

Kin Kin Community Group Inc.



ABN 26 717 537 443

Main Street, Kin Kin QLD 4571

Phone: 07 5485 4344

Email: gary@lvs.com.au

23rd July 2010

The Hon. Anna Bligh M.P.

PO Box 15185

City East

Queensland 4002

Dear Mrs. Bligh,

As the President of the Kin Kin Community Group, I had the pleasure of escorting you around Kin Kin shortly after the April 2009 Kin Kin floods.

I am now writing to inform you of another serious problem that is currently facing the people of Kin Kin, and to ask for your help.

In June 2007, you rejected an application for an Eco-Tourist resort at Kin Kin, stating, "In the Noosa Hinterland, the plan allows for smaller scale tourism facilities such as farm stays and bed-and-breakfasts. The region just does not have the infrastructure to support a development of this size".

We are now faced with a massive development in the heart of Kin Kin that proposes to impact the local roads, businesses, school bus routes, ecology, environment and people in general far more than the Titanium project could have ever dreamed of.

In mid 2009, a driller informed some local residents that a mega quarry would commence operating in Kin Kin in early 2010. On investigating, the Kin Kin Community Group Inc. (the Group) acquired a copy of the Neilsens Quarry Management Plan of 2005 (the Plan), which had indeed been accepted by the Council without community consultation. We discovered that the proposed operation relied upon a 1987 Town Planning consent for an extractive industry, and an amendment by the Local Government Court in 1988. The application requested approval for a 10 ha extraction area to a pit depth of 50m, with one small site office and one small crusher unit, employing four personnel.

The Plan has far exceeded the TPC, with an extraction site of at least 30 ha, including eleven 15m high benches, a face of 600m X 400m, to a height of 180m above the quarry floor, equating to the size of a 60 story building, with significant infrastructure in the form of crushers, conveyor, processing plants, stockpile area and multiple buildings. In reply to our request for information, Neilsens advised that after one to two years, they expect 30–40 loads of gravel per day to leave the site in large trucks with dog trailer combinations. The proposed haulage route is via the Pomona Kin Kin Road, yet Neilsens have advised that trucks will go in all directions. None of these routes are safe.

The Dept. of Main Roads confirmed that the government has no plans to improve the local infrastructure or road system. They advised that an upgrade of the Pomona Kin Kin range road would cost \$75,000,000 and an upgrade of Six Mile bridge would cost in excess of \$20,000,000, and that there are no funds available for either project. They also recognise that the region does not have the infrastructure to support a development of this proportion.

In late 2009, the Group appealed in writing to: the land owner, the operator, the Mayor, Councillor Lew Brennan, various Council officers and our State and Federal representatives, in an effort to halt the development of the quarry. As all efforts failed to achieve a satisfactory response, the Group sought legal advice, and then initiated legal proceedings against the Sunshine Coast Regional

Council, the land holder and the operator, on behalf of the greater majority of the Hinterland residents. The objective of this action is to:-

1. Protect Hinterland residents and visitors from serious road danger.
2. Save the Noosa River and its catchment area from irreversible damage.
3. Spare the ecology including waterways, flora and fauna.
4. Save a vital section of the Noosa Trail Network.
5. Protect residents & businesses from the disruptive effects of truck traffic, noise and dust.
6. Save local jobs (60 locals are employed at the neighbouring Health Retreat alone).
7. Retain the pristine environment that attracted most of us to this area.

Over the last seven months, the Group has expended volumes of personal time and money examining council records, meeting with lawyers, politicians, councillors, police, media, local residents and business operators. Through fund raising events and personal sacrifice, the people of Kin Kin have pitched in over \$70,000 to help with legal expenses. **Our legal advice is:-**

1. The original application did not comply with 1985 by-laws.
2. A 1980 High Court ruling set precedents that clearly establish that the 1987 application was invalid and the subsequent consent order by the Local Government Court in May 1988 was made without jurisdiction.
3. If a Court now ruled that the approval was legitimate, it has since lapsed because the development did not commence within the time demanded by planning legislation. Subsequent approvals are therefore unlawful.
4. The current operation should cease.

Other facts that are vital to the case include: -

1. In 2003, the Council extended the life of the quarry by 15 years to 2033, without community consultation.
2. A letter to a resident, from the Council in August 1997, advises that "There will certainly not be a continuous, daily, year round stream of haulage vehicles coming from the site." P. Wright, Dep. Shire Eng.
3. The State Government Key Resources Area map does not include the extraction site specified in the Neilsen Quarry Management Plan.
4. The Noosa Plan, (Boreen Point, Kin Kin and Cootharaba Biodiversity Overlay) clearly establishes Neilsen's planned extraction site as an Environmental Protection Area (see map OMI.1).
5. The proposed operation will destroy five types of koala-friendly trees.
6. The quarry operator has already been warned and fined for non-compliance with environmental laws.

From your 2007 intervention in relation to the Titanium application, we understand that you are familiar with the lack of local infrastructure and that you are concerned for the lives of the people of this region. On behalf of several thousand of your loyal constituents in the Noosa Hinterland, I appeal to you to look into this matter and initiate action to compel the developer to cease operating, pending his submission for a Material Change of Use. The people deserve the opportunity to register their

concerns before such a development receives approval. This opportunity, until now, has been denied.

The developer has indicated that they have the money to win the case, whereas the people of Kin Kin are limited in their ability to pay for such expensive legal fees. This is true. Accordingly, we need your intervention.

Thank you for taking the time to consider our plight. We look forward to hearing from your office.

Kind Regards,

Gary Martin
President

Unity in our Community