



Lyrebird Ridge Road, Springbrook

Our client owned and operated a small eco-tourism facility at Springbrook, and wished to increase its size, extend its hours of operation, and formalise existing infrastructure.

A development application was lodged and approved by Gold Coast City Council, but a local environmental group appealed the decision, citing many potentially significant environmental impacts, including:

- Loss of World Heritage values from adjacent World Heritage properties;
- Loss or significant impact on nationally and state threatened flora;
- Loss of habitat and creation of environmental discontinuities, affecting the movement of significant fauna; and
- Fauna road-kills on adjacent roads caused by an increase in traffic (particularly at night time).

We were engaged by Phillips Fox Lawyers to act as expert witness in the Planning and Environment Court Appeal (376 & 377 of 2003).

Challenges and Solutions

The ecological values of Springbrook are well known, and were reflected in the Gold Coast Planning Scheme landuse designations for the site. Recognising the importance of a pristine environment to his business, our client had expended considerable effort to maintain and improve the site's ecological values. Ironically, the appellant cited these values as roadblocks to the proposed expansion, but failed to accept our client's clear environmental ethos.

We identified core and peripheral ecological issues, and completed detailed assessment to determine the validity of the appellant's claims. For the most part we found that the appellant's concerns significantly overstated the impacts that were likely to arise from the proposed development. A small number of valid concerns were evident, but these could be simply-resolved through non-critical design amendments, and construction phase management.

Outcome

The appeal was resolved through mediation.

CLIENT

PHILLIP FOX LAWYERS

LOCATION

SPRINGBROOK,
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