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Queensland Greens Member for Maiwar



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Development Services
Brisbane City Council

By email: dalodgement@brisbane.qld.gov.au

Objection to Mt Coot-tha Zipline - Application Reference A005011420

I am writing to oppose Brisbane City Council's (BCC's) proposed zipline project at Mt Coot-tha (8, 8B and 10 Sir Samuel Griffith Drive 152, 170 and 200 Mt Coot-tha Road and 407 Chapel Hill Road, Mt Coot-tha Application Reference A005011420 - **the Project**). This reflects the position of the vast majority of the residents I represent in Maiwar and those further afield in Brisbane. I believe this development would be completely inappropriate at Mt Coot-tha for a number of reasons as outlined in the submission below.

Flawed and inadequate consultation

Before addressing substantive issues with the Project, as described in the application material provided on BCC's PD Online website, I will reiterate my deep misgivings about the consultation process undertaken by BCC.

First, as you would be well aware, the 15 business day submission period is the bare minimum BCC could get away with under the Planning Act. The volume of material is substantial, and only 4 weeks ago Cr David McLachlan made clear that even he - Chairman of the BCC Environment, Parks and Sustainability Committee - had not read all the material.¹ Additional material has more recently been added to the PD online portal (specifically, responses to SARA's concerns and Sara's subsequent response). If BCC Councillors aren't willing or able to read the application material for such a significant and contentious development, it is not reasonable to expect the community to do so in the minimal time made available.

I have heard the Lord Mayor respond to this concern with platitudes about the application material being available online since September, but this completely ignores the new material, including a further response from SARA on 6 December 2018 after public consultation had commenced, which colours much of the assessment on issues of the greatest concern to residents. It is particularly galling for residents to be given only the minimum consultation period in the weeks leading up to Christmas - this appears calculated to reduce the efficacy of consultation and minimise feedback.

In addition, despite very clear commitments by Cr McLachlan that a public community meeting would be hosted by Council as an opportunity to have questions answered, this has not been the case. Instead, direct engagement with the community by BCC has been almost non-existent, and the 'information kiosks' held recently have been essentially pointless from the community's perspective. These consultations simply directed those in attendance to make an online submission and complete a survey. The consultants hired by BCC were not able to provide information or answer questions about the Project, and apparently took no

¹ As stated in an interview on ABC Radio program *Focus*, on 16 November 2018, available online: https://abcmedia.akamaized.net/radio/local_brisbane/audio/201811/aak-2018-11-16.mp3

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record of attendance or the variety of concerns raised. The truth is that every single opportunity for consultation has been met with an overwhelming opposition presence.

It is nonsensical and, frankly, offensive for the Lord Mayor to respond to this level of opposition with baseless assertions about supposed misinformation and there being a "silent majority that is very keen to see the Mt Coot-tha Zipline project delivered."² If BCC intends to ignore community opposition to this Project, it should at least do so without relying on a fictitious cheer squad.

Finally, BCC's PD online website, which is the key source of information on the Project, has completely failed in the final days of the submission period - the time when concerned residents need it most. I have been contacted by dozens of residents whose efforts to make a submission have been stifled by the website being inaccessible, and have experienced this same difficulty myself. I have heard from residents who specifically took time off work to prepare a submission today, but can't because they're unable to access the material. Unsurprisingly, others are leaving to go on holidays after school finishes today and won't have an opportunity to finalise a submission for some weeks if this isn't adequately dealt with today.

BCC's attempt at providing a 'workaround' from the PD online homepage directs users straight to the submission page, provides none of the application material required to frame a submission, and includes grave misinformation, indicating that the Project is code assessable (rather than impact assessable)..

In light of the above, I reiterate my call to BCC to extend the notification period until Friday 1 February. Residents should not be expected to rush to make a submission on such a significant project, nor should they be expected to prepare a submission over the Christmas holiday period.

I will address further concerns about the public consultation for the Land Management Plan in a subsequent submission on the LMP.

Impacts on the natural environment

The natural environment is one aspect of the Mt Coot-tha reserve that is most valued by the community in and around Brisbane, and the impacts on the natural environment are key to a vast number of community concerns.

Vegetation clearing

The extensive loss of vegetation on Mt Coot-tha remains a very real concern, despite BCC's representations to SARA that less than the maximum authorised area would be cleared, and SARA's acceptance of this taking account of the proposed conditions.

The survey methodology does not take into account the clearing of trees with diameter of less than 150mm, which undermines any comfort that might be taken from suggestions that only 217 trees will be removed and 186 trees will be 'pruned'. To consider only trees of 150mm diameter or more is arbitrary and it is plainly misleading of the Lord Mayor to state that "[a]round 200 trees in total will be removed for the Mt Coot-tha zipline project".³ In reality, taking into account those mature trees with diameter of 149mm or less, a vastly greater number of trees will be cleared, but the assessment material gives no indication of how many trees will actually be lost.

Powerful Owl

² See twitter comments online at: https://twitter.com/Team_Quirk/status/1073003060681572352.

³ See Brisbane Times article, available online at: <https://www.brisbanetimes.com.au/national/queensland/controversial-mt-coot-tha-project-gets-state-s-zip-of-approval-20181212-p50lv0.html>

The potential impacts on the Powerful Owl - a listed threatened species in Qld - is also of great concern to me and a number of residents. I understand other submissions will be made by individuals with relevant expertise and, while some of the most significant concerns brought to my attention are addressed here, I encourage you to pay particular attention to those submissions and not simply adopt the positive conclusions drawn by BCC's paid consultants.

It appears uncontentious that the breeding pair closest to the treetop canopy zipline has had great breeding success for decades, making it important for the local Powerful Owl population more broadly. As an apex predator, any impacts on the key breeding couple on Mt Coot-tha would have significant flow on effects for the broader ecosystem.

There is legitimate concern that the 100m separation between the treetop canopy zipline and the breeding pair's nest tree (in itself a compromise from an earlier iteration of the proposal) is insufficient to ensure this pair is not impacted negatively. The assessment material in Appendix F considers an example of a similar treetop activity in Cumberland State Forest, where a successful breeding pair moved around the time construction began and the pair was subsequently unable to breed. Whatever uncertainty there is about the causes of the shift or the impact on breeding, both breeding sites were much further from the relevant construction and infrastructure than is proposed in this case.

The adoption of a 100m buffer simply on the basis that BCC has adopted this previously is not a reasonable or rational decision, and the comparison with a 125m buffer between nesting Powerful Owls and a firebreak is baseless - the treetop canopy zipline is clearly a far greater disturbance than a fire break. The impacts of noise and lighting on the breeding pair appears poorly understood and carries real risks for the ongoing success of this breeding pair.

I am deeply disturbed by the reported perspective of Dr Beth Mott, who was consulted on the project, that "they knew asking for anything more than a 100-metre buffer would have been rejected out of hand."⁴ If the experts involved feel in any way pressured by BCC's expectations as to what buffer is manageable from a project perspective, rather than the protection of this listed threatened species, the community can have very little faith in their assessment or the balance of the assessment material paid for by BCC.

The proximity of the treetop canopy zipline to the powerful owls is also unacceptable from the perspective of potential attack by the nesting birds or their offspring.

Koalas

There is concerning inconsistency between the Revised Planning Report and the supporting material, which undermines confidence in any conclusions regarding the potential impacts of the Project on koalas.

The Revised Planning Report concludes that "[t]he proposed development is separated from known and mapped Koala habitat." Yet the Ecological Assessment Report clearly refers to koala sightings and other findings that suggest Koala habitat extends throughout the study area.

"Koala scats were detected in the Study Area within the vicinity of Cloud Station 7 of the Treetop Canopy Tour. It is expected that the Koala may utilise eucalypt forest throughout the entire Study Area. An individual was also observed during tree surveys to inform the VMP along the proposed

⁴ See ABC Report, available online:

<https://mobile.abc.net.au/news/2018-09-05/powerful-owl-attack-risk-prompts-shift-mt-coot-tha-zipline/10201150?pfmredir=sm>

route of the Treetop tour.”⁵

I understand BCC will receive a number of other individual submissions that refer to Koala sightings at various locations around Mt Coot-tha. All this information, along with recent early-stage studies around Mt Coot-tha, makes clear that this is significant koala habitat, but this is not properly reflected in the development application and supporting material.

Impacts on existing amenity and use of summit lookout

There is no plausible way to deny that the proposed launch platform at the summit would impact on the iconic views for which the Mt Coot-tha summit is renowned. This is most succinctly summarised by SARA in its advice of 17 October 2018:

“The statement of significance for the Mount Coot-tha Lookout and Kiosk (QHR 601564) identifies under Criterion A that the Lookout is the *‘best vantage point from which to view the surrounding area since first recorded’*. This location is unique in providing views of the cityscape and the surrounds with a landscape setting as the foreground. The historic views from the Lookout of a green landscape with an expansive city form in the distance **must be retained and should not be compromised through partial clearing and the introduction of new large built form directly in the view line**. The Department of Environment and Science is not supportive of the apparent disruption to the views from the Mount Coot-tha Lookout and Kiosk and recommends the applicant review lowering the lookout platform to reduce the overall height of the structure. **The provision of a new viewing platform as part of the take-off platform is not considered an offset for impacts to the historic vantage point from the Mount Coot-tha Lookout and Kiosk.**”⁶

There is no sensible justification for SARA’s spectacular backflip on this issue, and the alternative conclusion “that the construction of the zipline take off and lookout platform adjacent to the Summit Lookout will not worsen impacts on views currently available from the Summit Lookout.”

SARA’s conclusion is completely at odds with reality, and its earlier advice, and I suspect it is alone with BCC in accepting that a “subdued colour scheme” will ameliorate the impacts of the take off and lookout platform on the view. Not only the platform, but also the six Megaziplines and the patrons on them, will undeniably affect the views from the summit.

The Platform cannot be lowered without having a significantly greater impact on vegetation below the ziplines, and the Project should be refused on this basis alone.

Indigenous cultural heritage and consent of Traditional Owners

Mt Coot-tha is an important Aboriginal cultural heritage site for local Traditional Owners, and First Nations people from as far away as parts of New South Wales. I have deep concerns that this development would cause significant damage to aspects of this cultural heritage.

When asked, Council has been unwilling to share any information about whether Traditional Owners have been consulted, and the outcomes of such discussions. My understanding is that only one group has been consulted. At the community forum I held in September, Traditional Owners said clearly that they have not been consulted about the major impacts this development would have on this important cultural heritage site.

Without adequate consultation of all relevant Traditional Owners, BCC cannot claim to have their consent.

⁵ Appendix E, page 29.

⁶ **Emphasis added.**

Traffic and car parking impacts

The Project raises a number of traffic concerns, particularly in relation to parking at the summit lookout. There is already a shortage of car parking to cater for current patronage at the summit lookout, and the Project would only exacerbate this existing problem by removing a significant number of these car parks. This is a further example of local amenity and use of the existing facilities at Mt Coot-tha being negatively impacted for the benefit of a for-profit tourism operator.

I understand BCC will receive a submission from a highly credentialed traffic engineering expert that addresses various traffic and parking issues at the summit, and other issues including the lack of adequate traffic studies to establish satisfactory baseline knowledge and concerns about the traffic and parking arrangements at the proposed visitor centre.

Noise and light

The acoustic assessment is almost entirely focussed on the noise impacts at sensitive receptors. While the impacts at sensitive receptors are important, and may be worse than modelled if the modelling assumptions are incorrect, the impacts on the immediately adjacent acoustic environment are far greater and almost completely ignored in the acoustic assessment. These impacts are of real concern for the existing users of the Botanic Gardens and the walking trails closest to the ziplines.

Changes in the natural lighting and noise levels, however minimal they are claimed to be, will permanently and adversely alter the nearby ecosystems.

Inconsistent use under DOGIT and privatisation of public space

The fundamental objection at the core of this issue is that a cherished communal, shared green space will become a privatised commercial venture - a shift that will change the inherent character of the Mountain and the Botanic Gardens. The Project is almost entirely located on Lot 2 on SP241566, which is held by BCC under deed of grant in trust (**DOGIT**) issued by the Queensland Government for exclusive use as a 'public park and for no other purpose whatsoever'.

DOGIT Land is regulated under Chapter 3, Part 1 of the Land Act 1994, the purpose of which is to ensure that:

- "land granted in trust [is] properly and effectively managed... in a way that is consistent with the purpose for which... the land was granted in trust"; and
- "the community purpose for which... the land was granted in trust is not diminished by granting inappropriate interests over the... land granted in trust".⁷

There is no question that the proposed use of the Mt Coot-tha reserve for the Project is inconsistent with the purpose for which the land was granted to BCC under the DOGIT (i.e. for use as a 'public park and for no other purpose whatsoever'). This was recently confirmed by the Minister for Natural Resources, Mines and Energy in an answer to a question on notice in which he stated "[t]he department has concluded the proposed use of DOGIT land for the council's Mount Coot-tha zipline would be inconsistent with the purpose of the grant of the site for a public park."⁸

⁷ *Land Act 1994* (Qld), s30.

⁸ Question on Notice No. 1524, asked on Tuesday, 30 October 2018. Available online at: <https://www.parliament.qld.gov.au/documents/tableOffice/questionsAnswers/2018/1524-2018.pdf>

As a consequence, the Minister's approval is required for an "amendment for an additional community purpose to the DOGIT land."⁹ These issues are relevant primarily to the Minister's consideration of the anticipated application for a secondary inconsistent use, and are not considered in detail here.

To summarise briefly, various aspects of the relevant Operational Policy¹⁰ pertain to the Project and do not support this secondary use, including the commercial nature of the proposed operation and the impacts of the Project on public access. The clearest indication that this proposed inconsistent use on Mt Coot-tha should not be allowed is at page 22 of the Operational Policy, which identifies "Tourist operation business" as one in a category of "Inconsistent uses NOT supported".

Impacts on Botanic Gardens

The well-loved Botanic Gardens are also likely to be significantly impacted by the Project. I have spoken to a number of past and current volunteer guides and welcomers at the Botanic Gardens, all of whom are vehemently opposed to the project and concerned about its impacts on the Botanic Gardens.

The proposed route of the Megaziplines over the lake and the location of the landing platform in the Australian precinct is of grave concern. This is an area of the gardens that has traditionally been managed as a tranquil space for quiet reflection and enjoyment, and the BCC's amendment of the master plan earlier this year, to simply shoehorn the zipline into it, is seen as cynical and inappropriate.

Volunteers and locals have raised concerns about the loss of visual amenity and vegetation at the landing platform, including some of the largest trees in the Botanic Gardens, and the impacts of noise on this currently quiet space.

Additionally, regarding the Australian Precinct and internal roads at the Botanic Gardens more broadly, the likely impacts of traffic are poorly understood. I understand BCC will receive submissions from an expert traffic engineer to the effect that the traffic report included in the development application has not examined the impact of the Project. In fact, the additional Zip Line traffic is likely to destroy the quiet enjoyment and safety of the visitors to the Botanic Gardens.

I am aware of no other example in the world where a zipline lands in a Botanic Garden. Yet again, local amenity and use of the existing facilities at the Botanic Gardens would be negatively impacted for the benefit of a for-profit tourism operator.

Biased economic analysis and overstated economic benefits

The economic analysis included at Appendix K of the assessment material includes a Cost Benefit Analysis (CBA), which purports to demonstrate a net benefit of \$112 million over the next 30 years, at best - approximately \$3.7 million per year (at net present value) is the best case scenario, and alternative calculations put the benefit as low as \$1.5 million annually (\$46 million over 30 years) under different assumptions.

⁹ Question on Notice No. 1524, asked on Tuesday, 30 October 2018. Available online at: <https://www.parliament.qld.gov.au/documents/tableOffice/questionsAnswers/2018/1524-2018.pdf>. An application for an additional community purpose can be made under s38A of the *Land Act 1994* (Qld).

¹⁰ The primary source of guidance in relation to the types and scale of any secondary use that can be undertaken over Trust land, including DOGIT land, is the Department's *Operational policy of Secondary use of Trust land under the Land Act* (**Operational Policy**). The purpose of the Operational Policy is to "clearly define the circumstances in which secondary uses of trust land will be allowed and existing uses managed. It also provides for when inconsistent uses with the purpose of the trust land under section 52(3) of the (Land Act) will be allowed." Version 6.00, dated 2 May 2017, is available online at: https://www.dnrm.qld.gov.au/%3Fa%3D109113:policy_registry/secondary-use-of-trust-land.pdf

The CBA factors into this analysis a variety of “direct benefits” and “intangible benefits” but takes account of only the capital and operational costs, **completely ignoring costs to the community.**

By way of example, the CBA states “there is considerable evidence to suggest that there is a benefit to those who are ‘preserving the option to use the ecotourism attraction in the future’ and/or a perceived value / significance for people in having these eco-tourism attractions, even if they never intend to use them”. These so-called “existence and option benefits” have been attributed a supposedly ‘conservative’ value of at least \$60,000,000 - **more than half the amount of actual revenue expected to be recovered from fee paying customers.**

Other “intangible” benefits factored into the analysis include “additional excursion opportunities for schools”, “improvements to safety in the area”, “improved quality of life through increased physical activity” and “improved self-esteem associated with employment opportunities”. It is, quite frankly, absurd and misleading for an economic analysis to take account of this kind of supposed benefit, while considering precisely none of the cost to the community - tangible or intangible. There are myriad economic assessment tools to take into account and value the loss of amenity for Brisbane residents, and to factor in the opportunity cost associated with this project.

Council cannot, in good conscience, rely on the overstated benefits asserted in this CBA. By attributing such a high value - more than ¼ of the total dollar benefit supposed to be derived from the project - to the existence and option benefits, and excluding consideration of any costs other than capital and operational costs, BCC’s CBA is deliberately misleading.

The Economic Impact Analysis (**EIA**) is equally optimistic and opaque. The assumptions set out in the Appendix to the EIA include assumptions about visitor numbers, which appear to be nothing more than assertions made by Zipline Australia, include an assumption of 1000 visitors per day and that this will continue to grow beyond 2023. Notably, Zipline Australia appears to have provided significantly different figures for other parts of the assessment, for example the Visual Impact Assessment, which presumes an average of only 330 visitors to the Scenic Zipline.¹¹

These figures and assumptions Provided by Zipline Australia aren’t sufficiently independent to be relied on, and have no apparent basis in reality. This is reflected in the caveat included at the end of the EIA by the consultant, SGS:

SGS has relied on estimates provided by Zipline Australia for visitation, visitor spending and development costs. Apart from a high level ‘sense check’, checking estimates against previous experience, SGS has not undertaken a detailed review of these estimates for their veracity.

Additionally, and in spite of all these issues, the asserted benefits are predominantly intended to flow to the operator (a private company), and any benefit to the community is piddling in the context of BCC’s \$3.1 billion budget.

Conclusion

Ultimately I believe this Project was ill-conceived from the very beginning - Mt Coot-tha is not an appropriate location for such a development.

¹¹ Appendix O, Part 1, page 23, paragraph 65 states: “According to Zipline Australia, it is expected that there would be an average of 330 visitors per day on the Scenic Zipline, increasing to 800-1,000 per day during peak periods.”

As the local member for Maiwar, this development has naturally been in my orbit for more than a year. I have met with hundreds of locals to discuss it, as well as hosted forums, met with the decision makers and talked about it in Parliament. The community has come together to oppose this development like no other I have seen in this area.

I cannot overstate the degree of concern and opposition to this Project in the community. I urge you to reflect on the extraordinary outpouring of opposition and reconsider your approach to the management and preservation of Mt Coot-tha.

Kind regards,

A handwritten signature in black ink, appearing to read 'M Berkman', with a long horizontal flourish extending to the right.

Michael Berkman MP