

Beattie Government  
Funding Assistance  
for  
Purchase of  
Maleny Parkland

July 2004



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## EXECUTIVE SUMMARY

### Obi Obi Creek Development Site Maleny

Funding assistance is sought from the Beattie Government, in partnership with the Caloundra City Council and the people of Maleny, for the acquisition of a key parcel of land on the bank of Obi Obi Creek. The land is currently intended to be developed into a large supermarket complex; the people of Maleny seek the creation of an environmental park and visitor centre on this important site at the entrance to our town. The developers have indicated that they are willing to sell the land to the community, through the Council, for the creation of a park. Our town has raised significant funds towards purchase, Council are willing to assist, but we need State Government funding to see the park become a reality.

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## PURPOSE OF THE PROPOSAL

The people of Maleny are seeking State Government support for the acquisition of a key property in our Sunshine Coast Hinterland town, in partnership with the Caloundra City Council.

This parcel of land will become a community park which will incorporate a green space on the bank of Obi Obi Creek, the major contributor to the water supply of the Sunshine Coast.

We seek this support on the basis of:

1. Maintaining the water catchment integrity of the region
2. Providing an ongoing model of community engagement between a township, local and State Government
3. Showcasing sound environmental and native vegetation restoration of a central rural town creek site.
4. Avoiding a protracted and divisive anti-development protest campaign
5. Demonstrating community commitment to financial management of the property

*"Our climate, natural attractions and lifestyle combine to create the ideal environment for work and play. However it is our responsibility to ensure that these qualities are preserved for our children and our children's children."*

Deputy Premier & Treasurer Terry Mackenroth 31 May 2004

## THE COMMUNITY'S COMMITMENT

- The Maleny community has voted for buying the site and creating a park.
- The Maleny community will fund a substantial share of the asking price of \$1.89m.
- Caloundra City Council has indicated its willingness to contribute a significant share of the asking price.
- We only seek funding assistance to buy the land. The park development and its ongoing maintenance will be funded by the community.
- Maleny has a proven record in this area: the renowned Mary Cairncross Scenic Reserve, maintained and staffed predominantly by volunteers, is an outstanding example

## COMMUNITY SUPPORT FOR SITE PURCHASE AND PARK DEVELOPMENT

The Maleny community has expressed its desire to:

- buy the site with State Government and Council support, and
- create an environmental showcase on the land.

There are several different measures of community opinion on the issue:-

**(i) Petition supporting the site purchase**

(5,400 signatures on the petition opposing the Cornerstone development, urging Council to buy the land and re-zone it to public parkland. More than half of the signatories live within a 50km radius of Maleny, 11% from within a 50-100km radius and 28% from further afield).

**(ii) The Maleny Chamber of Commerce survey**

(The Chamber has forwarded a submission to Council supporting site acquisition).

**(iii) Woolworths phone survey of Maleny residents**

(99% of respondents in a Woolworths commissioned survey opposed a supermarket development on this site).

**(iv) A town meeting on 22 May**

(98% of meeting attendees voted for site acquisition as their desired outcome).

**(v) Correspondence to Caloundra City Council**

(Correspondence is 23 to 1 in favour of stopping the development and acquiring the site).

**(vi) Letters to Premier Beattie**

(More than 1,000 people have signed letters forwarded to Queensland Premier Peter Beattie; another tray full await delivery).

**(vii) The Local Area Plan and Development Control Plan**

(A highly consultative process over three years, which determined the best outcomes for this site with support from a clear majority of residents – namely open space with a wide riparian buffer zone).

**(viii) City Plan consultation**

(Numerous submissions requested that the remainder of the site be Open Space. Only one submission - from the developer - requested a return to Commercial).

**(ix) The first petition presented to Council**

(Over 1,000 signatures supporting acquisition were gathered in one weekend).

**(x) The ABC web site poll**

(95% wanted the development stopped and the site purchased).

**(xi) Comments from visitors to the site**

(An overwhelming majority of tourists visiting Maleny have indicated their deep concerns with the proposed development and its inevitable negative impact on their rural town experience).

**(xii) Donations of time by volunteers**

(Local residents have donated a staggering 17,000 to 20,000 hours to the community campaign to protect this site. There are 16 action groups comprising over 200 individuals working on this campaign. Many of these are professional who are offering their services pro bono).

**(xiii) Donations towards site purchase**

(Well over 1,000 donations and pledges from visitors, residents, businesses and community groups have been received. Within the Maleny community nearly 300 families and businesses have made significant pledges).

Many protest actions against developments are undertaken by nearby residents who feel a direct impact. The Maleny proposal is backed by a majority of citizens, most of whom are not neighbours of the development site. They are acting for the good of their community, rather than direct benefit for themselves.

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## HOW DOES MALENY TOURISM BENEFIT SOUTH EAST QUEENSLAND'S RURAL ECONOMY ?

- Tourism is the region's biggest employer.
- 64% of visitors to Caloundra City go to Maleny.
- Seven of the Top Ten activities for visitors to Caloundra City are Maleny activities.
- Of visitors to Maleny who stay overnight, 77% use accommodation in beach locations.
- According to recent ABS figures, visiting parks and gardens is Queensland's third most popular recreational activity, involving 43% of the population.
- Maleny, therefore, attracts visitors to the Sunshine Coast and coastal motels, unit owners, restaurants and shops benefit. Accordingly the tourism trade through Maleny creates jobs for South East Queensland.
- The proposed development and the related traffic build-up issues will damage this tourism business.
- The proposed community park and visitor information centre on this site will enhance it.

**Maleny as a key attraction in the region is worth preserving**

## THE PRECEDENCE OF GOVERNMENT ASSISTANCE IN ACQUIRING KEY PROPERTIES

- The precedent of State Governments and Local Councils buying environmentally-sensitive land has already been created.
- Caloundra City Council has indicated that it supports the acquisition of this land but that it is not willing to expend such a large sum in one acquisition.
- The Maleny proposal creates a wonderful precedent for achieving community assets at reduced cost to Government. If in addition to Caloundra City Council, the Queensland Government financially backs this plan, it will send a message to all Queenslanders about the value of community engagement: if you are proactive in giving time, labour and money, we will support you.

## BENEFITS FOR THE REGION

### Water quality

#### Preserving the site as parkland protects the Sunshine Coast's water supply

The land abuts Obi Obi Creek, which risks being contaminated by the proposed Cornerstone development. The Obi Obi flows into Baroon Pocket Dam which is central to the Coast's water catchment.

The Caloundra City Council publication City Living stated on 9 April 2004: "The Council recognises that urban development is putting pressure on natural resources, which adds to council's burden ... to manage urban riparian areas in an holistic way," The article spoke of the risk of untreated car park runoff and said: "The Council is working to protect all waterways, including Obi Obi Creek."

#### The park will assist in dealing with stormwater run-off

Storm water run-off from the town's main street presents an issue which the community will need to deal with in the near future. Treatment of stormwater soon will need to be to "tertiary standard". The most-favoured device for this treatment is a constructed wetland.

A constructed wetland requires a large flat open space, such as 2 & 4 Bunya Street. It also requires impermeable soils or a liner designed for the purpose. There are few other places near Obi Obi Creek where such a treatment device can be built. A device could be constructed and integrated into the proposed park, providing another habitat and possibly an educational tool for schools.

A constructed wetland of this type exists at Croudace Bay within the Lake Macquarie City Council area. That council has published a 28 page education kit to encourage schools to visit the facility to learn about stormwater treatment.

## Traffic Issues - Building a safer community

Maleny already has significant traffic issues along its major thoroughfares. Maple Street, the main street of Maleny is also the state traffic route linking Kenilworth to Landsborough. The proposed development with its 200 car parks, is within 200m of the Maleny State School, and adjacent to the main traffic bridge which does not have bicycle lanes. It would present a significant danger to our children.

A park on the 2 & 4 Bunya Street land represents a traffic-neutral result.

## Community engagement

### A model for Government-community partnership

Supporting the land purchase would demonstrate the Beattie Government's responsiveness to the community.

It creates a model for community engagement. It demonstrates to other communities throughout Queensland that if they are prepared to be proactive in planning, fund-raising and ongoing maintenance of projects, Government will be supportive.

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## Economic/tourism benefits

### Protecting the economic integrity of Maleny

The creation of a visitor information centre and environmental showcase park will:

- Increase tourist visits to Maleny and consequently create jobs where they are desperately needed
- Contribute to the profitability of local businesses in Maleny.
- Ensure local businesses are able to continue to support local sporting groups, community groups and charities.

Maleny's distinct rural character attracts tourists from Brisbane and elsewhere, directly enhancing the Region's economy. Tourism is the greatest generator of jobs and economic benefit in our region.

The Sunshine Coast is more dependent on tourism than any other Queensland region (Tourism Queensland surveys). 20% of all employment in the region is tourism-related. This is the highest proportion of tourism-related employment in Queensland. Maleny is one of the most-visited parts of the Region, attracting more people than the Australia Zoo.

Visitors to Maleny primarily come from South-east Queensland, 60% are day-trippers and 82% arrive by private car. This is relevant to Maleny's concerns about the traffic impacts of the proposed development at the entrance to the town. Visitor books in Maleny confirm that most of our tourists are seeking to escape the congestion and traffic of the city.

Maleny's tourism economy is based on its village character, historic streetscape and green hills backdrop.

Tourists value our rural environment and small town feel

The proposed park and visitor centre has the potential to achieve the following advantages to Maleny's tourism economy and the Region's tourism generally:

- An entrance statement befitting a town that thrives on tourism.
- A tourist attraction in its own right.
- A venue for tourist information, benefiting the whole region.
- An entry point to a proposed environmental walk along Obi Obi Creek.
- The potential to enhance the visitor experience to Mary Cairncross Park through the expansion of local attractions.
- Provide an engaging environmental education facility for the general tourist.

## Environmental benefits

The park will contribute to a "green belt" pathway for wildlife movement along Obi Obi Creek. It would also preserve the platypus habitat which has attracted national media attention.

Installation of a stormwater improvement system utilising a small artificial wetland will significantly improve water quality of Obi Obi Creek downstream of Maleny.

The parkland will preserve the sole remaining bunya tree in Bunya Street, a species which has historical and spiritual significance, particularly for the local Gubbi Gubbi indigenous community.

The park will be a showcase of Government/community management of creeks through towns, highlighting the restoration and conservation of riparian native vegetation.

There is an opportunity to create a learning centre for sustainability – a model for future councils, governments, and communities – and a drawcard for our town.

## FEASIBILITY FOR DEVELOPMENT/MAINTENANCE

### Components of the proposed park

It is envisaged that the park will provide:

1. A refuge, a retreat and sanctuary for locals, visitors and wildlife.
2. A performance space and market place.
3. A corridor for wildlife.
4. A pedestrian walkway from Bunya Street to a planned Obi Obi Creek footbridge. leading to Gardners Falls which could link to the Great Walk (Beattie Government initiative).
5. A history trail (events impacting on the site from pre-history to the present day).
6. An ecologically sustainable open space, to remain in public ownership for posterity.
7. A visitor information and environmental education centre.



## Park development costs

The costs of developing the park will be predominantly met by the community.

Local community organisations such as Barung Landcare, Lake Baroon Catchment Care and Maleny and District Green Hills Fund have indicated that they will be involved.

Commitments of money and time to develop and maintain the park and centre have been received from the community.

## Models for community park developments

The development of community parks of this kind has many precedents throughout Australia. Three examples are:-

- **Ceres Community Environment Park:**  
A 4 ha city farm initiated in 1982 on an old tip site under the jurisdiction of Brunswick Council in Melbourne. The Council has granted a site lease to the community. It is funded through the park's Education Programs, project grants from State and Federal Government, trust funds, sponsors and memberships. Supporters include members, volunteers, philanthropic trusts and government bodies. 60,000 students visit the site each year.
- **Northey Street City Farm:**  
A 3 ha park in Windsor, Brisbane, which has been developing for over 10 years. It benefits from tremendous community input. Brisbane City Council has given 'Support In Kind' through free water, power, excess mulch and tools. It has given Council an ethical place to dispose of excess prunings and organic waste. A formal lease is currently being negotiated.

- **Caboolture Community Garden:**

A 6,000 sq.m. park in Watt Street, Caboolture. Community input has allowed the land to be developed for Council and less slashing is needed than before as much of the area is now covered by productive gardens. The only cost to Council has been \$500 for water to be connected.

## Ongoing maintenance costs

The ongoing maintenance requirements of the park will be met by volunteer labour and income generated from visitors to the park.

There is considerable precedent for this in Maleny. The cost of maintaining community assets in the Maleny region is kept low because of the high level of community spirit and involvement.

A Sponsor A Tree program has been suggested. Sponsors pay the cost of buying and planting a tree with subsequent payments for park maintenance. A plaque honouring the tree's sponsor can be discretely placed by the tree.

## The Visitor Centre

The Malanda Falls Visitor Centre has been examined as a possible model for the Maleny facility. Maleny's site has a similar riverside setting.

Malanda Falls Visitor Centre has a series of interpretive displays, including "The Volcano Room" which presents the geological history of the region, a "Touch 'n Learn" display in the "Rainforest Room", a cultural display by local indigenous people, a pictorial display by a local historical society, a book & video reference library and displays of regional information.

A feasibility study for creation of a Visitor Centre has been developed and is available upon request, as has a detailed draft volunteers' manual for people working in the visitor's centre.

Volunteers operating in our current information booth are delighted with the prospect of working in a centre that is more engaging and worthy of this community.

## Income from the park

The park presents a number of income-earning possibilities:

1. A small public building with visitor information centre and sales of local crafts.
2. Platypus webcam and natural history display – modest entry fee.
3. Naming rights for the visitor centre building.
4. Bus tours to the park.
5. Donations from park visitors.
6. Ongoing contributions from Chamber of Commerce businesses who will directly benefit from the increased tourism trade.

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18 March 2004

The Hon David Kemp  
Minister for the Environment  
c/o Referrals Section (EPBC Act)  
Approvals and Legislation Division  
Environment Australia  
GPO Box 787  
CANBERRA ACT 2601

COMPLETE SUBMISSION: COVERING DOCUMENT & ATTACHMENTS  
BY FAX:

COVERING DOCUMENT BY EMAIL: [epbc.referrals@ea.gov.au](mailto:epbc.referrals@ea.gov.au)

Dear Minister

**Comments on referral under the Environmental Protection and Biodiversity  
Conservation Act 1999 ('EPBC Act')**  
**QUEENSLAND: Ref. No. 2004-1390 – Cornerstone Properties Limited / Urban and  
Commercial - Invitation for Public Comment on Referral**

Thank you for this opportunity to comment on this referral by Cornerstone Properties  
Limited / Urban and Commercial.

The structure of this response is as follows:

1. Synopsis of Submission
2. What is the Action?
3. Legal Mistakes made in Referral
4. Factual Mistakes made in Referral
5. Insufficiency of Information provided by Cornerstone Properties Ltd
6. Nature and Extent of Likely Impacts of the Action
7. Measures Aimed at Avoiding or Reducing Significant Impacts on Matters Protected under the EPBC Act
8. Conclusion & Recommendations
9. List of Attachments

### **1. Synopsis of Submission**

Cornerstone Properties Limited proposes to build a supermarket on a vegetated site bounded by Obi Obi Creek in Maleny. A significant part of the building will be located in the bed of Obi Obi Creek in an area of unconsolidated alluvial fill. This area is subject to frequent floods every year and over three metres of flood water covers part of the building site. During construction all the vegetation, including an important riparian zone and a wildlife habitat corridor, will be removed totally. No effort was made to address the presence of EPBC Act protected species and thus no impact on these species was able to be assessed.

### **2. What is the action?**

Site clearing and building of a supermarket on the banks of the Obi Obi Creek in the town of Maleny. The proposed development is by Cornerstone Properties Ltd (with Woolworths as tenants) on freehold land that is designated as open space in the Development Control Plan (DCP, formulated by Caloundra City Council in consultation with the Maleny Township). The Maleny community had thought that the DCP designation would be incorporated into the new City Plan that is about to come into effect. Under the old Town Plan this land is zoned commercial and is code assessable. The development comprises a supermarket, plant room and loading dock with a total floor area of 2067M<sup>2</sup> as well as an open car park at the front of the site and a lower level undercover car park. Cornerstone Properties put in a development application to Council and it was returned to them by Council with conditions. Cornerstone then took Council to the Planning and Environment Court where Council lost and all conditions were removed.

### **3. Legal Mistakes made in Referral**

The Referral discusses the presence of platypus on the site. The platypus is not a listed species in the EPBC Act and is not relevant to this matter. The inclusion and indeed sole focus on this species in the Referral clearly indicates that the developers have not consulted the Act and are not aware of its parameters.

#### **4. Factual Mistakes made in Referral**

Flora and Fauna on the site:

The Referral describes the vegetation as “regrowth with only a small proportion of trees along the Obi Obi Creek corridor representative of the pre-clearing vegetation”. This is untrue. There is a significant number of native species which exceeds the number of exotic species on the site. **Refer to Attachment A.**

The Referral states that “The riparian vegetation that presently exists along the creek bank adjacent to the site consists of bamboo, grass, weeds and tree species, some of which are shown on the tree survey plan”. This is very misleading. Information supplied by a DNR Inspector defined the creek bank as the upper limit of the flood zone. As such, most of the native vegetation listed in **Attachment A** occurs on the creek bank.

#### **5. Insufficiency of Information provided by Cornerstone Properties Limited**

In the Referral’s description of important features of the project area and the affected area there is insufficient information provided as follows:

(a) Soil: A significant part of the carpark is located on unconsolidated alluvium fill within the Obi Obi Creek bed, (ie, below the floodline). Part of the building is within one metre of the creek bank. The location of the actual creek bank in relation to the proposed building varies in different plans made public by Cornerstone. Either the developers do not know the precise location of the creek bank (ie, they have not accurately surveyed the creek bank) or they have not revealed which plan is correct and what is the true location of the creek bank. As these soils are unconsolidated it is inevitable that damage to the creek bank will occur during operations and afterwards in subsequent flooding.

(b) Water Flows: Frequent flooding of Obi Obi Creek during Summer and Autumn rains results in flooding of the whole area where the proposed carpark is to be situated. This carpark will be under water and inundated for days at a time. The flood flush removal of chemical debris is generally considered to dilute any noxious chemicals. In the case of Obi Obi Creek, all these noxious substances will end up in Baroon Pocket Dam (the principal water catchment for the Sunshine Coast. **See Attachment B**).

(c) Outstanding natural features: The Bunya Pines located on the site are regarded as a major feature of the town landscape. Much of the banks of the Obi Obi Creek in the town itself have been revegetated by townspeople, combined schools’ efforts and local

environmental groups. The integrity of the waterway and riparian corridor is fundamental both to the image of the town and to the natural environment up and down stream from the town.

(d) Kinds of fauna in the area: In the Referral there is a serious and fundamental omission of the species listed in the EPBC Act for Maleny. **See Attachments C & D.** Apart from the threatened species, there is no mention of the rich biodiversity in the area and on the site. The only species discussed in the Referral is the platypus which is not relevant to the EPBC Act. However, the Referral states that there will be “no long term impact [on the platypus] and the animals could re-establish themselves within the bank of the creek adjacent to the site”. This is evidence of a total lack of knowledge or ignorance of the area as the banks adjacent to the site consist of a large rock retaining wall.

(e) Vegetation in the area: As well as many native species on the site (**see Attachments A, C & D**), there are exotic species present. These exotic species cannot be regarded as unimportant as they do constitute important wildlife habitat. The present vegetation also comprises an essential and functioning riparian zone protecting the Obi Obi Creek banks from erosion. The proposed replanting of the site with native species would require ten to fifteen years of growth before was as effective as the current vegetation in consolidating the bank. What happens in the meantime? The Referral also describes most of the vegetation on the site as being ‘regrowth’. In Eastern Australia, particularly in peri-urban areas, all vegetation is regrowth. This regrowth frequently contains exotic species and translocated native species. This does not detract from the vegetation providing good wildlife habitat and an effective riparian zone. The Referral states that the area is ‘heavily infested with bamboo, grass and weeds’. The bamboo is the principal bank stabilizer for the upstream part of the block and its removal will result in severe erosion of the unconsolidated alluvium upon which the building is proposed. The grass and weeds along the bank are a protective covering for the unconsolidated alluvium along the rest of the bank which is regularly under flood waters.

## **6. Nature and extent of the likely impacts of the action**

(a) The members of a listed threatened species: The developer has failed to consult the EPBC list of species for the area in question and their Referral as a result does not reflect what is on the site and cannot therefore determine the nature and extent of the likely impacts of the action. The threatened species which need to be closely looked at are:

- Coxen’s Fig Parrot (recorded on the site)
- Black-breasted Button-Quail
- Mary River Cod (known to be present in the Obi Obi Creek)
- Mary River Tortoise

These are listed (along with other species of flora and fauna present on the site) in **Attachments C & D.**

(b) Members of a listed migratory species or their habitat: There are ten migratory species listed for the area. **See Attachment D.** Four of these have been seen on the site and regularly use the riparian vegetation thereon.

(c) Any clearing on this site will have an enormous impact on the resident threatened species. Obviously the degree of tree and shrub clearing envisaged by the developers will take out the flora almost in its entirety and this will have further impact on the fauna of the site as they will lose their habitat and food sources. Erosive effects on the creek banks and bed along with pollution, effects of ongoing flooding and loss of creek vegetation will impact the aquatic species and others which reside in the creek and banks.

### **7. Measures aimed at avoiding or reducing significant impacts on matters protected under the EPBC Act**

Again the Referral focuses on the platypus which are not relevant to the EPBC Act, but in doing so it does admit the action will damage the creek bank during clearing and construction operations. The developers have made no attempt to survey the site specifically for the presence of EPBC Act-listed species. There are at least 27 present and possibly even more (**see Attachments A, C & D**). Cornerstone's planned removal of vegetation right down to the creek, vegetation comprising the riparian zone and all vegetation on the site itself, can hardly be consistent with any serious or in good faith attempt to reduce significant impacts on threatened species of flora and fauna.

### **8. Conclusions and Recommendations**

We recommend that the proposed action be deemed a controlled action in relation to (1) members of a listed threatened species or their habitats, and (2) members of a listed migratory species or their habitats.

Potential controlling provisions:

(a) ss. 18 and 18A (listed threatened species and ecological communities): for list **see Attachments A, C & D.**

(b) ss. 20 and 20A (listed migratory species): for list **see Attachments C & D.**

We recommend that further information on the impacts of the action on matters of NES is needed. This may be requested under s76 of the EPBC Act. The guidelines on significance have not been addressed in any detail by Cornerstone in their Referral.

We recommend that the level of assessment be an Environment Impact Study. This site is important for itself and also because it comprises part of the waterway that runs into the principal water supply of the whole of the Sunshine Coast in Queensland. Further, it is

part of the Mary River catchment which has a National Action Plan concerning its water quality and salinity.

#### **9. List of Attachments**

- A. Vegetation Assessment for Cornerstone Property Maleny, Report by Mark Russell, Vegetation and Habitat Officer, Barung Landcare Association, Maleny.
- B. Letter from Lake Baroon Catchment Care Group, Maleny.
- C. Flora and Fauna List compiled by Dr Les Hall, Maleny.
- D. EPBC Act Protected Matters Report – Maleny.

We will look forward to hearing from you on this matter and thank you for your consideration of this submission.

Yours Faithfully

Dr Les Hall

Margie Cronin

Dr Les Hall  
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Maleny  
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18-12-03

To the Honourable Dean Wells, Minister for the Environment

**Re: Request for an Interim Conservation Order under s94 of The Nature Conservation Act (Qld)**

An Interim Conservation Order is sought from the Minister to prevent tree clearing and earthworks that are due to commence immediately at the Boxsells site, 2-4 Bunya Street, Maleny where Cornerstone Properties Limited (with Woolworths as tenants) has permission to build a supermarket and carpark.

**The purpose of the Interim Conservation Order is:**

To allow time for a geomorphological assessment of the creek bank that will ensure that part of the proposed building is not located on an alluvium fill within the creek bed.

To permit an evaluation of the possible effects of the proposed construction and associated works on endangered fauna and flora that are known to exist on the site (list attached as Appendix A).

To allow time to investigate the possibility of re-positioning the building and associated works which would allow for an appropriate buffer zone to maintain vegetation along the banks of the creek.

To allow time for a survey of the aquatic fauna and flora in the creek.

**Further notes:**

A major concern is for the preservation and stabilization of the creek bank.

According to approved developer's plans, it is apparent that part of the proposed construction will be located within the creek. Geomorphologically, the permanent bank of Obi Obi Creek is located higher up and approximately 5 to 8m back from what is identified on the developer's plans as the creek bank. The area between the permanent bank and the bank shown on the developer's plans is composed of a residual bed of alluvium fill. This alluvium forms the present physical bank for the creek and within it there are known to be several entrances to what are probably platypus burrows. Platypus burrows average 10m in length and some reach 30m. This would place any burrows well within the building site, which in places is only 3m from the creek. At this time of the year (December) platypus have young in their burrows, and any drilling or earthworks could severely disturb or kill the animals.

Roots from the existing trees consolidate the alluvium bank, provide support for the bank above the water-flow, and provide further habitat within the creek bed itself. Death and removal of these trees would destroy the stability of the bank within the alluvium fill. Proposed replanted vegetation by the developer would take at least 20 years to stabilize the bank, allowing serious erosion to occur during the period of their establishment. This erosion would occur up to the permanent creek bank line and around a large section of the proposed building. Stabilization via the construction of a rock/concrete wall along the bank will be necessary in the future.

Nationally, there has been a call for better care of or waterways and creek banks. There are State and Federal agreements related to conserving riparian vegetation and Caloundra City Council has a By-Law which requires at least a 10m buffer zone of riparian vegetation be left along creek banks by developers. The current development plan does not comply with the spirit of these agreements nor the Council's by-law. The creek is the main source for the Baroon Pocket Dam, which is the major water supply for the Sunshine Coast. Riparian vegetation is important for water quality.

### **Fauna and flora:**

The impact of the development and the importance of the vegetation on the site to threatened fauna and flora has not been assessed. A list of threatened flora and fauna should have been provided to the Planning and Environment Court at the time of court hearings. An extensive list of threatened fauna and flora is known for the site and surrounding area. Action and recovery plans for these threatened species requires that every effort be made to minimise or remove threatening processes. A major and continuing threat identified for all these species is habitat loss.

Of concern is the presence of a large fig tree on the site that is due to be removed. There is a reported sighting of a critically endangered Coxen's Fig Parrot in the fig. The asynchrony of fruiting in figs can lead to these parrots relying on a single fig tree for food for several weeks of the year. Also, recent studies indicate that individual fig trees can serve as focal points for the parrot's social behaviour. At present the fig is not fruiting and further observations are required to establish this tree's importance to Coxen's Fig Parrot.

This fig is located within 10m of the creek bank and every effort should be made to preserve the tree. A suitable buffer zone along the creek would permit its retention.

It is highly likely that additional threatened species, such as butterflies, moths and dragon flies could be found on the site. In addition, no survey was conducted on the aquatic fauna and flora adjacent and downstream from the site. It is important that time is allowed for this to be done.

Yours Sincerely

Dr Les Hall  
(zoologist, formerly CSIRO wildlife scientist  
and lecturer at the University of Queensland)

## **THREATENED FLORA AND FAUNA LIST SPECIES RELEVANT TO BOXSELL'S SITE**

**(DR Les Hall)**

The following list is derived from personal observations (2001 to 2003) and information obtained from reliable sources. Attention is also drawn to species listed in the Fauna Protection Act (1994) and in the Migratory Birds Act and the RAMSAR Agreement to which Australia is a signatory. Data on species from Mary Cairncross Scenic Reserve was obtained from their current management plan.

Inadequate survey techniques (ie lack of seasonal effects, rarity of species) did not establish the presence nor the true nature and possible detrimental impacts that the development could have on threatened species. There appears to be no assessment of the aquatic flora and fauna in the adjacent segment of Obi Obi Creek. This could lead to the omission of a number of threatened invertebrates, particularly butterflies.

### **Threatened species:**

Coxen's Fig Parrot (**Critically Endangered**) *Cyclopsitta diophthalma*

Grey Goshawk (**Rare**) *Accipiter novaehollandiae*

Cascade Treefrog (**Endangered**) *Litoria pearsoniana*

Richmond Birdwing (**Vulnerable**) *Ornithoptera richmondia*

### **Species found on Boxell's site which are listed as "species of special concern and cultural significance" in the Fauna Protection Act (1994):**

Platypus *Ornithorhynchus anatinus*

Echidna *Tachyglossus aculeatus*

### **Threatened species of plants and animals found within 500m downstream of Boxsell's site:**

*Syzygium hodgkinsoniae* (**Vulnerable**)

Lewin's Rail (**Rare**) *Dryolimnas pectoralis*

**Threatened species of plants and animals found in nearby Mary Cairncross Senic Reserve which could reasonably occur in remnant vegetation at and near Boxsell's site:**

*Macadamia ternifolia* (**Vulnerable**)

*Marsdenia coronata* (**Vulnerable**)

*Astromyrtus inophloia* (**Rare**)

*Callerya australis* (**Rare**)

Pouched Frog (**Rare**)      *Assa darlingtoni*

Sooty Owl (**Rare**)      *Tyto tenebricosa*

**Species requiring special protection due to international fauna agreements (Migratory birds, RAMSAR). Two species have been observed at the Boxsell's site:**

Rainbow Bee-eater *Merops ornatus* (could also breed in creek bank)

Cattle Egret *Ardea ibis*

**Species identified in the Local Area Plan for Maleny which was prepared by the Caloundra City Council:**

Gecko (**Rare**)      *Coeranoscincus reticulatys*

Skink (**Rare**) *Ophioscincus truncatus*

Death Adder (**Rare**)      *Acanthophis antarcticus*

Stephen's Banded Snake (**Rare**) *Hoplocephalus stephensi*

Green-thighed Frog (**Rare**)      *Litoria brevipalmata*

Marbled Frogmouth (**Vulnerable**)      *Podargus ocellatus*

Squirrel Glider (**Rare**)      *Petaurus norfolcensis*

Yellow-bellied Glider (**Rare**)      *Petaurus australis*

### **Threatened species found in Obi Obi Creek**

Spiny crayfish (**Rare**)      *Euastacus urospinosus*

Mary River Cod (**Endangered**)      *Maccullochella peelii mariensis*

Snapping Turtle (**Vulnerable**)      *Elseya dentata*

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Your reference: 211518P13  
BNE2003/19517  
B/03/05025  
Our Reference: DLH.kw

2 February 2004

Mr James Purtil  
Director-General  
Environmental Protection Agency  
PO Box 155  
BRISBANE ALBERT STREET QLD 4002

## **Re: Application for Interim Conservation Order – Dr Les Hall**

I act for Dr Hall, who represents a consortium of concerned residents in the Maleny district.

On 18 December 2003, Dr Hall wrote to your Minister seeking an Interim Conservation Order under the *Nature Conservation Act 1992* in relation to the proposed redevelopment of Obi Obi creek by Cornerstone Properties Limited. Pursuant to the Westminster Conventions, you made the decision to decline the request.

I seek a formal outline of your reasons for the decision pursuant to section 32 of the *Judicial Review Act 1992*. In particular, I request you to consider the following specific questions in relation to the decision making process:

- (1) Upon what basis did you inform yourself that the developer has been urged to minimise the impacts of the development on the platypus and the riparian vegetation of Obi Obi Creek?
- (2) Upon what basis did you inform yourself that the developer had contacted Dr Frank Carrick?
- (3) What inquiries, if any, were made to ascertain the concerns of the local residents?

- (4) What consideration and / or weight was given to the fact that residents and expert conservation witnesses have not had a right to be heard because the proposed development is a 'regulated' decision under the *Planning and Environment Act*?
- (5) What consideration and /or weight was given to the list of other endangered species of fauna and flora as outlined in my clients letter?
- (6) What consideration and / or weight was given to the impact of the proposed removal of the large fig tree on the critically endangered Coxen's Fig Parrot?

I await your reply in due course.

Yours sincerely

**KAREN WALTERS**  
**Consultant**

## EDO SUBMISSION – Fauna and flora

The proposed development site and nearby surroundings contains a significant number of endangered species of plants and animals (see attachment). The number of species involved is extremely high for one location – perhaps higher than for any other site in southeast Queensland.

The use of EPA legislation requires a considerable amount of scientific information on the species concerned and the way in which the proposed development/threatening process will impact on the species concerned.

The scientific data required for the species include data on the past and present population numbers, a prediction of the future numbers, what percentage of the population will be affected by the development/threatening process and how the threatening process will impact on the local population. In the case of Coxen's Fig Parrot and most other species on the list, this would be almost impossible to obtain or establish in the present time frame.

My concept is that - to be listed as an endangered species, each animal **has already** received a considerable amount of scientific scrutiny and sufficient data were supplied for each of the species to be listed as endangered (ie went through a scientific panel appraisal). Why do these data need to be repeated or re-established for a court hearing? A major threatening process causing the listing for all species is **loss of habitat**. Action/recovery plans for all the endangered species requires efforts to minimise or eliminate threatening processes.

As a collective of threatened species (landscape approach), the species found at or near the site could be regarded as a community of endangered species which is under threat by the loss of habitat due to the proposed development. All vegetation (including along the creek bank) will be removed. Revegetation is proposed, but the absence of the mature fig tree would impact significantly on the population of the Fig Parrot. The fig tree could possibly represent the parrot's only food supply for several weeks of each year.

The constant erosion of wildlife habitat by human development is a major problem in Australia. Federally, there are calls for us to take better care of our waterways, particularly creek banks. The placement of a large concrete building with associated car park on the banks of Obi Obi Creek, the removal of all existing vegetation from the building site and the lack of consideration for the endangered fauna and flora on the site clearly indicates that this development is environmentally abusive.

## AMELIORATIVE MEASURES

To reduce the threatening process of **habitat loss**, a number of changes to the development plan could be used.

A re-orientation of the building and car park on the site would allow for a 10m buffer zone to be left along the entire creek bank. The vegetation in this buffer should remain untouched and be further enhanced with the planting of additional suitable native vegetation. This would allow for the preservation of the fig tree as a food source for Coxen's Fig Parrot as well as stabilizing the creek bank.

By keeping drilling and foundation placements of buildings at least 10m from the creek would lessen the probability of destroying platypus and their burrows. Burrows are generally less than 10m but can be as long as 30m and contain several entrances and chambers (Ref.). More than one platypus can occupy a burrow at the same time (Ref.). In no circumstances should any creek bank activities be undertaken during the breeding season of the platypus (August to March)(Ref.).

Creek bank stabilization via plant roots lessens the chance of severe bank erosion during flood periods. Killing and removing creek bank vegetation by totally clearing the block (present developers intention) leads directly to bank destabilization and erosion due to water penetration of the bank via dead tree roots and water flow across the bank. Severe bank erosion is likely to occur during flooding and even during minor creek rises.

Tree roots in the bank and in the creek itself provide an essential habitat for aquatic invertebrates, fish and frogs. These animals in turn provide the food for Platypus, Cattle Egret and the Cascade Frog and form principal components of the aquatic fauna which are essential for the health of Obi Obi Creek.

The role that the current vegetation on the site plays in the lifestyle of the other listed fauna is diverse. Echidnas burrow under tree roots and often leave their young in such places. Grey Goshawks roost only in tall vegetation, so removal of trees and replacement with young plants would constitute severe habitat loss.

Additional surveys are necessary to address the other listed threatened fauna found in the area.