

Development Watch Inc

PO Box 1076, Coolum Beach, QLD, 4573

ABN 53 627 632 278

3 August 2006

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

Dear Sir,

NOTICE OF SUBMISSION
OPW06/0183 – GOLF COURSE REDEVELOPMENT
HYATT REGENCY COOLUM
31 WARRAN ROAD, YAROOMBA

Cardno (Qld) Pty Ltd, on behalf of Lend Lease Developments Pty Ltd has applied for a development permit for Operational Works (Engineering Works – Roads and Drainage and Extraction, Excavation and Filling). The application is in fact for the construction of six golf holes on the western part of Hyatt Regency Coolum property. Development Watch Inc objects to this application for the reasons stated below.

THE PROPOSAL IS RELATED TO THE MASTER PLAN APPLICATION AND SHOULD NOT BE CONSIDERED IN ISOLATION

A separate Master Plan application (MCU05/0245) presently before Council shows that the proposed six golf holes are needed to replace existing golf holes numbered 1 and 4 to 8. These existing holes are to be eliminated (in the Master Plan application) and the area used for residential development. Therefore, the requirement for the six holes now proposed is entirely dependant on approval of the Master Plan application. For this reason, the proposal cannot be considered in isolation and should be resubmitted as part of the Master Plan application. Development Watch is most concerned that, if approval of this golf course proposal is given, it would pre-empt Council's decision on the Master Plan application. On these grounds, Council should either make no determination on this application or refuse it.

THE PROPOSAL DOES NOT COMPLY WITH THE APPROVED PLAN OF DEVELOPMENT

In submitting this application, Lend Lease has promoted the fiction that they are proceeding with development in accordance with the approved plan of development. This approved plan allows for a nine-hole golf course on the western side of the Hyatt property. However, only six holes are proposed which would make it an incomplete golf course. Development Watch concedes that constructing six holes in an environmentally sensitive area is less invasive than the original proposal. Nevertheless, the application does not comply with the approval given.

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

Lend Lease has stated *“The applicant will continue to exercise their lawful rights in undertaking development in accordance with the approved Plan of Development ...”* and will lodge *“An operational works application ... to create 6 holes of golf ...”*¹ As mentioned above, the approved Plan of Development allows for an additional nine-hole golf course on the site. Therefore, this application to construct only part of this golf course is incomplete and must be refused by Council.

THE APPLICANT DID NOT COMPLY WITH THE “PUBLIC NOTIFICATION” REQUIREMENTS

The Applicant did not comply with guidelines issued under the Integrated Planning Act 1997 for public notification of this impact assessable proposal - the public notices did not indicate that the proposal was for the construction of six golf holes. The guidelines state that the nature of the proposal must be identified.² Development Watch brought this deficiency in public notification to the attention of Council on 24 July 2006.³ Development Watch believes that the decision phase of the application should not begin until the application is re-advertised and the public notification period restarted.

THE PROPOSAL ENDANGERS THE CONTINUED VIABILITY OF A SIGNIFICANT ECOSYSTEM

The six golf holes are planned to surround an area of significant vegetation, commonly known as a rainforest. This vegetation is part of Urban Mosaic M1 and its ecological value is well-documented, both in MP2000⁴ and in the Department of Natural Resources and Mines (DNRM) Regional Ecosystem (RE) mapping.⁵ Because of this value, this rainforest area is designated in MP2000 as a “Comprehensive Assessment Special Management Area”⁶. Such an ecosystem requires protection of the highest order.

Despite the significance of this rainforest area, Council failed in its duty of diligence by not submitting a request to the applicant for information that would allow a comprehensive assessment of the proposal. This was despite admitting that additional time was needed to formulate such a request because of:

- *“The relative complexity of the application*
- *The need to reconcile the various responses from our technical specialists*

¹ Development Application MCU05/0245 for Preliminary Approval for Material Change of Use, Covering letter, page 6.

² “IDAS Guideline 1: Implementing the Integrated Development Assessment System – IDAS”, published by the Queensland Government. The note to section 6.5.2 states, “The notice should clearly identify the nature of the proposal ... rather than simply specify the aspects of development being proposed.” The note also cites a court case that upholds this view.

³ E-mail from president@developmentwatch.org.au to maroochy@maroochy.qld.gov.au - Subject: Inadequate Public Notification OPW06/0183, dated 24 July 2006.

⁴ MP2000, Vol 3, para 3.10.3 (3) (d) states *“Paperbark rainforest has been found on the Hyatt Regency Golf Course site. This vegetation community is extremely rare and warrants protection.”* Also, in the Schedule to the *“Code for Nature Conservation Management and Biodiversity Protection”*, the description of Urban Mosaic M1 includes the statement *“Another important site is the paperbark rainforest on the grounds of the Hyatt Regency Golf Club. Paperbark rainforest is an extremely rare habitat. This patch was found to be rich in birds, including eastern yellow robin, large-billed scrubwren, eastern whipbird, little shrike-thrush, white-eared honeyeater, varied triller, red-browed finch, brown thornbill.”* It continues, *“This site is very important for harbouring what appears to [be] the northern-most population of the Richmond birdwing,”* a butterfly with a conservation status of “vulnerable”.

⁵ DNRM RE 12.2.7 “Melaleuca quinquenervia open-forest to woodland” is listed with the biodiversity status of “of concern”.

⁶ MP2000, Regulatory Map 1.1, Sheet 1.

- *The large volume of supporting technical documentation that must be subjected to Preliminary Assessment*⁷

Development Watch is most concerned that Council failed to subsequently submit an Information Request to the Applicant. Community groups such as ours rely heavily on the expertise of specialist Council staff to obtain and analyse information not readily supplied by the Applicant. As we have contended earlier, this application should only be considered in the context of the Master Plan application. Nevertheless, our own analysis of the environmental impact of the application highlights the following deficiencies.

The proposed Site Based Management Plan (SBMP) cannot prevent damage to the ecosystem. We acknowledge that the SBMP seeks to address the many impacts associated with the proposed earthworks. However, not all impacts can be avoided or mitigated because of the magnitude of the proposed works. The scale of soil disturbance combined with the duration of the works in the proximity of the ecosystem would undermine and detrimentally affect the natural functioning of the ecosystem. The application proposes to construct artificial “wetlands” and vegetation buffer zones. However, they appear to be inadequate to successfully manage run-off and infiltration during the construction phase and also throughout ongoing activities.

The proposal will have a detrimental effect on listed fauna species. The area is recognized as habitat for the rare Elf Skink⁸ and the vulnerable Grey Headed Flying Fox⁹. The impact of the proposed earthworks, vegetation removal and also of ongoing activities (such as “eco” tours) would detrimentally affect the behavioural nature of these species and thus put their future viability in the area at risk. The proposal requires the removal of vegetation that is recognized by EPA as both “essential habitat” and a “State wildlife corridor”¹⁰.

CONCLUSION

The application for six golf holes, both procedurally and for its likely impact on the environment, is deficient in many respects. Lack of coordination with the Master Plan application is unacceptable. In addition, the proposal would have a most detrimental effect on a vulnerable ecosystem.

Development Watch requests that, for the inadequacies outlined above, the application be refused.

Yours sincerely,

(B. K. Raison)
President

⁷ Maroochy Shire Council letter (ref CJM:CJM:OPW06/0183) dated 29 May 2006 to the Applicant.

⁸ Queensland Nature Conservation (Wildlife) Regulation 1994, Schedule 4

⁹ Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act 1999, Section 178

¹⁰ DNRM Regional Ecosystem Map 2003