

Annual Report.....Sept. 2014

The year 2013-2014 has not failed to provide Tamborine Mountain Progress Association with more than enough work to fill in our spare time.

Whilst Hyacinth and the supermarket issues have more or less faded in the background, the two water cases, Power Parade and Bateke Road, ensured members and other residents did not forget the well trodden path to the law courts in Brisbane.

Other issues which had TMPA's attention were the development of the new Shire Planning Scheme, unsatisfactory Council planning decisions, removal of environmental protections, mining in the shire, dissatisfaction statewide re shire amalgamations, parking problems at Tamborine Mountain State School, a Telstra tower and part closure of Witches Chase and excessive unfair rate rises.

Power Parade, Gillion Pty. Ltd.....A Planning and Environment Court judgment handed down on 3rd March, 2013 refused Gillion's Development Application for commercial water extraction, mainly on planning grounds. The site is zoned residential and is in the village centre of the southern Mt. Tamborine area.

The case went to the Appeals Court (Supreme Court). On 21st February, 2014, the Gillion appeal was dismissed, effectively upholding the judgment made in the Planning & Environment Court. Trading ceased on 28th April, 2014.

In July, 2014, Gillion Pty. Ltd. re-submitted virtually the same Development Application for commercial water extraction, now with an emphasis on "economic need". Whilst the application contains incorrect and misleading statements, the Association, mindful of the vagaries of the courts and Council's poor record regarding planning decisions, full attention is being given to this new development.

This move shows a strong disregard for mountain residents, about 900 of whom formally objected to the original Development Application. Over eighty, including the former owner of the bore site, stood as co-respondents opposing the appeal. Birchgrove Nursery is again under threat. Supreme Court costs owing to residents have not been paid.

Bateke Road, Pure Mountain Pty. Ltd.....A Development Application for commercial water extraction, similar to the Gillion Pty. Ltd. one was refused by Council in October, 2013. This also was appealed in the Planning and Environment Court. On 29th November, 2013, a timetable was set for court processes, to finish with a court hearing set for five days in May 2014.

The matter was heard on 14th February with the court declaring commercial ground water extraction at this site was also unlawful. Water extraction ceased on 8th May.

Other water extractors still operate.....Besides Gillion and Pure Mountain, there are a number of other operators. Five have approvals for a Minor Public Utility, several do not. There are probably two supplying local demand.

The industry grew from a few operators servicing the mountain and surrounds. With new owners, the industry expanded and grew. Some operators obtained permits to extract varying amounts of water. Some had conditions attached to their operations. All are different, and the large ones are outside commercial operations standards.

Water issues on Tamborine Mountain.....What many off-mountain people are not readily aware of is that ***Tamborine Mountain does not have a reticulated water supply.*** Mountain residents rely on rain water, supplemented by bore water for daily needs.

Consequently the increasingly large scale water extraction, bore levels dropping and increased tanker movements on our inadequate small country roads have worried residents for a long time.

Ten years ago, 2004, talkback National radio host, Steve Austin, asked his listeners: ***“How would you feel if you didn’t know if you were on a limited water supply and you were watching people in your community, your neighbourhood, selling off their water to big business? Well this is apparently happening at Mount Tamborine....”***

Two residents were then interviewed followed by a discussion with the Minister for Natural Resources who promised he would look into the matter. (Nothing happened)

About the same time, the Progress Association held a survey of mountain bore users. Published in the T.M. News, the collated figures were taken to the Minister for Natural Resources by then Councillor Vanessa Bull.

It has not been explained why Council officers approved the extraction of huge quantities of bore water when applicants had approvals for only a Minor Public Utility. The same goes for Council conditioning operations suitable for the biggest tanker movements, again attaching to a Minor Public Utility. Although this happened years ago, Council officers should have known better.

Water businesses expanded, tanker numbers grew, so now not only is there a bigger problem for mountain residents, but Council itself needs to plug a runaway activity, no doubt at even more cost. And it is the ratepayers who are footing the bill.

Collectively, the two water cases together with the remaining unsatisfactory water trading has seen Council spending large sums of ratepayer monies, much of which due to its earlier poor decisions.

The persistent Gillion efforts should not have reached this stage. Had Council planners heeded warnings about their flawed report which recommended approval in the first place, compounded by the subsequent twenty or so extensions to allow continued trading because of this report, we probably wouldn’t be facing more court action today.

A new planning scheme for the shire has slowly been taking shape. There will be no Tamborine Mountain zone, but a “one size fits all” document which will add some distinguishing features for particular areas. Only a proposal to explore the category “residential” has been advanced.

The establishment of this whole new plan is different from the process used for our 1997 Development Control Plan and its subsequent small revision. Then, it started off by canvassing all residents about their lifestyle aspirations. It became the best formal indicator of the aspirations of the Tamborine Mountain community.

This time, the starting point is a draft compiled by planners engaged by Council. With so-called “community consultation” (how many residents have planning knowledge?) this will develop according to a planner’s mindset. With Council’s poor record and lack of interest or understanding of Tamborine Mountain’s distinctive character, there is little confidence that Council planners will perform any better with such a scheme. TMPA’s feedback submission for the Draft Strategic Directions Paper endeavoured to point out the mountain’s features and the different aspirations of local residents. (see attached)

Our environment under threat.....It was extremely disappointing that State Government chose to remove “nature” from the Nature Conservation Act. Our forests, so thoughtfully preserved over the past century, are now considered simply land with trees on it. It has been consistently shown that no level of “high end regulations” can successfully avert an inevitable incremental creep which will damage national parks – a legacy the State Government will leave of the quality of its stewardship of the country’s national treasures.

Environmental Defender’s Office.....This group of environmental lawyers has been invaluable to communities like ours faced with regular threats to lifestyle and environment. TMPA has been able to regularly source legal advice regarding difficult problems such as Hyacinth and the water issues. Over the years EDO has conducted informative forums on a wide range of planning and other areas which TMPA members have attended.

As Federal funding has ceased for all EDO offices across the country, this will have a severe impact on smaller communities like ours. In response to EDO funding raising, TMPA has donated \$1,000 to this department.

Heritage listing of Knoll Road....TMPA has supported the residents of Knoll Road in their application to have this road heritage listed. We wish them success in this effort. TMPA’s effort to have the Tamborine Mountain Road heritage listed was successful in 2002 and this history is in the Association’s website.

A community organization in Scenic Rim....Although we have survived for nearly a century, and have been the focal point of the evolution of the mountain’s character as we know it today, the future can be described only as being bleak.

Since amalgamation, the newly formed Scenic Rim Regional Council has distanced itself from the communities it is supposed to serve – not only Tamborine Mountain. Unfortunately, the mountain is at much higher pressure of inappropriate large developmental change than any other part of the shire.

By selectively reading a loose Local Government Act, Scenic Rim Regional Council, under Mayor John Brent, has steadfastly adhered to a corporate governance style of operation and a strong “us” and “them” divide has developed. Requirements such as “democratic representation, social inclusion and meaningful community engagement” have been swept aside. A community organization, supporting lifestyle aspirations of an estimated ninety percent of the population, does not sit well with a department not running in tandem with the community and determined to impose its own values and objectives.

Attempts by TMPA and others to alert Council of perceived failings, especially regarding planning reports, have gone unheeded. These actions have been upheld in several court cases with judges issuing scathing comments about Council’s performance. This is documented in more detail on the Association’s website.

Over six years, Tamborine Mountain Councillors, all seeking to represent their communities as well as delivering sound judgments for the whole shire, have met with less than desirable outcomes within Council. Our current two representatives are regularly bowled over on many issues and a two to five split is a regular event.

Both our Councillors have high levels of skills, long histories of people engagement, well established knowledge of local values and priorities, plus they are well known to be reasonable and dedicated to improve life for everyone. So how to explain this division?

Off-mountain Councillors, over the past six years have neutered themselves by happily delegating powers to Council bureaucrats, whilst retaining the ability to nod one’s head and hold out one’s hand. Today they function as extensions of the bureaucracy, promoting Council itself. In Scenic Rim, unelected bureaucrats, led by a may obsessed by “his” Council’s surface image are today running “local government”.

The reply to TMPA’s enquiry on behalf of the community regarding water issues by Council’s Director, Regional Services (Tony Magner, formerly Director Corporate Services, Boonah) is indicative of the Council’s attitude towards a community organization. At least we received a reply this time. Both letters are attached. (letters attached)

The TMPA website has been established after lengthy collation of material from files and historic documents. Comments regarding Tamborine Mountain’s attractiveness have come in from off mountain people, including from overseas.

The task now is how to keep this world famous treasure from being airbrushed out of existence by inappropriate development and unsympathetic perceived self-serving Council mandarins.

I wish to thank the TMPA executive, management and members and friends for their continued support. Together we may make that all-important difference.

Jeanette Lockey,
President, TMPA

“To find out who rules over you, find out who you cannot criticize.”
Voltaire