



Concerns State Govt may have enabled mine



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A PUSH from the State Government to have a 105-hectare Forest Glen site zoned as a Key Resource Area could impact the outcome of a Planning and Environment Court battle about to begin.

A proposal has been put forward by the Department of Natural Resources and Mines following a survey of the site that borders Malones Rd, Eudlo Flats Rd and Old Maroochydore Rd, to have it included as a KRA (state significant extractive resource) in an amended

State Planning Policy.

It comes as legal proceedings are set to begin in about six weeks as the Sunshine Coast Council and almost 300 residents acting as co-respondents will look to defend the council's refusal of the 30-year sand mine proposed to be developed by Maroochydore Sands.

Maroochydore Sands lodged its appeal after the proposal was knocked back on the grounds of impact on visual amenity, potential for adverse impacts on Eudlo Creek when flooded and

uncertainty about water quality in the lakes created when extraction ends.

Appeals can go down the path of alternative dispute resolution and if this case does, it will be up to Maroochydore Sands to prove its appeal should be upheld.

If the appeal proceeds by way of hearing anew, Section 495 of the Sustainable Planning Act 2009 says the court "must decide the appeal based on the laws and policies applying when the application was made,

but may give weight to any new laws and policies the court considers appropriate".

This means a proposed creation of a KRA on the site may come under consideration of the court while the Minister may also become a party to the appeal at any time before a decision is made if the Minister is satisfied the appeal is of state interest.

Environmental Defenders Office CEO Jo-Anne Bragg said the SEQ Plan was under review at present, but

admitted the recent proposal for a re-designation of the site by the department was “unusual and surprising” given the community and the council were on the verge of an appeal.

She recommended a thorough examination of the department’s justification for the new KRA being created.

Eudlo Creek Neighbours Inc spokesman Mike Perritt was concerned the department’s proposal could be seen as a “nod to go ahead” by the appellant and could be detrimental to the “well-founded arguments” against the proposal.

“Unusual and surprising.”

— Environmental Defenders Office CEO Jo-Anne Bragg on the State Government’s sand mine site proposal



OPPOSED: Sand mine opponents attend the Nambour Council Chambers in October when the proposal was refused.

PHOTO: WARREN LYNAM