

Attachment 12 - Submitters concerns regarding SARA approval

18 March 2015

Anthony Lynham MP
Minister for State Development and Minister for Natural Resources and Mines

Dear Minister

Amended concurrence agency response - with conditions

98-196 Guanaba Road, Tamborine Mountain

(Given under section 290(1)(b) of the Sustainable Planning Act 2009)

Our reference: SDA-0614-01 1623 Your reference: MCBd14/053

I refer to the above concurrence agency response and respectfully request a Ministerial Review.

The amended response provides the proponent with more than previously provided when it is the belief of many local residents that this proposal should not have been approved, with the exception of fire trails (standard width of 3.5m with the occasional turning circle). Firetrails should be designated by a fire expert who is skilled in fire fighting in this forest type and in predicting the behaviour of fire within those forests.

The reasons for my objection are as follows:

1. The provisions made by the concurrence agency are based on the assumption that the development is appropriate for this site.
2. There is no reference to the Scenic Rim Planning Scheme and the requirement for the application to be consistent with the scheme. It has previously been determined that reasonable expectations of the residents should be based on the Planning Scheme whether they knew of the provisions or not. The Planning Scheme allocates land for different uses and identifies areas that constrain the use of land due to their environmental and/or resource value. As such it is not only relevant to whether a development can be located where the application has been made, it is also relevant to community expectations.
3. The approval allows clearance of native vegetation within remnant forests. It allows the construction of vehicle trails of up to 10 metres width. Fire trails do not require this width. Clearing is also permitted for ziplines and bridges of up to 10 metres in at canopy level
4. This same clearance and associated human and mechanical noise will also impact threatened and endangered fauna which up to this day found refuge in this area due to the density of the vegetation and the remoteness of the site. E.g. Alberts Lyrebird, koalas and spotted tail quoll. The spotted tail quoll has been sighted on the adjacent property within the last 2 years. It is therefore highly likely that it can be located on this property, the Albert Lyrbirds and Koalas are regularly sighted on the property. See Attachment A for a list of endangered and vulnerable flora and fauna likely to be present on this site).
5. As per the proponents documentation on the site (refer brochure sent to objectors, copy available if required) 78% of this site is of state significance. It is so significant that several years ago State attempted to purchase this site. While this offer was rejected by the owner at this time, the fact that the offer was made is evidence of the significance of the site.

6. Downhill Mountain Biking is unsuitable for this site (see Attachment B for the types of activities to take place). I would like to draw your attention to Queensland Parks and Wildlife Service Operational Policy Mountain Biking in QPWS Managed areas (<http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&frm=1&source=web&cd=2&ved=0CCMQFjAB&url=http%3A%2F%2Fwww.mtba.asn.au%2Fresources%2Fgeneral%3Fdownload%3D28%3A%2Fmountain-biking-in-qpws-managed-areas&ei=tuMFVfGmEYO8mAXnpYLYDg&usq=AFQjCNEI6HUCKX8RsT4nZ3XI0lappG33Q&bv m=by.88198703.d.dGY>). In this document it is argued/concluded that the above styles of riding should not take place in sensitive areas such as this. .
7. Impacts on downstream catchments have not been considered. Trails as approved will change the water courses, cause erosion, potentially landslip etc. Whilst much of this does not fall within your remit, anything to be approved by Natural Resources should have been referred to appropriate agencies for downstream impacts. The GCCC 2011 Guanaba Tamborine Conservation Reserves Management Plan; provides some statements concerning ecological value, flood risks, land slips that have occurred that are relevant as they border the property and are from an impartial third party (rather than a paid consultant) (A copy can be downloaded at <http://gcparks.com.au/parks.aspx?page=97#.VQUemI4pofw>). See attachment C for some relevant statements including the repetitive theme of the need to preserve, consolidate and expand areas of protection.
8. An extensive study of flora and fauna on Tamborine Mountain was federally funded with an outcome being the TM Escarpment Management Strategy. The Tamborine Mountain Flora and Fauna Report identified the fact that the 8500 ha of the Tamborine Mountain escarpment has a greater biodiversity than the World Heritage listed Springbrook National Park. In my opinion the potential impacts of this development application are so great that it should be referred to the Federal Government under the Environment Protection and Biodiversity Conservation Act for formal environmental assessment as a legitimate threatening process.

I am seeking your urgent review, one of the reasons the ALP had such a resounding turn around in the polls was due to the prior government's inability to listen to the people, putting development above everything. It is my hope that the ALP will take a more measured approach, consultation has already been conducted with the community and 95% of all submissions from Tamborine Mountain objected to this development.

Council is expected to make its decision at the Council Meeting on 28 April after presentation at their Planning Committee meeting the prior week. There is a small window of opportunity for this decision to be reviewed and for an updated response to be submitted to Council. Note, I will be writing separately to the Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply to highlight issues with the State Roads with a similar request, this request relates to Natural Resources.

Yours sincerely

Rosemary (Rosie) O'Brien
173 Guanaba Rd
Mt Tamborine Qld

cc

- Premier and Minister for the Arts, AnnastaciaPalaszczuk MP
- Minister for Main Roads, Road Safety and Ports and Minister for Energy and Water Supply, Mark Bailey MP
- Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef, Steven Miles MP
- Scenic Rim Regional Council

Attachment A – Significant species list: Tamborine Mountain Escarpment Protection Precinct

Australian Government: Department of Environment: Recognised species under the Environment Protection and Biodiversity Act 1999

Status	Common name	Scientific name	Link
Endangered	Spot-tailed Quoll, Spotted-tail Quoll, Tiger Quoll (southeastern mainland population)	<i>Dasyurus maculatus maculatus</i> (SE mainland population) <i>IUCN: Near-threatened</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=75184
Endangered	Shiny-leaved Condoe, Black Plum, Wild Apple	<i>Planchonella eerwah</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=17340
Endangered	Floyd's Walnut	<i>Endiandra floydii</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=52955
Vulnerable	Black-breasted Button-quail	<i>Turnix melanogaster</i> <i>IUCN: Near-threatened</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=923
Vulnerable	Three-toed Snake-tooth Skink	<i>Coeranoscincus reticulatus</i> <i>IUCN: Lower-risk / Near-threatened</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=59628
Vulnerable	Koala	<i>Phascolarctos cinereus</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=85104
Not recorded, but listed on website	Albert's Lyrebird	<i>Menura alberti</i> <i>IUCN: Near-threatened</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=652
Vulnerable	Long-nosed Potoroo	<i>Potorous tridactylus tridactylus</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=66645
Vulnerable	Grey-headed Flying-fox	<i>Pteropus poliocephalus</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=186
Endangered	Glossy Black-Cockatoo	<i>Calyptorhynchus lathami halmaturinus</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=64436
Vulnerable	Marbled Baloghia, Jointed Baloghia	<i>Baloghia marmorata</i>	http://www.environment.gov.au/cgi-

Status	Common name	Scientific name	Link
			bin/sprat/public/publicspecies.pl?taxon_id=8463
Vulnerable	Three-leaved Bosistoa, Yellow Satinheart	<i>Bosistoa transversa</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=16091
Vulnerable	Macadamia Nut, Queensland Nut, Smooth-shelled Macadamia, Bush Nut, Nut Oak	<i>Macadamia integrifolia</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=7326
Vulnerable	Rough-shelled Bush Nut, Macadamia Nut, Rough-shelled Macadamia, Rough-leaved Queensland Nut	<i>Macadamia tetraphylla</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=6581

Queensland Department of Environment and Heritage Protection: Recognised species under the Nature Conservation Act 1992

Status	Common name	Scientific name	Link
Endangered	Pearson's Green Treefrog	<i>Litoria pearsoniana</i> <i>IUCN: Near-threatened</i>	http://wetlandinfo.ehp.qld.gov.au/wetlands/ecology/components/species/?litoria-pearsoniana
Endangered	Shiny-leaved Condoe, Black Plum, Wild Apple	<i>Planchonella eerwah</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=17340
Endangered	Floyd's Walnut	<i>Endiandra floydii</i>	http://www.environment.gov.au/cgi-bin/sprat/public/publicspecies.pl?taxon_id=52955
Near-threatened	Whirring Treefrog	<i>Litoria revelata</i>	http://wetlandinfo.ehp.qld.gov.au/wetlands/ecology/components/species/?litoria-revelata
Near-threatened	Albert's Lyrebird	<i>Menura alberti</i> <i>IUCN: Near-threatened</i>	https://www.ehp.qld.gov.au/wildlife/threatened-species/near-threatened/alberts_lyrebird.html
Near-threatened	Grey Goshawk	<i>Accipiter novaehollandiae</i>	https://environment.ehp.qld.gov.au/species-

Status	Common name	Scientific name	Link
			search/details/?id=1730
Vulnerable	Tusked Frog	<i>Adelotus brevis</i> IUCN: <i>Near-threatened</i>	http://wetlandinfo.ehp.qld.gov.au/wetlands/ecology/components/species/?adelotus-brevis
Vulnerable	Richmond Birdwing Butterfly	<i>Ornithoptera richmondia</i>	http://www.ehp.qld.gov.au/wildlife/threatened-species/vulnerable/richmond_birdwing_butterfly.html
Endangered	cascade treefrog	<i>Litoria pearsoniana</i>	https://www.ehp.qld.gov.au/wildlife/threatened-species/endangered/endangered-animals/cascade_treefrog.html
Vulnerable	Rough-shelled Bush Nut, Macadamia Nut, Rough-shelled Macadamia, Rough-leaved Queensland Nut	<i>Macadamia tetraphylla</i>	http://wetlandinfo.ehp.qld.gov.au/wetlands/ecology/components/species/?macadamia-tetraphylla
Vulnerable	Long-nosed potoroo	<i>Potorous tridactylus tridactylus</i>	http://www.ehp.qld.gov.au/wildlife/threatened-species/vulnerable/longnosed_potoroo.html
Near Threatened	Grey Goshawk	<i>Accipiter novaehollandiae</i>	https://www.ehp.qld.gov.au/wildlife/threatened-species/near-threatened/near_threatened_animals.html
Vulnerable	Glossy black-cockatoo (eastern)	<i>Calyptorhynchus lathami lathami</i>	https://www.ehp.qld.gov.au/wildlife/threatened-species/vulnerable/vulnerable_animals.html
Near Threatened	black-necked stork	<i>Ephippiorhynchus asiaticus</i>	https://www.ehp.qld.gov.au/wildlife/threatened-species/near-threatened/near_threatened_animals.html
Vulnerable	Plumed frogmouth	<i>Podargus ocellatus plumiferus</i>	https://www.ehp.qld.gov.au/wildlife/threatened-species/vulnerable/vulnerable_animals.html
Near Threatened	Lewin's rail	<i>Lewinia pectoralis</i>	https://www.ehp.qld.gov.au/wildlife/threatened-species/near-threatened/near_threatened_animals.html
Vulnerable	Powerful owl	<i>Ninox strenua</i>	https://www.ehp.qld.gov.au/wildlife/threatened-species/vulnerable/vulnerable_animals.html

Status	Common name	Scientific name	Link
			species/vulnerable/vulnerable_animals.html
Near Threatened	sooty owl	<i>Tyto tenebricosa tenebricosa</i>	https://www.ehp.qld.gov.au/wildlife/threatened-species/near-threatened/near_threatened_animals.html
Vulnerable	Cascade treefrog	<i>Litoria pearsoniana</i>	https://www.ehp.qld.gov.au/wildlife/threatened-species/endangered/endangered-animals/cascade_treefrog.html
Near Threatened	Common death adder	<i>Acanthopis antarcticus</i>	https://www.ehp.qld.gov.au/wildlife/animals-az/common_death_adder.html
Vulnerable	jointed baloghia	<i>Baloghia marmorata</i>	http://wetlandinfo.ehp.qld.gov.au/wetlands/ecology/components/species/?baloghia-marmorata
Near Threatened	long-leaved tuckeroo	<i>Cupaniopsis newmanii</i>	http://wetlandinfo.ehp.qld.gov.au/wetlands/ecology/components/species/?cupaniopsis-newmanii
Endangered	<i>Jasminum jenniae</i>	<i>Jasminum jenniae</i>	http://wetlandinfo.ehp.qld.gov.au/wetlands/ecology/components/species/?jasminum-jenniae
Vulnerable	macadamia nut	<i>Macadamia integrifolia</i>	http://wetlandinfo.ehp.qld.gov.au/wetlands/ecology/components/species/?macadamia-integrifolia
Vulnerable	<i>Macadamia tetraphylla</i>	<i>Macadamia tetraphylla</i>	http://wetlandinfo.ehp.qld.gov.au/wetlands/ecology/components/species/?macadamia-tetraphylla

Attachment B – Mountain Biking

So what types of trails are proposed on site as per the development application?

- Beginner <5% grade
- Intermediate 5 – 7% grade
- Advanced 7 – 13% grade

The information on what this means is nominal and restricted to gradients. The International Mountain Biking Association – Australia provides the following information

- Very Easy – average <5%, max 10%
- Easy – average = or <7%, max 15%
- Intermediate – average = or <10%, max 20%
- Difficult – average = or <20%, Max = or <20%
- Extreme – average = or <20%, max = or <40%

There are also other characteristics in the definition relevant to any development application, see

<http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0CDQQFJAC&url=http%3A%2F%2Fwww.mtba.asn.au%2Fresources%2Fgeneral%3Fdownload%3D127%3A2012-imba-australia-trail-development-guidelines&ei=qe3nVKveHOfHmwWkr4KwDA&usg=AFQjCNEHrv8zqXNwJjR63PdzIS2WyDNm6A&bv=m=bv.86475890,d.dGY>

So why has the proponent chosen to display their trails as below the requirement for an international rating of intermediate? The answer to this may be on the proponents internet site <http://www.guanaba.com.au/#!bikepark/c21x7>

Guanaba Gravity Bike Park will place an equal emphasis on the Downhill and the Enduro/All Mountain/XCO trail networks. We believe that bike technology has developed to the point that many modern dual suspension bikes are capable of maximum enjoyment of all trail styles. This is particularly so given the global trend towards buffed flow trails. Nevertheless, the Guanaba trail crew will ensure that there is plenty of technical World Cup style trails for the passionate DH community to flog the big rigs.

Let us look at the features of these trail classifications:

Downhill mountain biking (DH) is a genre of mountain biking practiced on steep, rough terrain that often features jumps, drops, rock gardens and other obstacles. The ride over rocks and tree roots. In competitive races, a continuous course is defined on each side by a strip of tape. Depending on the format, riders have a single or double attempt to reach the finish line as fast as possible, while remaining between the two tapes designating the course. Riders must choose their line by compromising between the shortest possible line and the line that can be traveled at the highest speed .

The City of Gold Coast states – “Freeriding and downhill mountain biking are extreme sports that also occur on City managed land. These activities are not always consistent with the

definition of nature based recreation, and can have considerable impacts if not located in suitable locations and managed carefully.”

Enduro - Originating from France in 2003, the format is based on motorbike enduro. The most basic definition is timed downhill and untimed uphill. Racing is over a series of special stages and whoever has the fastest combined time after those stages wins. Riders need to get between the stages, often for a set start time. i.e. Enduro is downhill racing.

All Mountain – appears to have the same definition as Enduro

XCO is the mountain bike discipline included in the Olympic Games, and provides a diverse riding experience including climbing and descending. An XCO course must be between 4km and 6km in length, preferably using the venue in the form of a cloverleaf to provide optimum course contact with the race village. No more than 15% of the course may be on paved or sealed road.

Buffed Flow trails - A **flow trail** emphasizes speed and rhythm and contains linked berms, rollers, and jumps. The berms (artificial ridge), rollers (a type of jump) and features are designed in a way that effectively utilizes and controls the bicycle rider's momentum to minimize pedalling and braking.

As per the photo below, flow trails widen the track and put banks on it to flow....



World Cup Style – appears to be downhill

DHI is a point-to-point format race involving a course of between 1.5km and 3.5 km. Total race time should be between two and five minutes. The course must contain a maximum of 3% paved roads and will consist of a variety of different terrain types. There should be an emphasis on technical skills rather than pedalling.

Attachment C – Exerts from the GCCC 2011 Guanaba Tamborine Conservation Reserves Management Plan

1) Ecological value of catchment area

Page 19: “The planning area is located within the Coomera River catchment, which can be further divided into the Maudsland, Wongawallan Creek, Guanaba Creek and Mount Nathan – Clagiraba Creek sub-catchments. The Coomera catchment has significant local, regional and national environmental values. It is recognised as being a relatively ‘healthy’ catchment (WBM Oceanics Australia 2005).”

Page 20: “The planning area offers valuable protection to the waterways in the management cluster. In particular, the vegetated portions of the reserves provide important buffers and wildlife corridors, stability of the interface between land and water and protection of water quality which plays an important part in the river’s habitat and ecological values.”

2) Risk of landslips

Page 46: “There are areas of high and very high slope instability hazard along the steep ridgelines of King Parrot and Mystery Road Reserves. At present, both of these reserves are vegetated with native forest, albeit with a fair degree of weed invasion. Historical landslips have been recorded in the planning area. One landslip has been recorded in King Parrot Reserve to the north of King Parrot Court. Four landslips have been recorded along the eastern side of Gladrose Reserve, mostly where there has previously been some degree of vegetation removal.”

3) Damage caused by 4WD vehicles

Page 46: “Some of the reserves are accessed via powerline easements by unauthorised recreational four wheel drive vehicles and motorbikes. These vehicles cause significant damage to tracks and to native vegetation.

4) Catchment Management

Page 48: “The Coomera River is the largest watercourse flowing through the planning area. The main pressures on the Coomera River are land use change (e.g. from forest to grazing and residential development), excessive water extraction, degraded riparian zones and increasing recreational use of the river in the estuarine reaches (WBM Oceanics Australia, 2005).

Page 49: “All of the sub catchments within the Coomera River catchment are impacted by degradation of remnant vegetation, degradation of regrowth vegetation, riparian zone clearing, water flow reduction, water quality issues and fish migration issues. In addition, Mt Nathan-Clagiraba sub catchment has issues with ecological condition; Guanaba Creek sub catchment has water quality issues; Wongawallan Creek sub catchment has issues with ecological condition and water quality; and Maudsland sub catchment has issues with cleared riparian vegetation (WBM Oceanics Australia, 2005).

5) Native flora

Page 52: "Guanaba Creek Reserve and Hollindale Family Park contain small areas of regional ecosystem 12.3.1/12.3.2 ('endangered'/'of concern' regional ecosystems). These regional ecosystems are under represented in the Gold Coast City (GCCC, 2009a) and are not adequately represented within the existing reserve system.

Page 53: The Guanaba Creek corridor includes some areas of regional ecosystems 12.3.1/12.3.2 ('endangered'/'of concern') outside of the reserve network. Due to the under representation of these regional ecosystems within Gold Coast City and within the reserve network, incorporation of nearby patches into the reserve network should be considered.

6) Native Flora

Page 55/56: " Despite the spatial fragmentation of the reserves and considerable vegetation clearing in the adjoining landscape, the planning area supports a diverse native fauna assemblage. This diversity of fauna can be attributed to the presence of forested land and to the variety of habitats, vegetation types and landforms. It is important that management ensures the long- term protection of these essential habitat values to sustain populations of significant fauna species in the planning area.

The relatively high number of frog species in the planning area is largely due to the presence of good quality tributaries and associated riparian vegetation. To ensure this diversity is maintained, ground covers and riparian zones need to be managed to avoid dramatic short-term changes in the amount of cover present. Such changes can be caused by inappropriate fire regimes and removal of exotic riparian species without subsequent replacement of native vegetation. Watercourses and associated riparian vegetation form important local and regional wildlife movement corridors. These riparian areas are often the only vegetation remaining when land is cleared to make way for pasture and residential development. Continuous connectivity of habitats is exceptionally important for many animals. Such connectivity allows fauna to move through the landscape for dispersal, migration and escape from bushfire. It is important to preserve, consolidate and expand these vegetated corridors, as outlined in Sections 4.3 and 4.6. Priority reserves for increasing riparian corridors are Charlies Crossing Park, Gladrose Reserve, Guanaba Reserve, Stewart Road Parklands, Guanaba Creek Reserve, Henri Roberts Drive, and Clagiraba Causeway Reserve.

Page 56: Eagle Heights Conservation Area, King Parrot Reserve, Guanaba Creek Reserve, Mystery Road Reserve and Guanaba Creek Reserve incorporate and adjoin other land containing relatively undisturbed habitat. This includes Tamborine Mountain National Park, Guanaba Indigenous Protected Area and the Canungra Land Warfare Centre. The presence of this large area of habitat is reflected in the high faunal diversity recorded within these reserves. This large area of bushland habitat could play a crucial role in the survival of a number of local fauna species that will be directly affected by urban development and land clearing in the region. For example, the vulnerable powerful owl

1 March 2015

Dr Steven Miles

Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef

**Subject: Your Reference 412407, Application Reference Number EPPR01940114
96 – 198 Guanaba Rd Tamborine Mountain, Lot 3, Plan RP181081**

I am seeking a Ministerial review of the above decision made under the previous government's stewardship. Whilst this decision was made in 2014, I only received a copy in January and awaited the outcome of the election and a new Minister to raise my concerns.

My concerns are:

- There is a creek just 30 metres away from the recycled water distribution area
- The creek is downhill from the recycled water distribution area
- The creek flows into Guanaba Creek and forms part of the catchment area for Guanaba and through the Gold Coast to the ocean
- The area in question has clay based soil, once it is wet water runs off into catchments, the clay is generally wet from late December through April, also known as 'the wet season'.
- Mt Tamborine has generally high levels of rainfall during 'the wet season'
- Water from several points on and around the property flows into the area, created a lagoon of approximately 1/8 acre size, this lagoon flows into the creek
- For 5 months of the year it is inappropriate to distribute waste water on this scale in a water catchment area
- My understanding is that department guidelines have minimum buffer zones of greater than 30 metres

Rainfall

Tamborine Mountain has an average annual rainfall of 1564.9mm pa

(<http://www.weatherzone.com.au/station.jsp?lt=site&lc=40197&list=rb&of=of a&ot=ot a&mm=12&yyyy=2014&sub=go>)

Month	Average Monthly Rainfall	Average days with rain	Wettest total Rainfall	Wettest Year
January	223.8mm	14.7	1790.00	1974
February	223.3mm	14.9	793.50	1954
March	189.1mm	15.8		
April	131.3mm	12.2		
May	122.4mm	10.9		
June	99.5mm	8.9		
July	83.3mm	8.4		
August	55.8mm	7.5		
September	57.3mm	8.2		
October	92.7mm	10.1		
November	121.7mm	11.9	465.60	2004
December	165.2mm	13.1	638.60	1988

Note two sources have been used for the above

<http://www.weatherzone.com.au/station.jsp?l=site&lc=40197&mm=01&yyyy=2015&list=rb>

.Weatherzone only supplied information from November to February

http://en.wikipedia.org/wiki/Tamborine_Mountain – March to October

Starting in December, until April each year, it rains every couple of days. The first serious rain will wet the clay, after that it will remain wet with constant rain until the end of April. It is inappropriate for waste water to be distributed within 30 metres of this creek.

Waterflow/Runoff

I acknowledge that this creek is a summer creek, meaning it flows when the rain flows. Often during summer the flow is underground until enough rain has fallen for runoff to occur.

The proponent supplied maps do not include elevation lines, therefore what cannot be seen is that

- The water distribution area is on a slope that leads to the creek
- The two high points on Kaiser Rd are at the current entrance to the site and the corner of Guanaba Rd. These two high points drain their water into the creek
- There is an additional high points on Guanaba Rd which also drains into the creek
- These natural drainage points feed into the lagoon mentioned above
- In addition, both ridge lines that flank the creek, drain into the creek.

Council is not expected to make a decision on the development application until late April 2015, meaning input will be taken through March. As such, there is time to review the decision. The previous governments approach to development was to disregard the environment, development above everything. I am hoping this government will take a more measured approach, review the decision and overturn it on environmental grounds.

I realise that as a new government and Minister, there is a lot of work to do. We have however, a small window to review this decision. I respectfully request that this window be taken in this instance.

Yours sincerely



Rosemary (Rosie) O'Brien
173 Guanaba Rd
Mt Tamborine Qld 4272

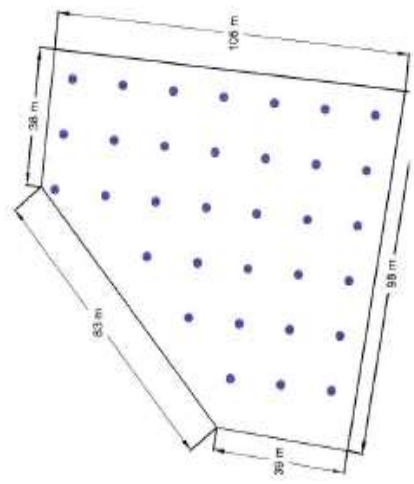
cc. Scenic Rim Regional Council



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INDICATIVE LAYOUT FOR FIXED POINT SPRINKLERS



note

- RED BOLD: APPROVED SPRINKLER
- BLACK: ADDRESS OF 100 m
- GREEN: ADDRESS OF 150 m
- BLUE: ADDRESS OF 200 m
- YELLOW: ADDRESS OF 250 m
- PINK: ADDRESS OF 300 m
- ORANGE: ADDRESS OF 350 m
- PURPLE: ADDRESS OF 400 m
- BROWN: ADDRESS OF 450 m
- GREY: ADDRESS OF 500 m
- LIGHT BLUE: ADDRESS OF 550 m
- LIGHT GREEN: ADDRESS OF 600 m
- LIGHT YELLOW: ADDRESS OF 650 m
- LIGHT PINK: ADDRESS OF 700 m
- LIGHT ORANGE: ADDRESS OF 750 m
- LIGHT PURPLE: ADDRESS OF 800 m
- LIGHT BROWN: ADDRESS OF 850 m
- LIGHT GREY: ADDRESS OF 900 m
- LIGHT LIGHT BLUE: ADDRESS OF 950 m
- LIGHT LIGHT GREEN: ADDRESS OF 1000 m



74 Kaiser Road
Mount Tamborine
QLD 4272
20th February 2015

The Assessment Manager
Scenic Rim Regional Council

Dear Mr. Creagan

Development Application MCBd14/053: Additional Assessment Criteria

The document 'Development Response (Appendix 3: Planning Scheme Codes)' submitted by T. J. Kelly Surveys Pty Ltd. covers Assessment Provisions for the Tamborine Mountain Zone (Chapter 3 of the Planning Scheme) and Assessment Criteria for Development of a Stated Purpose or of a Stated Type (Chapter 5).

However there are four divisions of Chapter 5 criteria that are not addressed in the T.J. Kelly document which I believe should apply. These are:

- Division 9 Food Premises Code
- Division 24 Retailing and Commercial Activity Code
- Division 31 Tourist Business Code
- Division 33 Tourist Facility Code

I have enclosed copies of the specific requirements within the above divisions that I think the development application does **not** comply with. Outcomes relating to Privacy, Amenity, Noise and Disturbance are similar (but not identical to) Tamborine Mountain Zone Codes and have been covered in previous submissions. However, Tourist Facility Code SO4 concerning Scale and Character is particularly important and needs to be considered.

Following Mr. Noort's letter to objectors (ref. my letter of 17th January) there can be no doubt the primary purpose of the proposed Guanaba Experience development is to provide tourist facilities. Therefore it should be assessed against SO4 under the Tourist Facility Code.

SO4 states that tourist facilities in the Tamborine Mountain Zone shall have a style and scale that are "low key". The proposed Guanaba Experience is not low key and is promoted publicly as the opposite.

SO4 gives examples of tourist facilities that are consistent developments for the Tamborine Mountain Zone. These are "rural activities, arts and crafts, local history, the natural environment or similar themes". It is not just that the proposed development's activities are not included; mountain biking, zip lines and camping are excluded by their very nature.

The Scenic Rim Planning Scheme provides residents of the Tamborine Mountain Zone with key protections, of which Tourist Facility Code SO4 is one. The requirement to comply with SO4 was not addressed in T.J. Kelly's response submission but it cannot be brushed aside.

I trust you will take full consideration of these additional criteria in your assessment.

Yours sincerely,



David Sandiford

Division 9 Food Premises Code

Table 5.2.25

Column 1 Specific Outcomes	Column 2 Probable Solutions
SO3 Development maintains the privacy and amenity of adjoining residential uses.	<p>S3.1 Development provides a boundary setback with a minimum width of 5 metres at any interface with a Residential Precinct or Medium Density Residential Precinct.</p> <p>S3.2 Development provides for a 1.8 metre screen fence to be erected and maintained along the side and rear boundaries at any interface with a Residential Precinct or Medium Density Residential Precinct.</p>
SO5 Development provides that noise emissions do not have an adverse impact on the amenity of nearby residential uses.	S5.1 Development which is within 100 metres of a Dwelling Unit— <ul style="list-style-type: none"> (a) operates only between sunrise and sunset; and (b) does not play amplified music.
SO7 Development provides that a car parking area is not visually intrusive or the dominant feature of the development.	<p>S7.1 Development provides that car parking areas are situated at the rear or side of the principal Building and are suitably screened.</p> <p>S7.2 Development provides that all vehicles under the control of the occupier or the occupier's staff are parked on the subject site and are suitably screened.</p>

Division 24 Retailing and Commercial Activity Code

Table 5.2.73

Column 1 Specific Outcomes	Column 2 Probable Solutions
SO2 Development maintains the privacy and amenity of adjoining residential uses.	<p>S2.1 Development provides a minimum setback of 5 metres from any side or rear boundary where adjoining a Residential Precinct.</p> <p>S2.2 Development provides a 1.8 metre screen fence along the side and rear boundaries which adjoin a Residential Precinct.</p>

Division 31 Tourist Business Code

Table 5.2.94

Column 1 Specific Outcomes	Column 2 Probable Solutions
SO1 Development does not adversely impact on the amenity of the surrounding area.	S1.1 No Solution is prescribed.
SO2 Development provides that noise emissions do not cause annoyance or disturbance to residents in the surrounding area.	S2.1 No Solution is prescribed.
SO5 Development provides that car parking areas are clearly visible yet not visually intrusive or the dominant feature of the development.	S5.1 Development provides that car parking areas in a Precinct other than the Gallery Walk Precinct are situated at the front or side of the main Building and landscaped to reduce the visual impact of the car parking area; and

Division 33 Tourist Facility Code

Table 5.2.100

Column 1 Specific Outcomes	Column 2 Probable Solutions
<p>SO3 Development does not have an adverse impact on—</p> <ul style="list-style-type: none"> (a) the privacy and amenity of neighbours or surrounding properties; and (b) existing Agriculture, Animal Husbandry, industry or intensive rural uses in surrounding areas. 	<p>S3.1 Development—</p> <ul style="list-style-type: none"> (a) in the Tamborine Mountain Zone has a minimum setback of 10 metres from a property boundary; and (b) in a Zone other than the Tamborine Mountain Zone has a minimum setback of 40 metres from a property boundary. <p>S3.2 Development does not overlook the living area of an adjoining premises.</p> <p>S3.3 Development provides that lighting is angled or shaded in such a manner that light does not directly illuminate any nearby premises or roadways.</p> <p>S3.4 Development provides Aesthetic Landscaping and if any part of the Tourist Facility is located within 50 metres of a residence on an adjoining Lot the development also provides Screen Landscaping.</p>
<p>SO4 Development complements the style, scale and character of existing uses in the surrounding area and contributes positively to the Streetscape.</p>	<p>S4.1 Development –</p> <ul style="list-style-type: none"> (a) in the Tamborine Mountain Zone shall be low key and shall pursue rural activities, arts and crafts, local history, the natural environment or similar themes; and (b) in a Zone other than the Tamborine Mountain Zone shall include premises used or intended for use for the recreation attraction or entertainment at tourists generally.