

Development Watch Inc

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11 August 2006

The Chief Executive Officer
Maroochy Shire Council
PO Box 76
NAMBOUR QLD 4560

Dear Sir,

NOTICE OF SUBMISSION
MCU05/0245 – PRELIMINARY APPROVAL FOR
MATERIAL CHANGE OF USE
and
REC05/0190 – RECONFIGURATION OF A LOT
31 WARRAN ROAD, YAROOMBA

Lend Lease Development Pty Ltd (Lend Lease) has applied for a Preliminary Approval for Material Change of Use for the land known as Hyatt Regency Coolum. Lend Lease has also applied for a Reconfiguration of a Lot to create additional lots. These applications request, in combination, the approval of 660 new residential dwellings on Hyatt property. The owner of the land, Coeur de Lion Investments Pty Ltd presently holds an approval, granted in 1998, to develop the resort land to provide a "Recreation & Tourism Resort, Conference Centre, [and] Special Events & Ancillary Facilities".¹ Lend Lease now proposes a Master Plan which will change the present authorized use of the land to a residential development that contains a tourist hotel within its boundaries.

Lend Lease now has four applications before Maroochy Shire Council, none of which have yet been approved. Two of these (OPW06/0183, Golf Course reconfiguration, and REC05/0185, 42 lot subdivision), although ostensibly submitted in accordance with prior approvals, are aligned with the new Master Plan proposal. Development Watch has already provided submissions for both these applications. The other two applications (MCU05/0245, for Preliminary Approval, and REC05/0190, for a 55 lot subdivision) are the subject of this submission.

Under the Integrated Planning Act 1997 (IPA), Maroochy Shire Council (MSC) has a duty to advance the Act's purpose. The purpose of the IPA is to "seek to achieve ecological sustainability".² This means that any developments approved must result in a balance between the protection of ecological processes, economic development and social well-being. Development Watch opposes both applications (MCU05/0245 and REC05/0190) in their entirety because they do not achieve this balance.

ECOLOGICAL PROCESSES ARE NOT PROTECTED

¹ Letter of advice to Coeur de Lion Investments Pty Ltd from Maroochy Shire Council dated 19 August 1998.

² Integrated Planning Act 1997, s1.2.1.

President: Brian Raison 5446 4493 **Secretary:** Lisa Hatter 5448 9196
Treasurer: Fran Anderson 5446 6743

THE PROPOSAL WILL INCREASE RISK OF FLOODING

Extensive filling of land to the east of David Low Way is proposed. This is in addition to the filling already carried out by Lend Lease as a result of Council approval of an earlier application.³ This area is subject to flooding and is shown as such in the MP2000 Flood Prone Land Regulatory Map 1.3. Approval of this application would allow another incremental reduction in the Maroochy River flood plain. Recent Council approvals in the Coolum area (Llama Farm, Hyatt, Boardwalk, Town of Seaside and others) have each contributed to the reduction of food plain area with a consequent risk of causing flooding in areas that were previously flood-free.

The application includes a “Flood Study”.⁴ This report is not a study of the possible effects of floods on surrounding areas. It merely shows that if areas within the Hyatt are filled to above the 100ARI⁵ level, they will not be flooded! The report contains no discussion on the effects of 100ARI floods outside the Hyatt when the flood plain is reduced in size by the proposed fill.

THE PROPOSAL WILL THREATEN BIODIVERSITY

The application poses unacceptable pressures on the biodiversity of this sensitive coastal zone and interrelated ecosystems. It proposes the removal of vegetation critical to ecological health and viability, which will cause significant adverse impacts.

Consequences of land clearing and vegetation removal on any scale have been continually demonstrated and documented. Much of the vegetated areas of the subject site are proposed to be cleared. The Environmental Protection Agency lists particular vegetation communities as having Biodiversity Significance as a means of supporting the retention of vegetation for environmental values. Within the complex floristic composition of the site is one such *Melaleuca quinquenervia* community, which is listed as having high Biodiversity Significance.⁶

The cumulative effects of vegetation loss and large-scale excavation undermine natural hydrological and ecological processes. Extensive clearing of coastal vegetation combined with the removal and disturbance of soil as proposed for the site would drastically alter elements integral to ecological processes. The impediment of these natural processes and cycles has far reaching effects on the interconnected environments. Results of altered regimes may initially be subtle in some areas, only to become evident over time with costly environmental and economic consequences.

The proposal to clear established vegetation communities at Hyatt Coolum land will place at great risk the sustainability and survival of flora and fauna species, which are dependent on the integrity of the ecosystem. In particular:

³ Operational Works Application OPW04/0276 approved the dumping of around 200,000 cubic metres of fill on the flood plain.

⁴ Response to Information Request, Attachment 37, “Cardno MBK – Flood Study”

⁵ 100ARI is the 1 in a 100 year Average Recurrence Interval. Refer State Planning Policy Guideline 1/03, Appendix 2, Para A2.6.

⁶ Regional ecosystem 12.2.7 is mapped by Department of Natural Resources and Mines as being present on the site.

- Fauna populations supported by the fabric of the coastal ecosystem would be subjected to displacement and death due to loss of habitat. This is exacerbated by prolonged and aggressive development activity
- The array of flora would experience a suspension in cyclic pollination due to the impact on the avifauna. Also, removal of the understorey would interfere and ultimately undermine normal growth behaviour thus threatening the viability of many species of flora.

Ecosystems are particularly vulnerable to human intrusions with irreversible repercussions. This application proposes the introduction of a population of at least 1500 new residents. The proximity of the residences and common areas to sensitive ecosystems offers no protection from the influx of human pressures. The coastal zone and vegetation communities across the site have been formed over millennia by natural processes. Such balanced and complex ecosystems are not resilient to the cumulative effects of high impact habitation and visitation. The effects of erosion, pollution (eg. rubbish, noise, chemical and behavioural), invasive species, domestic animals, increased hard surfaces all have an impact on the surrounding environment.

The proposal will degrade two particularly sensitive areas:

- **Rainforest.** The Master Plan proposes building a residential suburb on the five golf holes on the eastern side of David Low Way. In addition, one hole on the western side is proposed to be moved to make way for residential construction. These six holes are planned to be relocated around an environmentally sensitive rainforest. The operational works associated with this relocation were the subject of a separate application by Lend Lease.⁷ Development Watch lodged a submission on this application on 4 August 2006, objecting to the proposal on environmental and procedural grounds.
- **Dunal System.** There is presently one access point from Hyatt property to the beach through State owned land. Lend Lease proposed two additional access points through this land, which is primarily vegetated beachfront sand dunes. *The Coastal Protection & Management Act 1995* outlines the importance of dunal integrity. The dunal system and the vegetation it supports is essential to the stability of the coastline and is interrelated to the surrounding flora, topographical formation and geology of this unique area. Additional access tracks should not be approved.

THE LAKE PROPOSED ON THE BEACHSIDE MAY BECOME A HEALTH HAZARD

The proposed Master Plan shows that a large artificial lake is to be built in the residential area east of David Low Way. From information provided by the applicant, the lake appears to be about 3.5ha in area. No information on the continued viability of this lake is given but, as it is not in a watercourse, its water level will depend on ground water and stormwater runoff. As acid sulphate soils are present on the site, leaching of acid water into this lake will contribute to its degradation.

⁷ OPW06/0183, Application for Operational Works (Extraction, Excavation or Filling).

Council's recent experience with the failure of artificial lakes at the Chancellor Lakes development should raise concerns for this Lend Lease proposal. Council should not allow this lake to be built.

UNACCEPTABLE EFFECTS OF TRAFFIC ON THE ENVIRONMENT

Noise Pollution. High revving and multiple gear changes resulting from trucks, buses and private vehicles negotiating various hills and bends, especially at both ends of Toolga Street, are causing unbearable noise pollution. This is to the point that conversation has to be halted and repeated continually. The Master Plan proposal will significantly worsen this situation.

Air Pollution. As a result of high revving on hills near the proposed development, excessive diesel and petrol fumes cause horizontal surfaces in nearby residences to collect a black, greasy film, which frequently needs cleaning. The resultant air pollution is also hazardous to health and contributes significantly to greenhouse gas emissions. The Master Plan proposal will significantly worsen this situation.

ECONOMIC DEVELOPMENT

THE PROPOSAL JEOPARDIZES THE VIABILITY OF THE HYATT REGENCY COOLUM

The Hyatt Resort presently provides a high level of amenity as a five-star holiday destination and a conference venue. The proposed Master Plan would cause a significant increase in the number of users of Resort facilities and this, combined with the conversion of much of the land to residential development, will seriously reduce the appeal of the Resort as a five-star destination. Consequently, the proposal will jeopardize the continued viability of the Resort.

THE APPLICANT HAS NOT DEMONSTRATED A COMMUNITY NEED FOR THE DEVELOPMENT

The applicant proposes to provide an additional 660 dwellings in various types of accommodation. Nowhere in the proposal is there an argument that shows a community need for these dwellings. Development Watch contends that there are sufficient developed vacant lots plus approved but yet to be developed lots to service the community need for the foreseeable future.

CAVEAT EMPTOR

Lend Lease, if it performed due diligence, bought the Hyatt property knowing the resort was a loss-making investment. These losses have been estimated at \$1.3 million per year.⁸ They also bought the property knowing that MP2000 protected the site from being developed as a residential area. MP 2000 is a legal document that expresses the wishes of the Shire in relation to future development. In buying the land, Lend Lease must have assumed they could change the law, develop the land to obtain the maximum return and then move on. The Coolum community dislikes intensely this "rape and pillage" approach,

⁸ Attachment 5 to Lend Lease Response to Information Request, page 1.

SOCIAL WELL-BEING IS NOT ADVANCED

THE PROPOSAL IS IN CONFLICT WITH THE COOLUM LAND USE AND TRANSPORT PLAN

The Coolum Integrated Land Use and Transport (CILUT) Plan⁹ provides a framework for the future integration of development and transport in the Coolum area. It has also identified existing traffic problems and has nominated solutions. Limiting future development was a key issue raised by the community during the study that preceded this plan. This was seen as a key factor in solving traffic problems in the Coolum Area. Of particular relevance to the Master Plan application is that Tanah-Toolga Streets and Centenary Heights Road are to be traffic-calmed in order to reduce traffic speeds.

A steep North/South ridge runs between Mt Coolum and Beach Road. This ridge has been identified as forming an impediment to traffic movement. The large permanent residential population envisaged under the proposed Master Plan will have a greater need to access the school, shopping centre, commercial and industrial area west of the ridge. This will create greater problems at all hazardous intersections along the way. This traffic is aggressive, being under pressure to meet daily transit deadlines and is concentrated in AM/PM peak periods.

Refusal of the Master Plan application would be in keeping with the CILUT Plan to reduce speed along the David Low Way at the Yaroomba 'S' bend, Scrub Road black spot and through the Coolum Village Centre, as tourists tend to travel slowly compared to residential or commercial traffic. Refusal would avoid further impact on the Coolum Village Esplanade and Coolum Village parking areas, which are already severely strained.

THE PROPOSAL WILL HAVE ADVERSE TRAFFIC IMPACTS ON NEARBY STREETS

Traffic volumes generated by the proposed 660 dwellings would introduce unacceptable safety hazards and loss of local residential amenity. Development Watch has closely examined the likely traffic impacts of the application. Because the extent of impacts would be unacceptable to the community, MSC should refuse the application on these grounds alone. Some of our major concerns are outlined below.

Unreliable Data Presented

The applicant has presented assumptions¹⁰ that outline development traffic distribution. These assumptions misrepresent the impacts that the proposed Hyatt Master Plan will have on the local traffic network. These inaccurate traffic figures then form the basis for all development generated traffic volume and intersection analysis calculations. These

⁹ The CILUTP was endorsed by MSC in September 2005, and was the culmination of a two-year study that involved extensive community consultation.

¹⁰ Response to Information Request, *Attachment 17 Sinclair Knight Merz External Traffic Report; section 3.2 (page 11)*

calculations are therefore also inaccurate. Large northbound traffic volumes will travel west to access the Motorway, West Coolum commercial area and the Primary School. The whole scenario presented in this report must be reviewed taking this into account. There is a large permanent residential component envisaged in the Hyatt Master Plan. Therefore, peak hour traffic directionality and distribution entering and exiting the development, should be adopted as a 25/75 In/Out peak direction split for the AM peak and vice versa for the PM peak.

The applicant has also underestimated the future growth of traffic in the area. Traffic density calculations rely on the assumption:

“The growth rate for the estimated background traffic (before development traffic is added in) was conservatively assumed at 2% per annum consistent with recent historical growth on David Low Way.”¹¹

In recent years there has been unprecedented urban residential development in the Marcoola, Mt Coolum and Yaroomba areas (e.g. the Stocklands Boardwalk, units behind the Mt Coolum shops and the Thomco Development at the corner of Centenary Heights Road and Toolga Street). There are also properties already approved for development awaiting commencement of works (e.g. south-western corner of David Low Way and Tanah Street). The majority of these residential properties and units are vacant and once occupied will generate traffic that will have huge impacts locally. A low future growth rate of 2% per annum is unrealistic.

Impact on Tanah Street West/Toolga Street

The proposed Beachside access onto David Low Way is near its intersection with Tanah Street West. Thus, Tanah Street West-Toolga Street will form the favoured, most uninterrupted, route via South Coolum Road to the West Coolum commercial precinct, the supermarket, the primary school and the Motorway. MSC has acknowledged that traffic volumes on Tanah and Toolga Streets need to be reduced.

Connection between the David Low Way and Yandina-Coolum Road and the Motorway is provided by traffic accessing South Coolum Road via Tanah -Toolga Streets. For the purpose of evaluating traffic impacts, MSC considers Tanah-Toolga Streets to be operating as a Controlled Distributor,¹² even though its design makes it unacceptable for this role. Once South Coolum Road is connected to the Motorway via Suncoast Beach Drive, Tanah-Toolga Streets will revert to a minor role.

Impact on Jarnahill Drive

Jarnahill Drive serves as a linking route for traffic between Mt Coolum Shopping Centre and the residential area north of the Mt Coolum National Park. It also serves to convey traffic from the residential area south of Mt Coolum National Park, via Tanah-Toolga Streets and South Coolum Road, to the West Coolum commercial precinct and back. This traffic, coupled with westbound traffic dangers generated by the proposed Hyatt Beachside development, will cause unacceptable risks at the hazardous Tanah Street/Jarnahill Drive intersection.

¹¹ Response to Information Request, *Attachment 17 Sinclair Knight Merz External Traffic Report; section 3.2 (page12)*

¹² A *Controlled Distributor* provides connection for through traffic between arterial roads.

The Approved Master Plan is Better

The original vision and concept of continued development of the Hyatt as an International 5-Star Resort should be upheld by MSC. This is because the tourism traffic generated by the original Resort Plan:

is less likely to use the Warran Road route, mainly visiting attractions along David Low Way (e.g. restaurants, Coolum Village Esplanade shops, beach, Noosa, airport and other tourist destinations to the north and south),

will minimise the amount of time-pressured residential traffic, which has a greater need to frequent the school and commercial area, traversing the barrier formed by the north /south ridge that extends from Mt Coolum to Beach Road; and

is less likely to increase peak hour traffic counts and will impact far less on Tanah and Toolga Street trouble spots.

THE PROPOSAL WILL DEGRADE VISUAL AMENITY

Construction of 660 dwelling units will have a detrimental effect on the scenic amenity of the surrounding area. In particular, construction of four, five and six storey buildings that intrude above the tree line will alter forever the vistas that are presently enjoyed from many vantage points. Local residents and tourists should not be [inflicted] with this intrusion.

There is excellent example of visual blight recently inflicted by MSC on the climbers of Mount Coolum. Near the corner of David Low Way and Suncoast Beach Drive is "Coolum Villas". This expanse of buildings, with little space between, draws the eye from the natural beauty of the coastline. Building densities proposed in the Hyatt Master Plan will force a similar distraction. Current trends in coastal housing design on the Sunshine Coast leave minimum space between buildings for vegetation. Lack of the softening effect of vegetation will always degrade views from nearby vantage points.

The visual amenity of Yaroomba Beach and its environs, be it from the vantage points of private homes or public viewing locations such as Point Arkwright Headland and Mount Coolum National Park, contribute to the liveability and sense of place for residents. These vantage points are also an attraction for visitors and tourists. In particular, the view from the top of Mount Coolum is the greatest natural attraction on the Sunshine Coast. The Hyatt property presently has high visual exposure and scenic amenity in our local landscape. This amenity should not be severely degraded.

Existing buildings within the Hyatt, with the exception of the "Ambassador" and "Visage" developments, are well-spaced. However, a recent application by Lend Lease for development of the south-east corner of the site¹³ proposes that 65% of the lots be under 500m². Even if buildings constructed on these lots were one storey high, the expanse of roofs would detract from the natural beauty seen from nearby vantage points.

Council must protect important vistas such as the Hyatt beachside green space and the Yaroomba beachside reserve from intrusive development. The siting of such a prominent development in this area would destroy this outstanding coastal seascape and its inherent scenic beauty for which it is fondly regarded.

¹³ Application for Reconfiguration of a Lot, MSC file no REC05/0185.

Unreliable Data Presented

The Lend Lease Response to Information Request shows a cross sectional drawing¹⁴ that purports to demonstrate the invisibility of a six-storey building from certain points. Using the scale on the drawing, the six-storey building measures around 18 metres above finished ground level. This is at odds with the proposed building height of 20.8 metres. The same drawing shows a tree about 24m high interrupting the view of the six-storey building from David Low Way. There are no trees this height in the area shown.

This same drawing shows that the eastern face of the six-storey building is about 35 metres from the eastern property boundary. Another drawing¹⁵, a plan of the Beach Club building layout, shows two six-storey buildings. This shows the eastern-most building is entirely within a distance of 35 metres from the eastern boundary. Although not explicitly shown, the eastern side of the building is probably within 5 metres of the boundary.

Considerable photographic evidence is presented by the applicant to support the contention that built structures will not be an eyesore. Unfortunately for the applicant, much of the evidence shows that their proposed buildings will indeed intrude into the vista. Of particular concern to Development Watch is the evidence presented to show that these buildings cannot be seen from the beach, even at oblique angles.

One photograph presented shows a view towards the development site from Point Cartwright. The caption claims "... 6 storey buildings will be indiscernible, and will not intrude on the view."¹⁶ **Attachment 1** to this Development Watch submission is a photograph taken from the beach in front of the Hyatt Beach Club, towards Point Cartwright. It clearly shows that tall buildings can be seen from that distance. Although many of the buildings shown in this photo are taller, some buildings of six storeys and less can be seen.

We also present at **Attachment 2** a photograph taken from the same location but closer to the water. As well as showing the tall buildings of Maroochydoore, it clearly depicts the intrusive quality of the six storey buildings at Marcoola. At **Attachment 3** is a photograph showing these Marcoola buildings from the sea. Little imagination is needed to see how intrusive six storey buildings would be if sited directly in front of Mount Coolum.

THE PROPOSAL WILL DEGRADE THE AMENITY OF EXISTING RESORT USERS

Contractual agreements exist between Lend Lease (through Coeur de Lion Investments P/L), Hyatt International and certain other parties. These parties include owners of the Presidents' and Ambassadors' Clubs, as well as owners of residences at The Lakes, Coolum. The agreements guarantee a certain level of amenity to these owners.

The Master Plan development would seriously degrade the level of amenity provided to these owners, as Lend Lease plans to enter into similar contractual agreements with the proposed 660 new dwelling owners. Although Lend Lease has made statements about upgrading some of the Hyatt facilities, such upgrades will not compensate at all for the loss of amenity and exclusivity that will be suffered by the present owners. Of particular concern to hotel guests, owners and their guests would be:

¹⁴ Lend Lease Response to Information Request, dated 26 June 2006, Appendix B to Attachment 13, Section D.

¹⁵ Lend Lease Response to Information Request, dated 26 June 2006, Attachment 11, Preliminary Approval Document, Drg No RFI-3F-LUP060623

¹⁶ Lend Lease Response to Information Request, dated 26 June 2006, Attachment 13, Plate 12.

- loss of a private access to the beach;
- loss of the private Resort Beach Club and exclusive beach access;
- the degradation of ambience with the loss of green space and subsequent construction of 660 dwellings to be housed in buildings to six stories in height; and
- the loss of five golf holes on the eastern side of David Low Way. A photograph of one of these holes is shown at **Attachment 4**.

ADDITIONAL BEACH ACCESS POINTS WOULD EXPOSE MORE PEOPLE TO RISK

The applicant proposes two additional access points to the beach from Hyatt property. MSC, for safety reasons, discourages bathers from swimming outside patrolled areas. Allowing beach access at two additional points would encourage bathers to take extra risks.

PROCEDURAL ISSUES

THE PROPOSAL DOES NOT CONFORM TO THE STATED PRECINCT USE

Maroochy Plan 2000 (MP2000) states that the preferred use for the Hyatt Resort is “for the purposes of an Integrated resort.”¹⁷ Maroochy Shire Council (MSC) should not alter this preferred use without the concurrence of the local community. The local community has a reasonable expectation that the site would continue to be developed as an international five-star resort. As expressed earlier, the applicant should not have expectation of being able to alter Maroochy Plan 2000 to suit its commercial desires.

THE PROPOSAL RELIES ON AN INVALID DECISION BY MAROOCHY SHIRE COUNCIL

The Lend Lease Master Plan application places significant reliance on prior approvals. Development Watch is most concerned that MSC has made decisions in the past that are neither in accordance with its Corporate Plan nor in accordance with the provisions of the Local Government Act 1993 (the LGA) or the Integrated Planning Act 1997 (the IPA). In particular, we believe that MSC's decision in August 2003 to allow development to proceed "as if the development were to be carried out under the Superseded Planning Scheme"¹⁸ is counter to the intent and provisions of these Acts.

Non-compliance with the IPA

¹⁷ MP2000, vol 3, Section 3.10.4, second paragraph.

¹⁸ MSC Planning and Development Committee Minutes, page54

Our concerns about MSC's non-compliance with the IPA were outlined in correspondence from Development Watch to the Division 5 councillor, Cr Bruce Dunne, on 25 June 2006. We questioned the validity of Council's treatment of a "Notice of Intent to Proceed under the Superseded Planning Scheme" submitted by Coeur de Leon Pty Ltd. A copy of our correspondence to Council is at **Attachment 5**. We have not yet received a response.

Non-compliance with the (then current) MSC Corporate Plan

We are also concerned that MSC did not comply with the requirements of its Corporate Plan and thus with the LGA when making the decision cited above. The LGA states, "A local government's exercise of the jurisdiction of local government must be consistent with its corporate plan and operational plan."¹⁹ MSC's decision contravened at least two sections of its (then current) Corporate Plan.

Firstly, Section 5.1 of this Corporate Plan requires MSC to "Embrace the vision of local communities to guide development of the area in accordance with residents' expectations." The residents' expectations, naturally, were that Hyatt Regency Coolum would continue to be developed as a high quality tourist resort. However, when MSC made its decision in August 2003, it was in possession of information that the applicant was considering other uses for the property.

Secondly, Section 5.6 of this Corporate Plan requires MSC to "Monitor and regulate Council's planning strategies, development approvals and building approvals to ensure development and building activities are carried out in an environmentally and socially sensitive manner." Also, Section 3.2 requires MSC to "Sustainably manage areas of environmental significance to maintain viable habitats for biodiversity preservation." MSC's decision has already resulted in the destruction of vegetation that is mapped by the Department of Natural Resources as "of concern" and "essential habitat (for) wildlife listed as endangered, vulnerable, near threatened or rare"²⁰. MSC was aware of this significant vegetation when the decision was made.

PUBLIC NOTIFICATION OF THE DEVELOPMENT WAS INADEQUATE

The public notification did not make clear that two applications were involved. A casual reader of the notice could have concluded that the proposal was merely to create 55 lots. A copy of the public notice is at **Attachment 6** to this submission. There is certainly no indication of the number of dwellings that were proposed by the preliminary approval application. The confusion was compounded by the omission of the file number REC05/0190 from the public notice.

IDAS guidelines state, "The notice should clearly identify the nature of the proposal ... rather than simply specify the aspects of development being proposed."²¹ Development Watch advised Council of the inadequacies of this public notification on 27 July 2006. A copy of our correspondence to Council is at **Attachment 7**. We have not yet received a response.

¹⁹ Queensland Local government Act 1993, Section 511.

²⁰ Department of Natural Resources and Mines, Regional Ecosystem Map, 2003.

²¹ "IDAS Guideline 1: Implementing the Integrated Development Assessment System - IDAS", Note to Section 6.5.2.

TWO APPLICATIONS HAVE BEEN COMBINED

Development Watch is concerned that two distinct development applications are being treated as one by the applicant, MSC, referral agencies and submitters. REC05/0190 is a discrete application for lot reconfiguration and MCU05/0245 is a preliminary approval application for a Master Plan. Our specific concerns relate to how applications are counted to gauge public opinion and to how appeal rights are established.

As mentioned earlier in this submission, the file number REC05/0190 was not included in the public notification process. As a consequence of this, most of the public submissions will probably only make reference to the preliminary approval application, MCU05/0245. Many of these applications may object to the proposed 660 new dwellings on the site, 85 of which are the subject of REC05/0190. Development Watch requests that any submitter who objects to 660 dwellings on the Hyatt site (or to any other aspect of REC05/0190 when only MCU05/0245 is referenced) be considered as a submitter for both applications.

THE “PIONEER PRINCIPLE”

The development proposed in REC05/0190 for the creation of 55 lots is described as “Vantage Stage 2”. An earlier application by Lend Lease, REC04/0158, for the creation of 17 lots, was described as “Vantage”. In a submission on this earlier application, Development Watch made the point:

“The plans for the lot reconfiguration give the appearance that the development could be the start of further development on land surrounding this lot, which also belongs to Lend Lease. The applicant should be required to demonstrate that no further development is planned on Lend Lease land adjacent to the lot planned for reconfiguration.”²²

These two applications are essentially “piecemeal” and offend against the “Pioneer Principle”.²³ This principle is authority for the proposition that an applicant for approval to develop land must apply at the outset for approval for the entire proposed use. The applicant in the “Pioneer” case failed to identify all of the land to which the proposed use related, rendering the application invalid. Development Watch believes Council must refuse the REC05/0190 application on these grounds.

CONCLUSION

The two development applications by Lend Lease that are the subject of this submission are designed to turn Hyatt Regency Coolum into a residential suburb. They will, if approved, have wide-ranging detrimental environmental and social impacts on the Coolum community. In addition, there are serious irregularities in the application of the Integrated Planning Act to prior and current development applications for the Hyatt. Approval of these current applications will not advance the purpose of the Act. Both applications should be refused.

Yours sincerely,

²² Development Watch submission on REC04/0158, dated 26 November 2004.

²³ *Pioneer Concrete Pty Ltd v Brisbane City Council* (1980) 145 CLR 485 (appeal 5868 of 2002)

B. K. Raison
President
DEVELOPMENT WATCH INC