

**Newsletter.....December, 2020**

2020 is nearly over so we can all soon breathe a sigh of relief. And with a vaccine tantalizingly in sight we hope to resume our open general meetings in February, 2021.

Meanwhile we have been attending to the usual flow of D A’s, MCU’s etc. which could seriously affect the environmental/semi-rural local character most residents have arrived to enjoy.

**1-22 Eagles Retreat Place**

This development application originally sought to pave the way for fourteen cabins on the steep slope of the eastern escarpment by an innovative roundabout way: first a house, then a tennis court for which 43 mature trees required to be removed. This was put in place two days before a State government Core Koala Habitat overlay was activated. How lucky can one get?

Although discussions with Council started in 2017, Council missed spotting that three of the cabins were on the tennis court site and approved tree clearing on 21st April. Residents submitted many formal complaints.

A development application for “Tourist Park – Tourist Cabins” was submitted in May: five two bedroom and seven three bedroom “cabins”. The State Assessment & Referral Agency (SARA) which distributes applications amongst relevant referral agencies for their input asked the applicant for further important information. This response period ended on 15th September.

In September and before SARA’s final assessment was received, Council moved the assessment process to the public submission stage thus then depriving submitters of a full final report.

Responding to complaints about this premature step for public submissions, and after SARA received further information from the Applicant, Council restarted the submissions stage on 17th September. This ended on 14th October. In all, 189 submissions were received.

Because this case had become so complicated with a large number of D A’s and MCU’s in play, TMPA decided to engage professional assistance. TMPA’s submission was compiled by a town planner and several residents did likewise with separate planners. Relevant documents kept appearing and disappearing on Council’s DAP Online website thus complicating compilation of sound submissions. And thank you to all those who helped TMPA enlist the aid of a planner for its submission. All submissions are available on Council’s DAP Online website.

To assist concerned residents, TMPA published a pro forma in the 8th October issue of the Scenic News. TMPA also wrote to the Minister for Local Government regarding unsound Council decisions relating to the tennis court and vegetation clearance. Both Applicant submissions contained false and misleading information. We didn’t expect anything to come of this but at least this complaint is registered in the pipeline.

Meanwhile, SARA on 17th September responded to the required further information eventually received from the applicant. It appears the applicant had not adequately demonstrated compliance with State Development Assessment Provisions, specifically the required performance outcomes of State code 25 – development in SEQ koala habitat areas. SARA’s response (*attached*) goes on at length about koala habitat, about tree clearing & what action is required. It is hard to see where the developer can go from here. KO the koalas.

Consequently the Applicant decided to enact a period known as “Stop the Current Period” with SARA. This can run up to a cumulative period of 130 days

Given how complex this matter is now, the applicant may wish to “Stop the Current Period” with Council also or request an extension to the decision making period.

Whilst it is difficult to estimate a time frame for deciding MCU20/050, Council is currently discussing making a decision on this development. Any development here is subject to regulatory control by SARA. No response by the applicant to SARA's last request for further information has as yet been received.

### **43 Justin Ave, MCU (Food Establishment/Reception Centre – Outdoor Reception Venue – 200m<sup>2</sup>)**

An original development application for this site some time ago was approved by Council. It raised 375 objections from residents living mainly nearby and from around the escarpment rim.

The applicant has now submitted a further application to cater for one hundred plus guests, up to three outdoor events per week with amplified sound and twenty car parking and mini-bus spaces. Caterer/toilet trucks are to commute up and down steep, narrow Justin Ave from 7am till 11pm. The four cabins already approved are to remain in place. Council approved the development on 14th September. Three councillors voted against it. TMPA looked closely at this approval and problems started mounting up. In this Council meeting, councillors received misleading and deceptive input in a number of ways.

Council, on the word of the developer's planners, did not refer the application to SARA and accepted the applicant's advice that it be treated as code assessable rather than impact assessable. This denied residents the right of submission.

Councillors were not told that the original application attracted 375 properly made objections. Now being code assessable, there was no avenue for residents to put in formal submissions, (even though some residents nevertheless submitted their further concerns). Further, the Planning Department did not post the objections/concerns from residents on Council's DAP Online. This left councillors in the dark about resident opposition to the development. Plus the Planning Scheme was ignored. This is an example of everything that is wrong with Council's conduct towards developers and residents.

TMPA forwarded to Council a comprehensive Letter of Complaint. (*attached*). Whilst Council replied it had dealt with the application correctly, it failed to address the very real concerns so many residents are facing.

### **52-60 Wilson Road – (Coles Earthmoving)**

This development application was finally dealt with by Council on October 12th. Council and councillors were provided with information and aerial photos showing the proposed use now vastly exceeded the permitted maximum 50m<sup>2</sup> when an approval was granted in 2001. This was for a small scale Home Occupation. The "Home Occupation" is now greatly expanded and is no longer ancillary and subordinate to the primary purpose of the land, that being a rural residential purpose. Meeting discussion lasted two and a half hours.

A Council recommendation to approve was evident before the meeting. This was despite the land being approx. 7000m<sup>2</sup> whilst the planning scheme requires a block of 20,000m<sup>2</sup> (two hectares) for this activity.

Cr. Swanborough's well prepared argument (with input from residents) against this application was met with constant interruptions by the mayor. Unable to complete sentences, his line of argument was further shot down by a Council officer's injection of incorrect information. We have access to the referred to 1985 and 1997 Planning Schemes. The Council discussion was broadcast on line.

Council's decided to omit evidence that the operators of this expanded business have been non-compliant with set conditions for twenty years. Planning officers made the bizarre statement that there has been no growth/expansion on site. Council's decision to approve this application opens the door for industrial and similar activities in the mountain's quiet and rural residential south end. Our councillor opposed this development. In 2001 several then councillors requested recording of their disapproval.

Currently Council has still to send out its decision notices to all submitters. No doubt we'll get the usual list of mostly useless conditions as Council does not effectively monitor and enforce all of them.

## **Summary**

These three cases are examples of the regular conflicts between developers and residents on Tamborine Mountain. Developers frequently discuss their plans at length with Council before they actually submit their applications. Residents have just a two week window to make their responses. It has been helpful to listen to council meetings on line, how matters are discussed and the performance level of our representatives. The October 12th meeting dealing with the Coles (Earthmoving) matter where the mayor frequently bullied and interrupted our councillor attracted 67 registered listeners. Unsurprisingly during the subsequent two Council meetings the treatment of our councillor had moderated considerably.

However, Council committee meetings where discussions were open to the public have now been permanently scrapped and only the full final Council meetings are open to the public twice a month. These are now preceded by a series of confidential briefings and confidential workshops with the final decisions rubber stamped at the open council meetings. This means the public is now not privy to discussions, bureaucrat information and general deliberations which lay the grounds for how councillors finally vote. The public is left in the dark as to how decisions are made.

Furthermore, councillors are banned from publicly discussing or releasing information from these confidential briefings/workshops before it appears on the Council meeting agendas or website or is published through Council media releases. Councillors are now unable to assess residents' views on matters under discussion. The mayor has stated this policy is to provide reasonable guidance for councillors. In effect he has cut them off from the residents they represent. (*see attached Fassifern Guardian Editorial*)

## **Planning Schemes**

In choosing where to live, residents rely on the planning schemes to give some certainty to the lifestyles they have chosen. To many this is the biggest investment of their lives. On Tamborine Mountain an estimated over 90% arrive for a particular lifestyle. Over several decades, forums, questionnaires etc. have consistently shown that residents' main concerns are environment, population cap and water. This gives TMPA a clear path to follow and our Planning Schemes have provided basic guidance. .

The arrival this year of the one size fits all Planning Scheme heralds gradual urbanization of the plateau. Despite our alarm bells, the category Dual Occupancy was included. This opens the door for a further approximately 1,400 residences in the future. (In the 2007 re-make of the 1997 Planning Scheme the category Secondary Housing sneaked in contrary to Council assertions that nothing would change.) Urbanization is on the march.

There has been the occasional attempt to preserve Tamborine Mountain's unique characteristics. When the State SEQ Regional Plan was first being established, the new Head of Office of Urban Management visited the mountain to understand and preserve the distinct qualities of different communities. However with strict time lines and limited resources going out to large State projects, this concept became "a blimp on the horizon" according to the Council's senior planner at the time.

Council's regular cavalier attitude to planning schemes as per our reports has accelerated a march into obscurity. An abysmal lack of knowledge by Council staff of the distinct values and features of the region's various communities is the unsurprising result of the poor Council culture and its obsession with secrecy. (*see attached Fassifern Guardian article*)

. Responding to several unwelcome Council decisions, the mayor has stated that Council recognizes they do not please all members of the community. How about pleasing most of the members of the community most of the time.

## Social cohesion

We have acquired a mayor who envisages his Council atop a grand homogenized regional landscape. The “One Scenic Rim” slogan is even printed on all Council envelopes. Under his leadership Council and its distanced officers see themselves as distributors of largess according to their own values. As a consequence the character and heritage of vibrant individual communities are being lost as for example look-alike Mongard urban makeovers arriving at eye-watering costs. .

Apparently not understood by the mayor and his team is that vibrant communities grow from prolonged energized input from their respective residents. Residents enjoy initiating and participating in group activities with their like minded neighbours. It is how unique characteristics for particular areas grow and how communities bond. This is called social cohesion.

This concept regrettably has slowly been vanishing. In our 1997 Planning Scheme, because we have a large flood of annual visitors, much thought went into separating resident activity from the tourism sector. Nearly all resident activity and interaction was then located in its CBD, Main Street. Until the time its anchor supermarket was removed to a separate area, the street was a hive of activity, with residents routinely stopping for hour long chats. Off mountain players did not understand the importance of preserving this central resident hub and being fractured, this left no one being the winner.

In seeing his role as governing a broad homogenized regional landscape, the mayor has been Hoovering up under Council’s wing key successful community enterprises. This is a one size fits all policy joining various community activities and promoting the Scenic Rim brand Visitor Information Centres are being joined up and governed by instructions to workers so draconian that job applicants in the private sector, if faced with similar rules, would look elsewhere for a more amenable work situation. And these VIC people are all volunteers. People don’t set forth as unpaid Council workers with the same enthusiasm as those fulfilling the aims of their own community or group. Not confirmed is whether these centres have 60 page agreements.

It appears that in dishing out even small grants, Council now requires recipient organizations to name SRRC in any correspondence the grant covers as well as necessitating issuing invitations to the mayor and councillors to speak at any of the organization’s events.

Meanwhile half the management committee of the Tamborine Mountain Chamber of Commerce has resigned amid a tourism row. Attempting to have just one regional Local Tourist Organization, Council is trying to make the various Chambers of Commerce toe the same line. Tamborine Mountain attracts more than 1.5 million visitors annually, so who else but the Tamborine Mountain Chamber could produce its own website, annual brochure and manage this stream more effectively? Eco tourism excellence on Tamborine Mountain has been internationally famous since the 1890's. This is due solely to its resident input careful to guard the mountain’s unique environmental characteristics.

Council received \$1.3m for Bushfire recovery money to go to businesses affected by the fires. Some of this is being used to effect mergers and \$700,000 was spent on a new campaign to brand the Scenic Rim: “The Richest Place in the World - in Australia”.

Perhaps this is all a sign of the “small dog syndrome” where a new small regional Council is surrounded by the giants of Ipswich, Logan and the Gold Coast. .

Consultants have now been brought in to improve SRRC communication and ties with local media, businesses and its communication with the community. This is along with numerous grand schemes such as the Customer Centriy Project (*F. G. article attached*), Customer Charter, Integrity Bill and an Action Plan etc. ....All this affects TMPA in its efforts to help maintain a vibrant and unique mountain community which relies heavily on local resident input into the governing body of our region. And this is not happening.

**The point where we have reached indicates that, at least in Scenic Rim, local government has passed its use by date.**

## **QLGRA Annual Conference**

On 7th and 8th November, Qld. Local Government Reform Association held its annual conference in Hervey Bay. Representatives from various shires in the state attended to listen to guest speakers Kathleen Florian, Independent Assessor, and Alan MacSporran, QC, Chairperson CCC. TMPA is a member of QLGRA, and Amanda Hay, Helen Stephens and I attended as its representatives.

Kathleen Florian outlined the role of the Independent Assessor and OIA, its functions, councillor conduct framework and the jurisdiction of the OIA together with processes such as making complaints, assessment, investigations, misconduct risks and prevention. The OIA has 11 full time staff and 5 investigators.

Alan MacSporran presented a detailed report on corruption within Councils and how to report and deal with this serious issue. The CCC has approximately 85 seconded serving police on rotation conducting investigations.

Other speakers made presentations and the regional representatives reported key issues in their shires.

We were able to discuss with Kathleen Florian the perplexing situation concerning Nigel Waistell's court case over a trivial matter which Council should have handled better. Ms. Florian explained that because the system was in its infancy, the separate roles and differing legal opinions of the Independent Assessor and the Councillor Complaints Tribunal in this case needed to be tested in a court of law. No animosity is involved..

In answer to one of our questions, Alan MacSporran said that councils have an over-riding duty to operate in the public interest. Discussion was held about new State legislation (12th Oct 2020) which seeks greater transparency from Councils. To our example of how SRRC has now changed from conducting Planning Committee meetings open to the public to "confidential briefings", the response was that Council "failed miserably" (among other things).*(see attached Fassifern G article)*

The meeting elected to hold its next annual conference on Tamborine Mountain in September, 2021.

## **Other matters**

TMPA's Scouts Australia "Containers for Change" bins at the IGA car park have continued to provide funds which can be distributed to community organizations. So far U3A, Coleman Square Kindy. Historical Society, Tamborine Mountain Rural Fire Brigade and Tamborine Mountain Biosphere Inc. have benefitted. This is a good way of proving much needed funds to our many volunteer organizations.

Jeanette

