

7th June 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 -

Nucrush Quarry Key Resource Area 68 (KRA68) has been compromised

Please accept this objection as it highlights that the Nucrush quarry's Key Resource Area 68 (KRA68) status does not permit an automatic right to ignore current approval prohibited development areas and ignore clear City Plan requirements too. This is despite Gold Coast City Council's perceived viewpoint that it does based incorrectly I believe, on one letter from MP Jeff Seeney that has been, it would seem, misinterpreted in the quarry's favour.

This objection also highlights how the Nucrush KRA has been effectively sterilised by legal development, by the way of hundreds of home and businesses and community facilities, that have been actively sanctioned and encouraged by the City Of Gold Coast Council, prior to and throughout the life of the quarry over the intervening years 30 years.

Zoning of the subject site

In the email from Senior Planner, Liam Jukes (email 7th April 2021) to me it was quoted: *"In assessing the draft City Plan (adopted in 2016) the State of Queensland conditioned that the extractive resources overlay map be amended to 'protect key resources areas .. ' This included a direction that the extractive zone be amended to identify the amended resource / processing area for KRA68 Oxenford"*. (Reproduced in Attachment A1).

I believe it is important to note that this says: *"the extractive resources overlay map be amended to 'protect key resources areas"*. However, it does not say this gives the quarry any rights to ignore agreed current approval protected development areas. It is merely a protection of the area against further development that could compromise the extractive resource.

To confirm, the letter from Jeff Seeney MP (dated 14th April 2014) to Mayor Tom Tate referenced merely states: *"Identifying the amended resource / processing area for KRA68 Oxenford"* (Attachment A2). No more and no less.

This, I believe cannot, be used by the applicant and the City Planner's to ignore the established prohibited development areas for the life of the quarry e.g. *'Buffer Land', 'Permanent Trees and shrub screening'* areas as shown in the *'Third Schedule'* and/or *'Plan 362-010'* of Rezoning agreement (Attachment A3), and prohibited development area known as Rural 'B', as shown in *'Plan C1495:00:13B'* (Attachment A4). That were all put in place at the quarry's inception for very good reasons i.e. to protect local residents from quarry encroachment and to protect the quarry from urban encroachment. In no way can *"Identifying the amended resource / processing area for KRA68*

Oxenford" (Attachment A2) be used to overrule the clear requirement of the current approval and its prohibited development areas, by way of the *'Rezoning agreement'*, for the life of the quarry.

** Please note these two highly important documents ('Pan C1495:00:13B' and 'Third Schedule' of Rezoning Agreement), showing the protected development areas, were both, I believe, culpably omitted or replaced (in the case of the 'Third Schedule' of the submitted copy of the 'Rezoning agreement') in, what would seem was, a clear attempt to mislead Council Planners, SARA Referral, DES and members of the public as to the true extent of the current approval and protected development areas. Only a subsequent, very drawn out Right To Information (RTI) enquiry to the Council eventually exposed this apparent misrepresentation of the current approval late last year nearly a year after public notification had unfortunately closed.*

KRA Status and City Plan Extractive Resources Overlay code 8.2.7

It has been noted that City Planners are, it would seem (after an incorrect interpretation of Jeff Seeney's letter, in my opinion), overly relying on the KRA status of Lot 467 (and formerly Lot 906, the 'Quarantined land' lot) in an apparent attempt to justify the Nucrush proposed extractive footprint which is completely ignoring pre-defined 'Prohibited Development' areas and separation buffers (believed to be for the life of the quarry) and City Plan requirements. However it should be remembered, as stated by the Queensland government, that the: *"Identification of a site as a Key Resource Area (KRA) and inclusion in the State Planning Policy (SPP) does not in any way authorise the extraction of the resource nor give anyone the right to establish or operate a quarry"* (Attachment B1).

It should be remembered, as stated in the State Planning Policy (2017) A Key Resource Area (KRA) merely means: *"an identified location that contains extractive resources of state or regional significance"* (Attachment B2). Nothing more and certainly, I believe, no overriding power to ignore City Plan requirements, Court rulings and/or former legal agreements.

Key Resource Area constituent parts

State planning policy states: *"An identifiable KRA is made up of four components"*. These components are (as shown in Attachment C1):

- *Resource/processing area*
- *Separation area*
- *Transport route*
- *Transport route separation area*

I will discuss each aspect of these four components below.

Key Resource Area - Requirement 1 of 4: 'Resource/processing area'

There is no doubt that KRA68 contains the hard rock resource. However, whether or not there is an actual 'Need' is highly questionable.

This is summarised, I believe, by the judges comments in the Boral (Reedy Creek) v Gold Coast Council [2017] appeals court case when the judge stated: *"The council's position is that the city has extensive approved reserves of hard rock that are able to, and do, produce hard rock, substantially in excess of demand within the City. Having regard to the focus of evidence the Council's position is that none of*

the City of Gold Coast and Southeast Queensland and Northern New South Wales are undersupplied with hard rock and to the extent that some demand for the hard rock might be established, it does not justify a hard rock quarry on (the subject land)” and “If the council’s position is correct, there cannot be a strong need for the project”, also “The court can be comfortably satisfied that the City has extensive approved reserves of hard rock that are able to, and do, produce hard rock, substantially in excess of demand within the City and that none of the City of Gold Coast and Southeast Queensland and Northern New South Wales are undersupplied with hard rock” (Attachment D1).

This is also confirmed by the applicant in their: *“Economic Need”* submission which states: *“[The] Oxenford Quarry can ... be described as a 9% net exporter of product outside the Gold Coast LGA (mainly to support its Nucon plants at Logan and in NSW) in comparison with the combined Gold Coast Quarries which export 55% of production”* (reproduced in attachment D2).

It is, I believe, clear that there are a lot of more appropriately based Gold Coast quarries (in rural locations throughout the Gold Coast, yet still sufficiently close to infrastructure, but are importantly not within a suburban location as per KRA68) that, it would seem, are more than capable of supplying an abundance of hard rock, vastly in excess of the Gold Coast requirements, and therefore I do not believe there is an actual ‘Need’ for the Oxenford quarry for the Gold Coast.

Key Resource Area - Requirement 2 of 4: ‘Separation Area’

As per attachment C1: *“The minimum distance is ... 1,000 metres for hard rock resources where blasting and crushing of material is required”*. Therefore, the 150 metres *“Separation area”* as per this development application proposes (Attachment E1), can be seen to be completely inadequate for the required 1000m Blast Exclusion Zone. Further, hundreds of homes are within this area together with schools, kindergartens, children’s community parks, aged care facilities, community halls (e.g Oxenford CWA Hall), a community fishing lake/swimming area, also an aqua park and a wake park as shown on the Gold Coast City Plan map (Attachment E2).

It is very interesting to note why the State Planning Policy adopted a 1000m separation buffer in Queensland. Within the State Planning Policy, Section 3.8 of Development assessment (as reproduced in attachment E3) states: *“The dimensions of the separation area for the resource/processing area are based upon the following minimum distances- (a) 1000 metres where the extraction or processing of the extractive resource involves blasting or crushing (namely rock)²”*.

Where: ² states: “These on the accumulated wisdom of other jurisdictions around Australia and overseas but more specifically the following sources. The 1000 metres separation distance for blasting operations is based on - Blastronics Pty Ltd, 1999 Impact of Proposed Coomera Island Development on Nucrush Quarry, Report for Nucrush and Prodap Services, September 1999. Blastronics Systems and Services, Pty Ltd. #C990084 Blasting impact Report”.

It would seem the Queensland 1000 metre separation buffer for blasting quarries is based on: *“on the accumulated wisdom of other jurisdictions around Australia and overseas but more specifically [on] Nucrush Quarry, Report for Nucrush and Prodap Services, September 1999”*.

Thus the 1000m required separation buffer for blasting and crushing quarries was established as a result of a report sanctioned by Nucrush quarry in 1999 and is now the Queensland standard for all quarries in the state.

Yet, moving forward, Nucrush are now seeking to reduce these buffers still further as follows (approximate distances as shown in Attachment E2):

- 150 metres of residential homes in the northeast,
- 345 metres to the local Oxenford State School
- 0 metres from '241 Tamborine-Oxenford Road' ('Open Space' area not owned by the applicant)
- 100 metres from community fishing lake and swimming lake
- 250 metres from Community Pony Club
- 308 metres from Council owned Children's play park
- 97 metres from 'Emerging Community' Zone
- 620 metres from 'Paradise Country' Children's theme Park

The above distances are a ridiculous fraction of the required 1000 metres required for blasting quarries based on: *"on the accumulated wisdom of other jurisdictions around Australia and overseas but more specifically [on] Nucrush Quarry, Report for Nucrush and Prodap Services, September 1999"*.

It is noted that there is the following proviso within the State Planning Policy on the separation area: *"In some cases the separation area may be less than the minimum distances [1000 metres] in consideration of local features such as topography or existing development commitments for incompatible land uses"* (Attachment C1). However, I do not believe the Highly engineered Key Resource Area map, as per the applicants: *'Economic Need'* submission, page 11 (reproduced in attachment E4) with clearly inadequate buffers can be adequately described as in consideration of either *"topography"* or *"existing development commitments for incompatible land uses"* in this particular case especially when there are hundreds of residential homes legally built both before and after the establishment of Key Resource Area 68.

However, even this highly engineered map is highly compromised as shown in Attachment E5. Thus, the following homes, community facilities (including parks and Council owned clubs), etc. all within this highly engineered separation buffer:

- 26 and 21 Appollo Place
- 28a Appollo Place Children's Play Park
- Coomera River freshwater swimming lake and fishing lake
- Oxenford Community Pony Club, 26 Charlies Crossing Road
- 4,6,8,10, 12, 14, 16,18, 20 and 22 Bakers Ridge Drive
- 8, 18, 22 Yallaro Road
- 100 Maudsland Road
- 379, 366, 304 and 241 Tamborine Oxenford Road
- Oxenford freshwater tank, Wimbleton Way
- Community Aqua park and wake park (34 Maudsland Road)
- 41 Charlies Crossing Road North
- 11a Sherman Drive
- Killarney Court Oxenford (Lot 1 on SP304578)

It is noted that the state planning policy states: *"In some cases the separation area may be less than the minimum distances [1000 metres] in consideration of local features such as topography or existing*

development commitments for incompatible land uses" (Attachment C1). It would seem this amended Separation buffer (allowing for *"local features such as topography or existing development commitments for incompatible land uses"*) for KRA68 is shown on page 58 of the *'SPP Guideline, State Interest - mining and extractive resource Area maps and Reports 41 to 80'* (reproduced in E6). However, it is plainly obvious to see, even this highly engineered separation buffer fails to include the homes, community facilities, etc. as listed above and therefore I can only conclude shows that KRA 68 separation buffer is highly compromised.

It is highly pertinent what the judge said in the Brisbane Land Court on 3rd July 1997 (QLC97-102.pdf) in the case of Nerang Pastoral Co Pty Ltd v Chief Executive Department of Natural Resources: *"I was not informed of any statutory requirement for an operating quarry to have land set aside to buffer the operations from other land, in particular from residential land, however, there was general agreement between the parties that if sufficient buffer land was not available, 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"*.

It would seem that Key Resource Area 68 is no longer viable due to the urban encroachment surrounding it and as 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"* and *"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"*. This would seem the ideal opportunity to discontinue the quarry use as it is patently clear that even the highly dubious 'engineered' separation buffer has now been compromised by a number of key land uses (residential, community facilities, children's parks, etc) and the State Planning Policy Separation buffer is highly compromised (Attachment E6).

In fact if you read the *'SEPARATION AREA'* description in the *'SPP Guideline, State Interest - mining and extractive resource Area maps and Reports 41 to 80'* page 57 (reproduced in E7) it states a lot of incorrect and/or misleading information. It starts by saying: *"On the western and northern sides of the ridge where the face and operations are visible from surrounding Rural land, the full 1000 metres separation distance is adopted"*. It can be clearly seen in the City Plan Interactive map that this information is culpably incorrect (Attachment E2). It is also glaringly obvious areas to North and west are densely populated with urban homes as highlighted in Attachment E8. It is not *"Rural land, [where] the full 1000 metres separation distance is adopted"* but it is a well development suburban area that is *"On the western and northern sides of the ridge where the face and operations are visible from"* starting at approximately 250 metres (despite City Plan requirements). Thus, this first sentence is completely ant utterly incorrect.

The second sentence: *"On the northwestern side, the boundary is constrained by the limit of the urban blocks along Oxenford - Coomera Gorge Road on the South side of the Coomera River"*. However, this forced boundary does not meet the necessary criteria for separation areas as per State Planning Policy which states: *"The minimum distance is ... 1,000 metres for hard rock resources where blasting and crushing of material is required"*. With the proviso: *"In some cases the separation area may be less than the minimum distances [1000 metres] in consideration of local features such as topography or existing development commitments for incompatible land uses"* (Attachment C1). However, as property in the northwest i.e. 'Sherman Drive', 'Amanda Street', 'David Street' etc etc. is built in its

appropriate land use area i.e. 'Low density residential' it cannot, I believe, be described as "*existing development commitments for incompatible land uses*". Also, as the land between this area and the quarry is a flat area across a valley there is no topographical features to legally reduce the separation buffer. Therefore, I can only conclude the statement: "*On the northwestern side, the boundary is constrained by the limit of the urban blocks along Oxenford - Coomera Gorge Road on the South side of the Coomera River*" is, I believe, culpably incorrectly as far as justification for a separation area is concerned.

In the second paragraph it states: "*On the northeast, the boundary follows the edge of urban blocks around the eastern side of the ridge*". Again, as per the northwest the only justification to reduce the separation buffer is: "*In some cases the separation area may be less than the minimum distances [1000 metres] in consideration of local features such as topography or existing development commitments for incompatible land uses*". It is simply not permissible to allow the existing, fully lawful, urban homes to predefine the separation buffer for any other reason other than: "*topography or existing development commitments for incompatible land uses*". Also, it should be noted that it is planned to have the concrete plant relocated here in the northeast within 200 metres of homes. How can this be justifiable?

It goes on to state: "*the distance is constrained by urban zones. It increases progressively to the southeast corner to a maximum of 700 metres over rural land*". This again is incorrect as it is 'Open Space' land not 'Rural land' as claimed. It is also painting a highly rosy picture of the unfortunate situation here. As can be seen from Attachment E8 the average distance of homes on the Eastern side is, in my estimation, approximately 250 metres, which is a fundamentally different picture to the "*maximum of 700 metres over rural land*" inferred.

It then claims: "*It is set at 500 metres over the northern part of the small rural lots along Bakers Ridge Drive*". However, this is clearly incorrect for two reasons, firstly it is 316 metres approx from extractive buffer (230 metres from KRA) not the claimed 500 metres and secondly the Bakers Ridge Drive homes are zoned as '*Low density residential*' not "*small rural lots*" as misleadingly claimed.

Finally it states: "*To the south and southwest, retention by the quarry operator of urban-zoned land as open space permits a separation distance of over 500 metres from the crushing plant*". This is also highly misleading as the distance from extractive industry to homes at this point starts at approximately 425 metres (100 Maudsland Road) in this location (and the DA proposals will see the extractive footprint reduce to 290 metres approx from their home or 85 metres from their land).

In my opinion the '*SEPARATION AREA*' of KRA 68 as defined in the '*SPP Guideline, State Interest - mining and extractive resource Area maps and Reports 41 to 80*' (Attachment E7) is completely and utterly misleading and incorrect and, I believe, serious consideration as to its validity as a document to base Nucrush development approval upon should be carefully considered with so many apparent errors contained.

In fact, if you superimpose the required 1000 metre buffer onto this submitted page it is, I believe, clear to see the highly engineered separation buffer is utterly ridiculous given the urban development that has taken place (See Attachment E8).

As, quoted above, there are only two permissible reasons to permit a reduced separation area these are: *“local features such as topography”* or *“existing development commitments for incompatible land uses”*. I will discuss these individually below:

1. Local features such as Topography

I appreciate there may be some argument for reducing the separation buffer to the east due to the *“topography”* as there is clearly a ridge protecting residential homes in this area to some extent. But, clearly a reduction from 1000 metres to 150 metres (as per this development application requirements in the northeast) is not acceptable when the ridge is virtually non-existent at this point (e.g. the extractive footprint and ‘8 Emerson Way, Oxenford’ are both on the same contour of 50m AHD, as can clearly be seen from contour map of the area in attachment E9). The extractive footprint in this area is proposed to be within 150 metres of residential homes.

In the west, there will be no topographic features (no ridge, etc.) preventing an unbroken view into the inner workings of the quarry for homes such as residents of ‘Sherman Drive, Upper Coomera’ (Attachment E10). The believed extent of the proposed benching and exposed faces and inner quarry workings (including the February 2021 extractive footprint modification) are reproduced in attachment E11. The extractive footprint at this location will be within 365 metres approx of homes in Sherman Drive. This is obviously a long way short of the 1000 metres separation buffer required and there are no topographical reasons that I can see that can be attributed to this scything of the separation buffer to nearly a third or the distance required.

It would seem obvious that: *“local features such as topography”* cannot be construed as the reason to reduce the separation buffer so drastically in these instances.

2. Existing development commitments for incompatible land uses

There are, as discussed above, hundreds of homes and all forms of suburbia built both before the quarry’s inception and predominately after the quarry’s inception. I believe it is fair to assume these are all legally built within appropriate land uses e.g. within ‘residential’ or ‘emerging community’ areas, community parks and facilities within ‘open space’ areas, ‘Neighbourhood centres’, etc. These cannot, I believe, be classified as: *“incompatible land uses”* as they are clearly being used for the use as per the Gold Coast City Plan intended.

It would thus seem obvious that: *“incompatible land uses”* cannot be construed as the reason to reduce the separation buffer so drastically in these instances either.

Even if you do manage to construe *“incompatible land uses”* to be incompatible with quarry operation as opposed to incompatible with the designated land use, which is my interpretation, it is clear to see that the highly engineered buffer in comparison with the 1000 metre buffer (as required for a blasting quarry) is completely unreasonable.

Summary

If the reduced separation buffer to homes such as ‘Sherman Drive, Upper Coomera’ cannot be successfully attributed to *“local features such as topography”* (as I believe dismissed above) then the only other reason can be: *“existing development commitments for incompatible land uses”*. However, it is abundantly clear these homes are built in the correct zoned areas (i.e. *‘Low density residential’* in

this particular case). Therefore, I believe, this cannot be classified as: *“existing development commitments for incompatible land uses”*.

Thus, I can see no possible reason to reduce the separation buffer for areas such as Sherman Drive down to a fraction of the SPP guidelines (that are derived for safety and personal amenity) if neither *“local features such as topography”* or *“existing development commitments for incompatible land uses”* are appropriate.

As stated in the state planning policy: *“In some cases the separation area may be less than the minimum distances [1000 metres] in consideration of local features such as topography or existing development commitments for incompatible land uses”* (Attachment C1). However, it would seem, neither: *“local features such as topography”* or *“existing development commitments for incompatible land uses”* are appropriate in this particular case and therefore there is no valid reasons to permit the reduction of the required 1000 metre separation buffer in this particular case.

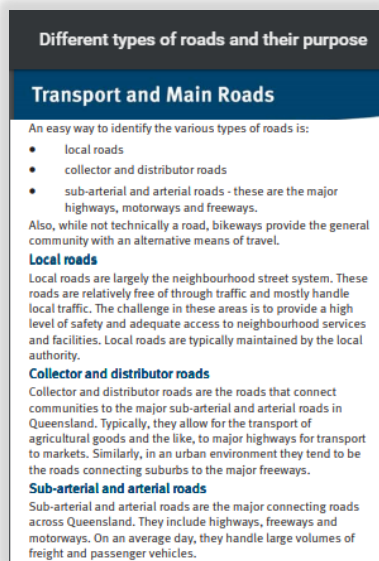
It is clear to see the highly engineered separation buffer, as shown in Attachment E4, is it would seem, a pitiful attempt to hide the non-conforming separation buffer that has been rendered unviable by legally and appropriately permitted development within the separation buffer that has now rendered the KRA unviable. And even this pitiful attempt is highly compromised as discussed earlier.

In a court of law I believe the comparison of the required 1000 metre buffer (based on: *“on the accumulated wisdom of other jurisdictions around Australia and overseas but more specifically [on] Nucrush Quarry, Report for Nucrush and Prodap Services, September 1999”*) and the highly engineered separation buffer within the State Planning Policy would be severely criticised and would, I believe, be just one area of many where this development application would not stand up to scrutiny.

Key Resource Area - Requirement 3 of 4: ‘Transport Route’

The state Planning Policy for ‘Transport Route’ states: *“The shortest practical route used to transport extracted resources to market”* and *“The transport route is a road or a rail link from the boundary of the resource/processing area to a major road or railway”* (Attachment C1).

For complete clarification the roads definition is as follows (As specified by Transport and Main Roads, Attachment F1):



From this definition from TMR we can classify the Tamborine-Oxenford Road and the Maudsland Road as: *“Collector and distributor roads”* i.e. *“roads that connect communities to the major sub-arterial and arterial roads in Queensland. Typically, they allow for the transport of agricultural goods and the like, to major highways for transport to markets. Similarly, in an urban environment they tend to be the roads connecting suburbs to the major freeways”*.

The Tamborine-Oxenford Road and the Maudsland Road are clearly not (As defined by TMR): **“Sub-arterial and arterial roads are the major connecting roads across Queensland. They include highways, freeways and motorways. On an average day, they handle large volumes of freight and passenger vehicles”**. The only large freight movement is the Nucrush quarry with its trucks less than two minutes apart. And the only passenger vehicles are, generally, commuters from Tamborine Mountain and Maudsland traversing to and from the Pacific Highway and tourists visiting the Tamborine Mountain and the Hinterland.

Therefore, it is clear to conclude that both the Tamborine-Oxenford Road and the Maudsland road are not MAJOR roads. Therefore, as defined in the State Planning Policy, **“The shortest practical route used to transport extracted resources to market. The transport route is a road or a rail link from the boundary of the resource/processing area to a major road or railway”** is to the Pacific Motorway and not SHORT OF the junction with the Tamborine-Oxenford road as has been incorrectly shown on the Gold Coast City Plan (Attachment F2). In a close-up picture it can be seen the Transport route even stops SHORT of the junction with the Tamborine -Oxenford Road in, what I see as, an apparent attempt to prevent safety analysis being carried out for the John Muntz bridge (Attachment F3).

For comparison other Gold Coast quarries are shown with their Transport Route extending to the Pacific Motorway in Attachment F4. It is plain to see the KRA 68 transport route has been shown incorrectly and not, I believe, as per State Planning Policy requirements. I find this seeming culpable misdirection absolutely shocking and at the clear detriment to local residents living within the transport corridor but, seemingly, being denied the protection of their safety, welfare and personal amenity that they are entitled to.

The most commonly used transport route (for a claimed 85% of the journeys) is the 4km route to the Pacific motorway as shown in attachment F5.

It should also be noted the "Transport Route" to/from the Nucrush sister site in Hart Street Upper Coomera is also seemingly culpably negligently displayed as ending at the end of Hart Street on the Council owned local road known as 'Reserve Road' not the Pacific Motorway as it should (Attachment F6)

To be crystal clear, the fact that the Tamborine-Oxenford road is a State owned road has no bearing on whether it is a Transport route or not as is clearly demonstrated in Attachment F7 showing the Boral, Stapylton Quarry (KRA69) transport route that is via a state controlled road to the Pacific Motorway (as shown in Attachment F8). Attachment F9 demonstrates the Oxenford quarry is accessed from the Pacific Highway in the same manner as the Stapylton quarry yet the City Plan has failed to show the required Transport Route correctly for the Oxenford Quarry, KRA68.

Therefore, having established the Transport route is to the Pacific Highway, a full safety analysis should have been provided for every intersection to the closest major road i.e. For the Tamborine-Oxenford route the Pacific Motorway. It has not. This development application has, I believe, failed to submit the required safety analysis for every junction to the major road as per the TMR requirements.

Similarly, routes to the South and West should be thoroughly analysed as per TMR requirements.

Key Resource Area - Requirement 4 of 4: 'Transport Route Separation Area'

From Table 2 of 'Spp-guidance-mining-and-extractive-resources' (reproduced in Attachment C1): *"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".*

This Transport Route has been highly compromised. Thus, it is not a compliant KRA as per the KRA guidelines. And, there is NO mitigation of this clear requirement of the KRA.

Please note, there are hundreds of sensitive receptors (predominantly residential homes) within 100m either side of the centre line of the transport route to the Pacific Motorway (as per Attachment G1, G2 and G3), on the westbound route (Attachment G4 and G5) and the southbound route (Attachment G6). It is clear, the Nucrush quarry can no longer, I believe, be a viable KRA for this reason alone. There are no mitigating factors. As per City Plan 8.2.7 Extractive Resources overlay code - Separation Area and 100m Transport route separation area': Acceptable Outcome AO2: *"No acceptable outcome provided"* (Attachment G7).

Also, it is noted, there are no mitigating circumstances for reduction of the required 100 metre separation corridor permissible in the state planning policy either, to quote: *"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 to the KRA"* (Attachment C1).

There can be no doubt the hundreds of residents living within this transport separation corridor should not be subjected to further attacks on their health and welfare and personal amenity by an extension beyond 15th February 2022 (having already suffered the consequences of a five year extension over the original 25 years duration that was widely expected to end in 2017, as per Current

approval). And, an untenable increase in over twenty percent of trucks as a result of this expansion (although, it would seem, denied in the development application traffic impact assessment at the time of public notification) and for a further 100 plus years is absolutely horrifying.

Summary

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"*.

In fact it would clearly seem the quarry has outgrown its current location as stated in the judges' comments from the Appeals Land Court, Brisbane, when the Nerang Pastoral Co Pty Ltd appealed against an unimproved valuation - Valuation of Land Act 1944: 'Nerang Pastoral Co Pty Ltd v Chief Executive of Natural Resources (formerly Department of Lands)' on 3rd July 1997 ('[1997] QLC 102'), 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 February 2022, as currently scheduled.

Urban Encroachment - Buffer Land Oxenford

When a development application was made for residential development to develop west of the division line (approximately 225 metres from the extractive footprint) the 'Department of Mines and Energy' recommended rejection stating: *"The maintenance of adequate buffering is fundamental if land use conflict was to be avoided"* (See Attachment H1) and: *"on the basis of air emissions, the Victorian Planning Guide for Extractive Industry (1991) recommends a buffer distance of 500 m for quarry hardrock blasting"* and *"In the absence of an official guide for Queensland, these distances are appropriate"*. It summarised with: *"The new proposal should be rejected unless the development proponent can show that visual amenity will not be impaired or that noise, vibration and dust under the existing conditions on Lot 467 will not impact on the new development"*. It would seem the Department of the Mines and Energy' saw a minimum requirement of 500 metres for blasting quarries (*"In the absence of an official guide for Queensland"*). Now with an official Queensland requirement for 1000 metres, as per State Planning Policy, it would seem unthinkable to permit separation buffers as small as 150 metres as proposed.

I must remind the Council that the General Manager of Nucrush Pty Ltd objected to the proposed residential development by way of letter dated 13th January 1997, citing the following reasons (Attachment H2):

4a: "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".

4b: "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 for all blasts".

4c: "The Department of the Environment have issued 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"

4d: "It would be impossible for us to comply if houses were built so close to our quarry".

5a: "Of even greater concern is the safety aspect of houses close to quarries".

5b: "As a mining engineer with 15 years experience, this is the most appalling prospect. It would be grossly negligent to knowingly allow people to live so near a **major quarrying operation**".

5c: "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**".

6a: "The Division Line that delineates the quarantined buffer land in the Development Agreement dated 12.9.89 was not an arbitrary one. Much work was done over a period of time by specialist consultants engaged by the Albert Shire Council, Midland credit or Nerang Pastoral Co Pty Ltd to try and predict that point where the affected amenity of the adjoining land would be low. Noise and dust fallout modelling was carried out. The predicted results which ultimately determined position of the division line have proved to be fairly accurate".

6b: "The general concept was to maintain a buffer with an undeveloped ridgeline between the quarrying operations and housing development in Forest Hills.

7a: "The Council insisted that Nerang Pastoral purchase from Midland Credit several blocks of land in Roche Court, to further act as a buffer against future quarrying operations in the North east corner of the quarry site. We were also required to expand our buffer zone on the South side over another ridge line. If a subdivision were to proceed it would be closer to the quarry than the land we were required to purchase as a buffer!".

8a: "Our company has embarked on a program to establish whether **our buffer lands which will remain development free** can act as a sustainable wildlife habitat".

8b: " Wildlife that has been displaced by urban development appears to be using our quarry lands and the quarantined buffer land as a refuge".

8c: "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 a populations of wallaby for example provided a link or corridor can be maintained into the Nerang state forest. This 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".

It is immensely clear from the above emotive statements from the Nucrush quarry General Manager that any subdivision in the quarantined buffer land would force the quarry to breach the Environmental Protection Act.

It therefore seems unimaginable that this quarry operator can now seek to compromise this same quarantine buffer land (that they believed was sacrosanct in 1997) and blast within approx 150 metres of existing fully lawful homes.

All of the points raised by the Nucrush General Manager are particularly relevant for their current development application also and clearly highlight the complete unsuitability of their proposal and the complete lack of consideration and empathy with their neighbours and the local environment.

Conclusion

It is abundantly clear that the KRA status of this area does not in any way justify ignoring the clear requirements of the CoGCC Plan. Nor does it permit, I believe, the overruling of the Current approval requirements, established at the quarry's inception for the life of the quarry.

Also, I believe, it has been clearly demonstrated that there are major discrepancies in the State Planning Policy for Key Resource Area 68 in both the description, that is blatantly incorrect (Attachment E7) and the Key Resource Area map (Attachment E6) that shown homes, Community facilities, Children's parks, etc. within the already highly engineered separation buffer making this a clearly non-compliant separation buffer.

Of more growing concern is the 'Department of Mines and Energy' insisted previously a 500 metres was the minimum separation buffer for blasting quarries, subsequently Queensland State Planning Policy requires 1000 metres separation buffer (based on: *"on the accumulated wisdom of other jurisdictions around Australia and overseas but more specifically [on] Nucrush Quarry, Report for Nucrush and Prodap Services"*).

Further, I believe, the Nucrush General Manager insisted that homes across the ridgeline to the east within 225 metres (approx) would make the quarry unviable and to quote: *"The Department of Environment ... suggest a distance of at least 1000m be maintained between quarrying operations and residential properties"* and *"it would be impossible for us to comply [to existing legislation] if houses were built so close to our Quarry"* and *"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"*. Now, Nucrush seeks a separation buffer closer than this at just 150 metres from residential properties. How can this be justified?

Without the Gold Coast Council commissioning an independent report, as per the Boral Reedy Creek quarry development application case in 2015, who is qualified enough, within the City of Gold Coast Council to judge whether blasting with these, to my mind, ludicrously small separation buffers is tenable? Bearing in mind the clear health and safety and personal welfare of residents forced to live

within 150 metres of a blasting quarries extractive footprint it would seem that without professional independent advice the Gold Coast Council are unable to ratify this development application.

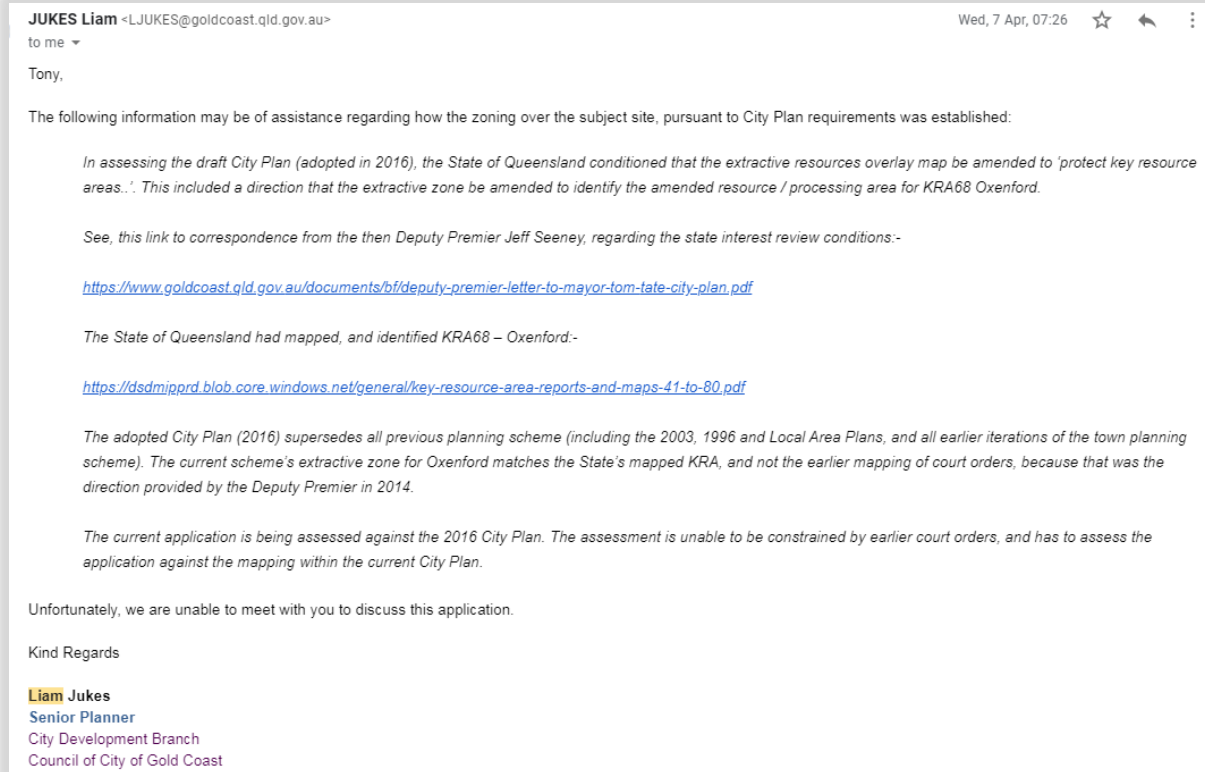
Thank you in anticipation,

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 - Email from Liam Jukes 7th April 2021



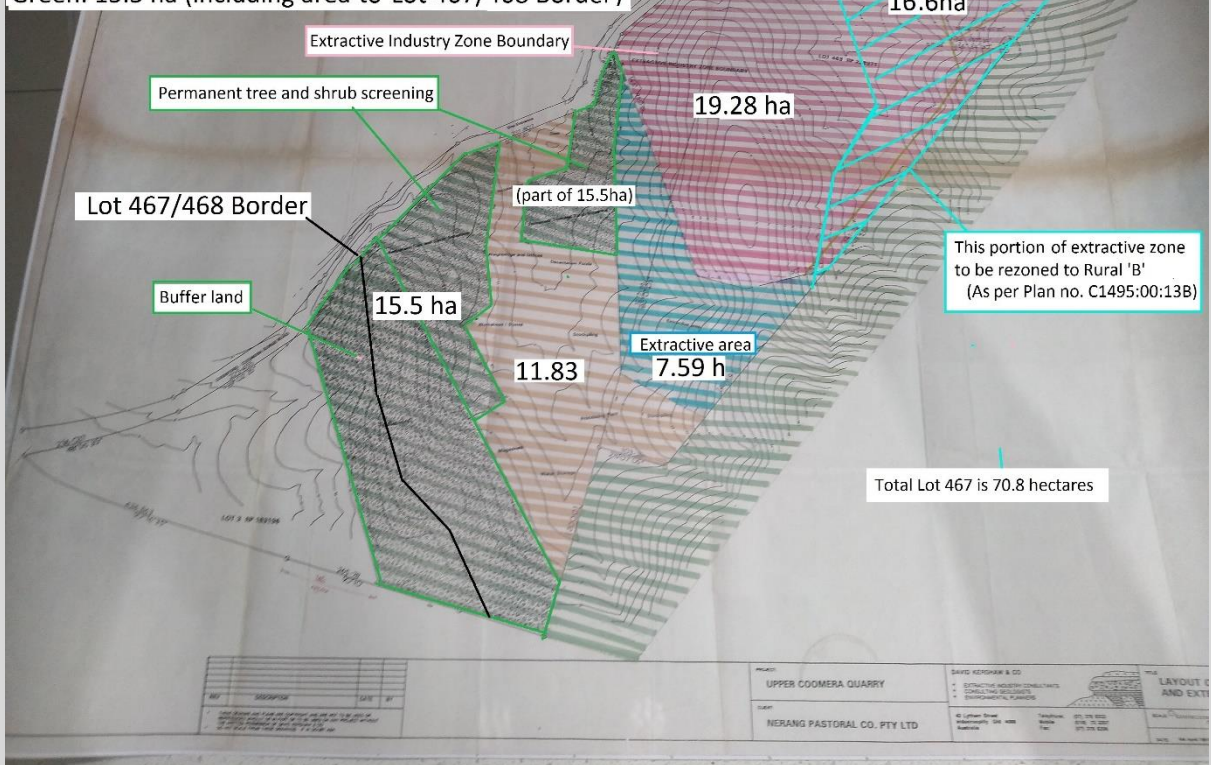
MINISTERIAL CONDITIONS TO GOLD COAST CITY COUNCIL PURSUANT TO SECTION 117 OF THE SUSTAINABLE PLANNING ACT 2009

Pursuant to section 117 of the *Sustainable Planning Act 2009*, I hereby advise the Gold Coast City Council that it may proceed to publicly notify the draft Gold Coast City Plan 2015, as submitted under covering letter of 25 November 2013. This decision is subject to the following conditions:

1. Prior to public notification, amend Strategic Framework Map 5 and Extractive Resources Overlay Map 1-4 to appropriately protect key resource areas within the draft plan by:
 - a) Removing the former KRA64 Charlies Crossing;
 - b) Identifying the amended resource/processing area and amended separation area for KRA65 Jacobs Well (Deposit B);
 - c) Identifying the transport routes and transport route separation areas between the Pacific Motorway and Pimpama Jacobs Well Road (Wharf Road and Mirambeena Drive);
 - d) Identifying the amended resource/processing area for KRA68 Oxenford;
 - e) Identifying the separation area for KRA69 Stapylton;
 - f) Identifying the separation area for KRA70 West Burleigh; and
 - g) Identifying the amended resource/processing area for KRA96 Reedy Creek.
2. Prior to public notification, amend zoning maps (ZM1, ZM2, ZM3, ZM6, ZM8, ZM12, ZM17, ZM22 and ZM32), to remove the Extractive Industry - Indicative Buffer hatching from all zoning maps, with the exception of map ZM6, where council may retain an indicative buffer immediately adjoining Lot 11 and 900 on SP127985.
3. Prior to public notification, delete the Editor's note in relation to 'indicative separations areas' in Section 3.5.5 of the Strategic Framework (Element - Natural Resources) and the associated 'Note' contained below PO3 in Table 6.2.16-2 of the Extractive Industry Zone Code.
4. Prior to notification, remove all "Road Requirement Lines" from Zoning Maps (ZM0 - ZM44), where not associated with a local government road requirement.
5. Prior to notification, remove the Integrated Regional Transport Corridor 'IRTC' from Strategic Framework Map 6 - Integrated Transport.

Attachment A3 - 'Plan 362-010' showing prohibited development areas: 'Buffer Land' and 'Permanent Tree and shrub screening' areas

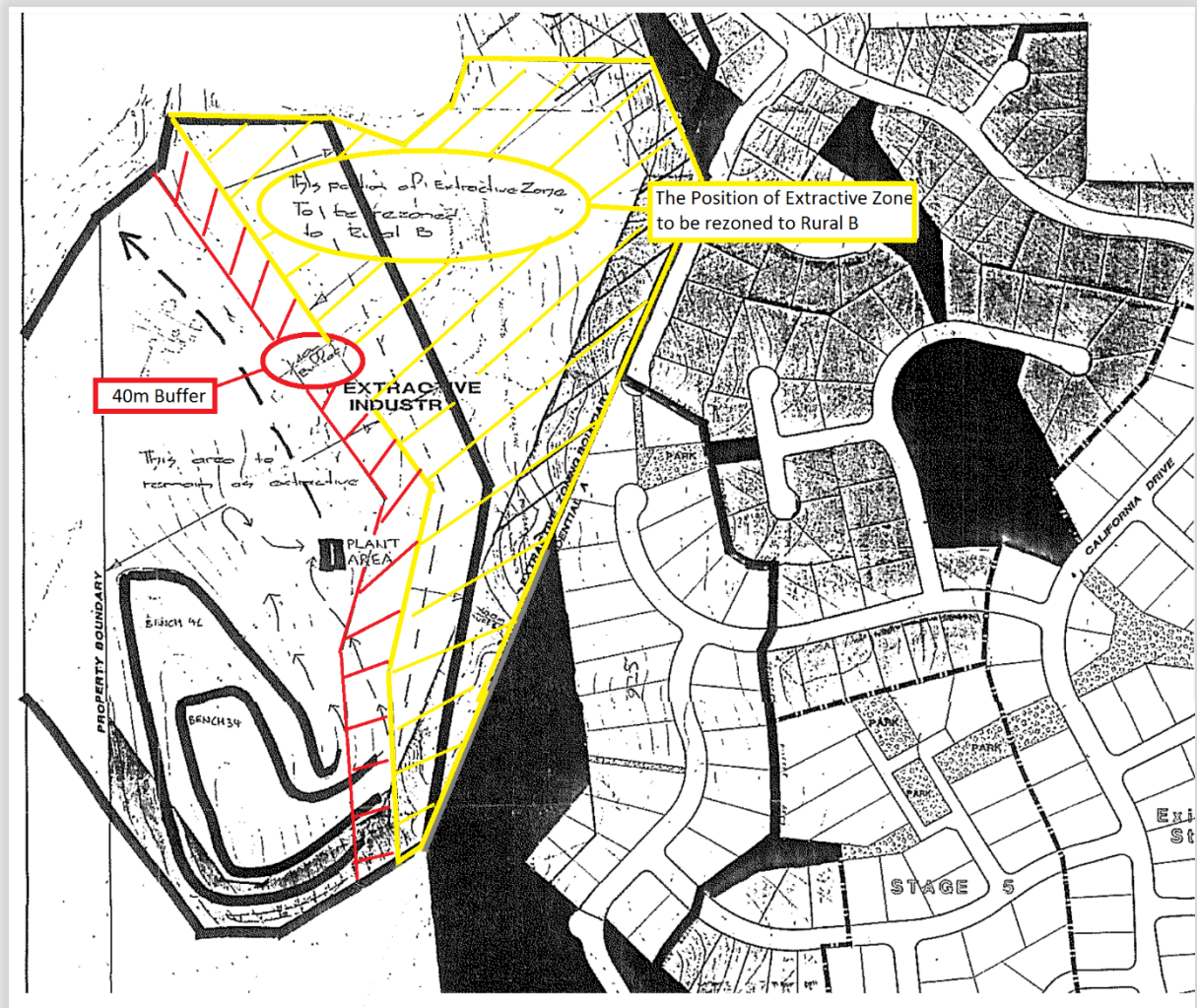
Plan 362-010 (Third Schedule of Rezoning Agreement)
 Red: Extractive 19.28 ha approx (excl Rural 'B' 16.6ha)
 Blue: Extractive Area 7.59 hectares
 Yellow: 11.83 ha (Ancillary operations)
 Green: 15.5 ha (including area to Lot 467/468 Border)



Note: Extraction prohibited in 2.1 ha of red area (40m buffer required to tamborine -Oxenford Road) and 1 ha extraction prohibited in blue area (40m buffer required from Lot 906).

Total extractive footprint is 23.77 ha $(19.28 - 2.1) + (7.59 - 1)$ NOT the claimed 56.02 ha

Attachment A4 - Extract from 'Plan C1495:00:13B' with Prohibited development area known as Rural 'B' highlighted



Attachment B1 - Identification of a Key Resource Area does not authorise extraction and/or development approvals

business.qld.gov.au/industries/mining-energy-water/resources/quarries/key-resource-areas/development-approvals

 **Queensland Government**

Business Queensland

Development approvals in Key Resource Areas

Quarries and other extractive industries

Identification of a site as a Key Resource Area (KRA) and inclusion in the State Planning Policy (SPP) does not in any way authorise the extraction of the resource nor give anyone the right to establish or operate a quarry. The SPP is designed to maintain access to resources so they can be approved under the development assessment process when they are needed.

Attachment B2 - State Planning Policy - Part F Key Resource Area (KRA)

Policy.pdf

State Planning Policy

Part F

July 2017

Glossary

Key resource area (KRA) means an identified location that contains extractive resources of state or regional significance as shown on the SPP IMS. A KRA includes the following:

- the resource/processing area
- the separation area
- the transport route
- the transport route separation area.

Resource/processing area of a KRA means the extent of the extractive resource and any existing or future processing operations.

Note: The extraction of extractive materials can include ripping, blasting or dredging; the processing of extractive materials can include crushing, screening, washing, blending or grading and waste water treatment; and associated activities can include storage, rehabilitation, loading, transportation, administration, and maintenance facilities.

State Planning Policy page 73

spp-guidance-mining-and-extractive-resources-july-2017.pdf

An identified KRA is made up of four components, as shown in Table 2 and Figure 2.

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><u>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.</u></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>

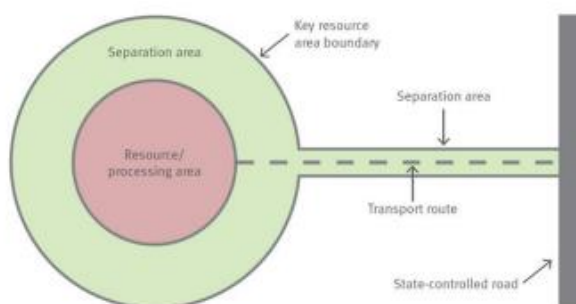


Figure 2: Components of KRAs

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

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

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

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

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

- xv. The analysis of data for an approximate twelve month period spanning 2017/2018 for sales ex Oxenford Quarry demonstrates that 91% of the product was delivered into Gold Coast Local Government Area. Oxenford Quarry can, therefore, be described as a 9% net exporter of product to outside the Gold Coast LGA (mainly to support its Nucon plants at Logan and in NSW) in comparison with the combined Gold Coast Quarries which export 55% of production.

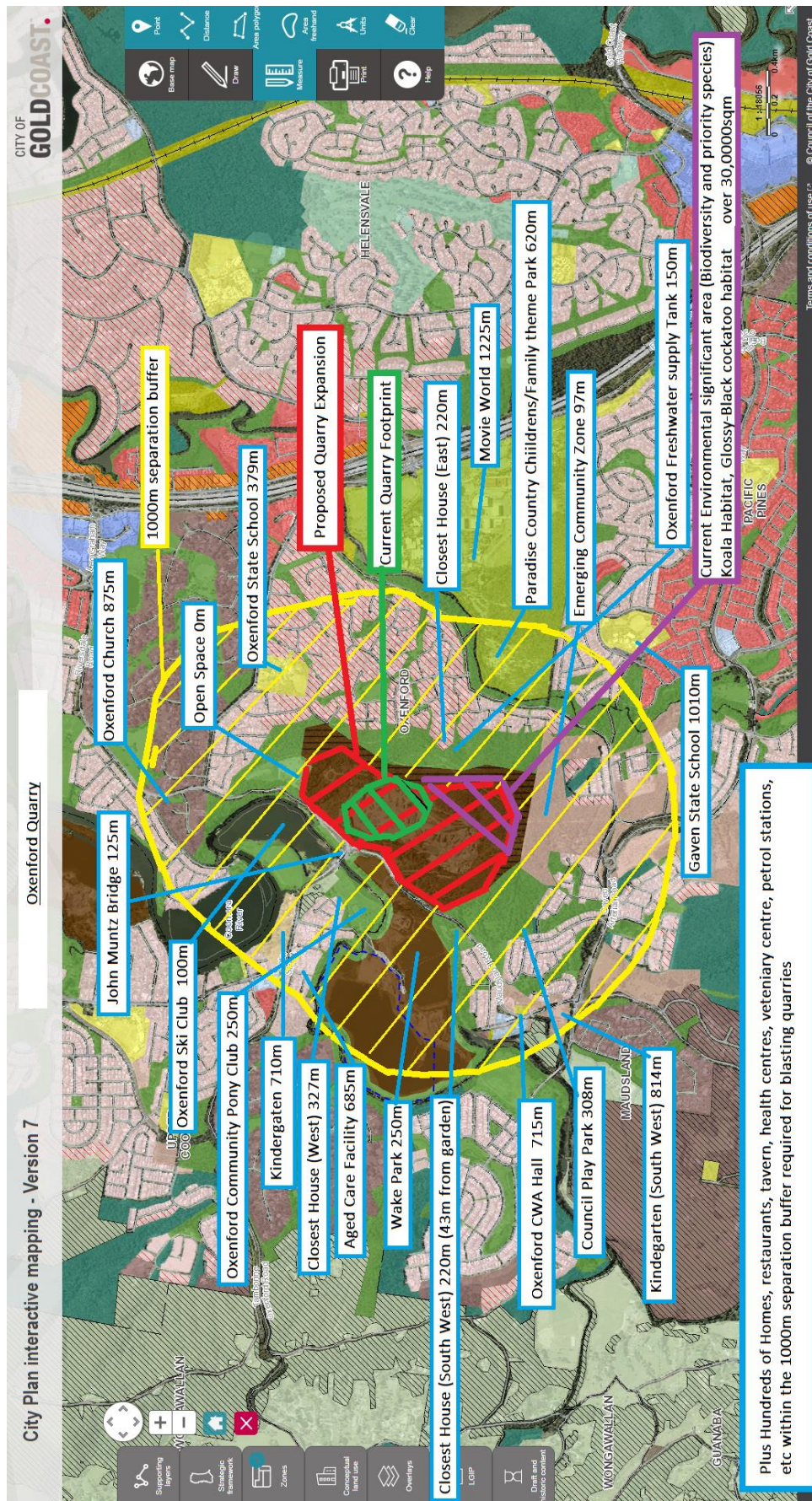
*May 2019.
#171805 Oxenford Quarry*

Proposed Extension

Executive Summary

With the extended and realigned footprint, there will be a zone where blasting practices will probably need to be adjusted. Within approximately 150 m of the eastern and southern boundaries, blastholes may require decking to approximately halve the charge weight (45 kg) in each blasthole.

Attachment E2 - 1000m separation buffer



State Planning Policy 1 July 2014

1. Purpose

The purpose of this guideline is to assist local governments in appropriately reflecting the State Planning Policy (SPP) state interest—mining and extractive resources in local planning instruments and where the state interest has not been appropriately reflected in a local planning instrument, through development assessment. The guideline is also to be used to ensure decisions around the designation of land for community infrastructure appropriately reflect the state's interest in mining and extractive resources.

3. Development assessment

- (1) The development ensures that:
 - (a) for development within a resource/processing area for a KRA—the undertaking of that existing or future extractive industry is not significantly impeded, and
 - (b) sensitive land uses are avoided within the separation area for a resource/processing area of a KRA, and
 - (c) for development within a transport routes separation area of a KRA—the number of residents adversely affected by noise, dust and vibration generated by the haulage of extractive materials along the route does not increase, and
 - (d) for development adjacent to the transport route—the safe and efficient use of this route by vehicles transporting extractive resources is not adversely affected.

Purpose

This component of the SPP is used in the assessment of applicable development applications when a local government planning scheme does not appropriately reflect the state interest—mining and extractive resources.

The outcome sought is to enable extractive industries to occur in identified KRAs and ensure that development decisions do not constrain or prevent the future extraction of those resources.

The SPP's transitional development assessment provisions apply only to extractive KRAs.

3.8 The dimensions of the separation area for the resource/processing area are based upon the following minimum distances—

- (a) 1000 metres where the extraction or processing of the extractive resource involves blasting or crushing (namely rock); or
- (b) 200 metres for any other extractive resource not involving blasting or crushing (namely sand, gravel, clay and soil).²

² These separation distances are based on the accumulated wisdom of other jurisdictions around Australia and overseas but more specifically the following sources. The 1000 metres separation distance for blasting operations is based on—

• Blastronics Pty. Ltd., 1999: Impact of Proposed Coomera Island Development on Nucrush Quarry. Report for Nucrush and Prodap Services. September 1999. Blastronics Systems and Services, Pty. Ltd., Brisbane. #C99084Blasting Impact Report.

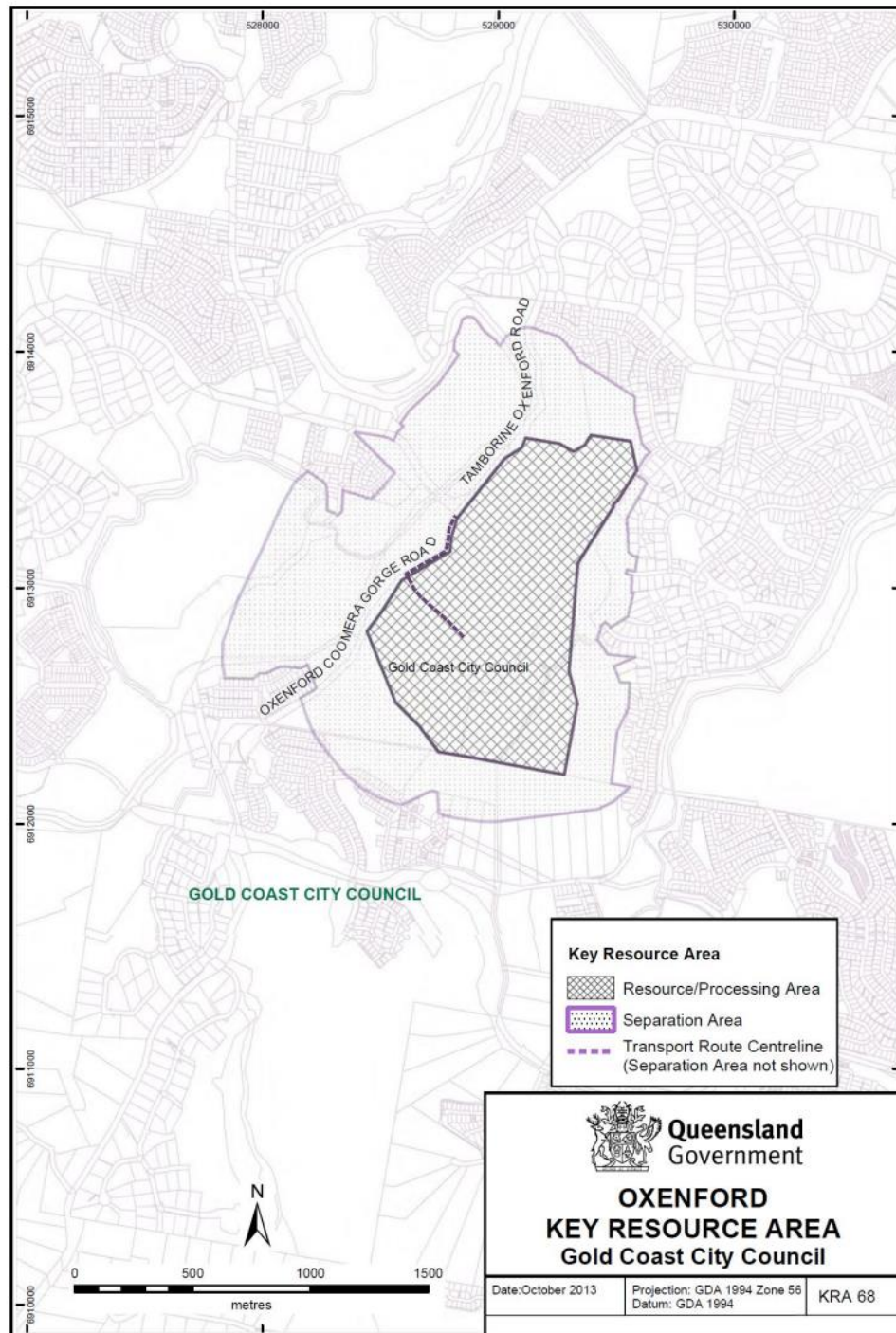
The 200 metres separation distance for non-blasting operations including sand and gravel operations is based on—

• Kershaw & Co., 1996: Environmental Impact Statement – Wallace Road Sand Operation. Report for Excel Quarries Pty. Ltd. 2 vols. March 1996. Ref: 566,048. Kershaw & Co., Taringa, Queensland.

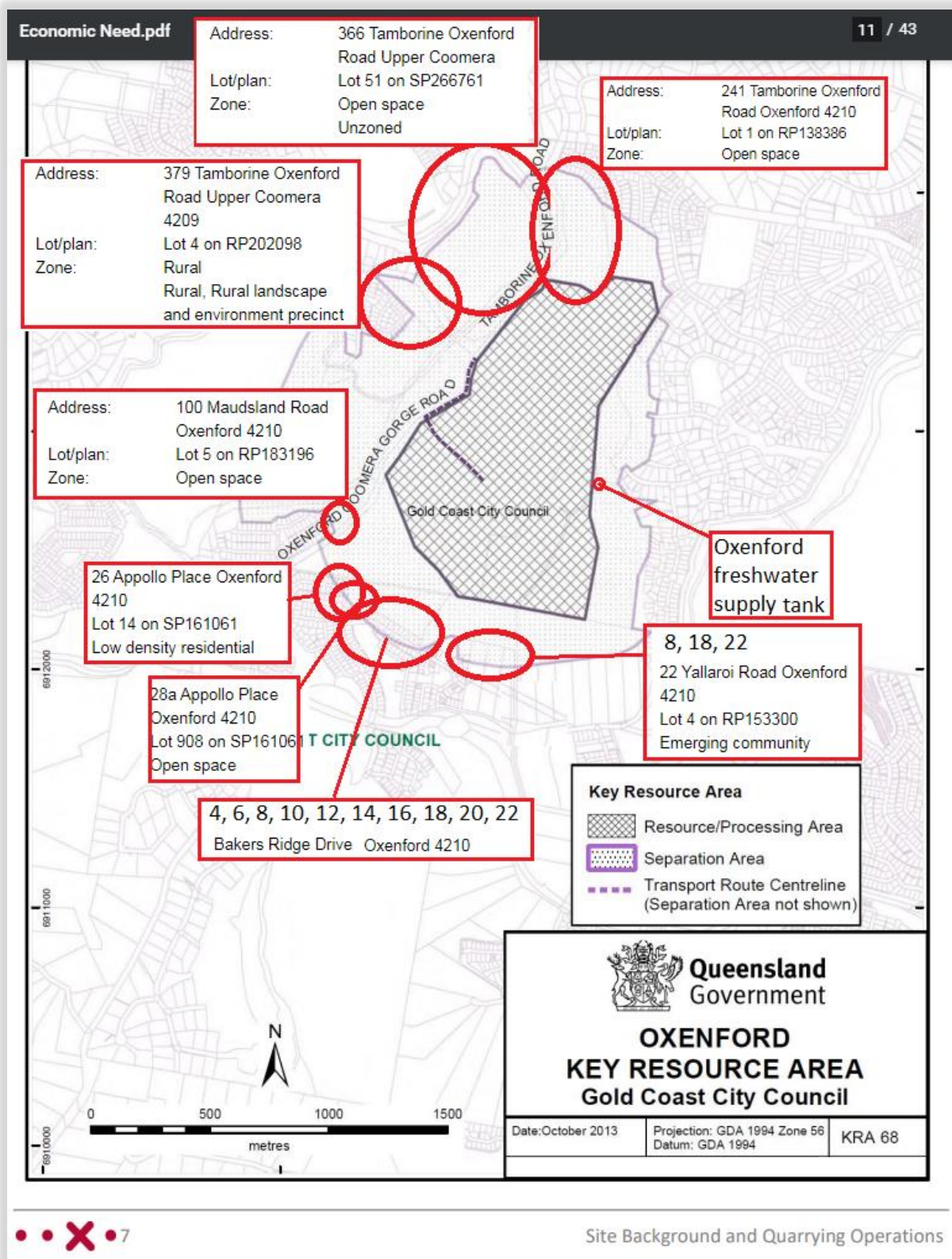
• Kershaw & Co., 1997: Environmental Impact Statement – Proposal to Rezone General Industry Zoned Land to Extractive Industry – Lot 88 Crown Plan M31114, Parish of Warner, Johnstone Road, Brendale. Report for Alberton Investments Pty. Ltd. February 1997. Ref: 502_022. Kershaw & Co., Taringa, Queensland.

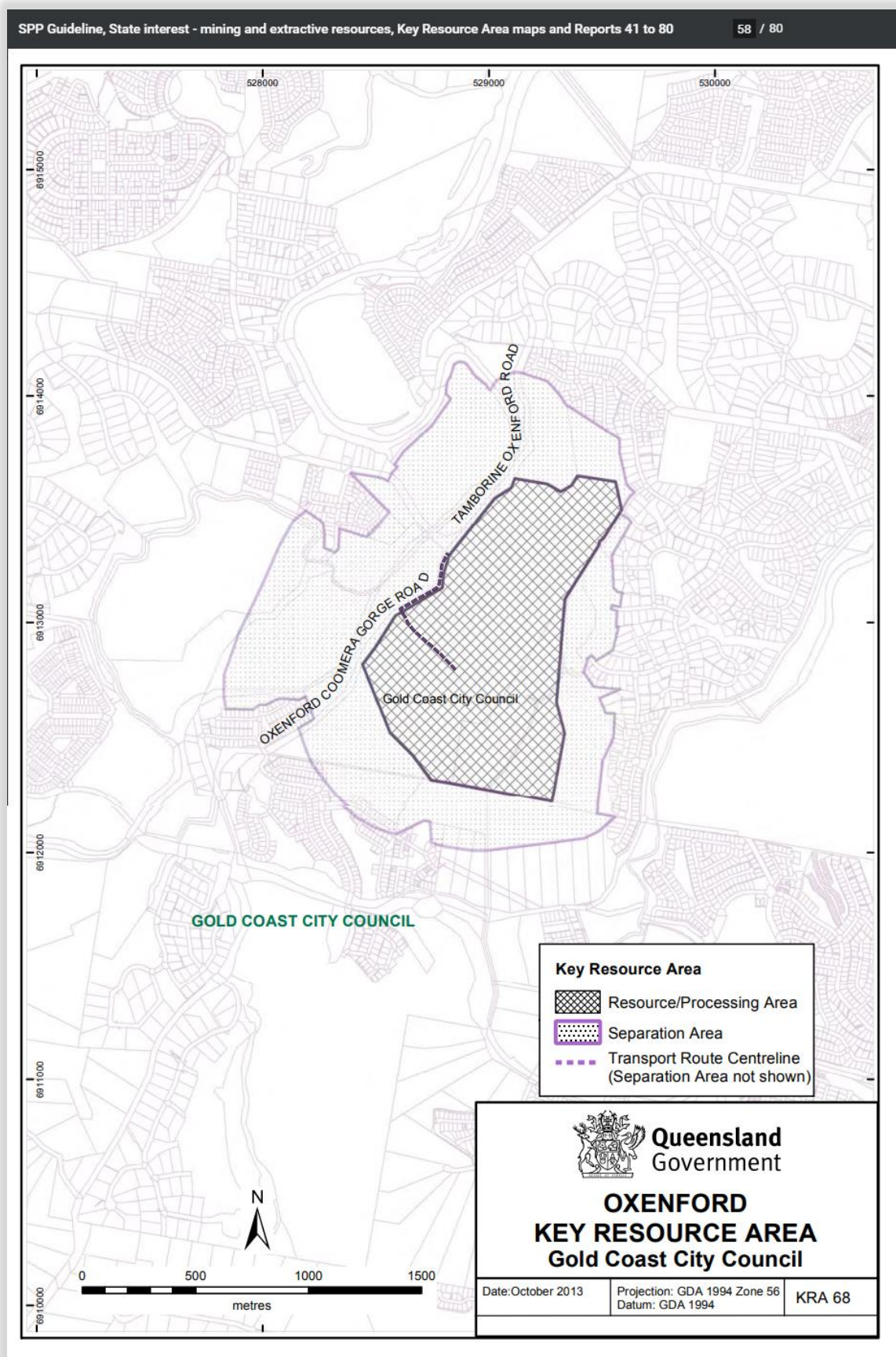
• Yastrow, P., 1990: Laku Landing Sound Level Analysis. Viewed 7 February 2006 at www.laku.com. Website by Laku Landing – Lake

FIGURE 1.1 – KRA 68, OXFENFORD QUARRY



Attachment E5 - Even the Highly engineered separation buffer is highly compromised





OXENFORD KEY RESOURCE AREA – KRA 68

LOCAL GOVERNMENT AREA: Gold Coast City Council

LOCATION:

The resource is located in northwestern Gold Coast, about 3 kilometres southwest of Oxenford (see map KRA 68).

EXTRACTIVE RESOURCE: Quarry Rock

EXTRACTIVE RESOURCE DESCRIPTION:

The resource consists of greywacke that forms steep ridges southeast of the Tamborine – Oxenford Road.

A major quarry is located between two of the steeper ridges southeast of the intersection of the Tamborine – Oxenford Road and Oxenford – Coomera Gorge Road. This quarry supplies a wide range of crushed rock products.

SIGNIFICANCE:

The remaining resource is sufficient for 30 to 40 years supply, and it is conveniently situated to supply the Gold Coast urban area and the southern Brisbane region markets. Large deposits of greywacke occur south of the existing quarry.

SEPARATION AREA:

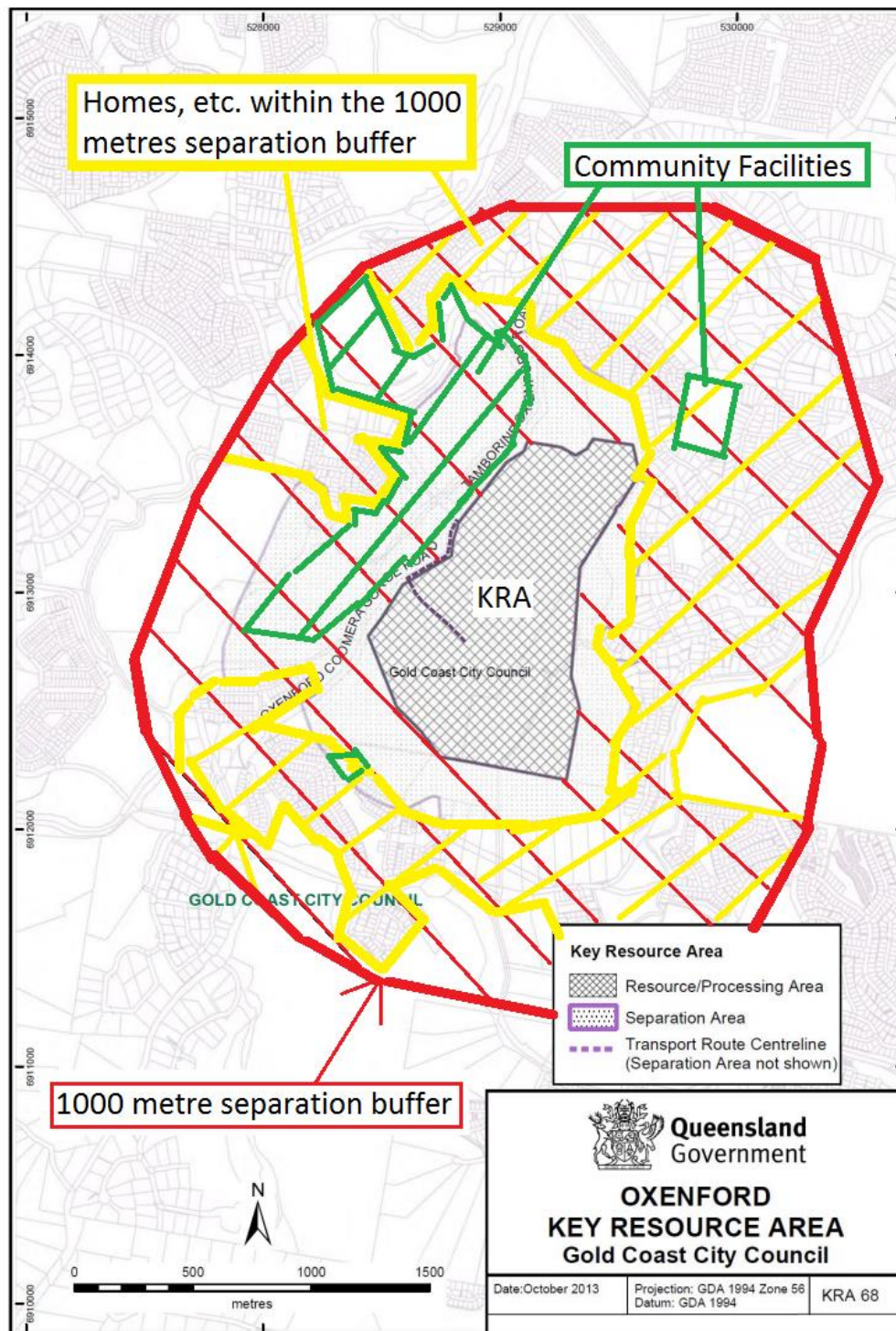
On the western and northern sides of the ridge where the face and operations are visible from surrounding Rural land, the full 1000 metres separation distance is adopted. On the northwestern side, the boundary is constrained by the limit of the urban blocks along Oxenford – Coomera Gorge Road on the south side of the Coomera River.

On the northeast, the boundary follows the edge of the urban blocks around to the eastern side of the ridge. On the eastern and southern sides, the distance is constrained by urban zones. It increases progressively to the southeast corner to a maximum of 700 metres over rural land. It is set at 500 metres over the northern part of small rural lots along Bakers Ridge Drive, as the quarry face will be hidden by the ridge of forested land. To the south and southwest, retention by the quarry operator of urban-zoned land as open space permits a separation distance of over 500 metres from the crushing plant.

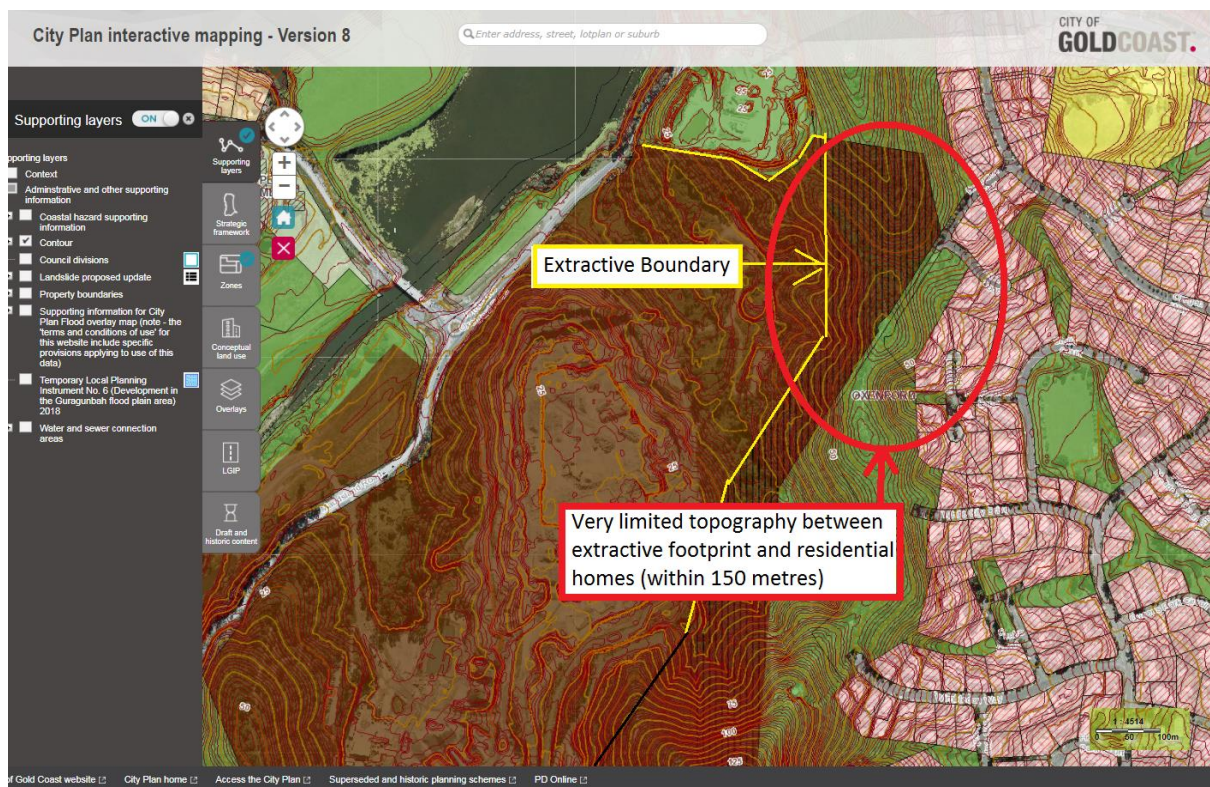
TRANSPORT ROUTE:

The products are transported directly onto Oxenford – Coomera Gorge Road, then east along the Tamborine – Oxenford Road to the Pacific Motorway. The majority of the rock is transported to the Gold Coast, but some is transported to southern parts of Brisbane and Logan City.

FIGURE 1.1 – KRA 68, OXFENFORD QUARRY



Attachment E9 - Topography northeast corner of extractive footprint



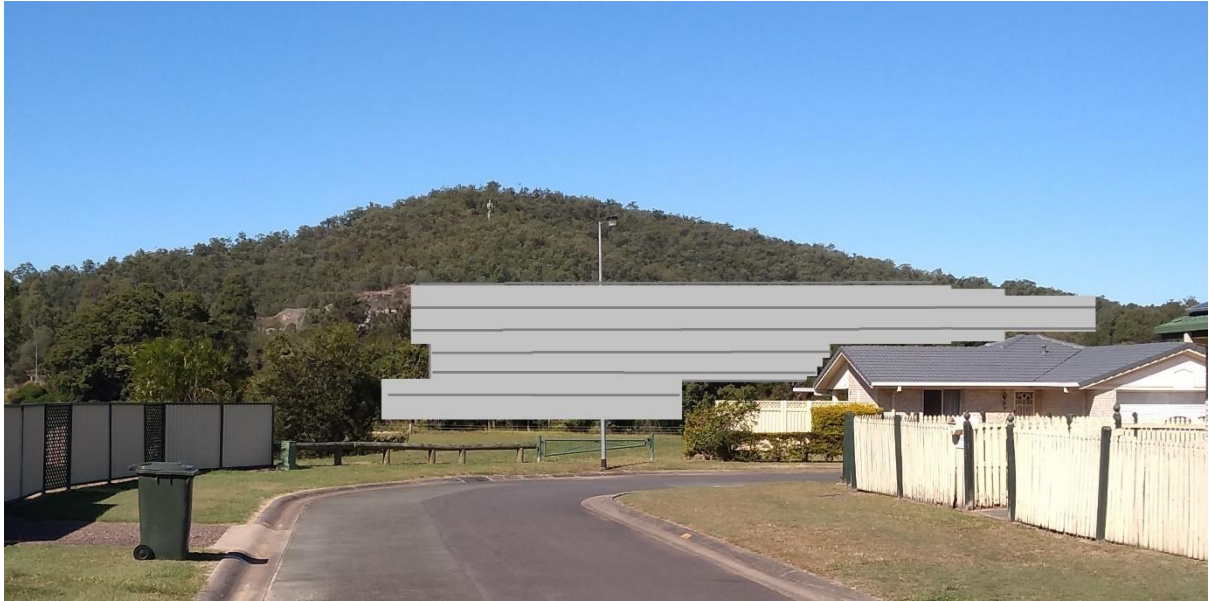
Attachment E10 - Sherman Drive, Upper Comara looking east to quarry

Unrestricted by any topographical features view into the quarry's inner workings



Attachment E11 - Sherman Drive, Upper Comara looking east to quarry

The believed extent of the affected view when the proposed expansion is progressing



Attachment F1 - Road Definitions

As defined by the Transport and Main Roads (TMR)

Different types of roads and their purpose

Transport and Main Roads

Different types of roads and their purpose

What are the different roads?

Queensland's road network forms a vital link connecting communities with goods, services and leisure activities. As you drive through Queensland, you will notice that all roads are not the same. That is because we need different roads for different purposes.

An easy way to identify the various types of roads is:

- local roads
- collector and distributor roads
- sub-arterial and arterial roads - these are the major highways, motorways and freeways.

Also, while not technically a road, bikeways provide the general community with an alternative means of travel.

Local roads


Local roads are largely the neighbourhood street system. These roads are relatively free of through traffic and mostly handle local traffic. The challenge in these areas is to provide a high level of safety and adequate access to neighbourhood services and facilities. Local roads are typically maintained by the local authority.

Collector and distributor roads

Collector and distributor roads are the roads that connect communities to the major sub-arterial and arterial roads in Queensland. Typically, they allow for the transport of agricultural goods and the like, to major highways for transport to markets. Similarly, in an urban environment they tend to be the roads connecting suburbs to the major freeways.

Sub-arterial and arterial roads

Sub-arterial and arterial roads are the major connecting roads across Queensland. They include highways, freeways and motorways. On an average day, they handle large volumes of freight and passenger vehicles.



Major arterial roads

Ipswich Motorway upgrade: Dinmore to Goodna

This \$1.95 billion project, funded by the Australian Government, involves upgrading eight kilometres of the Ipswich Motorway between Dinmore and Goodna. Construction started in mid 2009 and is expected to be completed by the end of 2012.

The project will deliver many benefits to Queensland, including:

- More reliable travel times along the motorway.
- Reduced congestion by significantly increasing motorway capacity and traffic flow.
- Improved pedestrian and cyclist facilities.
- New and upgraded local roads and cross-motorway connections.
- Improved motorway safety through smoother geometry and longer, more evenly spaced on and off ramps.

The Department of Transport and Main Roads has formed Origin Alliance to deliver this project. For more information, visit www.tmr.qld.gov.au/dinmore2goodna. Alternatively, you can contact the Community Engagement Team on 1800 465 682.


Overtaking lanes

A two-lane road with overtaking lanes provides a level of service between that of two lanes and four lanes. The role of overtaking lanes is to provide an economical and practical method of breaking up traffic queues and improving traffic flow. Before traffic volumes demand an upgrade to dual carriage-ways, overtaking lanes maximise use of the road. Overtaking occurs when drivers want to overtake another, slower moving vehicle. Overtaking lanes provide an opportunity to overtake safely. When planning overtaking opportunities, designers employ a number of different technical methods to determine where and when overtaking opportunities should exist.

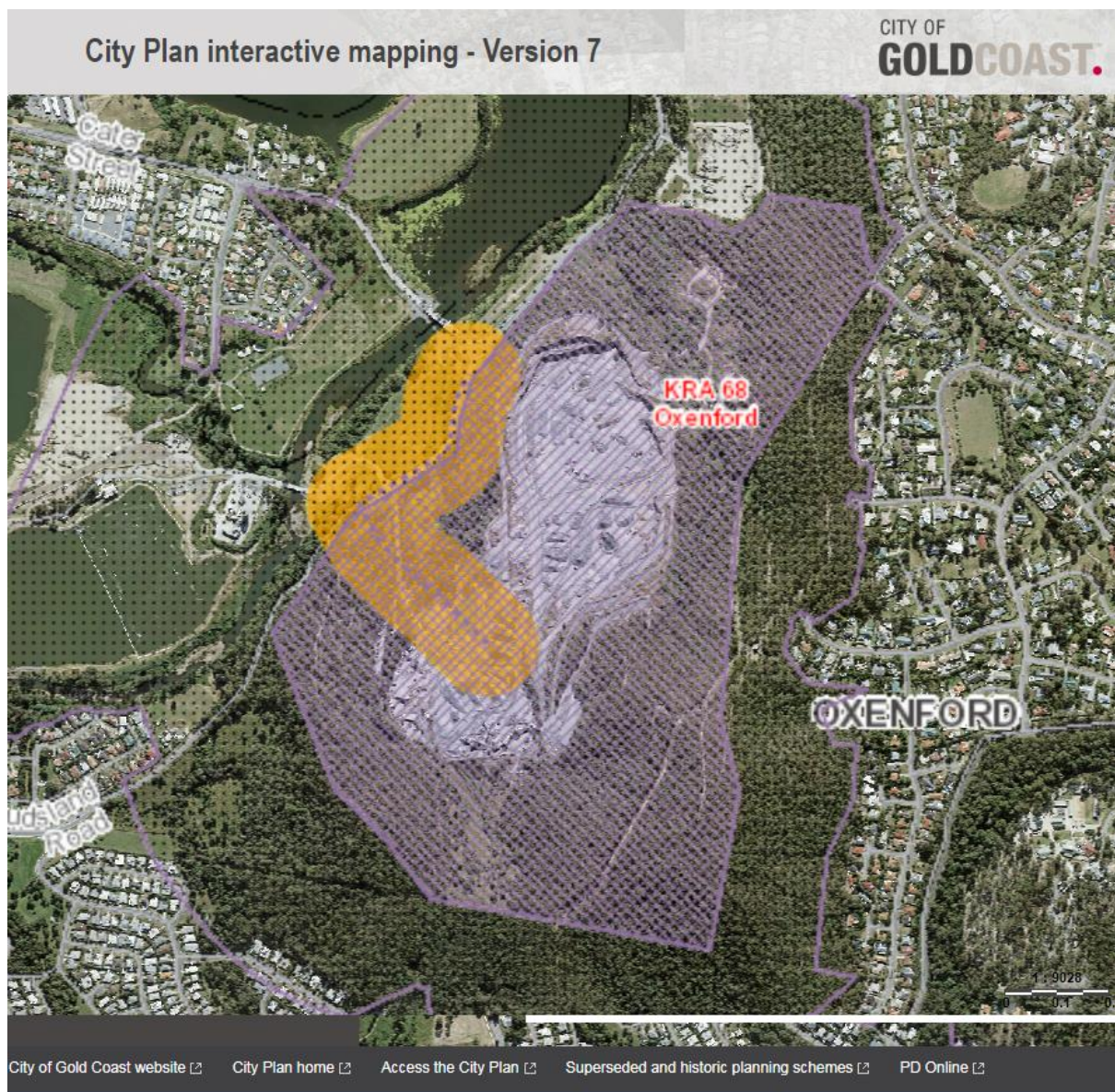
Factors such as site distances, the nature of the traffic on the road, location of gradients, the geometry of the road, intersections and accesses, the length of road and spacing are all considered when overtaking lanes are designed. The provision of overtaking lanes is one of the ways the department provides a positive, safer road user experience.

Connecting Queensland
www.tmr.qld.gov.au

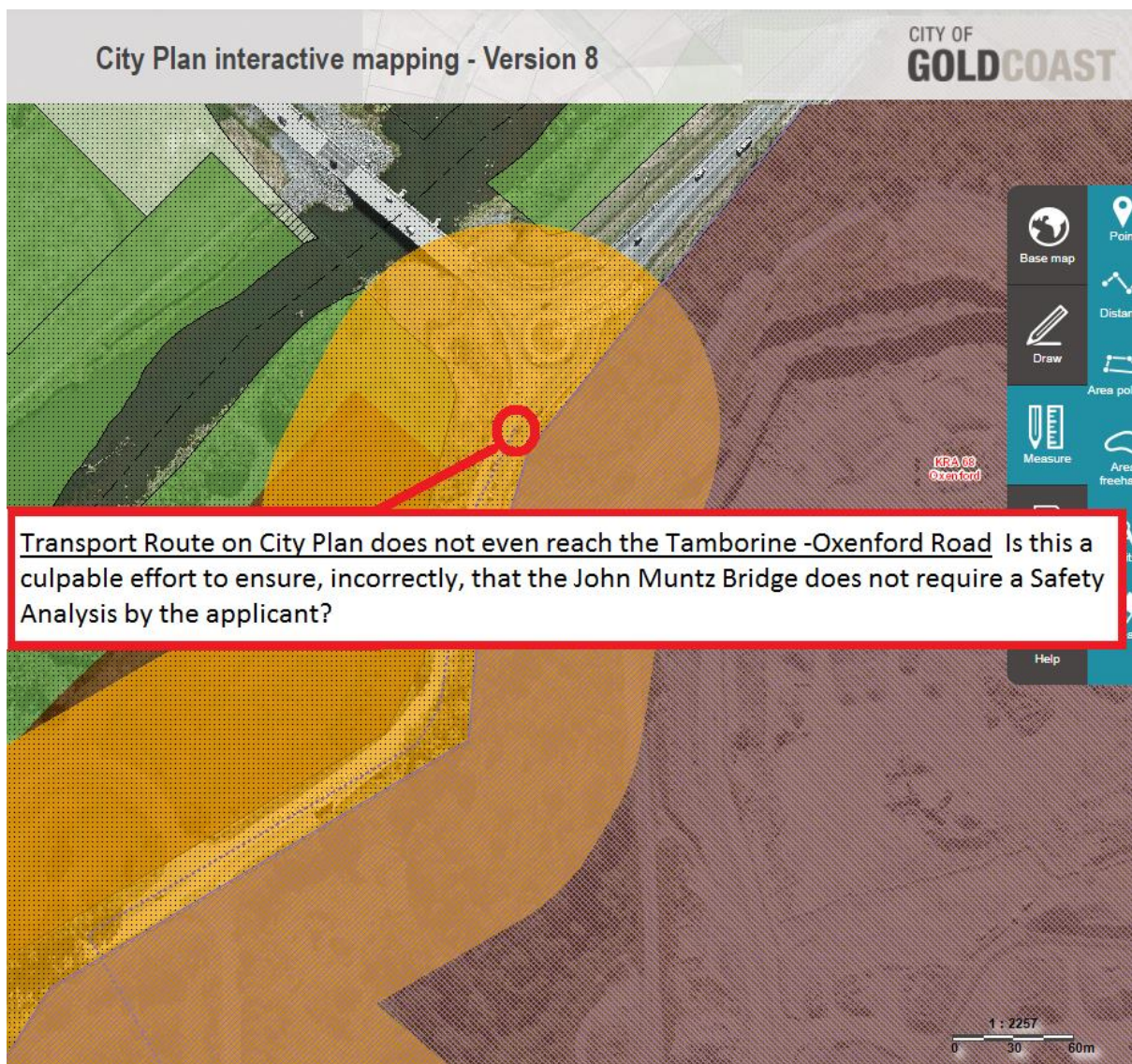
Toward ²
Tomorrow's Queensland

 **Queensland**
Government

Attachment F2 - Transport Route (as per Gold Coast City Plan)



Attachment F3 - Transport Route closeup (as per Gold Coast City Plan)



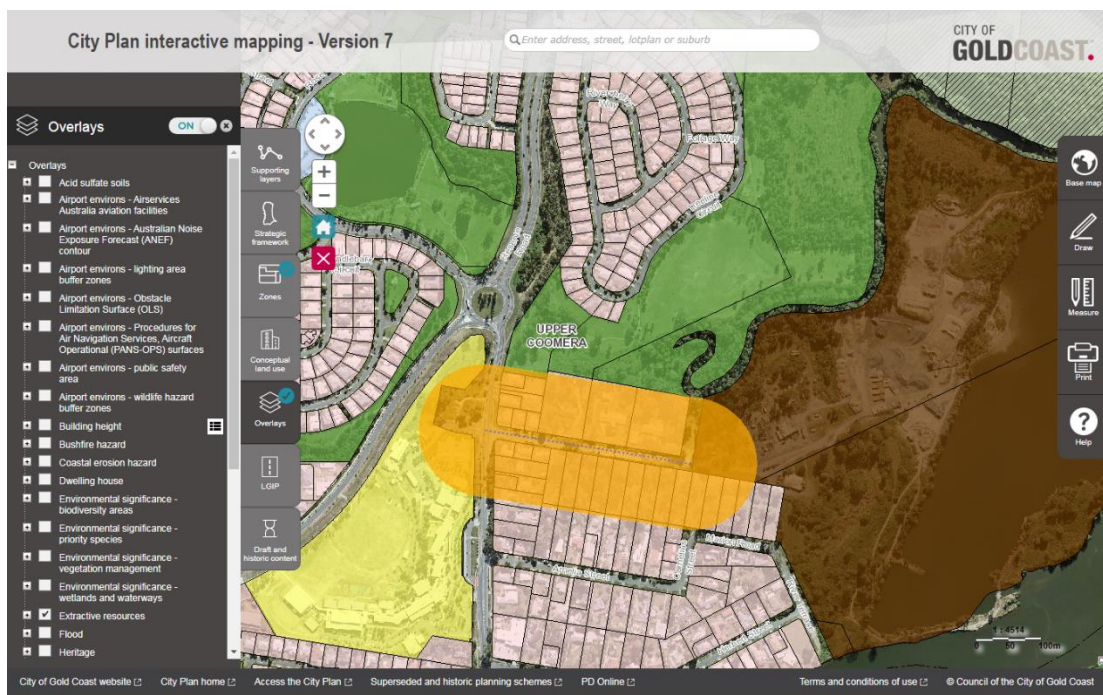
Attachment F4 - Transport Route for other quarries in the Gold Coast region (to Pacific Motorway)



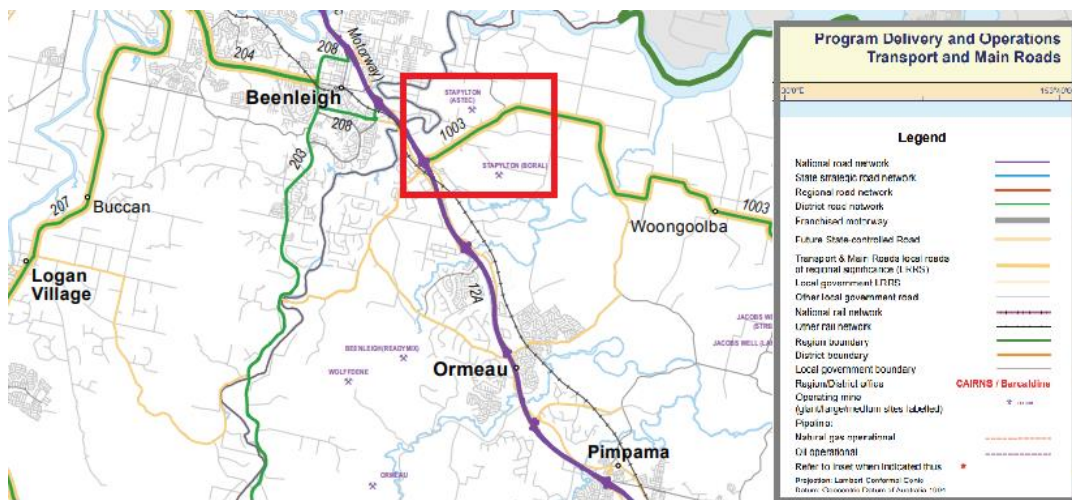
Attachment F5 - Transport Route to Gold Coast Pacific Motorway



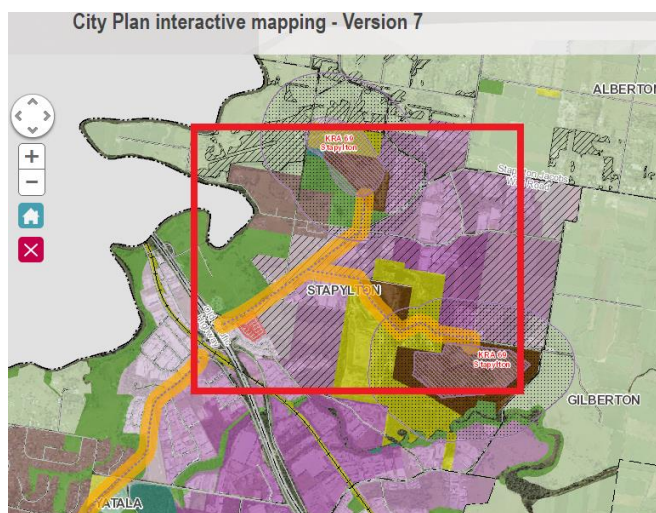
Attachment F6- Transport Route from Nucrush Hart Street does not go to Pacific Motorway



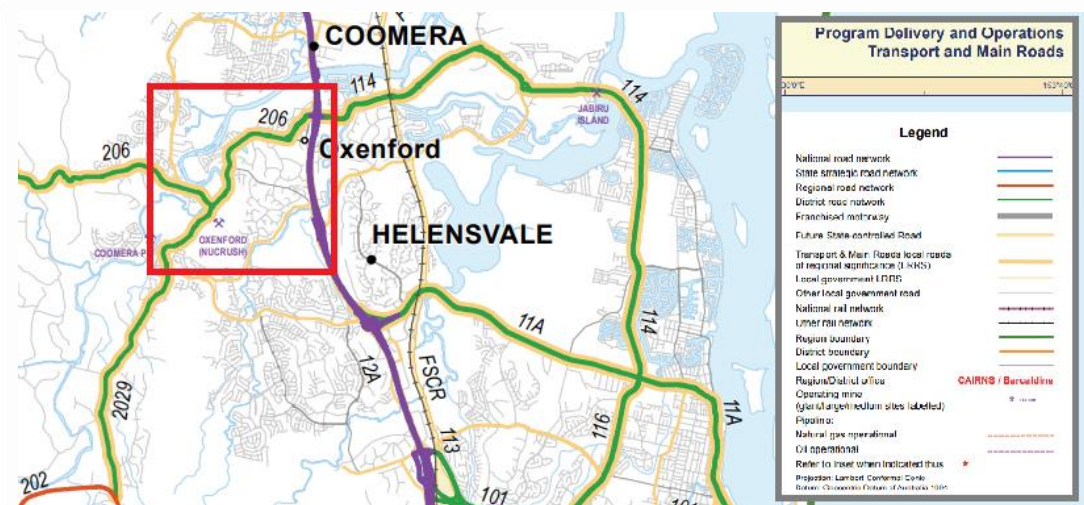
Attachment F7 - State Controlled Road - Boral Stapleton (KRA69)



Attachment F8 - Transport Route - Boral Stapleton (KRA69)



Attachment F9 - State Controlled Road - Oxenford (KRA68)



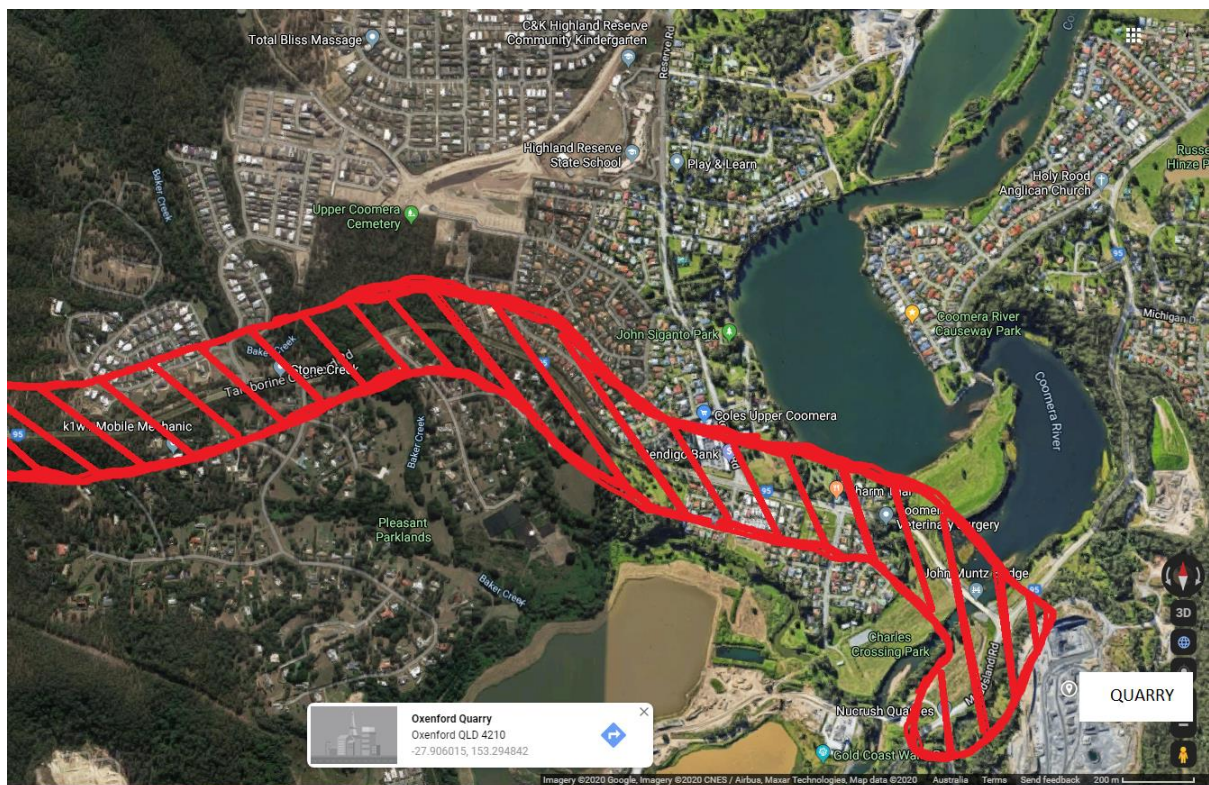
[illegible]

This aerial map of Cooma, Australia, shows the Cooma River winding through the town. A prominent red line is drawn across the right side of the map, likely indicating a proposed road or boundary. Key locations labeled include 'To Motorway' and 'To Quarry'. The map also shows various residential areas, parks, and landmarks such as 'St Stephen's Church' and 'St John's Church'. The Cooma River is clearly visible, flowing through the center of the town.

Attachment G3 - Transport Route eastbound: Quarry to Pacific Motorway (quarry end)



Attachment G4 - Transport Route westbound





This aerial map of Oxenford, Queensland, Australia, features a red outline highlighting a specific area labeled 'QUARRY' in a white box. The map shows the Coomera River flowing through the center, with several parks and reserves including Highland Reserve Park, Coomera River Park, and Oxenford Park. Other landmarks such as the Coomera River Causeway Park, Coomera River, and Oxenford Park are visible. The map also shows residential areas, roads, and a scale bar at the bottom indicating distances in meters.

Attachment G7 - City Plan Extractive Resources Overlay Code - 8.2.7

<div><div>City Plan</div><div>CITY OF GOLD COAST™</div></div>	
City Plan / Part 8 Overlays / 8.2 Overlay codes / 8.2.7 Extractive resources overlay code	
<div><div>Print</div><div>Bookmark</div><div>Compare</div></div>	
PART B – ASSESSABLE DEVELOPMENT BENCHMARKS	
Table 8.2.7-1: Extractive resources overlay code – for assessable development	
Performance outcomes	Acceptable outcomes
Resource Area/Processing Area	
P01 Development where located within the Resource Area/Processing Area does not: (a) compromise the ability to extract the natural resource in a safe, efficient and sustainable manner; and (b) does not introduce or increase uses that are sensitive to the impacts of Extractive industry.	A01 No acceptable outcome provided.
Separation Area and 100m Transport route separation Area	
P02 Development where located within the Separation Area and 100m Transport Route Separation Area: (a) does not compromise the current and/or future extraction, processing and transportation of resources; (b) is orientated away from a Resource Area/Processing Area to minimise views/limit visual impact of Extractive industry, and (c) ensures an appropriately sized buffer between sensitive land uses, the resource/processing area and the transportation route of the KRA.	A02 No acceptable outcome provided.

Attachment H1 - Department of Mines justification for not reducing buffers

 DEPARTMENT OF MINES AND ENERGY	DEPARTMENT OF MINES AND ENERGY		 QUEENSLAND GOVERNMENT
	OUR REF. 7005	YOUR REF. 665/96/590	
	CONTACT OFFICER: Mr A W Stephens		
	TELEPHONE: (07) 3237 1443	FAX: (07) 3237 0470	
Queensland Minerals & Energy Centre, 61 Mary Street, Brisbane QLD 4000 G.P.O. Box 184, Brisbane QLD 4001			

7 January 1997

Chief Executive Officer
PO Box 5042
Gold Coast MC Q 9729

Dear Sir

GCCC RECEIVED Sub 1

9 JAN 1997

ATT No. () A97/817

REFER TO () SUB 1

FILE No. () 665/96/590

()

FORWARD COPY SENT

FILE REQUEST

I refer to your letter of 23 December inviting comments on a subdivision application over Lot 904 RP 895147 Wimbledon Way, Oxenford.

Residential development or other incompatible land uses within the vicinity of existing extractive industry operations can impede the effective operation of the sites, impair the full use of resources, cause land use conflict, and cause premature closure of sites. Such landuses in the vicinity of potential deposits can sterilise important resources required for the future. Consequently it is essential that applications for development approval, which have the potential to impact on existing extractive operations or potential resources, be scrutinised on that basis.

Urban development, with its need for visual amenity and protection from noise, vibration and dust emissions, should not be allowed to encroach on pre-existing extractive industry operations.


The maintenance of adequate buffering is fundamental if land use conflict between operating extractive sites and incompatible land uses, particularly residential, is to be minimised for the duration of their operating lives. There is a current trend towards performance based assessment of buffer zone requirements. Nevertheless, on the basis of air emissions, the Victorian Planning Guide for Extractive Industry (1991) recommends a buffer distance of 500 m for quarry hardrock blasting and 200 m for hardrock quarrying without blasting. In the absence of an official guide for Queensland, these distances are appropriate.

Because of its small size, it is not possible to have a suitable internal buffer within Lot 467 RP 845775. It is therefore recommended that urban development not be allowed to encroach further on Lot 467.

Although noise, vibration and dust can be controlled to a large degree by technology or ameliorated by topography, impairment of visual amenity is not so easily constrained in the short term. Should Council regard the topographic situation as negating adherence to the proposed standard buffer distances above, use of proposed Lot 2 for development should not result in residences having views over the adjacent Lot 467 RP 845775 that is zoned extractive industry.

The new proposal should be rejected unless the development proponent can show that visual amenity will not be impaired or that noise, vibration and dust under the existing operating conditions on Lot 467 will not impact on the new development.

Yours sincerely



A W Stephens
Principal Advisor (Extractive Industry)
Mineral Resources Branch

Attachment H2 - Nucrush justification for not reducing buffers

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.

Please note this is a highly exaggerated claim. The development would have been approximately 225 metres from closest residential home. **In fact the development would have been at a virtually identical distance to the COM/2019/81 current proposal.**