

# TAMBORINE MOUNTAIN PROGRESS ASSOCIATION

"Protecting the quality of living on Tamborine Mountain"

## Newsletter.....October, 2021

The August and September newsletters featured the broad set of worrying issues facing Tamborine Mountain. (August – “The Demise of Local Government”; and September – how both State and Local Government planning schemes are changing the valued character of Tamborine Mountain).

Letters were written to relevant Ministers outlining the problems in detail. At the same time a third letter was written. This was to the Minister for Water detailing our critical water issues. (*Letter attached*)

At a subsequent meeting with the Policy Adviser to the Minister the opportunity was taken to restate the many problems we have. However, the Minister’s adviser was more excited about the huge programme the department was working on. This entailed mapping the vast subterranean streams traversing the state with a view to eventually allocating water supply to different entities. This project is to be completed in about five years and apparently will solve major water problems. Unfortunately, this high level of activity by the department will do nothing to alleviate Tamborine Mountain’s dire situation which urgently needs attention right now. Our deep water aquifer represents a vital back up water supply to a large town size population without reticulated water. The bottling industry has stated it will take all the water it can get, no matter where it comes from. The temptation to sell to off mountain bottlers from our aquifer remains high.

Also we were able to explain at this meeting that whilst the Moratorium, in its second year, prohibited further extraction sites for off mountain water sales, a fourth additional off mountain extractor (11 Holt Rd.) has emerged.

This site was one of two permitted for local use only. As outlined in the letter to the Water Minister and also by ex-Councillor Nigel Waistell in numerous letters in local papers, Council, during the 2020 change of ownership of the site, sought legal advice over-riding an earlier one which had confirmed the use there was for local supply only. For any change to happen a new development application had to be submitted.

Without the required new development application, 11 Holt Road is now mining water for off mountain sales. This apparent unlawful activity has been hotly pursued by Nigel who has been requesting Council for some explanation. Correspondence has flowed between him, Council and the Ombudsman. There have been approximately ten letters from Nigel, six from Council and about three from the Ombudsman.

Nothing has been resolved so far. Council has come up with the brain wave that instead of just issuing a “complaint”, Nigel should have been issuing an “Administrative Action Complaint” – i.e. he now has a further channel through which to complain.

Even more astonishing, according to Council, he is now a person not directly affected by the operations at that location and therefore Council cannot consider his application for an Administrative Action Complaint.

Here again is an example of Council using a very broad law interpretation, this time of *section 268 of the Local Government Act 2009* which defines an affected person as “a person who is apparently directly affected by an administrative action of a local government”. Nigel does not live next door to 11 Holt Road.

One has to look at the primary motives (as with the draconian councillor conduct codes) for these pathetic subjective interpretations. Apart from cover ups, there is a complete loss of the thread of what Council should actually be doing for the benefit of its residents.

Burrowing further into its bunker, similar advice was issued to TMPA secretary, Amanda Hay, upon her request for an explanation from Council as to why Council, with a whole year to respond, failed to issue a decision by the agreed time of 29th July, 2021, to the Eagles Retreat Place development application. This is for cabins on the eastern escarpment, three of which (whoops) just happened to be on the Council approved tennis court where 43 trees were felled and koala habitat was impacted. Amanda does not live next door and therefore her request could not be considered by Council. ???.

This development application raised concerns from residents across the mountain. Most of the population is hugely protective of the mountain's character, its forested convoluted escarpment, rainforests and its wide variety of wildlife. Council's tunnel vision ("neighbours only") has been picked up by developers who now regularly try to butter up neighbours to get Council to pass an impact assessable application. Many "neighbours" are now in a position of being intimidated, fearful of future ramifications & feeling alone.

The developer consequently immediately lodged an Appeal in the Planning & Environment court on a "deemed refusal" by Council. As with the water issue, proposed developments such as this impact on the broad community. Water of course is a whole of mountain problem. Everybody is involved.

TMPA as well as about 45 residents have elected to participate in this Eagles Retreat Place appeal (on the same side as Council) as Co-Respondents by Election and we are now working our way through this appeal.

Meanwhile, the media exposure of excesses of The Office of the Independent Assessor which featured in the August newsletter has escalated. Large articles, especially in the Courier Mail, have featured draconian measures taken against also other councillors and mayors in the state. The most recent news is that the head of Queensland's embattled council watchdog has admitted she doesn't know how to assess serious complaints leveled at councillors properly because the code of conduct is so broad.

Thirteen years have passed since this association started to complain against the councillor codes of conduct and their draconian interpretations. Both our councillors since then, although highly experienced & with a wealth of community engagements behind them, have been the butt of so many frivolous and petty complaints, this has taken its toll of their ability to fully function as representatives of their communities.

Unfortunately, loosely written laws open the door for motivations other than for the best interests of a council's function. Where applying common sense would have steered a council back on track to achieve its best possible performance, tunnel vision in the case of Scenic Rim Regional Council has damaged its reputation for a very large number of residents. The vote to go to the Gold Coast is one such result.

Whilst TMPA is not involved here, a group of residents have elected to appeal Council's approval of 188 residences on Finch Road, Canungra, at the base of the mountain's western escarpment. Council approved this without regard to the water supply situation there. There are also numerous large approved subdivisions in this area waiting to emerge. Canungra has a population of approx. 800-900 residents. This is destined to multiply a number of times – Canungra's water comes from its creek which from time to time runs dry.

About a decade ago when TMPA appeared in the P & E court together with Canungra residents to oppose a big subdivision there, it was discovered in court that Canungra's "reticulated water" came from its creek. This is where Queensland Urban Utilities stepped in to "fix" the problem. Hence the large area holding tank there with water trucked in to fill it. Canungra residents are currently being asked to ration water use.

Council is appealing the heritage listing of the 100 year old livestock saleyards in Beaudesert. Residents there are collecting a petition to support the Heritage department. There are shades here of the makeover of Main Street where eye-watering sums were spent to produce something from anywhere and missed was the opportunity of featuring the unique heritage and historic value of this unusual street. Without insight into the differences between the various disparate shire locations, Council appears unable to consolidate the special features which make each community special.

TMPA is, as usual, up to its ears dealing with all these various issues but nonetheless we are keeping track of the progress of the development applications of both the Onsens on Main Western Road and the cabins application in Young Street... Watch this space.

Jeanette