

Subject: RE: SUBMISSIONS DRAFT 2015 CITY OF GOLD COAST PLANNING SCHEME
From: coordinator@yatala.info
Date: Tue, 24 Jun 2014 09:11:20 +1000
CC: tkwilliams@goldcoast.qld.gov.au; bert.vanmanen.mp@aph.gov.au
To: DGATES@goldcoast.qld.gov.au; albert@parliament.qld.gov.au

Dear Councillor Gates and Mr Boothman,

Donna, we disagree with your assessment that our Red Alert flyer is “highly inflammatory and in fact, untrue”, providing “misinformation” to the community. We believe that we are quite well informed about the current situation, and that what we’ve presented in that flyer is both reasonable and truthful. In fact, we actually believe that if there is any misinformation being put out, it is not us that it is coming from . . .

1. Content of Our Red Alert Flyer – directing residents

You will note that the flyer directs residents to the www.yatala.info website, where they are then directed to the Council’s Draft City Plan 2015 (the Plan) itself and provided links to the Zone Map - Map 6 Yatala, and to the definitions for Low Impact, Medium Impact and High Impact Industries. The sample submissions are just that, as residents are encouraged to use only what is applicable to them and to use their own words.

2. GCCC Draft City Plan 2015 – Special Industry mapping

We noticed that despite being asked to re-instate Special Industries in the Plan, that Council does not appear to have included on the Zone Maps the Special Industry areas which already exist in Yatala, nor did it provide a legend for that type of Industry on the Zone Maps. Special Industry (more truthfully known as Noxious and Hazardous Industry, as per Government usage – e.g. DSDIP 2013) should actually be included in the legends of all your Zone Maps and these industries should be clearly shown where applicable.

I think you will agree that, until this is corrected, it is the Council’s Zone Maps which should be considered as misinformation.

3. GCCC Draft City Plan 2015 – Zone Map designation of Phoenix Biomass Plant Site

If you peruse the Phoenix court approval documents you will note between pages 6-8 that 100,000 tons of green waste is for composting. If you refer to the Industry definitions provided in the Plan, you will find composting under High Impact, so what is on the Zone Map is incorrect and misinformation.

Further perusal of the court approval will show that the Phoenix Site is allowed a biomass power generating plant of maximum 15 megawatt capacity. If you now refer to the Special Industry definition page that you personally provided us in your letter to residents dated 22 November 2013, ref.# 42031564 (which, oddly, has not been included in the Plan), you will find under examples in column 3: power plants. For those not in the know, that means electricity generating plants whether they be gas, coalfired or biomass burners, so Medium Impact, as shown on Zone Map 6, is incorrect and could again be construed as misinformation.

Again we direct to the Phoenix biomass court approval pages 6-8 and ask you to note:

- . class 3 flammable liquids - 300,000 litres max.
- . class 6 toxic infectious waste - 300,000 litres max.
- . contaminated waste - 10,000 tons
- . liquid waste for composting e.g. sullage, grease trap waste and leachate - 30 million litres max. (suggest this represents some 35,000 tons per year due to its higher specific gravity.)

You will not find these listed in the Medium Impact or High Impact definitions and thresholds and will most likely find them under hazardous industry. So again, Medium Impact as shown on Zone Map 6 is incorrect and could again be construed as misinformation.

4. GCCC Draft City Plan 2015 – Zone Map designation of Orica Site

Nearby Phoenix, on the opposite side of the road heading south, is a company called Orica which we believe stores and supplies explosives to the quarries in our region. If you refer to the Special

Industries definition you personally provided to us (see prev.), you will find explosives, so High Impact as shown on Zone Map 6 is incorrect and could be construed as misinformation.

5. GCCC Draft City Plan 2015 - Buffer Distances

You referred to buffer distances of 1.5km and 700m “which have been required by both the State and Council” - as far as we can see, however, it is Council who has totally disregarded these buffers by actually failing to include them in the Plan. While the Medium Impact Industry zone code information (Section 6.2.10.2 (3) (e)) lists distances from “a zone for sensitive land uses or a dwelling house in the rural zone”, there is no corresponding section under the High Impact Industry zone code information where one would expect it to be in a similar position, under Section 6.2.11.2 (3), and no corresponding section for Special Industry of course, as there IS NO ZONE CODE for Special Industry in the Plan at all.

6. Content of our Red Alert Flyer – Buffer Distances

Councillor Gates, your comment that “the flyer totally disregards the buffers which have been required by both the State and Council – 1.5km from Special Industry – 700m for High etc etc.” is a little unfair as it could actually be said that it is the Council and the State Government and the Courts who appear to have overlooked these buffers. The best example of all to-date of this failure is, of course, by allowing Noxious and Hazardous Industries (Phoenix and Orica) across the road from and next door to three currently occupied residential properties (one of which has been there, occupied, some 33 years.)

We are very **correctly** pointing out that this same scenario could be repeated all over again in all the areas depicted by the chimneys. We are very much aware that even if Council might refuse such future applications, the DEHP (under the State Government’s “open for business” policy where every application will be considered “on its merits”) might continue to expect that simply imposing a long list of conditions will make a Noxious and Hazardous Industry in this area acceptable. Either way, it is clear that it will most likely be the Planning and Environment Court who ultimately have the final decision again, as it did so favourably for the Phoenix application/appeal.

We do not consider it a crime for trying to protect our health and warn our fellow residents of more to come if they don’t voice their concern.

7. Content of our Red Alert Flyer – Chimney Heights & Numbers

The chimneys on the Industry icons in the flyer have been used intentionally for impact and to illustrate to everyone, including yourselves, how bad it could be. Note: all Industry definitions appear to prescribe industry with potential for chimneys. We have only included 16 - there could be as many as 300-400 lots in the undeveloped areas. Can you imagine our air quality if even half the abovementioned lots have chimneys? We think you will forgive us for being truthful and saying the Plan is irresponsible and inconsiderate.

8. GCCC Draft City Plan 2015 – Chimney Heights

To date we have not been able to find any specific reference in the Plan to a 15 metre limit for chimney height. We do note that, under the “Acceptable Outcomes” sections of the listed Industry zone codes, there is the statement “Structures do not exceed a height of 15m.”, but it fails to define what is included under the term “structures”. Our experience has unfortunately taught us, however, that if a developer wanted to, they could probably argue successfully that “chimneys” aren’t included in the definition of “structures”, so we are not convinced that this Plan would limit chimneys to 15m height.

As for your apparent claim that limiting chimney height is an improvement for which we should be thankful, we note that chimneys are constructed for the purpose of dissipating potentially harmful emissions away from ground level and into the atmosphere. As you have acknowledged several times on our behalf, including in a television interview, the smoke from even a 30 metre chimney will still be at eye level with many residences in Yatala. The 15 metre height limitation, if it is indeed able to be enforced, addresses the visual impact but not the **health impact**, in that in order for the chimney emissions to clear the elevated residences the chimneys would probably have to be much higher than even a 30 metre chimney thus making the visual impact even worse. With all due respect, we have not ignored the 15 metre height and are merely presenting a truthfull concern.

9. Your email – Back-zoning Existing Industries

We are a little confused by your comment that we are suggesting or have ever suggested that other uses which have been in place for some 40 years be back-zoned.

Apart from bitterly disagreeing about the Phoenix Biomass outcome, we have never pushed for any companies to be removed from the area, nor do we intend to.

10. Historical Intention for the Yatala-Ormeau Area

Over the years, we have shown you a map - Darlington Town Plan Zone Map 9542-311 current to 6/7/2000 - which clearly shows Darlington Park as Special Facilities racetrack and Enkleman Farm as rural **not Future Low Impact Industry**. (Some of us have owned the land here since 1989 and many of us even earlier.) If you read the newspaper articles containing complaints from the Ormeau community around 2004-2005, you will note that many residents were told the area would be mainly light industry and warehouses. Yatala residents were also told at AVCA meetings around 2008 when concerns were being expressed about the Centra Park development (known locally as "Uluru" or the "Great Wall of Yatala") due to the dust, that buildings along Stanmore Road would be mainly warehouses and that there would be no chimneys. Repeatedly over the years we have been told that there would, in fact, be "**no chimneys west of the M1**".

In other words, Donna, we would suggest that we are not presenting misinformation but rather victims of it.

While we're on the subject of old Council plans, we would very much be obliged if Council could provide us the 40 year old Zoning map which shows all the area between Yatala and Ormeau and including Enkelman Farm zoned for the intent of future Industry as described in the rather prescriptive terms on pages 2,3 and 4 of the Local area plan, Yatala Enterprise area, Ver.1.2 Amended Jan 2010).

IN CONCLUSION:

Please show us any specific instance where what we've presented (either in the flyer or in this email) is deemed by Council to be either "highly inflammatory" or "untrue".

We still intend to send out an information flyer and would appreciate your input and opinion as to what would make it acceptable to you.

We should inform you that the gist of our original flyer has basically been posted on our website already. We would be prepared, in the manner of a "right of reply", to upload your response email (dated 20 June 2014, 3:41pm) to that site - would you like us to do so? We should also mention that the contents of **this** current email (our reply to your response email) is likely to similarly make its way to our website, for the benefit and enlightenment of our neighbours and other residents of the Yatala-Ormeau area.

It is, you see, our on-going intention to keep people informed as to the nature of the current situation in our area, what has been done in this area in the past and what can be done about it in the future.

We, again, look forward to your prompt response (and, hopefully, assistance) in this matter.

We have also copied Mr Boothman, Tara Williams and Mr Van Manen on our response to you today so that they are aware and may possibly be able to shed some further light on these matters themselves.

Yours truly,

YRA Committee

Roslyn Burgess
Brad Atkins
Jacob & Joan Mohar

Cavell Dorman
Siggy Nowak