

Final Newsletters.....December 2023

In October a call was sent out for donations to pay ongoing costs including the retention of town planner Sean Cullen in the **Onsens (Gillespie) bathhouse development application on Main Western Road.** This proposed fully commercial use of a residential site was serious enough to put as much effort into countering it as possible. *The details are in the attached news email of 22-10-23.*

In Nigel Waistell's letter to the Scenic News, 23rd November, 2023, he states that a mediation session was called earlier than expected and lasted six and a half hours. Conducted "Without Prejudice" this means details here cannot be disclosed. The outcome was that he and Amanda Hay withdrew from the appeal. The main reasons were a precedent case from 2018 which was not favourable to their position and this increased the chances of costs against them being awarded.

In the SDA Eagles Retreat Place, Amanda Hay and I were buried under mountains of "precedent cases", with a huge batch appearing ten minutes before one court review. This was a new adversarial tactic foreign to the earlier days in the Planning & Environment Court. With time to read only a few of these, none seemed to relate to the situation on Tamborine Mountain. The problem now was that the Onsens judge is one of the two from the SDA case which drew astronomical costs against us - Amanda & Nigel had no choice.

Council's disgraceful position towards Tamborine Mountain and over 90% of the population (which has heavily invested in a particular lifestyle) is evidenced in the minutes of the pre-lodgment meeting Council officers had with the developer. Here Council primed the developer that labelling the development "Nature Based Tourism" would get the application over the line. It was a done deal from the start that a Planning & Environment Court having run off the rails could not address.

This makes a farce of *The Local Government Act* wherein properly made submitters to a development application are entitled to appeal Council's decisions in the Planning and Environment Court. This court is now the playground of the legally qualified and the mega-rich and definitely not a safe environment for communities and citizens.

The Onsen's (Gillespie) appeal was presided over by the same costs-obsessed judge who figured in the TMPA SDA appeal. From observation of a number of her cases, the judge appears to be bogged down in legalese without working out what the court is supposed to be doing. Amanda and Nigel withdrawing was a wise move.

Amanda Hay with great strength managed to raise a financial offer to \$40,000 and with this she has paid off the town planner and has been reimbursing those who generously made donations towards these costs. Thank you Amanda for this sterling effort.

A big thank you goes out to so many caring and concerned people who made donations. At least we made the biggest effort possible to avert a huge threat to the mountain's environmental semi-rural lifestyle.

Problems never cease. Residents of **The Shelf** have been meeting and discussing their dire predicament stating "in 2000 the Council wrongly, negligently and illegally approved, with little or no supporting evidence, a subdivision on The Shelf Road, Tamborine Mountain against all the expert geotechnical advice at the time and also against its own planning scheme which forbade subdivision. The Council further compounded that negligent action by ignoring its duty of care by allowing the developer to move the originally approved building envelopes into the more hazardous, steeper zone under a rocky escarpment. That was done without any additional geotechnical assessment".

Four houses are severely structurally damaged and at least some will have to be demolished but they are safe to live in for the moment. The houses now sit over landslides that experts say will keep moving. Some cannot

be repaired while others are not worth repairing (or rebuilding) because the landslides will continue to move and then damage any repairs that might be made.

Voluntary buy back by Council has been refused. Insurers have refused claims and these properties cannot be sold. The residents have nowhere else to go so have to live in damaged premises.

At the time TMPA had input into this subdivision and managed to greatly reduce the number of lots applied for. Whilst warning of landslip problems it stated that if this occurred residents would surely be entitled to take action. Residents are now discussing what actions to take.

The Young Street cabins development application has yet to come before Council. A lot of detailed research has been done by the front person of the impacted group. This has revealed a great many serious problems. Applying the usual duck & weave tactics, Council continues to ignore detailed letters of concern. Also on the slip prone eastern escarpment questionable items such as the positioning of big water tanks down the slope are not even being considered let alone addressed. The developer is using the same team that won the Onsens bathhouse appeal (which Council supported) so an acceptable outcome in the short term is problematic.

Council has never explained why under the **Growth Management Strategy** it piled more residences onto Tamborine Mountain despite prohibition of further subdivision under the 2020 Planning Scheme. In catering for growth in south east Queensland the State government required each shire to accommodate a certain number of extra dwellings. For Scenic Rim this was 11,000. It has vast open spaces, yet it chose to add to the Tamborine Mountain plateau, just 1% of the shire, and without reticulated water and minimal infrastructure. .

Council cannot say it was instructed to do so by the State government. Here the SEQ Regional Plan takes a broad brush strategy, and depends on Council to fine tune according to the Planning Scheme. In a long meeting in Brisbane, end of 2020, with the relevant State gov. Director and three representatives of SARA where we outlined the problems faced here, we were advised to alert as many residents as possible to tell Council their position and concerns. Following local media advice in this regard, 450 residents submitted objections to further subdivision on Tamborine Mountain. As this apparently countered Council's pre-determined position, it referred the matter to a "peer review". This came back with the inane reply that residents did not understand the proposal and what subdivision entailed.

We have a mayor who cannot tell the difference between Tamborine Mountain, Beaudesert and Boonah – which calls into question his intellectual capacity. However we've located the CEO!

Council elections are due in March 2024.

Meanwhile the **Tamborine Mountain Progress Association** is still in the final stages of being wound down and hopefully no more questions will be asked by the liquidator.

Looking ahead, the management committee established a replacement community focussed organisation and this has been incorporated. It is in its final stages of being formed with an account soon to materialise from Suncorp. When that is done, we will be calling for memberships and public meetings will start again in the new year.

On behalf of the TMPA management committee team,
to everyone, have a safe and Happy Christmas,
and best wishes for 2024!

Jeanette

