

Newsletter.....November, 2015

Gillion Pty. Ltd. (Power Pde) – commercial water extraction

After a long incubation period when nothing was happening, TMPA and 104 resident co-Respondents finally received notice that Mrs. Gill (the developer) was proceeding with her Appeal in the Planning & Environment Court against Council's refusal of her second go for development approval of commercial water extraction in quiet residential leafy Power Parade.

Together with the Eagle Heights Village Association, we are supporting Council in its tortuous struggle to wind up this never ending saga. Jennifer wrote to the CEO (10/10) pointing this out and suggested we would like to work collaboratively and co-operatively with Council's legal team to achieve the best possible result & to avoid inadvertent conflicts. So far no reply has been received.

Whilst we will be relying on some independent legal advice, four individuals will be representing the residents - Jeanette Lockey, Jennifer Peat, Stuart Wright & Wendy Allender.

A Directions Hearing was held on 16th October, which basically sets out the programme for the course of the Appeal. Dates were set for provision of Further & Better Particulars (Appellant), revised grounds for approval (Council), documents for disclosure, inspections to be completed and notification of each party's list of experts. A without prejudice conference (each party) is set for 2nd December, with an appeal listed for further review on 9th December. So far this timetable is running late.

.Gillion is offering to pay for an upgrade of the Geissmann Drive/Eagle Heights intersection that Dept. of Main Roads did not require this time around. Also, Gillion is buying Trevor Hale's property on Curtis Road where Gillion has been collecting water since it was stopped at Power Parade, though not at a rate of four tanker loads per day. This property has a permit for only one tanker load per day plus local deliveries, so one way or another Mrs. Gill intends to keep her business operating on the mountain.

On Saturday, 14th Nov., it was reported that bore sinking machinery was spotted at this Curtis Road site. Gillion commercial water extraction is in there for the long term.

If approved, the Gillion haul route will probably remain the same (Oxenford road, through Gallery Walk). However, tanker problems on all our roads are still causing concern. On Monday morning, 23/11, a fully laden tanker took 25 minutes to descend Henri Robert Drive, 8 k p h, with more than twenty cars lined up behind. Reports like this keep coming in. People should contact the Dept. of Main Roads, Nerang.

Investigating our aquifer.... Following upon meetings held with representatives of the Director General on behalf of the Minister for Natural Resources, DNRM initiated an independent peer review of the 2011 QUT water report. Concerns had been raised about the validity of the recent science, in particular some of the assumptions underpinning this report which was titled "Groundwater Investigation, Tamborine Mountain in partnership with the Tamborine Mountain Groundwater Investigation Group". This peer review has now been completed and senior departmental management is currently being briefed and available options considered. Subject to senior management approval, Departmental staff will update the local community in coming weeks.

and more on our water.... At the end of last year a number of residents set up a 24/7 tanker watch through the Geissmann Dr. /Eagle Heights Rd. intersection for a month. Videos and photographs showed that apparently more water was taken off the mountain than was permitted in the conditioning by Council.

As Council does not listen to us (we just pay them their wages), pressure from Cr. Nigel, eventually did get some results. It would seem Council did its own monitoring & then issued a Show Cause to the Holt Road operator. (This is the business which has supplied Gillion with water since Power Parade was closed down.) It seems the Show Cause Notice did not work, so an Enforcement Notice was issued.

On 20th November, the Holt Road operator, Alan Robert, filed an Appeal against Council's Enforcement Order "which alleges that development offences have been committed/are being committed in respect of the operation of a Minor Public Utility (Water supplier)" from this site. It will be interesting to see how the Court defines "Minor Public Utility".

Guanaba Experience development

On 28th September TMPA filed a Notice of Appeal in the Planning and Environment Court against Council's approval of the extreme sports Guanaba Experience development application on 500 acres of Tamborine Mountain's eastern escarpment.

Mountain residents had strongly objected to this wholly inappropriate proposed development. Council received 566 Properly Made Submissions from Tamborine Mountain residents, whilst 21 mountain residents supported the venture. Most of the developer's support was off the mountain and overseas, much on Facebook.

TMPA and the Guanaba group received hundreds of messages of support for an Appeal, with over 200 residents supplying written support for such action. Well done, everyone.

Council duly filed an Entry of Appearance in court and soon after, the Chief Executive administering the Sustainable Planning Act, 2009 joined in as Co-Respondent by Election. We understand this latter addition is really unusual.

This representation stems from a newly formed department (2013) – State Assessment and Referral Agency (SARA). As a Concurrence Agency, SARA had ticked off the development application, with conditions. Our view is the decision was taken without in depth consideration.

SARA has limited jurisdiction and in our case this covers State controlled roads and remnant vegetation. It is difficult to believe that anyone did a serious site inspection considering how difficult and dangerous it is to exit to the right the Guanaba/ Kaiser Roads junction with the blind curve on the left carrying fast moving traffic. Even with corner clearance, this would still be a dangerous exit. Reliance was placed on input from Dept. of Main Roads which would explain a shallow decision (*ref. road mess at North Tamborine where many DTMR guidelines were ignored.*)

As for remnant vegetation, it staggers belief that the D A could have been ticked off (by SARA) suggesting this department did not do an in depth assessment of the very serious potential for damage to the valuable Guanaba biodiversity. Many species here are vulnerable or threatened. It is home to koalas, lyrebirds and a great many more creatures, including the beautiful Richmond birdwing butterfly. .

The Chenowith and Watson Reports clearly describe the gorge as deep and forbidding, including substantial areas of subtropical rainforest along the creek and at high elevation. Both reports were compiled following a long history of efforts by many people to preserve the natural environment here, with the escarpment estimated to represent 80% of the flora and fauna of the Gold Coast region.

Our DCP states that "*development within the designation (Escarpment Protection Area) will be limited to encourage its retention for conservation corridors and fauna and flora habitat. Any development that does occur shall have minimal potential for environmental impact on ecologically sensitive areas.*".

The original D A has twenty six kilometers of bicycle tracks and another sixteen kilometers for 4 WD's. These cover the whole 500 acres. With regulations stipulating path widths of 6 to 10 meters for these downhill tracks promising exhilarating thrills & spills, one would wonder just what self respecting creature would remain in the area. A comprehensive ecological assessment as required by Council's Planning Scheme has not been made and there is a lack of information from the developer

Considering the diversity of subjects SARA has to deal with, it is not surprising an in-depth analysis appears not to have been done. (They also deal with Tourism, Major Events, Small Business & Cwlth Games.)

So did SARA's approval of a very limited area lead Council to approve an application with so many breaches of the Planning Scheme? That so many conflicts existed was confirmed in the May report to Council which in the long run recommending approval. In an apparent pre-determined decision to approve, these conflicts were then addressed by a large number of "conditions". So many in fact, that one Councillor was heard to comment that "they've just conditioned this development out of existence".

SARA's jurisdiction is limited. However, it is Council that is expected to consider the proposal in its totality.

Now the Guanaba Experience developer (Jim Noort) has complicated matters by self-referring the development to the Federal Department of Environment (EPBC), 19th October. This is basically to free up the development from potential conditioning from a Federal agency. A problem arises in that the material sent to the Fed. Dept. differs from that Council approved. Clarification is being sought.

To counter this, very substantial response submissions were then compiled by a number of individuals as well as TMPA. The opportunity was taken to refer this material to the Dept. of Local Govt., Premier and Dept. for Environment. (*see attached TMPA Biodiversity submission*)

The developer's self-referred submission to the Federal Dept. of Environment showed a reduced level of activities planned for the site. The developer still has not bought the site, at \$1.6 m, and has monthly expenses retaining his interest. With all facilities available on the mountain or close by (some free), residents are fearful that a failed venture, with rezoning approval could lead to something even worse.

Hyacinth - again! On 19th October Hyacinth Developments Pty. Ltd. filed a Damages Claim against SRRC in the Supreme Court. For details of this very interesting saga, refer to TMPA's website, www.tamborinemountainprogressassociation.com at Battles/Hyacinth. Guaranteed riveting entertainment to replace a dull night on television.

Mavoralty.... Much interest is being generated by a new candidate for this position in the coming March 2016 elections. As published in the local papers, Greg Christensen has an impressive background in broad business leadership, with strong skills and perspectives for a fresh approach to the office of Mayor.

At a TMPA meeting, Mr. Christensen showed he had the welfare of the region at heart, both environmentally and economically. Unlike the current long term Mayor, he does not have a long established local government support cluster, and this is considered a major plus. See his website for more information www.gregforscenicrim.com

Mr. Christensen will be guest speaker at the Scenic Rim Rate Payers' Association General Meeting next Monday night, 30th Nov. .Venue: Logan & Albert Hotel, Beaudesert, 7.00 pm.

Planning Schemes update..... The State Government is continuing to review the Planning Schemes at State and Local Government levels. This is following on from the Draft Planning Scheme for Scenic Rim

which was released last year. Two forums on Tamborine Mountain were held in November. The changed compilation of these schemes which directly affect the lifestyles of residents is of concern. The process has become top heavy with government broad objectives being imposed downwards. Local “consultations” at the tail end scarcely inject broad community aspirations. Who in the local community would be drawn to attend a planning forum?

TMPA’s letter to the Minister for Local Government outlining how our unique mountain character does not fit a simple stereotype mould and the reply is attached.

Nature Conservation & Other Legislation Amendment Bill 2015... At the end of 2013 the Newman Government amended the Nature Conservation Act, removing its cardinal principle, the preservation of nature. In considering development applications for previously protected lands, the values of the environment now had to compete with business and other interests. With financial gain now a powerful incentive, together with high financial backing, nature looked forward to a bleak future indeed.

About the same time as these amendments took place a new department, SARA, was established. (See Guanaba Experience report above). The path was open to all sorts of developments in sensitive places, including gung-ho, yahoo ones.

The State Government is seeking to reinstate protection for parks, hence the new bill. The Bill seeks to reinstate “the conservation of nature” as the sole object of the Nature Conservation Act 1992 so that the preservation of the natural condition of national parks will take precedence over other objectives. This is good news for our National Park and as a flow on, for our Conservation area.

During a recent visit to some of Alaska’s national parks, the high level of protection afforded these national treasures under the U.S. Wilderness Act, 1964, was impressive. There are lessons for us here.

Website..... As mentioned above, the history of Guanaba Gorge is up on the website at History/Guanaba Gorge. It was of surprise to find that attempts to preserve this unique piece of nature go back as far as 1924. An article in that year published by Beaudesert Times reveals that people with vision in those early days tried to have it declared a National Park but unfortunately this did not eventuate.

The website has had a variety of contact emails. These range from people asking about their new surroundings here, to requests for information from our historic past. These have been pretty straight forward - until recently.

The Guanaba Experience proposed development has opened up a whole new set of communications. In the past week, TMPA’s website received a message from a New Zealand group who are similarly fighting off an inappropriate development application in a declared protected area. This group was understandably disturbed by a disgusting & insulting email from a Jim Noort posted on their website. So much so, they investigated & eventually found us. Jim Noort is, of course, the Guanaba developer. The email can’t be attached, but suffice to say it contained all the extreme expletives.

Jim Noort has had a Facebook site on which offensive messages about mountain residents have been posted. Many Guanaba residents feel seriously threatened. So it was not surprising to open some pretty disgusting email from Noort’s supporters on the TMPA website. This sounds like a ripe bunch to be embedded on our doorstep!.

We are all looking forward to a bit of a break over Christmas, but so far this seems unlikely.

Jeanette