

Dear William Owen-Jones,

Re: Nucrush Quarry non-compliance re: highly visible external to quarry site
and operating hours and on site concrete batching operation
(Development application COM/2019/81)

Scarring of elevated land

Well, it is approaching a year now since my last email to you and still, unfortunately, no satisfactory reply as to why Nucrush have been allowed to quarry in a way visible from beyond the quarry (and continue to do so). This is contra to their Current approval i.e. "Part 3, Quarry Operations - General" of Rezoning agreement between the Council and Nucrush dated 17th March 1992, where: 'Section 13' states: "The method of quarrying is to be from east to west and designed to keep all quarry faces hidden from view by persons external to the subject site (other than persons occupying elevated properties and from whom it is impossible to hide the operations under any design)". It is also contra to City Plan guideline 3.5.5.1 specific Outcomes (8): "does not scare vegetated ridgelines and elevated land when viewed from outside resource area".

The current views into the Nucrush quarry from miles around and in a multitude of directions is extremely ugly and seemingly getting worse day by day as the benching and quarry faces become more and more exposed at higher elevations (Approximately 70 metres above sea level currently). And, there is also seemingly absolutely no attempt to rehabilitate these exposed areas to improve the outlook for local residents and visitors to our area (including visitors to Tamborine Mountain and the Hinterland beyond).

This is two clear reasons why the Council should be addressing this area of non-compliance i.e. Contra to their Council Current approval and also to the Council City Plan requirements.

I have been told regularly by Council officials that the Nucrush quarry is monitored by the DES and not the Council and therefore the Council do not investigate non-compliance at the Nucrush quarry. However, the monitoring Authority are only concerned with items covered within their Environmental Authority e.g. Dust, Noise, blasting, etc. And, I am led to understand, the DES are not the monitoring authority for approval non-compliance which in this case falls to the Council for matters pertaining to the Current approval i.e. Operating hours, on site activities over and above the extractive industry, etc.

Concrete Batching operation

I have also been advised the concreting batching on-site operation is not part of the current agreement and therefore does not, I am led to believe, have planning approval for this operation on this 'extractive industry' site. I would be grateful for your clarification as to why Nucrush have been allowed to operate a concrete batching facility if it does not have planning approval for what is clearly not part of the extractive industry and/or ancillary operation of an extractive industry, but, is in fact a completely separate operation operating within the extractive industry site?

Is this also why the concrete batching operation has been omitted from development application COM/2019/81 due to its lack of compliance with their extractive industry operation on this site?

Operating Hours

Also, the Nucrush quarry appears to be non-compliant with regards to operating hours. The City Plan, Section 9.3.8. for Extractive Industry Code, Performance Outcome PO6 requires operating hours of between 7am and 6pm. Similarly, their Current approval by way of the Rezoning agreement (Section 16.1) states: “the hours of operation are to be those provided for in the Town Planning Scheme”. However, it has been highlighted on numerous occasions that the site is operating from approximately 4:00am in the morning with trucks entering and leaving the site from this time onwards. Why is this clear breach in their approval also allowed to persist? Again, this is part of the current approval with Council and not part of the Environmental Authority as monitored by the DES.

Conclusion

I would be grateful if you would investigate these items of apparent non-compliance as a matter of urgency as it is adversely affecting local residents on a daily basis and are not enforceable by the DES as it falls outside the scope of their Environmental Authority EPPR00245613.

Also, please submit this as an objection to the Nucrush development application COM/2019/81 as I believe any items of on-going non-compliance should be a determining factor in the consideration of their suitability to operate a quarry on this site for the next one hundred plus years as they propose.

I await your reply in anticipation,

Kind regards,

Tony Potter.