

**Newsletter.....January, 2016**

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

SRRC in May 2015 refused Gillion’s second development application for commercial water extraction in residential Power Parade. Gillion immediately appealed this decision in the Planning and Environment Court. In December, 2015 following the Court timetable, documents from each side were exchanged.

Gillion’s development application to Council was based on town planning and “needs” grounds. Experts in these areas are then engaged, although with prohibitive costs, TMPA and the Eagle Heights Village Association will be relying on some independent legal advice.

On 23rd January, 2016, Gillion’s lawyers issued a letter stating they had increased their list of experts to include Traffic, Noise and Amenity and two hydrologists. All this is dragging costs up for Council. Cr. Nigel is checking to see if the original area of debate can be contained.

**Council’s Gillion costs**

Super sleuth Amanda has been hot on the trail of just what this long winded saga has cost Council. Of course this does not include the financial cost to residents who found themselves in a highly stressful situation for a long period.

An extraordinarily wordy six page reply by Council (May 2015) to Amanda’s request regarding costs to Council for road repairs, legal and compliance actions in the Gillion case supplied no answers. Explanations such as documents were non-existent or unlocatable, not in the public interest were proffered.

Undeterred, an approach via the Office of the Information Commissioner brought some results (December, 2015). Road repairs at the Power Parade site cost \$6,845 and the damage attributed to Tropical Cyclone Oswald in 2013. Damage to this flat narrow residential road was evident long before 2013 and has been shown to have been caused by the water tanker swinging around across the verges.

External compliance costs were shown to be \$82,599 but no explanation was given what this was for (the spreadsheet was completely blacked out apart from the total).

Legal costs - these amounted to \$987,343 and again no explanation.

No SRRC internal costs were included as Council does not record expenditure down to the level where it records each work item or case.

All these costs have accumulated since the issue of a Council planning report recommending approval of the D A many years ago despite it being contrary to the planning scheme. This report remained unchanged on Council’s website in spite of alarm bells ringing from Tamborine Mountain (labelled a “flawed” report). That this acted as a green light for a very costly saga is borne out by the Judge’s comment that “he was between a rock and a hard place” and did not want to stop a continuing unlawful activity that Council was prepared to approve in the first place before the case had run its course.

Gillion’s Appeal against refusal of the original D A by Council was rejected by the P & E Court on planning grounds. This judgement was upheld in the Court of Appeal (Supreme Court). A letter to TMPA from the Minister for Natural Resources stated that this activity is regulated through the planning scheme administered by the Scenic Rim Regional Council.

### Investigating our aquifer....

Meetings with representatives of the Director General on behalf of the Minister for Natural Resources and our two Councillors plus TMPA reps & two experts have continued. The latest position here is that the Director General wishes to retain the Status Quo, i.e. do nothing. Due to ongoing community concern about the current level of commercial water extraction on the mountain and its impact on the sustainability of the aquifers, this position is not acceptable, especially in the long term..

Detailed explanatory letters have been sent to both the Minister and the Director General that it would be in the interests of all parties to at least commence the range of investigative matters needed to better understand the characteristics of the Tamborine Mountain aquifers and to help inform the development of a relevant management regime.

### Guanaba Experience development

TMPA's Appeal filed in the Planning and Environment Court against SRRC's approval of the extreme sports Guanaba Experience development application on 500 acres of the mountain's eastern escarpment finally found its way into court.

A Directions Hearing on 27th November was postponed for two weeks till 9th December so that the developer could inform each of the other parties in writing as to precisely the development proposal to be pursued in the Appeal.

*(In the November Newsletter it was notified that the developer self-referred the development to the Federal Government. The material sent to the Federal Department varied from the original proposal approved by Council. To complicate matters even further, there is now a third variation.)*

Having completely confused the status of the development approval, the developer (Jim Noort) was unable to clarify precisely what development proposal he is pursuing in the Court Appeal. Added to this the Federal Department of Environment decided the application should be treated as a "controlled action" under the BCEP Act. Reports need to be compiled.

Consequently the Court adjourned the Appeal until 26th April, 2016 for further review.

The Judge stated that the Respondent (Noort) should at least bear costs of at least one Court attendance wasted by the Co-Respondent's deficient Compliance material. Our lawyers have filed for costs.

Just before Christmas Jim Noort finally bought the subject property. This makes no difference to the case, as we are appealing Council's approval of what is considered inappropriate development of the site. With envisaged substantial delays in this court process, the original property owners who looked for a sale would no doubt have become impatient with just a holding deposit.

Seeking further support for his proposal, Jim Noort received wide coverage in an article in the Gold Coast Bulletin on 7th January. Featuring pictures of gentle bicycle riding along narrow fern lined tracks on level ground, the article screamed "**greenies slam brakes on new mountain bike and adventure theme park**".

*A small tail note to this article stated..... "Councillor Nigel Waistell said the development had limited support. 'It's a good concept, there's no doubt about that – it's just in the wrong place,' he said."*

And it seems Thunderbird Park has recently opened a more extreme set of ziplines, promoted as 'all about extreme adventure':

### **Justin Avenue**

A second development proposal for 43 Justin Avenue was submitted in 2015. The original one for 20 cabins with peak daily use for 100 people remained unresolved on Council's books but was recently withdrawn. Due to the area's land slip problems, the main sticking point there was geo-technical considerations.

The new DA is for several very large canvas tents on wooden floors. Resident concerns include slope stability, noise issues and traffic down a steep and narrow street. TMPA submitted that this application should not be approved in its current form. So little detail was given of what was envisaged that a proper assessment could not be made. *(TMPA's submission attached)*

### **Planning scheme update**

The Wednesday 27th January Council meeting discussed (confidentially) the "Endorsement of the Draft Scenic Rim Planning Scheme" before it is to be sent to State Government. That this is being done before a new Council is in place and whilst the State Government is still formulating the revision of the State planning provisions is somewhat concerning. No results of the consultation process were published, and as Council is renowned for always being late, what is the rush? A perceived attempt to airbrush out Tamborine Mountain in the first published draft (one size fits all) now raises suspicions. Motherhood statements and concepts easily aligned to subjective views of comfortably ensconced upper bureaucrats are not in our best interests.

### **NBN.....**

Coming soon Australia's new landline phone and internet network, NBN, is designed to provide access to all the benefits of fast and reliable internet services, regardless of where you live.

To explain what all this means for Tamborine Mountain, NBN representatives met community representatives, including TMPA, on 3rd December.

Because of its size and density of population, the mountain will receive a fixed line service to a number of nodes. From there the service is carried to individual houses via the existing carriers.

The tower at Lahey's Lookout at the south end will be utilized, but no other towers are proposed for the mountain. NBN is looking at towers for wireless transmission in the Vonda Youngman area at the northern base of the mountain.

### **Elections**

As there are a number of mayoral candidates and the promise of alternate councillor candidates for other parts of the shire coming up, a gust of fresh air may be about to blow through SRRC.

Mayoral candidates so far are Greg Christensen, Tom Sharp, Harry Wever and Dave Cockburn. Mayor John Brent has indicated he will stand although as yet he has not formally done so. A preliminary look at the candidates shows.....

Dave Cockburn was Deputy Mayor under Mayor John Brent in Derek Swanborough's recent tortuous four year term during which Derek kept firm to his platform of representative government. A Beaudesert local, Dave is heavily involved with the Bromelton industrial site development outside Beaudesert.

Dr. Harry Wever - a local vet for 38 years, Harry has widely traversed the shire and has been constantly speaking to shire residents. His interests are wildlife care and land use, i.e. protecting mainly native habitat and our rich farm lands. He worries that too much trust & power is delegated to staff which produces a “we know better, this is what you are getting” culture.

Tom Sharp - Tom has an impressive family background of community service and Local Government participation. Following a career as a stockbroker & funds manager for Barclays Bank & Cazenove Securities, he returned to his Beechmont rural property where he became concerned that his rate bill had trebled since the formation of the Scenic Rim Regional Council in 2008. He seeks to return the corporate governance of this region to its citizens via the elected representatives.

Greg Christensen - With formal qualifications and practical business experience, Greg has a good record of turning companies around when they have been struggling. From near Aratula, he has the region’s welfare at heart, both environmental and economic. He finally decided to stand for mayor after reading the splendid Scenic Rim Biodiversity Report illustrating the huge wealth the shire possesses and then this was followed by Council’s crass decision to approve the Guanaba Experience D A on Tamborine Mountain. *(For Greg’s letter, see attached)*

John Brent - John has been the Scenic Rim Mayor since amalgamation in 2008. His previous 30 or so years were spent with Boonah Council, as Councillor then Mayor. Whilst he takes corporate governance seriously, his record with constituents since amalgamation, especially those on Tamborine Mountain has not been good. *(For John’s reply re Council’s Guanaba decision, see attached)*

Due to apparent dissatisfaction right across the shire we will be seeing even more candidates throwing their hats in the ring. Councillor nominations are starting to appear. First up is Steven Moriarty who is standing for Canungra (Division 3). Steven is a school teacher there.

### **Meet the Candidates**

As has been customary for many years, TMPA together with the Eagle Heights Village Association will be holding a Meet the Candidates afternoon on Sunday, 6th March, at 2 pm. All mayoral and councillor candidates will present a short outline of themselves & their platforms.

**MEANWHILE, COME AND MEET TOM SHARP AT THE NEXT TMPA MEETING TO BE HELD AT THE CREATIVE ARTS CENTRE ON WONGAWALLAN ROAD NEXT TUESDAY, 3RD FEBRUARY, AT 7.30 PM. PLEASE TELL YOUR FRIENDS.**

The meeting is open to all as usual.

Whilst TMPA looks forward to a fresh new Council we may never learn why some currently in Council hold anti-TMPA sentiments. We’d like to know... 1) why Council often doesn’t support its own planning scheme according to the values held by residents of Tamborine Mountain and 2) why does it apparently frown upon these residents receiving formal advice for supporting their views – something for which a developer pays experts in order to produce a desired (financial) outcome.

Jeanette