development decisions avoid risk to the ecology and structural integrity of the Great Barrier Reef.

2. Element: Climate Change

The State's interest in directly and indirectly mitigating greenhouse gas emissions and adapting to climate change is as follows.

Climate change

Queensland's climate is changing, posing significant risks to the State according to the Climate Commission. Queensland's agricultural industries are at risk with beef, sugar and cereal production expected to decline. Tourism is at risk, as climate change threatens biodiversity, the health of tropical forest and the health of the Great Barrier Reef. Sea level rise causing erosion especially on the Gold Coast, Moreton Bay and the Sunshine Coast threatens Queenslanders property and lifestyle. Changes to our climate are likely to increase the frequency and intensity of extreme weather events such as bushfires, floods, heatwaves. These events affect our health, buildings, infrastructure and communities and the State's prosperity.

Proposed State interest element

Planning and development decisions:

- fully consider the implications of climate change; and
- foster energy efficiency and avoid and minimise direct and indirect generation of greenhouse gases; and
- minimise the risks of climate change to Queensland ecology, economy and communities.



Are there any other comments you would like to provide to us?

The single SPP provides the opportunity to meaningfully implement ecologically sustainable development. But the highly generalised and inconsistent elements give no guidance as to how the elements will be resolved. This will create uncertainty and cost for local governments and lead to developer appeals.

Instead a lot more detailed thought needs to be given to identifying social and environmental outcomes or elements and drafting them so that they have meaning and may be implemented into planning schemes or by codes, with suggested codes. Using the extensive work already carried out in existing SPPS is better than trying to reinvent the wheel. We are happy to meet and talk through some ideas.

Better more decisions will be made if agencies retain their key concurrence powers under SPA for example on vegetation protection and coastal matters. Centralisation of power will not lead to balanced outcomes.

We ask that you look at the purpose of the *Sustainable Planning Act 2009* and the elements as this single SPP is not consistent with that legislation. For example, in its generalised treatment of social and environmental issues.

Please either email or post this form back to us at:

Email: singleSPP@dspdip.qld.gov.au

Post: State Planning Policy feedback

Department of State Development, Infrastructure and Planning

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If you have any queries about this feedback form or the process being undertaken for drafting the State Planning Policy, please email us at singleSPP@dspdip.qld.gov.au

The closing date for feedback is 30 November 2012.
