

Jon Ward, Manager, Industry and Products Programs, EcoRecycle Victoria and Chair of the Roundtable Committee said "The roundtable is about providing opportunities for conversation, dialogue and debate between delegates to find long term solutions to the water, waste and energy problems confronting the State and more broadly the Region,". Up to 500 delegates are expected to attend the event.

For further information, refer to the following website: <http://www.6aprsccp.com/>

QUEENSLAND

Editor: Larissa Waters

Final SEQ Regional Plan and SEQ Infrastructure Plan released

The December 2004 edition of NELR discussed the Draft South East Queensland Regional Plan. After 8,500 public submissions were received, the specially created Office of Urban Management ("OUM") released the final SEQ Plan ("the Plan") on 30 June 2005.

The Plan is based on an additional 1 million people moving to SEQ by 2026, an area covering 18 local governments from the Gold Coast north to Noosa and west to Toowoomba. The Plan is the first statutory regional plan for Queensland, following several decades of failed non-statutory regional plans. The statutory basis for the Plan is new Chapter 2, Part 5A of the *Integrated Planning Act 1997 (Qld)* ("IPA"), the Act which regulates planning and most development in Queensland. That new chapter was inserted in September 2004 by clause 8 of Part 2 of the *Integrated Planning and Other Legislation Amendment Act 2004*, available from www.legislation.qld.gov.au/LEGISLTN/ACTS/2004/04AC020.pdf. A major policy change is the ability of the Plan to prohibit development, a divergence from the underlying philosophy of IPA which is performance-based and seeks to achieve 'desired environmental outcomes' for areas, rather than prohibiting development.

The Plan is comprised of 8 parts, including Part F. Regional Policies (including on Sustainability, Natural Environment, Natural Resources and Water Management); and Part H. Regulatory Provisions. The Regulatory Provisions divide SEQ into 5 regions:

1. Regional Landscape and Rural Production Area;
2. Rural Living Area;
3. Urban Footprint;
4. Investigation Area, and
5. Mt Lindesay/ North Beaudesert Study Area.

Urban development is effectively prohibited outside the urban footprint, unless there is an "overriding need for the development in the public interest" and the "locational requirements or environmental impacts of the development necessitate its location outside the urban footprint". Subdivision in the Regional Landscape and Rural Production Area and the Investigation Area is also limited to a maximum of 100 hectares, with some exceptions.

As mentioned in the last edition of NELR, the Regional Policy on Nature Conservation in Part F of the Plan contains special rules for koala protection. Until the EPA's draft Conservation Plan for koalas is finalised, development in koala habitat areas will be assessed against the *Interim Guideline: Koalas and Development* which is made and authorised under the Plan. The *Interim Guideline* establishes 3 habitat areas with associated development assessment criteria: the Koala Conservation Area, Koala Sustainability Area and Urban Koala Area. The *Interim Guideline* is available for download from: www.epa.qld.gov.au/nature_conservation/wildlife/koala_conservation_plan/interim_guideline__koalas_and_development/.

The body of the Plan, including the Regional Policies in Part F, has legal status equivalent to a State Planning Policy so Councils must "have regard to" the Plan when assessing development applications, but the Plan is superior as it overrides any other inconsistent State Planning Policies. The Regulatory

Provisions in Part H have the legal status of a Temporary Local Planning Instrument (which override local planning schemes), and are applied by OUM as a concurrence agency when assessing development applications outside the Urban Footprint. This means OUM have the power to impose conditions or require Council to refuse a development application which conflicts with the Regulatory Provisions.

Councils must reflect the Plan by amending their local town planning schemes if there is any conflict with the Plan. Councils must advise the State government of any necessary changes to their planning schemes by early November 2005, and must then make the amendments via Local Growth Management Strategies required to be complete by June 2007. No compensation is payable to landowners whose development rights are adversely affected by the Plan. The Plan is to be monitored annually and formally reviewed every 5 years.

The Plan has received mixed reviews from affected sectors. Definition of the urban footprint provides certainty for the development industry, but conservationists say the Plan is undermined by not being based on a study of the ecological capacity of SEQ and for not limiting growth to those ecological limits.

The SEQ Infrastructure Plan and Program (SEQIPP) was released on 27 April 2005. SEQIPP outlines details of the infrastructure proposed in the SEQ Plan setting priorities for the next 10 years, but it is not a statutory document and has administrative effect only.

For more information or copies of the Plan see www.oum.qld.gov.au or phone OUM on 1800 021 818. For a conservation lawyer's perspective on the Plan see: www.edo.org.au/edoqld/edoqld/new/Jo%20Bragg%20Paper%20SEQ%20Plan%20Briefing%20090805.pdf.

For a copy of the SEQIPP see www.oum.qld.gov.au/docs/SEQIPP/SEQIPP_full.pdf.

Water law developments

Drought management strategies and overland flow

Amendments to the *Water Act 2000* passed on 11 May 2005 and assented to on 19 May 2005 require all water service providers, including Councils and water authorities, to prepare mandatory drought management strategies to protect water supplies during drought, and mandatory system leakage management plans to minimise the loss of water through leakage in water distribution systems. The *Water and Other Legislation Amendment Act 2005* has only partially commenced, with some provisions not yet proclaimed into force and the provisions dealing with drought and system leakage scheduled to commence on 1 October 2005.

The *Water and Other Legislation Amendment Act 2005* also makes provision for overland flow water entering or exiting a water system to be considered when developing a water resource plan, but landholders' rights to take overland flow for stock and domestic purposes without a water entitlement remain. Overall the amendments seek to improve water use efficiency and appear consistent with the Queensland Water Efficiency Taskforce and the National Water Initiative. *For a copy of the Amending Act see www.legislation.qld.gov.au/LEGISLTN/ACTS/2005/05AC019.pdf.*

Related amendments to the *Water Regulation 2002* were recently made the *Water Amendment Regulation (No. 2) 2005*, including specifying new codes for self-assessable operational works for the taking of overland flow water. *For a copy of this instrument see: www.legislation.qld.gov.au/Legislation%20Acts&SLs/SL2005.htm.*

Policy announcements by Premier

In the face of persistent drought and worsening water shortages in South East Queensland, on 23 August 2005 the Premier also announced:

- New legislation will "immediately" be prepared to increase penalties for breaches of water restrictions, and to give the State reserve powers to impose water restrictions should local governments refuse to do so;
- The feasibility of desalination will be examined and water purification and reuse proposals explored;

- A proposed review of SEQ's bulk water supply institutional arrangements to ensure equitable access to water and security of supply will be accelerated; (Currently 10 different organisations own the 19 dams in SEQ, unlike other states where government-owned-corporations not local Councils manage dams) and
- Additional financial support to local governments to implement water conservation measures such as pressure reduction and reducing water distribution losses.

New Minister for Natural Resources and Mines Henry Palaszczuk added that yet more elements of that Department's water reform agenda will be fast tracked, and reported on to Cabinet by the end of October 2005. *For a copy of the Premier's media release see <http://statements.cabinet.qld.gov.au/cgi-bin/display-statement.pl?id=8202&db=media>.*

Draft Water Resource Plan for Great Artesian Basin open for comment

On 24 August 2005 the Queensland government tabled the Great Artesian Basin Draft Water Resource Plan in Queensland Parliament. The Great Artesian Basin is one of the largest artesian groundwater basins in the world, covering more than 1.74 million km² and underlying about two thirds of Queensland, with smaller segments under New South Wales, South Australia and Northern Territory.

A Water Resource Plan ('WRP') is the planning tool under the *Water Act 2000* (Qld) for the allocation and management of water. All water resource plans are required to include environmental flow objectives and outcomes including ecological outcomes. However many draft plans fail to ensure a strong legal connection between *each* ecological outcome and the strategies in the plan, which gives poor security for achieving those ecological outcomes.

The Draft WRP for the Great Artesian Basin is now open for public comment until 28 October 2005. The Minister for Natural Resources and Mines must consider all submissions received within time, and it is expected that the final WRP will be announced in early 2006. Following that, a Resource Operations Plan ('ROP') will be developed to detail implementation of the WRP. Public comment must also be sought on the draft ROP.

A moratorium introduced in February 2005 will remain in place until the final WRP is prepared, which means only water licences for stock and domestic use can be issued from the Basin, to protect existing water entitlements and Basin-dependent springs.

For a copy of the draft WRP and more information see www.nrm.qld.gov.au/wrp/gab.

Nature conservation initiatives

Duck and Quail Hunting Banned

The *Nature Conservation (Duck and Quail) Conservation Plan 1995*, which manages duck and quail hunting in Queensland, is set to expire in September 2005 and the Premier and Minister for Environment Desley Boyle have announced that it will not be renewed. More than 700 comments on the issue were received by the Minister with all but 15 in favour of banning quail and duck hunting. Community pressure, declining bird numbers, diminishing wetlands, drought effects and studies showing high rates of wounding in duck hunts were the reasons for the decision.

Dugong Agreement

Environment Minister Desley Boyle has signed an agreement with traditional owners from Ayr, Bowen and Proserpine which formalises the groups' self-imposed ban on dugong hunting. Marine turtles can still be taken for traditional and customary purposes in accordance with the groups' self-managed hunting approval system. The agreement is the first of its kind and is intended to make it easier for the EPA to monitor and enforce species protection legislation against illegal poachers.

For more information on these initiatives contact the Queensland EPA on (07) 3227 8819.

Local Government law amendments

A Bill to amend the *Local Government Act 1993* requiring local governments to develop a code of conduct for Councillors and to establish a general complaints process was passed by Queensland Parliament on 31 May 2005 and commenced operation that day. The *Local Government Legislation Amendment Bill 2005 (Qld)* provides a framework for local governments to develop an enforceable code of conduct and sets out penalties for non-compliance. Under the Amending Act, draft codes must be submitted for public comment and Councils will have until 1 March 2006 to adopt a code of conduct and complaints procedure. Given frequent accusations of bias against Councillors who decide important development issues in Queensland, binding Codes of Conduct with penalties for breach are a welcome initiative. *For a copy of the Amending Act see: www.legislation.qld.gov.au/LEGISLTN/ACTS/2005/05AC026.pdf.*

Wet Tropics Regional Agreement and Management Plan

On 29 April 2005 the State and Federal Governments and the 18 Rainforest Aboriginal tribal groups of the Queensland Wet Tropics World Heritage Area (WTWHA) endorsed the *Wet Tropics Regional Agreement* and the *Aboriginal Cultural and Natural Resource Management Plan*. The Agreement provides the foundation for government agencies to involve Aboriginal people in decision-making and on-ground management activities in the WTWHA. The Management Plan supports the Agreement through investment strategies and actions directed towards meeting the aspirations of Traditional Owners in caring for their country and culture.

WESTERN AUSTRALIA

Editor: Merinda Logie

Greenhouse Gas Taskforce

In August, the Minister for the Environment announced the establishment of a Greenhouse and Energy Taskforce. The Taskforce's purpose is to advise the Minister on greenhouse gas policy. In particular, the Taskforce will advise the Minister on practical and economically feasible ways of managing greenhouse gas emissions from the stationary energy sector.

The key terms of reference for the Taskforce to advise on include long-term policies the State should consider to assist efforts to reduce greenhouse gas emissions, the feasibility and implications of reducing greenhouse gas emissions by 50 per cent by 2050, preparation for a national emissions trading scheme and integration with international schemes, and a proposed greenhouse gas offsets policy. The basis for the taskforce's work is the Western Australian Greenhouse Strategy and the work of the Sustainable Energy Development Office.

The members of the Taskforce include the chair Dr Roy Green (former Environmental Protection Authority Chairman), Dr John Zillman (head of the Australian Bureau of Meteorology and past president of the World Meteorological Organisation), Ms Cathy Zoi (group executive director of Bayard Capital and former Chief of Staff of Environmental Policy in the USA Clinton Administration), Mr John Akehurst (CEO of Biostarch Pty Ltd and former CEO of Woodside Petroleum Ltd) and Mr Richard Begley (senior manager with Allen Consulting Group).

The taskforce will report to Dr Judy Edwards, the Minister for Environment, and Minister for Science, Alan Carpenter the Minister for State Development.

Environmental Guidance for Planning and Developments

The Environmental Protection Authority has recently released a draft policy on Environmental Guidance for Planning and Developments for public comment. This document updates the current Draft Guidelines for Environment and Planning (1997). The purpose of the draft policy is to provide advice on environmental