

## **Newsletter.....December, 2016**

The two Appeals - Guanaba Experience (sporting development application on the eastern escarpment) and Gillion Pty. Ltd. (Power Pde. commercial water extraction development application) – have continued to dominate TMPA's activities throughout 2016. Whilst our Court appearances this year have been minimal, there nevertheless was the need to peruse and discuss the continuous variations to Court procedures, numerous reports by experts, joint reports by experts, exchange of documents and other such matters.

With the regular bobbing up of the two cases, the difficulty has been to quickly identify which Appeal one was working on.

### **Guanaba Experience development**

Since Mr. Noort self-referred his development proposal to the Federal Department of Environment (EPBC) December 2015, most of this year has dealt with this part of the proposed project. This is quite separate from the Appeal lodged by TMPA (September, 2015) against Council's approval of a larger version of the development application.

Tracking this interchange with EPBC has occupied a lot of the Guanaba group's time. In July, 54 submissions by 68 people were made to the Federal Department of Environment (EPBC) setting out strong reasons why this enterprise should be rejected. To keep the Feds aware that there is a large number of concerned residents, a Petition with 922 signatures was forwarded to the Standing Committee on Petitions in Canberra. A copy was sent direct to the Federal Minister for the Environment, the Hon. Josh Frydenberg, MP. The Petition was subsequently accepted by Parliament and has been entered into Hansard. This was a monumental effort considering the need for original signatures. Good work by all the many people involved.

To further reinforce mountain concerns, over 430 postcards were sent to the Minister. These featured beautiful individual photos of birds and wildlife encountered in the Guanaba region. Personnel in his Department could not help but be impressed with these eye catching cards. Again - more evidence of Tamborine Mountain's residents "having their voices heard" (a quote from an earlier Court Appeal).

On 11th November, the Federal Department of Environment (EPBC) formally approved the proposal to construct an outdoor recreation facility and camping ground on Tamborine Mountain (Guanaba Experience), but with conditions.

The reasons for approval have so far not been sighted. With such a wealth of reasons why the project could and should have been refused, these should make interesting reading.

However, the conditions set by (EPBC) for carrying out an updated Conservation Management Plan (also not sighted) will take the gloss off Mr. Noort's proposed activities. This approved Conservation Management Plan must be published by Mr. Noort by 11th December.

Overseeing compliance with the set conditions will be the Post Approvals Section of the Federal Department of Environment (EPBC).

Mr. Noort is required to avoid all but 0.046 hectares of Lowland Rainforest, and associated EPBC-listed flora species, and to see that direct impacts to the Koala are kept to 5.7 hectares across the site. At least Koalas are receiving some protection, that is, if they can read maps. Not sure about the flora species surviving in fragmented forest areas though.

Also, no domestic dogs are allowed on site and there is a maximum vehicle speed limit of 40 km/h. It would appear the 22o gradient in bush land from Guanaba Road to the valley floor was not considered.

It looks like Mr. Noort will be kept busy. He has to keep accurate records which are available on request and may be subject to audits and publication in the general media. He has to publish an Annual Environmental Report within three months of each anniversary and this is to be shown on his website. The Reports are to remain on the website for the period the approval has effect.

So now (December) we get back to the TMPA Appeal in the (Qld) Planning and Environment Court. Our six experts have indicated they are still available. Good news.

The problem now is that the development application Mr. Noort presented to Council is different from that approved by the Federal Department of Environment (EPBC).

All parties attended a Court hearing at Roma Street on 25th November where an agreed Order of proceedings was formalized. Mr. Noort applied to the Court to declare that his modified development application, as presented to the Federal Department of Environment (EPBC) is a “minor change” from the plan approved by Council. By 16th December, Mr. Noort has to provide material to support this application. Responses by other parties are to be made by 25th January, and on 9th February the judge will review the application and decide whether or not the changes are indeed “minor”.

The proposed “minor changes” have to be relative to the original, publicly-advertised development application of June, 2014. The test here is that if a reasonable person had known of such proposed changes at the time of objecting to the original development application, would this have affected the response.

If the judge decides the application is not “minor”, Mr. Noort will have to put in a fresh development application to Council - that is if he is still inclined to do so.

Meanwhile the four page plus Order of proposed Appeal related events ends with the Appeal hearing being allocated seven days in the June, 2017 Sittings.

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

Many people across the mountain are expressing astonishment that this case is still going strong. Mrs. Gill has been pursuing the Power Parade issue since 2008.

The first round in Court saw commercial water extraction on Power Parade declared unlawful, adding a requirement for the developer to submit a development application for this activity to Council. This was done but the application was refused. Gillion’s Appeal to the Planning & Environment Court against Council’s refusal was subsequently dismissed, mainly on planning grounds. It then went on to the Supreme Court, which upheld the P & E Court’s decision. Gillion stopped pumping at Power Parade in April, 2014.

As lawfully permitted (within 12 months), Mrs. Gill then submitted basically the same Development Application to Council, this time claiming an economic need strong enough to over ride the Planning Scheme. These proceedings occupied the rest of 2014 and 2015. .

This year, there have been various court appearances, compilation of reports, joint experts’ reports, exchange of documents, etc. – enough to make sure we were not just sitting around in 2016 either.

The latest activity has been the compilation of expert and lay witness Statements due 2nd December. To add to what the lawyers come up with, Statements have been prepared and lodged by representatives of the four groups the 106 resident Co-Respondents were divided into. These Statements delved into the Gillion Economic Needs reports and listed items of concern.

Further Court hearings are scheduled for January and the Appeal has been allocated a five day hearing in the February sittings.

### Other water issues

Why should we be concerned about the state of our aquifer?

Without reticulated water, all residents in our community are required to have tanks to store rainwater. Whilst many people have private bores from which they can top up a water supply for certain domestic purposes, the majority of the 7,000 population depends solely on rain water. Many larger families, particularly those with children, tend to run out of water, especially in dry periods.

We have been experiencing one such dry period, and several days ago one resident reported that the local carrier bringing her top-up water was on his twentieth trip for that day – with more to be fulfilled.

This top-up water is supplied by our two local carriers and is sourced from our aquifer, the state of which is unknown. **The aquifer is an essential lifeline for the residents of the mountain.** We need to know if it is in good health.

Unsurprisingly, concerns have been voiced for several decades that large commercial extractors have been transporting apparently very large quantities of aquifer water for off-mountain sales. A 24/7 watch by residents over one week late 2013 counted eighty seven 28,000 litre tanker loads leaving the mountain..

For some perspective, Gillion was extracting from the Power Parade site an estimated 2.9 acre lake of water one meter deep per year.

Contacts with State and Federal departments over the years have failed to interest anyone.

The most recent sequence of talks and correspondence to the Minister for Natural Resources and his representatives have failed to move anywhere except to maintain the “status quo” (Minister).

The water group has doggedly continued its quest to establish firm scientific data from which a water management plan can be compiled. Whilst the Dept. for Natural Resources is not helping here as we had hoped, we have had other offers of assistance from concerned people. One is the water expert we have used in previous cases and recently an academic from Griffith University and her PhD student offered help. Whilst earlier research produced data of only a general nature, we hope to obtain a more comprehensive scientific analysis of our aquifer as a starting point for seeking protection for our vital water resource.

The professor from Griffith estimates that about \$120,000 is needed here, and there is some indication Council might consider providing a portion of these expenses.

### South East Queensland Regional Plan

Now that the State Government has released its Draft SEQ Regional Plan, it has been encouraging people to visit its website [Department of Infrastructure, Local Government and Planning](http://www.dia.qld.gov.au/Department_of_Infrastructure,_Local_Government_and_Planning) to have their say about the future of South East Queensland. If you are concerned to protect our livability, sustainability and quality of life, visit [qld.gov.au/ShapingSEQ](http://qld.gov.au/ShapingSEQ) to view the plan and make a submission. Information sessions are being held across the region and TMPA members will attend one in Beaudesert on 6th December.

### Other happenings

A six metre high illuminated sign associated with the upgrading of the service station was recently passed by Council. As most people were happy with a facelift for this outlet, no one anticipated that Council could make such a crass decision to allow such a height. Our two local representatives were prepared to accept the compromise of four metres, but this was not accepted. Even this is too high and unnecessary. Worse, a 5/2 decision against our Councillors knocked out a fair amount of goodwill people were prepared to extend to our new Council. A common response heard around the traps has been “here we go again”.

We have one service station. It is located prominently on the corner of the most trafficked node on the mountain. You can't miss it. If locals need petrol, the 2 meter sign serves adequately as a price alert. If visitors need petrol, they can't miss it. That's it.

The sky high sign presents little or no advantage to the service station. It is useless for motorists coming from Tamborine Mountain Road, Main Street and Beacon Road. Motorists approaching from Main Western Road need to be fully occupied to negotiate the North Tamborine road jumble without having to focus up to the sky. One could almost argue that a sign is not needed at all..

Councillor Nigel is writing to the architects in Brisbane to hopefully alert the unsuspecting owner that such prominent trappings of suburbia would affect most non-urban mountain folk like the sight of large yellow Macdonald arches.

It does show that off mountain people haven't a clue regarding the mountain ethos. We would expect Councillors to extend themselves and reach out to people not in their own area.

The Main Street Masterplan with community input apparently drew much interest (during my absence overseas). These proposals were initiated by the previous Council led by Mayor Brent. An architect had been engaged and his plans and proposals received wide publicity including displays in the library.

The Council did not receive any funding for its three revitalization programmes (Tamborine Mountain, Beaudesert and Boonah) so it is uncertain what happens next.

However, funding has been forthcoming for a Bower Bird wooden sculpture to be located at the proposed Gallery Walk Community Park. At least this is to be appropriately sited, unlike the sculpture at the hang gliders' site which arrived announced and which drew about 800 submissions for it to be located to a more appropriate site. Hijacking the full impact of a magnificent uninterrupted western view previously enjoyed by residents and visitors, this sculpture's positioning remains ("whilst I am mayor the rock shall not be moved" – John Brent) an item of value solely for the sculptor's personal promotions.

### **Scenic Rim Rate Payers' Association**

After many years diligently working on behalf of residents throughout the shire, this Association, having achieved its purpose, has decided to close down. Many Tamborine Mountain residents regularly joined in the Association's endeavours. The last meeting was held on 26th September. We thank the Association and its Executive for the hard work they have done on behalf of all residents in Scenic Rim.

### **Christmas Tree on Main Street**

Well, Council deserves big plus for this one. Judging by comments from a number of delighted residents, this has been warmly received. By bringing pleasure and a sense of shared celebrations, it adds to the cohesion of this close knit community.

With the festive season well and truly upon us, take care and drive safely.

Jeanette