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

Dear Phillip Zappala,

<u>Objection submission COM/2019/81 - Proposed residential development objected to by Nucrush</u> <u>Quarry because within 500m of Lot containing Extractive Industry operation</u>

Please find below further information that I think should be considered re this development Application and the applicants proposal for an extractive footprint to be within 270m of property at Yallaroi Road when they formerly objected to Residential Homes within 500m of their extractive Lot at this location.

<u>Overview</u>

In 2009 there was a material change of use application for '42 Yallaroi Road', Oxenford (MCU2701089).

Solicitors acting on behalf of Nucrush (Attachment A1) objected to this development on the grounds that: "The proposed development will result in residential dwellings within 500 metres of a Lot containing an extractive industry operation and identified as an Extractive Resource on Overlay Map OM23 of the scheme" and "the Respondent's assessment of the Application failed to give any or sufficient consideration to the proximity of the Co-respondents proposed development to the Appellant's extractive Industry operation, and whether the Co0respondent's development will result in negative impacts on the Appellant's quarrying operation" (Attachment A2).

How does this compare to development application COM/2019/81?

The application that Nucrush objected to came within 500m of the boundary of their Lot 463. Whereas Nucrush's development application now proposes that the "Extractive Footprint" (not the Lot boundary) will be within 270m of property in Yallaroi Road.

Given that the Nucrush quarry objected to residential homes within 500m of their Lot boundary (not extractive footprint) I find it impossible to now consider that a distance of virtually half this at 270m to their proposed extractive footprint and its inherent blasting requirements can be at all acceptable.

Thank you for considering my objection,

Kind regards

Tony Potter

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Our Ref:	KLJ:IF:29/42//5
18 May 20	09
Departme Planning I PO Box 1	cutive Officer nt of Infrastructure & Planning nformation Area 5009 E QLD 4002
Attention:	Chief Executive Officer
Dear Sirs,	
	YALLAROI ROAD, OXENFORD – GOLD COAST CITY COUNCIL FERENCE: MCU2701089
We act fo	the Appellant, Nucruch Pty Ltd, in the above named matter.
Please fin May 2009	d enclosed, by way of service, our client's Notice of Appeal filed 15
	within 10 business days after the Notice is given, elect to become a ndent to the Appeal by filing in the Court a Notice of Election in the form.

Attachment A1 - Solicitors letter objecting to Residential development within 500m of extractive Lot

Yours faithfúlly HICKEY LAWYERS

Attachment A2 - extract from objection to Residential development within 500m of extractive Lot

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. The g	rounds relied upon by the Appellant in bringing this Appeal are as follows:
(a)	The proposed development will result in residential dwellings within
	500 metres of a Lot containing an extractive industry operation and
	identified as an Extractive Industry Resource on Overlay Map OM23
	of the Scheme;
(b)	the Respondent's assessment of the Application failed to give any or
	any sufficient consideration to the proximity of the Co-Respondent's
	proposed development to the Appellant's extractive industry operation,
	and whether the Co-Respondent's development will result in negative
	impacts on the Appellant's quarrying operation;