

Newsletter.....March 2020

"Old. Government puts a lid on mountain water"

Water for Tamborine Mountain residents has always been a primary concern. For several decades Tamborine Mountain Progress Association, joined later by Save our Water, has been trying to address residents' concerns regarding off mountain commercial sale of our precious groundwater reserves. Finally, light has appeared at the end of the tunnel.

The Minister for Natural Resources, Dr. Lynham, has just issued a media release which "puts a lid on mountain water". In effect, there is to be a twelve month moratorium on new bores, thus preventing any new developments. The department is adding \$25,000 to the QUT groundwater study currently being undertaken and is to seek the community's views on water use.

The moratorium on new bores provides exemptions to ensure there remain contingency options for households, farming and town supply (usage for town requirements, including local supply).

To help inform a better management plan, all water users, including local businesses and farmers will need to report their water use. The department will work with water users to simplify reporting requirements, so that water use data is collected to build their understanding of how the aquifer functions, without being unnecessarily burdensome. Drop in sessions are scheduled later this month at the Vonda Youngman Community Centre to help develop a practical, simple reporting process. Questions can be answered at this time.

This outcome has come about following discussions since 2015 between our local Tamborine Mountain group (councillors, TMPA & SoW representatives & other experts) and representatives of the Director, Department of Natural Resources, Mines & Energy.

As reported regularly in the TMPA newsletters, these didn't get anywhere with the Director happy to stay with the "status quo". A further scientific study was required. A contact located a professor at QUT who was interested. Professor Reading then found a student who was willing to do a PhD study on our aquifer. An estimate of costs came to \$120,000. The professor contacted council, which agreed to share the costs of the project and for this everyone is grateful.

However, contrary to the media release by council's Creative Writing Department (currently on council's website), this outcome was not initiated by council but is the result of lots of work by a great many residents, local councillors, and supportive experts.

Specifically, the moratorium has come about from informal fruitful discussions over the last two months between the Minister's Chief of Staff and TMPA representatives (Julie Wilkinson, Amanda Hay & Jeanette Locky) as reported in TMPA's newsletters. Julie's petition of over 80,000 signatures requesting restriction of off mountain commercial water sales during times of drought opened the door.

To everyone who over the years has worked hard to achieve this first step forward as well as the residents and the input by council, this is indeed a celebratory event.

Further background

Up till the time this moratorium was put in place (6th March), it has been possible for other off mountain commercial extractors to establish on the mountain. In the current climate this is hardly likely, but nevertheless possible.

As the State government has been saying, the control of further off mountain commercial water extraction businesses has been in the council domain through its administration of the Planning Scheme.

The current water miners were granted conditions of operation by council prior to the inclusion in the 2007 Planning Scheme of a new code “Commercial Ground Water Extraction”. This made such uses inconsistent with the Scheme.

Notwithstanding, in 2011 council compiled a report recommending approval of a development application for commercial water extraction on leafy residential Power Parade – contrary to the Planning Scheme. Alarm was raised here when this was published on council’s website but the report remained there. A week later at the council general meeting where these reports are ratified, councillors, facing local elections in the near future, rejected the council director’s recommendation. Council, in effect, refused the application.

As expected, the developer immediately filed an appeal in the Planning & Environment Court and the notorious Gillian (Power Parade) case took off.

Because in the past council tended to come to some deal with developers during court proceedings which TMPA was not quite satisfied with, our practice of fielding multiple co-respondents in court cases began.

In the Gillian (Power Parade) case No. 1, 83 residents elected to stand as co-respondents, including the previous bore owner. As judges tend to often support a council’s position, we had a problem. With credit to a hugely supportive community, many people chipped in hefty donations for our effort, including an eye-watering sum from one man. We were able to fund our own legal team and get expert advice. We were there to see this matter through.

Case No. 1 concluded with the judge rejecting the developer’s appeal, mainly on planning grounds.

The developer then took the matter to the Appeals Court (Supreme Court). By now, council had changed its lawyers, and a far more aggressive set of lawyers for council came in. This team was hugely motivated to win, and we were also impressed with their inclusion of our resident team in their strategies.

Again, this second appeal was rejected, confirming the decision of Case No. 1. The third appeal subsequently was also dismissed on the same grounds.

The point of all this history is that we came close to losing it. Without the huge resident input during the first critical case, there may well have been a different and unwelcome precedent setting result. Other commercial extractors were waiting in the wings, and this industry would have rapidly taken off.

During the last days of the final Case No. 3 in the Planning & Environment court, all court participants were handed by the developer’s barrister a beautifully bound copy of the council minutes of 2011 containing the planning report recommending approval of the Gillian application. We were asked to turn to page xx. The developer’s barrister was then able to obtain from the council senior planner of the time (via a telephone hook up) confirmation and support for the contents of the 2011 report recommending approval. This was the main reason that this long winded and hugely costly saga took so long to wind up. As stated, the judge, after long deliberations, refused the appeal on planning grounds.

Our Planning Scheme, written at the cost of several million dollars, is actually a guideline. Council can go either way on it. But as stated earlier, this is not likely to happen in the foreseeable future. However, in years to come, with different council staff, elected members and an industry growing exponentially, the possibility of extended water mining on Tamborine Mountain remained – until 6th March..

Council elections

These will be held on Saturday, 28th March (8am-6pm). Pre-polling will be taking place for the two weeks beforehand at the Vonda Youngman Community Centre. (Mon-Fri, 16th-20th, 9am-6pm and Mon-Fri 23rd-27th, 9am-6pm). Voting is optional preferential, which means you can exercise your preferences by voting for one, two or more candidates in the order of your choice. Candidates will be handing out their how-to-vote cards. With four candidates in each section, preferences will be important. Voting is compulsory.

The Chamber of Commerce will be hosting a Meet the Candidates evening for Division 1, Division 2 and mayoral candidates at the Vonda Youngman Community Centre on Sunday, 15th March, 4 pm for a 4.30pm start to 7pm.

Questions will not come from the floor. They will be required to be lodged prior to close of business 13th March. secretary@tamborinemtnc.org.au Late entry questions will be accepted in the box at the door & used if time permits.

Mayoral candidates

We all know John Brent as mayor of Scenic Rim over the two terms following amalgamations in 2008. Likewise, Greg Christensen as the current mayor is familiar to us. Newcomer, Dr. Chris Summers has been a Guidance Officer for Education Queensland, and Tom Sharp has joined the contenders. Merchant banker with long family council connections.

Over the past 100 years there have been only three mayors from the eastern end of the shire. Sydney Curtis oversaw the establishment of Witches Falls National Park in 2008. In 1949, Beaudesert, Tamborine & Waterford shires were forced into amalgamation by the state government. James Sharp (Tom Sharp's grandfather) was mayor (chairman) at the time and served from 1936 to 1957. Finally, Michael Fraser from Tamborine Village was mayor in the 1990's

Division 1 candidates

Dr. Sally Williams, greens candidate, has long been campaigning on water and transport issues. Nadia O'Carroll- long time resident is an accountant. Two terms as councillor, last one, Deputy Mayor (2017/2018). Derek Swanborough spent 34 years in Local Government in large SEQ councils. Business, Commerce qualifications and Amanda Hay, TMPA's treasurer & council watchdog and active in other high energy community endeavours.

Division 2 candidates

Keer Moriarty
Jeff McConnell

Incoming councillors should enjoy their term in council and hopefully will avoid some of the problems which beset our current two councillors.

Annual Subscriptions due

Your subscriptions help pay ongoing expenses, mainly in connection with court cases. Unlike other not-for-profit organizations, TMPA must have its books audited and annual returns made to the Dept. of Fair Trading because it is a registered Community Purpose organization.

Numbers count. Especially in court cases. as we are sometimes asked to state the number of financial members in the association.

Subscriptions can be mailed to TMPA, P.O. Box 106, North Tamborine, 4272. Otherwise there is a drop off TMPA box outside (near) Travelling Places, North Tamborine; or on line - BSB 484799, A/c No. 083817199 together with your name to identify the deposit. . \$15 p a pp.

Jeanette