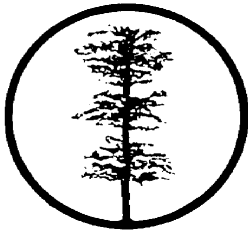
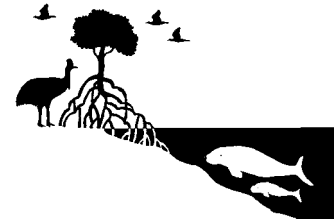


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13 December 2004

Director-General

Department of Natural Resources and Mines

GPO Box 2454

Brisbane QLD 4001

Dear Director-General,

DRAFT STATE PLANNING POLICY- PROTECTION OF EXTRACTIVE RESOURCES

We refer to the above draft State Planning Policy on the Protection of Extractive Industries (SPP). The EDO-Qld and EDO (NQ) are Community Legal Centres based in Brisbane and Cairns respectively, that specialise in public interest environmental law in Queensland. The EDOs appreciate the opportunity to make the following submission on the SPP.

Summary

The main concerns that the EDOs have with the SPP is its failure to adequately incorporate consideration of the environmental impacts of extractive industries. The EDOs are therefore of the view that the SPP, which has been made in accordance with Part 4 of the Integrated Planning Act 1997 (Qld) ("IPA") is not in accordance with the object of that Act. We are of the view that the SPP on extractive industries should specifically exclude extractive industries in areas of high conservation value and areas of endangered or of concern regional ecosystems to address this imbalance

Detail of Submission

At present, the SPP contains very little information about appropriate environmental considerations under *Integrated Planning Act 1997* (IPA). The purpose of IPA is to achieve ecological sustainability by coordinating and integrating planning at the local, regional and State levels; managing the process by which development occurs; and managing the effects of development on the environment. "Ecological sustainability" is defined by section 1.3.3 of IPA as a balance that integrates protection of ecological processes and natural systems at local, regional, State and wider levels; and economic development; and maintenance of the cultural, economic, physical and social wellbeing of people and communities. Any entity entrusted with a function or power under IPA is

specifically required to have regard to IPA's purpose, namely to seek to achieve ecological sustainability. As part of this obligation, decision makers and other entities acting under a function or power conferred by IPA, are required, amongst other things, to take into account the short and long-term environmental effects of development at local, regional, State and wider levels and to apply the precautionary principle. The Department of Natural Resources and Mines is under such obligation with respect to its functions under Part 4 of IPA.

The EDOs are concerned that the SPP has not been developed in accordance with the purpose of IPA because it fails to strike an appropriate balance between the protection of ecological processes and the promotion of economic development. The only mention in the SPP of environmental considerations is found on page 2 of the SPP, where it is stated that "this does not void the requirement for any proposed extractive industry development to address all applicable assessment matters, in particular other State Planning policies, eg the need to minimise the loss of good quality agricultural land or koala habitat." The policy makes clear that its purpose is to protect the long term availability of extractive resources in Key Resource Area which are of state or regional significance.

This pushes the balance too heavily in favour of the promotion of extractive industry and economic development. Where there are significant conflicts between the continued development or expansion of an extractive industry in a particular area and environmental protection, IPA's purpose requires that due weight be given to environmental impacts as well as to the potential for economic development. For example, where allowing continued expansion of an extractive industry would result in significant environmental damage, such as compromising one of the few remaining areas of an endangered regional ecosystem or a significant habitat and where there are other sources of the particular resource, a proper consideration of the purpose of IPA would probably require the extractive industry in question to locate or expand elsewhere. The SPP should specifically require mechanisms for such proper consideration of extractive industry expansion in the context of IPA's purpose.

We are of the view that the SPP on extractive industries should specifically exclude extractive industries in areas of high conservation value and areas of endangered or of concern regional ecosystems to address this imbalance. An example of the potential for conflicts between protection of ecological processes/ natural systems and the promotion of extractive industries and associated economic development in the draft SPP is the identification of the West Mt Cotton Quarry as a Key Resource Area in the SPP. The quarry is in an area where there are nationally listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999*. It is also in a Koala Conservation Area under State Planning policy 1/97 and is listed as a Biodiversity area of State Significance by the Environment Protection Authority. Under the *Vegetation Management Act* it also has endangered regional ecosystems, and is in the catchment for Leslie Harrison Dam which supplies portable water to Redland Shire, and is listed under the Redlands Planning Scheme as Rural non urban and greenspace mapping area.

We would therefore ask that you give further consideration to the draft SPP to ensure that it examines closely these conflicts, and ensures that a balance is achieved between conservation and protection of extractive industries that promotes ecologically sustainability.

Yours faithfully
Environmental Defenders Office (Qld) Inc. and
Environmental Defender's Office of Northern Queensland (Inc.)

Jo -Anne Bragg
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EDO Qld

Joanna Cull
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EDO NQ

To provide feedback on EDO services, write to us at the above address.