



Minister for Housing, Local Government and Planning Minister for Public Works

Our Ref: MN00069-2024
Your Ref: A1193560

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Mr Neil Laurie
The Clerk of the Parliament
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Dear Mr Laurie

I refer to Petitions 3922-23 and 3944-23 received by the Queensland Legislative Assembly on 28 November 2023 about regulatory provisions associated with the Regional Landscape and Rural Production Area (RLRPA) under the South East Queensland Regional Plan (*ShapingSEQ*), which specify a 100-hectare minimum lot size when subdividing land. I note the views of the petitioners and appreciate their interest in the matter.

The regulatory provisions for the RLRPA play a crucial role in ensuring that land categorised as RLRPA is not fragmented by development and is maintained for rural living, rural businesses and natural landscapes. The policy and associated regulatory provisions to require a 100-hectare minimum lot size when subdividing land in the RLRPA were included in the 2005, 2009, 2017 SEQ Regional Plans, and are retained in the recently released *ShapingSEQ 2023*.

The RLRPA includes rural towns and villages, important agricultural land, water resources, biodiversity corridors, conservation areas, national parks, native forests, extractive resources and forestry plantations. Larger lot sizes within the RLRPA preserve cultural landscapes and rural lifestyle choice, support efficient and diversified farming practices, protect natural assets, support the development and economic growth of rural industries and create a buffer between urban expansion. All of which contribute to the overall health and resilience of our regional environment.

ShapingSEQ 2023 promotes a compact growth pattern and consolidation of urban development within established communities. This is to prevent urban sprawl and protect our natural landscape. In saying this, some parts of the RLRPA may be needed for future urban growth. The 100-hectare minimum lot size prevents further land fragmentation of these areas which would prejudice their long-term ability to accommodate urban growth.

During the drafting of each SEQ Regional Plan, members of the public can request to change the regional land use category applying to their land. For *ShapingSEQ 2023*, the draft *ShapingSEQ 2023* underwent public consultation between 2 August and 20 September 2023. During this time, any person could submit a request to change the regional land use category of their property, for example from RLRPA to Urban Footprint. Each request received by the department to include land in the Urban Footprint, was assessed against the Urban Footprint principles in the draft *ShapingSEQ 2023 Update* – these principles are also included in the final plan. A report on the submissions received is available at: <https://planning.statedevelopment.qld.gov.au/planning-framework/plan-making/regional-planning/south-east-queensland-regional-plan/want-to-learn-more-about-shapingseq>.

Human rights considerations

Since Queensland's *Human Rights Act 2019* commenced on 1 January 2020, the Department of Housing, Local Government, Planning and Public Works (the department) has fulfilled its obligations to:

- give proper consideration to human rights when making decisions
- act and make decisions in a way that is compatible with human rights.

Noting that under the *Human Rights Act 2019*, the State Government can act or make a decision that limits human rights, but only if it is reasonable and justifiable, or where the State Government could not have acted differently or made a different decision because of another law.

The petition suggests that the provision relating to subdivision in the RLRPA does not comply with the following human rights:

- Section 19 Freedom of movement – recognises that every person lawfully within Queensland has the right to move freely within Queensland, enter or leave Queensland, and choose where they live.
- Section 24 Right to own property and not be arbitrarily deprived of property – provides that every person has the right to own property alone or in association with others and the right to not be arbitrarily deprived of property.

Whilst the restriction on subdivision in the RLRPA pre-dates the commencement of the *Human Rights Act 2019*, these rights were considered as part of the Planning Regulation amendments (Amendment Regulation) accompanying *ShapingSEQ 2023*. The Human Rights certificate can be accessed at: <https://www.legislation.qld.gov.au/view/html/asmade/sl-2023-0195/lh>.


The Human Rights certificate associated with this Amendment Regulation includes the following:

- the existing prohibitions in the RLRPA do not prevent a single-family dwelling on land and therefore do not restrict the right to live on properties
- the prohibitions in the RLRPA are necessary to protect the values of this land from encroachment by urban and rural residential development, protect natural assets and regional landscapes and support the development and economic growth of rural communities and industries

the prohibitions in the RLRPA are necessary to promote a compact growth pattern and consolidation of urban development within established communities.

I thank the petitioners for taking the time to raise their concerns and I trust this information is of assistance.

Yours sincerely



Mark Ryan MP
Acting Minister for Housing, Local Government and Planning
Minister for Public Works