

Environmental Defenders Office of Northern Queensland Inc.



19 November 2012

VIA EMAIL (info@dsdip.qld.gov.au)

Draft Coastal Protection State Planning Regulatory Provision
Planning Group
Department of State Development, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

**Re: Draft Coastal State Planning Regulatory Provision –
Written Submissions of Environmental Defenders Office of Northern
Queensland Inc.**

Dear Sir/Madam,

The Environmental Defenders' Office of Northern Queensland Inc. ("EDO-NQ") is a not-for-profit, non-government, community legal centre specialising in public interest environmental law. Like other EDOs located in each of Australia's states and territories, EDO-NQ provides specialised legal representation, advice and information to individuals and communities regarding environmental law matters of public interest. We also take an active role in environmental law reform and policy formulation, and offer community legal education programs designed to facilitate public participation in environmental decision making.

The Draft Coastal Protection State Planning Regulatory Provision ("**Draft Coastal SPRP**"), brought into effect on 8 October 2012 by the Department of State Development, Infrastructure and Planning ("**DSDIP**"), which seeks to "*simplif[y] planning, assessment and approval processes for development in the coastal zone*".¹

According to DSDIP, the Draft Coastal SPRP will operate for 12 months (*i.e.*, until 7 October 2013) or until an earlier repeal, during which time the State intends to complete a full review of the Queensland Coastal Plan.² The Queensland Coastal Plan, DSDIP notes, "commenced on 3 February 2012" and includes:

- the State Policy for Coastal Management ("**SPCM**"); and
- State Planning Policy 3/11: Coastal Protection ("**SPP 3/11**").³

The Draft Coastal SPRP affects the Queensland Coastal Plan in part only, namely suspending SPP 3/11 while the State undertakes its review of the Coastal Plan; the

¹ *Draft Coastal Protection State Planning Regulatory Provision fact sheet*, p 1 (DSDIP 2012); available at <http://www.dsdip.qld.gov.au/resources/factsheet/planning/sprp-draft-coastal-protection.pdf>.

² *Ibid.*

³ *Ibid.*

SPCM remains in effect.⁴ In addition, the Draft SPRP suspends the operation of several other planning instruments, namely:

- Part 1.2 of the Far North Queensland Regional Plan (2009);
- Part 3.3 of the Mackay, Isaac and Whitsunday Regional Plan (2012);
- Part 2.2 of the Wide Bay Burnett Regional Plan (2011); and
- Part 1.4.3 and 2.4 of the South East Queensland Regional Plan (2009).⁵

EDO-NQ is based in Cairns and provides service to the public from Sarina north to the Torres Strait and west to the state border. Many of the communities and individuals served by EDO-NQ are located in close proximity to the coast of this region. Many are also located within the regional areas covered by the Far North Queensland Regional Plan (“**FNQRP**”) and the Mackay, Isaac and Whitsunday Regional Plan (“**MIWRP**”). The Draft Coastal SPRP has clear and significant impacts on coastal issues that affect communities and individuals in EDO-NQ's service area. EDO-NQ welcomes the opportunity to lodge submissions with the DSDIP regarding the Draft Coastal SPRP.

SUBMISSIONS

I. GENERAL CONCERNS

SPRP effectively removes the checks and balances provided through the Queensland Coastal Plan that were designed to protect coastal environments and icons like the Great Barrier Reef, through provisions that allow development if it is considered of ‘net benefit to the State or region’ by the Minister for State Development.

Tourism is considered one of the four pillars of the new government's agenda, and the Australian Government's National Landscapes program shows that for this industry to grow it must not be mass-market tourism, but be based on unique natural and cultural adventure experiences. We are concerned that this new planning regulation will allow development to occur in sensitive coastal areas on whose natural values the Queensland's tourism industry is based.

A. Inappropriate Emphasis On Economic Development

At the outset, it is important to note that the Draft Coastal SPRP must be consistent with the underlying legislation upon which they are based, namely the *Coastal Protection and Management Act 1995* (Qld) (“**Coastal Act**”). Whatever planning provisions or plan the DSDIP adopts must be consistent with objects and provisions of the Coastal Act. With all due respect, EDO-NQ believes that the Draft Coastal SPRP in many respects are not consistent with the Coastal Act's objects and provisions.

The main objects of the Coastal Act, set forth in s. 3 of the legislation, are to:

- (a) provide for the protection, conservation, rehabilitation and management of the coastal zone, including its resources and biological diversity; and

⁴ *Ibid.*

⁵ *Ibid*, p 2.

(b) have regard to the goal, core objectives and guiding principles of the National Strategy for Ecologically Sustainable Development in the use of the coastal zone; and

(c) ensure decisions about land use and development safeguard life and property from the threat of coastal hazards; and

(d) encourage the enhancement of knowledge of coastal resources and the effect of human activities on the coastal zone.⁶

“Protection”, “conservation”, “rehabilitation” and “management” of Queensland’s coastal zone are the overriding objects of the Coastal Act – not economic development. In fact, economic development is a phrase conspicuously absent from the objects of the coastal legislation.⁷

Yet economic development of the coastal zone is clearly the overriding goal and object of the Draft Coastal SPRP, as made clear in the SPRP’s Preamble:

Development in the coastal zone is important for the growth of the Queensland economy but development must be carefully managed to ***protect the environmental, social and economic coastal resources*** for present and future generations.

The economic and social costs of protecting development against coastal hazard impacts (which are projected to be exacerbated by climate change impacts), and the financial, social and human costs associated with a natural disaster justify development constraints in vulnerable coastal areas.⁸

The notion that economic development of the coastal zone is first and foremost the goal of the Draft Coastal SPRP is reinforced by the explanation given for its adoption – and precipitous suspension of SPP 3/11, namely:

The state has become aware that ***the application of the SPP policies is not sufficiently supportive of the Government’s commitment to grow the four pillars of Queensland’s economy.***⁹

The Coastal Act’s core goal is protecting the natural environment, coastal functions and preventing inappropriate and unsustainable development. It was never designed to promote economic development. If SPP 3/11 was not “sufficiently supportive” of economic growth, that is simply the result of the policy’s effort to prevent development that is likely damage the coastal environment – including its biodiversity, threaten community safety, or is ecologically unsustainable.

⁶ *Coastal Protection and Management Act 1995* (Qld), s. 3(a) – (d).

⁷ The Coastal Act to be sure refers to “ecologically sustainable development” but ecologically sustainable obviously qualifies the development that is to be allowed under the Coastal Act; it is hardly consistent with the notion of encouraging development in order to reap economic benefit.

⁸ *Draft Coastal SPRP*, p 5 (emphasis added).

⁹ *Ibid* (emphasis added).

In connection with EDO-NQ's concern that the focus of the Draft Coastal SPRP is inappropriately on economic development rather than protection, conservation, rehabilitation of the coastal zone – with development allowed only where it is ecologically sustainable – EDO-NQ is concerned that authority for implementing the SPRP is vested with the DSDIP rather than the Department of Environment and Heritage Protection (“DEHP”). As discussed in more detail below, this authority is manifested in several provisions of the draft SPRP, such as s. 1.2(7) which gives the Development Minister to determine whether there is an “overriding social and economic need” to allow development in areas of high ecological significance (“HES”) or Annexure 1, which allows the Development Minister to overrule definition of any area as HES.¹⁰

As reflected in the matters for which the Development Minister is responsible, DSDIP is:

Responsible for investment and infrastructure, major projects, land use planning, urban growth, state development - including regional economic development and local industry policy, and the reconstruction of Queensland following statewide flooding and cyclone events.¹¹

DSDIP's charge simply is not protection of the environment, let alone protection of the coastal environment. Moreover, to the extent protection of the coastal environment resides within the Ministerial portfolio responsible for economic development, a clear conflict of interest either exists or will be perceived to exist. EDO-NQ urges that this conflict be eliminated by ensuring that coastal planning policies implementing the Coastal Act remain with DEHP, as was the case with SPP 3/11.¹²

B. Lack Of Adequate Consultation

The precipitous manner in which the Draft Coastal SPRP were adopted – coupled with the suspension of SPP 3/11 and retroactive application of the Draft Coastal SPRP to all local planning and development decisions – is likewise contrary to the objects of the Coastal Act. EDO-NQ urges DSDIP to reinstate SPP 3/11 while review of the Coastal Plan is underway or, at the very least, to rescind application of the Draft Coastal SPRP to current development and planning matters until completion of that review.

Among other things, the Coastal Act directs that the *“objects of this Act are to be achieved by coordinated and integrated planning and decision-making, involving, among other things, the following”*:

(b) Coastal plan

- Preparing a coastal plan that—

¹⁰ See *Draft Coastal SPRP*, p 8 (s. 1.2) & p 16 (Annexure 1).

¹¹ See <http://www.cabinet.qld.gov.au/ministers.aspx>.

¹² EDO-NQ further notes that it is DEHP that is undertaking the coastal component of the strategic assessment of the Great Barrier Reef – not DSDIP. This further illustrates the conflict presented by the authority the Draft Coastal SPRP vest with DSDIP.

- identifies coastal resources
- states policies for coastal management
- is developed in consultation with the public
- has regard to the Aboriginal tradition of Aboriginal people and Island custom of Torres Strait Islanders.¹³

Contrary to the Coastal Act, the Draft Coastal SPRP were not developed as the result of a “coordinated and integrated planning and decision-making process”, nor were they adopted as the result of “consultation with the public”, nor were they adopted with “regard to the Aboriginal tradition”. No reference is made – either in the SPRP themselves, the factsheet accompanying the Draft Coastal SPRP, or the Development Minister’s media release announcing the regulatory provisions – to any public consultation preceding adoption and issuance of the Draft Coastal SPRP. Instead, the Draft Coastal SPRP simply state:

The state has become aware that the application of the SPP policies is not sufficiently supportive of the Government’s commitment to grow the four pillars of Queensland’s economy.¹⁴

A general “sense” or “awareness” on the Government’s part does not rise to the level of an informed view justifiably developed in consultation with the public and Aboriginal and Torres Straits Islanders.

Moreover, with all due respect to the Development Minister, EDO-NQ takes issue with the notion – expressed in the Minister’s 12 October 2012 media release regarding the draft SPRP – that SPP 3/11 represented a “hasty policy change which was made without consultation with local government or other property industry parties”.¹⁵ EDO-NQ was one of the parties that participated in public consultation that led to the issuance of SPP 3/11 and can attest to the length and detail of the public consultation that led to SPP 3/11. That consultation process took place over several years and involved a multitude of stakeholders – including local governments, developers and industry, in addition to environmental groups and concerned individuals. In fact, much of this process is discussed in the Report on the Review of the State Coastal Management Plan, published in August 2009. The 2009 Report, for example, noted that:

- 26 January 2008: State Minister for Sustainability, Climate Change and Innovation, the Hon. Andrew McNamara, publicly announced the review by asking Queenslanders to comment on the State Coastal Management Plan;
- 31 March 2008: The public submission period closed on 31 March 2008;
- 156 submissions were lodged with the State by a wide variety of respondents;

¹³ *Coastal Protection and Management Act 1995* (Qld), s. 4(b).

¹⁴ *Draft Coastal SPRP*, p 5.

¹⁵ *Media Release, “Coastal Plan under review”* (12 Oct. 2012), available at <http://statements.cabinet.qld.gov.au/Statement/2012/10/12/coastal-plan-under-review>.

- Two external independent consultants were commissioned along with an extensive internal analysis which included an assessment of coastal policy needs; international best practice models; and the ability of existing Queensland policies and governance arrangements to achieve coastal management and protection outcomes;
- The collated results of the consultants' and internal reviews led the Coastal Protection Advisory Committee to advise the Minister to prepare a new Queensland Coastal Plan reflecting submissions and the reviews.¹⁶

In August 2009, roughly simultaneous with the release of the Coastal Review Report, the State released its Draft Queensland Coastal Plan. EDO-NQ notes that many of the concepts and policies contained in that draft – for example, an assessment code for utilization by local governments assessing coastal development – were largely incorporated in SPP 3/11.

Based on personal experience, EDO-NQ can confirm that SPP 3/11 was not the product of hasty deliberation or “backroom” deals with environmental groups. If anything, EDO-NQ and other groups were frustrated with the length of time between issuance of the draft policy and adoption of SPP 3/11. Likewise, many of the environmental groups and individuals that EDO-NQ assists expressed frustration with a number of provisions contained in SPP 3/11 that appeared to have been developed to appease the development industry.

¹⁶ *Report on the Review of the State Coastal Management Plan*, p 5 (DERM, August 2009). In contrast to the Draft Coastal SPRP and the Minister's media release, it is worth noting that breadth and number of submissions received by the prior Government as part of its public consultation process leading to the adoption of SPP 3/11. According to the Coastal Review Report, the 156 submissions lodged with the State by 31 March 2008 were comprised of: Individuals – 90; State government departments – 15; Local government – 10; Conservation groups – 15; Ports authorities – 5; Marine infrastructure industry – 5; Seafood and fishing industry – 4; Natural Resource Management groups – 4; Development industry – 1; and Other (inc. Office of Climate Change) – 7. *Ibid*, Table 1.

C. Retroactive Application Of The Draft Coastal SPRP Is Inappropriate

The Draft Coastal SPRP, by their terms, applies retroactively to a number of planning and development matters. The SPRP state that they “apply to the following from the date of commencement”:

- development applications
- the making of local planning schemes and amendments
- the making of regional plans
- the designation of land for community infrastructure.¹⁷

In EDO-NQ’s experience, it is virtually unheard of to make new planning policies or regulatory provisions or planning instruments immediately, let alone retroactively, effective. New planning legislation or instruments typically apply prospectively – only to matters initiated after their effective date – and even then, there typically is a transitional period during which the superseded law continues to apply in some form.

Given the lack of consultation that took place in developing the Draft Coastal SPRP, and the number of concerns regarding its provisions and general objectives, EDO-NQ submits that it is inappropriate to make the SPRP retroactively applicable to pending development and planning decisions. EDO-NQ urges that the State revoke the immediate application of the Draft Coastal SPRP and reinstate SPP 3/11 until at least the conclusion of the comprehensive review of the Coastal Plan being undertaken.

D. Impact On Strategic Assessment Of The Great Barrier Reef

As noted above, the Draft Coastal SPRP have been adopted – and put into immediate effect – while the Commonwealth and State governments are undertaking a strategic assessment of the impacts of development, and framework for the management of those impacts, upon the Great Barrier Reef World Heritage Area (“**GBR WHA**”), in response to serious concerns raised by the United Nations World Heritage Committee. That strategic assessment includes both a marine component – being undertaken by the Great Barrier Reef Marine Park Authority, and a coastal component – being undertaken by DEHP.

The Draft Coastal SPRP, and the process of comprehensively reviewing the Coastal Plan altogether, injects a high degree of uncertainty regarding the framework for managing impacts of development upon the GBR WHA. In EDO-NQ’s view, the draft SPRP represent a “changing the rules of the game” in mid-stream and will make it difficult, if not impossible for the Commonwealth and State governments to demonstrate “substantial progress” toward improving the condition and management of the GBR WHA to the United Nations by 1 February 2013, as required by the World body.¹⁸

¹⁷ *Draft Coastal SPRP*, p 6.

¹⁸ *See Decisions Adopted by the World Heritage Committee at its 36th Session*, WHC-12/36 COM 7B.8, para 10, p 58 (St. Petersburg, 2012).

The consequence of failure to make such a demonstration may very well be action by the United Nations to put the Reef on the “World Heritage In Danger” list at the World Heritage Committee’s next meeting in June/July 2013. Moreover, EDO-NQ is concerned that the Draft Coastal SPRP – and particularly the manner in which it is implemented and the manner in which it was adopted – could lead to ultimate delisting of the GBR WHA. Either a “danger” listing or delisting of the GBR WHA would be an extraordinarily negative development. EDO-NQ urges the State to take this into account and to make changes to the Draft Coastal SPRP consistent with EDO-NQ’s submissions.

II. CONCERNS REGARDING SPECIFIC PROVISIONS OF THE DRAFT SPRP

In addition to the foregoing, broad concerns regarding the adoption and implementation of the Draft Coastal SPRP, EDO-NQ offers the following submissions regarding specific provisions of the draft.

A. Inadequate Protection Of Ecologically Significant Areas.

Ecologically significant areas of Queensland’s coast appear to be vulnerable to inappropriate development under a number of provisions of the Draft Coastal SPRP. The provisions – and EDO-NQ’s concerns – are as follows:

1. Part 1: Making planning documents

As noted above, s. 1.2(7) of the Draft Coastal SPRP inappropriately gives the Development Minister apparently unconstrained authority to determine that development should be permitted in coastal areas of high ecological significance (“HES”). Specifically, the provisions require that:

Planning instruments locate urban development outside areas of high ecological significance in any coastal management district, *except when there is an overriding social and economic need demonstrated to the satisfaction of the Minister.*¹⁹

There are no criteria defining what constitutes an “overriding social and economic need” to the satisfaction of the Development Minister that would permit development in HES areas of the coast. Nor is there any explanation of precisely how the Development Minister is to use his/her power to override planning instruments that seek to locate development outside HES areas. The Development Minister’s authority in this regard appears to be virtually unconstrained. Moreover, as noted above, giving the Minister such broad power to allow development in HES areas for considerations of “social” or “economic” need is contrary to the objects of the Coastal Act in the first place. EDO-NQ urges that this provision of the Draft SPRP be removed.

¹⁹ *Draft Coastal SPRP*, p 8 (emphasis added).

2. Part 2: Development Assessment

Under part 2 of the Draft Coastal SPRP, HES areas of the coast are not adequately protected from inappropriate development decisions of local government or other government agencies.

For one thing, the Draft Coastal SPRP continue – and even expand beyond SPP 3/11 – the scope of development expressly authorized in HES areas of the coast.²⁰ Not only do the Draft Coastal SPRP continue the 6 categories of development expressly allowed to be undertaken in HES areas of the coast,²¹ but adds “development for tourism purposes” to the list. The SPRP then define “tourism purposes” very broadly to mean:

[S]hort-term accommodation; tourist facilities, including buildings for entertainment, recreation, information and cultural activities; and other ancillary services, including food and beverage, retail, commercial and other integrated services that serve tourism and residents alike.²²

In essence, the exceptions “swallow the rule” in terms of protecting HES areas from development.

Moreover, whatever minimal protection HES areas are given from development is whittled away to nothing by the Draft Coastal SPRP’s provision authorizing the Development Minister to determine – with no apparent constraint – that he/she is satisfied “that the attribute’s values” upon which the area was identified as HES “are not present within the area”.²³

3. Inappropriate Reliance on “Equivalent Artificial Habitat”

Section 2.2(9) of the Draft Coastal SPRP, dealing with Nature Conservation, requires the “protection of significant wildlife habitats” through a number of means. Certainly protection of significant wildlife habitats is a goal EDO-NQ supports. However, s. 2.2(9)(v) allows “migratory and resident shorebird roosting and feeding habitat” to be developed if it can be “replaced, where practicable, before loss, by an

²⁰ For what it’s worth, EDO-NQ previously expressed concerns publicly to the United Nation’s reactive monitoring mission regarding development permitted to be undertaken even in HES areas under SPP 3/11.

²¹ These 6 categories were: (1) urban or rural residential purposes within an urban area; (2) any purpose within a maritime development area or aquaculture development area; (3) development associated with a port or airport; (4) low impact tidal water intake or discharge infrastructure for aquaculture development on land; (5) minor public marine development and associated pedestrian and vehicle access facilities, or (6) extraction purposes within a key resource area. See SPP 3/11, Annex 2, p 80 (Nature Conservation, PO 18).

²² *Draft Coastal SPRP*, Annexure 1, p 19.

²³ *Ibid*, Annexure 1, p 16. EDO-NQ notes that SPP 3/11 contained a similar proviso in Its Assessment Code. SPP 3/11, Annex 2, p 80 (Editor’s Note). SPP 3/11 was better, at least, in that it was the Environment Minister – not the Development Minister – who made the determination that an area did not contain the environmental attributes that caused it to be identified as HES in the first place. Giving the Minister charged with economic development the authority to make the call on environmental values is inviting the environment to be disregarded for the sake of economic development.

equivalent artificial habitat”.²⁴ As an initial matter, it is entirely unclear how an “equivalent artificial habitat” will be determined or defined, let alone provided for by a developer. Likewise, there is no assurance that the artificial habitat is suitable before the existing natural habitat is developed. Finally, the draft SPRP do not, on their face, even require the provision of equivalent artificial habitat since “practicability” is a precondition to such habitat being provided.

4. Failure to Consider Areas of General Ecological Significance

SPP 3/11 extended some level of protection to coastal areas of general ecological significance (“GES”).²⁵ , the Draft Coastal SPRP deletes any reference to GES areas and thereby only protects HES areas (and hardly that). By excluding GES areas of the coast from any consideration, the Draft SPRP greatly reduce the coastal area entitled to some degree of protection from the adverse effects of development.

B. Inadequate Protection Of Coastal Areas Generally

1. Failing to Include Areas Outside Coastal Management Districts

SPP 3/11 applied to a range of development located in the coastal zone but outside of a coastal management district. However, the Draft Coastal SPRP apparently are limited to assessment of development within a coastal management district. The following provisions of the Draft Coastal SPRP exemplify the problem:

1.2 Provisions about coastal protection

* * *

(7) Planning instruments locate urban development outside areas of high ecological significance ***in any coastal management district***

2.1 Application of this Part

(1) This part applies to the assessment of a development application:

- for impact assessable development ***in a coastal management district*** by an assessment manager;

* * *

- for development ***in a coastal management district*** by an agency with jurisdiction under the *Coastal Protection and Management Act 1995*

2.2 Provisions about coastal protection

²⁴ *Draft Coastal SPRP*, p 11.

²⁵ Section 3 of SPP 3/11 established a Specific Policy Objective to “protect” HES areas and to “conserve” areas on land of GES and other ecological values. See SPP 3/11, s 3 p 48. Adverse impacts of development on GES areas were to be minimised. *Ibid*, s 3.5. Likewise, the development assessment code appended to SPP 3/11, provided various protections for GES areas of the coast. *Ibid*, Annexure 2, p 81 (Nature Conservation PO 22). .

* * *

(10) Development and development infrastructure is to be located outside of, and not have a significant impact on, an area of high ecological significance *in any coastal management district. . .*²⁶

The Coastal Act makes it clear that the “coastal zone” extends to more of the coast than simply areas within coastal management districts. A coastal management district is simply an area within the coastal zone that has been declared as requiring special development controls and management practices.²⁷ Areas such as “erosion prone areas”, coastal wetlands, coastal hazard areas and offshore waters are part of the coastal zone and, in the case of erosion prone areas, likewise require special management.²⁸ However, these areas may be outside a coastal management district. The Draft Coastal SPRP’s application only to areas within coastal management districts is therefore a substantial reduction in the scope of protection of coastal resources that the Coastal Act requires a coastal plan to address.

In addition, by limiting the scope of its application to areas within coastal management districts only, the Draft Coastal SPRP appear to allow development to proceed within coastal “hazard areas” mapped by the State. The Coastal Act requires such areas – subject to erosion or inundation – to be considered in the State plan for the protection, etc. of Queensland’s coast. Failing to include these areas within the SPRP potentially exposes coastal Queenslanders to unacceptable risks of coastal erosion and inundation.

2. Failure to Include Scenic Amenity

As recognized in the State’s August 2009 coastal review report, Queensland’s coast provides a strong sense of place and connection for local communities, residents and visitors alike.²⁹ The Coastal Act, among other things, requires However, the Draft Coastal SPRP – unlike SPP 3/11 – is silent with respect to provisions to preserve or enhance the scenic amenity of Queensland’s coastal areas. The SPRP must include provisions to ensure the coast’s scenic amenity is protected and enhanced. EDO-NQ refers the DSDIP to SPP 3/11 s. 4 as a suitable guide for development of regulatory provisions as an alternative to reinstatement of SPP 3/11 altogether.

C. Inadequate Protection Of The Offshore Marine Ecosystem

The Coastal Act includes offshore marine areas in the coastal zone that are to be protected by the State’s coastal plan.³⁰ Yet marine aquaculture appears to be excluded from the Draft Coastal SPRP altogether. Given marine aquaculture’s potentially adverse impacts on the marine environment of the Great Barrier Reef –

²⁶ *Draft Coastal SPRP*, pp 7-11 (emphasis added).

²⁷ *Coastal Protection and Management Act 1995* (Qld), s. 4(c).

²⁸ See *Coastal Protection and Management Act 1995* (Qld), ss. 4(d) & 70 (erosion prone areas); see also *ibid*, s. 15 (definition of coastal zone).

²⁹ *Report on the Review of the State Coastal Management Plan*, p 7 (DERM, August 2009).

³⁰ *Coastal Protection and Management Act 1995* (Qld), s. 15.

and the offshore waters of Queensland generally – the SPRP’s failure to address how impacts of marine aquaculture are to be regulated is a significant omission.

D. Inadequate Protection Of The GBR WHA’s Values

As noted above, the United Nations has raised serious concerns about the impacts of coastal and inshore development on the outstanding universal values of the GBR WHA. Those concerns have compelled the Commonwealth and State governments to undertake strategic assessments of both the marine and coastal components of the World Heritage property. However, the outstanding universal values of the GBR WHA are noticeably absent from the provisions of the Draft Coastal SPRP and the provisions fail to address how the Reef’s values are to be considered in any assessment of the net benefit to the State contemplated in the SPRP.³¹ The SPRP must be amended to address those values.

CONCLUSION

EDO-NQ appreciates the opportunity to submit comments on the Draft Coastal SPRP and urges the DSDIP to take account of – and consult further upon – our submissions and concerns herein, and to make revisions to the Draft Coastal SPRP that resolve those concerns.

Faithfully yours,

EDO-NQ



PATRICK PEARLMAN
Principal Solicitor

³¹ See *Draft Coastal SPRP*, s. 2.2(24) & p 18 (defining “net benefit”).