



Stirling Hinchliffe MP

Member for Stafford

Our ref: 08/1454

08 DEC 2008

Tamara

| | |
|-----------|----|
| FINALISED | |
| DATE | BY |
| 8/12 | |



**Queensland
Government**

Parliamentary Secretary
to the Deputy Premier and
Minister for Infrastructure and Planning

Contrary to Public Interest



Dear Contrary to Public Interest

I refer to your email of 11 October 2008 to the Honourable Warren Pitt MP, Minister for Main Roads and Local Government about the proposed quarry at Cliff Barrons Road, Upper Ormeau. As this matter falls within the portfolio responsibilities of the Honourable Paul Lucas MP, Deputy Premier and Minister for Infrastructure and Planning, your correspondence has been forwarded to this office for consideration. The Deputy Premier has asked me to respond on his behalf.

With respect to your concerns about public consultation, the *Integrated Planning Act 1997* (IPA) does not require applicants of a development application to consult with the community. Chapter 3, Part 4 of the IPA does, however, require development applications to be publicly notified to allow the public to make submissions to the local authority prior to the proposal being decided. The development application undertook a period of public notification from 4 September to 22 October 2008 (a total of 34 business days).

Gold Coast City Council (GCCC) records indicate that you lodged a submission with council which was received on 10 October 2008. GCCC is required to have regard to all submissions lodged in the public notification period when deciding the proposal. In addition, if you are dissatisfied with council's decision you can appeal council's decision to the Planning and Environment Court.

The land at Upper Ormeau subject to the development application is identified as a Key Resource Area (KRA) under *State Planning Policy 2/07 - Protection of Extractive Resources* (SPP2/07). The GCCC planning scheme recognises the KRA on Overlay Map 23. SPP2/07 identifies extractive resources which have a state or regional significance. Its purpose is to protect these resource areas from development which might prevent or severely constrain current or future extraction, when the need for the resource arises.

It is important that these areas are protected for existing and potential extractive industries to ensure viability of significant state and regional economic resources and to provide a suitable buffer between a KRA and other activities (predominantly residential activities) to maintain residential and community amenity.

Level 12 Executive Building
100 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3224 4781
Email deputypremier@ministerial.qld.gov.au

Notwithstanding the above, SPP2/07 does not facilitate the development of the identified KRAs. Development proposals, including a quarry, require assessment through the Integrated Development Assessment System under the IPA. The GCCC and relevant state government agencies are responsible for this assessment.

State government agencies for the subject development application include the Department of Main Roads, the Environmental Protection Agency and the Department of Natural Resources and Mines.

When assessing the proposal, the GCCC and state government agencies will have regard to the matters raised in your email, including:

- visual amenity
- traffic
- flora and fauna
- economic need and existing capacity.

Given the above, it is necessary for the GCCC to finalise its assessment of the application against the relevant state and local policies and requirements.

I trust this information is of assistance. If you require any further information, please contact Ms Tamara Wiseman, Senior Planner, Southern Region Division, Department of Infrastructure and Planning on 3247 5436 who will be pleased to assist.

Yours sincerely

Contrary to Public Interest

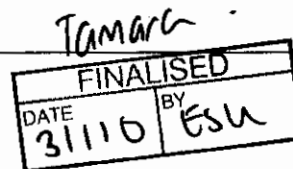
STIRLING HINCILIFFE MP /
Parliamentary Secretary to the Deputy Premier and
Minister for Infrastructure and Planning

DEPARTMENT OF INFRASTRUCTURE AND PLANNING BRIEF FOR NOTING

Our Ref: TN137764
Date: 28 October 2008
TO **Deputy Premier and Minister for Infrastructure and Planning**
FROM Planning Group
SUBJECT Quarry Proposal at Cliff Barrons Road and Upper Ormeau Road, Ormeau Hills
Requested by Office of the Deputy Premier

RECOMMENDATION

- That you **note** the contents of this brief.



BACKGROUND SUMMARY

- Gold Coast City Council is in receipt of a development application for Material Change of Use for a Quarry at 68 Cliff Barrons Road and 440 Upper Ormeau Road, Ormeau (Lot 1 on RP174509 and Lot 1 on RP186128) (**Attachment 1**).
- The land subject to the application is located in the Rural Domain under the *Gold Coast City Planning Scheme*. The Rural Domain is intended to support the provision of a wide range of rural activities and legitimate rural economic activity within suitable hinterland areas, while protecting nature conservation, open space and landscape interest values of the land (**Attachment 2**).
- The site is subject to the following Overlay Maps:
 - OM10 – Potential Bushfire Hazard Areas (medium to low hazard)
 - OM11 – Natural Wetland and Waterway Areas (freshwater linkages and other natural wetlands)
 - OM20 – Conservation Strategy Plan (significant remnants)
 - OM23 – Extractive Resources (haul routes and resource boundaries) (**Attachment 3**).
- The site is identified as a Key Resource Area (KRA) under *State Planning Policy 2/07 Protection of Extractive Resources (SPP2/07)* (**Attachment 4**). The management of SPP2/07 rests with the Department of Mines and Energy.
- The site is within the Rural Landscape and Protection Area under the *South East Queensland Regional Plan 2005–2026 (SEQRP)*.

- The development application is impact assessable and recently completed the notification stage under sections 3.4.4 and 3.4.5 of the *Integrated Planning Act 1997* (IPA). The development application is now in the decision making stage in accordance with section 3.5.1 of IPA.
- During the notification stage, it is understood that a number of submissions were lodged with council. The issues outlined in the submissions raise concerns with dust, noise, traffic congestion, road safety, vibration, flora and fauna values, and the adverse impact on property values of the quarry.
- It is understood that local councillor, Councillor Margaret Grummitt, provided an undertaking to residents to ensure the council and state government were fully aware of their strong concerns about the development application.

ISSUES

- SPP2/07 identifies extractive resources that are of state or regional significance. The purpose of SPP2/07 is to protect these resources from development that might prevent or severely constrain current or future extraction when the need for the resource arises. SPP2/07 does not seek to facilitate the development of the identified KRAs.
- KRAs include three elements: a resource/processing area; a separation area; and an associated transport route. The resource/processing area generally identifies the location of the extractive resource itself. The separation area identifies the area that quarrying operations may adversely affect residential uses and provides a buffer to prevent the establishment of land uses incompatible with quarrying operations. The transport route provides a link from the resource to major road or railway infrastructure.
- SPP2/07 recognises that the resource/processing area boundary may not accurately reflect the workable extractive resource. It is therefore possible that extractive industry developments may occur in the identified separation area where the proposed extractive resource industry does not compromise the function of the separation area.
- SPP2/07 is consistent with the SEQRP which sets policy to protect extractive resources for potential future extraction. The SEQRP relies on the SPP2/07 to provide a detailed basis for achieving this aim.
- Through the SEQRP and SPP2/07 the state has an interest in protecting extractive resource areas for state and regional economic purposes and to ensure suitable areas are provided as a buffer to the KRAs to maintain residential and community amenity.
- Extractive industry operations in a KRA are subject to the normal development assessment process under the IPA, the Integrated Development Assessment System (IDAS).
- The subject site is located within the resource/processing area of an identified KRA.
- Therefore the proposed development will be decided by the council. The council's assessment of the development application will consider SPP2/07 along with other relevant environmental, development, overlay, amenity and traffic policies and requirements applicable under the planning scheme.
- The Environmental Protection Agency, Department of Main Roads, and the Department of Natural Resources and Water, were triggered as concurrence agencies for the development application.

- The council must refuse the development application should any of the concurrence agencies direct it to do so. The council must also impose any conditions as directed by the concurrence agencies should it decide to approve the application.
- Alternatively, council may decide to refuse the application even if any or all of the concurrence agencies provide council with conditions to attach to any approval.
- Should council decide to approve the development application, any person who lodged a properly made submission during notification period will be afforded third party appeal rights to the Planning and Environment Court (P&E Court).
- The P&E Court is the independent body established to resolve disputes about development proposals and is the appropriate means for the views of council, the applicant and submitters to be heard, tested and determined.
- You have the ability to intervene in the development assessment process should, in your opinion, the matter involve a state interest. Options for your intervention include a Ministerial direction to council (as the assessment manager), a Ministerial call-in either before or after the development application has been decided, or to elect to become a party to any appeal that may be lodged in respect to council's decision.
- It is not recommended that you become involved in the development application process at this stage. The council should be afforded the ability to assess and decide the application against the relevant state and local policies and requirements. The applicant and written submitters have the ability to appeal council's decision should they remain dissatisfied with the outcome.
- Should a state interest become apparent in the future management of this matter, you will be further briefed on the issues and options for resolution.

CONSULTATION WITH STAKEHOLDERS

- Consultation has not been undertaken with council or any concurrence agencies, including the Department of Mines and Energy.

FINANCIAL IMPLICATIONS

- N/A

POTENTIAL MEDIA

- The department is unaware of any media coverage of this issue.

NOTED
Deputy Premier and
Minister for Infrastructure and Planning
Comments

Paul Lucas
Deputy Premier and
Minister for Infrastructure and Planning

Principal/Senior Policy
Advisor

Tamara Wiseman
Policy Advisor

29/10/08

Political Representatives

Local Government

Councillor Donna Gates, Division 1, Gold Coast City Council
Councillor Margaret Grummitt, Division 4, Gold Coast City Council

State Government

The Honourable Margaret Keech MP, Member for Albert

Federal Government

Mr Stuart Robert MP, Federal Member for Fadden

*PL
28/10*

Contact Officer:
Tamara Wiseman
Senior Planner
3247 5436

Approved:
Graeme Bolton
Director
3237 9968

GB
27/10/08

Endorsed:
Gary White
Deputy Director-
General
3247 3055

For *Clanidy*
28/10/08

Election Commitment

CBRC / Cabinet related

ECM related

Quarry Proposal at Ormeau Hills

A new application has been made for a quarry to be situated on the Corner of Upper Ormeau Rd and Cliff Barrons road, Ormeau by Wagner Investment Pty Ltd based in Toowoomba. Residents say that the quarry, ~~if approved will have a dramatic effect on all properties in the vicinity by dust, noise, traffic, environmental and property values.~~

The application to develop the proposed Ormeau Hills Quarry was lodged with the Gold Coast City Council on 22 November 2007 and a request for information was sent by the Council to Wagner Investments Pty Ltd on 14 January 2008. Following the referral period, the notifications stage commenced on 4 September 2008. Residents had until today, Wednesday 22 October 2008 to lodge an objection to the Gold Coast City Council - Planning and Development Committee.

During that time, a group of concerned residents have set up their own committee, and has managed to raise in excess of 500 objections.

~~Margaret's~~ official line has been: *"At the meetings I have attended residents stated that an application for a new quarry at Upper Ormeau Road would have serious impact on the wildlife and unique vegetation of the area. Dust, noise, traffic congestion and road safety were also raised as concerns.*

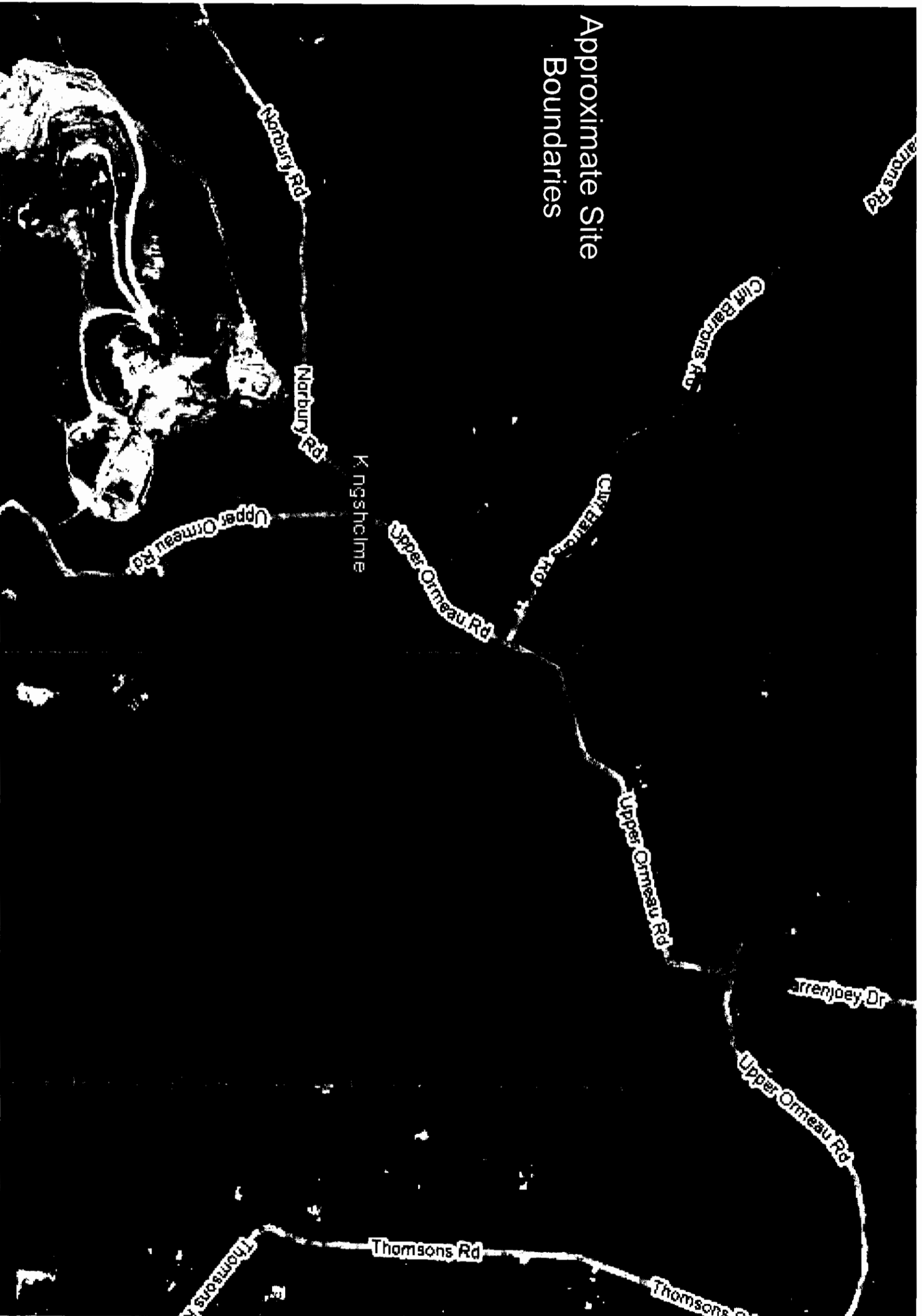
~~At the meeting I gave my commitment to the residents that I would closely work with them to ensure GCCC and the State Government are fully aware of their strong concerns about the application for a new quarry for Upper Ormeau Road."~~

Cr. Gummitt

Margaret has also taken to reassure residents that although the area is zoned a "Key Resource Area" by the State Government, the quarry will not just get automatic approval.

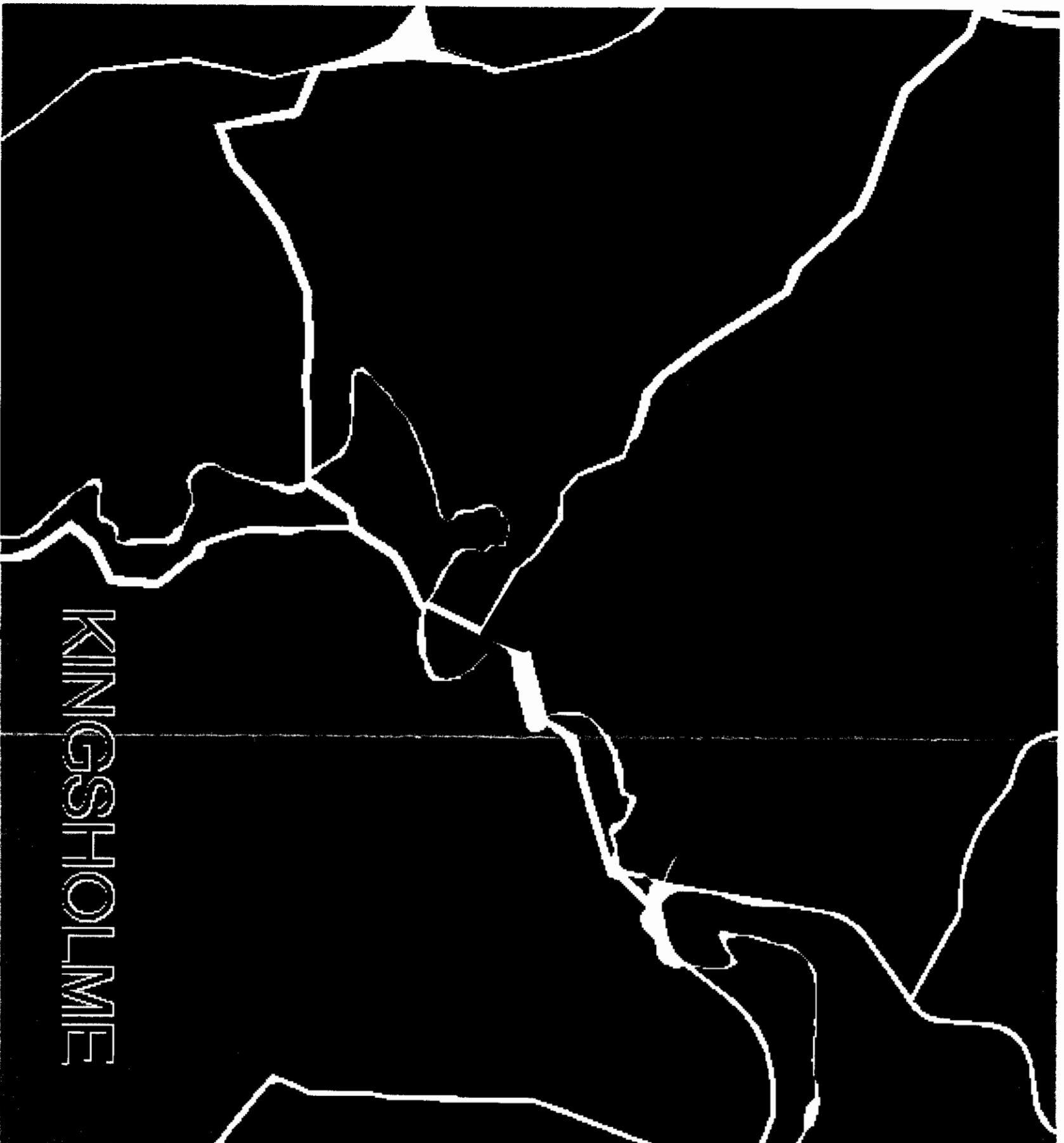
Since the meetings, Margaret has met with anti-quarry campaigners as well as representatives from Wagners. Wagners remains keen to meet with concerned residents, however they are going against the 'tide'. This quarry is extremely unpopular. The residents aren't 'anti-quarry', as the Boral quarry co-exists in the area already, and they seem to think they have their 'fair share' already.

Ultimately though, it is the GCCC that will make the decision based on whether they think Wagners has adequately addressed environmental and other concerns.



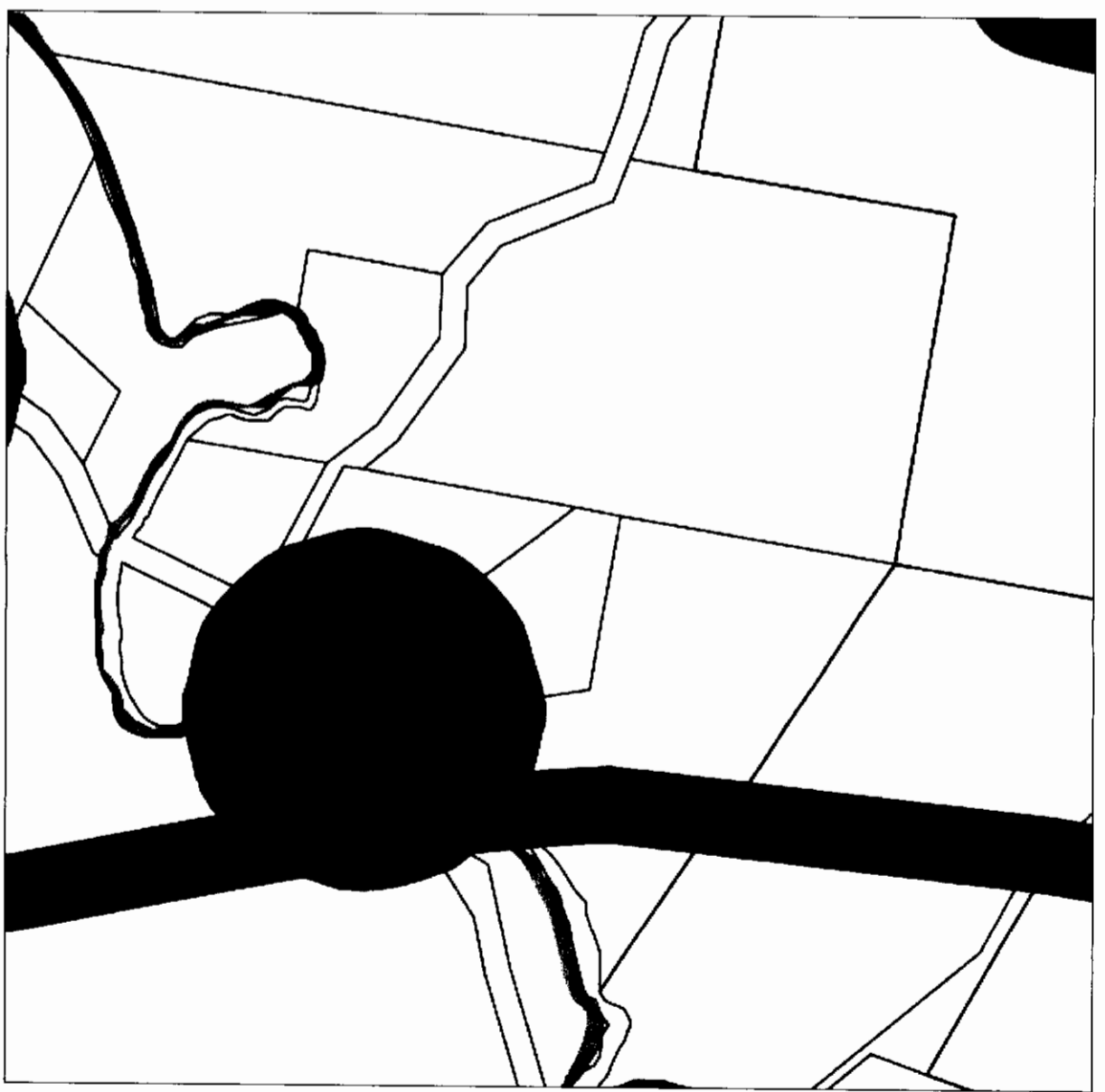
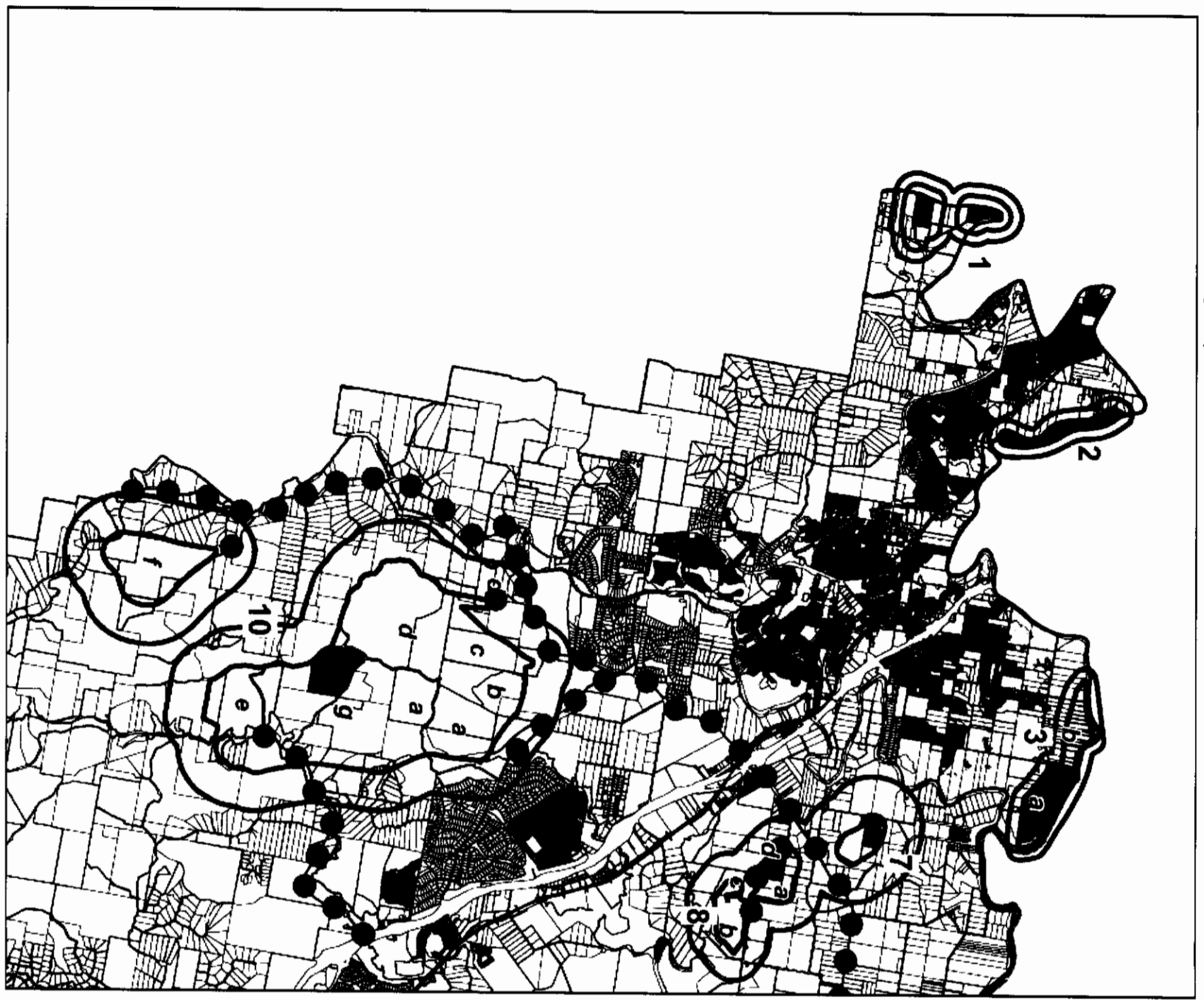
Approximate Site Boundaries

ATTACHMENT 1
Aerial Photograph – 440 Upper Coomera Road and 68 Cliff Barrons Road, ORMEAU HILLS
(Source: Google Maps)



- Detached Dwelling
- Residential Choice
- Tourist & Residential
- Park Living
- Rural
- Integrated Business
- Industry 2
- Extractive Industry
- Community Purposes
- Conservation
- Public Open Space
- Emerging Communities
- Designated Development
- Uncoloured

ATTACHMENT 2
Zoning Map - 440 Upper Coomera Road and 68 Cliff Barrons Road, ORMEAU HILLS
(Source: Gold Coast City Planning Scheme)

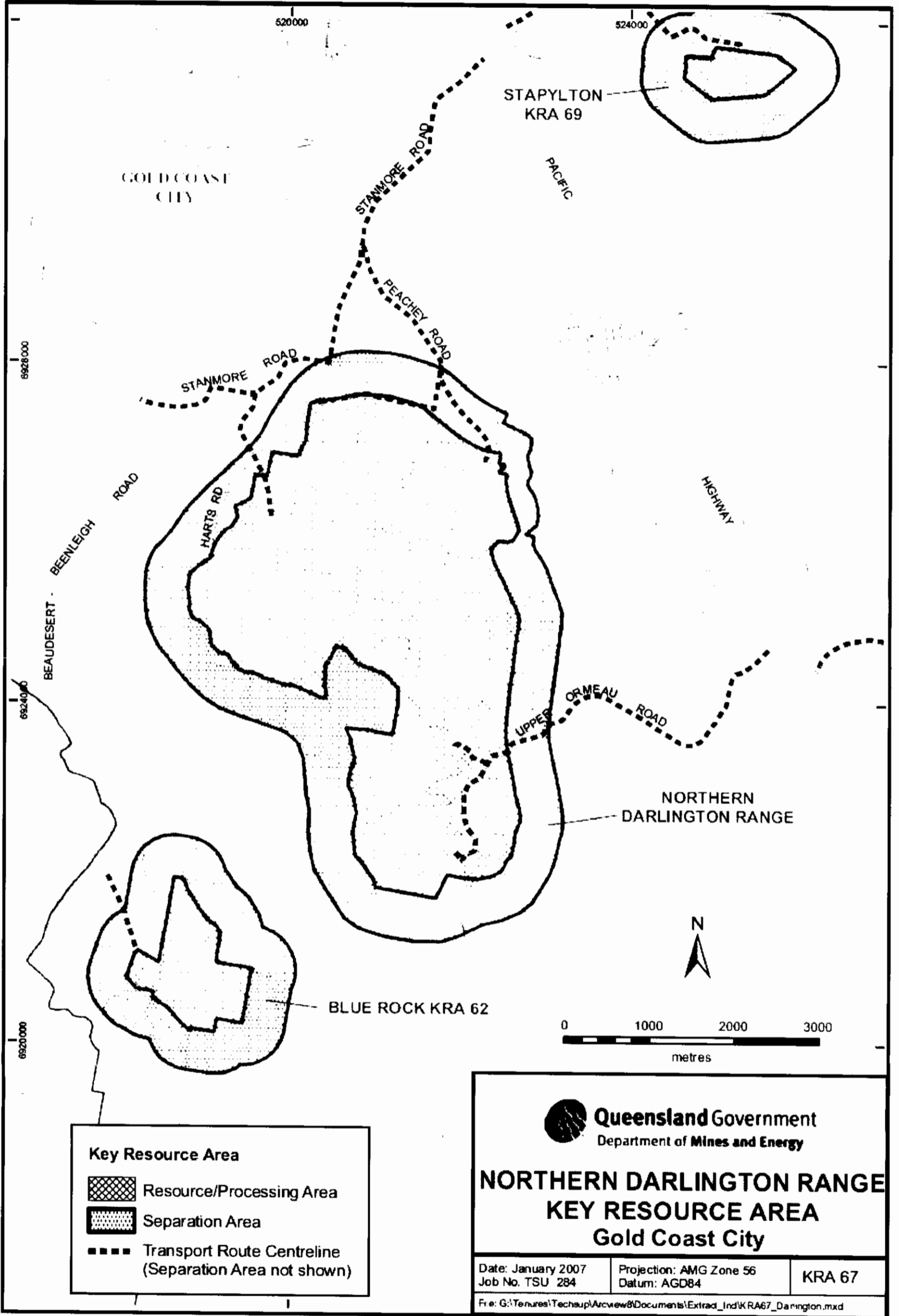


SPP 2/07 Key Resource Area – 440 Upper Coomera Road and 68 Cliff Barrons Road, ORMEAU HILLS

(Source: Google Maps)

ATTACHMENT 3

3



ATTACHMENT 4
 SPP 2/07 Key Resource Area – 440 Upper Coomera Road and 68 Cliff Barrons Road,
 ORMEAU HILLS
 (Source: Google Maps)



Stirling Hinchliffe MP
Member for Stafford



**Queensland
Government**

Our ref: 08/1696 / 08/1710

Parliamentary Secretary
to the Deputy Premier and
Minister for Infrastructure and Planning

2 DEC 2008

Contrary to Public Interest

Dear Contrary to Public Interest

I refer to your email of 8 October 2008 to the Honourable Desley Boyle MP, Minister for Tourism, Regional Development and Industry and the Honourable Warren Pitt MP, Minister for Main Roads and Local Government, about the proposed quarry at Cliff Barrons Road, Upper Ormeau. As this matter falls within the portfolio responsibilities of the Honourable Paul Lucas MP, Deputy Premier and Minister for Infrastructure and Planning, your correspondence has been forwarded to this office for consideration and direct reply. The Deputy Premier has asked me to respond on his behalf.

The land subject to the development application is identified as a Key Resource Area (KRA) under *State Planning Policy 2/07 – Protection of Extractive Resources (SPP2/07)*. The Gold Coast City Council's (GCCC) planning scheme recognises the KRA on overlay map 23. SPP2/07 identifies extractive resources that have a state or regional significance. Its purpose is to protect these resource areas from development that might prevent or severely constrain current or future extraction, when the need for the resource arises.

The state government maintains an interest in protecting these areas for existing and potential extractive industries:

- to ensure viability of significant state and regional economic resources
- to provide a suitable buffer between a KRA and other activities (predominantly residential activities) to maintain residential and community amenity.

Notwithstanding the above, SPP2/07 does not facilitate the development of the identified KRAs. Development proposals, including a quarry, require assessment through the Integrated Development Assessment Process under the *Integrated Planning Act 1997* (IPA). The GCCC and relevant state government agencies are responsible for this assessment.

Level 12 Executive Building
100 George Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3224 4600
Facsimile +61 7 3224 4781
Email deputypremier@ministerial.qld.gov.au

State government agencies for the subject development application include the Department of Main Roads, the Environmental Protection Agency and the Department of Natural Resources and Mines.

When assessing the proposal, the GCCC and state government agencies will consider matters that you raised in your email, in addition to:

- visual amenity
- traffic
- flora and fauna
- economic need and existing capacity.

Given the above, it is necessary for the GCCC to finalise their assessment of the application against the relevant state and local policies and requirements.

If you have lodged a submission with the GCCC during the public notification period, you have the ability to appeal the council's decision to the Planning and Environment Court if you are not satisfied with the outcome.

I trust this information is of assistance. If you require any further information, please contact Ms Tamara Wiseman, Senior Planner, Southern Region Division, Department of Infrastructure and Planning on 3247 5436 who will be pleased to assist.

Yours sincerely

Contrary to Public Interest

STIRLING HINCHLIFFE MP
Parliamentary Secretary to the Deputy Premier and
Minister for Infrastructure and Planning