

Matters of Environmental Significance (MES)

Environmental significance - Wetlands and Waterways

In the City Officers *'Matters of environmental significance'* section of their report it states (p190):
"The Wetlands and waterways overlay (minor watercourse) is also applicable but due to the scale of the site, the mapping is not viewable at the scale provided".

This is the City Officers submitted map where it is claimed: *"The Wetlands and waterways overlay ... is not viewable at the scale provided"*:

2021-09-09 Agenda of Meeting of the Planning and Environment Committee

7.3.1.3 Nature conservation

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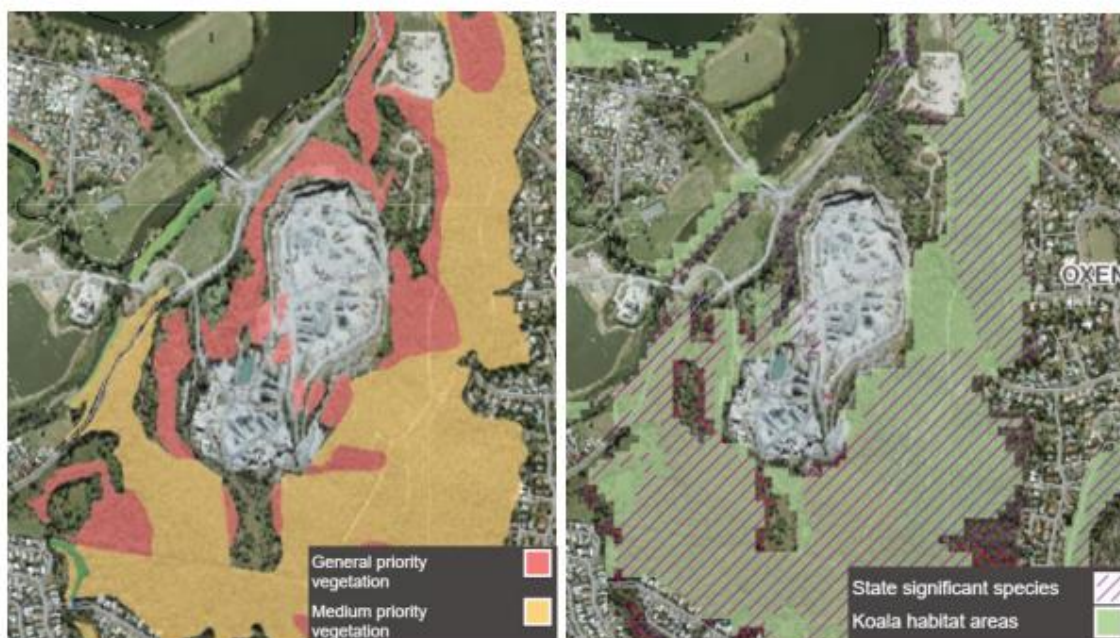


Figure 33: Environmental significance overlay maps (Source: City Plan Interactive Mapping)

However, it is clear to see that had the City Officers wished to show the *'Wetlands and waterways overlay'* it was extremely *"viewable at the scale provided"* as it is clear to see in our diagram from the City Plan Interactive Map:



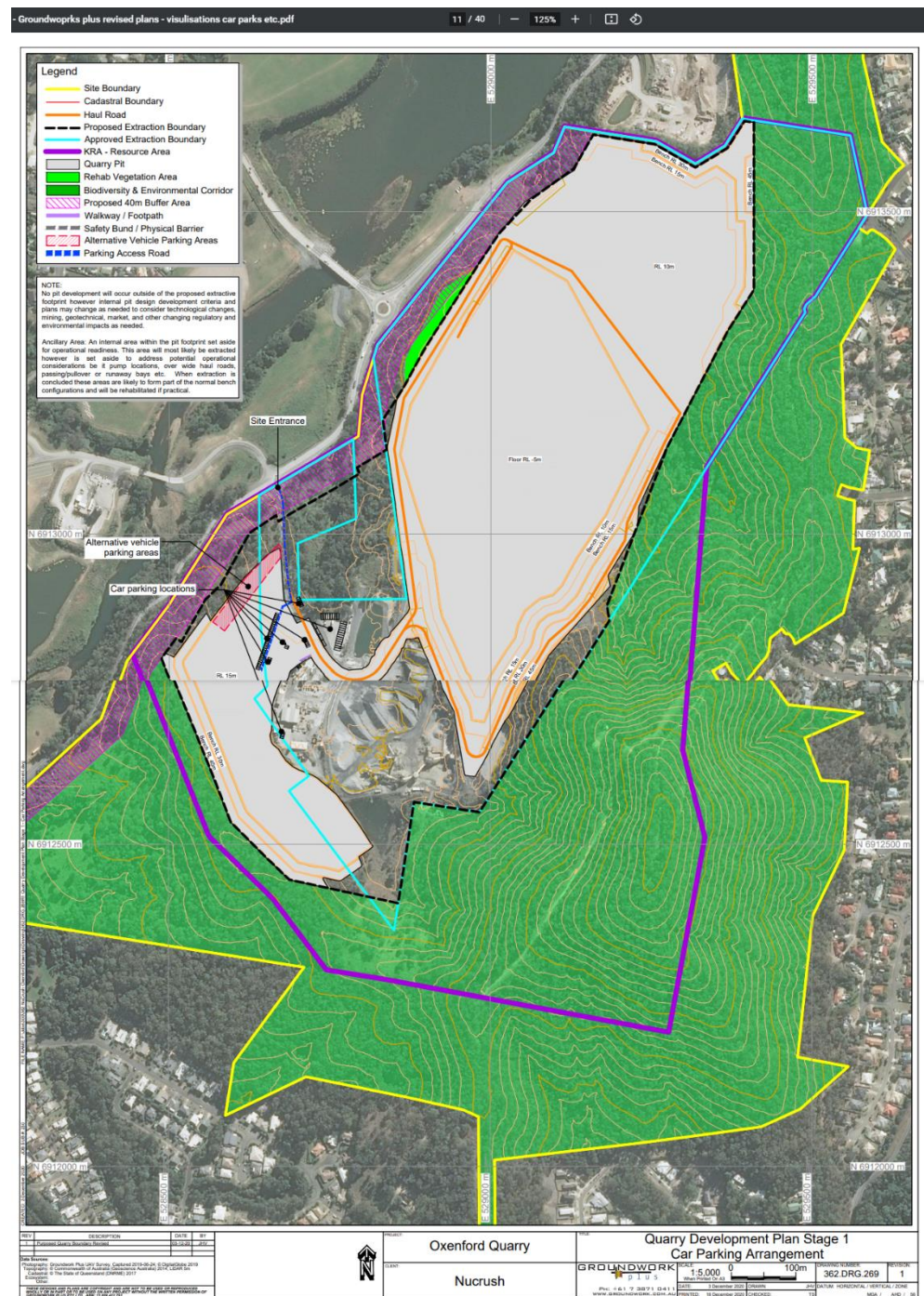
Did the City Officer's simply wish to downplay the: *'Environmental significance - wetlands and waterways'* (or *'Tributary to the Coomera River'* as it is known) as it compromises their apparent requirements for approval of Stages 1 onwards?

The City Officers *'Matters of environmental significance'* section of their report goes on to state:
"Outside of biodiversity areas, the strategic and specific outcomes generally require development to not erode, and, wherever practicable, contribute to, the expansion of the extent, function and values of the green space network. This includes:

- *The provision of buffers to wetlands and waterways".*

But, unfortunately, this is the end of the discussion on the '*Environmental significance - wetlands and waterways*' in their '*Matters of environmental significance*' section. It would seem this matter was not given the due diligence required by City Officers as it completely ignored all requirements of this overlay (including the required buffers).

From Stage 1 onwards it is planned by the applicant to level this area to RL 10m as shown in this submitted diagram:

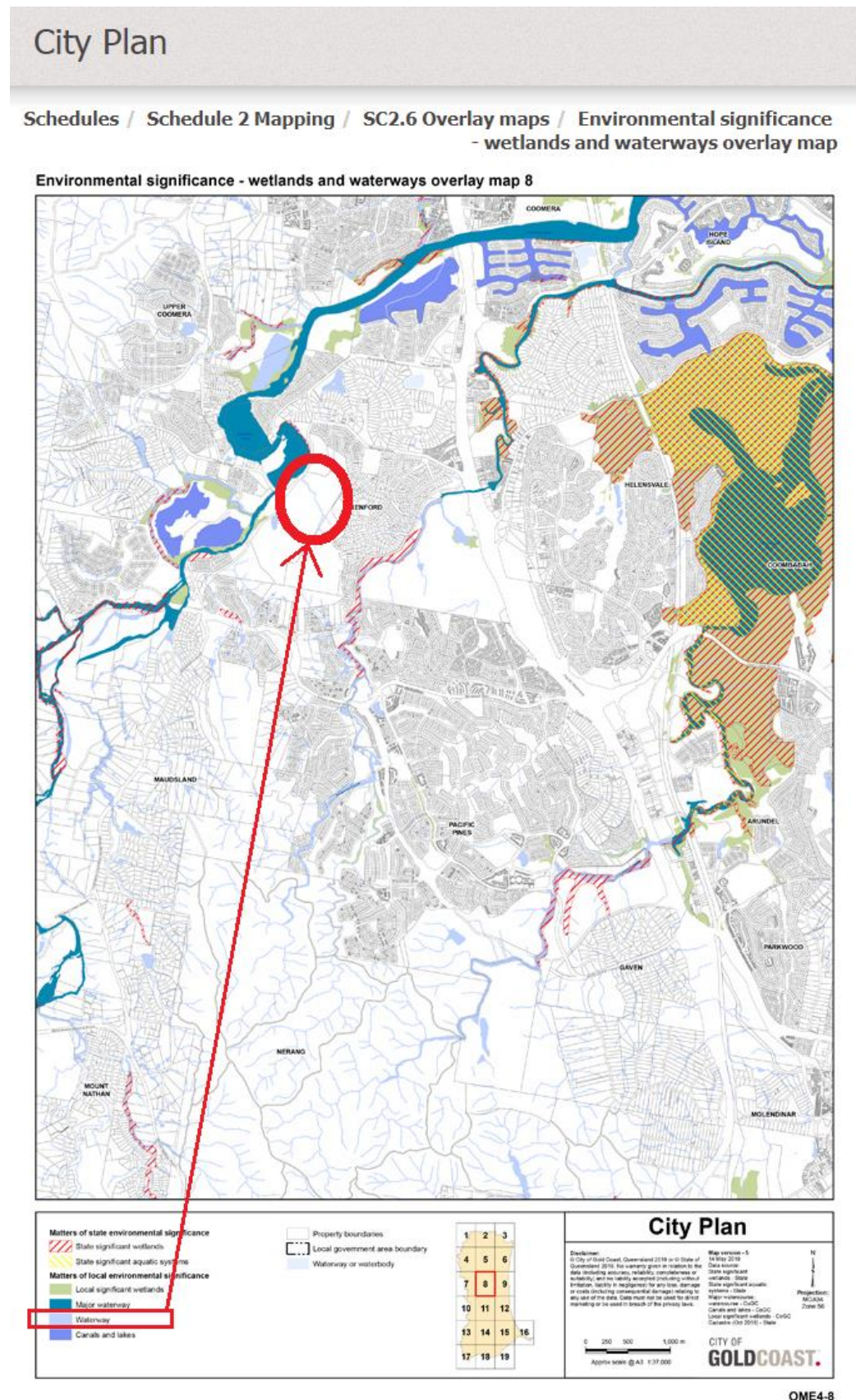


As per the City Officers report (p191): *“MES are protect in situ. The meaning of protect in situ is further defined in SC1.2 - Administrative definitions of City Plan’ as follows: For the purposes of the Environmental significance overlay code matters of environmental significance must not be damaged or removed, and the matter cannot be offset”. Where protect in situ provisions apply, this is the highest order of protection afforded for MES under City Plan”.*

Environmental Significance Overlay Code - Wetlands and Waterways

The screenshot displays the Queensland Globe web application interface. At the top, there is a navigation bar with various icons and links. The main content area shows a 3D aerial map of a landscape. A blue line represents a watercourse, labeled '4. Colston's Creek'. A red line outlines the catchment area, labeled 'unmapped tributary of Colston's Creek'. The map includes various geographical features such as roads, buildings, and vegetation. A legend on the right side of the map provides definitions for the symbols used: Spring (defined by Water Act 2000), Lake (defined by Water Act 2000), Downstream limit (defined by Water Act 2000), Watercourse (defined by Water Act 2000), Drainage feature (defined by Water Act 2000), Unmapped, Land parcel, and Land parcel label. The bottom of the map shows a coordinate display and navigation controls.

It is shown on the City Plan *'Environmental significance - wetlands and waterways overlay map 8'* as a *'Waterway'*:



This is covered in the City Plan, V7, Environmental significance overlay code, 8.2.6.1 which states:
“This code applies to assessing all material change of use ... containing the following mapped areas:

Environmental significance - Priority species

Environmental significance - Vegetation management

And for all land containing, sharing a property boundary with or within a defined buffer distance of, the following mapped areas:

*Environmental significance - Wetlands and waterways ... Matters of Local Environmental significance Major waterway; **Waterway**; and Local significant wetlands”.*

And, the City Plan 8.2.6.2, Purpose, states: *“The purpose of the Environmental significance overlay code is to identify and protect matters of environmental significance and ensure the development is consistent with , and contributes to, the achievement of the objectives of the Nature Conservation strategy ... Matters of environmental significance are identified, protected in situ and enhanced”*

And more specifically: *“(e) Wetlands, waterways and their associated buffers (as prescribed in RO2) are protected and enhanced” and “(f) Buffers are provided between matters of environmental significance and any proposed development, to manage impacts” and “Editor’s Note – in addition to the requirements of this planning scheme, obligations for the protection of matters of environmental significance are established by the Commonwealth and Queensland Government. Additional approvals or referrals may be required”.*

Where the Required Outcomes RO2 are as follows:

City Plan		CITY OF GOLD COAST
City Plan / Part 8 Overlays / 8.2 Overlay codes / 8.2.6 Environmental significance overlay code		
Required outcomes		
Wetlands and waterways	RO2 Development does not occur within the following areas: (a) 100m from the mapped boundary of a State significant aquatic area, as identified on Environmental significance – wetlands and waterways overlay map ; (b) 100m from the outer landward boundary of a State significant wetland, as identified on Environmental significance – wetlands and waterways overlay map ; (c) 100m from the outer landward boundary of a Local significant wetland, as identified on Environmental significance – wetlands and waterways overlay map ; (d) 60m from the outer bank of a major waterway identified on Environmental significance – wetlands and waterways overlay map ; or (e) 30m from the outer bank of a waterway identified on Environmental significance – wetlands and waterways overlay map . Note: Non compliance with RO2 requires assessment against P05.	
Vegetation management	RO3 Development does not result in the removal of high, medium, general or regulated vegetation within areas mapped on the Environmental significance – vegetation management overlay map . Note: Non compliance with RO3 requires assessment against P06 – P012	
Priority species	RO4 Development does not result in the removal of habitat for priority species within areas mapped on the Environmental significance – priority species overlay map . Note: Non compliance with RO4 requires assessment against P013 – P020.	
Advisory note Accepted development identified in the assessment tables as subject to requirements must comply with all the nominated requirements in this and other applicable codes.		

It is noted in the Required Outcome, RO2 that the: *“Development does not occur within the following areas ... (e) 30m from the outer bank of a waterway identified on Environmental significance - wetlands and waterways overlay map”*.

This required 30m buffer (each side) is shown on the City Plan *‘Environmental significance - Wetlands and Waterways’* overlay:



It is noted that under RO2 there is a note: *“Non compliance with RO2 requires assessment against PO5”*. Where, under Performance Outcome PO5, Acceptable Outcome AO5.5 states: *“Buffers at least 30m wide are provided between the development and the outer bank of a waterway as identified on Environmental significance - wetlands and waterways overlay map”*.

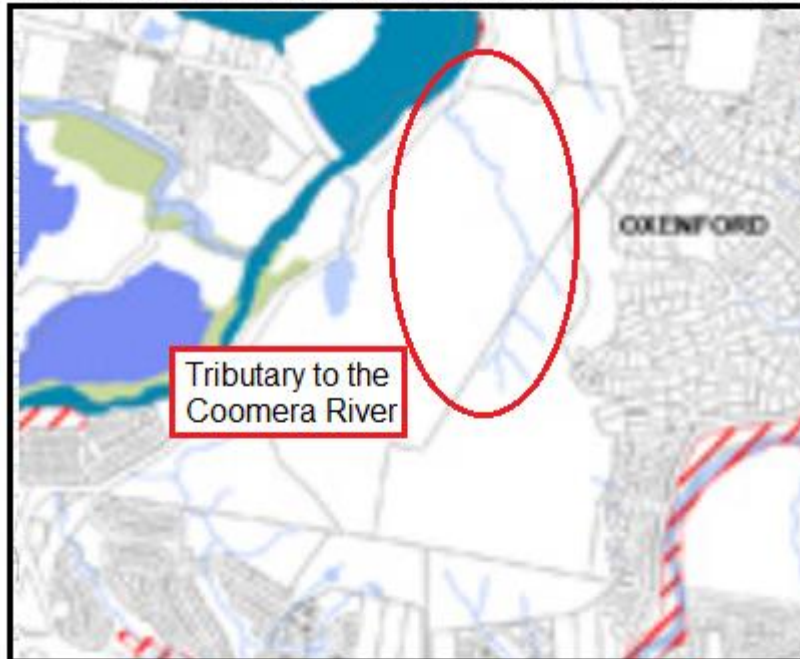
Here is a close up of the *‘Waterway’* traversing through the proposed Stage 1 extractive footprint within the City Plan’s *‘Environmental significance - wetlands and waterways overlay map 8’* :

City Plan

(Close up)

Schedules / Schedule 2 Mapping / SC2.6 Overlay maps /
Environmental significance
- wetlands and waterways overlay map

Environmental significance - wetlands and waterways overlay map 8



It is abundantly clear that, under *'Environmental Significance Overlay Code'*, this mapped waterway required assessment by the City Officers. However, this was not we believe given the due diligence required.

Had it been assessed correctly it is, we believe, clear to see that neither *'Required Outcome RO2'* or *'Acceptable Outcome AO5.5'* could be met from Stage 1 onwards.

Department of Environment buffer requirements 100 m for stormwater run off

It should also be noted that the Department of Environment and Heritage stated: *"To minimise the transport of silt to watercourses by stormwater run off, a buffer distance of at least 100 m should be maintained between watercourses and on-site activities (except sand and gravel extraction from waterbeds). This area should be kept well-vegetated and should not be used for stockpiling topsoil, overburden or quarry products"*.

This would seem a common-sense approach when dealing with stormwater run-off and the transport of silt. But, is completely at odds with the *'Stage 1'* proposals to engulf this protected waterway (or 'matter of environmental significance') entirely within the extractive footprint.

City Plan, Part 3, 'Strategic framework', 'Living with nature', 'Green space network'

Under the City Plan, Part 3 '*Strategic framework*', '*Living with nature*', '*Green space network*' (3.7.3) Specific Outcomes are:

- (1) The diverse green space network provides for recreation, community wellbeing, biodiversity, scenic amenity, water catchment management ... It includes:
 - (b) water supply catchment areas*
 - (c) biodiversity areas and other matters of environmental significance**
- (5) Waterways and riparian areas are protected as natural green space corridors to:
 - (a) protect vegetation, wildlife habitat and ecological corridors;*
 - (e) provide flood mitigation, flood resilience, drainage and water quality functions;*
 - (f) provide natural and renewable water cycle processes (water health and water quality); and*
 - (g) protect foreshores from erosion and stormwater inflows**
- (6) The limited commercial uses in the city's green space network do not compromise the nature conservation, scenic amenity, recreation or other values of the green space network.*
- (9) Development does not erode, and, wherever practicable, contributes to, the expansion of the extent, function and values of the green space network.*
- (10) Development facilitates accessible, safe and integrated local open space networks that contribute to sense of place and quality of life.*

Note: The green space network occurs throughout all zones".

It would seem approval from '*Stage 1*' onwards would compromise these clear requirements of the '*Strategic framework, Living with nature, Green space network*' especially with respect to the '*Environmental significance - wetlands and waterways*' flowing through the proposed extractive footprint.

City Plan, Part 3, 'Strategic framework', 'Living with nature', 'Nature conservation'

Under the City Plan, Part 3 '*Strategic framework*', '*Living with nature*', '*Nature conservation*' (3.7.4) Specific Outcomes are:

- (1) The Gold Coast's biodiversity areas and other matters of environmental significance are conserved, protected, enhanced and managed to maintain a diversity of terrestrial, aquatic and marine species, ecosystem and ecological processes. Poorly protected regional ecosystems and habitat for threatened species, such as koalas, are enhanced.*
- (3) The city's matters of environmental significance include:
 - (b) coastal environments, wetlands and waterways;*
 - (c) core habitat areas and substantial remnants;*
 - (d) hinterland to coast critical corridors ...*
 - (e) habitat for threatened species such as koalas.....,**
- (4) In biodiversity areas, matters of environmental significance including vegetation and habitat for native flora and fauna are protected in situ, and degraded areas are restored to improve habitat and connectivity.*

- (5) *Outside biodiversity area: high priority vegetation is protected in situ; buffers are provided to wetlands and waterways; degraded areas are restored where this improves habitat or connectivity; and development includes the consideration of alternative designs and the separation of incompatible activities to minimise the impacts on matters of environmental significance.*
- (8) *Matters of environmental significance and rural production coexist ... Compatible rural production activities only occur on existing cleared land”.*

It would seem approval from ‘**Stage 1**’ onwards would compromise these clear requirements of the ‘*Strategic framework, Living with nature, Nature conservation*’ especially with respect to the ‘*Environmental significance - wetlands and waterways*’ flowing through the proposed extractive footprint.

City Plan, Part 3, ‘Strategic framework’, ‘Living with nature’, ‘Coastal, wetland and waterway areas’

Under the City Plan, Part 3 Strategic framework, ‘*Living with nature*’, ‘*Coastal, wetland and waterway areas*’ (3.7.5) Specific Outcomes are:

- (1) *Coastal terrestrial, aquatic and marine ecosystems and their **ecological processes are protected to sustain their viability. This includes** the conservation and enhancement of endemic vegetation on beaches, dunes and coastal headlands, and **along natural waterways and floodplains”***
- (6) *Water quality and quantity in all catchments is maintained to support water body health and biodiversity...”*
- (7) *The integrity of catchment areas is maintained in natural landscape areas, rural production areas and rural residential areas. Disturbance to existing landforms, ecological features, surface drainage, waterways and groundwater movement is avoided or minimised. Water is used and managed, as part of a total cycle in which”*
 - (a) *natural drainage regimes and hydrological processes are maintained as far as possible;*
 - (b) *ecosystem health and water quality is protected or enhanced;*
 - (d) *run off is controlled”*

It would seem, once again, approval from ‘**Stage 1**’ onwards would compromise these clear requirements of the ‘*Strategic framework, Living with nature, ‘Coastal, wetland and waterway areas’*’ especially with respect to the ‘*Environmental significance - wetlands and waterways*’ flowing through the proposed extractive footprint.

Matters of Environmental Significance (MES) vs Key Resource Area (KRA)

On page 195 of the City Officers report it confirms that matters of environmental significance takes precedence of KRA requirements when it states: “*City officers acknowledge the protect in situ provisions essentially prevent access to a portion of the State mapped KRA. This may be construed as the Local Categorising Instrument being at odds or inconsistent with the State Planning Policy (SPP). Notwithstanding, officers do not consider that just because a resource area is mapped, the resource area takes precedence over all other values applying to the subject land. The following excerpt from the SPP’s is provided:*

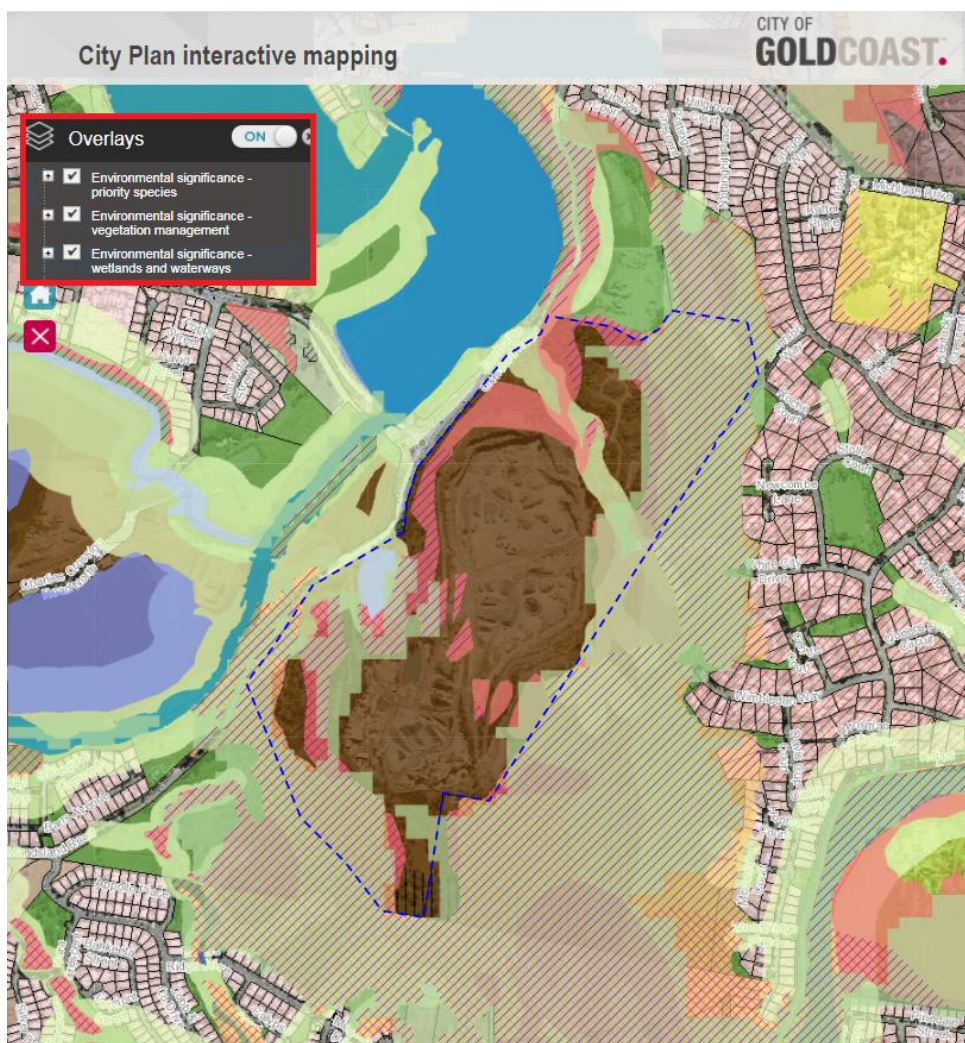
“The state has an interest in ensuring that mining and other resources activities are considered in land use planning because of the economic benefits to Queensland and the contribution to our quality of life. The purpose of identifying key resource areas is to protect important extractive resources from incompatible uses”.

“Identification of a key resource area does not in any way authorise the extraction of the resource or provide a right to establish or operate an extractive industry. Identification of a key resource area rather indicates the importance of protecting the deposit for the future. Local government assesses development applications for extractive industries in accordance with its planning scheme”

Pursuant of the above, it is considered that while the SPP and the State KRA are relevant to the consideration of the subject application, they are not solely determinate ... Allowing removal of the subject MES would be considered to fall short in terms of achieving compliance with the City Plan and would result in a loss of community confidence in the integrity of the scheme”.

“Officers do not consider there are any other relevant matters which have been demonstrated by the proponent which would warrant removal of protect in situ MES”.

It would seem approval from ‘*Stage 1*’ onwards would compromise matters of environmental significance (MES) for ‘*Wetlands and waterways*’, ‘*Vegetation management*’ and ‘*Priority species*’ within the proposed extractive footprint:



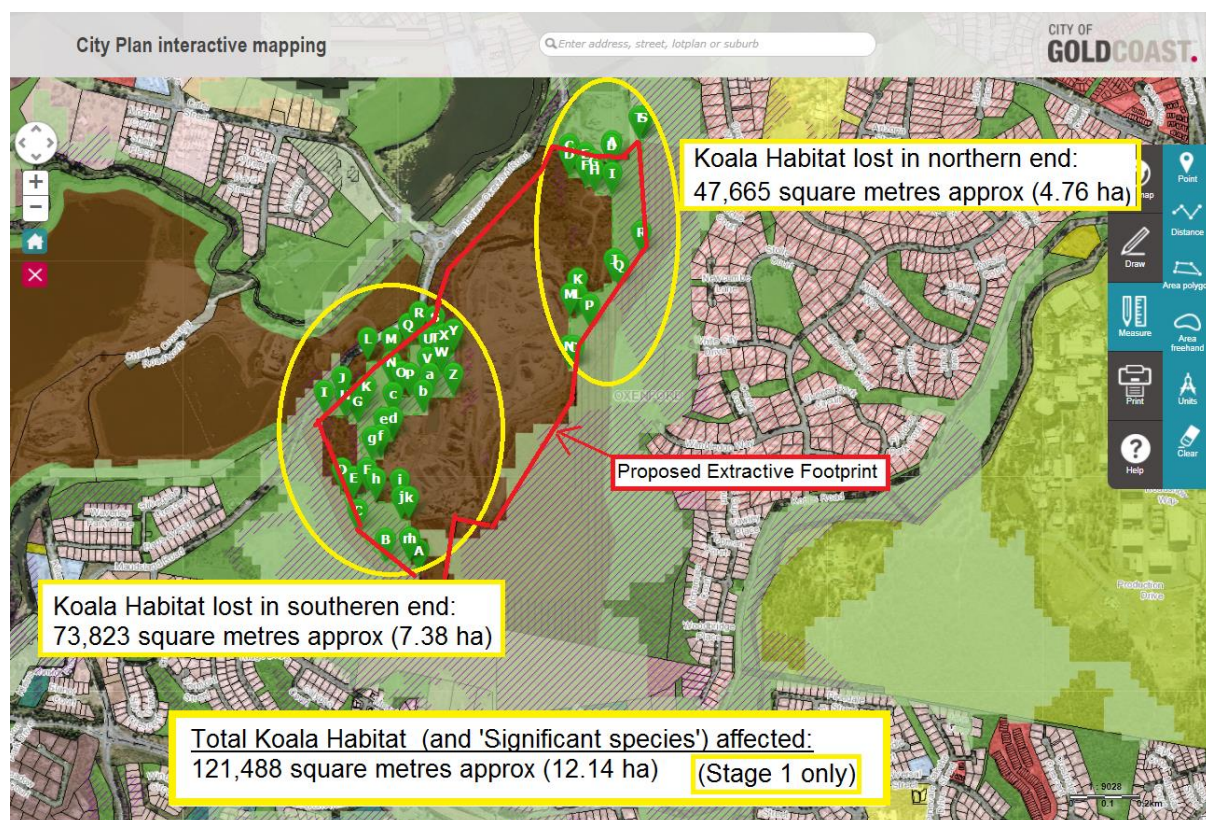
These areas are all areas identified in the City Plan as matters of environmental significance (MES).

To approve the development application from *'Stage 1'* onwards would compromise these area that are areas to be protected in situ. And, as per the City Officers report (p191): *"MES are protect in situ. The meaning of protect in situ is further defined in SC1.2 - Administrative definitions of City Plan' as follows: For the purposes of the Environmental significance overlay code matters of environmental significance must not be damaged or removed, and the matter cannot be offset". Where protect in situ provisions apply, this is the highest order of protection afforded for MES under City Plan"*.

Why are the City Officer seemingly ignoring the City Plan requirements for matters of environmental (MES) significance?

The Proposed destruction of 12.14 ha of 'Environmental significance - Priority species'

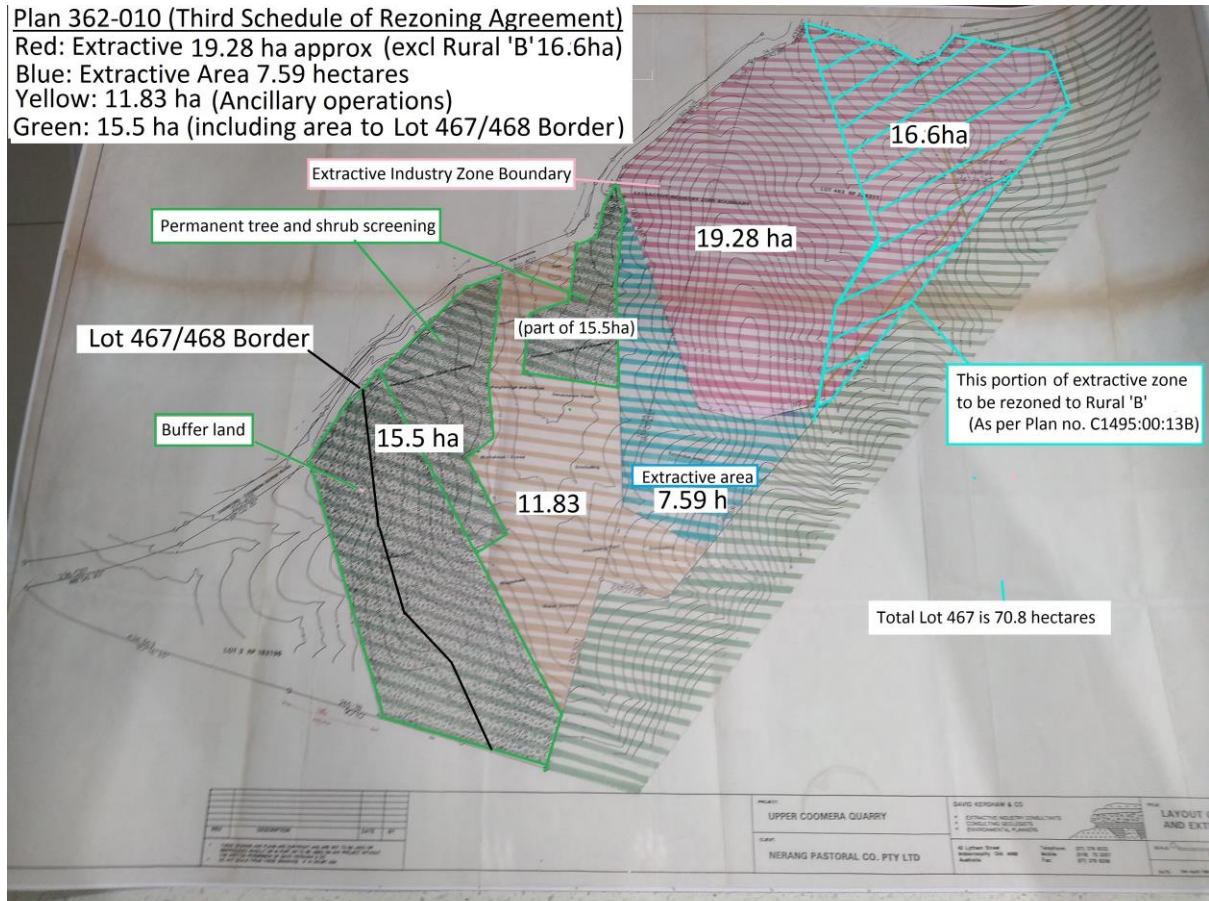
A quick look at the City Plan Interactive map, using the Council mapping tools provided, reveals that the proposed extractive footprint will engulf approximately 12.14 ha of additional *'Environmental significance - Priority species'* and protected *'Koala habitat'* despite their *'protect in situ'* designation:



Current Approval requirements

It should also be realised that the majority of the matters of environmental significance (e.g. *'Environmental significance - priority species'*, *'Environmental significance - vegetation management'* and *'Koala Habitat'*) that are proposed to be included within in the Extractive footprint from *'Stage 1'* onwards, are protected development areas under the current approval for the life of the quarry.

These areas are referred to as *'Buffer Land'*, *'Permanent tree and shrub screening'* and *'Rural B'* as shown on the *'Third Schedule'* of the *'Rezoning Agreement'* (or *'Plan 362-010'*) of the Current Approval. An annotated version is reproduced below:



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

Clearly, vast areas of the protected land labelled as *'Buffer Land'*, *'Permanent tree and shrub screening'* and *'Rural B'* are consumed by the proposed *'Stage 1'* extractive footprint. However, the clear intent of these areas is to provide separation buffers for the life of the quarry, and as the City Officers state in their report (p132): *"Officer's understanding is that the land titled 'AREA TO BE REZONED RURAL B' is not permitted to be quarried in, unless otherwise approved by Council"* and *"Based on officer's understanding at the time of writing this report. Council has not consented to the quarry operator carrying out any works within the disputed area. The disputed area is shown in figure 9 below, which has been annotated by officers to provide clarity:"*

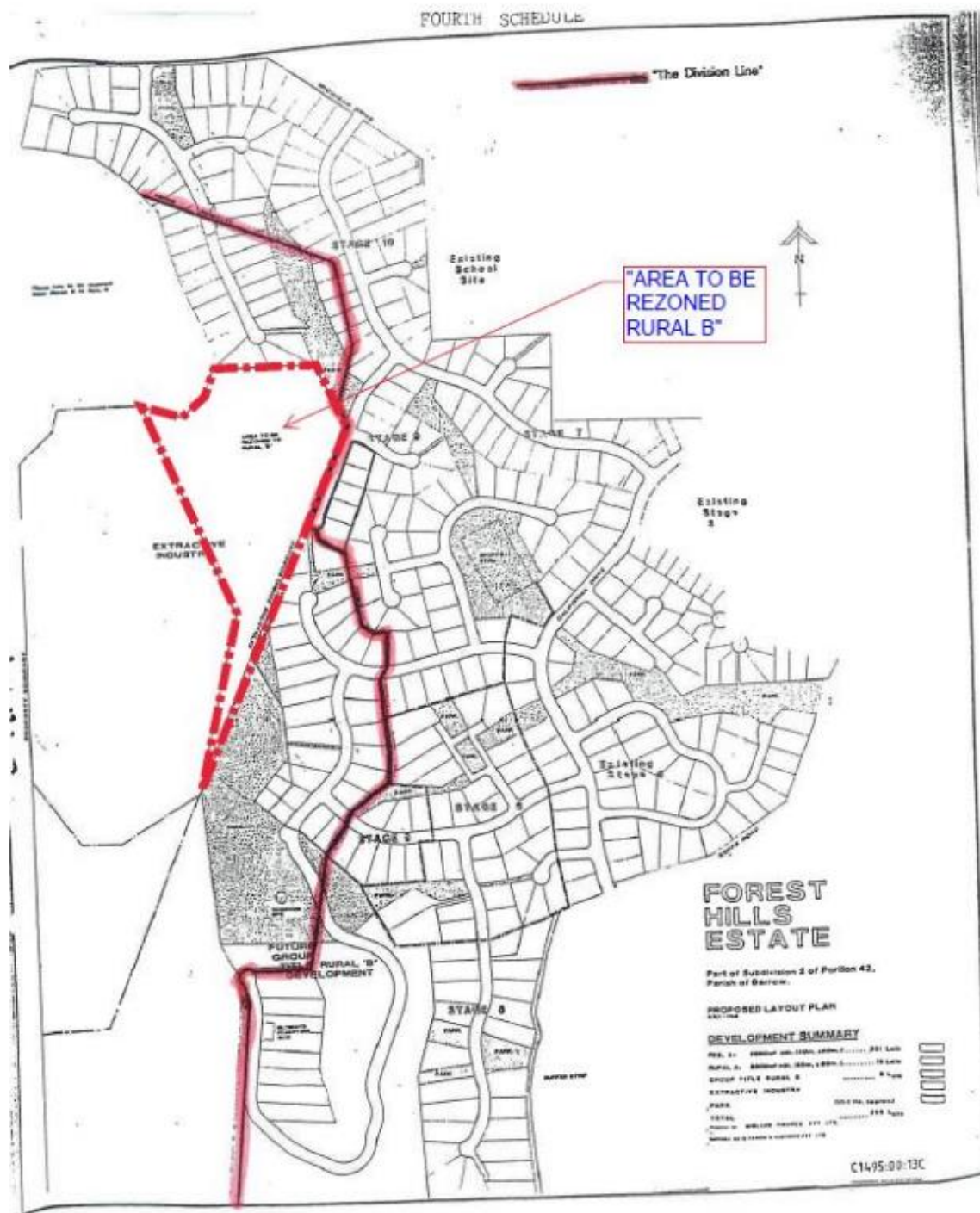
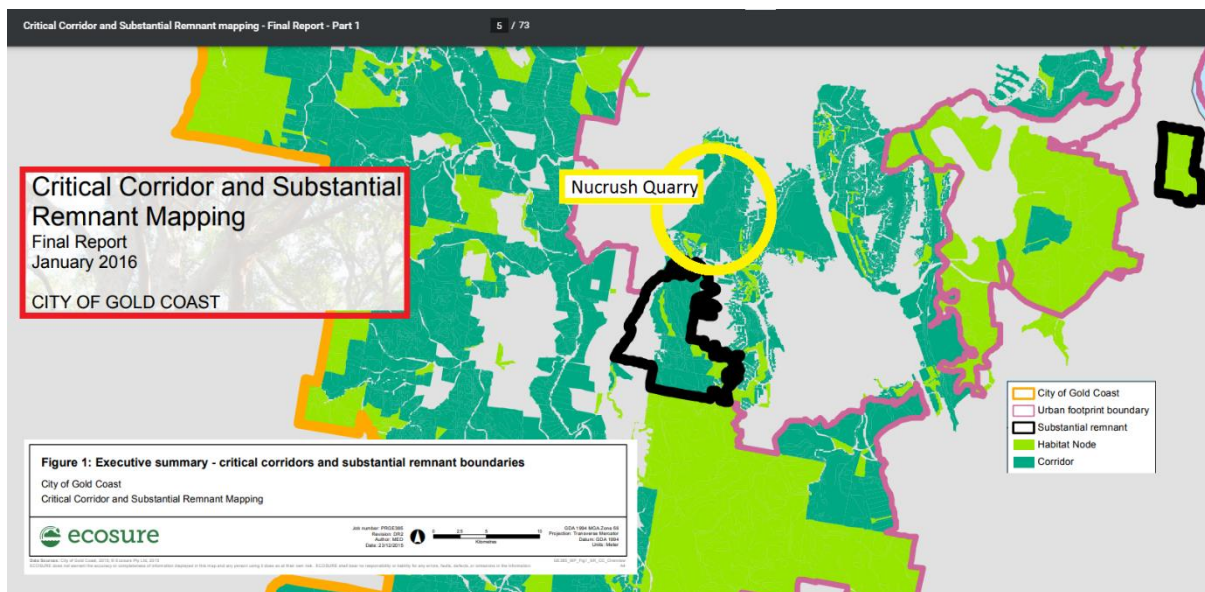


Figure 9: Extract of the Fourth Schedule, annotated by officers (Source: Schedule 4 of the Rezoning Approval)

Any development application approval that breaches the current approval requirements that are in perpetuity would not be legally defensible.

The 'Critical Corridor and Substantial Remnant Mapping'

It should also be remembered this area is part of the 'Critical Corridor' as shown on the City Of Gold Coast 'Critical Corridor and Substantial Remnant Mapping' document:



Any development application should bear in mind the importance of this area for the ongoing connectivity to the Nerang State Forest and the green space '*Critical Corridor*'. Matters of environmental significance should be very carefully considered before authorising destruction of an irreplaceable area. Something we do not believe the City Officers have shown due diligence in assessing.

Conclusion

It is we believe clear to see that the '*Environmental significance - wetlands and waterways*' area (or '*Tributary to the Coomera River*') and its associated buffer area has been all but ignored within the City Officer's report.

This is an environmental disaster in the making, once this area is levelled as proposed during '*Stage 1*', the stormwater will traverse from the ridge line in the east, go straight through the Stage 1 pit level, taking all the quarry dust and sediment and residue with it (with absolutely no containment pits or sediment pits en route) before it continues west, following its old watercourse route, and goes straight into the Coomera River (via the northern stormwater drain). The effect this will have on the local ecosystem in the Coomera River seems to have been negligently completely overlooked by City Officers.

It would also seem abundantly obvious that from '*Stage 1*' onwards this development application is proposing destruction of not only this '*Environmental significance - wetlands and waterways*' area, but vast areas of '*Environmental significance - vegetation management*' and '*Environmental significance - priority species*' also. This is despite their '*protect in situ*' designation within the City Plan.

We find the Council Officer's virtual ignorance of the '*protect in situ*' designation of these MES areas from '*Stage 1*' onwards truly shocking and abhorrent.

Any approval of this development application will be in direct opposition to the City Plan requirements in a number of key areas.

Why are the City Officer's seemingly ignoring the City Plan requirements concerning matters of environmental significance? It is as if they had an agenda to approve the quarry (Stages 1 to 5 at the very least) despite many, many, clear failures of the development application against the City Plan.

We request that the Council Officers recommendations are reviewed and corrected to include refusal from '*Stage 1*' onwards due to its many conflicts with the City Plan requirements. Then, resubmitted to a future Planning and Environment Committee meeting for consideration before going to full Council for a decision.

THANK YOU