19th July 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 -

State Development Assessment Provisions (SDAP) - Native Vegetation Clearing requirements

Please accept this objection as I believe it highlights how this development application does not meet the requirements of the *'State Development Assessment Provisions (SDAP), Module 8, Native Vegetation clearing requirements'* as is required.

Under the SDAP Native vegetation clearing I believe this DA has to meet the requirements of *'Table 8.1.3 - General PO1, PO2 and PO3'* and *'Table 8.1.5 - Extractive Industry PO2 to PO9'* (as shown in attachment A1).

'Table 8.1.3 - General Performance Outcome PO1'

Performance Outcome PO1 states: "*Clearing only occurs where the applicant has demonstrated that the development has first reasonably avoided, and then reasonably minimised the impacts of development"* (Attachment A2). I do not believe the ignoring of Current approval areas, believed to be for the life of the quarry, of approximately 15.5 hectares of prohibited development i.e. *'Buffer Land' and 'Permanent trees and shrub screening'* (as shown in annotated Plan 362-010 in attachment B1) is consistent with this Performance Outcome. Likewise, the ignoring of approximately 16.6 hectares of prohibited development area known as Rural 'B' (as shown in Plan C1495:00:13B in attachment B2, close up in attachment B3) is consistent with this Performance Outcome either.

The proposed extractive footprint (as shown in Attachment B4) engulfs all these prohibited development areas that were agreed as part of the Current approval for the life of the quarry (as shown in the City Plan, reproduced in Attachment B5).

I do not believe the applicant, in this development application *"has demonstrated that the development has first reasonably avoided"* OR *"reasonably minimised the impacts of development"* as is required to meet this performance Outcome.

There is, I believe, no requirement for the overriding of the Current Approval as clearly shown in the recent Boral Reedy Creek quarry case against the Gold Coast Council when the judge stated: *"The council's position is that the City has extensive approved reserves of hard rock that are able to, and do produce hard rock, substantially in excess of demand within the City. Having regard to the focus of the evidence … the Council's position is that none of the City of Gold Coast and Southeast Queensland and Northern New South Wales are undersupplied with hard rock and to the extent that some demand for the hard rock might be established, it does not justify a hard rock quarry on (the subject land). If the council's position is correct, there cannot be a strong need for the project"* AND *"The court can be comfortably satisfied that the City has extensive approved reserves of hard rock that are able to, and*

do, produce hard rock, substantially in excess of demand within the City and that none of the City of Gold Coast and Southeast Queensland and Northern New South Wales are undersupplied with hard rock" (Attachment B6).

Clearly there is no Economic Need, by the Gold Coast, to permit the destruction of these areas that are protected under Current approval and are further protected on the City Plan by their environmentally significant status too. Therefore I reiterate that I believe the applicant, in this development application HAS NOT *" demonstrated that the development has first reasonably avoided"* OR *"reasonably minimised the impacts of development"* as is required to meet this performance Outcome.

'Table 8.1.5 - Extractive Industry Performance Outcome PO3'

Performance Outcome PO3 states: *"Maintain the current extent of vegetation associated with any natural wetland to protect: (1) water quality by filtering sediments, nutrients and other pollutants 92) aquatic habitat (3) terrestrial habitat"* (reproduced in Attachment A3).

I believe Acceptable Outcome AO3.1*"Clearing does not occur in. or within 100 metres of any natural wetland"* is not met, as shown on the City Plan - Environmental significance Wetlands and Waterways overlay (reproduced in Attachment C1).

Similarly, I believe Acceptable Outcome AO3.3 *"Where it can be demonstrated that clearing cannot be reasonably avoided, and the extent of clearing has been reasonably minimised … "* is not met (as discussed above, where I see there is no real need for this expansion into protected areas as there is no Economic Need for the City of Gold Coast).

'Table 8.1.5 - Extractive Industry Performance Outcome PO4'

Performance Outcome PO4 states: *"Maintain the current extent of vegetation associated with any watercourse or drainage feature to protect: (1) bank stability by protecting against bank erosion (2) water quality by filtering sediments, nutrients and other pollutants (3) aquatic habitat (4) terrestrial habitat"* (reproduced in Attachment A3).

As discussed in an earlier objection (*'Problems and omissions from Stormwater management plan'* dated 7th July 2021) the lack of sedimentation pits and/or containment pits in future stages (as demonstrated in attachment B4) means that PO4: *"(2) Water quality by filtering sediments, nutrients and other pollutants"* cannot be reliably assured (as there is nowhere to filter water other than the main Sump which could well overflow given the amount of water leaching through walls and floors on a 24/7 basis (It is believed between 30 to 40 litres per second will need to be pumped into the Coomera River on a 24/7 basis) and with nowhere to pump this water until the water quality is assured the ecological impact on the Coomera River could be utterly disastrous.

Also, it is believed, PO4: *"(3) aquatic habitat"* will be similarly compromised due to the lack of any sedimentation pits and/or containment pits between the main sump and the pumping into the Coomera River.

Quarry discharge locations into the freshwater part of the Coomera River are shown in Attachment D1.

'Table 8.1.5 - Extractive Industry Performance Outcome PO5'

Performance Outcome PO5 states (as reproduced in Attachment A4): *"In consideration of vegetation on the subject lot(s) and in the landscape adjacent to the subject lot(s), vegetation is retained that: (1) is of sufficient size and configured in a way that maintains ecosystem functioning (2) remains in the landscape despite threatening processes"* with an Acceptable Outcome of *"Clearing occurs in accordance with Table 3"* (where Table 3 is reproduced in Attachment E1).

I do not believe the complete rape and pillage of Lot 467, from the limited extractive footprint in the Current approval of 23.77 ha approx (as shown in attachment B1), to the ABSOLUTE MAXIMUM FOOTPRINT for the Lot (as shown in attachment B4), that is ignoring City Plans to not go within 40 m of Lot boundary (City Plan 9.3.8 Extractive Industry Code, Acceptable Outcome AO3.1 - Attachment E2), and ignoring City Plans to not go within 40m of ridgelines (City Plan 9.3.8 Extractive Industry Code, Acceptable Outcome AO4 - Attachment E2) and is further ignoring all the protected development areas under their Current approval, that were obviously agreed to limit urban and quarry encroachment and limit views into the quarry (as per City Plan 9.3.8 Extractive Industry Code, Acceptable Outcome AO3.2 requirements - Attachment E2) i.e. 'Buffer Land' and 'Permanent Trees and shrub screening' areas (attachment B1.) and prohibited development area Rural 'B' (attachment B2, close up in B3) is as per Performance Outcome PO5 requirements. The existing vegetation in this lot is being decimated in every single direction radiating out from the quarry with no apparent regard for the local environment and/or the local ecosystem.

The landscape will be dramatically decimated, despite the City Plan requirements AO3.2: *"Views of significant infrastructure and visually obtrusive development including quarry floors, benches and faces, are screened from the road frontage, major road corridors and adjoining residential areas"* (Attachment E2).

Thus, I do not believe Performance Outcome PO5: *"… vegetation is retained that: (1) is of sufficient size and configured in a way that maintains ecosystem functioning (2) remains in the landscape despite threatening processes"* (Attachment A4) is met.

It should also be remembered the Acceptable Outcome is *"Clearing occurs in accordance with Table 3"* (reproduced in Attachment E1). Which states: *"Clearing does not: "(2) reduce the extent of vegetation to less than 50 hectares"*. However the Lot size of Lot 467, the Extractive Industry Lot, is 70.8 hectares and the proposal is to extend the extractive footprint to 54 hectares within this Lot. Thus, leaving far less than the required 50 hectares of vegetation.

Further, *"Clearing does not: "(4) reduce the width of vegetation to less than 200 metres"*. However, it is clear to see, the proposed extraction footprint within 40 metres of the boundary on the west side of the quarry will reduce the vegetation down to just 40 metres width maximum, and clearing large areas e.g. near discharge points (as shown in attachment D1) permitting clear views from the road into the quarry (Contra to City 9.3.8 Extractive Industry Code, Acceptable Outcome AO3.2 - Attachment E2). The DA further proposes to reduce the Connectivity Corridor in the East down to 150 metres (See Attachment E3) which clearly compromises the requirement of *"Clearing does not: "(4) reduce the width of vegetation to less than 200 metres"*.

Also: *"Clearing does not: (5) occur where the extent of vegetation on the subject lot(s) is reduced to or less than 30 per cent of the total area of the lot(s)"* (reproduced in Attachment E1). However, the proposed extractive footprint will cover an area of 54 hectares whereas the Lot size is 70.8 hectares. This leaves approximately 23% of the Lot that is not part of the extractive footprint. Of this 23% a large part of it is made up of the 40 metre wide border on the western side, and a lot of this does not

support vegetation (e.g. By the entrance which is clear of vegetation, the area of the lake by the entrance that is to be engulfed in extractive footprint has no discernable vegetation (I.e. no trees, shrubs, etc.). It is therefore abundantly clear that Performance Outcome PO5, Section 5 cannot be met.

'Table 8.1.5 - Extractive Industry Performance Outcome PO6'

Performance Outcome PO6 states: *"Clearing does not contribute to land degradation through: (1) waterlogging, or (2) the salinisation of groundwater, surface water or soil"* (Attachment A4).

The proposed subterranean quarrying down to a proposed 110 metres below the Coomera River could contribute to land degradation through waterlogging due to the large volume of water that will be leached through the quarry walls and pit floor that will have to be continually pumped out to stop the quarry flooding via the discharge locations (attachment D1). This could add to the salinisation of the groundwater as it is leached from a radius of up to 1.418 km away and from the saltwater section of the Coomera River (beyond weir) as well as the freshwater part before the weir.

I also note an Acceptable Outcome requirement AO6.1 is *"Clearing does not occur in or within 200 meters of a discharge area or recharge area"* (Attachment A4). However it is clear to see that the discharge locations are adjacent to the extractive footprint / clearing and is definitely far less than the required 200 meters.

'Table 8.1.5 - Extractive Industry Performance Outcome PO7'

Performance Outcome PO7 states: *"Maintain the current extent of endangered regional ecosystems and of concern regional ecosystems"* (Attachment A4).

I believe the environmentally significant areas and protected Koala habitat that this DA proposes to decimate and the effect subterranean quarrying will have on the local ecosystem will compromise this requirement.

'Table 8.1.5 - Extractive Industry Performance Outcome PO8'

Performance Outcome PO8 states: *"Maintain the current extent of essential habitat"* (Attachment A4).

It is noted that the acceptable outcome AO8.1 is *"Clearing does not occur in an area of essential habitat"* or AO8.2: *"Clearing in essential habitat does not exceed the width or area prescribed in Table 1"* or AO8.3*: "Clearing only occurs where an area of essential habitat is isolated and small in size and at risk from threatening processes, for the prescribed species"* or AO8.4: *"Where it can be demonstrated that clearing cannot be reasonably avoided, and the extent of clearing has been reasonably minimised, an environmental offset is provided"*.

Obviously this DA proposes clearing vast areas of essential habitat. However, I do not believe this should be permitted as it clearly states: *"Clearing does not occur in an area of essential habitat"* and I do not believe there is a valid enough reason for environmental offsets to be sanctioned as I do not believe *"it can be demonstrated that clearing cannot be reasonably avoided"*. There is no need to clear these areas as the product can be reasonable sourced elsewhere from already approved reserves as discussed in the Boral Reedy Creek appeal case v Gold Coast City Council [2017] QPEC 23 where it

was noted there is in the Gold Coast region, in excess of 160 years supply already approved https://archive.sclqld.org.au/qjudgment/2017/QPEC17-023.pdf

'Table 8.1.5 - Extractive Industry Performance Outcome PO9'

Performance Outcome PO9 states: *"Clearing activities do not result in the disturbance of acid sulphate soils or changes to the hydrology of the location that will either: (1) aerate horizons containing iron sulphides, or (2) mobilise acid or metals"* (Attachment A4). I believe the subterranean quarrying activity, proposed to be 110 metres below the Coomera River level will both aerate iron sulphides and mobilise acid and metals.

As per my 'Acid sulfate soils' objection, dated 1st January 2021, I believe this DA does not adequately consider the acid sulfate risks of the subterranean quarrying method that they are proposing.

Therefore, I believe Performance Outcome PO9 has definitely not been met.

Conclusion

It is very concerning that vast swathes of the *'State Development Assessment Provisions (SDAP)'* for *'Native vegetation clearing'* seem to have been ignored or glossed over by this development application.

I do not believe the proposed amount of devastation and destruction can be bestowed on an environmentally significant area just in order to extract hard rock for the next one hundred plus years, that is, after all, not required (given that there is in excess of 160 years supply of hard rock already approved for extraction in the Gold Coast region.

To permit this much devastation and destruction in this area by approving this development application in this suburban location would, I believe, be a crime against the local environment and the local ecosystem and the residents of the Gold Coast.

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 amounted of submitted data from the applicant, errors and assumptions on my part may occur. Hopefully this is not the case, but please accept my apologises if this is so. Thank you.

Attachment A1 - SDAP Module 8 - Native Vegetation Clearing

Module 8. Native vegetation clearing

8.1 Queensland vegetation management state code

8.1.1 Purpose

The purpose of the code is to regulate the clearing of native vegetation within Queensland to:

(1) conserve remnant vegetation that is—
  (a) an endangered regional ecosystem
  (b) an of concern regional ecosystem
  (c) a least concern regional ecosystem
(2) conserve vegetation in declared areas
(3) ensure clearing does not cause land degradation
(4) prevent loss of biodiversity
(5) maintain ecological processes
(6) manage environmental effects of the clearing to achieve (1) through (5)
(7) reduce greenhouse gas emissions
(8) allow for sustainable land use.

8.1.2 Criteria for assessment

(1) Subject to subsection (2), development mentioned in column 1 below must be assessed against the assessment criteria in the table mentioned in column 2.

Column 1	Column 2
Material change of use	Table 8.1.1
Operational work	Table 8.1.2
Reconfiguring a lot	Table 8.1.1

(2) Development that is a material change of use or reconfiguring a lot mentioned in column 1 of Table 8.1.1 must comply with the relevant provisions of Tables 8.1.3 to 8.1.11 mentioned in column 2 of Table 8.1.1.

(3) Development that is operational work mentioned in column 1 of Table 8.1.2 must comply with the relevant provisions of Tables 8.1.4 to 8.1.11 mentioned in column 2 of Table 8.1.2.

Table 8.1.1: Development and relevant provisions of the code—material change of use and reconfiguring a lot

Development	Relevant provisions of code
An application for a project declared to be a coordinated project	**Table 8.1.3** — General: PO1 – PO3 **Table 8.1.4** — Public safety, relevant infrastructure and coordinated projects: PO2 — PO10
An application for an extractive industry	**Table 8.1.3** — General: PO1 – PO3 **Table 8.1.5** — Extractive industry: PO2 – PO9
An application for high value agriculture or irrigated high value agriculture	**Table 8.1.3** — General: PO1 – PO3 **Table 8.1.6** — High value agriculture clearing and irrigated high value agriculture clearing: PO1 – PO9
An application for a material change of use or reconfiguring a lot for which there will be no clearing as a result of the material change of use or reconfiguring a lot	**Table 8.1.3** — General: PO4
An application for a material change of use or reconfiguring a lot for which all clearing is limited to clearing that could be done under an exemption for the purpose of the development (as prescribed under Schedule 24, Parts 1 and 2 of the Sustainable Planning Regulation 2009) prior to the material change of use or reconfiguring a lot application being approved	**Table 8.1.3** — General: PO1, PO2, PO3 and PO5
An application for all other purposes, where not listed above	**Table 8.1.3** — General: PO1 – PO3 **Table 8.1.4** — Public safety, relevant infrastructure and coordinated projects: PO2 — PO10

Attachment A2 - SDAP Module 8 - Native Vegetation Clearing - Table 8.1.3 General PO1, PO2 & PO4

Table 8.1.3: General

Performance outcomes	Acceptable outcomes
Clearing to reasonably avoid and minimise impacts	
PO1 Clearing only occurs where the applicant has demonstrated that the development has first reasonably avoided, and then reasonably minimised the impacts of development.	No acceptable outcome is prescribed.
Clearing on land in particular circumstances	
PO2 Clearing in an area must not be inconsistent with or impact on any of the following unless a better environmental outcome can be achieved: (1) a declared area, or (2) an exchange area, or (3) unlawfully cleared area, or (4) a restoration notice, or (5) an enforcement notice under the *Sustainable Planning Act 2009* issued for a vegetation clearing offence, or (6) a compliance notice containing conditions about the restoration of vegetation, or (7) a Land Act notice, or (8) a trespass notice if the trespass related act under the *Land Act 1994* for the notice is the clearing of vegetation on the relevant land, or (9) an area on a PMAV shown to be category A where the chief executive of the VMA reasonably believes that a vegetation clearing offence is being, or has been, committed in relation to the area.	No acceptable outcome is prescribed.
Clearing on land that is an environmental offset area	
PO3 Clearing on land that contains an existing environmental offset is consistent with the delivery plan or agreement for the environmental offset area. Editor's note: Environmental offset agreements may also be described as an 'agreed delivery arrangement' or 'delivery agreement'. Clearing should be consistent with any agreement however described.	**AO3.1** Clearing is consistent with the offset delivery plan or agreement for the environmental offset area. OR **AO3.2** An additional environmental offset is provided that is consistent with the relevant *Queensland Environmental Offsets Policy.*

Attachment A3 - SDAP Module 8 - Native Vegetation Clearing - Table 8.1.5 Extractive Industry PO1 - PO4

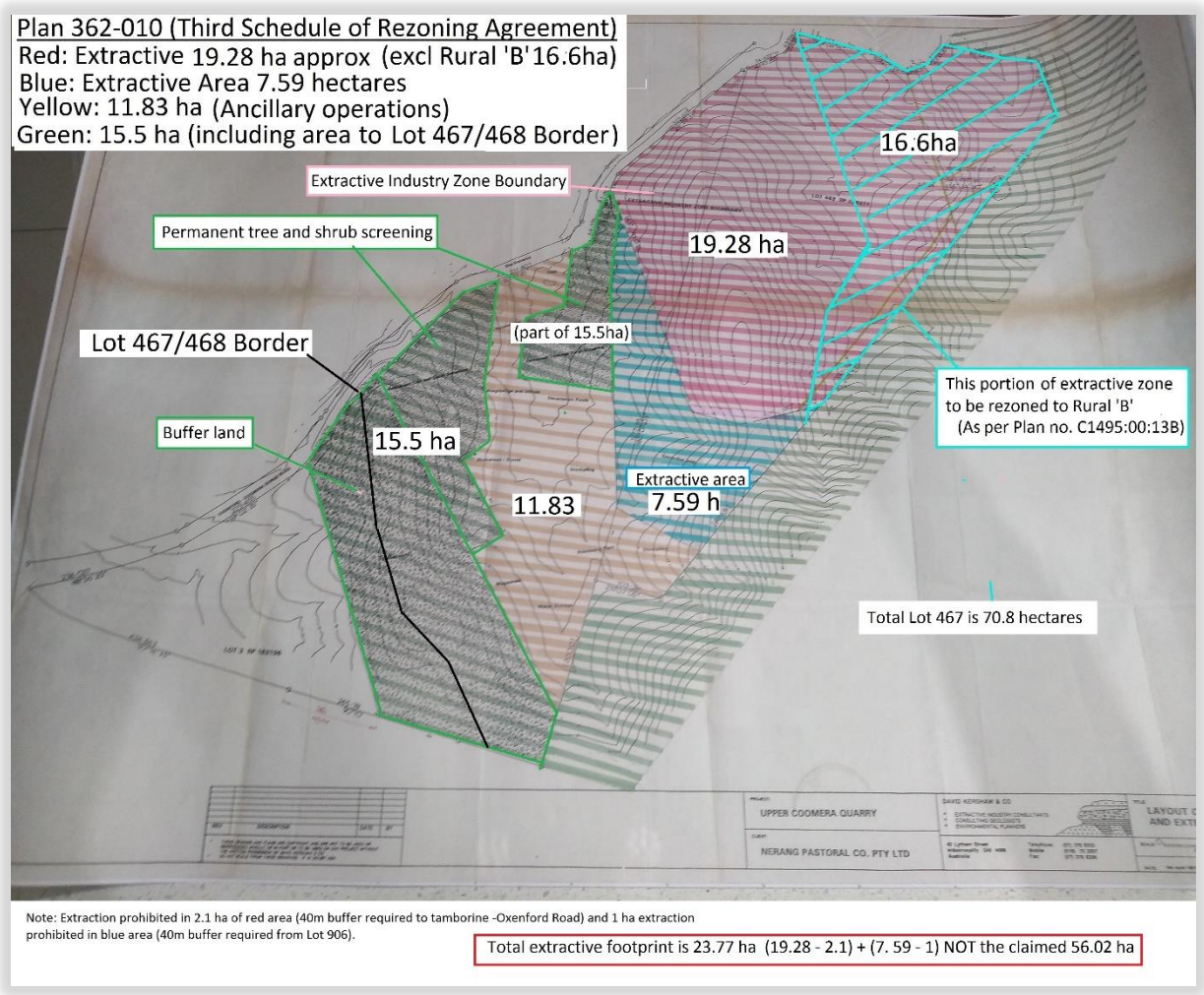
Table 8.1.5: Extractive industry

Performance outcomes	Acceptable outcomes
Limits to clearing for an extractive industry	
PO1 Clearing is limited to the extent that is necessary for: (1) dredging material from the bed of any waters (2) extracting, from a pit or quarry, rock, sand, clay, gravel, loam or other material (3) screening, washing, grinding, milling, sizing or separating material extracted from a pit or quarry (4) carrying out work that is the natural and ordinary consequence of carrying out work mentioned in subparagraphs (1), (2) and (3) above.	No acceptable outcome is prescribed.
Clearing is staged	
PO2 Clearing: (1) is staged in line with operational needs that restrict clearing to the current operational area (2) is limited to the area from which material will be extracted, and any reasonably associated infrastructure, within the term of the development approval (3) cannot occur until all required permits are obtained.	No acceptable outcome is prescribed.
Wetlands	
PO3 Maintain the current extent of vegetation associated with any natural wetland to protect: (1) water quality by filtering sediments, nutrients and other pollutants (2) aquatic habitat (3) terrestrial habitat.	**AO3.1** Clearing does not occur in, or within 100 metres of, any natural wetland. OR **AO3.2** Clearing only occurs within 100 metres of any natural wetland where: (1) the clearing does not occur within 50 metres of the of the natural wetland, or (2) the widths stipulated by Table 1 are not exceeded. OR **AO3.3** Where it can be demonstrated that clearing cannot be reasonably avoided, and the extent of clearing has been reasonably minimised, an environmental offset is provided for any significant residual impact from clearing of vegetation associated with a natural wetland. Editor's note: Applications for development should identify whether there is likely to be a significant residual impact and a need for an environmental offset having regard to Section 3.3 (Wetlands and watercourses) of the *Significant Residual Impact Guideline* and the relevant *Queensland Environmental Offsets Policy*.
Watercourses and drainage features	
PO4 Maintain the current extent of vegetation associated with any watercourse or drainage feature to protect: (1) bank stability by protecting against bank erosion (2) water quality by filtering sediments, nutrients and other pollutants (3) aquatic habitat (4) terrestrial habitat.	**AO4.1** Clearing does not occur: (1) in any watercourse or drainage feature (2) within the relevant distance stipulated in Table 2 of the defining bank of any watercourse or drainage feature. OR **AO4.2** Clearing only occurs within any watercourse or drainage feature, or within the relevant distance stipulated by Table 2 of the defining bank of any watercourse or drainage feature where: (1) the clearing does not occur within 5 metres of the defining bank, or (2) the widths stipulated by Table 1 is not exceeded. OR **AO4.3** Where it can be demonstrated that clearing cannot be reasonably avoided, and the extent of clearing has been reasonably minimised, an environmental offset is provided for any significant residual impact from clearing of vegetation associated with any watercourse or drainage feature. Editor's note: Applications for development should identify whether there is likely to be a significant residual impact and a need for an environmental offset having regard to Section 3.3 (Wetlands and watercourses) of the *Significant Residual Impact Guideline* and the relevant *Queensland Environmental Offsets Policy*.

Attachment A4 - SDAP Module 8 - Native Vegetation Clearing - Table 8.1.5 Extractive Industry PO5 - PO9

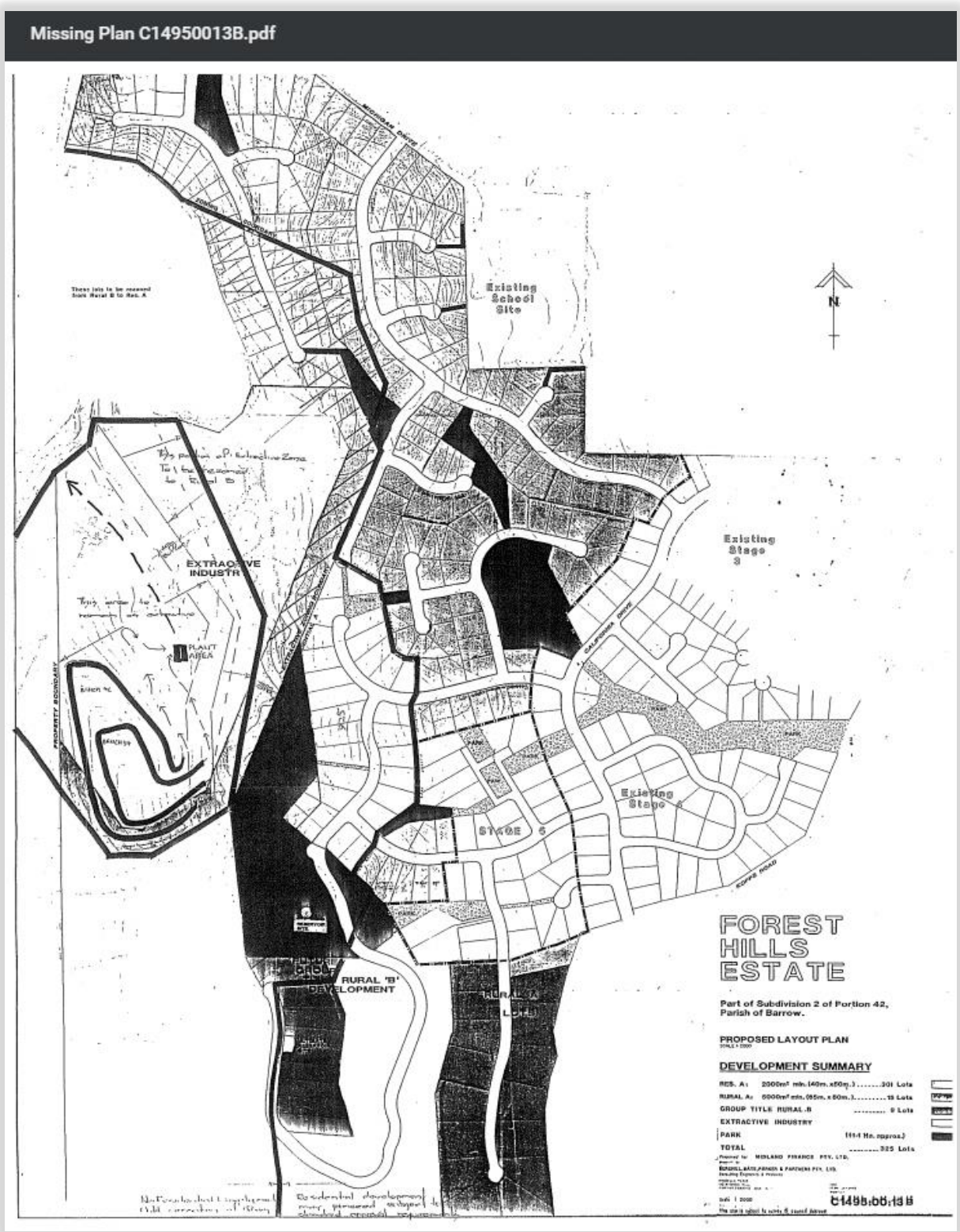
Connectivity	
PO5 In consideration of vegetation on the subject lot(s) and in the landscape adjacent to the subject lot(s), vegetation is retained that: (1) is of sufficient size and configured in a way that maintains ecosystem functioning (2) remains in the landscape despite threatening processes.	**AO5.1** Clearing occurs in accordance with Table 3.
Salinity	
PO6 Clearing does not contribute to land degradation through: (1) waterlogging, or (2) the salinisation of groundwater, surface water or soil.	**AO6.1** Clearing does not occur in or within 200 metres of a discharge area or recharge area. OR **AO6.2** Clearing is less than: (1) 2 hectares, or (2) 10 metres wide.
Conserving endangered and of concern regional ecosystems	
PO7 Maintain the current extent of endangered regional ecosystems and of concern regional ecosystems.	**AO7.1** Clearing does not occur in: (1) an endangered regional ecosystem, or (2) an of concern regional ecosystem. OR **AO7.2** Clearing in an endangered regional ecosystem or an of concern regional ecosystem does not exceed the width or area prescribed in Table 1. OR **AO7.3** Where it can be demonstrated that clearing cannot be reasonably avoided, and the extent of clearing has been reasonably minimised, an environmental offset is provided for any significant residual impact from the clearing of endangered regional ecosystems and of concern regional ecosystems. Editor's note: Applications for development should identify whether there is likely to be a significant residual impact and a need for an environmental offset having regard to Section 3.1 (Regulated vegetation) of the *Significant Residual Impact Guideline* and the relevant *Queensland Environmental Offsets Policy*.
Essential habitat	
PO8 Maintain the current extent of essential habitat.	**AO8.1** Clearing does not occur in an area of essential habitat. OR **AO8.2** Clearing in essential habitat does not exceed the width or area prescribed in Table 1. OR **AO8.3** Clearing only occurs where an area of essential habitat is isolated and small in size and at risk from threatening processes, for the prescribed species. OR **AO8.4** Where it can be demonstrated that clearing cannot be reasonably avoided, and the extent of clearing has been reasonably minimised, an environmental offset is provided for any significant residual impact from the clearing of essential habitat. Editor's note: Applications for development should identify whether there is likely to be a significant residual impact and a need for an environmental offset having regard to Section 3.1 (Regulated vegetation) of the *Significant Residual Impact Guideline* and the relevant *Queensland Environmental Offsets Policy*.
Acid sulfate soils	
PO9 Clearing activities do not result in the disturbance of acid sulfate soils or changes to the hydrology of the location that will either: (1) aerate horizons containing iron sulfides, or (2) mobilise acid or metals.	**AO9.1** Clearing does not occur in land zone 1, land zone 2 or land zone 3. OR **AO9.2** Clearing in land zone 1, land zone 2 or land zone 3 in areas below the 5 metre Australian Height Datum only occurs where: (1) it does not involve mechanical clearing (2) the acid sulfate soils are managed consistent with the *State Planning Policy*, Department of State Development, Infrastructure and Planning, 2014, and with the Soil Management Guidelines in the *Queensland Acid Sulfate Soil Technical Manual*, Department of Science, Information Technology, Innovation and the Arts, 2014. OR **AO9.3** The application is a development application where a local government is the assessment manager.

Attachment B1 - Plan 362-010 (annotated)

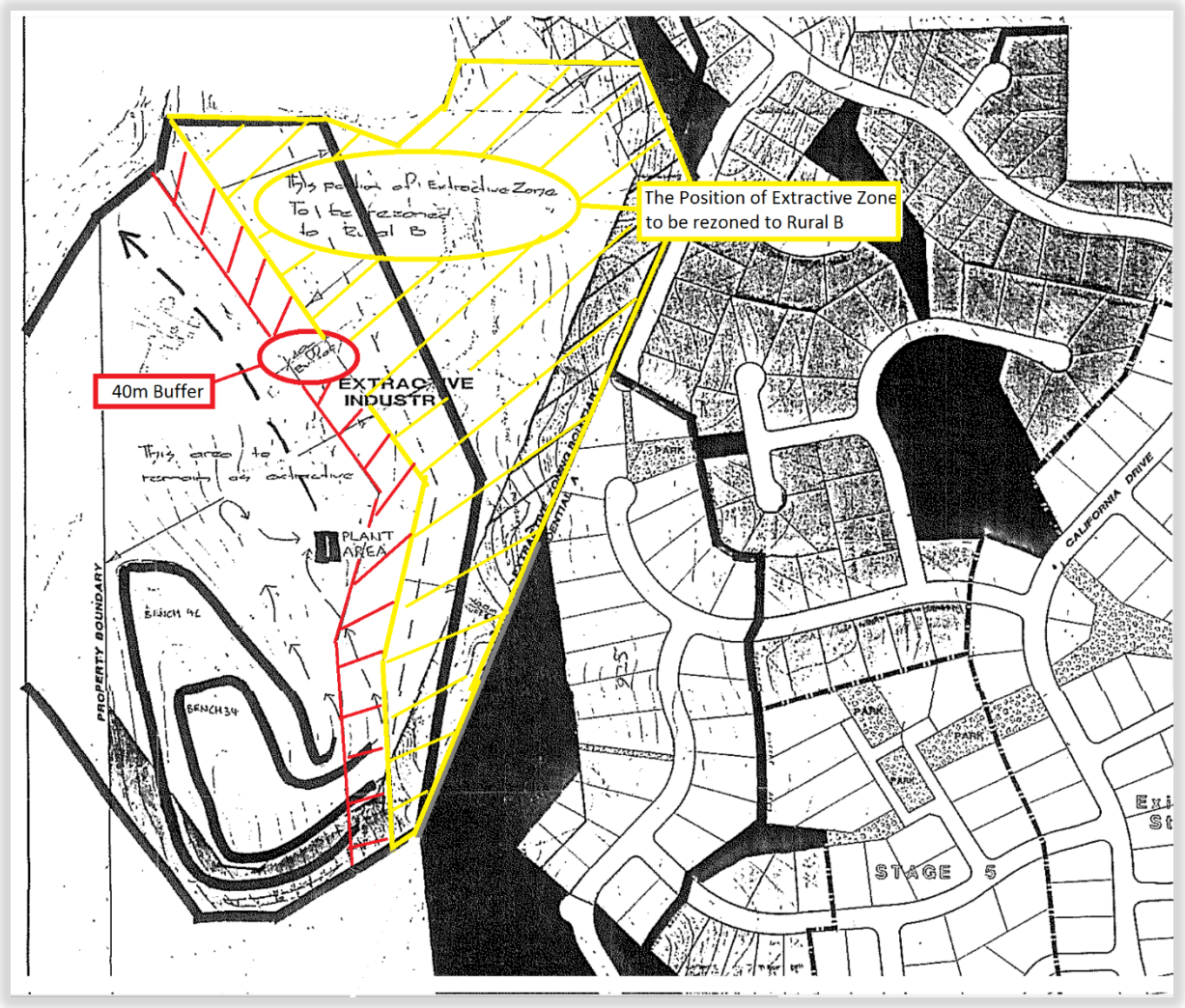


Attachment B2 - 'Plan C1495:00:13B'

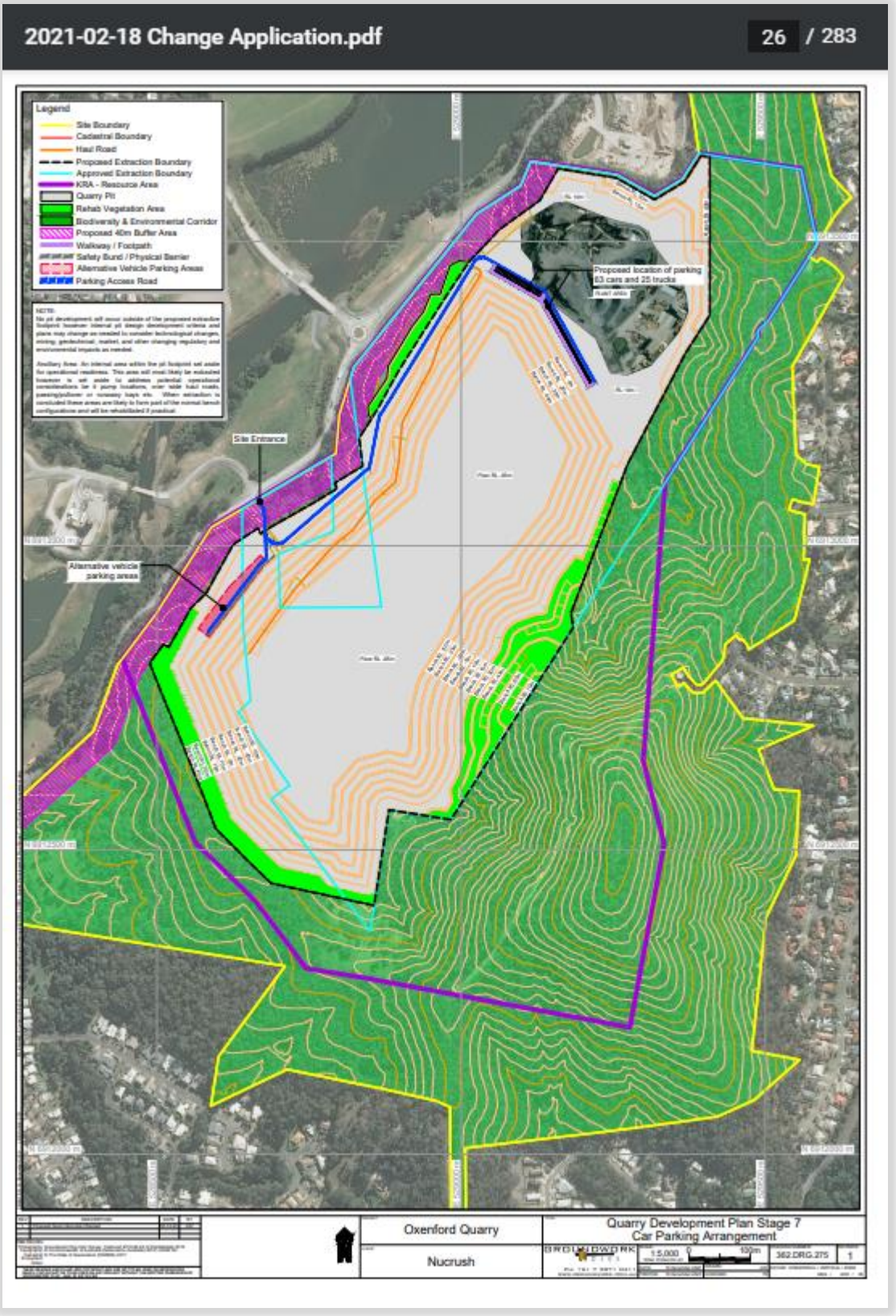
Missing Plan C14950013B.pdf



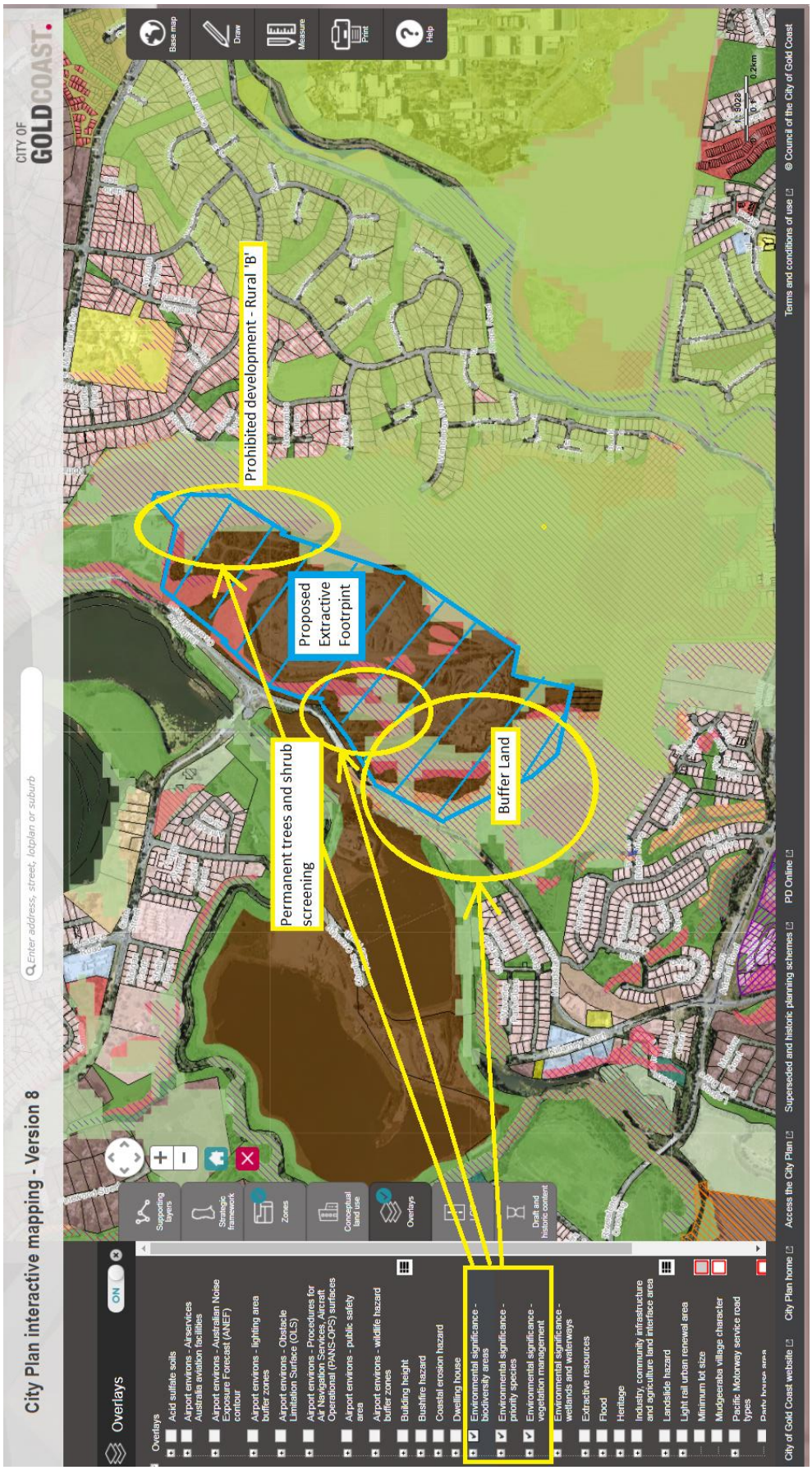
Attachment B3 - 'Plan C1495:00:13B' (Close up showing prohibited development known as Rural 'B')



Attachment B4 - Proposed Extractive Footprint



Attachment B5 - City Plan - Showing Environmentally significant areas and prohibited development areas



Attachment B6 - No Economic Need

[301] The respondent's position in this context was stated in the following terms:[308]

"The council's position is that the City has extensive approved reserves of hard rock that are able to, and do, produce hard rock, substantially in excess of demand within the City. Having regard to the focus of the evidence (cf Exhibit 9 p 107), the Council's position is that none of the City of Gold Coast and Southeast Queensland (as limited) and Northern New South Wales (as limited) are undersupplied with hard rock and to the extent that some demand for the hard rock might be established, it does not justify a hard rock quarry on (the subject land).

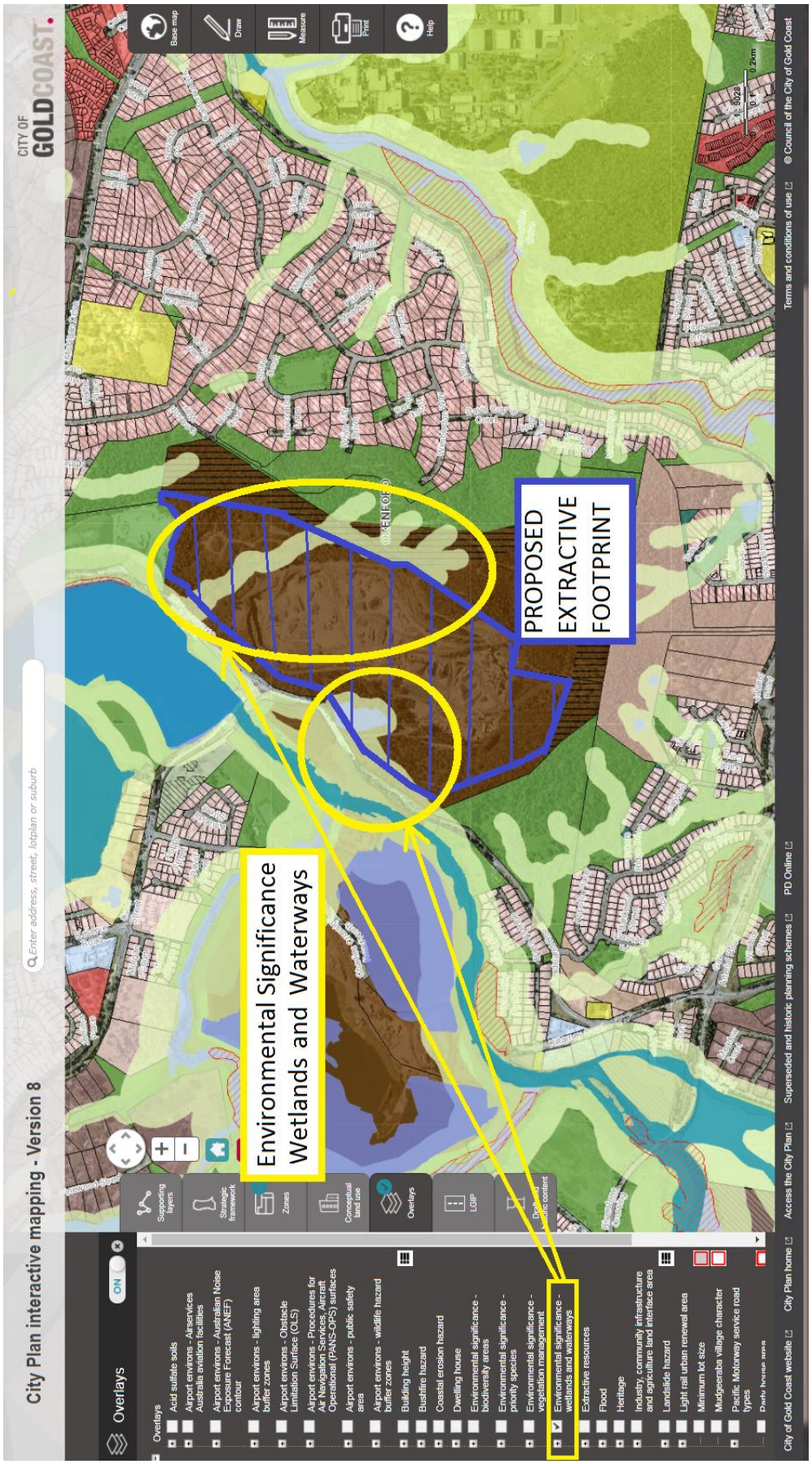
If the council's position is correct, there cannot be a strong need for the project.

It follows that consideration should be directed to the productive capacity of the City's approved reserves; whether they produce hard rock substantially in excess of demand within the City; and whether there is an undersupply within the City, Southeast Queensland (as limited) and Northern New South Wales (as limited).

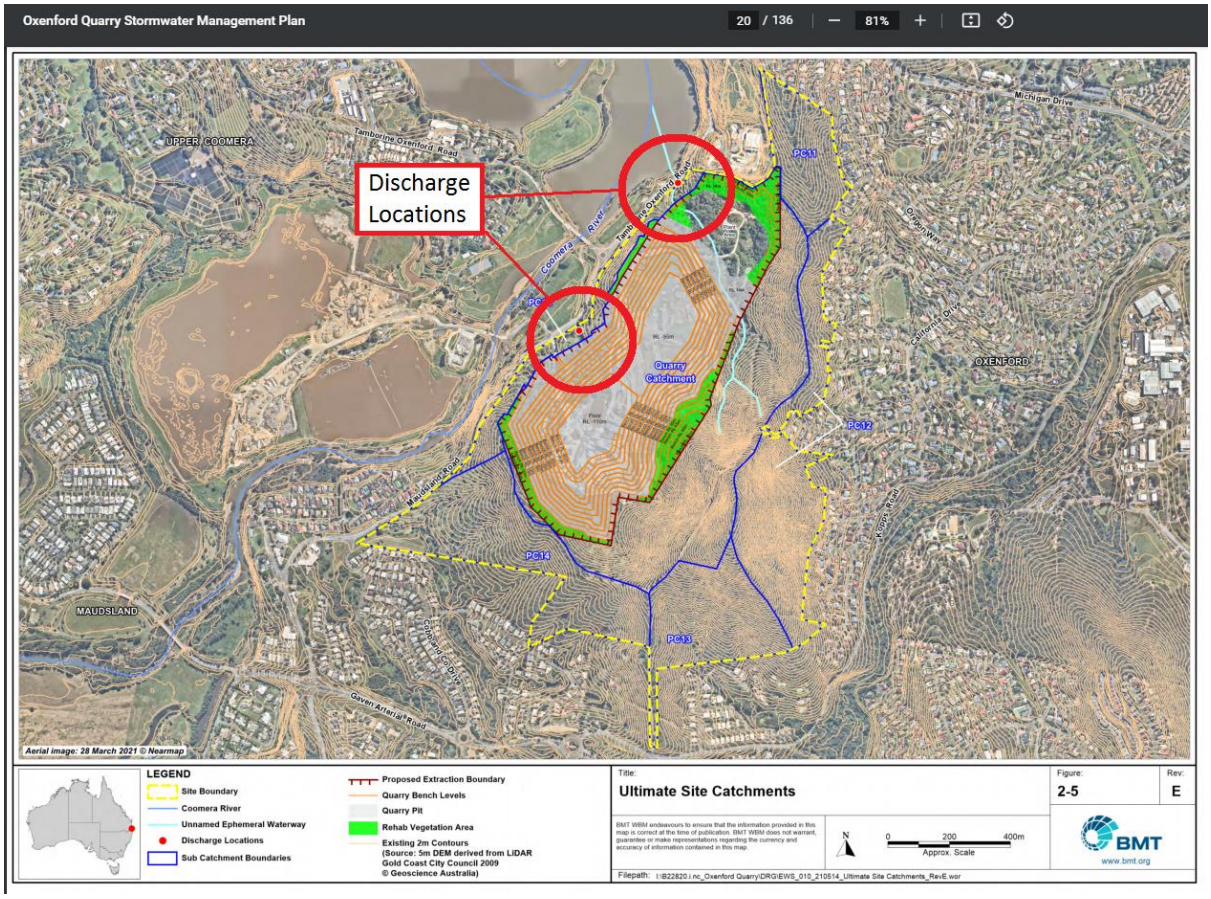
...

The court can be comfortably satisfied that the City has extensive approved reserves of hard rock that are able to, and do, produce hard rock, substantially in excess of demand within the City and that none of the City of Gold Coast and Southeast Queensland (as limited) and Northern New South Wales (as limited) are undersupplied with hard rock."

Attachment C1 - Environmental significant Wetlands and Waterways



Attachment D1 - Quarry discharge locations into Coomera River



Attachment E1 - SDAP Module 8 - Native Vegetation Clearing - Table 3 - Maintain Connectivity

Table 3

Maintaining connectivity	
Coastal bioregions and sub-regions	**Non-coastal bioregions and sub-regions**
Clearing does not: (1) occur in areas of vegetation that are less than 10 hectares (2) reduce the extent of vegetation to less than 10hectares (3) occur in areas of vegetation less than 100 metres wide (4) reduce the width of vegetation to less than 100 metres (5) occur where the extent of vegetation on the subject lot(s) is reduced to or less than 30 per cent of the total area of the lot(s).	Clearing does not: (1) occur in areas of vegetation that are less than 50 hectares (2) reduce the extent of vegetation to less than 50 hectares (3) occur in areas of vegetation less than 200 metres wide (4) reduce the width of vegetation to less than 200 metres (5) occur where the extent of vegetation on the subject lot(s) is reduced to or less than 30 per cent of the total area of the lot(s).

Attachment E2 - City Plan, Part 9.3.8 Extractive Industry Code

Part 9.3.8 Extractive industry code

9.3.8.3 Specific benchmarks for assessment

PART B - ASSESSABLE DEVELOPMENT BENCHMARKS

Table 9.3.8-1: Extractive industry development code – for assessable development

Performance outcomes	Acceptable outcomes
Visual amenity	
PO3 Extractive industry developments are screened or located in areas of least visual impact and minimise views of any significant infrastructure and visually obtrusive development from major roads and surrounding residential areas.	**AO3.1** Extraction or processing activities are not conducted within 40m of any boundary of the site. **AO3.2** Views of significant infrastructure and visually obtrusive development including quarry floors, benches and faces, are screened from the road frontage, major road corridors and adjoining residential areas.
PO4 Development protects the visual character and amenity of the area by ensuring ridgelines are retained as a natural feature and buffer.	**AO4** Development is located at least 40m away from any ridgeline, as measured horizontally from the ridge peak.

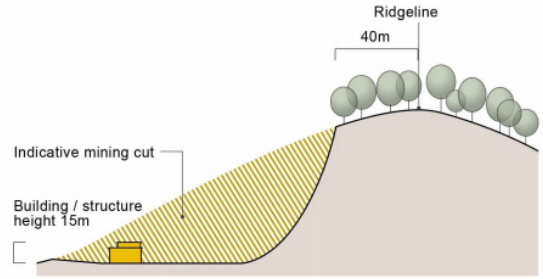


Figure 9.3.8-1
Illustration showing Extractive industry development is located at least 40m away from the top of the ridgeline, as measured horizontally from the ridge peak.

Attachment E3 - Connectivity Corridor reduced to 150 metres