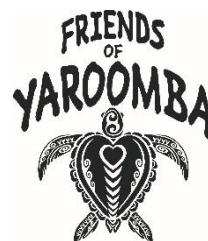


## **OPPOSITION to a proposed intense residential/mixed use development and wave pool at Coolum West on the Maroochy River Floodplain**



## Submission

### Minister for State Development, Tourism and Innovation

Kate Jones, MP

## **OPPOSITION to a proposed intense residential development and wave pool at Coolum West on the Maroochy River Floodplain**

We represent a number of resident, environment and community groups, both local and peak body, across the Sunshine Coast region. These groups and their Presidents and representatives include:

- Coolum Residents' Association (CRA) - Mr Ray Barber
- Surfrider Foundation – Mr Steve James
- Development Watch - Ms Lyn Saxton
- Friends of Yaroomba – Mr Daryl Maudsley
- Sunshine Coast Environment Council (SCEC) – Ms Narelle McCarthy
- Organisation of Sunshine Coast Association of Residents (OSCAR) - Ms Melva Hobson

Membership of these organisations represents some 15000+ residents across the broader Sunshine Coast and Noosa regions.

The proposed development by Consolidated Properties Group on flood-prone rural-zoned land at Coolum West comprising intense residential development and mixed-use activity with a 'wave pool', is of grave concern to residents of Coolum and surrounding localities on the Sunshine Coast.

### **The proposal**

***The 510 ha parcel over which the proposal sits is entirely within the Maroochy River floodplain and catchment. It is zoned 'Rural' and outside the Urban Footprint in the 2017 South East Queensland Regional Plan (SEQRP/Shaping SEQ).***

In terms of development, the draft development plan suggests around 12 hectares for the wave pool, 83 hectares of residential development, with another 17 hectares for hotel and apartments associated with the wave pool, retail, light industry, and school; and another 20 hectares for community sports.

The developer has made it very clear that both the residential development (1500 lots) and mixed-use activities, including the 'wave pool' are inextricably linked. This strongly suggests the project is unviable and unsustainable.

### **Background/History**

In approx. 2004 Consolidated Properties lodged an Application for Preliminary Approval for a residential master-planned community, namely Coolum Lakes, on a 387 hectare flood plain at Coolum West, then owned by Jay Chandler. Council and the State Government did not support the development and it rightly did not proceed. Despite this, Consolidated Property Group continued speculatively to buy up parcels in the floodplain to now have a 510 ha holding ('the site').

Questionable representations made by the developer to have his holding included in the Urban Footprint in ShapingSEQ were appropriately not supported. In mid-2017, Consolidated Properties subsequently announced its intention to progress an application to operate a sand mine under the Key Resource Area designation over a large portion of the site. This did not proceed.

Consolidated Properties objective is still to turn the site into an extensive residential/commercial development with the 'wave pool' component simply the marketed 'Trojan horse' for urban development.

## Key planning issues with the proposal

- 1 Existing Rural Zoning under the Sunshine Coast Planning Scheme 2014 (a consistent zoning carried through from earlier local planning instruments)
- 2 Regional Landscape and Rural Protection Area designation under the SEQ Regional Plan.
- 3 Multiple State Planning Policy matters:
  - a. Acid Sulfate Soils (ASS) over the entire site.
  - b. Important Agricultural Area and Agricultural Land Class A and B
  - c. Key Resource Area for sand (KRA156), plus separation area and transport route, covering a significant portion of the site.
  - d. Erosion Prone Area.
  - e. High Storm Tide Inundation Area.
  - f. Some areas of High Ecological Significance Wetlands and Regulated Vegetation (Essential Habitat).
- 4 Flood Hazard Area under the planning scheme (the entire site is subject Current Climate Riverine Flooding).
- 5 The most limiting factor is compliance with the Flood Hazard Overlay Code. The Overall Outcomes of the Flood Hazard Overlay Code are:
  - a. *development does not occur on land subject to flooding except in specified circumstances and only where the impacts of flooding can be effectively ameliorated such that there is no foreseeable risk to life or property;*
  - b. *development protects floodplains and the flood conveyance capacity of waterways;*
  - c. *development in areas at risk from flood and storm tide inundation is compatible with the nature of the defined flood or storm tide event;*
  - d. *the safety of people is protected and the risk of harm to property and the natural environment from flood and storm tide inundation is minimised; and*
  - e. *development does not result in a material increase in the extent or severity of flood or storm tide inundation.*

The Defined Flood Event (DFE) in this area is around 3.0 m AHD. Floor levels for most development have to be 0.5 m above the DFE. Given almost all of the development site is below 1.0m AHD, this will require around 2.5 m of fill for building sites, and around 2.0 m of fill for access roads. A 'back of the envelope' calculation suggests over 2 million cubic metres of fill would be required. This amount of fill will obviously affect the flood storage capacity of this catchment. Presumably, the fill would come from on-site (the KRA suggests a significant sand deposit), but this then raises the ASS contaminant release issue.

Given the obvious intention and necessity to "fill" extensive areas in an attempt to 'create' developable areas, the recognized planning requirement of "no worsening of flood risk" is extremely relevant and problematic for this and any other development proposed on the floodplain. Associated with this is the "right to fill" of existing residential property owners within the catchment. The Maroochy River floodplain has already been extensively and inappropriately 'filled' leaving limited capacity within this dynamic catchment for flood storage and conveyance.

It will be difficult to achieve the Performance Outcome (PO1) for Floodplain Protection under the Flood Hazard Overlay Code:

## **There is no acceptable outcome identified for this performance outcome**

*Development is undertaken in a manner that ensures:-*

- (a) natural hydrological systems are protected;*
- (b) natural landforms and drainage lines are maintained to protect the hydraulic performance of waterways; and*
- (c) development integrates with the natural landform of the floodplain rather than modifying the landform to suit the development.*

In a recent answer to a resident inquiry to the Premier and referred to The Treasurer and Minister for Planning and Infrastructure for a response, the following was received:

*I understand your concerns relate to a proposal by the World Surf League and Consolidated Properties Group (the consortium) to develop a range of uses for the land west of Cooloom, including a surf wave facility; community and sports facilities; hotel and resort facilities, a shopping centre, school and a residential subdivision. I acknowledge your specific concerns relating to the flooding of the subject land.*

*The location of the current proposal is outside the Urban Footprint under the South East Queensland Regional Plan 2017 (ShapingSEQ). Under the relevant provisions of the Planning Regulation 2017, the proposed shopping centre and residential subdivision are prohibited development. This means a development application cannot be submitted under the Planning Act 2016 (the Planning Act) for these aspects of the proposal. Given the surf wave facility and other tourism components are not prohibited, a development application could be submitted under the Planning Act for those land uses. The Sunshine Coast Regional Council (the council) would be the assessment manager if a development application was submitted for a surf wave facility and other tourism components. However, there is a range of planning, infrastructure and environmental constraints associated with the site, including flooding, that would need to be assessed by the council.*

*I can advise that a formal development application under the Planning Act has not been submitted to the council as the assessment manager or to the State Assessment and Referral Agency (SARA) as a referral agency. I can confirm SARA becomes involved in a development application if it affects a matter of state interest, such as state transport infrastructure or clearing native vegetation.*

***I am advised that the consortium has approached the Department of State Development, Tourism and Innovation to consider a Priority Development Area (PDA) declaration for the subject lands. (Our emphasis). PDAs are considered and declared by the Minister for State Development, Tourism and Innovation in accordance with the Economic Development Act 2012 (ED Act). If a PDA was declared it may be possible for the proposal to be considered for development approval under the ED Act. The assessment of a PDA declaration must have consideration of a range of matters including ShapingSEQ. I am advised that no decision has been made regarding the PDA declaration request (our emphasis).***

## **State Interests associated with this development**

**State Interest Policy 4 provides:**

*“Development in bushfire, flood, landslide, storm tide inundation or erosion prone natural hazard areas:*

- (a) avoids the natural hazard area; or*
- (b) where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.”*

**and includes the advice that:**

*“Planning schemes should acknowledge the risks identified through the flood risk assessment process. They should present a clear strategic settlement pattern that supports the achievement of broader flood risk management objectives for the LGA. ... This may involve avoiding new urban development in flood-prone areas of intolerable risk, or excising higher risk areas from the urban footprint.”*

Council and the State have in fact properly integrated the State Interests by zoning this land rural and excluding it from the Urban Footprint and outside the Urban Growth Management Boundary. Any flood risk assessment could only conclude that the risk for this site is “intolerable” as defined in the Policy. The public interest is not met by exposing the community to an “intolerable” flood risk.

### **Images taken over the past 25 years of the flooding on the land west of South Coolum Road**



The site sits entirely within the Maroochy River floodplain and experiences flooding to significant depths (see photos above) and tidal inundation. Furthermore, it is understood that the storage capacity of the Maroochy River lower estuary floodplain has already been exceeded by the ‘priority fill’ of current lots in the Twin Waters, Marcoola, Pacific Paradise and Mudjimba localities.

No doubt the Government has not forgotten the devastating Townsville floods of 2019 through newly created urban areas that had been built to Q100 levels. State Planning Policy Natural Hazards, Risk and Resilience – Flood is quite clear that “Flooding is Queensland’s most damaging natural hazard and is second only to tropical cyclones in terms of fatalities.” (Page 1).

### **Sunshine Coast Regional Council (SCRC) community supported position**

The site is in the area designated by the SCRC, in partnership with the State Government and Unity Water, as the “Blue Heart” – Blue Carbon initiative<sup>1</sup>. This is a worthy initiative that should be progressed to its maximum extent (5000 ha) for the multiple benefits it would provide. These benefits include:

---

<sup>1</sup> <https://www.sunshinecoast.qld.gov.au/Council/Planning-and-Projects/Major-Regional-Projects/The-Blue-Heart>

1. The Blue Heart will strengthen the Maroochy-Noosa Wallum Corridor.
2. The area has high biodiversity values as recognised at a state and national level.
3. Regional climate resilience
4. Catchment-wide flood mitigation, storage and conveyance
5. Ecological restoration and enhancement
6. Economic and environmental benefits derived from carbon sequestration and ecosystem services
7. Nature-based (low impact) ecotourism and cultural tourism opportunities
8. Significant and enduring regional community and social benefits such as parklands, sports fields and open space
9. Scenic and visual amenity.

A project such as that currently proposed by Consolidated Properties would irrevocably undermine and negatively impact on the considerable merits and long-term, sustainable public interest benefits of the Blue Heart.

The developer has indicated that water for the wave pool will be extracted from the Maroochy River. There are many questions and issues around such a proposal:

- How will such extraction impact on the ecology of the river, both macro and micro biodiversity?
- At what rate would water be extracted?
- If there is an intent to replenish the water in the wave pool, with what frequency and what impacts on the river ecology and balance?
- What would be the implications for mineral mobilisation with acid sulphate and humic soils?
- The Maroochy River is a declared Fish Habitat area – what impacts might a potential change in the salt/freshwater and pH balance have?
- The recreational fishing values of the river are currently in decline, and this will only add to the impact on the highly lucrative tourism industry.

The Maroochy floodplain has significant vegetation communities which are Groundwater Dependent Ecosystems. These include the largest stand of *Casuarina glauca* in Australia which has recently been listed as nationally endangered - Coastal Swamp Oak (*Casuarina glauca*) Forest of South-East Queensland and New South Wales; Subtropical and Temperate Coastal Saltmarsh community which is EPBC listed as critically endangered; and a threatened population of endangered water mouse (*Xeromys myoides*). A full ecological study over time of the impact of any of the proposed changes to the floodplain should be undertaken before any consideration of development or any similar activity on any part of the Maroochy floodplain.

The role and vulnerability of the Maroochy River catchment and floodplain have been recognized by the Queensland State Government when it endorsed the inclusion of fluvial processes in the development of the Coastal Hazard Adaptation Strategy (CHAS) for SCRC.

Representatives from the above community groups met with the SCRC A/CEO and Senior Strategy Officer and the Councillor for Division 9 (within whose division this proposal is sited) on Monday, 20 July. SCRC reiterated their opposition to the Consolidated Properties proposal. They also indicated that the Mayor, the A/CEO and other officers have made their concerns known to the government on a number of occasions.

No proposal for any further residential development on the Maroochy Floodplain should be considered. It is particularly important, given the flood data available and the challenges of climate change, that we do not further compromise the flood storage capacity of the Maroochy Floodplain.

## **Misleading-community access to the proposed facility**

When the community groups associated with this letter met with Mr Don O'Rorke (Consolidated Properties) and Mr Andrew Stark (World Surf League), they were questioned regarding the accessibility of the facility to the general surfing community. Their response indicated that this was not a facility for the casual surfer or a surfing family to "have a surf" on the way home from work or on the weekend.

They were also asked about cost and would not give any information in relation to its affordability again for the casual surfer or surfing family. We have heard of costs in the range of \$100's of dollars for one wave attempt and thousands of dollars for daily hire.

When asked about the capacity of the Sunshine Coast Motorway to accommodate the amount of traffic this facility might generate, the response from the developer was that that is a state responsibility!

## **Consultation with the Gubbi Gubbi First Nations People**

On the Surfranch Sunshine Coast Web page reference is made to "Indigenous and cultural experiences". However, there is no reference in the list of stakeholders with whom they supposedly consulted, to the Gubbi Gubbi people. The Maroochy River and floodplain area are key Gubbi Gubbi environments. As community groups, we would want to ensure that the State and the proponent have had conversations with the Gubbi Gubbi people and that the Gubbi Gubbi First Nations people have felt that they have been fully engaged in consideration of this proposal.

## **Information available to the Community from the proponent**

The webpage Surfranch Sunshine Coast is obviously a marketing tool for the proponents. However in relation to some of the key issues, particularly in the Frequently Answered Questions (FAQ's) the information is either non-existent, obtuse or misleading. This particularly relates to questions related to flooding, residential development, urban footprint and environmental issues.

For example:

- Mr Don O'Rorke when asked at our meeting, with he and Mr Andrew Stark, to justify the claim of 10,000 jobs over the life of the project, Mr O'Rorke indicated that there is a formula where the project spend multiplied by a factor gives the number of jobs. This model has been found to be totally flawed in relation to other projects.
- The FAQ relating to flooding and Acid Sulphate Soils almost dismisses them by making a statement re mitigation of flood impacts but with no detail.
- One FAQ asks whether the proposal is outside the urban footprint - there is no reference at all to being outside the Urban Footprint under the SEQ Regional Plan 2017 (*Shaping SEQ*).
- In terms of commercial drivers they say "the surf facility must be underpinned by broader commercial drivers such as an eco-lodge, training facilities, residential and tourist accommodation." Such a statement does not give the full extent of the other elements of the proposal.
- At no point do they say that the proposed shopping centre and residential subdivision are prohibited development under the relevant provisions of the Planning Regulation 2017.

## **Community's Health and Well-Being**

We note that as a result of Covid19, all levels of Government have made it clear that the health and well-being of communities take priority over the economy.

The State Government's recent legislation the "Human Rights Act 2019" provides that Queenslanders have a right to a safe and healthy future and should be able to make genuine choices about their lives. The likelihood of catastrophic events as a result of climate change will create flooding risks and traumatic situations that would not be in the interests of the safety, health and well-being of the community.



At the meeting with the developer and Mr Stark, Mr O'Rourke commented "that people wanted to live north of the Maroochy River and this residential development would achieve that." Frankly, this is not their "call". There are legislated processes that involve genuine community consultation, not confected consultation that targets only a certain component of the community. The development ambitions of this developer (or any other developer for that matter) is not the means by which planning for ecological sustainability for South East Queensland should be undertaken. The whole Planning Process under the Planning Act 2016 and the principles underpinning that Act define how planning is undertaken.

It should be noted that we have no objection to a 'wave pool' per se in the region. However, this is not the right location. We remind the community, the developer and the State that the site proposed for this development is currently zoned rural and is outside both the SCPS Urban Growth Management Boundary and the South East Queensland Regional Plan Urban Footprint Boundary. Furthermore, a large portion of the subject site is mapped as a State Key Resource Area for extractive industries designed to buffer such interests from incompatible land use, particularly residential development. The entire site is also mapped as a flooding and inundation area on the Flood Hazard Overlay.

Additionally, the argument that a 'wave pool' and urban development of up to 1500 Lots are inextricably linked doesn't stack up. There appear to have been other major tourist/entertainment precincts in south-east Queensland, such as Australia Zoo, Dreamworld and Seaworld etc, developed as successful stand-alone enterprises.

We appreciate the difficulties the construction industry is facing owing to the COVID-19 shutdown and are supportive of appropriately approved developments being actioned BUT COVID-19 SHOULD NOT be used as an excuse to allow the development of floodplains which could result in further trauma and unnecessary risk for communities in the future. These areas are already vulnerable. There is plenty of opportunity for activity in the Maroochy CBD and we would encourage construction companies to explore those opportunities.

No proposal for any further residential development on the Maroochy Floodplain should be considered. It is particularly important, given the flood data available and the challenges of climate change that we do not further compromise the flood storage capacity of the Maroochy Floodplain.

Let the floodplains do what they are intended to do and protect our downstream communities by storing floodwaters. The floodplains must be protected and preserved.