

27th 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 -

Development Application contains superfluous Lots which

Environmental Authority EA0002207 has enabled for quarrying activity

(despite City Plan zoning requirements)

Please accept this objection as I believe it highlights how this development application is fundamentally flawed right from the outset back on 21st May 2019 when it was submitted to Council by containing superfluous Lots that have now become part of the Environmental Authority's Environmentally Relevant Activities (ERAs) and therefore subject to future quarrying activity, contra to the City Plan zoning rules.

Council PDonline for COM/2019/81 is misleading

The Development Application includes eight Lots owned by the applicant, despite only one of these Lots being '*Extractive Industry*' zoning ('Lot 467'). These Lots are identified in Attachment A1.

On PDonline the Development Application defines the '*Application Location*' misleadingly as '*Lot 906 SP108985, Lot 464 Wimbledon Way, OXFORD QLD 4210*' (as shown in Attachment A2).

Why did Council not use the correct address of the site/quarry which is: '*Lot 467, 33 Maudsland Road Oxford 4210*', as per applicants submitted: '*DA Form 1*' (as shown in attachment A3)?

Why did Council consider it was more appropriate to use the misleading '*Application Location*' of: '*Lot 906 SP108985, Lot 464 Wimbledon Way, OXFORD QLD 4210*'? It would seem Council were quite content to misinform people interested in this development application by not storing it in the Correct address format.

The Councils entries for COM/2019/81 in PDonline then goes on to describe the Development application as consisting of the following '*Property*': '*Lot 906*', '*BAL Lot 467*', '*PT1 Lot 467*', '*Lot 468*', '*Lot 7*', '*Lot 8*', '*Lot 901*', '*Lot 464*' and '*Lot 906*' (as shown in Attachment A4). Yet again a very low profile is put on emphasising '*Lot 467*' which is the only '*Extractive Industry*' Lot and the only Lot ultimately affected by this development application. Why did Council consider it was appropriate to display the property details in this confusing format with a number of superfluous Lots included?

This misleading '*Application Location*' and '*Property*' description may be construed that the Council department in charge of PDonline was doing its best to confuse members of the public and to hide this development application from local residents on behalf of the applicant.

How many people, who might have raised an objection to this development application, could not even find it thanks to the thoroughly misleading representation on PDonline?

Incorrect Inclusion of superfluous Lots

I believe it was incorrect to include the following Lots as part of the Development application as they are superfluous and are not part of the proposed development. They are as follows:

Lot 468 RP845775

This is also an *'Open Space'* Lot which clearly not part of the 'Extractive Industry' zone and is part of *'Environmentally significance - priority species'* area.

Lot 7 RP153300

This is an *'Emerging Community'* Lot which clearly not part of the 'Extractive Industry' zone.). It is also part of the *'Hinterland to coast critical corridors'* as shown on the City Plan *'Environmental significance - biodiversity areas'* overlay map (as shown in attachment B2). It is also of: *'Environmental significance - priority species'* (as shown in attachment B3).

Lot 8 RP153301

This is an *'Emerging Community'* Lot which clearly not part of the 'Extractive Industry' zone.). It is also part of the *'Hinterland to coast critical corridors'* as shown on the City Plan *'Environmental significance - biodiversity areas'* overlay map (as shown in attachment B2). It is also of: *'Environmental significance - priority species'* (as shown in attachment B3).

Lot 901 RP883083

This is an *'Open Space'* Lot which clearly not part of the 'Extractive Industry' zone. It is also of: *'Environmental significance - priority species'* (as shown in attachment B3).

Lot 464 RP228385

This is also an *'Open Space'* Lot. It is also part of the *'Hinterland to coast critical corridors'* as shown on the City Plan *'Environmental significance - biodiversity areas'* overlay map which identifies bioregional corridors that connect large areas of intact native vegetation (as shown in attachment B2). It is also of: *'Environmental significance - priority species'* (as shown in attachment B3).

Lot 905 SP108985

This is an *'Open Space'* Lot (as shown in attachment B1). It is also part of the *'Hinterland to coast critical corridors'* as shown on the City Plan *'Environmental significance - biodiversity areas'* overlay

map which identifies bioregional corridors that connect large areas of intact native vegetation (as shown in attachment B2). It is also of: *'Environmental significance - priority species'* (as shown in attachment B3).

Lot 906 SP108985

This is an *'Open Space'* Lot (as shown in attachment B1). It is also part of the *'Hinterland to coast critical corridors'* as shown on the City Plan *'Environmental significance - biodiversity areas'* overlay map which identifies bioregional corridors that connect large areas of intact native vegetation (as shown in attachment B2). It is also of: *'Environmental significance - priority species'* (as shown in attachment B3).

It is not, it would seem: *'Extractive Industry'*, *'Extractive Industry indicative buffer'*, and *'Open Space'* as clearly indicated on the City Plan interactive Plan (reproduced in attachment B4).

Summary

It is clear to see of the eight separate Lots listed in the Development Application seven of them are not part of this extractive Industry and not part of the Current Approval either.

Lot 467 being the only *'Extractive Industry'* Lot covered under the Current Approval and being the only Lot that it is now proposed to include as extractive industry.

I therefore believe the inclusion of these additional Lots are somewhat of a smoke screen to hide the true scale of the proposed extractive footprint.

I believe the Gold Coast City Council should be judging this *'Extractive Industry'* zone on its own merits and not allowing completely independent Lots (in other zones) to be included just because they are owned by Nucrush.

All of these Lots can be independently developed e.g. Lot 7 and Lot 8 are part of development application EXA/2020/14 for housing in the area (which was recently approved by Delegated Authority) as shown in attachment D3. Therefore, I believe it is incorrect to include these as part of development application COM/2019/81.

By the Council allowing the inclusion of these superfluous Lots to the development application has, I believe, given SARA an incorrect view of the scale of the actual development.

For instance the recently submitted BAAM Rehabilitation Management Plan is claiming: *"The total operational area will be approximately 55 ha, or approximately 36% of the site."* (Attachment C1). However, Lot 467 is '70.8 ha'. The proposed operational area is '55 ha'. Therefore, the operational area is actually 78% of the site. A significant difference to the claimed 36%.

State Development Assessment Provisions (SDAP) - Maintaining Connectivity.

The SDAP Module 8, 'Maintaining Connectivity' states:

"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 wide
- (5) *occur where the extent of vegetation on the subject lots(s) is reduced to or less than 30 per cent of the total area of the lot(s)."*

As shown in Attachment C2. Clearly by including the superfluous lots the applicant is claiming they are more compliant with this requirement (even though, I believe, they still fail (3) and (4) for instance). However, only using the extractive Industry Lot, 'Lot 467', as I believe is appropriate, means this development application fails the requirements in all five areas listed above. E.g. Only 15.8 ha of vegetation will be left which is well below the required 50 ha and only 22% of the vegetation of the area would remain well below the required 30%. Also, the vegetation would be reduced to a pitiful maximum of 40 metres width throughout the over one kilometre long western flank, well below the required 200 metres width required. Is this why all the other superfluous Lots have been included in a vague attempt to look more compliant?

Multiple Lot development application analogy

Using the analogy adopted by Nucrush, if a developer buys adjacent Lots and includes the others in their development application for one Lot, this Nucrush application is suggesting they can ignore the requirements re footprint, setbacks, buffers, etc. and use the additional land mass of the included Lot(s) to their advantage. Would the Council be accepting of this in an apartment block application? Bearing in mind straight after approval the owners could apply to develop the other Lot(s) based on their own merits (as per this Nucrush development application)!

To me this inclusion of superfluous Lots is merely a smoke screen to hide the true extent of the Nucrush application increasing its footprint from 33% at present (based on the aprox 23.77 ha current approved footprint as per the 'Third Schedule' of the Rezoning Agreement, annotated copy reproduced in attachment E1) to well over double the size to 78% of the total area which is way in excess of the SDAP requirements (attachment C2).

By all means I am accepting of the development application referring to further lots the applicant owns and stating it will keep this for buffers or whatever in justification for their development application. However, I do not believe the unnecessary inclusion of these additional lots, as part of the development application, can allow avoidance of the clear requirements of the State Development Assessment Provisions for '*Maintaining Connectivity*' and the City Plan requirements also. And, it should be remembered any, or all, of these Lots can be sold and/or developed separately on their own merits. For example, the Nucrush housing development application EXA/2020/14 in the '*Emerging Community*' Lots, '*Lot 7*' and '*Lot 8*' (as shown in attachment D3) despite its claimed primary use as a buffer in this development application it is already clearly part of a housing development in a separate development application.

I hope the Council are aware of this and will treat '*Lot 467*' as an independent Extractive Industry Lot, as it is, and not allow additional Lots included in the development application to muddy the waters that can be obviously independently developed once any development application approval has been granted.

Housing Development Lot 905

In 1997 Jefferson Properties applied to build homes within Lot 905 (Nucrush objection is reproduced in attachment D1). This was refused it would seem after, Nucrush General Manager, Dugald Gray, wrote a letter of objection stating, amongst other things, that the buffers would mean the quarry would be unable to operate for health and safety reasons of the reduced buffers to residential homes, believed to be approximately 250 metres away from extractive footprint.

In his letter he stated: *"If the subdivision went ahead (or any subdivision in the quarantined buffer land) we would be forced into breach of the Environmental Protection Act because of the effect of noise, dust and blast vibrations from our quarry"* (Attachment D2).

He went on to say: *"Furthermore blast vibration monitoring has confirmed that the threshold limit for potential structural damage to buildings would be neared. We would also exceed the recommended thresholds for airblast overpressure, probably on all blasts"* (Attachment D2). Note this is not just internal damage to homes this is **"structural damage to buildings"** which is far higher than the 5mm/s threshold within the Environmental Authority EA0002207.

Then he states: *"The Department of Environment have issued some draft guidelines for Extractive Industry and Crushing and Screening plants. They suggest a distance of at least 1000m be maintained between quarrying operations and residential developments"* (Attachment D2).

And: *"We are presently employing best practice techniques to comply with existing legislation on the above. While we are constantly striving to improve our performance it would be impossible for us to comply if houses were built so close to our Quarry"* (Attachment D2).

Also: *"If we were forced into breaching the Environmental Protection Act we would also be in breach of our Quarry Rezoning Agreement with Council as we have obligations under this agreement to conform to the environmental legislation"* (Attachment D2).

Finally, he states: *"Of even greater concern is the safety aspect of houses close to quarries. Our quarrying operations would be almost adjacent to the proposed subdivision. Blasting could occur within 100m or so of houses. As a mining engineer with 15 years' experience, this is a most appalling prospect. It would be grossly negligent to knowingly allow people to live so near a major quarrying operation"* and *"The issue of dust fallout is also extremely relevant. It is an extremely emotive issue. Health issues would certainly be raised were development to proceed"* (Attachment D2).

It would seem clear the Nucrush thoughts on reducing the separation buffer from residential homes to the quarry that are summed up by: ***"As a mining engineer with 15 years' experience, this is a most appalling prospect. It would be grossly negligent to knowingly allow people to live so near a major quarrying operation"*** and *"The issue of dust fallout is also extremely relevant. It is an extremely emotive issue. Health issues would certainly be raised were development to proceed"*.

Since this housing application was quashed it appears Nucrush have subsequently purchased this Lot, Lot 905.

Therefore, based on the contents of the Nucrush General Manager's letter, I find it unbelievable that this development application is now proposing an extractive footprint within 150 metres of homes and 347 metres of schools.

However, if this current development application were to be approved what is stopping Nucrush/Nerang Pastoral applying to build homes in this area once a precedent of 150 metres has been set by the Gold Coast Council in this case?

I already find it unbelievable that Nucrush/Nerang Pastoral are also proposing building homes and infrastructure within approximately 340 metres to the south of the quarry on Lots 6, 7, 8 and 9 (Development Application EXA/2020/14 - which was approved by Delegated Authority, attachment D3).

** Please note Lots 7 and Lot 8 are also included in this development application COM/2019/81.*

Clearly, approval of development application COM/2019/81 would set a dangerous precedent (which is completely at odds with the Nucrush General Manager's letter which describes the health and safety implications of quarrying so close to residential homes, as shown in attachment D2). However, I believe this precedent, once set, would permit Nucrush/Nerang Pastoral to submit a further Housing development application (as per EXE/2020/14), for Lot 905, with any buffer argument now nullified by their earlier approval of COM/2019/81 i.e. Down to an untenable 150 metres from residential homes.

Lot 906 and Nucrush future development

It is noted that as of the February 2021 updates 'Lot 906' has been removed from the development application as part of Nucrush's proposed 'Extractive Footprint'.

However, I note with concern, Bede Emmett's (from Planit Consulting) comments in his letter addressed to Council dated 18th February 2021 (reproduced in attachment G1) in which he states: *"However, it is important to note that the area to the south eastern corner within Lot 906 remains zoned for Extractive Industry and recognised as a committed extractive resource area under the City Plan and remains recognised State KRA"* and *"Nucrush's position is that the planning and statutory framework does support quarrying in the south eastern corner in Lot 906. However, Nucrush wishes to take a pragmatic approach as part of this development application in an endeavour to address the concerns which have been raised by Council"*. Clearly Nucrush are not acknowledging the agreed '*Quarantined Land*' status of Lot 906, as they contractually agreed back in 1992 in a legally recognised agreement and they are failing to also acknowledge that Lot 906, in its entirety, is part of the '*Hinterland to coast critical corridor*' which is displayed in the City Plan as: '*Environmental significance - biodiversity area*' overlay map (as shown in attachment B2) and a highly important buffer area to protect homes from quarry encroachment.

It would seem the Nucrush speculative purchase of Lot 906 (believed to be after its '*Quarantined Land*' status was agreed) is not to increase buffers (as I believe was suggested by our local councillor) but is instead a concerted effort to maximise their extractive footprint it would seem at any cost.

I hope Council are aware that any development application approval they may consider issuing to Nucrush is open for Nucrush to expand upon at a later date and attempt to include Lot 906 as it would seem is their clear intent from the outset of this development application as outlined in their quote: *"However, it is important to note that the area to the south eastern corner within Lot 906 remains zoned for Extractive Industry and recognised as a committed extractive resource area under the City Plan and remains recognised State KRA"*. This is clearly not a quote that I would see as: *"a pragmatic approach as part of this development application in an endeavour to address the concerns which have been raised by Council"* as claimed!

In my opinion, Nucrush comments are merely paving the way for future expansion plans with yet again no consideration for their former agreements (*'Quarantined Land'*) and the effect on the local environment (*'Environmental significance - biodiversity area'* and *'priority species'* and koala habitat) and the clear intent to provide a buffer to protect residential homes in the area from the effects of quarry encroachment.

To approve this development application would, I believe, be paving the way for future expansion plans, yet again, into Lot 906.

City Plan and Lot 906

It is clear that Lot 906 is not zoned as either *'Extractive Industry'* or *'Extractive Industry buffer'* as can be clearly seen in the property details report (reproduced in attachment B1). This is despite claims by the applicant in their development application that it is (Attachment H1) and the City Plan Interactive map also inferring it is also (Attachment B4).

I hope, to avoid on going confusion, as part of this development application, that Council will address this inconsistencies and sanction the rectification the City Plan to reflect the actual zoning of *'Lot 906'* and to reflect its protected status more appropriately.

Please note, an *'Extractive Industry Buffer'* of at least 40 metres width is also required between *'Extractive Industry'* Lot 467 and *'Open Space'* Lot 1 (in the North) and between *'Extractive Industry'* Lot 467 and *'Open Space'* Lot 468 (in the Southwest) to meet City Plan, Extractive Industry Code requirements 9.3.8.3 as per Acceptable Outcome AO3.1: *"Extraction or processing activities are not conducted within 40m of any boundary of the site"* (Attachment H2).

Key Resource Area (KRA) and Lot 906

It is clear to me that Lot 906 is a protected area for the life of the quarry. And thus I can only assume that the KRA's inclusion of Lot 906 as part of the *'Extractive Industry'* and *'Extractive Industry buffer'* was made in error as it is entirely different to the actual zoning of this area (maybe incorrect advice from Nucrush and/or Council to the state Government?).

I would therefore politely request that the Council Planning department advise the appropriate State department of the error perpetrated in this instance with the current KRA definition in order to get the KRA status updated correctly to reflect the legal status of this area.

Please note this should include the addition of an *'Extractive Industry Buffer'* as part of Lot 467 that is clearly required between Lot 906 and the *'Extractive footprint'* as per City Plan, Extractive Industry Code, requirements 9.3.8.3. Where, Acceptable Outcome AO3.1 states: *"Extraction or processing activities are not conducted within 40m of any boundary of the site"* and Acceptable Outcome AO3.2, states: *"Views of significant infrastructure and visually obtrusive development including quarry floors, benches and faces, are screened from the road frontage, major road corridors and adjoin residential areas"* (reproduced in attachment H2).

Environmentally Relevant Activities (ERA's)

It is noted this development application (as part of its DA Forms 1 completion) sought to inform SARA/DES and the Council that Environmentally Relevant Activities will be carried out in all the seven additional Lots that, in my opinion, are unnecessarily included in this development application (as shown in Attachment I1).

Thus, the applicant is claiming Environmentally Relevant Activities: *'16, 2(b)' 'Extractive and Screening Activities'* and *'16(3(b))' 'Extractive and Screening Activities'* will be carried out in *'Open Space'* Lots and *'Emerging Community'* Lots (Attachment I2).

In fact the issued Environmental Authority by Department of the Environment and Science (DES), EA0002207, shows Environmentally Relevant Activities ERA16(2)b: *"Extraction and Screening 2:, other than by dredging, in a year, the following quantities of material (b) more than 100,00t but not more than 1,000,000t"* and ERA16(3)b: *"Extraction and Screening 3:, Screening in a year, the following quantity of material (b) more than 100,00t but not more than 1,000,000t"* have already been authorised for *'Lot 7'* and *'Lot 8'* (*'Emerging Community'* Lots) and *'Lot 901'*, *'Lot 905'*, *'Lot 468'*, *'Lot 464'* and *'Lot 906'* (*'Open Space'* Lots) despite these all being completely separate entities to the quarry Lot, *'Lot 467'* (as shown in attachment I3).

This, I believe, clearly shows that the DES, in authorising of Environmental Relevant Activities (ERAs) on completely inappropriate Lots, were completely unaware of what they were actually authorising, and negligently in my opinion, have no idea of the unique quarrying environment here in Oxenford.

Any Council Approval of this development application would, it seems, permit Nucrush to perform quarrying activities *'ERA16 2(b)'* and *'ERA16 3(b)'* activities on these seven completely inappropriate additional Lots that are actually completely independent of the quarry and its quarrying activities in *'Lot 467'*. And, knowing that the Council completely wash their hands of anything quarry related (as we have found to our utter dismay re: dust, noise, visual amenity, personal amenity, etc.) this would allow Nucrush unbridled free reign to extend their quarrying activities into these additional Lots with no fear of contention.

Are the Council content to approve this development application on this basis?

Why were additional Lots added to the development application?

It seems at first glance these additional, superfluous, lots were merely added to the development application in order for the true scale of the extractive footprint could be masked (i.e. 78% of Lot 467 is to be used as *'Extractive Footprint'* or *'total operational area'*). However, by including the additional seven Lots the applicant could claim: *"The total operational area will be approximately 36% of the site"* (Attachment C1) as opposed to the more realistic 78% of the site that it actually is. I do not believe you can include *'Emerging Community'* Lots and *'Open Space'* Lots as part of the *"site"* (as the applicant has) as all these additional Lots can be independently developed (Just as *'Lot 7'* and *'Lot 8'* are currently, being part of a housing development, Development application EXA/2020/14, attachment D3).

However, it should be noted even this claimed *"The total operational area will be approximately 36% of the site"* still fails the State Development Assessment Provisions Module 8 for *'Maintaining Connectivity'* (Attachment C2).

But, as a direct result of these superfluous Lots being included in the development application it has now become apparent they are now also included (as requested by the applicant) in the

Environmental Authority EA0002207 as Environmentally Relevant Activities i.e. *'16, 2(b)' 'Extractive and Screening Activities'* and *'16(3(b)) 'Extractive and Screening Activities'* (as shown in attachment I3). Thus, it would now seem perfectly acceptable by the DES (the monitoring authority) to carry out any of these Environmental Relevant Activities in any of these completely inappropriate *'Open Space'* Lots and *'Emerging Community'* Lots (Attachment I2) despite this being clearly contra to the City Plan requirements.

It has therefore become apparent that any approval of this development application would, I believe, legally permit Nucrush to perform quarrying operations in any of these additional Lots that are not actually part of the *'Extractive Industry'* zone. And, as we know the Council will not seek to overrule or interject in anyway as it is a quarry, with DES as the monitoring authority, and therefore beyond the councils remit (or apparent care).

Are Council Planners prepared to authorise this potential travesty to happen for the next one hundred plus years?

Conclusion

I believe it is clear to see the inclusion of a further seven Lots alongside the only *'Extractive Industry'* Lot, 'Lot 467', has clearly led SARA and members of the public to believe the site was a lot bigger than the 70.8 hectares it really is.

The proposed pushing out of the extractive footprint, in every conceivable direction (including up, down, and every lateral direction out) from a 'Currently Approved' approximate 23.77 ha (as shown in Attachment E1) which is approximately 33% of the site up to a proposed 55 ha (or 78% of the site) is a highly significant increase which is well over double the current size and leaves an area of just 15.8 ha of vegetation (or 22%) which is well below the SDAP minimum requirements for 'Maintaining Connectivity' of 50 ha (or 30%). The reduction to a maximum buffer of 40 metres throughout the over 1km of the western flank is clearly way below the required 200 metre wide corridor also.

This objection has also shown that the approval of this development application would set a precedent for Nucrush/Nerang Pastoral to apply to build more homes (over and above development application EXA/2020/14 in Lot 7 and Lot 8) in the areas on Lots it owns due to the precedent that would be set if the 'Extractive Footprint' is permitted within 150 metres of existing residential homes.

I think it is clear the Council City Planners should consider this development application on the merits of *'Lot 467'* (the *'Extractive Industry'* Lot) only. The original application included 'Lot 906' (*'Open Space'*) which clearly wasn't and isn't *'Extractive Industry'* (despite the applicant claiming it is and the Council City Plan I believe incorrectly showing that it is also). The inclusion of *'Lot 906'* has since been removed from the development application at this late stage. However, members of the public were denied their legal right to a public notification based on this, and the many, many other changes, since public notification closed in November 2019 and thus denied their opportunity to make a properly made submission on the significant changes to the development application.

The only Lot directly affected by this development application is *'Lot 467'*. Therefore, all the other lots that are misleadingly included, should, I believe, be removed from this development application.

All of these other Lots can be separately developed (e.g. Nucrush/Nerang Pastoral Development Application EXA/2020/14 for housing on Lots 7 and 8). Thus it would be clearly inappropriate to include them in any consideration for this development application approval e.g. Claims of 36% operational area of all lots owned by the applicant (minus Lot 6 and Lot 9 that were not included!) but not actually part of, the development application instead of the 78% operational area of the '*Extractive Industry*' Lot, '*Lot 467*' is, I believe, thoroughly misleading and manipulative (and of course looks slightly more compliant with respect to SDAP requirements for 'Maintaining Connectivity' and City Plan requirements).

I reiterate the City Plan Interactive Map with respect to '*Lot 906*' is clearly wrong and does not reflect its actual zoning of '*Open space*'. It is not '*Extractive industry*' or '*Extractive Industry Buffer*' as incorrectly shown in the City Plan (reproduced in Attachment B4). And, I would therefore politely request that this is amended appropriately to reflect its actual zoning.

Also, an '*Extractive Industry Buffer*' of at least 40 metres width is required between '*Extractive Industry*' Lot 467 and '*Open Space*' Lot 1 (in the North) and between '*Extractive Industry*' Lot 467 and '*Open Space*' Lot 468 (in the Southwest) to meet City Plan, Extractive Industry Code requirements 9.3.8.3 as per Acceptable Outcome AO3.1: "*Extraction or processing activities are not conducted within 40m of any boundary of the site*" (Attachment H2).

I do hope Council Planners you will bear in mind, when making their decision, the subsequent (and current) Council's apparent complete lack of any concern and health and welfare of local residents of anything quarry related and how any residents concerns are simply ignored by Council as they decree it is down to the ineffective and lacklustre DES. This development application will negatively affect thousands of local residents and the local environment and the local ecosystem for the next one hundred years plus if it is approved.

I hope the implications of any approval will be fairly considered with respect to the effect it will have throughout the area for local residents, the local environment and the local ecosystem for all our foreseeable futures.

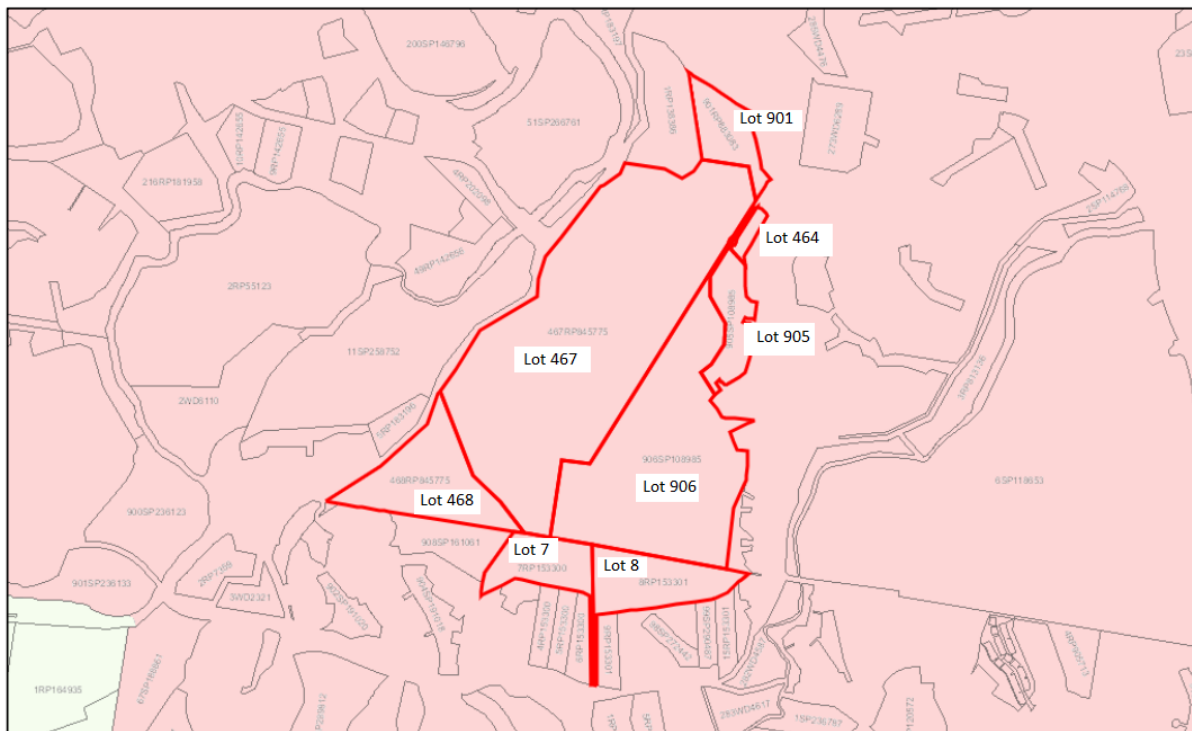
Thank you in anticipation,

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 - Lot Identification



Attachment A2 - PDonline for COM/2019/81 - 'Application Location'

CITY OF
GOLDCOAST.

Request a service
Dog registration
Applications
Popular searches
Permits and licensing
Payments

Details

Details

Application number	COM/2019/81
Application description	Combined Application Material change of use & Operational work Impact assessment Extractive industry & Tree Clearing
Application type	Combined Application
Lodgement date	21/05/2019
Application location	Lot 906 SP108985, Lot 464 Wimbledon Way, OXFENFORD QLD 4210
Status	Decision

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

☒ Street address **AND** lot on plan (all lots must be listed), **or**

☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).

	Unit No.	Street No.	Street Name and Type	Suburb
a)		33	Maudsland Road	Oxenford
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4210	467	RP845775	City of Gold Coast
b)	Unit No.	Street No.	Street Name and Type	Suburb
		99	Maudsland Road	Oxenford
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4210	468	RP845775	City of Gold Coast

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84	
		<input type="checkbox"/> GDA94	
		<input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54	<input type="checkbox"/> WGS84	
		<input type="checkbox"/> 55	<input type="checkbox"/> GDA94	
		<input type="checkbox"/> 56	<input type="checkbox"/> Other:	

3.3) Additional premises

☒ Additional premises are relevant to this development application and their details have been attached in a schedule to this application

☐ Not required

Attachment A4 - POnline for COM/2019/81 - 'Property details'

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Details

Details

Application number

COM/2019/81

Application description

Combined Application Material change of use & Operational work Impact assessment
Extractive industry & Tree Clearing

Application type

Combined Application

Lodgement date

21/05/2019

Application location










Lot 906 SP108985, Lot 464 Wimbledon Way, OXENFORD QLD 4210

Status

Decision

Decision

Property


Lot on Plan	Suburb	Location address
 Lot 906 SP108985	OXENFORD	OXENFORD
 BAL Lot 467 RP845775	OXENFORD	OXENFORD
 PT1 Lot 467 RP845775	OXENFORD	OXENFORD
 Lot 468 RP845775	OXENFORD	OXENFORD
 Lot 7 RP153300	OXENFORD	OXENFORD
 Lot 8 RP153301	OXENFORD	OXENFORD
 Lot 901 RP883083	OXENFORD	OXENFORD
 Lot 464 RP228385	OXENFORD	OXENFORD
 Lot 905 SP108985	OXENFORD	OXENFORD

Responsible officer

Responsible officer

Liam JUKES

Attachment B1 - Lot 906 Property details



**Queensland
Government**

QVAS
 Property Details Report

06/02/2020 11:26:55
 Page: 1
 of: 1

THE INFORMATION CONTAINED IN THIS REPORT INCORPORATES DATA OBTAINED FROM EXTERNAL & INTERNAL SOURCES OF THIS DEPARTMENT.
 WHILST SOME VERIFICATION OCCURS AT THE TIME OF PROCESSING, THE DEPARTMENT IS UNABLE TO GUARANTEE THE ACCURACY OF SUCH INFORMATION.
 THEREFORE, ANY PERSON PURCHASING THIS REPORT SHOULD CONDUCT THEIR OWN INVESTIGATION & ANALYSIS OF THE INFORMATION AND DETERMINE
 ITS SUITABILITY FOR THEIR PURPOSE. INFORMATION DERIVED FROM THIS REPORT IS NOT TO BE USED FOR DIRECT MARKETING PURPOSES.

Property Status: Active District: GOLD COAST Office: GCST-GOLD COAST LG/Div: 3430/02 GOLD COAST CITY (ALBERT)		Property ID: 40252134	WTR: 15800/9	Previous Ref: 40225142
--	--	------------------------------	---------------------	-------------------------------

Property Name: Property Addr: WHITE CITY DVE, OXENFORD QLD 4210 Owner (VOLA): NERANG PASTORAL COMPANY PTY LTD Service Addr: PO BOX 179, OXENFORD QLD 4210 Others: N RPD: L905-906 SP108985 Area/Vol: 44.7 HA		Indicative Planning: 178 OPEN SPACE 199 MULTIPLE ZONINGS Primary Land Use: 4 VACANT RESIDENTIAL LAND =>4000m2 Property Type: ISSUING	Secondary Land Use: 0 NONE Property Tenure: FREEHOLD Property Valuation Method: NON-RURAL
---	--	--	--

VALUATION INFORMATION					
ISSUING	SV	D/Effect: 30/06/2018	D/Valn: 01/10/2017	Value: \$1,100,000	S/C: 21 D/Issue: 07/03/2018
ISSUING	SV	D/Effect: 30/06/2020	D/Valn: 01/10/2019	Value: Not Issued	S/C: 21 D/Issue:

GENERAL PROPERTY INFORMATION		
Sale Date: 24/06/2002	Sale Price: \$2,000,000	Sale Type: MULTI-SALE
Subleased: N		

Number of Records Printed: 1
 End of Report

Attachment B2 - Hinterland to coast critical corridors

data-goldcoast.opendata.arcgis.com/datasets/cd8ef572ff484d128739fade8e57bc7b_2

CITY OF
GOLD COAST.

Hinterland to coast critical corridors

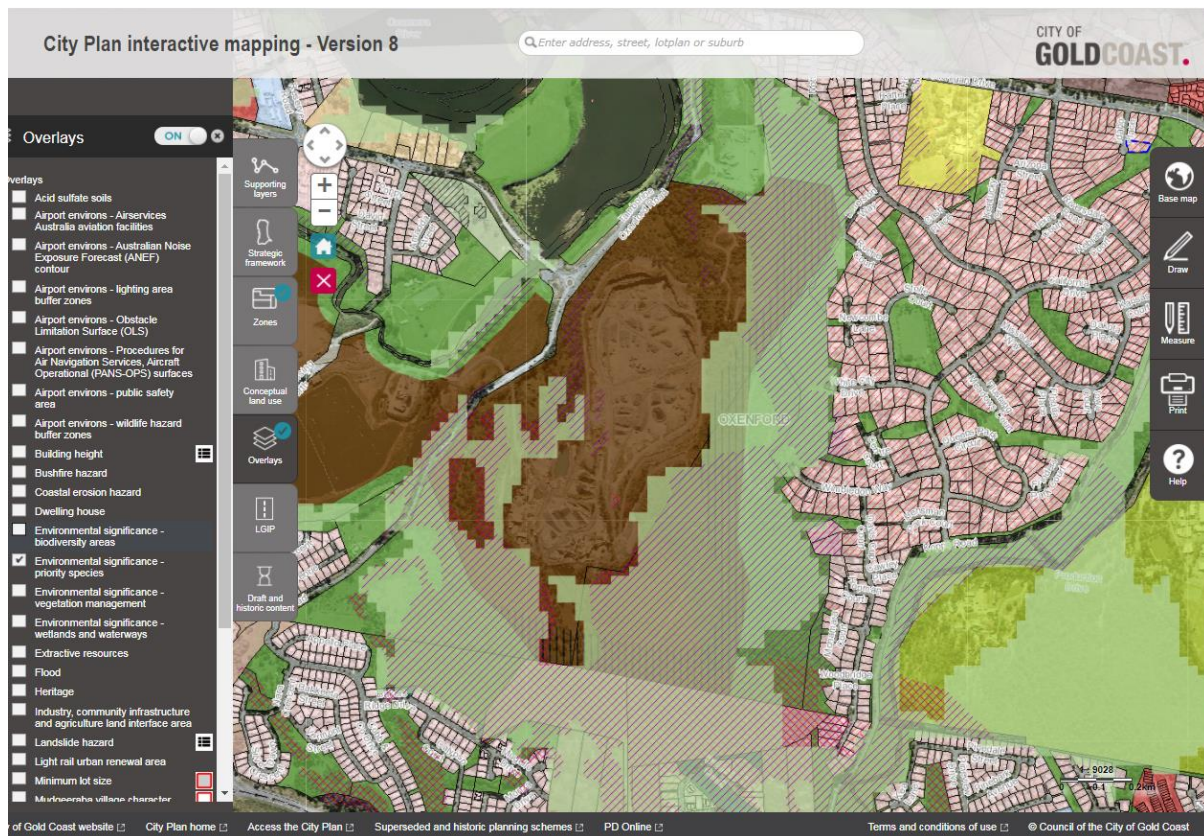
This layer is displayed on the Environmental significance - biodiversity areas overlay map in City Plan version 7 as 'Hinterland to coast critical corridors', and identifies bioregional corridors that connect large areas of intact native vegetation in the city's west to coastal areas in the east. The layer is also available in Council's [City Plan interactive mapping tool](http://www.goldcoast.qld.gov.au/planning-and-building/city-plan-2015-19859.html). For further information on City Plan, please visit <http://www.goldcoast.qld.gov.au/planning-and-building/city-plan-2015-19859.html>

City Plan interactive mapping - Version 8

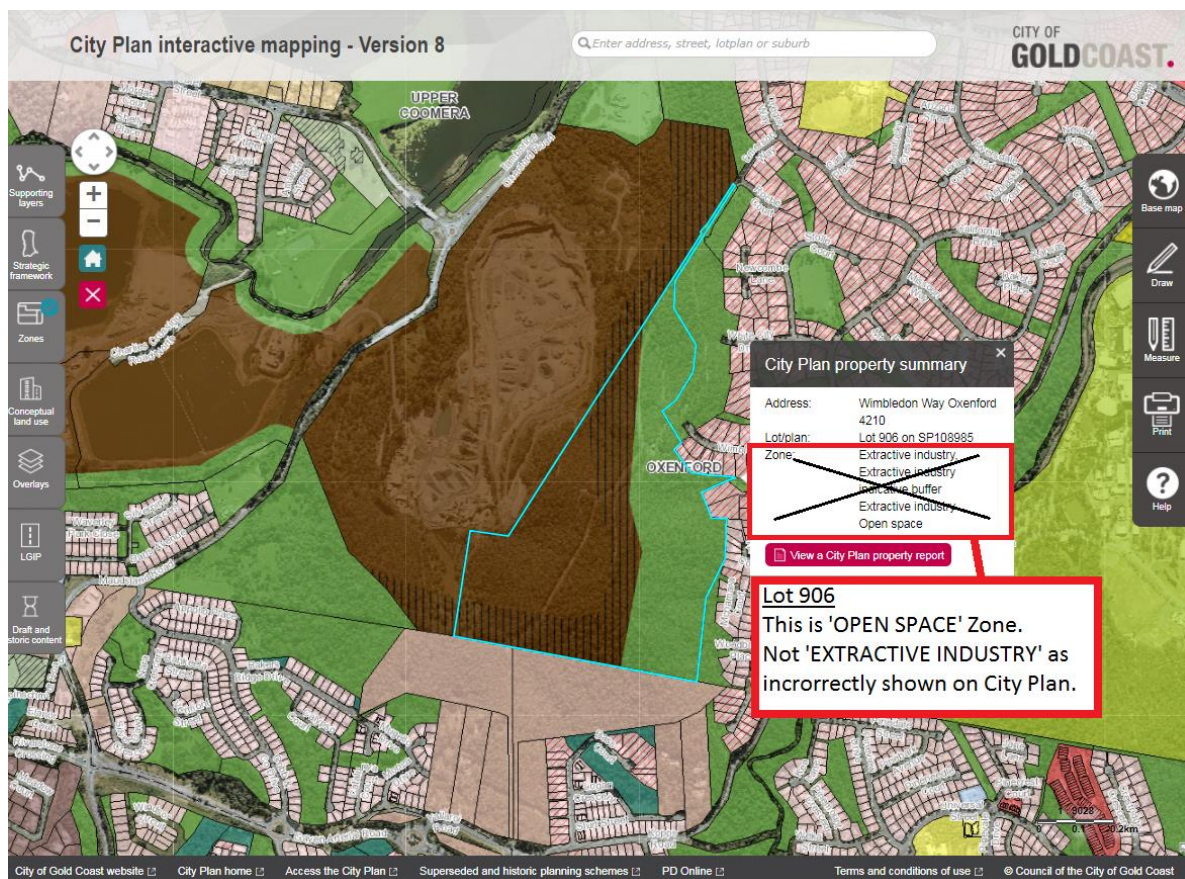
Enter address, street, lotplan or suburb



Attachment B3 - 'Environmental significance - Priority Species'



Attachment B4 - Lot 906 as incorrectly indicated on City Plan



The total operational area will be approximately 55 ha, or approximately 36% of the Site. Wide-scale vegetation removal will not be undertaken; it will be conducted only in line with operational needs. Rehabilitation of completed extraction areas will also commence appropriately at the earliest opportunity, in accordance with this RMP.

Lot 467

Total Area is 70.8 ha

Proposed Extractive Footprint is 55 ha

Percentage is 77.68%

Note: State Development Assessment Provisions (SDAP) Module 8 - Native Vegetation clearing - Maintaining Connectivity, Table 3 (5) does not permit vegetation to be reduced to less than 30% of the total area.

Table 3

Maintaining connectivity	
Coastal bioregions and sub-regions	Non-coastal bioregions and sub-regions
<p>Clearing does not:</p> <ol style="list-style-type: none"> (1) occur in areas of <u>vegetation</u> that are less than 10 hectares (2) reduce the extent of <u>vegetation</u> to less than 10 hectares (3) occur in areas of <u>vegetation</u> less than 100 metres wide (4) reduce the width of <u>vegetation</u> to less than 100 metres (5) occur where the extent of <u>vegetation</u> on the subject lot(s) is reduced to or less than 30 per cent of the total area of the lot(s). 	<p>Clearing does not:</p> <ol style="list-style-type: none"> (1) occur in areas of <u>vegetation</u> that are less than 50 hectares (2) reduce the extent of <u>vegetation</u> to less than 50 hectares (3) occur in areas of <u>vegetation</u> less than 200 metres wide (4) reduce the width of <u>vegetation</u> to less than 200 metres (5) occur where the extent of <u>vegetation</u> on the subject lot(s) is reduced to or less than 30 per cent of the total area of the lot(s).

1997-01-13 Nucrush general manager letter Dugald Grey re urban encroachment.p.. 1 / 5

NUCRUSH PTY. LTD.
A.C.N. 010 119 981
Registered Office Hart Street, Upper Coomera. Ph: (07) 5573 1388 Fax: (07) 5573 2908
PO Box 179, Oxenford, Qld. 4210

13th January, 1997

Chief Executive Officer
Gold Coast City Council
PO Box 5042
GOLD COAST MC QLD 9729
ATTENTION: MR DEAN BURNAM

Dear Sir,

RE URBAN ENCROACHMENT - BUFFER LAND OXFENFORD QUARRY

We submit the following information regarding our quarrying activities in response to a proposed subdivision by Jefferson Properties at Wimbledon Way, Forest Hills, Oxenford.

1. In situ reserves contained within the Extractive Industry zoning indicate a quarry life of approximately 60 years based on current and projected production rates.
2. Key Dates: are as follows:

12.9.89	Development Agreement between Midland Credit Ltd and Albert Shire Council.
12.9.89	Deed of Novation between Midland Credit Ltd., Albert Shire Council and Nerang Pastoral Co. Pty.Ltd.
25.9.89	Nerang Pastoral Co. Pty.Ltd. purchase of Lot 463 on RP228373 from Midland Credit Ltd. (settlement)

GCCC RECEIVED
22 JAN 1997
ATT No. ()
REFER TO
FILE No. ()
FORWARD COPY SENT
FILE REQUEST

4.

If the subdivision went ahead (or any subdivision in the quarantined buffer land) we would be forced into a breach of the Environmental Protection Act because of the effect of noise, dust and blast vibrations from our quarry. We have conducted monitoring of the quarantined land which shows we would significantly exceed the proposed environmental protection policy limits for noise. A copy of the study is enclosed. (Appendix 1)

Furthermore blast vibration monitoring has confirmed that the threshold limit for potential structural damage to buildings would be being neared. We would also exceed the recommended thresholds for airblast overpressure, probably on all blasts.

The Department of Environment have issued some draft guidelines for Extractive Industry and Crushing and Screening plants. They suggest a distance of at least 1000m be maintained between quarrying operations and residential developments. (copy attached Appendix 2)

We are presently employing best practice techniques to comply with existing legislation on the above. While we are constantly striving to improve our performance it would be impossible for us to comply if houses were built so close to our Quarry.

If we were forced into breaching the Environmental Protection Act we would also be in breach of our Quarry Rezoning Agreement with Council as we have obligations under this agreement to conform to the environmental legislation. Again we would have to consider our legal position with all parties concerned.

5.

Of even greater concern is the safety aspect of houses close to quarries.

Our quarrying operations would be almost adjacent to the proposed subdivision. Blasting could occur within 100m or so of houses. As a mining engineer with 15 years experience, this is a most appalling prospect. It would be grossly negligent to knowingly allow people to live so near a major quarrying operation.

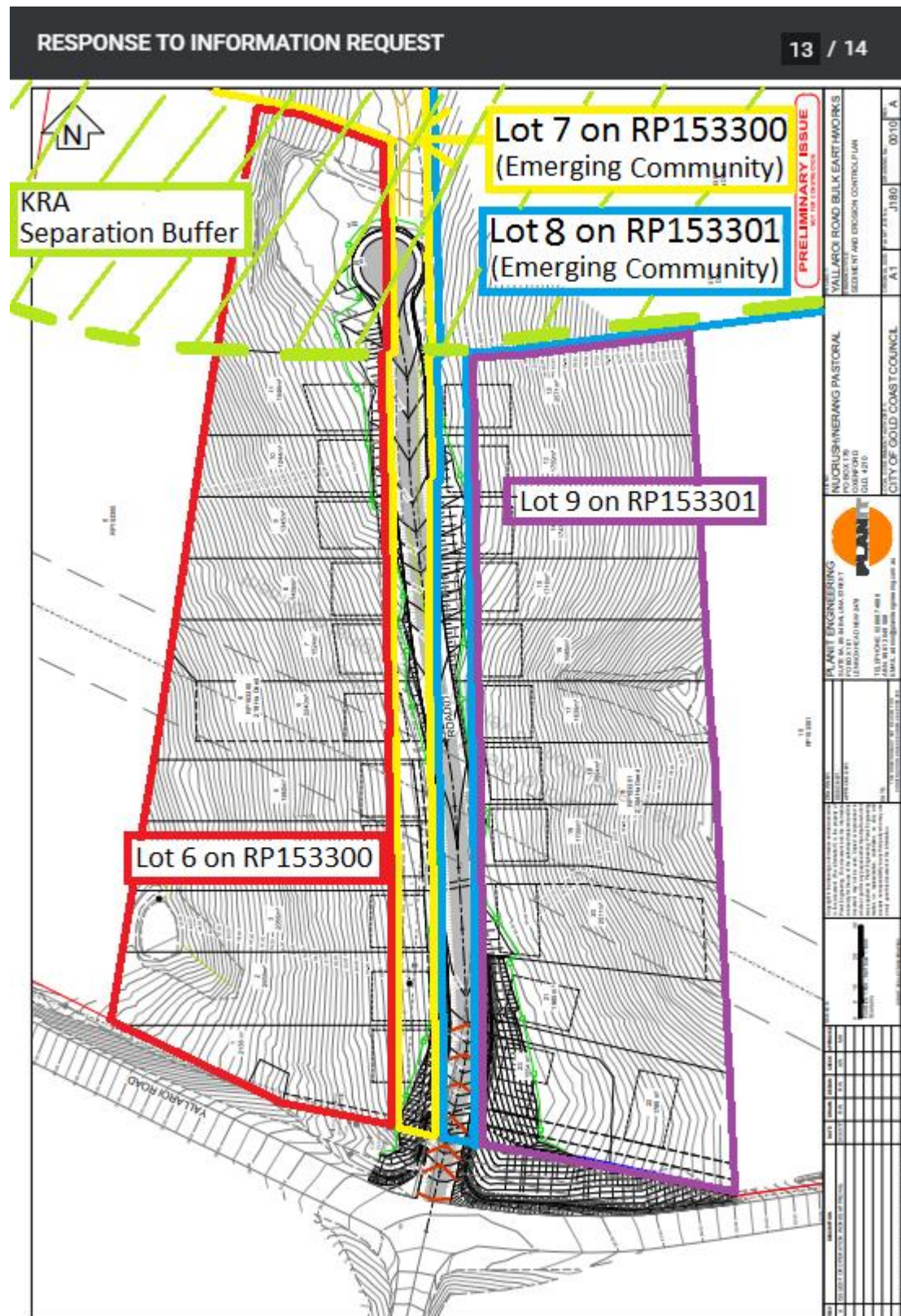
The issue of dust fallout is also extremely relevant. It is an extremely emotive issue. Health issues would certainly be raised were development to proceed.

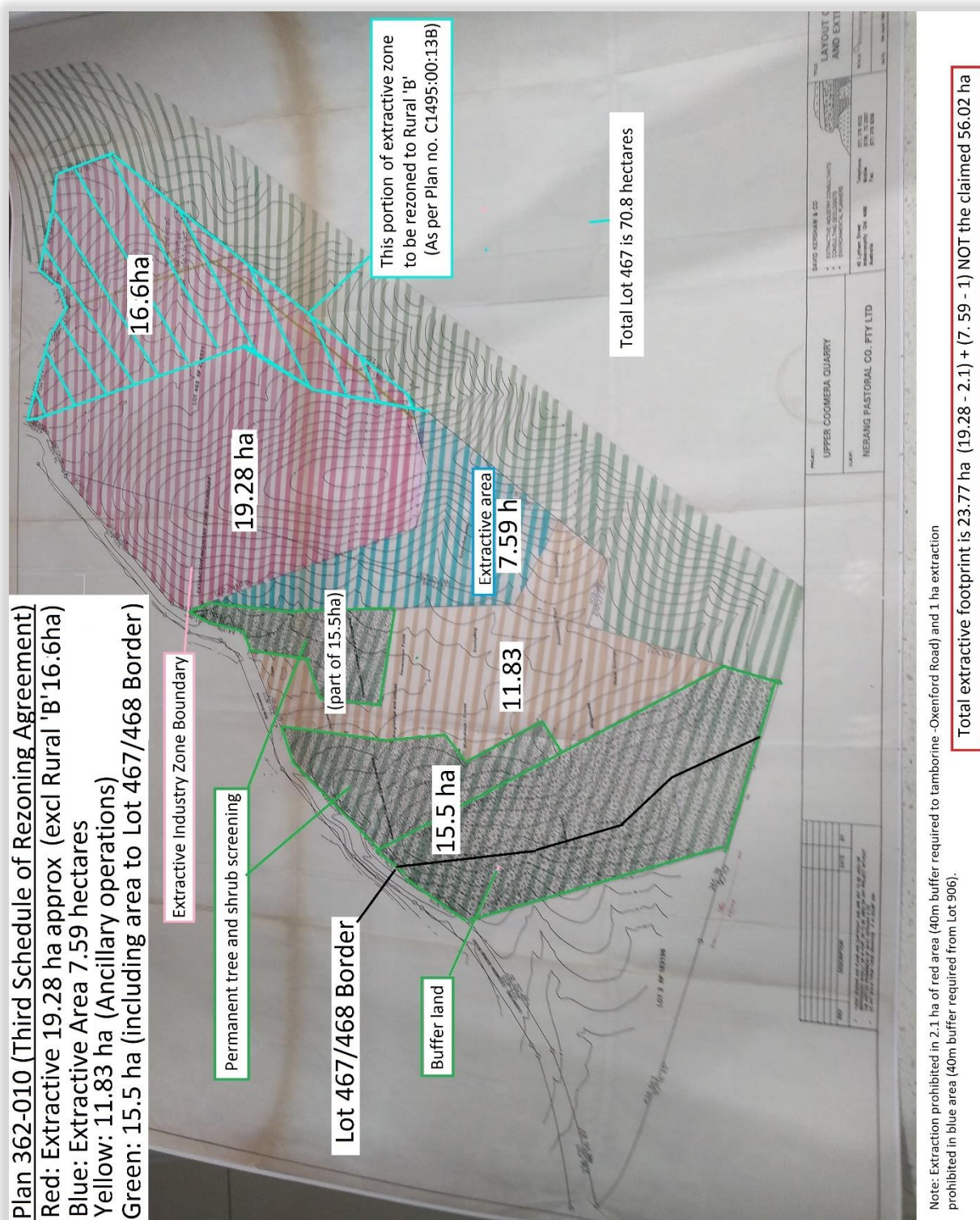
We want to use the information to assist in the creation of a sustainable wildlife habitat for native animals displaced by urban encroachment. Our buffer land and the quarantined buffer land under threat from subdivision could be used to achieve this. The collective area should be large enough to sustain populations of wallaby for example provided a link or corridor can be maintained into the Nerang State Forest. There is a unique opportunity to preserve the quarantined land and create a wildlife haven in tandem with the quarry's buffer land. This could provide a sustainable solution to land use conflict between quarries and residential development. Most certainly this is a solution which is receiving considerable attention overseas.

Yours faithfully
NUCRUSH PTY.LTD.



Dugald Gray
GENERAL MANAGER





Attachment G1 - Letter from Planit Consulting Re Lot 906 etc.

2021-02-18 Change Application.pdf 1 / 283

Level 1, 2247 Gold Coast Hwy, Nobby Beach QLD 4218
PO Box 206, Nobby Beach QLD 4218
(07) 5526 1500
admin@planitconsulting.com.au
www.planitconsulting.com.au

PLANIT
CONSULTING

Our Reference: J5567
Your Reference: COM/2019/81

18 February 2021

Chief Executive Officer
City Development Branch
Gold Coast City Council
PO Box 5042
GOLD COAST MAIL CENTRE QLD 9729

Attention: Hoagy MOSCROP-ALLISON

Dear Hoagy,

CHANGE APPLICATION

COUNCIL REFERENCE: COM/2019/81

PROPERTY ADDRESS: 33 MAUDSLAND ROAD, 99 MAUDSLAND ROAD, LOT 905 WIMBLEDON WAY, LOT 906 WIMBLEDON WAY, 4 YALLAROI ROAD, 6 YALLAROI ROAD, 1 ROCHE COURT AND LOT 901 EMERSON WAY, OXFENFORD QLD 4210

REAL PROPERTY DESCRIPTION: LOT 906 SP108985, BAL LOT 467 RP845775, PT1 LOT 467 RP845775, LOT 468 RP845775, LOT 7 RP153300, LOT 8 RP153301, LOT 901 RP883083, LOT 464 RP228385, LOT 905 SP108985

I advise in accordance with section 52 (1) of the Planning Act 2016 that Nucrush hereby notifies Council that it is changing the application. The change is in response to further advice provided by Council.

The change involves no longer proposing quarrying activity in Lot 906. Accordingly, the quarry footprint is reduced from 64.7 hectares to 54.93 hectares.

I also bring your attention to section 25 of the Development Assessment Rules that sets out Council's obligations with respect to notifying referral agencies.

As advised, the change is in response to further advice provided by an assessing authority and as such s 26.1(c) Development Assessment Rules apply. It is our view, that given the change involves a reduction in the quarry footprint, that the change would not likely attract a submission objecting to the change. Accordingly, there is no need for public notification to be repeated.

Please find attach the following documentation in relation to the change.

1. IDAS Form 5 & owners' consent
2. Full set of revised proposal plans: including layout, staging Cross Sections, Separation distances and zoning overlayed with quarry footprint
3. Revised Visual Assessment
4. Revised Ecological Assessment, Rehabilitation Plan and Vegetation and Fauna Management Plan.
5. GCCC email confirming application fee

It is understood Council will issue a notice to pay in relation to the agreed application fee.

In making this change, Nucrush is seeking to address the concerns which have been raised in further advice provided by Council as part of the development application.


However, it is important to note that the area in the south eastern corner within Lot 906 remains zoned for Extractive Industry and recognised as a committed extractive resource area under the City Plan and remains a recognised State KRA.

Nucrush's position is that the planning and statutory framework does support quarrying in the south eastern corner in Lot 906. However, Nucrush wishes to take a pragmatic approach as part of this development application in an endeavour to address the concerns which have been raised by the Council.

The Council is invited to continue with the assessment of the application with priority.

Should you have any further questions relating to this matter, please don't hesitate to contact the undersigned on telephone number (07) 5526 1500.

Yours sincerely



Bede Emmett
Director
Planit Consulting Pty Ltd

Development Application – Town Planning Report
 Material Change of Use for Extractive Industry (Quarry) and
 Material Change of Use for Concurrence Environmentally Relevant Activity
 (Extractive and Screening Activities)
 Oxenford Quarry
 Nucrush c/- Planit Consulting Pty Ltd
 www.planitconsulting.com.au



2.2 Real Property Description, Area & Zone

The property description of the land, the subject of the application, is outlined in the table below. The land is also subject to a number of easements. These are also outline below.

Table 4 - Site Details

Street Address	Description	Zone	Site Area
Lot 906 Wimbledon Way, Oxenford	Lot 906 on SP108985	Extractive Industry Open Space Extractive Industry, Extractive Industry Indicative Buffer	390,300m ² 39.03Ha
33 Maudsland Road, Oxenford	Lot 467 on RP845775	Extractive Industry Zone	708,000m ² 70.8Ha
99 Maudsland Road, Oxenford	Lot 468 on RP845775	Extractive Industry Zone/Open Space Zone	132,300m ² 13.23Ha
6 Yallaroi Road, Oxenford	Lot 7 on RP153300	Emerging Community	67,400m ² 6.74Ha
4 Yallaroi Road, Oxenford	Lot 8 on RP153301	Emerging Community	91,980m ² 9.19Ha
Lot 901 Emerson Way, Oxenford	Lot 901 on RP883083	Open Space	57,340m ² 5.73Ha
1 Roche Court, Oxenford	Lot 464 on RP228385	Open Space	10,060m ² 1.00Ha
Lot 905 Wimbledon Way, Oxenford	Lot 905 on SP108985	Open Space	56,700m ² 5.67Ha
Total Area			151.4Ha

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.	A03.1 Extraction or processing activities are not conducted within 40m of any boundary of the site. A03.2 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.	A04 Development is located at least 40m away from any ridgeline, as measured horizontally from the ridge peak.

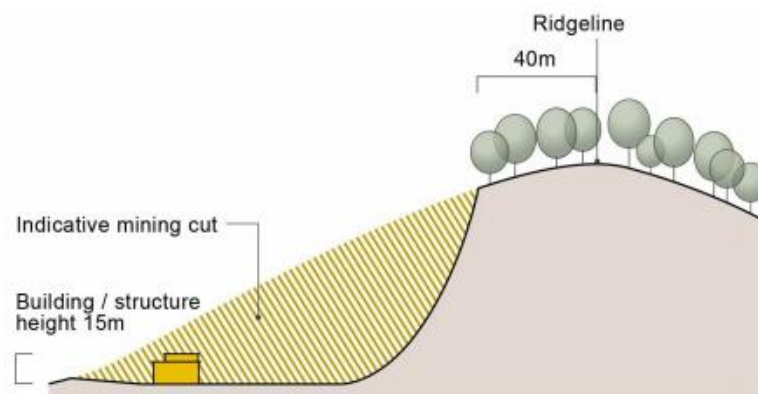


Figure 9.3.8-1

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 2**List of locations where the ERA(s) will be carried out.**

Where there is more than one location list all locations and which ERA(s) will be conducted at each location.

Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
Lot 906	Wimbledon Way	Oxenford	4210	
Real Property Description*		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Lot 906 Plan SP108985				

Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
33	Maudsland Road	Oxenford	4210	
Real Property Description*		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Lot 467 Plan RP845775				

Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
99	Maudsland Road	Oxenford	4210	
Real Property Description*		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Lot 468 Plan RP845775				

Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
6	Yallaroi Road	Oxenford	4210	
Real Property Description*		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Lot 7 Plan RP153300				

Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
4	Yallaroi Road	Oxenford	4210	
Real Property Description*		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Lot 8 Plan RP153301				

Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
Lot 901	Emerson Way	Oxenford	4210	
Real Property Description*		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Lot 901 Plan RP883083				

Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
1	Roche Court	Oxenford	4210	
Real Property Description*		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Lot 464 Plan RP228385				

Number*	Street Name*	Suburb/Town*	Postcode*	ERA/s*
Lot 905	Wimbledon Way	Oxenford	4210	
Real Property Description*		Specific area within the location ie GPS or other descriptor (*if applicable e.g. dredging)		
Lot 905 Plan SP108985				

2. Details of the ERA(s) being applied for

Complete the table below by advising which ERA(s) you are applying for. If the ERA has eligibility criteria and standard conditions³, identify whether you can comply with them. Select "N/A" where there are no eligibility criteria and standard conditions for that ERA. If you cannot comply with all of the applicable standard conditions, select "no" and attach details of the standard conditions you cannot comply with.

³ ERAs with eligibility criteria and standard conditions are listed at: www.business.qld.gov.au (use the search term "eligibility criteria").

ERA number*	Threshold*	Name of ERA*	I can comply with the eligibility criteria*	I can comply with all the standard conditions*
16	2(b)	Extractive and Screening activities	<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
16	3(b)	Extractive and Screening activities	<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> Yes <input type="checkbox"/> No

☐ I have attached details of the standard conditions that I cannot comply with.

Permit

Environmental Protection Act 1994

Environmental authority EA0002207

This environmental authority is issued by the administering authority under Chapter 5 of the Environmental Protection Act 1994.

Environmental authority number: EA0002207

Environmental authority takes effect on the date the day the associated development application reference 1906-11653 SRA takes effect. You must notify the administering authority of the associated development application within 20 business days of receiving the approval.

Environmental authority holder(s)

Name(s)	Registered address
NUCRUSH PTY. LTD.	19 Hart Street UPPER COOMERA QLD 4209

Environmentally relevant activity and location details

Environmentally relevant activity/activities	Location(s)
ERA 16 - Extraction and Screening 2: Extracting, other than by dredging, in a year, the following quantity of material (b) more than 100,000t but not more than 1,000,000t	Lot 464 on RP228385 Lot 467 on RP845775 Lot 7 on RP153300 Lot 8 on RP153301 Lot 901 on RP883083 Lot 905 on SP108985 Lot 906 on SP108985 Lot 468 on RP845775
ERA 16 - Extraction and Screening 3: Screening, in a year, the following quantity of material (b) more than 100,000t but not more than 1,000,000t	Lot 464 on RP228385 Lot 467 on RP845775 Lot 7 on RP153300 Lot 8 on RP153301 Lot 901 on RP883083 Lot 905 on SP108985 Lot 906 on SP108985 Lot 468 on RP845775