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24 July 2023

Department of Climate Change, Energy, the Environment and Water
Environment Protection and Biodiversity Conservation Act 1999
EPBC Number: 2023/09548
Email: epbc.referrals@dcceew.gov.au

Dear Sir/Madam

EPBC Act Referral – Aura South Self-contained Master-planned Community

I write in response to the Commonwealth's invitation for public comment on the referral by Stockland Development Limited (the applicant) of the Aura South self-contained master-planned community project (the project) under the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

While acknowledging that the public comment process is seeking to understand if the project would constitute a controlled action, Sunshine Coast Council (Council) does not support the project because it is inconsistent with the State Government's and Council's statutory planning instruments and related policies and therefore has no lawful basis on which to proceed.

Council's position is supported by the following:

Statutory Planning Instruments

Contrary to the requirement set down in 4.01(g) in Schedule 2 of the Environment Protection and Biodiversity Conservation Regulations 2000, the referral does not provide a suitable explanation of the context, including any relevant planning framework, in which the action is proposed. The information submitted with the referral fails to mention that the proposed action is located in the Regional Landscape and Rural Production Area of the South East Queensland (SEQ) Regional Plan and therefore constitutes prohibited development under Queensland's planning laws (specifically Part 16 of Schedule 10 of the *Planning Regulation 2017*).

The information submitted with the referral therefore incorrectly states that the *Planning Act 2016* provides the planning approval framework under which development approval will be sought and the State Planning Policy and SEQ Regional Plan will be relevant to the assessment of the development application, because a development application cannot be made.

Accordingly, Council is of the view that the referral under the EPBC Act is premature and materially inconsistent with the planning framework that applies to the project.

The project area is identified as a Potential Future Growth Area (PFGA) that may be needed to accommodate long-term urban growth under the SEQ Regional Plan. However, this does not constitute a development commitment and nor does it imply that all, or indeed any part of, this area will be considered suitable for urban development in the future. The SEQ Regional Plan states that the Queensland Government will not support premature planning, investigation or promotion of PFGAs.

In accordance with the requirements of the *Planning Act 2016* and the Minister's Guidelines and Rules, the Sunshine Coast Planning Scheme gives full effect to the policies of the SEQ Regional Plan and therefore does not provide for urban development in the area that is the subject of the referral.

Regional Inter-Urban Break

The project is also proposed to be located in the Sunshine Coast Regional Inter-urban Break, one of Council's major green spaces, which plays a vital role in preserving our region's distinctive character, identity and lifestyle. As set down in Council's *Environment and Liveability Strategy 2017*, there is a clear basis for ensuring the Regional Inter-urban Break is protected in perpetuity to secure its environmental, production and recreation values. In keeping with the relevant statutory planning instruments described above, urban development is not considered an appropriate land use in the inter-urban break.

The Structure Plan

The structure plan submitted with the referral has no status under State or local planning instruments and, in Council's opinion, it is incapable of appropriately addressing matters of National, State or Local environmental significance. To the extent that the applicant is relying on the structure plan as an illustration of a form of development that could address matters of National environmental significance, Council is of the view that the structure plan cannot be given any weight or be relied on as it has no approval and has not been subject to any process of assessment by the relevant State Government agencies or Council.

In the event that the Commonwealth considers it is obliged to assess the Aura South Self-contained Master-planned Community referral, then the project should be dealt with as a controlled action to manage any potential impacts on Matters of National Environmental Significance located within or adjacent to the project area.

Council would welcome ongoing engagement on this matter to ensure appropriate management of the pre-emptive steps being taken by the applicant to facilitate urban development in this location.

Yours sincerely



Emma Thomas
CHIEF EXECUTIVE OFFICER