

22<sup>nd</sup> August 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 -

Extractive Industry Development Code - 9.3.8 -

'Extractive Industry' development code requirements

Please accept this objection as I believe it highlights that this development application is unbelievably non-compliant with every single performance outcome (and associated acceptable outcome) of the Gold Coast City Plan's *'Extractive Industry Development Code 9.3.8'* requirements.

It is noted: *'Extractive Industry Development Code - 9.3.8 - Performance Outcome PO3'* states: *"Extractive industry developments are screened or located in areas of least visual impact and minimise views of significant infrastructure and visually obtrusive development from major roads and surrounding residential areas"* (Attachment A1) and *'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 adjoining residential areas"* (Attachment A1).

And: *'Performance Outcome PO4'* states: *"Development protects the visual character and amenity of the area by ensuring ridgelines are retained as a natural feature and buffer"* (Attachment A1) and *'Acceptable Outcome AO4'* states: *"Development is located at least 40m away from any ridgeline, as measured horizontally from the ridge peak"* (Attachment A1).

Therefore, it is somewhat of a surprise to note this development application seems to be proposing to ignore all these *'Performance Outcome[s]'* and *'Acceptable outcome[s]'* (especially on the western side, adjacent to the *'John Muntz Bridge'* roundabout).

The recently submitted *'Attachment 3 - Revised Visual Assessment'* document (viewable on PDonline February 2021) dated 17<sup>th</sup> December 2020 shows the *'Stage 1 - Plan Comparison'* in which the proposed extractive footprint has encroached into the required 40m separation buffer (reproduced in Attachment B1).

*\* Please note red circle added for clarity.*

As can be clearly seen it is coloured light green which according to the key is: *'Rehab Vegetation area'*. Thereby seemingly conveniently skipping the highly visible development phase!

However, by page 5 of the *'Attachment 3 - Revised Visual Assessment'* document, the *'Stage 5 - Plan Comparison'* this *'Rehab Vegetation area'* has now become *"Quarry Pit"* (Attachment B2).

Obviously this deserves a thorough investigation that seems to be unfortunately missing from the submitted development application.

A detailed look at *'Attachment 3 - Revised Visual Assessment'*, *'Stage 1 - Plan Comparison'* shows that this area is within approximately 28 metres of the boundary (Close up of attachment B1, reproduced in attachment C1 for clarity). Clearly well within the *'Acceptable Outcome AO3.1'* which states: *"Extraction or processing activities are not conducted within 40m of any boundary of the site"* (Attachment A1).

Similarly, a detailed look at *'Attachment 3 - Revised Visual Assessment'*, *'Stage 5 - Plan Comparison'* shows this area, that is within approximately 28 metres of the boundary, as *'Quarry Pit'* (Close up of attachment B2 reproduced in attachment C2). Clearly, again, contra to: *'Acceptable Outcome AO3.1'* which states: *"Extraction or processing activities are not conducted within 40m of any boundary of the site"* (Attachment A1).

This can again also be readily witnessed in the *'Section 3.1 Proposed Pics'* document: *'Figure 5 - Regional Ecosystem Map'* where the *'Proposed Quarry Boundary'* can clearly be seen as encroaching with 40 metres of the boundary (reproduced in attachment D1, close up in attachment D2). Clearly, again, contra to: *'Acceptable Outcome AO3.1'* which states: *"Extraction or processing activities are not conducted within 40m of any boundary of the site"* (Attachment A1).

This is also, I believe, contra to *'City Plan 9.3.8, Extractive Industry management Plan, Performance Outcome PO1'*: *"(a) minimises environmental impacts on site and surrounding areas"* AND *"(b) prevents significant adverse amenity impacts on existing sensitive land use"* (Attachment A1).

It is also is contra to *'City Plan 9.3.8, Extractive Industry management Plan, Performance Outcome PO3'*: *"Extractive industry developments are screened or located in areas of least visual impact and minimise views of significant infrastructure and visually obtrusive development from major roads and surrounding residential areas"* (Attachment A1) and *'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 adjoining residential areas"* (Attachment A1).

Further, it is also is contra to *'City Plan 9.3.8, Extractive Industry management Plan, Performance Outcome PO4'* which states: *"Development protects the visual character and amenity of the area by ensuring ridgelines are retained as a natural feature and buffer"* (Attachment A1) and clearly fails: *'Acceptable Outcome AO4'* which states: *"Development is located at least 40m away from any ridgeline, as measured horizontally from the ridge peak"* (Attachment A1) as it will be destroying the ridgeline as discussed below.

### Cross Section -Stage 5

The whole of the '*Stage 5 - Plan Comparison*' page is shown in attachment E1 for reference.

I note on this page '*Stage 5 - Plan Comparison*' there is a Cross-Sections produced by the applicant. And, '*Cross Section C-C*' passes straight through the area in question (this is reproduced in attachment E2).

Unfortunately, the area in question does not appear to be a comprehensively shown in this cross section and maybe inaccurately shown for this area so I have endeavoured to produce what I believe is a more accurate, more extensive cross section for this area (Attachment E3). This is based on contour diagram from the City Plan Interactive Map (Attachment E4).

It is noted that the submitted cross section unfortunately only shows within the boundary and does not show the wider picture. I believe this is maybe to hide a somewhat controversial quarry operation in this area.

I have assumed this area will be quarried to RL 10 metres as I believe is shown in the '*Visualisation Stage 5 - Layout Plan*' (attachment E5), however, the '*Cross Section C-C*' seems to indicate this will be plateaued at approximately RL 28 metres. If it is to be plateaued at RL10m then my diagram I believe is an accurate depiction of the area which is extremely worrying with respect to the closeness of the Tamborine -Oxenford Road and the very little ridge between the two to protect from dust, noise, etc. However, if the '*Cross section C-C*' is accurate then a more worrying problem emerges in that the bench will be 20 metres (well above the 15 metres that I believe is the maximum agreed).

Either way there is something definitely wrong in this area that, I believe, needs investigating before any approval can even be considered.

### Visual Amenity

By Stage 5, the inner workings of the quarry will be, I believe, clearly visible from the Tamborine-Oxenford Road' and the 'Maudsland' Road' as indicated by the red arrows added to the: '*Visualisation Stage 5 - Layout Plan*' (reproduced in attachment E6). This will, I believe, include views of exposed benches, the processing plant, the haulage route and the truck parking areas (both north and south) which is contra to '*Acceptable Outcome AO3.2*' which 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 adjoining residential areas*" (Attachment A1).

It is also contra to '*City Plan 9.3.8, Extractive Industry management Plan, Performance Outcome PO5*' which states: "*Outdoor storage area do not have an adverse impact when viewed from any road or neighbouring property*" with an "*Acceptable Outcome*" of: "*Any open area used for storage of vehicles, machinery, goods and materials is: (b) screened with fencing or vegetation*" (Attachment A1).

The newly released information in February 2021 (15 months after public notification closed - thereby denying residents any legal right to object on this newly released information) reveals that the truck storage area will be, I believe, clearly visible from the Tamborine Oxenford Road and the Maudsland Road also (Attachment E6 reveals the areas where I believe the public will be able to see the truck storage areas).

I also believe the extensive processing area (including the relocated Concrete Production batching facility) when it is moved to the northern end, as proposed, will be highly visible from the Tamborine Oxenford Road too (as shown in attachment E6) which is contra to *'Acceptable Outcome AO3.2'* which 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 adjoining residential areas"* (Attachment A1).

It is interesting, if not somewhat alarming, to view the contour diagram of the area between the major Tamborine Oxenford Road and the Maudsland Road and the proposed quarry. This has been, I believe, reproduced to scale in Attachment F2. From this it can be clearly seen that for at least a 150m stretch there will be no physical boundary protecting views straight into the quarry from the Maudsland Road. This is obviously contra to the clear requirements of *'Acceptable Outcome AO3.2'* which 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 adjoining residential areas"* (Attachment A1).

It is also clear to see the intent of the Current Approval's clearly defined areas of *'Permanent trees and shrub screening'* and *'Buffer Land'* was to provide much needed visual buffering from the quarry as shown in the *'Third Schedule'* (Plan 362-010) of the original rezoning agreement (annotated version reproduced in attachment F3). Thus, for the applicant to now seek to ignore these clearly defined buffer areas would seem completely unreasonable and clearly against the City Plan's 'Extractive Industry' requirements and the 'Current Approval' requirements too.

The 'Third Schedule' ( or *"Plan of Development No 362-010 dated 5<sup>th</sup> April, 1991"*)

The *'Third Schedule'*, or *'Plan 362-010'* (annotated version reproduced in attachment F3), within the original rezoning agreement (part of the *'Current Approval'*) was, I believe, culpably removed from the development application's submitted copy of the rezoning agreement (included as part of the DA in: *'The Main application'*, page 290-328 inclusive).

Only a subsequent long drawn out 'Right To Information' (RTI) enquiry, that I submitted, revealed this diagram was an intrinsic part of the rezoning agreement (and *'Current Approval'*). Thus, revealing to me for the first time the true extent of the Current approval *'Extractive footprint'*, *'The ancillary area'*, the *'Buffer Land'*, the *'Permanent trees and shrub screening'* area and the *'Prohibited development area'* (known as: *'Rural B'* area).

It would seem to me this critical information, contained in this diagram, was purposefully omitted from the development application. Thus, I believe, effectively hiding the true extent of the Current approval from:

- The 'State Assessment and Referral Agency' (SARA);
- Queensland Department of the Environment (DES);
- The Gold Coast City Council;
- The State Department of the Environment (as part of the 'Environmental Protection and Biodiversity Conservation' (EPBC) Act referral );
- Members of the public

Only my costly and long drawn out Right To Information request subsequently, I believe, revealed this highly important and revealing crucial information nearly a year after the *'Public Notification'* period had closed. Thus, I believe, depriving members of the public their right to make a properly made submission based on this seemingly hidden pertinent information.

This, as I see it, culpable omission of important and relevant information, has I believe led the applicant to claim the current approved footprint is 56.02 ha (Attachment F4) when it would seem it is in fact more like 23.77 hectares approx (as shown in attachment F3).

The applicant's claims that the *'Currently approved'* extractive footprint is *'56.02 ha'* as opposed to *'23.77 ha'* (and therefore only an 18% increase in area as opposed to what I believe is actually nearly three times the area) is re reiterated in attachment D1 and D2.

### Environmental Impacts

The highly visible areas into the quarry will similarly mean noise, dust, etc. will readily affect the personal amenity of users of the public road (including cyclists and pedestrians). This is contra to *'City Plan 9.3.8, Extractive Industry management Plan, Performance Outcome PO1': "(a) minimises environmental impacts on site and surrounding areas (b) prevents significant adverse amenity impacts on existing sensitive land use"*

### Open Space area: '241 Tamborine Oxenford Road, Lot 1 on RP138386'

The same issues highlighted above area also highly relevant for this Lot, Lot 1 on RP138386, that is I believe not owned by Nucrush. There is no buffer whatsoever (zero metres) from this Lot and is thus contra to *'City Plan 9.3.8, Extractive Industry management Plan'* Performance Outcomes: *'PO1', 'PO3'* and *'PO4'*. This is shown in Attachment F1.

### Open Space area: 'Emerson Way, Lot 901 on RP883083'

The same issues highlighted above area also highly relevant for this Lot, Lot 901 on RP883083. There is no buffer whatsoever (zero metres) from this Lot and is thus contra to *'City Plan 9.3.8, Extractive Industry management Plan'* Performance Outcomes: *'PO1', 'PO3'* and *'PO4'*. This is shown in Attachment F1. There is nothing to stop development of this Lot at a later date and is thus contra to *'Acceptable Outcome AO3.1'* which states: *"Extraction or processing activities are not conducted within 40m of any boundary of the site"*.

### Open Space area: 'Lot 906 on SP108985, Wimbledon Way'

Similar issues highlighted above area also highly relevant for this Lot, Lot 906. There is no buffer whatsoever (zero metres) from the proposed extractive footprint and this Lot and is thus contra to *'City Plan 9.3.8, Extractive Industry management Plan'* Performance Outcomes: *'PO1', 'PO3'* and *'PO4'*. This is shown in Attachment F5.

It should also be noted that Lot 906 is part of the Hinterland Critical Corridor which is flagged on the City Plan as:

- *'Environmental significance - biodiversity areas' (Local environmental significance)*
- *'Matters of state environmental significance - priority species' (State significant species)*
- *'Matters of state environmental significance - priority species' (Koala habitat areas)*
- *'Matters of local environmental significance - priority species - Local significant species'*
- *'Environmental significance - vegetation management'*
- *'Environmental significance - wetlands and waterways' (Buffer area)*
- *Koala habitat* (as shown in Attachment F6).

Thus the need for an appropriate separation buffer is paramount in this particular case and absolutely no separation buffer from the extractive footprint is, I believe, completely unacceptable.

'City Plan 9.3.8, Extractive Industry Development Code' Performance Outcome: 'PO6' - 'Hours of operation'

*'City Plan 9.3.8, Extractive Industry Development Code' Performance Outcome PO6 states: "Activities undertaken on site are conducted within appropriate hours to minimise nuisance to adjoining and surrounding development" with an Acceptable Outcome A06.1 stating "Monday to Friday 7am -6pm" (Attachment G1).*

However, the development application specifies: *"For batching plant: October to April Commence 4am cease 3pm, May to Sept Commence 5am cease 3pm"* (reproduced in Attachment G2). Clearly this is outside of City Plan 9.3.8, Performance Outcome PO6.

Also, the development application tries to blatantly ignore the requirements of their batching operation by claiming in *'Acceptable Outcome A06.1': "Extracting, crushing and screening operations, loading of materials and maintenance occur only within the following hours: Monday to Friday 7:00am - 6:00pm"* (Attachment G1). Thus, completely ignoring their batching operation requirements starting at 4am that they have previously stated in attachment G2. This is despite the clear requirement that *'Performance Outcome PO6'* requires: *"Activities undertaken on site are conducted within appropriate hours to minimise nuisance to adjoining and surrounding development"* as shown in attachment G1.

This development application requirements for Concrete Production and Batching Hours of Operation is clearly indirect contradiction to the clear requirements of Performance Outcome PO6 which states: *"Activities undertaken on site are conducted within appropriate hours to minimise nuisance to adjoining and surrounding development"*. Is this why the Concrete Production and Batching facility is all but ignored in this development application as it is known their requirements to not align with the Gold Coast City Plan requirements for *"Extractive Industry Development Code 9.3.8"*?

These highly 'beneficial' (yet completely inappropriate for *'Extractive Industry'*) operating hours bestowed on Nucrush by Council for their Concrete Production Batching operations may have been acceptable to the Council (however, I am sure not by local residents, who were not a party to any decision making concerning this), thus enabling a high number of concrete trucks whizzing around a suburban neighbourhood well before 7am in the morning!

Given that the Concrete Production and Batching operation is currently located within the *'Ancillary operations'* area which, being fairly remote from local residents the noise has not, I believe been a major issue as yet. However, when the existing quarry footprint is extended and the Concrete



Production and Batching Facility is moved to within 200 metres from local residents and 350 metres from the local Oxenford State School, as proposed, this will no doubt become a major issue. Is this why the Concrete Production Batching operation maintains a relatively low level of obscurity in the development application knowing the inappropriate operating hours and the proposed moving to planned vicinity of local residents this will become a major issue? Or is it because a Concrete Production and Batching Facility are not actually an *'ancillary operation'* to extractive industry (just a convenient addition to the quarry site to maximise profit for Nucrush (albeit, it would seem, not permissible under Current approval and City Plan requirements and therefore not permissible within this *'Extractive Industry'* zone either currently or in the future).

It should be remembered, as stated in the David Kershaw report that the Current Approval is based upon and references, that *'Extractive Industry'*, as per the Town Planning Scheme, is defined as: *"Any premises used or intended for use for the purpose of carrying on an industry involving extraction, storage, loading or cartage of sand, gravel, soil, rock, stone or similar substances from land. The term does not include crushing, screening, washing or other treatment process, or manufacture of products from such substances, or a mine under the mining act 1968-1983."* (Attachment G3). The relevant extract from the *'Deed of Novation'* is reproduced in Attachment G4.

Therefore, the Concrete Production Facility clearly cannot, it would seem, be located within the *'Extractive Industry'* area as it does not come within any of the above categories.

This is also confirmed by Stephanie Maquire, Senior Environmental Officer, from the Department of the Environment and Science (DES), who stated: *"the concrete batching facility operated by Nucrush at the quarry at 99 Maudsland Road, Oxenford, this activity is considered to be ancillary to the quarrying activities"* (Attachment G5).

And the *'Ancillary area'* or *"Special Facilities (Ancillary Purposes to Extractive Industry including Processing, Plant, Stockpiling, Magazines, Water Storage, Workshops, Stores, Weighbridge and Offices, Decantation Ponds, Dams, Access, Permanent Tree and Shrub Screening)"* as specified in the Current Approval (reproduced in attachment G6), also, does not, it would seem, permit the operation of a Concrete Production Batching facility either despite the fact the Concrete Production Facility is in currently located in this area!

Therefore, not only is the Concrete Production Batching facility proposed *'Hours of Operation'* clearly outside *'Performance Outcome PO6'* which requires: *"Activities undertaken on site are conducted within appropriate hours to minimise nuisance to adjoining and surrounding development"* and: *'Acceptable Outcome AO6.1'* which states: *"Extracting, crushing and screening operations, loading of materials and maintenance occur only within the following hours: Monday to Friday 7:00am - 6:00pm"* (Attachment G1). But it is also not permitted in either the *'Extractive Industry'* area or the *'Special Facilities'* area (which together are referred to as: *"the extractive Industry Area"*, attachment G6).

It would seem not only are the proposed operating hours completely at odds with the City Plan requirements for an activity within an *'Extractive Industry'* zone. But also the Concrete Production Batching operation, it would seem, has no place within the *'Extractive Industry'* zone (either under Current approval and/or City Plan requirements).

### Development must protect the visual character and amenity of the area

Extractive Industry Development Code 9.3.8 *'Performance Outcome PO4'* states: *"Development protects the visual character and amenity of the area by ensuring ridgelines are retained as a natural feature and buffer"* (Attachment A1) and *'Acceptable Outcome AO4'* states: *"Development is located at least 40m away from any ridgeline, as measured horizontally from the ridge peak"* (Attachment A1).

However, in the south-western corner it is proposed to extract way beyond the ridge peak as shown in Attachment H1. Similarly, in the northeast corner it is proposed to extract up to the ridge peak as shown in attachment H2. This is within approximately 190 metres of the local homes in Rosewall Place and approximately 350 metres from the Oxenford State School. Clearly contra to *'Performance Outcome PO4'* which states: *"Development protects the visual character and amenity of the area by ensuring ridgelines are retained as a natural feature and buffer"* (Attachment A1) and clearly fails: *'Acceptable Outcome AO4'* which states: *"Development is located at least 40m away from any ridgeline, as measured horizontally from the ridge peak"* (Attachment A1).

As the Concrete Production and Batching plant is proposed to be located in this area (as shown in attachment G7), with a start time of 4am/5am (as shown in attachment G2) this will also clearly compromise Performance Outcome PO6, which states: *"Activities undertaken on site are conducted within appropriate hours to minimise nuisance to adjoining and surrounding development"* (Attachment G1).

I also note that as a response to the Gold Coast City Planners teleconference on 2<sup>nd</sup> April 2020 that the extractive footprint was amended: *"so the edge of the quarry would be atleast 40 metres from the main ridges (both the primary ridge, and the secondary ridge, and the secondary ridge extending through the southeaten part of the site)"* and *"By redesigning the quarry pit to include a 40 metre separation distance from the ridgelines, Nucrush has satisfied Acceptable Outcomes A04 in the Extractive Industry Use Code"* (quote from Information response dated 16<sup>th</sup> June 2020, reproduced in attachment G8).

However, it would appear the south west ridge similar problem was not addressed and therefore I do not believe that City Plan Part 9.3.8 Extractive Industry Code *'Acceptable Outcomes A04'* which states: *"Development is located at least 40m away from any ridgeline, as measured horizontally from the ridge peak"* (Attachment A1) has actually been addressed appropriately as show in attachment H1.

The proposed extractive footprint on the northeast ridge has a similar problem that I believe also compromises City Plan Part 9.3.8 Extractive Industry Code *'Acceptable Outcomes A04'* as show in attachment H2.

### Original Rezoning agreement requirements

The Original Rezoning agreement states in the *'Boundary Setback Relaxation'* section, Section 37, that only the eastern 'Rural B' boundary does not have to comply with the provisions of Clause 42 (13) of Division 10 of Council's Town Planning relating to the prohibition against conducting any extractive or ancillary use within forty metres of the *'Extractive Industry Area'* (Attachment I1).

Therefore, to comply with the Original Rezoning agreement requirements, there can be no extractive or ancillary use within forty metres of the *'Extractive Industry Area'* boundary that is within Lot 467 (other than at the north-eastern Rural 'B' boundary). The *'Extractive Industry Area'* is, I believe,



correctly reproduced in the *'Third Schedule'* (Plan 362-010) of the original rezoning agreement Attachment F3 (without the necessary 40 metre boundaries shown).

#### Rezoning approval Conditions

Under the Queensland Planning Act 2016, Chapter 8, Part 2, Division 7, Section 137, 'Rezoning approval conditions', it states: *"(2) If a person wants to change a rezoning condition, the person must make a change application under this Act as if the rezoning condition had been imposed by the local government as assessment manager"* (reproduced in Attachment J1).

Therefore, to change any of the aforementioned areas to permit extractive industry and/or ancillary use to be performed would require a change application under this act. However, the clear intent of these aspects of the Rezoning agreement are there to seemingly protect local residents from quarry encroachment affecting their personal amenity. And now with the subsequent significant reduction in separation buffers from local residents over the years since the quarries inception, it would seem immoral to even consider changing these important aspects of the Rezoning agreement.

Further, this would still be contra to the clear requirements of the Extractive Industry Development Code of the City Plan (as reproduced in Attachment A1).

## Conclusion

I do not believe any approval of this development application can be given when the major stakeholders (DES, SARA, EPBC, local Councillor, the Mayor and members of the public) were, it would seem, completely unaware of the actual scale of the proposal (nearly a threefold increase in extractive footprint as opposed to an 18% claimed), because of the applicants claims, when making their earlier decisions were based on the submitted development application's ill-founded and I believe culpable claims.

It is also clear to see the proposed extractive footprint so close to the 'Tamborine-Oxenford Road' and 'Maudsland Road' (believed to be within 28 metres) and with clear views into the quarry will breach City Plan Extractive Industry Development Code requirements.

Similarly, the proposed extractive footprint that borders (with no separation buffer whatsoever) open space Lot 1, Lot 901 and Lot 906 (part of the Hinterland Critical Corridor) will also breach City Plan Extractive Industry Development Code requirements also.

It will also compromise Current Approval buffer areas e.g. *'Buffer Land'*, *'Permanent tree and shrub screening'* and *'Prohibited Development'* (Rural 'B' areas) that were, it would seem, agreed for the life of the quarry under the Current Approval.

To ignore these clear agreed requirements and reduce the separation buffers as proposed, would, I believe, be unwise as it is clear they serve an important purpose in ensuring the quarry operations to not encroach on sensitive and residential areas around the quarry.

I believe in a Court of law the legally binding contract between Nucrush and the Council with regard to the Current 1992 approval and the clear intent of these buffer areas that were established as part of this approval, along with the City Plan Extractive Industry Development Code requirements would, I believe, warrant a clear refusal of this development application; as would the clear proposed breaches in the City Plan requirements.

Thank you in anticipation,

Kind regards

Tony Potter

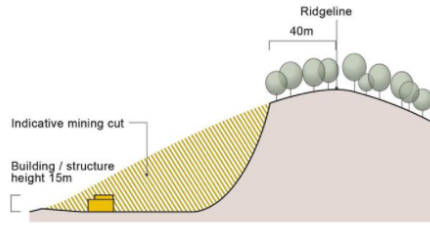
\* Disclaimer. Please note my findings are believed correct and are to the best of my ability. However, there may be errors and assumptions I have made that are incorrect. I do not believe this to be the case, but, realise with the vast amount of submitted data from the applicant, errors and assumptions on my part may occur. Hopefully this is not the case, but please accept my apologies if this is so. Thank you.

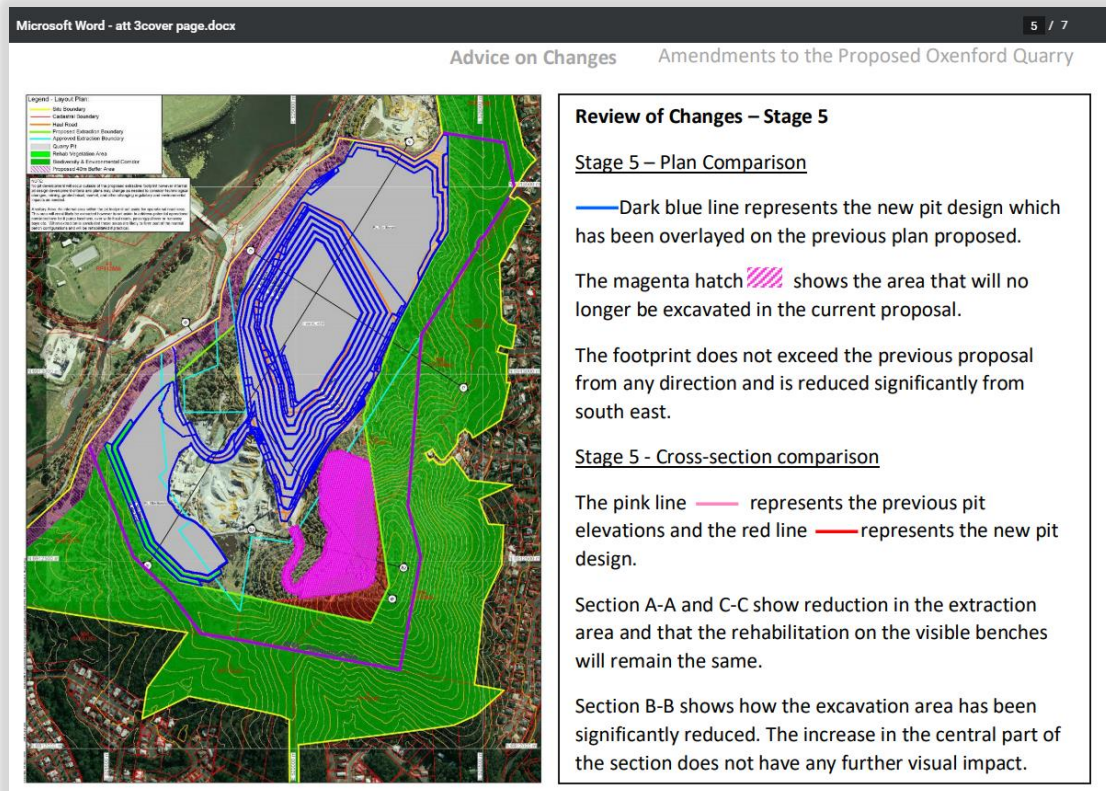
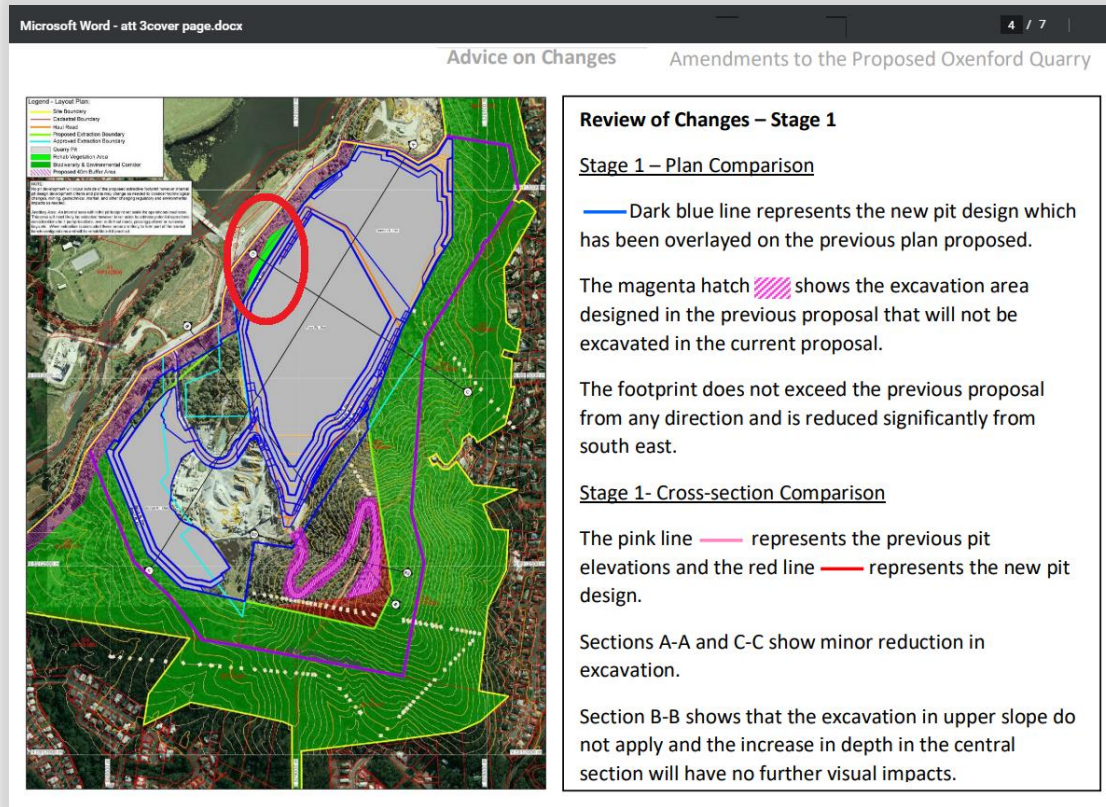
## Attachment A1 - City Plan 9.3.8 Extractive Industry Development Code

### City Plan

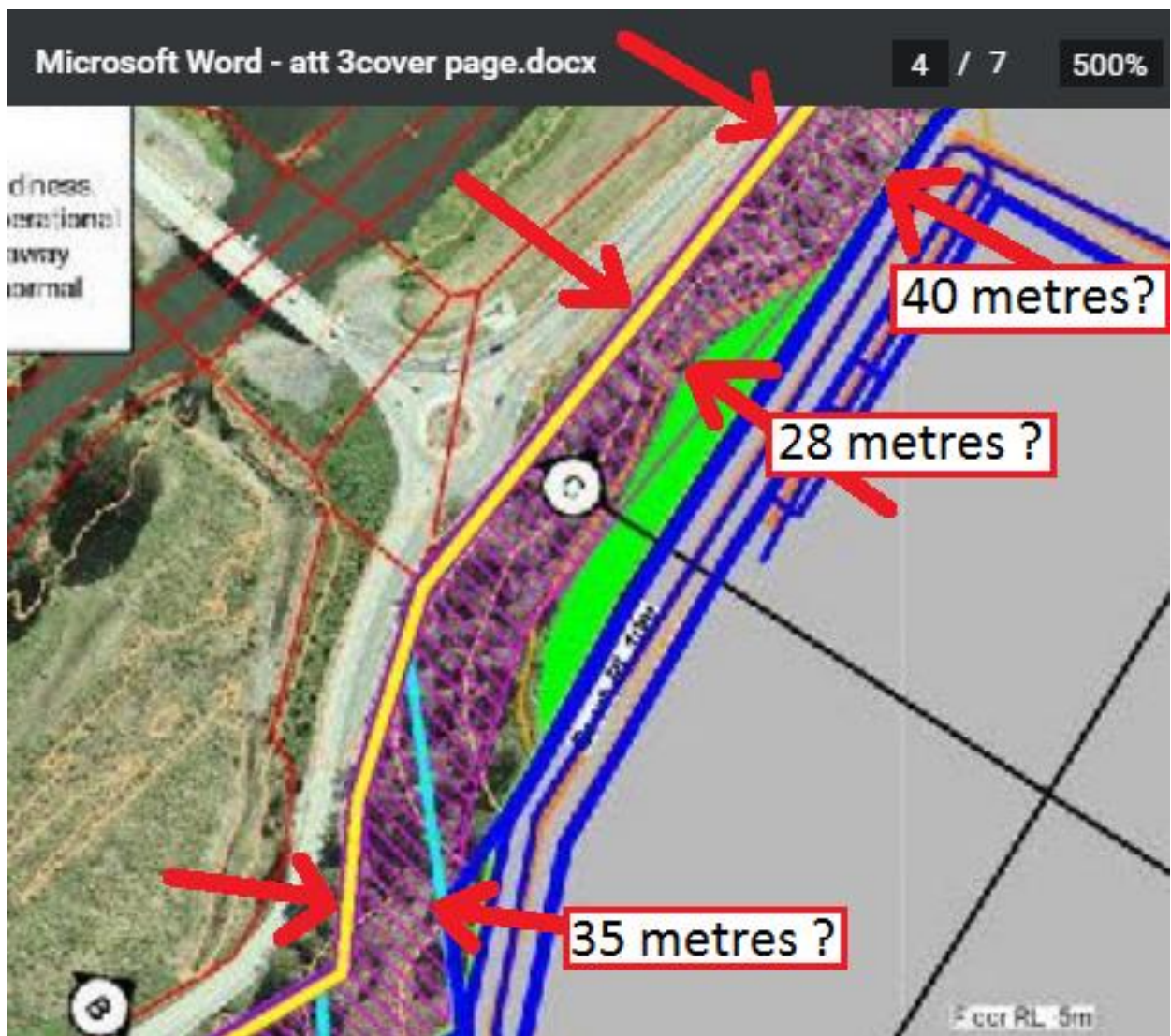
City Plan / Part 9 Development codes / 9.3 Use codes / 9.3.8 Extractive industry development code

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

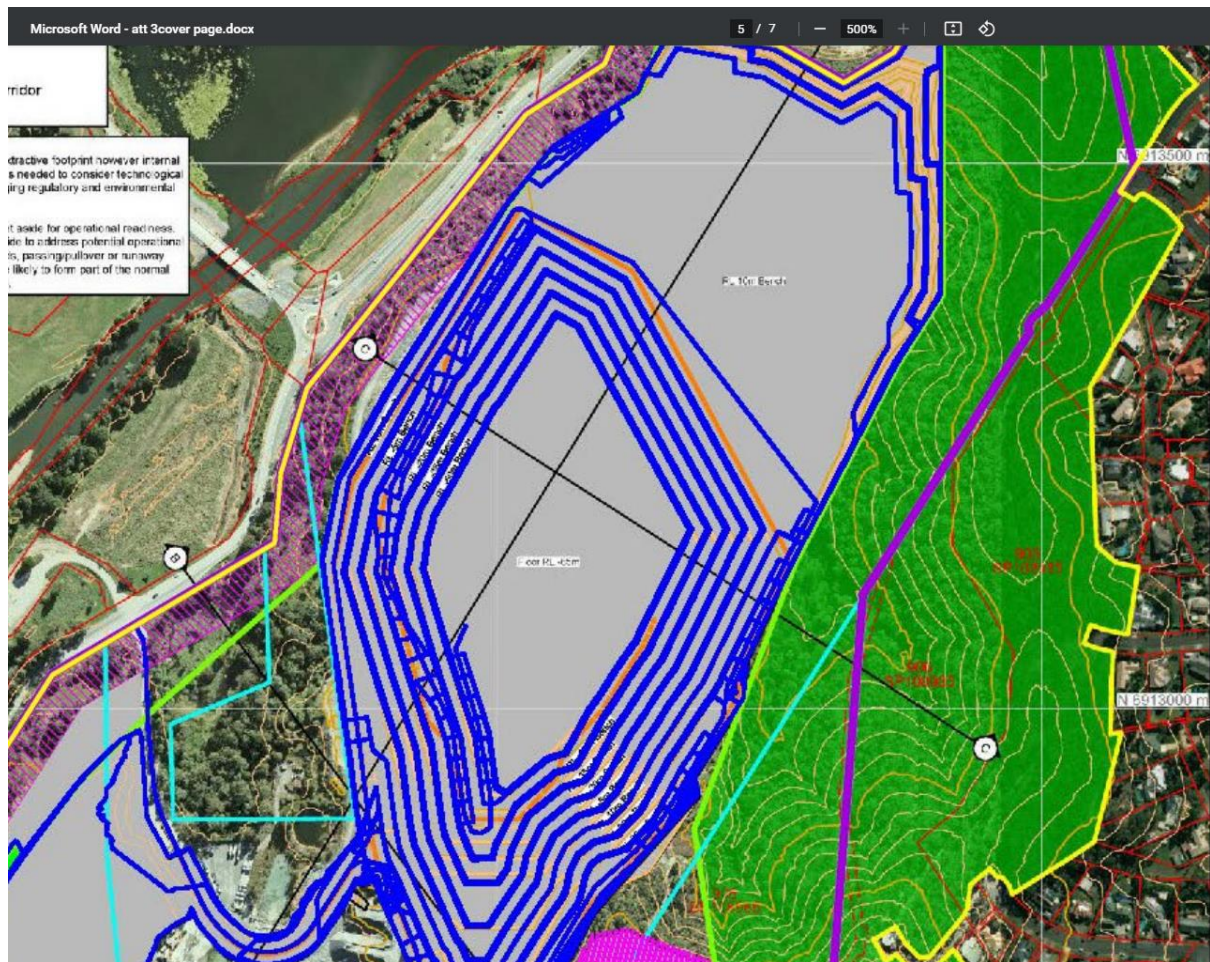
Performance outcomes	Acceptable outcomes						
<b>Extractive industry management plan</b>							
<b>P01</b> Extractive industry activities are located, designed, operated and staged in a way that: <ul style="list-style-type: none"> <li>(a) minimises environmental impacts on site and surrounding areas;</li> <li>(b) prevents significant adverse amenity impacts on existing sensitive land uses or residential zoned land; and</li> <li>(c) promotes the efficient extraction of the resource.</li> </ul> <b>Note – An extractive industry management plan should be submitted to demonstrate compliance with P01.</b>	<b>A01</b> No acceptable outcome provided.						
<b>Rehabilitation plan</b>							
<b>P02</b> Extractive industry proposal ensures: <ul style="list-style-type: none"> <li>(a) that the site will be progressively rehabilitated;</li> <li>(b) community safety and land stability;</li> <li>(c) ongoing restoration of natural processes, ecological corridors and ecosystems to the extent practicable;</li> <li>(d) the alignment of rehabilitation and future re-use to ensure future land use outcomes are consistent with the <b>Strategic framework</b>; and</li> <li>(e) visual amenity measures to reduce the visual dominance of worked quarry areas.</li> </ul> <b>Note – A rehabilitation plan should be submitted to demonstrate compliance with P02.</b>	<b>A02</b> No acceptable outcome provided.						
<b>Visual amenity</b>							
<b>P03</b> 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.	<b>A03.1</b> Extraction or processing activities are not conducted within 40m of any boundary of the site.  <b>A03.2</b> 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.						
<b>P04</b> Development protects the visual character and amenity of the area by ensuring ridgelines are retained as a natural feature and buffer.	<b>A04</b> Development is located at least 40m away from any ridgeline, as measured horizontally from the ridge peak.						
							
<b>Figure 9.3.8-1</b> Illustration showing Extractive Industry development is located at least 40m away from the top of the ridgeline, as measured horizontally from the ridge peak.							
<b>Outdoor storage</b>							
<b>P05</b> Outdoor storage areas do not have an adverse visual impact when viewed from any road or neighbouring property.	<b>A05</b> Any open area used for the storage of vehicles, machinery, goods and materials is: <ul style="list-style-type: none"> <li>(a) located no closer than 10m from any boundary; and</li> <li>(b) screened with fencing or vegetation.</li> </ul>						
<b>Hours of operation</b>							
<b>P06</b> Activities undertaken on site are conducted within appropriate hours to minimise nuisance to adjoining and surrounding development.	<b>A06.1</b> Extracting, crushing and screening operations, loading of materials and maintenance occur only within the following hours: <table border="1"> <tr> <td>Monday to Friday</td><td>7.00am – 6.00pm</td></tr> <tr> <td>Saturday</td><td>8.00am – 12 noon</td></tr> <tr> <td>Sunday and public holidays</td><td>nil</td></tr> </table> <b>A06.2</b> Blasting and explosions are conducted between the hours of 9am and 5pm Monday to Friday excluding public holidays.	Monday to Friday	7.00am – 6.00pm	Saturday	8.00am – 12 noon	Sunday and public holidays	nil
Monday to Friday	7.00am – 6.00pm						
Saturday	8.00am – 12 noon						
Sunday and public holidays	nil						
<b>Transport routes and access</b>							
<b>P07</b> Extractive industry activities use only the designated transport routes as shown on the <a href="#">Extractive resources overlay map</a> .	<b>A07</b> No acceptable outcome provided.						





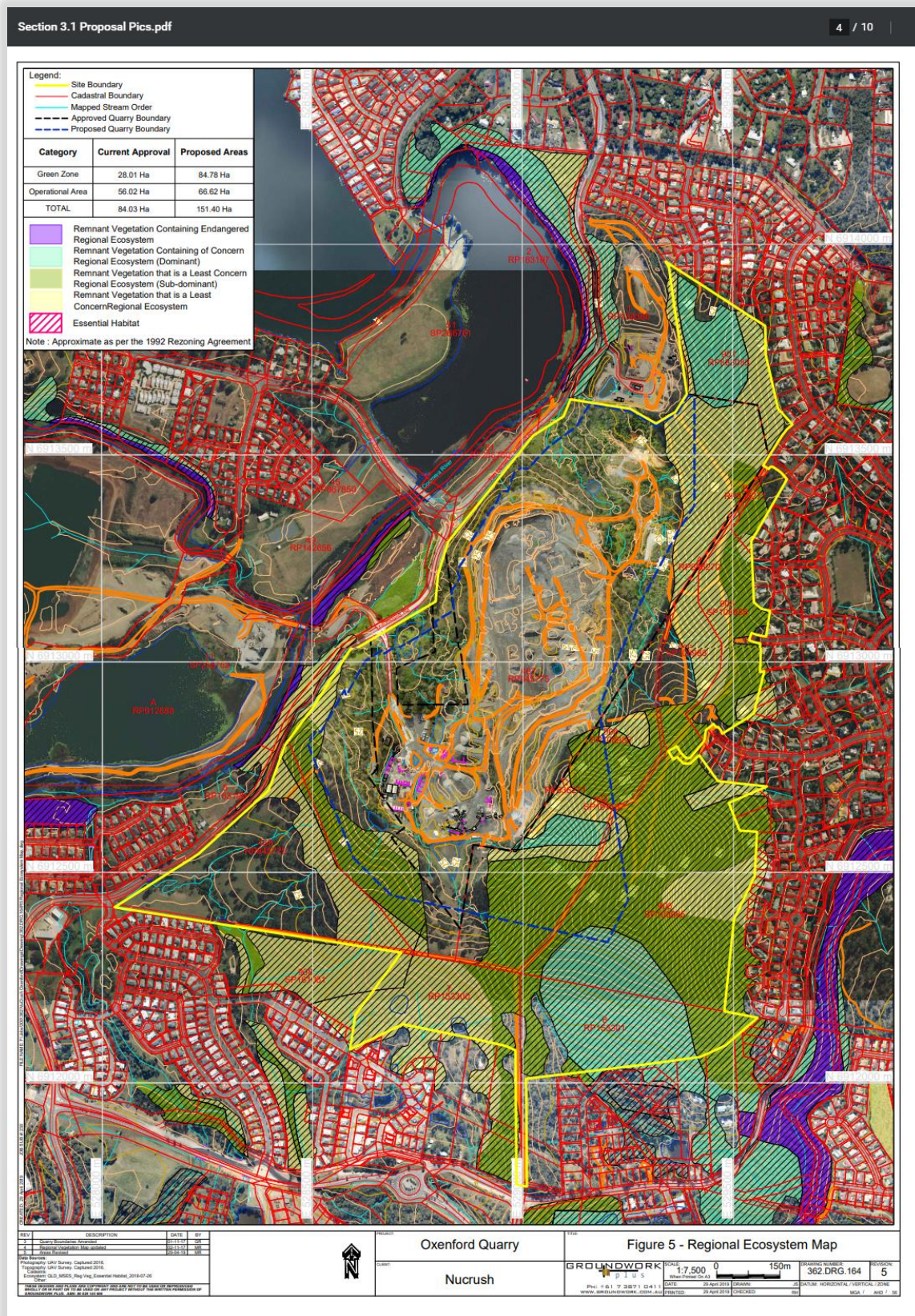


Attachment C2 - 'Attachment 3 - Revised Visual Assessment', 'Stage 5 - Plan Comparison' close-up

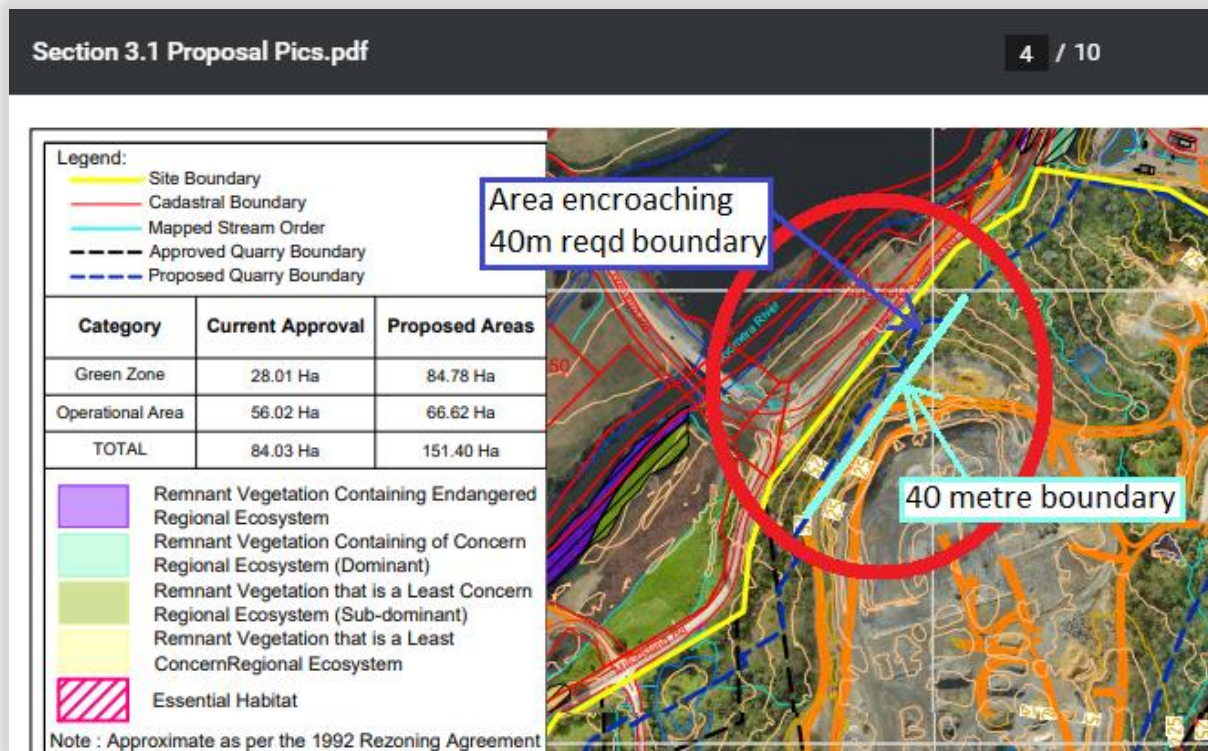


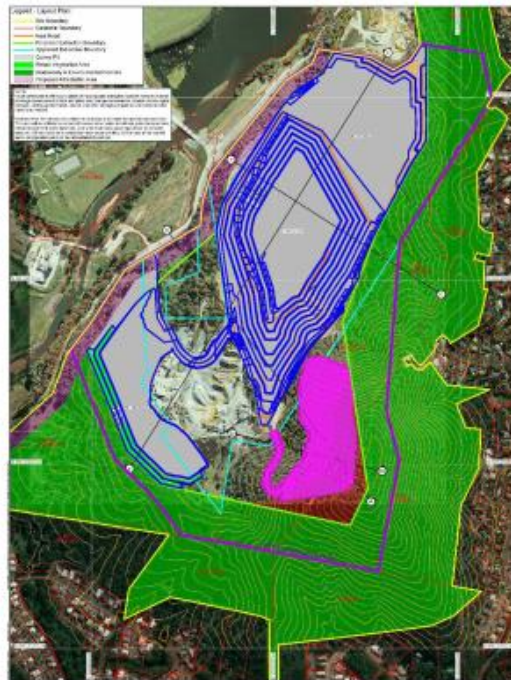


Attachment D1 - 'Section 3.1 Proposal Pics': 'Regional Ecosystem Map'









## Review of Changes – Stage 5

### Stage 5 – Plan Comparison

Dark blue line represents the new pit design which has been overlayed on the previous plan proposed.

The magenta hatch shows the area that will no longer be excavated in the current proposal.

The footprint does not exceed the previous proposal from any direction and is reduced significantly from south east.

### Stage 5 - Cross-section comparison

The pink line represents the previous pit elevations and the red line represents the new pit design.

Section A-A and C-C show reduction in the extraction area and that the rehabilitation on the visible benches will remain the same.

Section B-B shows how the excavation area has been significantly reduced. The increase in the central part of the section does not have any further visual impact.

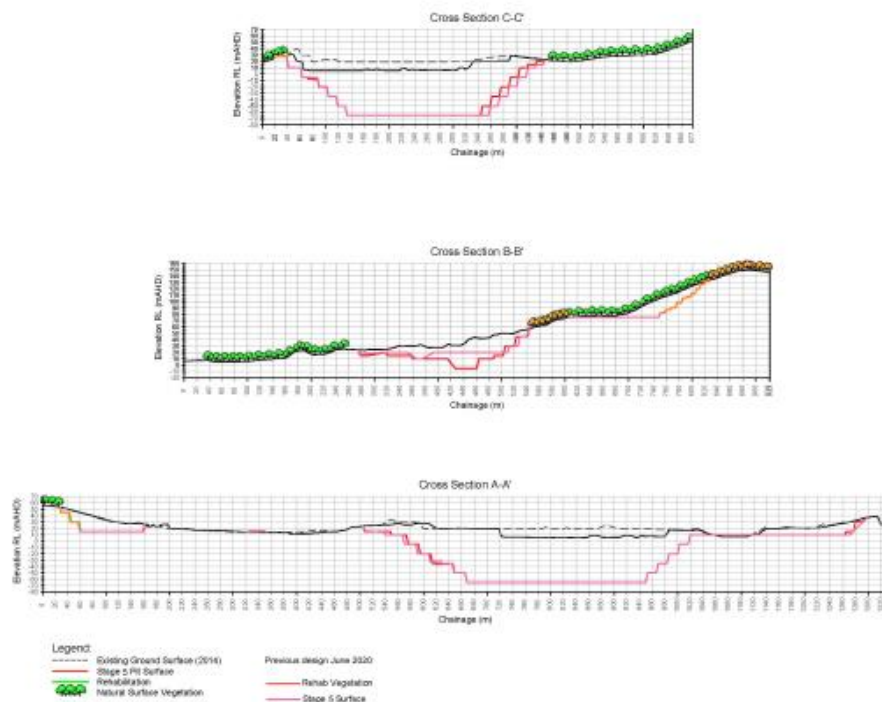
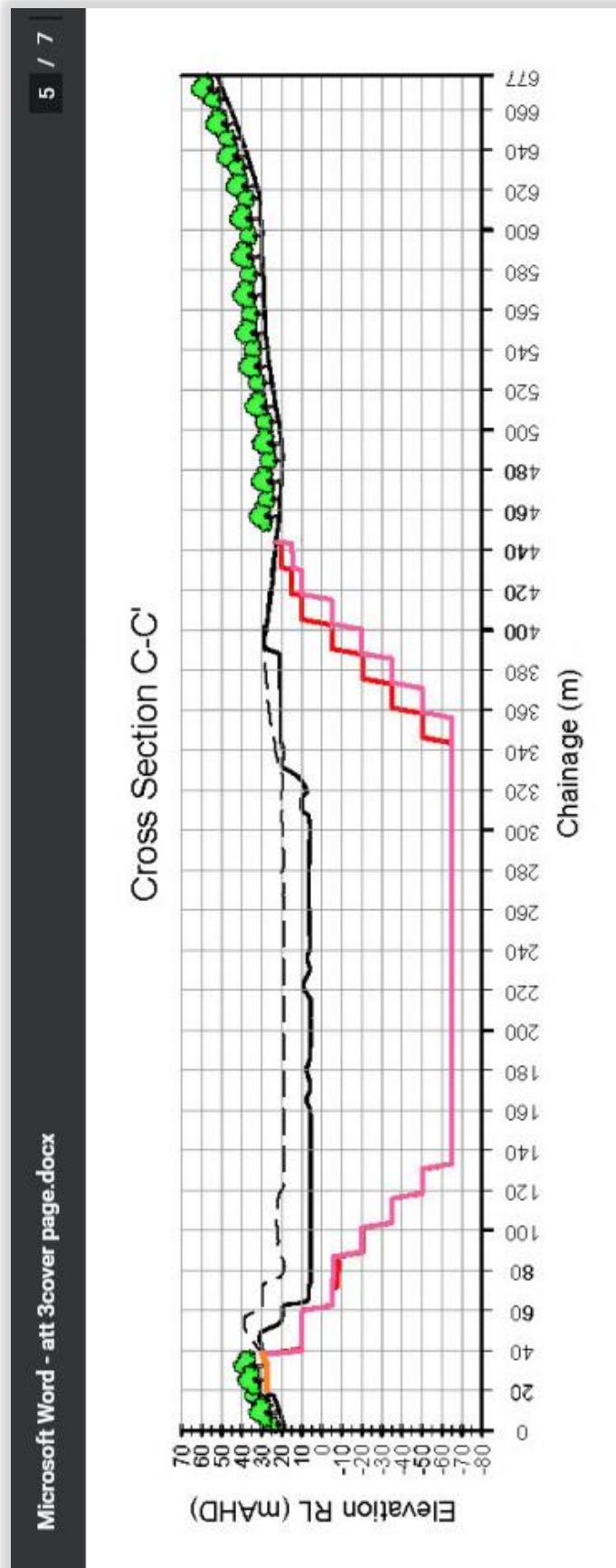
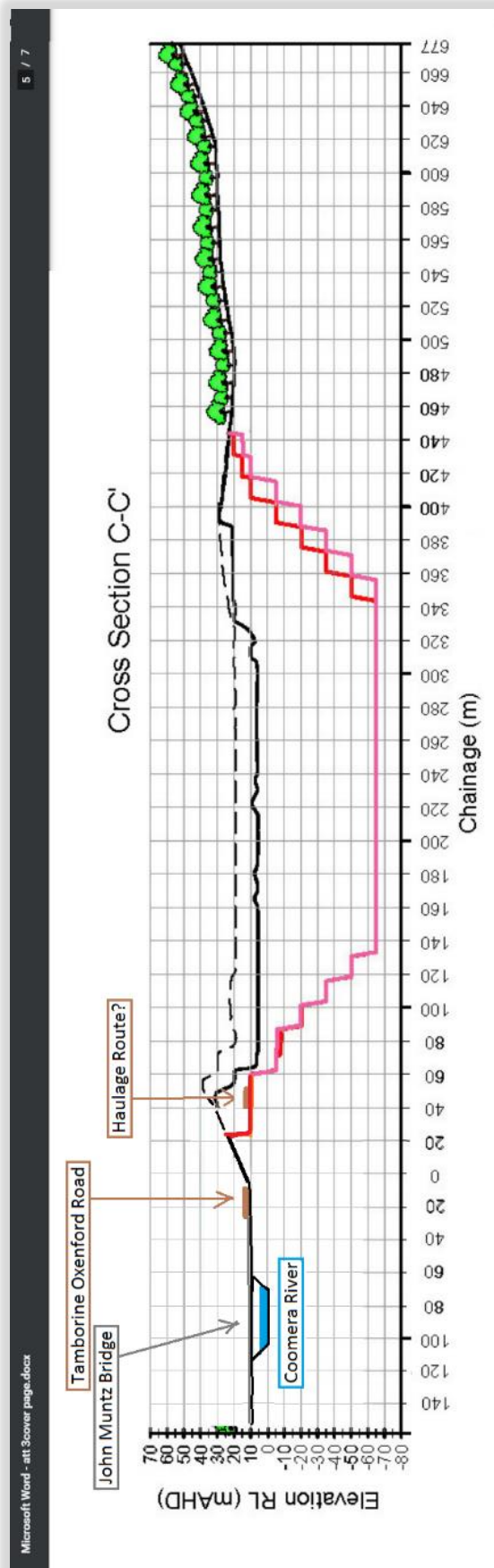


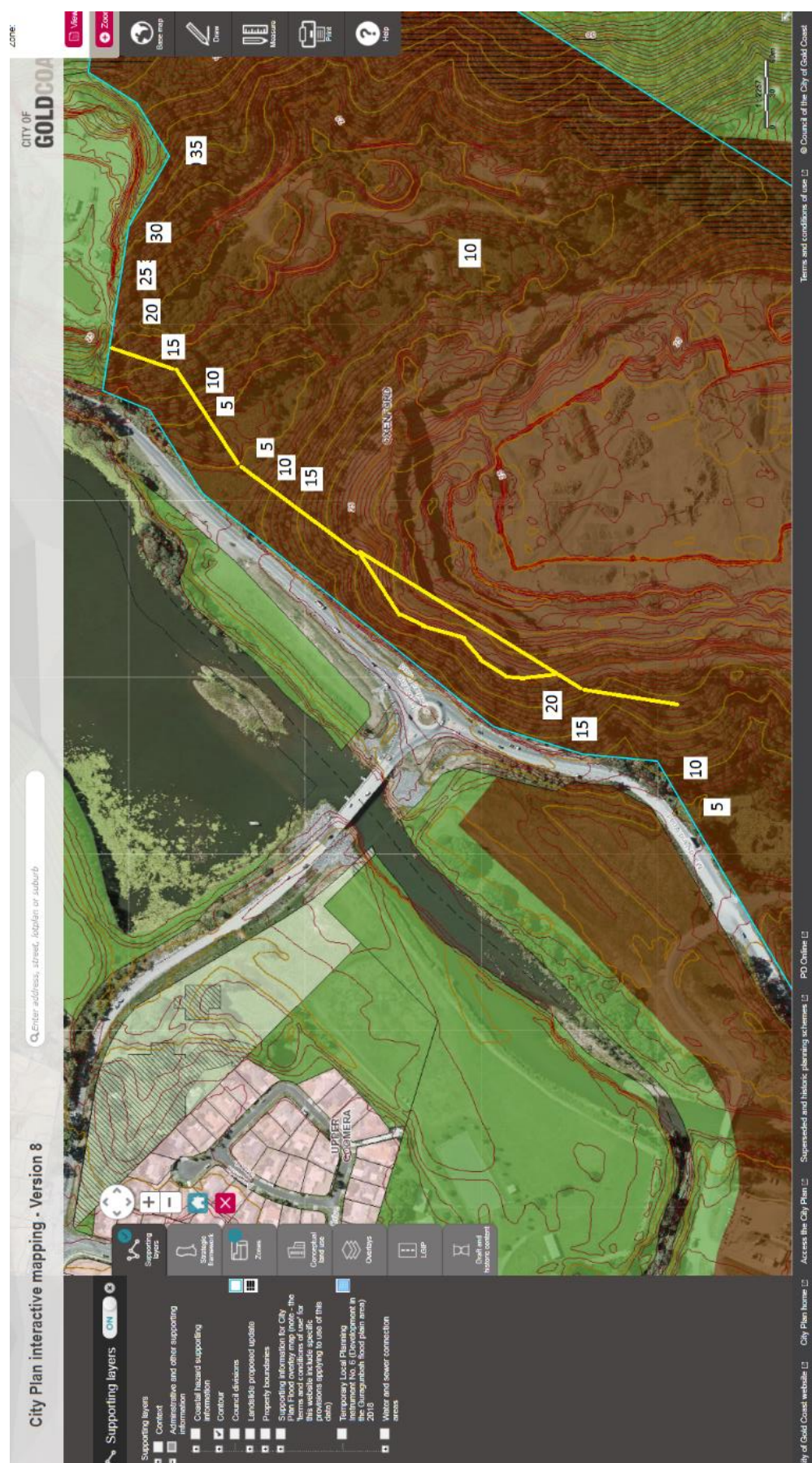
Figure 3 - Comparison of plans and cross-sections for Stage 5.





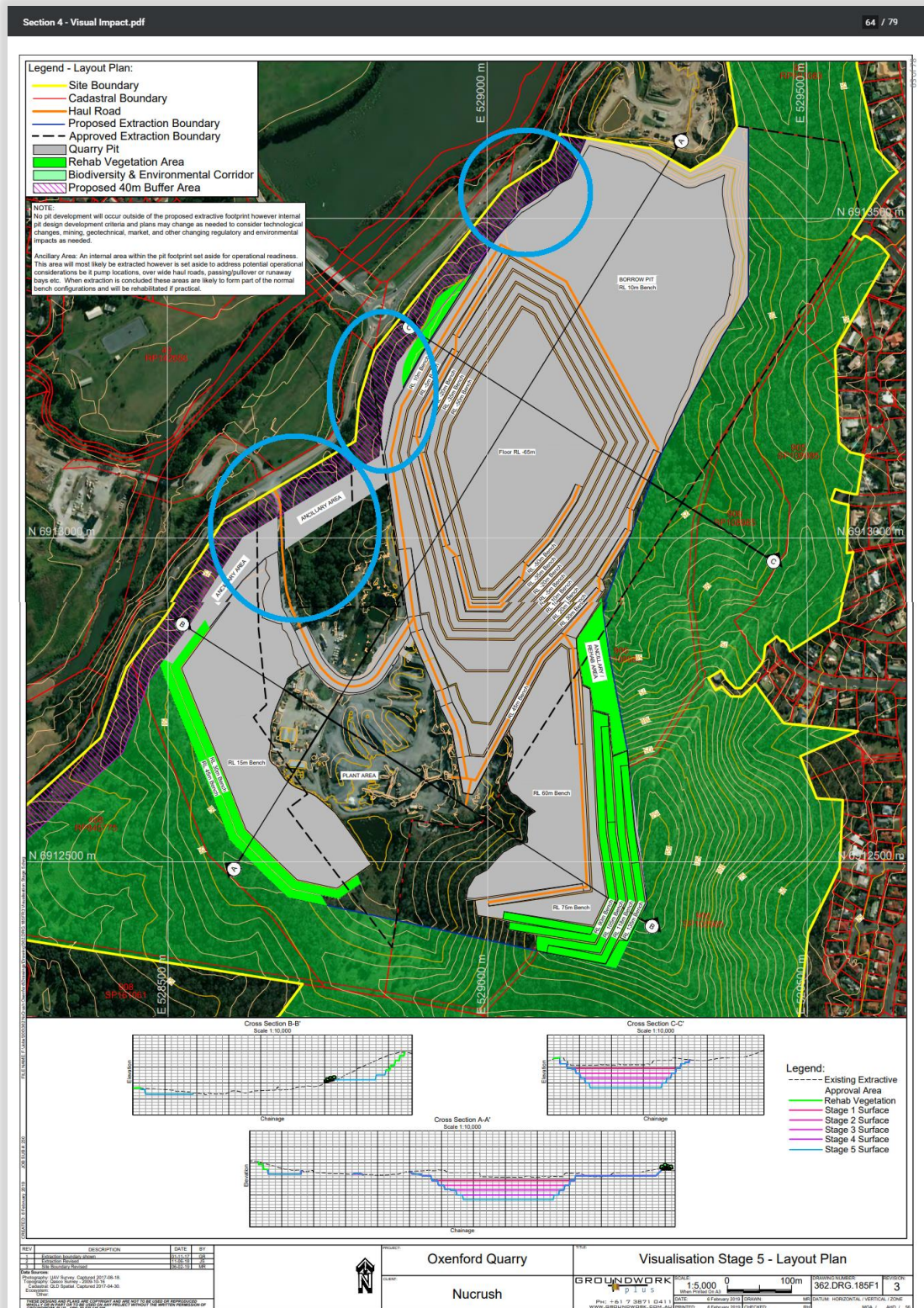


Attachment E4 - City Plan contours of the area

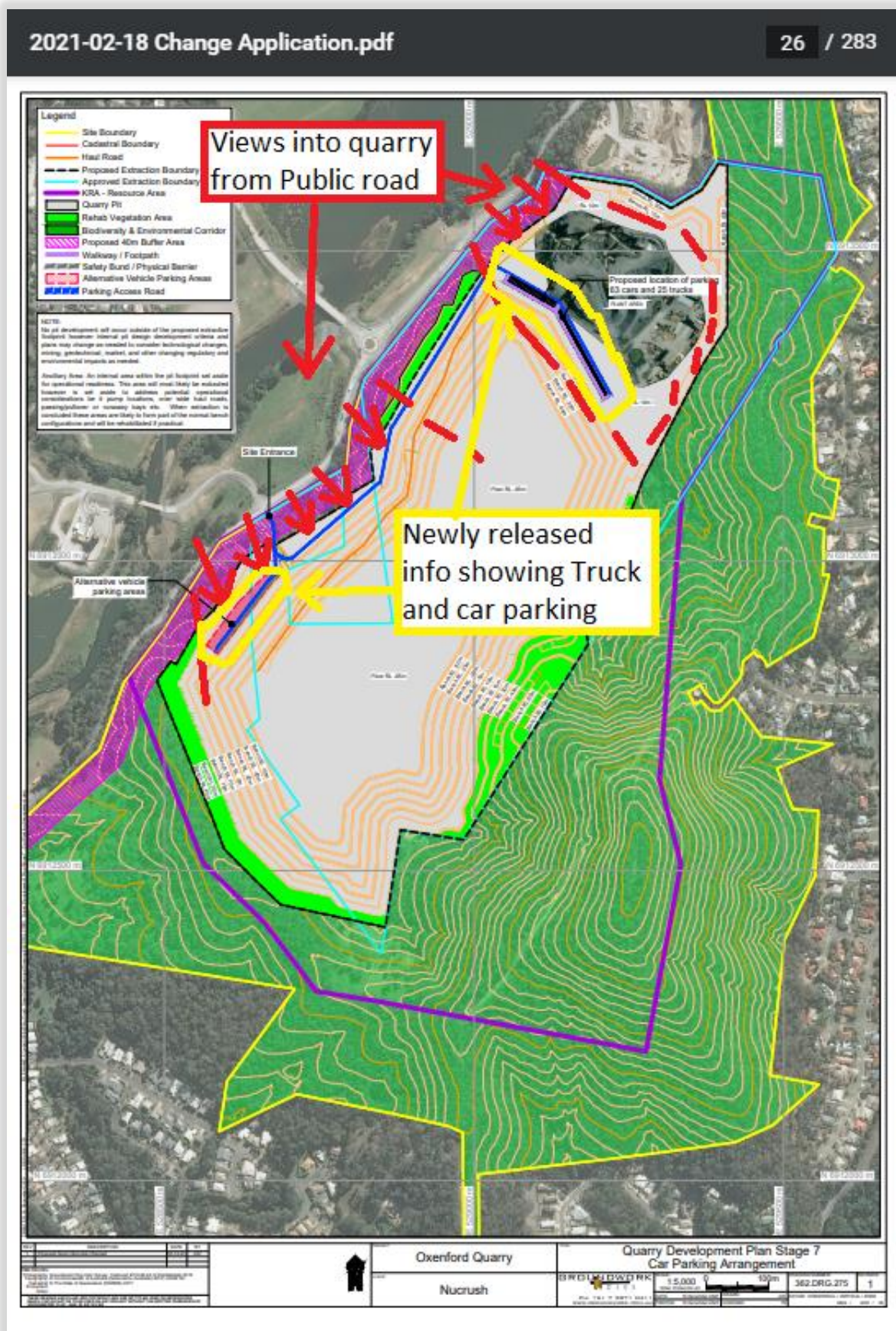




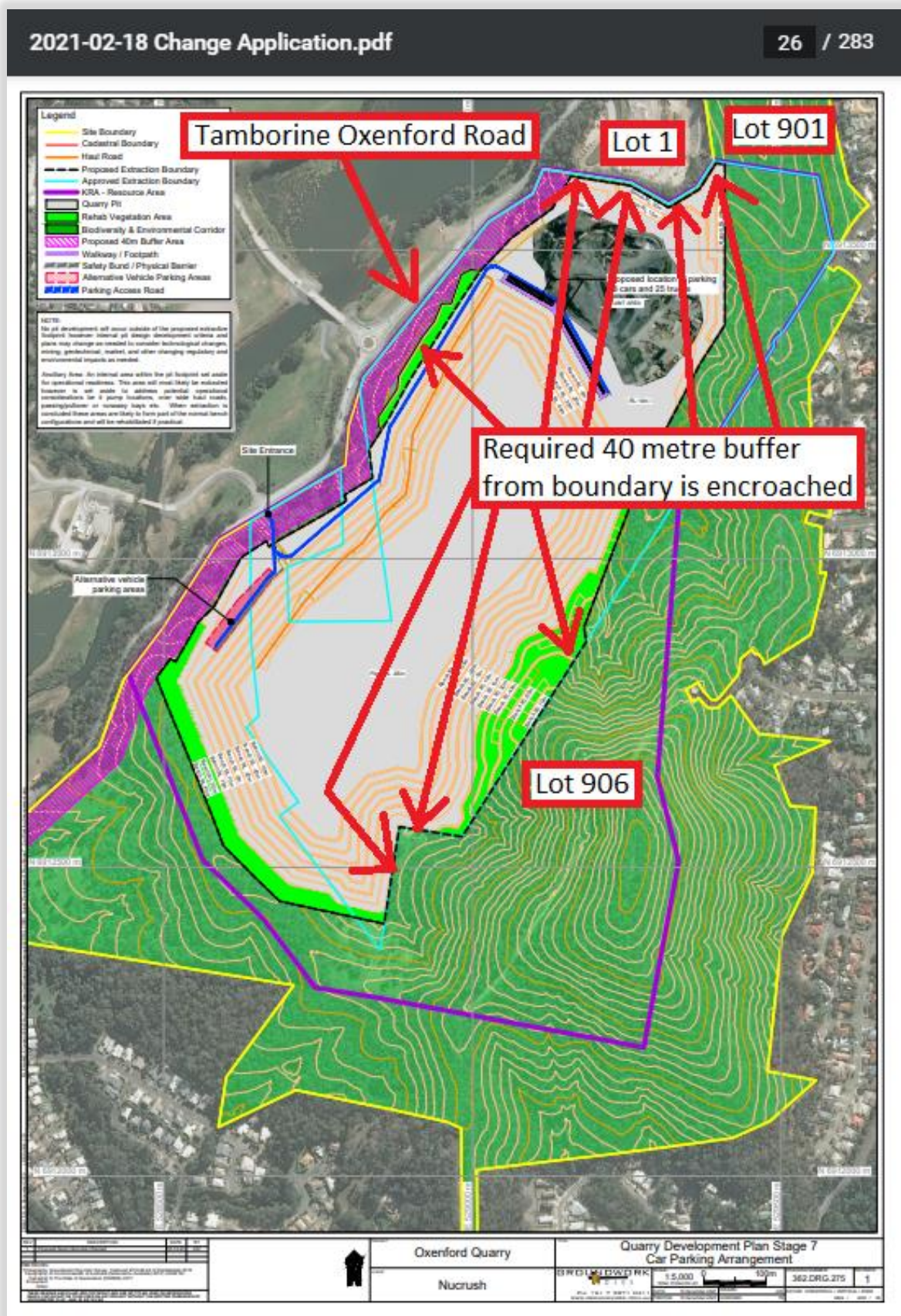
# Attachment E5 - 'Visualisation Stage 5 - Layout Plan'









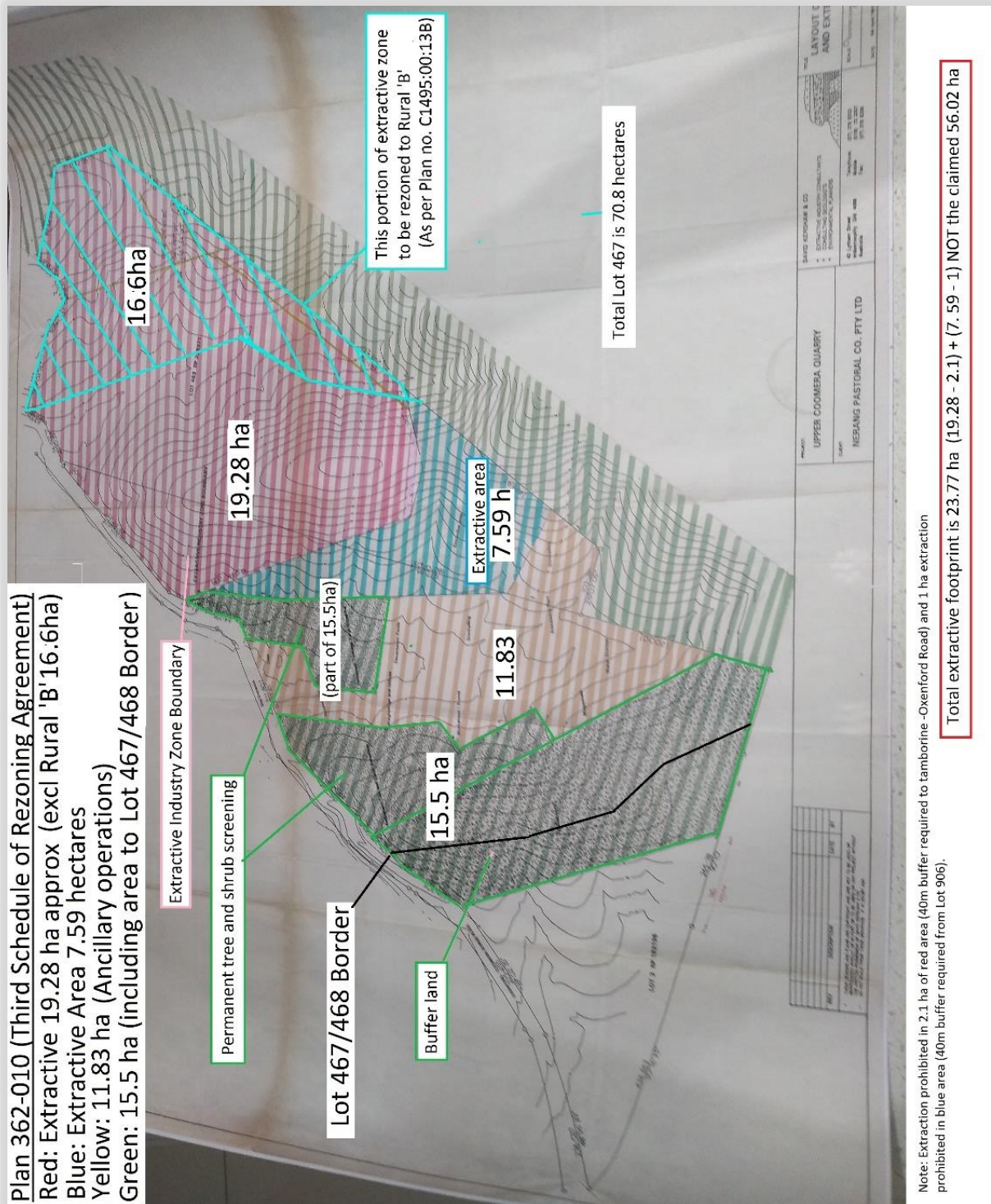


Attachment F2 - Contour diagram (Derived from City Plan) of western edge of proposed quarry footprint as viewed from the roads adjoining





Attachment F3 - 'Plan 362-010' or 'Third Schedule' of Rezoning Agreement (colour coded with "Extractive Industry Area" Lot 467) highlighted





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



## 1 Introduction

The proposal seeks to enlarge and realign the extraction footprint by approximately 10.6 hectares.

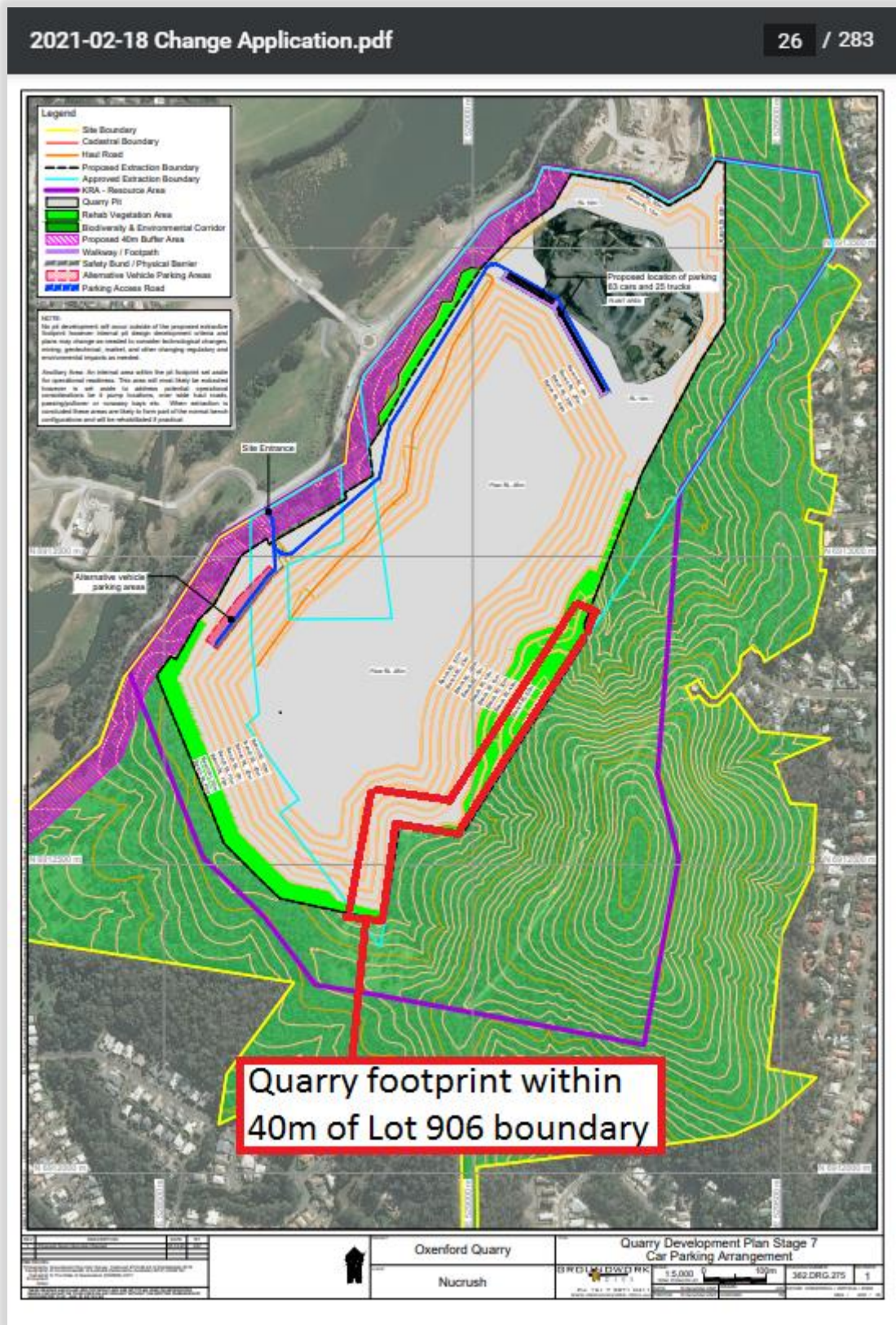
Accordingly the new footprint will ultimately have a total operational footprint of 66.62 hectares.

### **Summary of applicants claims:**

**Proposed 'New footprint' is 66.62 ha**

**Increasing 'Extraction footprint' by approx 10.6 ha**

**Therefore, claimed 'Currently approved extractive Footprint' is 56.02 hectares**





## Attachment F6 - Hinterland to Coast Critical Corridor (Environmental significance- biodiversity)

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 G1- City Plan Extractive Industry Development Code - PO6 and PO7

2019-05-20 Section 2 - The main application.pdf

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Performance outcomes	Acceptable outcomes	Does the proposal meet the acceptable outcome? If not, justify how the proposal meets <u>either</u> the performance outcome or overall outcome	Internal use						
<b>Hours of operation</b>									
<b>PO6</b> Activities undertaken on site are conducted within appropriate hours to minimise nuisance to adjoining and surrounding development.	<b>AO6.1</b> Extracting, crushing and screening operations, loading of materials and maintenance occur only within the following hours: <table> <tr> <td>Monday to Friday</td><td>7.00am – 6.00pm</td></tr> <tr> <td>Saturday</td><td>8.00am – 12 noon</td></tr> <tr> <td>Sunday and public holidays</td><td>nil</td></tr> </table>	Monday to Friday	7.00am – 6.00pm	Saturday	8.00am – 12 noon	Sunday and public holidays	nil	<b>THE DEVELOPMENT GENERALLY COMPLIES WITH AO6.1 HOWEVER, THE APPLICANT SEEKS CONSENT TO CARRYOUT SALES AND MAINTENANCE ON A PUBLIC HOLIDAY.</b> The applicant confirms that no extraction activities will occur on a public holiday period however, would like the ability to maintain sales and site maintenance. Both activities are not considered to cause nuisance to adjoining and surrounding development.	
Monday to Friday	7.00am – 6.00pm								
Saturday	8.00am – 12 noon								
Sunday and public holidays	nil								
	<b>AO6.2</b> Blasting and explosions are conducted between the hours of 9am and 5pm Monday to Friday excluding public holidays.	<b>NOTED.</b>							
<b>Transport routes and access</b>									
<b>PO7</b> Extractive industry activities use only the designated transport routes as shown on the <b>Extractive resources overlay map</b> .	<b>A07</b> No acceptable outcome provided.	<b>COMPLIES PER EXISTING.</b>							

## Attachment G2- Development application - Proposed 'Hours of operation'

2021-02-18 Change Application.pdf
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### 5.2.1 Impact Avoidance

It is also understood the proposed quarry extension will occur progressively, such that there will be no significant change in annual production levels. Resultantly there will be:

- No increase in traffic movements.
- No planned increase in plant or machinery operating on site.
- No change on hours of operation, i.e.:
  - For extraction: 7am to 6pm on Monday to Friday, 8am — noon on Saturdays and Public Holidays.
  - For batching plant: October to April Commence 4am cease 3pm, May to Sept Commence 5am cease 3pm.

Based on the above, there will be no ecological impacts expected as a result of artificial lighting, noise or traffic, beyond that already occurring in association with the existing quarry operations.

### Attachment G3- 'Extractive Industry' definition

#### 2.2 The Proposed Quarry Development

The Town Planning Scheme for the Shire of Albert defines Extractive Industry as: -

Any premises used or intended for use for the purpose of carrying on an industry involving extraction, storage, loading or cartage of sand, gravel, soil, rock, stone or similar substances from land. The term does not include crushing, screening, washing or other treatment process, or manufacture of products from such substances, or a mine under the Mining Act 1968-1983.

Extractive Industry is a Permitted Development and may be carried out without the consent of Council. Crushing and Screening is medium industry use and requires the consent of Council. It is proposed to crush and screen the material on site.

The crushing and screening plant consists of primary, secondary and tertiary crushers and a final product screen house. The products are held in ground bins and stockpiles and are distributed directly to end users by gravel delivery trucks.

The location of on site facilities, connected with quarrying are shown on **DRAWING NO. 284/9.**

### Attachment G4 - Deed of Novation

#### 12. The Applicant accordingly agrees that:-

12.1 All quarrying operations upon the quarry land will be carried out in accordance with the recommendations contained in the report including recommendations as to the adoption of quarry management practices;

12.2 In the event of consent being granted by the Council to the carrying out of crushing and screening operations upon the quarry land the Council will impose as a condition of approval a requirement that all crushing screening and incidental operations upon the quarry land will be carried out in accordance with the recommendations contained in the report including recommendations as to the adoption of quarry management practices so far as those matters are relevant to the uses for which consent is granted;



## Attachment G5 - Department of Environment confirm Concrete batching facility is ancillary to quarrying operations

MAGUIRE Stephanie <Stephanie.Maquire@des.qld.gov.au>  
to IMMISCH, me ▾ 26 Jun 2020, 17:16

Hi Tony

As outlined to you previously in an email dated 15 June 2020, the concrete batching facility operated by Nucrush at the quarry at 99 Maudsland Road, Oxenford, this activity is considered to be ancillary to the quarrying activities and therefore regulated under the conditions of the existing EA EPPR00245613.

## Attachment G6 - Special Facilities definition

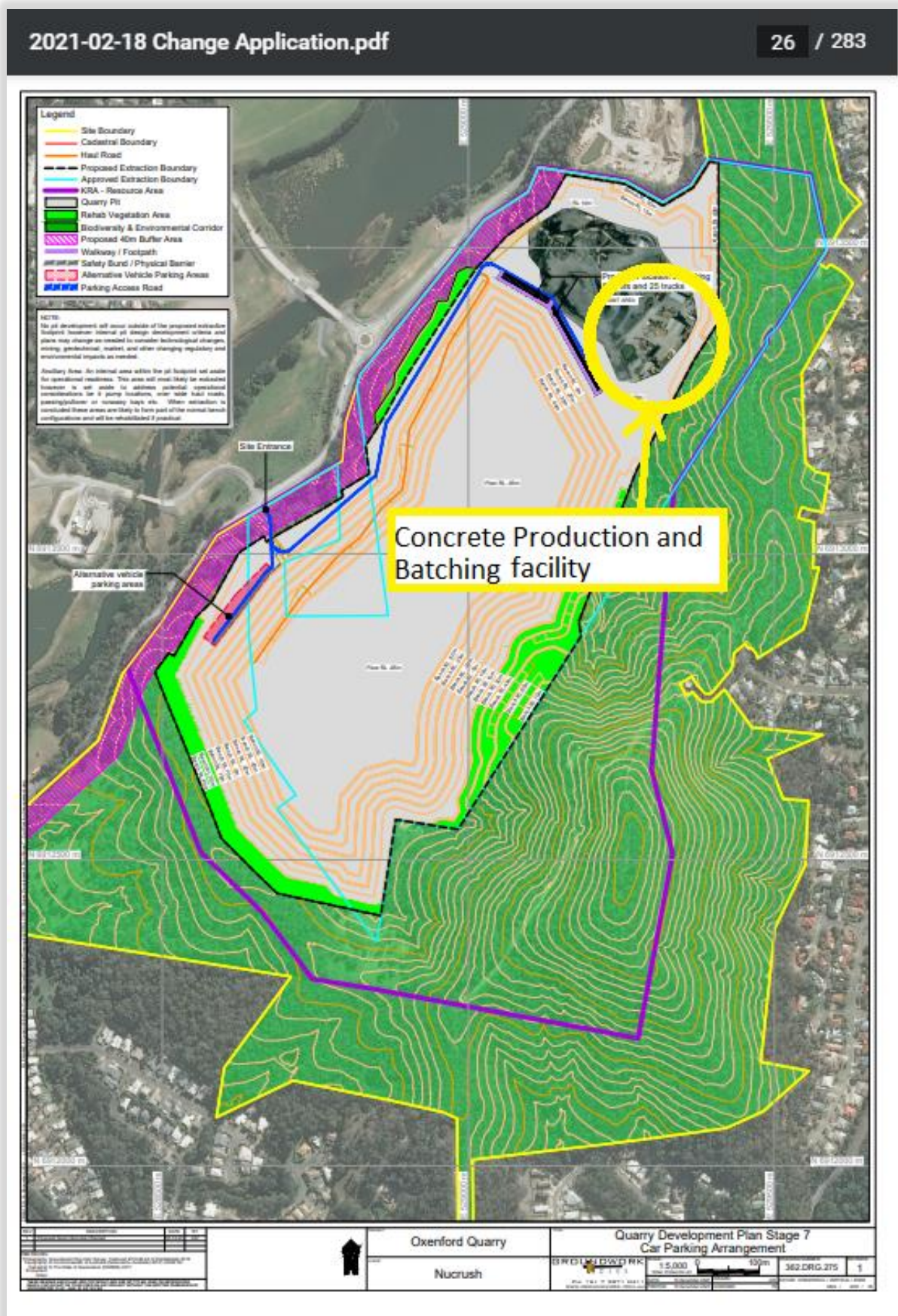
### Original Rezoning agreement from Doc 5.pdf

H. The Applicant is also the registered proprietor of the land presently zoned Extractive Industry contiguous to the north of the subject land, described as part of Lot 463 on Registered Plan No. 228373 and part of Lot 3 on Registered Plan No. 183196, and, is coloured pink on the said Plan of Development.

I. Plan of Development No. 362-010 dated 5th April, 1991 comprising the Third Schedule is to be the Plan of Development for the whole area zoned Extractive Industry and Special Facilities (Ancillary Purposes to Extractive Industry including Processing, Plant, Stockpiling, Magazines, Water Storage, Workshops, Stores, Weighbridge and Offices, Decantation Ponds, Dams, Access, Permanent Tree and Shrub Screening) now owned by the Applicant (hereinafter referred to as "the Extractive Industry Area").

J. It is the intent of the parties, and is hereby agreed, that the whole Extractive Industry Area is to be operated as one comprehensive quarry operation, and that this Deed is intended to regulate the orderly development and operation of that quarry. The conditions of approval appearing in the Second Schedule are to be equally and severally applicable to both the land the subject of the said Amended Application, and the land presently zoned Extractive Industry, namely the whole of the Extractive Industry Area.





16/06/2020

Nucrush Quarries  
PO Box 179,  
Oxenford, QLD 4210

Attn: Mr Michael Cooper  
P: (07) 5573 8000  
M: 0402 443 633  
E: michaelc@nucrush.com.au

Dear Mr Cooper

**Provision of Further Information – Proposed Extension to the Existing Oxenford Quarry**

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**INTRODUCTION**

- 1 In May 2019, InsightDAS prepared a Visual Impact Assessment for the proposed extension to the existing Oxenford quarry (the proposed development). We subsequently prepared a Response to Council's Information Request, dated 28/10/2019, and a Response to the 2<sup>nd</sup> Peer Review, dated 25/03/2020.
- 2 On 02/04/2020 Nucrush representatives and a number of the consultant team members met (by teleconference) with Council officers and consultant Ms Suzie Rawlinson (who had undertaken the previous peer reviews on behalf of Council) to discuss changes to the proposed development by Nucrush that were described in the Response to the 2nd Peer Review. Nucrush had submitted a significant change to the proposed quarry footprint so that the edge of the quarry pit would be at least 40 metres from the main ridges (both the primary ridge, and the secondary ridge extending through the south-eastern part of the site).
- 3 This change to the original footprint was proposed by Nucrush in an effort to address the concerns raised by Council Officers and their consultant relating to visual amenity in the south-east of the quarry. Nucrush advised at the meeting that this change would result in excess of 17 million tonnes of rock not being extracted from the resource, reducing the longevity of the deposit.
- 4 By redesigning the quarry pit to include a 40 metre separation distance from the ridgelines, Nucrush has satisfied Acceptable Outcome A04 in the Extractive Industry Use Code. In the teleconference meeting of 02/04/2020 Council indicated that, along with the split bench design for the high-wall, the changes addressed the remainder of Council's concerns relating to visual impacts, pending the provision of further information relating to project staging and timeframes, the width of the split benches, the relocation of the transmission line through the south-east corner of the site, and the rehabilitation strategy. Council also requested an updated version of the visualisations that were provided with the Response to Council's Information Request. This letter provides the further information sought by Council.



## Attachment H1 - Proposed southwest extractive footprint includes peak of ridgeline



## Attachment H2 - Proposed northeast extractive footprint includes peak of ridgeline



Attachment I1 - Rezoning agreement not within 40m of boundary of "Extractive Industry Area"  
(Rural B excluded)

BOUNDARY SETBACK RELAXATION

37. The Applicant shall not be required to strictly comply with the provisions of Clause 42(13) of Division 10 of Council's Town Planning Scheme relating to the prohibition against conducting any extractive or ancillary use within forty (40) meters of the eastern boundaries of the Extractive Industry Area, namely those boundaries having a bearing of 203°43', 270°07'05", and 180°07'05", notwithstanding any other provision of this Deed, PROVIDED HOWEVER that at no time until specifically waived by Council in writing shall the Applicant conduct any extractive or ancillary use within the area of land the subject of the dispute referred to in Recital M and identified as the "AREA TO BE REZONED TO RURAL B" on the Plan comprising the Fourth Schedule hereto. Accordingly, the Applicant may conduct extractive and ancillary uses on the land coloured pink on the said Plan of Development up to the western boundary of the "AREA TO BE REZONED TO RURAL B", but not beyond.

Attachment J1 - Rezoning agreement as if applied by Assessment Manager

legislation.qld.gov.au/view/html/inforce/current/act-2016-025#sec.50



Queensland Government  
Queensland Legislation

**Planning Act 2016**

Reprint current from 1 October 2020 to date

[Chapter 8](#) > [Part 2](#) > [Division 7](#) > [Section 317](#)

**317 Rezoning approval conditions**

- (1) This section applies to the following conditions (a *rezoning condition*)—
  - (a) a condition decided under the repealed [LGP&E Act](#), section 2.19(3)(a);
  - (b) a condition of an approval given under the repealed [LGP&E Act](#), section 4.4(5).
- (2) If a person wants to change a rezoning condition, the person must make a change application under this Act as if the rezoning condition had been imposed by the local government as assessment manager.
- (3) A development approval applies instead of a rezoning condition, to the extent of any inconsistency.