

3<sup>rd</sup> April 2021

For the attention:

**Liam Jukes**

Senior Planner

Major Assessment

City Development Branch

Council of City of Gold Coast

Dear **Liam Jukes**,

Re: Rural 'B' Area within Lot 467 - Objection submission COM/2019/81

I am very concerned that an email you have sent suggests that the Rural 'B' or 'This portion of Extractive Zone To be rezoned to Rural 'B' (reproduced in Attachment A1 and a close up in Attachment A2) is irrelevant after the 17<sup>th</sup> February 2022.

This, is I believe, established for the life of the quarry as I believe is stated in the Deed of Novation and the Rezoning Agreement.

In my opinion, the Council and the Applicant cannot simply ignore these agreed separation buffers after this date. I have read many similar court transcripts and I firmly believe the Court would have a very different point of view to what you appear to be suggesting to local residents.

The applicant's clear failure to rezone this area as agreed back in 1989 and the Councils subsequent failure to ensure this was done does not negate the clear intent of this area. The intent is to prevent urban and quarry encroachment affecting each other. Therefore, for the applicant, having failed to rezone as agreed, to now simply ignore this and propose to quarry within 150m of homes and 345m of the local state school and place a Concrete Production Plant along with Crushers and Screeners inside this Rural 'B' prohibited development area is, in my opinion, utterly contemptible and I also believe unlawful.

I must insist the rezoning of this area is progressed immediately to ensure adequate separation buffer is maintained as is the clear intent of the Alberrshire Council at the quarry's inception and was agreed by the applicant. Please action, what I see as a clear breach of contract, on my behalf, internally within Council as appropriate. Thank you.

For the current development application COM/2019/81 to completely ignore this area and in fact seemingly attempt to move it 'out of harm's way into an adjoining Lot 468 (as reproduced in Attachment B1), I personally believe, to be a fraudulent misdirection. And, I would assume this would be sufficient grounds to refuse the development application on its own.

I have been informed residents in this northeast corner were told, seemingly incorrectly, by the applicant, prior to public notification, that Nucrush could quarry virtually up to their back door with their current approval. So this new development application by maintaining a 150 metre separation buffer was to the residents benefit and encouraging them not to object (despite the vastly reduced separation buffers they would be subjected to). I find this, in my eyes, bullying technique, highly misleading and a culpable misdirection to sway local residents opinion, that, I believe, clearly misled residents at the time of public notification.

I appreciate you are a late arrival to this development application. However, I do hope you will familiarise yourself with the David Kershaw report dated 20<sup>th</sup> July 1988 titled: *"Effects of Noise, Dust, blasting from future quarry operations Oxenford-Tamborine road, Oxenford"* and all the correspondence concerning this between the Council, the applicant and David Kershaw that was key to establishing why the Rural 'B' area was deemed necessary as a prohibited development area and agreed by all parties. I hope the Council Planners will realise why this area is necessary just as your former counterparts did at the quarries inception. I hardly think that thirty years on, with far more homes in the area and far closer, that there can be any justification whatsoever for reducing this agreed separation buffer, especially considering the DES guidelines is 1000m which is defined in the State Planning Policy July 2014, which was derived from: *"The separation distances are based on the accumulated wisdom of other jurisdictions around Australia and overseas but more specifically the following sources. The 1000 metres separation distance for blasting operations is based on - Blastronics Pty Ltd, 1999. Impact of Proposed Coomera Island Development on Nucrush Quarry"* i.e. the requirements for 1000m separation buffer is based on a report commissioned by the applicant in 1999 (Attachment C1). It should also be remembered the Council required originally at the quarry's inception of 500m from quarry boundary, this was later compromised to 350m from blast epicentre. And, now the applicant wishes to reduce this buffer yet again to an untenable 150 metres. This is despite raising the average blast from, I believe, 66kg per hole at quarry's inception to 90 kg and increasing the average yield per blast from, I believe, 45,000 tonnes to 90,000 tonnes on average. The figures simply do not make sense to me and there is nothing, I believe, in the development application to encourage me that they ever can.

It is noted virtually all references to the Rural 'B' area were seemingly omitted from the development application (e.g. the omission of Plan C1495:00:13B, Attachment A1) or, it would appear, designed to mislead (as per the seemingly culpable moving of the Rural 'B' area to Lot 468 as shown in Attachment B1). This, I believe, is the applicant realising that their actions in this matter are highly dubious. I further note SARA were unaware of these current approval limitations in this area and were therefore, I believe, misled at the time of SARA referral and subsequent approval. I do hope you will ensure this situation is rectified for the SARA re-referral?

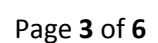
I simply cannot comprehend, how a development application of this magnitude, with so many apparent significant errors and what would seem clear misdirection's can be seriously contemplated. Especially given the environmental impacts (Koala Habitat, dust, noise, etc.), the visual impacts from beyond the quarry boundary, the failure in any viable transport route, the failed separation buffers, the blasting effects, the effect on the local water table and groundwater, the effect on the local ecosystem, etc.

I would be most grateful for a meeting with you to discuss my many concerns and would welcome this at a time and date and place of your convenience as soon as practicable.

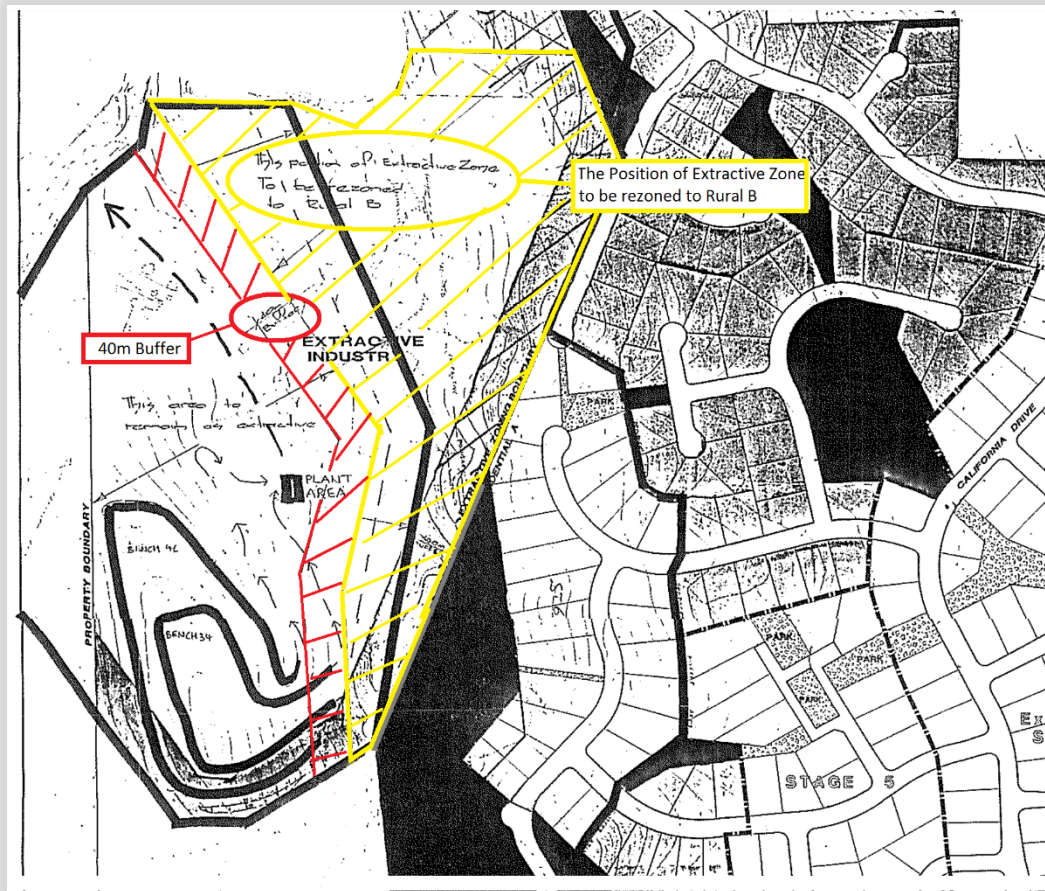
Thank you in anticipation,

Kind regards

Tony Potter



Attachment A1 - Plan C1495:00:13B - Close up of Rural 'B' (or 'This portion of Extractive Zone To be rezoned to Rural 'B')



Attachment B1 - Submitted 'Current and Proposed Disturbance Areas'

Note Rural 'B' has been seemingly culpably moved from northeast corner to Lot 468.



# State Planning Policy 1 July 2014

## 1. Purpose

The purpose of this guideline is to assist local governments in appropriately reflecting the State Planning Policy (SPP) state interest—mining and extractive resources in local planning instruments and where the state interest has not been appropriately reflected in a local planning instrument, through development assessment. The guideline is also to be used to ensure decisions around the designation of land for community infrastructure appropriately reflect the state's interest in mining and extractive resources.

## 3. Development assessment

- (1) The development ensures that:
- (a) for development within a resource/processing area for a KRA—the undertaking of that existing or future extractive industry is not significantly impeded, and
  - (b) sensitive land uses are avoided within the separation area for a resource/processing area of a KRA, and
  - (c) for development within a transport routes separation area of a KRA—the number of residents adversely affected by noise, dust and vibration generated by the haulage of extractive materials along the route does not increase, and
  - (d) for development adjacent to the transport route—the safe and efficient use of this route by vehicles transporting extractive resources is not adversely affected.

### Purpose

This component of the SPP is used in the assessment of applicable development applications when a local government planning scheme does not appropriately reflect the state interest—mining and extractive resources.

The outcome sought is to enable extractive industries to occur in identified KRAs and ensure that development decisions do not constrain or prevent the future extraction of those resources.

The SPP's transitional development assessment provisions apply only to extractive KRAs.

- 3.8 The dimensions of the separation area for the resource/processing area are based upon the following minimum distances—
- (a) 1000 metres where the extraction or processing of the extractive resource involves blasting or crushing (namely rock); or
  - (b) 200 metres for any other extractive resource not involving blasting or crushing (namely sand, gravel, clay and soil).<sup>2</sup>

<sup>2</sup> These separation distances are based on the accumulated wisdom of other jurisdictions around Australia and overseas but more specifically the following sources. The 1000 metres separation distance for blasting operations is based on—

- Blastronics Pty. Ltd., 1999: Impact of Proposed Coomera Island Development on Nucrush Quarry. Report for Nucrush and Prodap Services. September 1999. Blastronics Systems and Services, Pty. Ltd., Brisbane. #C99084Blasting Impact Report.
- The 200 metres separation distance for non-blasting operations including sand and gravel operations is based on—
- Kershaw & Co., 1996: Environmental Impact Statement – Wallace Road Sand Operation. Report for Excel Quarries Pty. Ltd. 2 vols. March 1996. Ref: 566.048. Kershaw & Co., Taringa, Queensland.
- Kershaw & Co., 1997: Environmental Impact Statement – Proposal to Rezone General Industry Zoned Land to Extractive Industry – Lot 88 Crown Plan M31114, Parish of Warner, Johnstone Road, Brendale. Report for Alberton Investments Pty. Ltd. February 1997. Ref: 502\_022. Kershaw & Co., Taringa, Queensland.
- Yastrow, P., 1990: Laku Landing Sound Level Analysis. Viewed 7 February 2006 at [www.laku.com](http://www.laku.com). Website by Laku Landing – Lake