

Newsletter.....March, 2016

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

The diary to process Gillion's court appeal against Council's refusal of its second development application for commercial water extraction in residential Power Parade was set on 16th February. It covers deadlines for reports by experts, their meetings, exchange of documents and mediation with the appeal to be listed for further review on 13th May. This keeps everyone busy for the next several months.

Whilst Gillion's lawyers have proposed enlisting four extra experts (as per last Newsletter), Council is sticking to the two areas applied for in the Development Application – Town Planning and Economic Need.

Other water issues.....During November, 2014, a number of residents monitored tanker movements on and off the mountain, day and night, for a week. The outcome suggested that a great deal more water was being taken off the mountain than Council's conditions allowed. (These are all attached to "Minor Public Utility" permits.) This information was conveyed to Council through several avenues. No action was evident for a considerable length of time.

On 29th November, 2015, the Holt Road ground water extractor filed a Court 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. (Presumably Council did some surveys.)

Council's website does not reveal the grounds of appeal, simply stating that the Appellants have declared they have not committed the development offences alleged by the Respondent (Council) in the Enforcement Notice.

And there the matter stands. All up, there has been no evidence of any effective enforcement to limit general commercial water extraction according to Council set conditions.

Water generally..... The lowering or drying up of some mountain bores has been reported for more than fifteen years. Today, the status of the aquifer is still largely unknown. Whilst some surface pockets are replenished quickly when good rain falls, the deep reserves with water 30 to 100 years old take many years to refill. Water has to permeate the uneven basalt layers of the mountain. That the Tamborine Mountain community can run out of bore water is a reality. However, the time frame is unknown.

Discussions have been proceeding, at a slow rate, with representatives of the Minister for Natural Resources. Whilst some signs are encouraging, no actual progress has been made from the "status quo".

Guanaba Experience development

The developer's (Jim Noort) self referral of the development proposal to the Federal Department of Environment (EPBC) resulted in the Appeal by TMPA against Council's approval decision being adjourned until 26th April. This is so that reports required by EPBC can be carried out by the developer.

Judging from Facebook, Mr. Noort is having hassles from the Federal department..... whilst ..."(the) project gets endlessly dissected by Canberra paper pushers and activist lawyers and the punter trying to build awesomeness gets hung from the yard arm. Feeling pretty p..... off today"..

The Court Order for costs against him, basically for wasting court time (Dec.), has not been resolved.

Justin Avenue

A Council decision regarding the second development proposal at 43 Justin Avenue for several large canvas tents with wooden floors has been postponed for decision by a new Council. TPA's submission was attached to the January Newsletter.

TMPA/EHVA Meet the Candidates meeting, 6th March.

This was very well attended, with people filling the Zamia Theatre and some needing to stand outside. The Sunday afternoon meeting introduced all candidates for election and the tight schedule of speakers helped residents get a better idea for their voting preferences.

The five Mayoral candidates are:

CHRISTENSEN, Greg
SHARP, Tom
COCKBURN, Dave
BRENT, John
WEVER, Harry

Tamborine Mountain has two electoral Divisions -

Councillor, Division 1 (3 candidates)

WAISTELL, Nigel
SWANBOROUGH, Derek
SPENCER, Mark

Councillor Division 2

O'CARROLL, Nadia
(standing unopposed)

In local government elections we have optional preferential voting. This means you can vote 1) by marking just the one candidate you prefer, or 2) vote according to the voting sequence set out by your preferred candidate, or 3) vote according to your own preferences (some or all).

Each of the other four divisions has two candidates, which means there could be real change in the nature of the next Council. For a community organization battling against a secretive and unresponsive Council, especially since amalgamations, this raises high hopes indeed.

This unsatisfactory state of affairs might be best explained by an extract from the Tamborine Mountain Daily Star Editorial just before the last Scenic Rim elections in April, 2012.....

....While there are many decisions to be made regarding the experience and personality of the various candidates, there is another decision that we will all make when we choose a candidate.

Is the Council elected to represent "we the ratepayers"? Or is it a Board of Directors for one of the largest businesses in the Shire – that is the business called the Scenic Rim Regional Council.....

The Mayor and Council CEO both assertively maintain that Council is more like a business and that elected Councillors are Board members of that business. As such, their primary responsibility is the operational and financial wellbeing of the Council.....

In the Mayor's and CEO's model, ratepayers are customers of the business; and like all customers of large business, they are an exploitable resource whose sole function is to provide revenue to the business.

That is not how most ratepayers see things."

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This model has been used by Brisbane City Council which is hugely different to the vast number of regional councils servicing diverse communities. Other Councils use different models. For instance, Cairns Regional Council has a completely open and transparent policy, with all its dealings and money matters available for public scrutiny (nothing to hide).

Scenic Rim Regional Council's model has loosened up on the surface in the current four year term - no more draconian policies reminiscent of a police state. And we now have two Councillors to launch debates. However, Council's core direction has remained the same.

Added to this, over the two terms of the regional council, more and more powers have been delegated to bureaucrats with the approval of the majority of Councillors. The bureaucrats now run the show. And all this is led by the current Mayor who believes the well being of Council is the fundamental thing he is elected to protect..... (“...*not on my watch!*”)

So, as the Daily Star put it...”Is Council a servant of the community? Or is the community there to serve the interests of the business called the Scenic Rim Regional Council?”

Fortunately we have a wide choice, and many candidates are stressing their commitment to put ratepayers and their elected representatives first.

Hopefully we will never again see the series of high profile disasters which dogged Council over the past two terms and which cost very large sums of ratepayers' and residents' money. All this most probably could have been averted by just listening to the people. TMPA and others have regularly tried to alert Council when issues seemed incorrect or unsatisfactory.

Far from resolved and with mounting costs to both residents and Council is the current Guanaba debacle. How such an extraordinarily sub-standard development proposal could have been approved is anyone's guess. The easy answer of course was to tick it off with lots of conditions (*nobody mention the water !!*). TMPA's decision to appeal the approval rested on widespread community objections and the strong reports by six experts.

Approval of the supermarket in the wrong place still has repercussions today. Because of a fractured CBD, reports of struggling businesses in Main Street are still coming in. The Court had predicted that the loss to the 50 or so businesses there would be approx. \$13m p.a. Then of course there is the roundabout fiasco. Put in against many Main Roads guidelines, we find nervous elderly residents worried about having to exit Roslyn Lodge via a steep 90o angle road straight onto the roundabout. (There are a number of rules governing the way roads enter a roundabout – breached in this case.)

And then there is Hyacinth with the developer now suing Council. Again, by not listening to people Council plunged everyone into a lengthy court battle. Whilst TMPA won most of the complicated case, a small component fought for and won by Council put TMPA in a moral dilemma. On expert advice, unsuspecting buyers of permissible lots would have found themselves with lots they could not live on. A Supreme Court bid by TMPA failed to reverse this. Even worse, in an enquiry by the State Local Government Department and countering the evidence given by TMPA, the Mayor and CEO provided to the State Govt. a creatively inaccurate version of the long winded Hyacinth saga. . Instead of trying to shut down TMPA an apology would have been nice.

So fingers crossed everyone.....

Jeanette