

Sunshine Coast Council  
c/o The Assessment Manager – Noosa on Weyba Development  
Locked Bag 72  
Sunshine Coast Mail Centre  
4560 QLD

### Submission – MCU 12/0208 (Noosa on Weyba)

Dear Assessment Manager,

The Sunshine Coast Environment Council (SCEC) is the peak environmental advocacy group on the Sunshine Coast. SCEC represents over 40 community groups working on conservation, resident and sustainability issues. Collectively these groups have a membership of over 10,000 Sunshine Coast residents. This submission has been prepared by SCEC on behalf of its member groups and the residents they represent.

SCEC strongly opposes the development and urges the Sunshine Coast Council and future Noosa Council to refuse the development for the following reasons:

- The development falls outside of the urban footprint and is diametrically opposed to the established long term community interests in the area, as expressed among others in the Noosa Plan, Maroochydoore Plan and the Draft Sunshine Coast Planning Scheme
- The development application could not have been made but for the use of a Biodiversity Offset area which was opposed by the Sunshine Coast Council and Department of Environment and Resource Management and is demonstrably inconsistent with State Planning Policy 2/10: Koala Conservation
- The development poses a significant risk to water quality in Lake Weyba and downstream waterways
- The development will have significant impacts on high ecological value conservation areas and ecological connectivity areas that have consistently been identified and protected in planning schemes over a prolonged period of time
- The development will have a significant impact on the local Koala population as the viability of koala habitat will decrease due to loss of vegetation, fragmentation (by roadways and powerlines) and edge effects

### Community Interest

The *Sustainable Planning Act (2009)* (SPA) stipulates that a decision to approve a development application must not conflict with a relevant instrument, including a planning scheme, unless *'there are sufficient grounds to justify the decision'* (S326.1.b and S329.1.b). Grounds are defined in SPA as *'matters of public interest'* (Schedule 3 – Definitions).

The application before council overrides both the existing Noosa and Maroochydore planning schemes as well as the draft Sunshine Coast Planning scheme on several grounds. Current zoning on the land is a combination of open space conservation, water resource catchment area, environmental management and conservation and rural zones. Mixed use urban development of the type proposed by the application is not a permissible land use under any of these zonings. The application is also inconsistent with provisions relating to waterway set backs, vegetation clearance and koala habitat.

As far back as the 1980s the community has identified the area as important because of its high environmental values, its scenic amenity providing a green entrance to Noosa, its importance in maintaining pristine water quality in Lake Weyba and its significance in providing ecological connectivity between forested areas around Tewantin and forested areas around the shores of Lake Weyba and further south.

For over 30 years the development of urban and economic areas and associated road infrastructure in and around the Noosa region has been carefully managed to retain large, ecologically viable and internally connected conservation areas surrounding and dissecting the greater Noosa region. These aspirations have been recognised by successive councils and set down in successive planning schemes for the Noosa, Maroochydore and Sunshine Coast Councils.

The parcels of land that are the subject of this application are a crucial part of this network, as such there can be no doubt about the public's interest in the site. The public wants the site to be retained for conservation purposes.

Neither the increase in the available housing stock, nor the temporary provision of construction jobs, nor the increase in rate revenue is a sufficient ground to override this long term and firmly established public interest in the land in question.

The application should be rejected as it conflicts with the clearly established public interest in the land.

### **Biodiversity Offset Area**

The lodging of the development application has been facilitated by the use of a Biodiversity Offset Area which should never have been approved. State Planning Policy 2/10: Koala Conservation allows for a development application to be made outside the urban footprint if a net gain in Koala Habitat is provided through a biodiversity offset. The process involves the transfer of development entitlements from one parcel (the send site) to another parcel (the receive site) in the interest of biodiversity conservation for koalas.

The Biodiversity Offset Area (BDOA) does not comply with this process for the following reasons:

- The send site has no development entitlements



- The receive site has significant biodiversity values that would be negatively impacted by development including State Interest environmental matters
- The receive site does not comply with statutory guidelines in relation to natural hazards and access to infrastructure
- The Biodiversity Offset does not provide a net gain in Koala Habitat or protection

The developer has made much of its proposed transfer of the send site to public ownership (to be added to the Noosa national park). However in practice there would be little to no change in the level of protection afforded to the parcel resulting from this transfer. Current zoning of the land provides a level of protection that is very similar and comparable to that afforded to National Parks. On the other hand development of the receive site would negatively impact on the biodiversity values of the receive site as well as the send site and undermine their role in establishing regional ecological connectivity.

Sunshine Coast Council considered the use of a biodiversity offset area for this development in November 2010. The report presented to council found the same issues of non compliance with the statutory guidelines and recommended that the Biodiversity Offset Area was not supported. The motion was carried with 13 votes in favour and 1 against. The Department of Environment and Resource Management also recommended against the Biodiversity Offset Area on the same grounds.

It is acknowledged that the legality of the BDOA cannot be considered by Council in deciding the application. However the applicant makes much of the proposed benefits of the development to the environment, in particular the transfer of the send site to national park. These grounds are to be considered in deciding the application and are commensurate with the grounds considered by Council (and DERM) in deciding its support for the BDOA and the conclusion must necessarily be the same.

The application should be rejected because the proposed ecological benefits arising from the development (which facilitated the lodging of the application) will not arise, instead there will be a net loss of ecological values.

### **Water Quality**

The development is situated on the shores of, and will drain into Lake Weyba, part of the Noosa River estuary which received an A grade on the 2013 Environmental Health Monitoring Program report card. As a member of the Healthy Waterways partnership Council has an obligation to work towards the implementation of the Healthy Waterways Strategy which includes progressively restoring water quality to agreed standards and avoiding any change to land use that will have adverse impacts on water quality.

The water quality impacts of the development are addressed in the Storm Water Management Plan which was submitted as part of the development application. The Water Quality Objectives for the relevant water bodies (Lake Weyba, Eenie Creek and Keyser Creek) are reproduced in section 5.2 of

the plan. These water quality objectives are existing statutory requirements set out in the *Environmental Protection (Water) Policy (1999)* (EPP Water).

The plan proceeds to discuss the approach to water quality monitoring (section 5.3). This section starts off by recognising that water quality does not currently meet the objectives as set out in the EPP Water. It proceeds to state that MUSIC modelling will be used (in line with DEHP guidelines) to determine whether the proposed treatment strategy is sufficient.

The plan continues as follows: *“The resultant pollutant concentrations in the MUSIC modelling will be dependent on the assumed default background concentrations within the treatment devices, which are in some instances higher than the WQOs. For example the background TP concentration in bio-retention systems is assumed to be 130 µg/L and the water quality objective is 50 µg/L. It is therefore not possible to show through MUSIC modelling that concentration based WQOs can be met.”*

In other words although MUSIC modelling can show that the development may be able to continue the current level of impacts on water quality it cannot demonstrate that the development is compatible with the long term achievement of the Water Quality Objectives set out in the EPP Water – that is the existing statutory objectives currently in place – which are the focus of the Healthy Waterways strategy to which Council has committed itself.

What follows are details of a flawed monitoring regime (which for example makes no mention of event based monitoring during construction phase) and a Water Sensitive Urban Design Strategy that is overly optimistic and is designed to treat water to an incorrect standard (i.e. current non compliant water quality).

The application should be rejected because it is incompatible with councils obligations to avoid future land uses and will negatively impact on water quality.

### **Ecological values**

The proponent makes much of the supposed environmental benefits that will arise from the development. But the majority of these benefits is most kindly described as ‘so much smoke and mirrors’.

As pointed out above there will be few environmental benefits from the much trumpeted transfer of the send site to the Noosa National Park. The protection afforded to the site under current zoning arrangements provide a very similar level of protection and indeed the only threat to the area is the development application under consideration.

In its statement of grounds the applicant points out the benefit of its proposed community education strategy and its ‘innovative’ WSUD infrastructure. As enticing as these strategies sound on paper they ignore the fact that they are strategies designed to deal with impacts from the development, in other words issues that will not impact on the area if the development were refused.



Indeed even if the proponent were to put in place a worlds best practice community education strategy (which they are not suggesting they will do) they will not be able to avoid the fact that adding 2,000 people to an area along with several kilometres of road, power, water and sewage infrastructure will have a significant negative impact on the surrounding environment – a high ecological value area.

The impacts that will occur include (but are certainly not limited to):

- Loss and fragmentation of habitat, through intrusion of roads, power lines and urban areas into existing ecological areas. This will significantly reduce the value of the site as a major node in regional ecological connectivity corridors
- Clearing of trees, although the applicant is eager to point out that only a small percentage of trees on the site will be cleared a significant number of trees (in absolute terms) will be lost along with associated smaller vegetation and habitat values and represents a small percentage only as part of the overall site, much of which could never be developed in the first place
- Increased recreational pressures on surrounding environment, both from residents and from increasing visitor numbers to the area, this is of particular concern around the shores of Lake Weyba
- Increased rubbish (including green waste) impacting on surrounding areas
- Increased risk of death to animals on roads in the area. Notwithstanding the applicants claim that reducing the speed limit on Walter Hay Drive will be saver for animals the increase in the number of roads that need to be crossed and the increased number of cars on the road will increase the number of animals killed in car strikes
- Limited buffers to waterways (which do not comply with requirements in place under the Maroochydore Planning Scheme and draft Sunshine Coast Planning Scheme)

The application should be rejected because it will have a negative impact on the ecological values that are protected under the current zoning provisions.

### **Koala habitat**

All the issues raised above apply with equal force to the likely impacts on koala's and koala habitat. The impacts of more roads, more traffic, loss of vegetation and connectivity will significantly decrease the suitability of the site to koala's.

We raise the issue of Koala's separately because of its listing as a vulnerable species at both the State and Federal level and the special provision that apply to Koala protection under local and state government legislation. Development should not proceed if it has a negative impact on Koala habitat and loss of vegetation in an area that is suitable Koala habitat must be compensated at a ratio of 5:1.

Although the application provides assurances that only a minimal number of trees will be cleared and that corridors will exist through the development, experience has shown that development in a

sensitive (high ecological value) area such as this always see a greater loss of vegetation than anticipated and a highly diminished value of existing corridors as a result of edge effects and increased human presence.

The application should be rejected as it does not meet existing regulatory provisions with regards to protection of koala's and koala habitat and will result in a negative impact on koala's including a net loss of suitable koala habitat.

As the peak environmental advocacy group on the coast our submission has focussed on key environmental issues relating to the submission. Chief among these is that the long term established public interest in the site is for it to be used for conservation purposes. There cannot therefore be any justification for overriding the planning scheme and the application should be refused.

We are aware that other community organisations have prepared submissions that have placed greater emphasis on other planning grounds (e.g. impacts on the road network, community infrastructure and adjacent land uses) and have come to the same conclusion on the basis of these grounds.

We urge Council as the elected representatives of the community, to listen to the voice of the community, expressed through a variety of interest groups, and reject this application.

Sincerely



Wiebe ter Bals  
Executive Officer  
5 December 2013