

5th April 2021

For the attention:

Liam Jukes

Senior Planner – Major Assessment
City Development Branch
Council of City of Gold Coast

Dear **Liam Jukes**,

Objection submission COM/2019/81 -

Current non-compliance - Is applicant fit to continue operating after 15th February 2022?

Please accept this objection as it highlights that the applicant appears to be already breaching clear buffer areas within Lot 467 and Lot 906 also.

The agreed 'Buffer land' and 'Permanent tree and shrub screening' areas are highlighted in Attachment A1.

The submitted 'Current and Proposed Disturbance Areas' document (with Rural 'B' prohibited development area incorrectly placed in Lot 468 instead of the northeast corner of Lot 467) is shown in Attachment B1.

A close up of the 'Buffer land' and 'Permanent tree and shrub screening' of this submitted document (Attachment B2) appears to show the 'Buffer land' has already been compromised in the South. Also, the 'Permanent tree and shrub screening to the West and Southwest has also it would seem been compromised also.

Similarly, Lot 906, the adjoining Open Space Lot, appears to have also been compromised by excavations that are part of the quarry operation in the South of Lot 467 (Southwest corner of Lot 906) as shown in Attachment B2. This is also contra to the City Plan Extractive Industry code 9.3.8. Acceptable Outcome AO3.1 which states: "Extraction or processing activities are not conducted within 40m of any boundary of the site".

The encroachment into buffer areas is not clear from Attachment B2, however, studying the Gold Coast Council interactive city plan and advanced mapping features clearly shows the extent of the quarrying operation and any encroachment into protected areas and identifies that the current car park appears to have already encroached into the 'Permanent tree and shrub screening area' and/or 'Buffer Land' area.

Conclusion

Given that the applicant appears to be already compromising their agreed buffers and operating beyond its Extractive Industry Zone too, how can the Council be sure that any future agreed buffers will not be, again, compromised in the future?

Especially given that the Council accepts no responsibility for the Nucrush Quarry currently. Instead choosing to pass the responsibility to the Department of the Environment and Science (DES). However, DES decline all responsibility above the limited categories mentioned in their Environmental Authority i.e. Noise, Dust, etc. This results, it would seem, in apparently no official bodies enforcing such aspects as ensuring buffers are maintained etc.

I do not believe, given it would seem the applicant is incapable of self-policing its agreed 'Buffer land' and 'Permanent tree and shrub screening' areas, that it is fit to continue quarrying within a suburban neighbourhood where the current buffers, that are already well below the DES 1000 metres and common sense guidelines, should be allowed to seemingly continue abusing its privileged position of self-policing itself. Especially, with the ridiculous buffers proposed, that compromise the agreed Rural 'B' prohibited development area and are proposed to be within a ridiculous 150 metres of homes.

Thank you in anticipation,

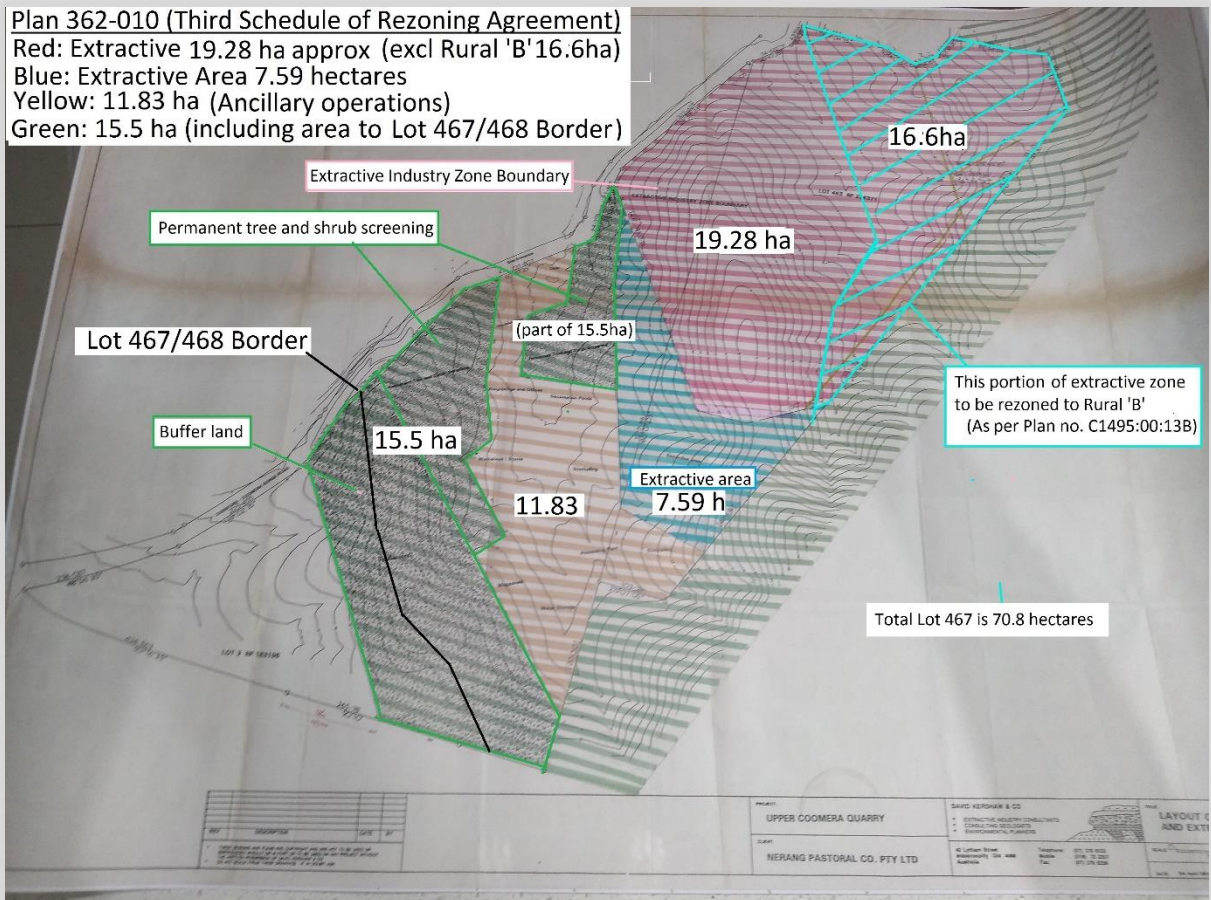
Kind regards

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.

Attachment A1 - Plan 362-010 (Third Schedule of Rezoning Agreement)

Plan 362-010 (Third Schedule of Rezoning Agreement)
 Red: Extractive 19.28 ha approx (excl Rural 'B' 16.6ha)
 Blue: Extractive Area 7.59 hectares
 Yellow: 11.83 ha (Ancillary operations)
 Green: 15.5 ha (including area to Lot 467/468 Border)



Note: Extraction prohibited in 2.1 ha of red area (40m buffer required to tamborine -Oxenford Road) and 1 ha extraction prohibited in blue area (40m buffer required from Lot 906).

Total extractive footprint is 23.77 ha $(19.28 - 2.1) + (7.59 - 1)$ NOT the claimed 56.02 ha

Attachment B1 - Current and Proposed Disturbance Areas (Note Rural 'B' protected development area shown incorrectly as Lot 468)



Attachment B2 - Apparent Non-compliance with respect to Buffer areas and Lot 906 Open Space zone infringement

