

25th January 2021

For the attention:
Phillip Zappala
Senior Planner – Major Assessment
City Development Branch
Council of City of Gold Coast

Dear **Phillip Zappala**,

Objection submission COM/2019/81 -
Extractive Resources Overlay Code 8.2.7

Please find below further information that I think should be considered re this development application as I believe it does not include the required analysis against the Extractive Resources Overlay Code 8.2.7 of the City Plan (Version 6) that is required.

In the main development application submitted, the '2.2 Gold Coast City Plan Code Assessment' section (starting at page 65 of 354), references the following Council Overlay Codes:

- 8.2.1 Acid sulfate soils overlay code
- 8.2.2 Airport environments overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.6 Environmental significance overlay code
- 8.2.8. Flood overlay code
- 8.2.11 Landslide hazard overlay code

However, the highly important and relevant '8.2.7 Extractive resources overlay code' has been, in my opinion, negligently excluded from analysis.

8.2.7 Extractive resources overlay code

The Extractive resources overlay code states: ["This code applies to assessing material change of use for development subject to the Extractive resources overlay and identified within Part 5.10. Categories of development and assessment - Overlays"](#) (reproduced in attachment A1).

The aforementioned 'Part 5.10. Categories of development and assessment - Overlays' identifies that this development application required 'Extractive resources overlay code' as an assessment benchmark (reproduced in attachment A2). Yet, it would seem the applicant has failed to include this highly relevant overlay code as was clearly required.

8.2.7.2 Purpose

Highlighted in the 'Purpose' section 8.2.7.2 (2)(c) is the requirements: "Ensure public safety and amenity by preventing incompatible development within separation areas adjacent to extractive resources" and (2)(d): "Prevent significant impacts on nearby sensitive land uses in the vicinity of extractive resources, extractive operations and transport routes" and (3)(c) states: "Separation areas are maintained to: (i) prevent encroachment of sensitive land uses near resource/processing areas; (ii) protect sensitive land uses from the impacts of Extractive industry" (attachment A1). Clearly these requirements should have been appropriately addressed in the development application.

Performance Outcome PO2

Further, in the 'Extractive Resources Overlay Code 8.2.7.3 Part B, Performance Outcomes (reproduced in Attachment A3), PO2 states: "Development where located within the Separation Area and 100m Transport Route Separation Area:

- (a) does not compromise the current and/or future extraction, processing and transportation of resources;
- (b) is orientated away from a Resource Area/Processing Area to minimise views/limit visual impact of Extractive industry, and
- (c) ensures an appropriately sized buffer between sensitive land uses, the resource/processing area and the transportation route of the KRA".

This development (that is located within the separation area and required 100m Transport route separation area) does not "minimise views/limit visual impact of Extractive industry". In fact the development application submitted will allow uninterrupted views into the extractive industry which includes the quarry footprint, the ancillary operations, including processing, screening and crushing and also the concrete batching facility from areas outside of the Extractive industry e.g. from the Tamborine Road and the Maudsland Road.

It also does not ensure "an appropriate sized buffer between sensitive land uses, the resource/processing area and transport route of the KRA". As it is proposing reducing separation buffers to within a couple of hundred metres (well within the 1000m separation buffer Des guidelines). It is also well within the required 1000m "Blast Exclusion Zone" required.

Obviously the '100m Transport Route separation' required to the Pacific Motorway is clearly compromised already by hundreds of legally built homes in the area.

There is no Acceptable Outcome for this performance outcome.

Performance Outcome PO3

Further, in the 'Extractive Resources Overlay Code 8.2.7.3 Part B, Performance Outcomes (reproduced in Attachment A3), PO3 states: "Development does not significantly impact the amenity of existing sensitive land use or residential zones within and external to the Separation Area". However, this development does significantly impact these areas. It effects hundreds of homes, within the separation buffer (by reducing the extractive footprint in every radial direction). It also effects hundreds of further homes located within the '100m Transport Route separation' corridor by

purposing not to cease quarry operations on 15th February 2022, as currently planned, but instead plans to increase the already incredibly busy haulage traffic significantly by increasing the number of haulage vehicles from 282 per day to 342 per day (an over twenty percent increase).

Proposed Development also significantly impacts the emerging community zones Lot 7 (6.7 ha) and Lot 8 (9.2ha) that are within 100 metres of extractive footprint (as shown in Attachment A4).

There is no Acceptable Outcome for this performance outcome.

Performance Outcome PO4

Further, in the 'Extractive Resources Overlay Code 8.2.7.3 Part B, Performance Outcomes (reproduced in Attachment A3), PO4 states: "Development ensures safe access onto a designated transport route". However, this development has a severely compromised transport route, having hundreds of legally built homes within the '100m Transport Route separation' that is required to be free of residential homes. These have mostly been built since the quarries inception but now compromise the '100m Transport Route separation' significantly.

This performance outcome is also contra to the Councils own proposal: 'Oxenford Investigation Area Community Consultation Outcome document': PD113/1275/14/02, dated 13th June 2019, which as per state requirements, proposes accommodating more homes in the Oxenford area, 205 of which will be within the '100m Transport Route separation' route (See my objection submission dated 24th February 2020 for more information).

Conclusion

It can be seen from above that the '8.2.7. Extractive Resource Overlay code' is highly relevant and contains a number of contentious issues that need to be resolved with respect to this development application. Its absence, having been clearly targeted at Extractive Industry, I find surprising, troubling and negligent.

Was this overlay code purposefully omitted because the applicant was aware of the serious issues that it would raise?

Without compliance to Council City Plan '8.2.7. Extractive Resources Overlay Code', a code clearly targeted at Extractive Industry, I really do not see how this development application can be seriously considered.

Thank you for considering my objection,

Kind regards

Tony Potter

* Disclaimer. Please note my findings are believed correct and are to the best of my ability. However, there may be errors and assumptions I have made that are incorrect. I do not believe this to be the case, but, realise with the vast amount of submitted data from the applicant, errors and assumptions on my part may occur. Hopefully this is not the case, but please accept my apologies if this is so. Thank you.

Part 8.2.7 Extractive resources overlay code

8.2.7 Extractive resources overlay code

8.2.7.1 Application

This code applies to assessing material change of use for development subject to the Extractive resources overlay and identified within **Part 5.10 Categories of development and assessment – Overlays**.

When using this code, reference should be made to **Section 5.3.2** and, where applicable, **Section 5.3.3**, in **Part 5**.

8.2.7.2 Purpose

- (1) The extractive resources overlay deals with extractive resources sites and haulage routes identified by a state planning policy. It may also include extractive resources sites and haulage routes of a local nature. The overlay may also include mining tenements that have been granted or renewed under the *Mineral Resources Act 1989*.
- (2) The purpose of the Extractive resources overlay code is to:
 - (a) protect extractive resource areas and their designated haulage routes from encroachment by incompatible land uses that would compromise the ability to use the land efficiently and sustainably for resource extraction now and into the future;
 - (b) manage development that may have an adverse impact on the current and/or future operational efficiency of areas of significant extractive resources;
 - (c) ensure public safety and amenity by preventing incompatible development within separation areas adjacent to extractive resources; and
 - (d) prevent significant impacts on nearby sensitive land uses in the vicinity of extractive resources, extractive operations and transport routes.
- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Development protects the resource for its long-term extraction potential and value.
 - (b) Development within a key resource area does not undermine the efficient long-term extraction and processing or the transportation of extractive resources.
 - (c) Separation areas are maintained to:
 - (i) prevent encroachment of sensitive land uses near resource/processing areas;
 - (ii) protect sensitive land uses from the impacts of Extractive industry; and
 - (iii) protect the efficiency and role of the transportation route for the haulage of extractive material to and from the resource/processing area.
 - (d) All development within a separation area is sited, orientated and designed to minimise views into resource areas, and mitigate the impacts of extraction, processing and transportation of resource material.
 - (e) Vehicular access to transport routes does not adversely impact on the safety and efficiency of bulk resource material haulage.

Note: The 'Separation Area' is the area identified on the Extractive resources overlay map/s which directly adjoins both the designated transport/haulage route and the resource/processing area of the Key Resource Area.

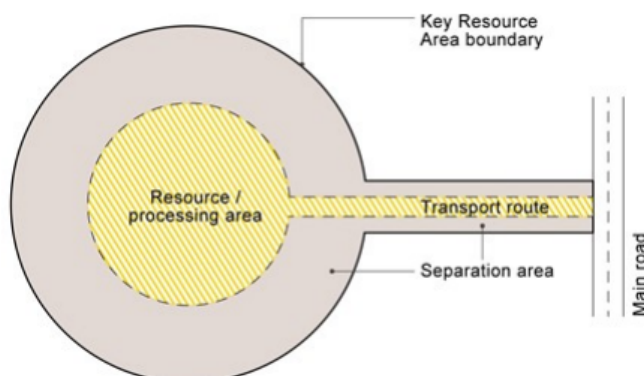


Figure 8.2.7-1

Illustration showing the components that make up the Extractive resources overlay

Part 5.10 Categories of development and assessment - Overlays		
		20 / 35
CITY OF GOLDCOAST.		
Table 5.10.10: Extractive resources overlay		
Development	Categories of development and assessment	Assessment benchmarks and required outcomes
Extractive resources overlay map		
Any material change of use for a sensitive land use or reconfiguration of a lot (with the exception of subdivision of land parcels contained within an industrial zone) on an allotment partially or entirely located within the 'Separation area', as identified in the Extractive resources overlay map	Impact assessment	Extractive resources overlay code
Any material change of use for a sensitive land use or reconfiguration of a lot (with the exception of Dwelling House and subdivision of land parcels contained within an industrial zone) on an allotment partially or entirely located within the '100m Transport route separation area', as identified in the Extractive resources overlay map	Impact assessment	Extractive resources overlay code
Any material change of use for a sensitive land use or reconfiguration of a lot on an allotment partially or entirely located within the Resource area/Processing area as identified in the Extractive resources overlay map	Impact assessment	Extractive resources overlay code

Attachment A3- Extractive Resources Overlay Code - Assessable development

cityplanarchive.goldcoast.qld.gov.au/pages/plan/book.aspx?exhibit=GCCC_CityPlanV6

8.2.7.3 Specific benchmarks for assessment**PART B - ASSESSABLE DEVELOPMENT BENCHMARKS****Table 8.2.7-1: Extractive resources overlay code – for assessable development**

Performance outcomes	Acceptable outcomes
Separation Area and 100m Transport route separation Area	
PO2 Development where located within the <u>Separation Area</u> and 100m Transport Route <u>Separation Area</u> : (a) does not compromise the current and/or future extraction, processing and transportation of resources; (b) is orientated away from a Resource Area/Processing Area to minimise views/limit visual impact of <u>Extractive industry</u> , and (c) ensures an appropriately sized buffer between sensitive land uses, the resource/processing area and the transportation route of the KRA.	AO2 No acceptable outcome provided.
PO3 Development does not significantly impact on the amenity of existing sensitive land uses or residential zones within and external to the <u>Separation Area</u> .	AO3 No acceptable outcome provided.
PO4 Development: (a) does not adversely impact on the efficient transportation of extractive material; and (b) ensures safe access onto a designated transport route.	AO4 The number of properties with access points to the transport route is not increased. OR Access points are designed to avoid adversely affecting the safe and efficient operation of vehicles transporting extractive materials.

Attachment A4- Emerging Community Lots, Lots 7 and 8

