Has anyone wondered why there is such a long more than a decade long trail of “deemed refusals” by developers challenging Scenic Rim Regional Council in the Planning & Environment court?

We can sheet this home to “planning autocracy”. It is Council town planners who make the recommendation to approve or refuse a development application. Councillors supply the final stamp of approval or not at a Council general meeting.

The problem arises when a developmet application is unpopular with residents, has obvious conflicts with the planning scheme according to local values and is likely to attract a large number of objections.

On shaky ground the developer holds a pre-lodgment meeting with Council planners. These meetings are not privy to public view, but suffice to say that if Council, having requested the developer to massage his application at great cost conveys what the applicant considers a green light without reference to possible/probable resident input, it would find itself in a sticky situation.

Unlike anywhere else in the shire, Tamborine Mountain has constantly been the magnet for perceived inappropriate development proposals which breach the intent of the local planning scheme. To protect an enviable lifestyle and its treasured environment residents regularly protest in large numbers.

Over the years in these problem situations, Council has stretched out required decision times beyond which the developer is able to file an appeal against a “deemed refusal” in the Planning & Environment court. This is called “sitting on the fence”. Here the developer then has an advantageous lead position and Council avoids a possible compensaton claim.

More than a decade ago the Tamborine Mountain Progress Association began electing to stand as a Co-Respondent together with numerous residents in these appeals. This was to counter Council’s growing propensity to fall over very early in the proceedings.

In the decade long Gillion commercial water extraction appeal at leafy residential Power Parade, resident input funds exceeding $300,000 enabled TMPA and lead residents to engage a barrister for the first of three Gillion appeals. Had we not done so it is highly probable we would be seeing commercial water mining on residential land across the plateau. In the second and third appeals Council changed lawyers and fully endorsed winning. It even encouraged co-operation between its lawyers, TMPA and residents. All three appeals were rejected by the courts **mainly on planning grounds.**  We were lucky.

In this Gillion case although Councillors rejected the Council town planner’s recommendation (on the eve of an election), the fact that it existed drove the developer through the three appeals against Council. This became clear on the second last day of the final week’s hearing when the court addressed via phone link the town planner on holiday in Adelaide. The developer’s highly priced silk ran through all his points in the recommendation for approval. The town planner still stood by them all.

Council too often is paralysed by town planning recommendations for approval for problem developmet applications counter to resident expectations. It is critical that any Councillor for Tamborine Mountain plateau residents has a sound knowledge of our planning scheme and our key values. At stake is our envied lifestyle and stunning environment together with the semi-rural character of Tamborine Mountain.

Jeanette Lockey,

President,

Tamborine Mountain Progress Association