

3rd March 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 - Non-compliant quarrying: “does not scar vegetated ridgelines and elevated land when viewed from outside the resource area”

Please accept this objection as it highlights that the proposed development application seeks to continue the applicant’s current practice of operating non-compliantly.

Non-compliance quarry faces hidden from view and no scarring of ridgelines and elevated land

It states in the City Plan V6, Section 3.5.5 Natural Resources, Specific Outcome, 3.5.5.1 (8): “*does not scar vegetated ridgelines and elevated land when viewed from outside the resource area*”. (Shown in Attachment A1)

Also, the current approval (the original Rezoning Agreement, dated 17th March 1992, Part 3 Section 13) states: “*all quarry faces hidden from view by persons external to the subject site*” (Shown in Attachment A2).

However, Attachments A3 through to A7 shows clear examples where this has been blatantly disregarded and is currently quarrying at heights in the region of RL 70 m which is clearly visible from both adjacent to the quarry and many kilometres away too.

Thus, it is clear to see these clear requirement have been ignored and the development application seeks to continue disregarding these requirements to the detriment of all local residents and tourists to the area who will be presented with these ugly, brutal scars on our local landscape contra to both the current approval of the quarry and the Council City Plan also.

The current development application assures the council that rehabilitation will be high on their list of priorities. However, history tells a different story with no apparent rehabilitation of the area, despite significant ugly scarring in highly visible elevated positions that have had no rehabilitation throughout the duration of the scarring.

Rezoning approval Conditions

Under the Queensland Planning Act 2016, Chapter 8, Part 2, Division 7, Section 137, ‘Rezoning approval conditions’, it states: “(2) *If a person wants to change a rezoning condition, the person must make a change application under this Act as if the rezoning condition had been imposed by the local government as assessment manager*” (reproduced in Attachment B1).

Therefore, to modify the requirement: *"all quarry faces hidden from view by persons external to the subject site"* would require a change application under this act. To my knowledge, no such change application has been submitted.

This, however would not override the City Plan V6, Section 3.5.5 Natural Resources, Specific Outcome, 3.5.5.1 (8) requirement: *"does not scar vegetated ridgelines and elevated land when viewed from outside the resource area"*. (Shown in Attachment A1)

Conclusion

I believe it has been proven above that not only is the quarry currently operating outside its current approval with no regard for the vegetated ridgelines and elevated land it is destroying but it is also contra to its agreement with the Gold Coast City Plan Specific Outcome Section 3.5.5.1 (8).

I therefore do not believe this development application should be approved as it is already blatantly exceeding the intent of its agreed approvals and is also operating contra to the City Plan requirements and the submitted DA, seeks to further extend these areas of non-compliance.

It has also, despite highly visible scaring of the hillside, made no attempt at any rehabilitation whatsoever.

I cannot help but feel any approval beyond its 15th February 2022 deadline will be similarly abused as per their current approval is presently at the clear detriment of all local residents and tourists, venturing from the central Gold Coast, and visiting the Tamborine Mountain and the Hinterland beyond. The Gold Coast will be subjected to horrendous highly visible scaring on a formerly pristine ridge and exposed hillside for an unbelievable one hundred plus years (their timeline).

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 - City Plan V6 - Natural Resources - 3.5.5.1(8) Does not scar vegetated ridgelines and elevated land

Part 3 Strategic framework

3.5.5.1 Specific outcomes

- (1) The prudent use of renewable and non-renewable natural resources supports long-term community needs and only occurs where any immediate or long-term environmental and social impacts can be managed to an acceptable level.
- (2) Natural resource areas of economic value and associated haulage routes are protected from encroachment by activity that would compromise the ability to utilise the resource efficiently and sustainably. Natural resource areas of economic value, include:
 - (a) rural production areas (encompassing agriculture land); and
 - (b) extractive resource areas (committed and non-committed).
- (3) Areas identified as comprising agriculture land are retained for viable agricultural production and associated rural support activities without compromising the long-term agricultural capacity of the land.
- (4) Activities that compromise the long-term productive agricultural value of the land are only supported when there is an overriding public need and where no other site is suitable.
- (5) Forestry for wood production, including timber harvesting and milling, occurs in rural production areas where this does not conflict with nature conservation, water quality, landscape values and scenic amenity outcomes.
- (6) Renewable energy facilities, including solar and wind farms, occur where they will not conflict with agriculture land, nature conservation, water quality, landscape and scenic amenity values and the character and amenity of residential areas.
- (7) Committed and non-committed extractive resource areas and their associated haulage routes are protected from encroachment from incompatible development. Surrounding development minimises views into resource areas.
- (8) In committed areas, the extraction and haulage of the resource protects environmental values on the land as far as practicable; prevents significant impacts on nearby sensitive uses, including the use of appropriate separation areas/buffering; and does not scar vegetated ridgelines and elevated land when viewed from outside the resource area.

The width and nature of separation areas/buffering vary from site to site, and depend on factors such as topography, vegetation and proximity to sensitive land uses.

Attachment A2 - Quarry faces shall not be Visible by persons external to the subject site
(Extract from 17th March 1992 Rezoning agreement)

PART 3 - QUARRY OPERATIONS - GENERAL

13. The method of quarrying is to be from east to west and designed so as 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) in as far as is practicable and subject to the requirements of the Department of Resource Industries. Trees and vegetation surrounding areas being extracted at a particular stage, may be removed only when extraction of that stage has been completed and it is necessary to commence a new stage (at a lower level and with a new shield of trees and vegetation around the fringes thereof).

Attachment A3 - Benching visible by persons external to site (Looking South)



Attachment A4 - Current benching way above RL35m



Attachment A5 - Benching visible by persons external to site (Looking from War Memorial at junction of Tamborine Oxenford Road and Charles Crossing North War)



Attachment A6 - Benching visible by persons external to site (Looking from John Muntz bridge)




Attachment A7 - Benching visible by persons external to site (Looking from Sherman Drive)



Attachment B1 - Rezoning agreement as if applied by Assessment Manager

legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sec.50

 **Queensland Government**
Queensland Legislation

Planning Act 2016
Reprint current from 1 October 2020 to date

[Chapter 8](#) > [Part 2](#) > [Division 7](#) > [Section 317](#)

317 Rezoning approval conditions

(1) This section applies to the following conditions (a *rezoning condition*)—

(a) a condition decided under the repealed [LGP&E Act](#), section 2.19(3)(a);

(b) a condition of an approval given under the repealed [LGP&E Act](#), section 4.4(5).

(2) If a person wants to change a rezoning condition, the person must make a change application under this Act as if the rezoning condition had been imposed by the local government as assessment manager.

(3) A development approval applies instead of a rezoning condition, to the extent of any inconsistency.