

# TAMBORINE MOUNTAIN PROGRESS ASSOCIATION INC

"Protecting the quality of living on Tamborine Mountain".

**Newsletter.....May, 2016**

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

This exceedingly long winded saga is slowing wending its way through the Planning & Environment Court again – something not lost on the presiding judge in making a throw away remark such as “where would we be without Gillion...”

The case has been complicated by the sale of Wetfix Pty. Ltd, the bottling & sale side of the water extraction operation. Gillion Pty. Ltd. extracts the water from the Power Parade site. Gillion Pty. Ltd. & Wetfix Pty. Ltd. are now two separate entities as Mrs. Gill is no longer connected with the new Wetfix holding. This situation makes the basis for the current Development Application by Gillion Pty. Ltd. – “Economic Need” – now in question.

Still in the pipe line are expert reports which are yet to be exchanged. After that the mediation session is scheduled for mid August.

Meanwhile we keep tramping back & forth to the court in Roma Street.

## **Other water issues**

SRRC is currently engaged in legal action in relation to extraction of groundwater from 2-20 Hartley Road, a property owned by A & D Robert. Camera surveillance here took place in November 2013.

An inexplicable series of stops & starts to the process then dragged on. Council recommended a Show Cause Notice be issued (11/13). Nine months later this was actually issued. Then it was withdrawn because of “technical difficulties”. A site visit was conducted, twenty months after being recommended. A new Show Cause notice was issued (6/15). Following discussions between Council & the Roberts, Council issued an Enforcement Notice (11/15). The Roberts responded by lodging an appeal with the Planning & Environment Court (11/15).

SRRC lodged its own court action (4/16) some six months after the Enforcement Notice was issued.

The Enforcement Notice (11/15) appeared two years after the initial recommendation by Council to issue Show Cause Notices.

Super sleuth Amanda’s questions to Council regarding the above convoluted information have been acknowledged but are to be held over to the next meeting pending legal advice.

On another matter, the Roberts’ son (Federal Member for Fadden) has received much media coverage lately. *The Australian* (3/5/16) reported that former Mayor John Brent’s election campaign received \$10,000 unsolicited funding from his friend Mr. Robert’s office.

## **Tamborine Mountain’s aquifer**

With a view to better understand the characteristics of our aquifers and to help inform the development of a relevant management regime, discussions with representatives of the Department of Natural Resources have continued.

A number of private volunteer experts are assisting our two Councillors and TMPA representatives in discussions to achieve a way forward. Meetings are being held here and letters to the Department are being written.

Council itself has entered into discussions with the Department and the issue of water sustainability was discussed at a meeting on 29th April attended by our new Mayor, Greg Christensen, Council members and representatives of the Department.

Relying on several out of date pilot studies based on assumptions, the current Department of Natural Resources position is that the resource is not under stress. Too big, too expensive and generally, they do not want to know.

Further local meetings are planned and robust letters are to be written.

### **Guanaba Experience development**

Developer Jim Noort is still busy compiling the reports required by the Federal Department of the Environment in response to his self-referral to that department.

At the court hearing on 15th April, the Appeal by TMPA against Council's approval of this D A was further adjourned to 16th September. It was stated that this slow process was due to the appellant's referral and assessment under the EPBC Act being conducted by the Federal Department of Environment.

Regarding the three variations of the Development Application that Jim Noort has produced, Council agrees with our advice from our lawyers & the Environmental Defenders Office (EDO) that the Court cannot consider a change to the application as originally submitted to Council unless it is a "minor change". Council is of the position that the Development Approval has not changed and will remain unchanged until such time as Jim Noort makes an application for a minor change or at least until such time as an amended proposal or plan, plus relevant details are notified. Council will then consider whether the changes are minor and assess accordingly.

Meanwhile, Mr. Noort has been busy promoting himself and his "eco" plans with articles in various media outlets. The property was bought recently in his wife's name.

### **TMPA "think tank"**

On 16th April a good turnout of members and interested parties turned up at St Bernards for several hours of lively discussion. Ideas and suggestions for the new Council for the next four years ranged across a review of planning procedures, expenditure and revenue and environmental protection and enhancement mechanisms.

Many good ideas were produced and these can be visited as time and manpower allows. (*agenda attached*)

### **State Government Planning Laws**

After a long gestation period, these laws were finally hatched on 11th April. EDO held a "LawJam" at Griffith University, Brisbane, on 25th May. Jenny Peat and I attended.

The final contents of the Acts were discussed focusing on their relevance to us and the environment and how we can influence planning from now on. (The Acts are scheduled to come into effect mid July, 2017.)

Several speakers covered different aspects. A comparison between the existing law, the Sustainable Planning Act, and its replacements (three) had been made by EDO. Results in four areas showed 1)- Protection of nature – somewhat worse 2)- Community involvement - about the same 3) Openness, transparency & accountability - somewhat worse and 4) Provides certainty - decidedly worse.

Experts and everyone else agree that the current Sustainable Planning Act is a nightmare to negotiate. So how could they possibly have made it worse?? One speaker, with three degrees, including planning, stated he had difficulty understanding the new Acts.

One redeeming feature is that some parts of these Acts are open for change, and no doubt, judging by the responses from many in the audience, the State Government will be receiving sound submissions to improve these laws.

SARA, the new assessment manager (2013) which funnels referral requirements for various State Government departments, was mentioned as presenting unsatisfactory performances in various areas (other than ours). (They ticked off sections of the Guanaba D A, with conditions).

One of the speakers did his PhD on “Corruption Risks in Queensland Planning”. Needless to say this was riveting information. Naming names and running through how it works here – “almost impossible to be corrupt in Queensland” – ensured what may be called, er, lively debate.

Over the years EDO has presented forums, day long speaker presentations and other information sessions which have been open to interested parties. Representatives of TMPA have availed themselves of information on a wide variety of topics – planning, the relevant Acts, making submissions, libel laws, etc. A group of environmental lawyers, EDO presents outstanding service to community organizations such as ours. Run on a tight budget, EDO is always grateful for public donations.

### **Our ex-Mayor, John Brent**

Having difficulty exiting centre stage, Mr. Brent has been heavily featured in various off mountain newspapers. *Beaudesert Times* (Beaudesert) reported “former SC Mayor John Brent has admitted he received \$10,000 from the LNP despite running as an independent”.

*Fassifern Guardian* (Boonah) reported (5/5) “Mr. Brent, while on a post election holiday in Thailand, denied he had done anything wrong in standing as an Independent while receiving LNP funding”. Other articles appeared in *The Australian* and *Gold Coast Bulletin*.

Meanwhile his business problems continue (Tasmanian onion grower, Westpac, etc.).

### **The NEW Scenic Rim Regional Council**

At long last, and as predicted, the winds of change have blown a fresh and welcome change into Council chambers. The first Council meeting held in Beaudesert on 19th April was attended by many residents from across the shire. Immediately noticeable was the friendlier and more relaxed atmosphere during the session..

Our water problems have already been taken on board and indications are that resident and community concerns are being taken seriously. And as reported by a Western Councillor, the tempo of Council functioning has been noticeably raised.

It’s been a long time coming, but the prospect of rational debate with a Council that listens spells a much better future for resident expectations across the shire.

### **Draft Planning Scheme**

Several decades ago TMPA ran front page articles in the T.M. News asking residents “what sort of mountain do you want?” This information plus that gathered from all mountain residents for the basis of the 1997 Development Control Plan produced a clear vision.

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The broad aim of the 1997 Development Control Plan stated “to ensure that land use and development is ecologically sustainable and their ongoing management on Tamborine Mountain are of a form and character that is consistent with the natural environmental qualities, semi-rural character and amenity, and resource management requirements of land within the Plan area”.

Whilst the DCP was rewritten in a different format in 2009, its aims remain essentially the same.

Over the ensuing years various forums, questionnaires and enquiries have produced the same broad issues which concern residents. Environment, water and population cap.

Volunteers through TMPA for the past century have endeavoured to support the aspirations of local residents. Understandably, over the years these have been wide ranging – farming, tourism to road building etc.(*see website*).

More recently the focus has been on water and town planning (i.e. population cap) as it is doubtful anyone wants reticulated water and open slather development up here. A firm and well considered Planning Scheme is vital for sustaining the mountain’s character and the residents’ desired lifestyles.

Our next serious step is to closely monitor the new Draft Planning Scheme as it applies to Tamborine Mountain. We hope there are no serious surprises.

### **Memberships**

For those of you who choose to formally subscribe to TMPA membership and thus help in a small way to cover our considerable expenses, annual subscriptions are due. \$15 per person, p.a. (Jan-Dec). Subscriptions may be paid at TMPA meetings (1st Tues of each month, Creative Arts Centre, Wongawallan Road, 7.30 pm), by cheque to address below, or on line - BSB 484 799, A/c 0838 171 99, including surname.

Jeanette