

12th July 2020

Hoagy Moscrop-Allison
Senior Planner – Major Assessment
City Development Branch
Council of City of Gold Coast

Dear Hoagy Moscrop-Allison,

Objection submission COM/2019/81 - No of homes affected comparison,
Economic Need and KRA status

Please accept this Objection as I believe it highlights the sheer ludicrousness of the proposed development application.

Attachment A1 shows three quarries within the Northern Darlington range this have approximately 41 rural homes in total (sensitive receptors) within the required 1000m separation distance required for blasting quarries (Attachment B1). The closest home being approximately 800m.

Attachment A2 shows a fourth quarry (Southern end) within the Northern Darlington range this has approximately 12 rural homes (sensitive receptors) within the required 1000m separation distance. It also shows the Blue Rock quarry KRA62 which has approximately 6 rural homes within its separation buffer.

Attachment A3 shows KRA65, the Nerang Quarry this have approximately 50 rural homes within the required 1000m separation distance. The closest home being approximately 625m.

Attachment A4 shows the Oxenford quarry at an equivalent resolution. The difference is staggering. Not only are there hundreds of urban homes, with thousands of residents, there is also everything that makes this a thriving local community such as schools, kindergartens, shops, restaurants, a children's theme park, many community parks, a Wake Park, an aqua park, a freshwater fishing lake, a boating lake, elderly care facilities, a community pony club, a church, community halls, community centres, health centres, petrol stations. With the closest home proposed to be within 220m of blasting and the extractive boundary and the Oxenford Freshwater Supply Water Tank a ridiculous 150m and both on a common landslide area with the quarry.

How, has this happened? How has the council allowed this situation to arise? Why was the quarry not closed down in 2017 when the 25 year original agreement terminated? How can an extension of the quarry of the proposed magnitude even be seriously considered? Especially given the conflicting suburban environment that the Gold Coast Council has permitted and encouraged over the intervening years since the quarries inception in 1992 within the required 1000m separation area (for blasting quarries) which most residents would have been unaware of whilst the Gold Coast Council should have been fully conversant with.

Current Supply and Demand

Extract from 'Economic Need' Submission dated 29th May 2020.

(Data extracted taken from the transcript of the 'Boral Resources (Qld) Pty Ltd' v 'Gold Coast City Council' in the Planning and Environment Court of Queensland on the 4th May 2017)

Existing GCC quarries produced and sold between 5.6M and 10.4M (Average 7.75M) tonnes pa of processed hard rock between 2000 -2016 (this is without the Boral upgrade to Ormeau quarry to produce 2Mt pa as per 2013 development application)

Of this, approximately 50% (averaging 3.86M tonnes pa) made and delivered to GCC markets. The remaining 50% was exported to NSW and mainly other areas of SSEQ (outside of GCC).

Therefore, Gold Coast are only using half what they produce (produced an average of 7.75M t pa, used 3.86Mtpa). Therefore a 100% oversupply. Plus the Boral Ormeau quarry has increased output significantly.

SSEQ (excl GCC) has 8 quarries with 330Mt of resource, producing and selling 3.8M - 8.3Mt pa (plus recent approval to increase production by 5 to 6 M t pa).

NSW has 4 (or 6) established quarries with 30Mt of approved resources supplying regional markets which consume 1.2M to 1.3M t pa. (24 years supply)

In summary, there is no 'Need' for the Nucrush Quarry for the Gold Coast especially bearing in mind the urban location where it is located.

Separation Distance

The separation distance for blasting quarries is clearly highlighted in the Queensland State Planning Policy for mining and extractive resources (July 2017) as shown in Attachment B1. This has seemingly been ignored by the Gold Coast Council in allowing hundreds of homes, with thousands of residents, and everything that makes this a thriving local community all built lawfully within this separation buffer in full consultation with the Gold Coast Council.

There is also a sentence in the State Planning Policy for mining and extractive resources that says: **"In some cases the separation area may be less than the minimum distances in consideration of local features such as topography or existing development commitments for incompatible land uses"**. This may have been applicable back in 1992 at the quarries inception when there was a handful of rural properties within the area that were closer than 1000m before the quarry was first instigated (as appears to be the case for the other quarries shown in the attachments). It may also have been applicable for slightly reduced buffers allowing for the fact that the quarry was processing the other side of the hill to the existing properties. However, I do not believe that topography can be used as a reasonable excuse to reduce buffers down to 220 metres for pre-existing properties.

Further, I do not support that the statement: **"In some cases the separation area may be less than the minimum distances in consideration of ... existing development commitments for incompatible land uses"** can be used for an excuse to extend and expand the quarry that had a finite time limit on its inception in 1992 for 25 years until 2017 (further extended for an extra five years to 2022) for the foreseeable future as requested. The existing lawful 'incompatible land uses' within the separation area are all fully compatible with the land use they have been assigned by the Gold Coast Council e.g. Urban development, Rural development, Open Space, etc. What is, however, incompatible is the

permitting a 'Key Resource Area' to be defined within an area that is completely incompatible with its surrounding zoning commitments. Thus by allowing this quarry to be surrounded by urban areas making this a fully suburban area the Gold Coast Council have effectively nullified the ability of Nucrush to quarry this 'Key Resource Area' for the foreseeable future based on the current rules within the state planning policy for mining and extractive resources.

And as the Judge said in 'Robertson DCJ, Neilsens Quality Gravels Pty Ltd v Brisbane County Council': "I think Council's submission to the effect that the designation of the site KRA60 by SPP02/07 'merely protects the land from encroachment by inappropriate development and preserves access to it', understates the importance of this fact in the assessment process. It goes further in its terms, but does not 'guarantee' an approval which will be subject to impact assessment against the relevant planning scheme provisions".

Thus, the definition of a KRA does not give the ultimate right to develop the area without due regard to the existing planning scheme. Clearly the planning scheme that has permitted so much development within the separation buffer in the intervening years is incompatible with the 'KRA' designation of the area. In fact many of the properties where in situ well before the origin of the 'Key Resource Areas' designations came into being (in or around 2003). Therefore, when KRA 68 was being considered it was, in my opinion, negligently defined given the surrounding use of the land. It should also be realised all the ridge is made up of greywacke therefore to define just the West side of the ridge seems to show a certain amount of manipulation of the system that the DES, the Council and Nucrush were apparently jointly a party too at the expense of local residents and businesses. This has ultimately, in my opinion, brought about the demise of the KRA 68 Oxenford Quarries production in that I do not believe it is now possible to mix the suburban area where the quarry now finds itself with the quarries requirements for a KRA (Attachment B1).

Many residents purchased their homes in good faith that the quarry was closing in the near future. Many were unaware of its existence relying on the Gold Coast Council to only permit building in a conforming area, relying on them to ensure such matters as separation buffers were maintained (a completely alien concept for us mere mortals). Therefore, to now permit the MCU i.e. effectively allowing further expansion and extension of the existing quarry to the detriment of users caught in the separation buffer would be inconceivable and unforgivable in my opinion for the thousands of residents within this 1000m separation area.

It can thus be clearly seen from the judges' comments from the Appeals Land Court, Brisbane, when the Nerang Pastoral appealed against an unimproved valuation - Valuation of Land Act 1944 . Case Nerang Pastoral Co Pty Ltd v Chief Executive of Natural Resources (formerly Department of Lands) on 3rd July 1997 where the judge said: "encroaching development may bring about an early cessation of quarrying and processing activities where the quarry is located in the path of encroaching residential development. Dust, noise from trucks and machinery and the carrying out of explosions constitute substantial nuisances to residential areas nearby and generate concern and consequent pressure on the local authority to discontinue the quarry use when opportunity presents". I believe 'encroaching development' describes this development application appropriately and this must be reason enough for timely cessation on 15th March 2022, as currently scheduled.

KRA key components

Just in case you are in any doubt as to this quarry's KRA status. I should bring the transport route requirements for a KRA to light. "An identifiable KRA is made up of four components as shown in Table 2 and Figure 2" (Attachment B1).

From Table 2 "Transport route separation area: The area surrounding the transport route needed to maintain separation of people from undesirable levels of noise, dust and ground vibration produced as a residual impacts from the transportation of extractive material. The distance is measured 100m from the centre line of the indicated transport route for a KRA".

There is no mitigating factors. Thus, for a quarry to have a non-compliant transport route separation area (as per KRA 68 Oxenford) i.e. There are hundreds of sensitive receptors within 100m of the centre line of the transport route; then this can no longer be a viable KRA.

Therefore, KRA 68 cannot be identified successfully as a KRA because a KRA "is made up of four components ..." one of these being: "Transport route separation area" This has been compromised thus this is not a compliant KRA as per the KRA guidelines. And, there is NO mitigation of this clear requirement of the KRA (Attachment B1).

Residential expansion/development area

Part 3 of the Strategic Framework of the City plan (Attachment C1) clearly shows that all the aforementioned quarries, except Oxenford, are not within the 'Residential expansion/development area'.

I believe this clearly demonstrates that the Oxenford Quarry should not form part of the future plans for this area. It is clearly in the middle of the designated 'Expansion/development area' around the Pacific motorway which is part of the ever improving infrastructure between the Gold Coast and Brisbane. This designated expansion area should not be compromised for the next one hundred plus years (as proposed), by this MCU which would result in a dirty ugly, highly visible, dust spewing behemoth completely out of character with the surrounding suburbs.

Quarries of this magnitude are clearly more suited to rural locations that are not within the designated 'Rural expansion/development area'. And, as can be clearly seen the Neranleigh-Fernvale Beds (Attachment D1), which includes all the Darlington Range, is the same geological makeup throughout. Therefore, there really is no need to have a quarry of this magnitude within a suburban environment.

Conclusion

Just a cursory glance of the attached pictures shows clearly that the Nucrush quarry is a very unique quarry within this region. No other quarry is located within the suburban environment that it now finds itself.

The complete collapse of appropriate separation buffers by lawful urban encroachment over the intervening years, in every conceivable direction around the quarry ensured this is no longer a viable, KRA. However, the quarry's attempts to reduce these buffers to even closer distances (down to 220m) is absolutely ludicrous. Especially given the lack of 'Economic need' for the Nucrush quarry given the extensive availability of similar product throughout the Neranleigh-Fernvale Beds and the Darlington Range (Attachment D1).

Similarly, the non-compliant: "[Transport route separation area](#)" further reinforces the failure of the Oxenford Quarry to fulfil the requirements of a viable KRA.

Hopefully, given the factors listed above, common sense will prevail in not permitting this not needed MCU within the suburban environment that it has now become an alien part of.

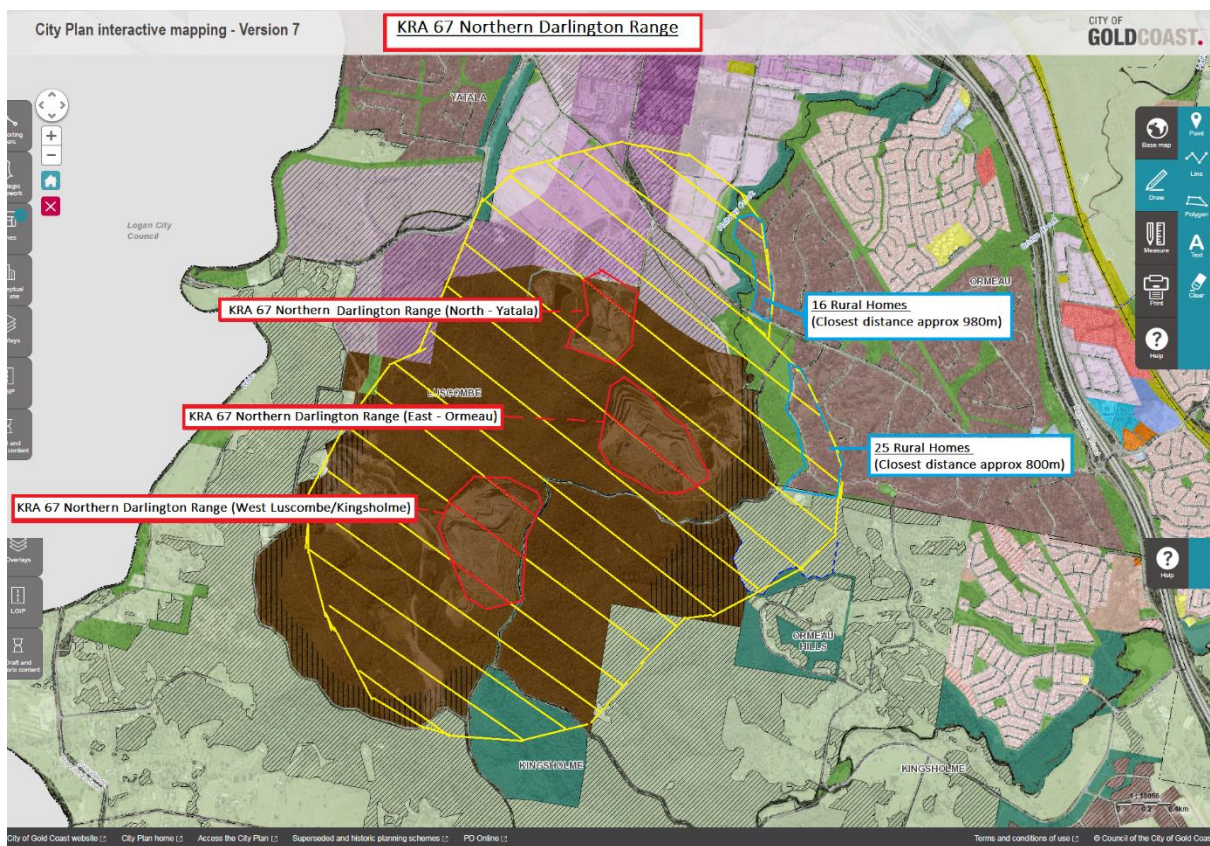
Thank you for considering my objection,

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.

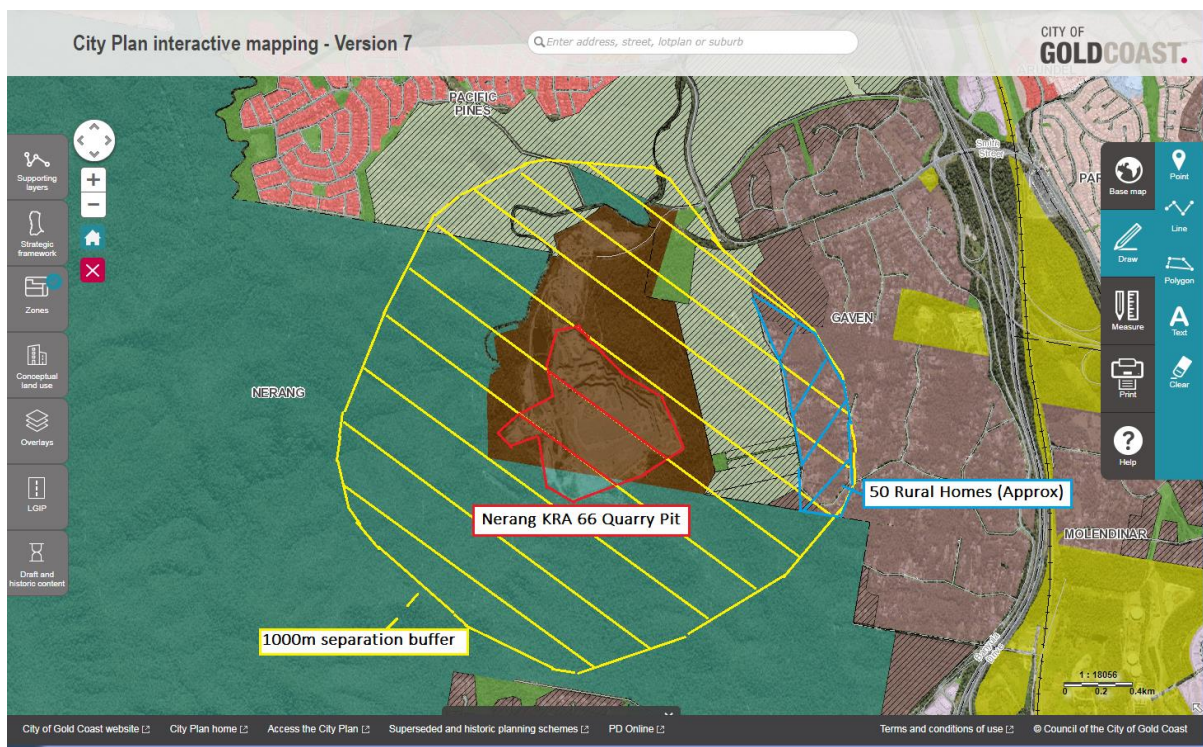
Attachment A1 - KRA 67 Northern Darlington Range (North, West and East)



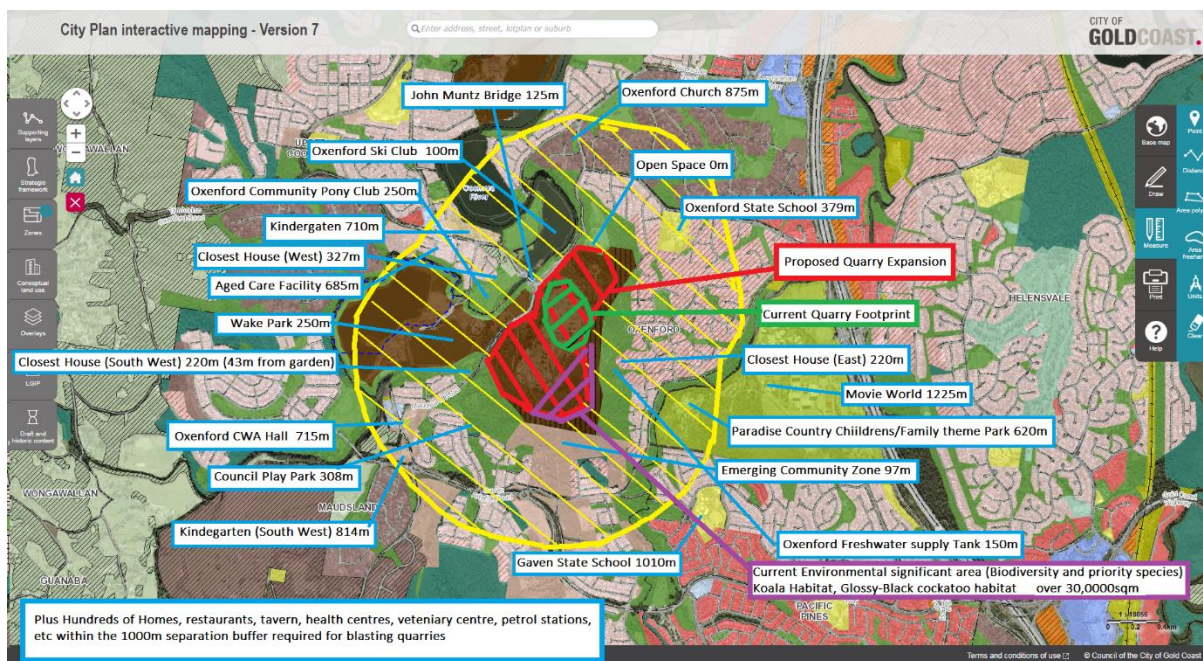
Attachment A2 - KRA 67 Northern Darlington Range (South, Kingsholme and KRA 62 Blue Rock)



Attachment A3 - KRA 65 Nerang Quarry



Attachment A4 - KRA 68 Oxenford Quarry



Attachment B1 - Required separation distance

(Spp-guidance-mining-and-extractive-resources-july-2017.pdf)

Table 2: KRA components

Component	Detail
Resource/ processing area	<p>The extent of the extractive resource and any operational areas associated with the extraction and processing of the resource.</p> <p>The boundary of the area is defined by the potential for extractive industry activities, and includes the resource area where blasting and other primary extraction would take place.</p> <p>The area can include adjacent areas where other extractive activities (such as crushing, screening and stockpiling) may occur.</p>
Separation area	<p>The separation area is the area surrounding the resource/processing area required to maintain separation from people who may be affected by residual impacts such as noise, dust and ground vibrations of existing or future extractive operations in the resource/processing area.</p> <p>The minimum distance is 200 metres for resources that do not require blasting or crushing to extract (sand, gravel and clay) and 1,000 metres for hard rock resources where blasting and crushing of material is required.</p> <p>An extractive resource might extend beyond the boundary of the resource/processing area and, where this occurs, an extractive industry could take place in the separation area, provided that the function of the separation area is not compromised.</p> <p>In some cases the separation area may be less than the minimum distances in consideration of local features such as topography or existing development commitments for incompatible land uses.</p>
Transport route	<p>The shortest practical route used to transport extracted resources to market.</p> <p>The transport route is a road or a rail link from the boundary of the resource/processing area to a major road or railway.</p>
Transport route separation area	<p>The area surrounding the transport route needed to maintain separation of people from undesirable levels of noise, dust and ground vibration produced as residual impacts from the transportation of extractive material. The distance is measured 100m from the centre line of the indicated transport route for a KRA.</p>

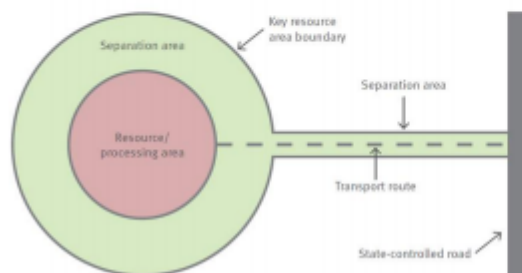
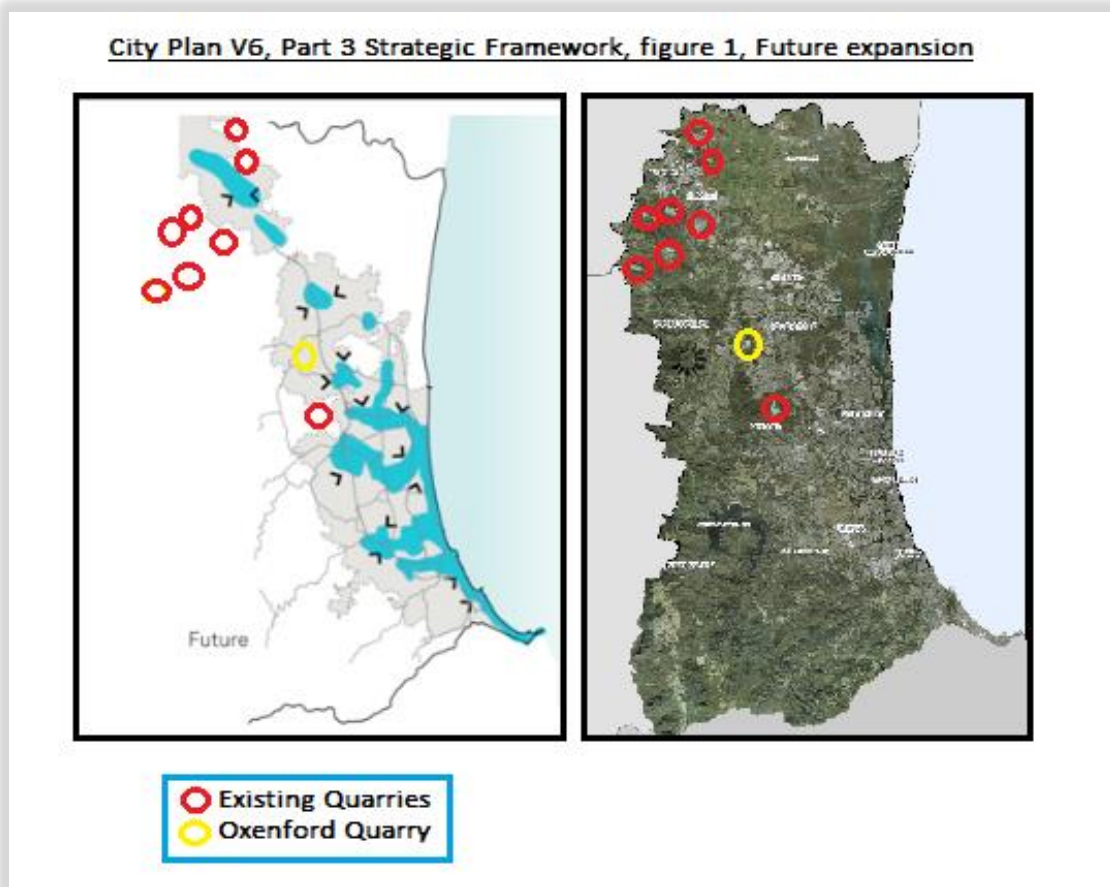


Figure 2: Components of KRAs

Attachment C1 - Strategic Framework 'Residential expansion/development area'



Attachment D1 - The Neranleigh-Fernvale Beds

