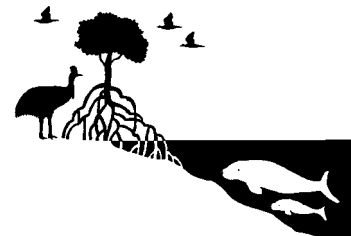


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EDO Alert! Case against Reef Cove Resort, False Cape

CAFNEC & Save our Slopes v Reef Cove Resort Pty Ltd & Cairns City Council

The EDO-NQ has lodged an application in the Planning and Environment Court in Cairns on behalf of the Cairns and Far North Environment Centre (CAFNEC) and Save our Slopes (SOS) against approvals granted to Reef Cove Resort. Cairns City Council have given Reef Cove Resort a development approval and limited operational works approval for a subdivision of 102 residential lots, 20 other lots including areas for a resort hotel, townhouses, and resort village infrastructure. When completed the site will accommodate around 1500 people on 40.6 hectares. At present, the area is largely undeveloped and contains a number of unique vegetation communities and endangered species.

What is the case about?

CAFNEC and SOS seek declarations from the Court that the development approval for the reconfiguration of the lot and operational works approval are invalid. They will argue that Cairns City Council failed to refuse the development approval despite significant conflicts with the Hillslopes Development Control Plan (Hillslopes DCP) and the Strategic Plan of the transitional Cairns Planning Scheme. In particular, the Hillslopes DCP requires the developer to identify at the outset areas unsuitable for development because of slope stability. Significant areas of the development are to be constructed on slopes greater than 1 in 3 in conflict with the Hillslope DCP. CAFNEC and SOS will also argue that the Cairns City Council made an error by regarding itself as bound to approve the application because of previous rezoning of the area to Special Facilities Zoning despite the conflict with the Hillslopes DCP and Planning Scheme.

What is the Environmental Significance of this Case?

The False Cape area forms part of a green mountainous backdrop to Cairns itself. It borders two World Heritage areas: the Great Barrier Reef and Wet Tropics of Queensland. False Cape is one of the main vantage points from Cairns to the Great Barrier Reef with large numbers of tourists passing beside it each day on their way from Cairns to the Great Barrier Reef. CAFNEC and SOS are concerned that the development will have an adverse impact on the visual amenity of the area. The development is also on steep slopes that contain a number of large boulders raising significant concerns about the safety of the development.

What has happened to date?

Reef Cove Resort Pty Ltd has applied to strike out part of the case on the basis that it seeks to review the merits of the decision. They have also objected to SOS and CAFNEC calling expert witnesses in support of the case and have denied them access to the site. The strike out was heard in March 2006 and judgment is expected in late May 2006. The hearing of the final case is scheduled for 7-9 August 2006 in Cairns.

For more information, contact Kirsty Ruddock at EDO-NQ on (07) 4031 4766.

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