



HopgoodGanim

LAWYERS

SEQ Regional Plan 2009-2031

Identified Growth Areas and Natural Resources

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Identified growth areas

The South East Queensland Regional Plan divides all land in South East Queensland into three categories:

- **Regional Landscape and Rural Production Area:** The Regional Plan protects these lands from encroachment by inappropriate development, particularly urban and rural residential development.
- **Rural Living Area:** Land currently designated for rural residential development in local government planning schemes.
- **Urban Footprint:** Identifies land that provides for the region's urban development needs to 2031.

Identified growth areas effectively introduce a further layer of land use categorisation to the Regional Plan. Identified growth areas lie outside the Urban Footprint but are identified by the Regional Plan as being necessary for urban development when demand requires it. However, significant infrastructure planning and strategic land use are necessary before these areas are ready for development. Essentially, identified growth areas provide a mechanism to make more land available if it is needed. The identified growth areas outside the Urban Footprint include:

Residential	Employment	Residential and Employment
Beith-Round Mountain (Logan)	Greater Bromelton (Scenic Rim)	Yarrabilba (Logan)
Westbrook (Toowoomba)	North Maclean (Logan)	Greater Flagstone (Logan)
Lanefield-Grandchester (Ipswich)	Beerwah (Sunshine Coast)	Caboolture West (Moreton Bay)
Beaudesert South (Scenic Rim)	Purga (Ipswich)	Greenbank (Logan)
	Ormeau (Gold Coast)	Caloundra South- Halls Creek (Sunshine Coast)
		Beerwah - Caloundra South Corridor (Sunshine Coast)

Table 7, Regional Plan, p. 109

The Minister may include an identified growth area in the Urban Footprint through a change to the regulatory maps under the State planning regulatory provisions, provided that the area meets the Urban Footprint principles.

Natural resources

Natural resources include land, fresh and marine water, air, forests, minerals, native animals and plants. South East Queensland's extractive resources underpin much of the region's major economic activities and support a range of diverse industry. Extractive resources will play a vital role in the delivery of the State's infrastructure, with large quantities of natural resources required for buildings, road construction and other essential infrastructure.

As well as South East Queensland's extractive resources, there is economic benefit gained through outdoor recreation, ecotourism, fisheries production and plantation forests.

Extractive resources and mineral resources are identified in Map 8 of the Regional Plan. The State's extractive resources are dispersed across the region, with major hard rock resource deposits in areas such as Bli Bli, Mt Cotton, Nerang and Bromelton. The region's mineral resources include coal, metallic ores and industrial minerals. Locations for these valuable mineral resources include the coalfields around Ipswich and mineral sands on North Stradbroke Island.

It would be likely that any development application for a significant extractive resource operation, in the highly populated South East Queensland region, would conflict with provisions of a local planning scheme. It is necessary to draw attention to section 3.5.14 of the *Integrated Planning Act 1997* which provides:

“ ...

(2) *If the application is for development in a planning scheme area, the assessment manager's decision must not-*

(a) *compromise the achievement of the desired environmental outcomes for the planning scheme area; or*

(b) *conflict with the planning scheme, unless there are sufficient grounds to justify the decision despite the conflict.*

... ”

(4) *Subsections (2)(a) and (3) do not apply if compromising the achievement of the desired environmental outcomes is necessary to further the outcomes of any of the following if they are not identified in the planning scheme as being appropriately reflected in the planning scheme-*

(a) *State planning policies, or parts of State planning policies;*

(b) *for the planning scheme of a local government of a local government in the relevant area for a State planning regulatory provision – the provision*

(c) *for the planning scheme of a local government in a designated region – the region's regional plan.”*

Section 3.5.14(2)(a) of the Integrated Planning Act provides that if an approval of an application would compromise the achievement of the desired environmental outcomes for the planning scheme area, it is to be refused. An exception is provided by section 3.5.14(3), which permits an approval if compromising the achievement of the desired environmental outcome is necessary to further the outcomes of a State planning policy or the Regional Plan. A similar exception is available in the case of code assessment in section 3.5.13 of the Integrated Planning Act.

Desired Regional Outcome 4.2 for extractive resources is to:

*“Identify and protect extractive and mineral resources for **potential future extraction**, including providing appropriate transport corridors and buffers, and ensuring that planning preserves the opportunity for discovery and development of new resources in appropriate areas.”*

As noted above, the Regional Plan seeks to identify and protect extractive and mineral resources for potential future extraction. It does this by:

- protecting identified natural resources from incompatible development; and
- providing appropriate transport corridors and buffers around identified resource areas.

State planning policy 2/07: Protection of Extractive Resources ensures the long-term availability of extractive resources of State or regional significance, and provides the basis for identifying and protecting key resource areas in local government planning schemes.

The explanatory statement in this planning policy states that the outcomes sought by the policy are as follows:

*"SPP 2/07 identifies those extractive resources of State or regional significance where **extractive industry development is appropriate in principle**, and aims to **protect those resources from developments that might prevent or severely constrain current or future extraction when the need for the resource arises**.*

The Policy identifies the location of such extractive resources as Key Resource Areas, each of which contain three elements – a resource/processing area, a separation area and an associated transport route (which also includes a transport route separation area) where such a link is needed from the resource/processing area to a major road or railway..."

Importantly, the explanatory statement also provides that:

"SPP 2/07 will influence land use planning and development decisions within KRAs. In particular, it will help shape planning schemes of local governments with KRAs in their areas.

While SPP 2/07 endorses the principle of extractive industry development in a resource/processing area of a KRA and identifies appropriate transport routes, development applications for new extractive industry operations in a KRA will be subject to the normal assessment process under the 'Integrated Development Assessment System'".

SPP 2/07 is stated to be consistent with the Regional Plan, which aims to protect extractive resources for potential future extraction and their associated transport corridors and buffers. However, it is clear that the policy does not guarantee approval of a development application for an extractive industry in a key resource area. The policy strongly indicates that extraction of resources from key resource areas should not occur at the expense of other environmental values, in particular remnant vegetation, aboriginal cultural heritage and biodiversity values.

However, it is significant that if land has recognition as an extractive resource under the Regional Plan, and is recognised as a key resource area under the State planning policy, it would provide a powerful and persuasive ground to justify approval of a development application for an extractive industry despite any conflict with a planning scheme.

The Regional Plan also provides policies for the:

- protection, enhancement and management of the region's native and plantation forests;
- protection and management of marine, estuarine and freshwater habitats to maintain fish stock levels and maximise fishery production. This is a critical component of the Regional Plan, given that Morton Bay accounts for 20 percent of Queensland's commercial fisheries catch.

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