



ORDINARY MEETING

MINUTES

12 APRIL 2023

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	3
2	PRESENT	3
3	APOLOGIES AND LEAVE OF ABSENCE	3
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	4
5	DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA	4
6	BUSINESS OUTSTANDING.....	4
	NIL	4
7	PUBLIC FORUMS/DEPUTATIONS	4
	NIL	4
8	PRESENTATION OF PETITIONS.....	4
	NIL	4
9	COMMITTEE REPORTS.....	4
	NIL	4
10	COUNCILLOR/DELEGATE REPORTS	4
	NIL	4
11	OFFICERS' REPORTS	5
11.1	7 ROCKY RIVER RUN CHARITY BENEFICIARY	5
11.2	UPDATE TO RADF TERMS OF REFERENCE.....	6
11.3	D/167-2021 - REQUEST FOR A NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR RESIDENTIAL CARE FACILITY (90 BEDROOMS).....	7
11.4	D/589-2013 - DEVELOPMENT APPLICATION FOR AN "OTHER CHANGE" TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY (SAND QUARRY).....	18
12	NOTICES OF MOTION	31
12.1	NOTICE OF MOTION - COUNCILLOR NEIL FISHER - BOWEN BASIN MINING CLUB LUNCHEON.....	31
13	QUESTIONS ON NOTICE	31
	NIL	31
14	URGENT BUSINESS\QUESTIONS	32

	14.1 WASTE EXEMPTION REQUEST.....	33
15	CLOSED SESSION	34
	16.1 COMMERCIAL MATTER	
16	CONFIDENTIAL REPORTS.....	35
	16.1 COMMERCIAL MATTER.....	35
17	CLOSURE OF MEETING.....	36

**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON WEDNESDAY, 12 APRIL 2023 COMMENCING AT 9:01AM**

1 OPENING

1.1 Acknowledgement of Country

2 PRESENT

Members Present:

The Mayor, Councillor A P Williams (Chairperson)
Deputy Mayor, Councillor N K Fisher (via video-link)
Councillor S Latcham
Councillor C E Smith
Councillor C R Rutherford
Councillor M D Wickerson
Councillor D Kirkland (via video-link)
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Cheesman – Deputy Chief Executive Officer
Ms A Cutler – General Manager Community Services
Ms M Taylor – Chief Financial Officer (via video-link)
Mr G Bowden – Executive Manager Advance Rockhampton
Mr Z Garven – Tourism Coordinator Advance Rockhampton
Mr J Kann – Manager Office of the Mayor
Mr D Morrison – Manager Workforce and Governance (via video-link)
Mr D Scott – Manager Planning and Regulatory Services
Mr M Crow – Manager Infrastructure Planning (via video-link)
Mr J Webb – Manager Communities and Culture
Mr M Vycke – Manager Airport
Mr M Millett – Coordinator Major Venues
Ms A O'Mara – Coordinator Development Assessment
Mr J McCaul – Coordinator Development Engineering
Mr T Mudalige - Development Engineer
Mr B Standen – Principal Planning Officer
Mr A Murray – Planning Officer
Ms K Walsh – Acting Senior Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Nil

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 28 March 2023 be confirmed.

Moved by: Councillor Smith

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

Councillor Fisher was not in attendance.

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

9:03AM Councillor Fisher attended the meeting by via video-link.

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

Nil

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 7 ROCKY RIVER RUN CHARITY BENEFICIARY

File No: 6097
Authorising Officer: Greg Bowden - Executive Manager Advance
Rockhampton
Author: Eileen Brown - Events Coordinator

SUMMARY

This report outlines a request for Rockhampton Regional Council to approve selected charities and includes an outline of donation amounts to be paid.

COUNCIL RESOLUTION

THAT Council approves the proposed outline for charity donation amounts of \$2.00 per registration to each charity for the 7 Rocky River Run 2023 and that Council approves the recommended charity beneficiaries, Ronald McDonald House Charities and CQ Shines Foundation.

Moved by: Councillor Rutherford
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

11.2 UPDATE TO RADF TERMS OF REFERENCE

File No: 2837
Authorising Officer: John Webb - Manager Communities and Culture
Doug Scott - Acting General Manager Community Services
Author: Mark Millett - Coordinator Major Venues

SUMMARY

Following an internal audit on Regional Arts Development Fund, a recommendation was made to update the Terms of Reference to make clearer voting roles and committee numbers. This report provides the Terms of Reference with tracked changes for Council to consider for endorsement.

COUNCIL RESOLUTION

THAT Council endorse the revised changes to the Regional Arts Development Fund (RADF) Terms of Reference as attached to the report, namely amendments to Section 3. *Membership*; and Section 4. *Chairperson*.

Moved by: Councillor Wickerson

Seconded by: Councillor Rutherford

MOTION CARRIED UNANIMOUSLY

11.3 D/167-2021 - REQUEST FOR A NEGOTIATED DECISION FOR A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR RESIDENTIAL CARE FACILITY (90 BEDROOMS)

File No: D/167-2021
Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Doug Scott - Acting General Manager Community Services
Author: Brendan Standen - Principal Planning Officer

SUMMARY

Development Application Number: D/167-2021
Applicant: Mercy Health and Aged Care Central Queensland Limited
Real Property Address: 75 Ward Street, The Range
Common Property Address: Lot 100 on SP225770
Area of Site: 26,710 square metres
Planning Scheme: Rockhampton Region Planning Scheme 2015 (v2.2)
Planning Scheme Zone: Low Density Residential Zone
Planning Scheme Overlays: Airport Environs Overlay; and Steep Land Overlay
Existing Development: Residential Care Facility
Approval Sought: Development Permit for a Material Change of Use for a Residential Care Facility (90 bedrooms)
Level of Assessment: Impact Assessable
Submissions: One (1) properly made submission
Referral Agency: State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)
Infrastructure Charges Area: Charge Area 1

COUNCIL RESOLUTION

THAT in relation to the representation for a Negotiated Decision for Development Permit D/167-2021 for Material Change of Use for a Residential Care Facility (90 bedrooms), made by Mercy Health and Aged Care Central Queensland Ltd, located at 75 Ward Street, The Range, described as Lot 100 on SP225770, Council resolves to Approve the change representation subject to the following conditions:

ADMINISTRATION

- 1.1 The Developer and their employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.

- 1.2 Where these Conditions refer to “Council” in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council’s satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use,
unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Access and Parking Works;
 - (ii) Sewerage Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage; and
 - (v) Site Works.
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works:
 - (i) Demolition Works; and
 - (ii) Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.9 A maximum of 206 beds occupied by people who cannot live independently and require regular nursing or personal care is permitted across 100 on SP225770 at any given time.
- 2.0 APPROVED PLANS AND DOCUMENTS
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Site Plan and Development Summary	Thomson adsett	30 June 2022	A-1.02	3
Site Plan - Staging	Thomson adsett	30 June 2022	A-1.03	3
Site Section	Thomson adsett	30 June 2022	A-1.10	3
RACF Ground Floor Plan	Thomson adsett	30 June 2022	A-2.02	4
RACF Level 1	Thomson adsett	30 June 2022	A-2.03	2
RACF Level 2	Thomson adsett	30 June 2022	A-2.04	2
RACF Roof Plan	Thomson adsett	30 June 2022	A-2.05	2
Kitchen Plan	Thomson adsett	3 December 2021	A-2.11	2
Kitchen Roof Plan	Thomson adsett	3 December 2021	A-2.12	1
Ward Street Car Parking	Thomson adsett	30 June 2022	A-2.20	2
Elevations – RACF	Thomson adsett	30 June 2022	A-3.01	3
Elevations – RACF	Thomson adsett	30 June 2022	A-3.02	3
Kitchen Elevations	Thomson adsett	3 December 2021	A-3.11	2
Sections – RACF	Thomson adsett	30 June 2022	A-4.01	2
Sections – Street Scape	Thomson adsett	3 December 2021	A-4.02	1
Sections – Kitchen	Thomson adsett	3 December 2021	A-4.11	1
Environmental Noise Assessment	RoadPro Acoustics	16 December 2021	1338R1-R0	0
Traffic Impact Assessment	McMurtrie Consulting	14 December 2021	0402122	A
Technical Memorandum	McMurtrie Consulting	7 December 2021	040-21-22	-
Landscape Concept Plan 1: Key Plan	Alderson + Associates Landscape Architects	3 December 2021	964-LCP01	A
Landscape Concept Plan 2: Stage 1 – Additional Parking	Alderson + Associates Landscape Architects	3 December 2021	964-LCP02	A
Landscape Concept Plan 3: Stage 2 – 90 Bed RACF	Alderson + Associates Landscape Architects	3 December 2021	964-LCP03	A
Landscape Concept Plan 4: Stage 2 – 90 Bed RACF	Alderson + Associates Landscape Architects	3 December 2021	964-LCP04	A

Landscape concept Plan 6: Stage2/3- 90 Bed RACF + Kitchen	Alderson + Associates Landscape Architects	14 February 2022	964-LCP06	B
Landscape Concept Plan 5: Stage 2- 90 Bed RACF	Landscape Concept Plan 5: Stage 2- 90 Bed RACF	14 February 2022	964-LCP05	B
Landscape Concept Plan 7: Lower Car Park	Landscape Concept Plan 5: Stage 2- 90 Bed RACF	4 July 2022	964-LCP07	A
Technical Letter – Traffic and Stormwater	JS ² Structures	6 July 2022	21145	-

2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

3.0 STAGED DEVELOPMENT

3.1 This development approval is for a development to be undertaken in two discrete stages, namely:

3.1.1 Residential Care Facility and On-site Car Parking (Stage One); and

3.1.2 Kitchen Facility, Loading Dock and Refuse Storage (Stage Two),

in accordance with the approved plan (refer to condition 2.1).

The stages are required to be undertaken in chronological order.

3.2 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.

4.0 ACCESS AND PARKING WORKS

4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.

4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

4.3 All access, parking and vehicle manoeuvring areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

4.4 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.

4.5 A minimum of fifty five (55) new parking spaces must be provided on-site.

Note: Existing twenty five (25) car parking spaces will be removed as a part of this development.

4.6 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.

- 4.7 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.8 Any application for a Development Permit for Operational Works (access and parking works) must be accompanied by detailed and scaled plans, which demonstrate the turning movements/swept paths of the largest vehicle to access the development site including refuse collection vehicles.
- 4.9 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 4.10 All vehicle operation areas must be illuminated in accordance with the requirements of *Australian Standard AS1158 "Lighting for roads and public spaces"*.
- 4.11 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 5.0 SEWERAGE WORKS
- 5.1 A Development Permit for Operational Works (sewerage works) must be obtained prior to the commencement of any sewerage works on the development site.
- 5.2 All sewerage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018* and the provisions of a Development Permit for Operational Works (sewerage works).
- 5.3 The development must be connected to Council's reticulated sewerage network.
- 5.4 The existing sewerage connection point(s) must be retained and upgraded, if necessary, to service the development.
- 5.5 The finished sewerage access chamber surface must be at a sufficient level to avoid ponding of stormwater above the top of the chamber. A heavy duty trafficable lid must be provided in the trafficable area.
- 5.6 Sewer connections located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.7 The existing 150mm diameter sewerage infrastructure that traverses the development site must be re-aligned in accordance with approved technical memorandum (refer to condition 2.1). The section of redundant sewerage infrastructure must be capped at the point(s) of disconnection and core filled with appropriate material.
- 5.8 All works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."*
- 5.9 Sewerage trade waste permits must be obtained for the discharge of any non-domestic waste into Council's reticulated sewerage network. Arrestor traps must be provided where commercial or non-domestic waste is proposed to be discharged into the sewer system.
- 6.0 PLUMBING AND DRAINAGE WORKS
- 6.1 A Development Permit for Plumbing and Drainage Works must be obtained for the removal and/or demolition of any existing structure on the development site.

- 6.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 6.3 The development must be connected to Council's reticulated water network. An hydraulic engineer or other suitably qualified person must determine the size of connection required.
- 6.4 The existing water connection point must be retained, and upgraded if necessary, to service the development.
- 6.5 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 6.6 Water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 6.7 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2018* and Council's Plumbing and Drainage Policies.
- 6.8 Fixtures installed in the basement or other locations, where surcharge could damage the premises and contents, must be connected to the reticulated sewerage system by means of a pumping installation complying with *Australian Standard AS3500 "Sanitary plumbing and drainage"*.
- 7.0 STORMWATER WORKS
- 7.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works required by this development approval.
- 7.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual, Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 7.3 All stormwater must drain to a lawful point of discharge and must not adversely affect surrounding land or infrastructure in comparison to the pre-development conditions, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage, nuisance or worsening to surrounding land or infrastructures.
- 7.4 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual exceedance probability storm event, for the post-development conditions.
- 7.5 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by an updated Stormwater Management Plan report, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 7.5.1 details around the implementation and design of the adopted stormwater management strategy;
- Note: Should the underground tank strategy be adopted, details regarding the pump setup and pressure main must be provided and should comply with *Australian Standard AS3500 "Sanitary plumbing and drainage"*.
- 7.5.2 details of the low / high flow outlets;

- 7.5.3 demonstration of how the major design storm flows are conveyed to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
 - 7.5.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;
 - 7.5.5 identification of the area of development site inundated as a consequence of the major design storm event for post-development scenario; and
 - 7.5.6 details of all calculations, assumptions and data files (where applicable).
- 7.6 All proprietary stormwater quality treatment devices must be routinely checked, serviced and cleaned in accordance with the manufacturer's recommendations. Records of all maintenance activities undertaken must be kept and made available to Council upon request. Where replacement cartridges or other necessary components for the system become unavailable, an alternative system approved by Council, is required to be retrofitted into the development to achieve an equivalent pollutant reduction outcome. All maintenance cost must be borne by the site owner / operator.
- 8.0 ROOF AND ALLOTMENT DRAINAGE WORKS
- 8.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 8.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).
- 8.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance or worsening to surrounding land or infrastructure.
- 9.0 SITE WORKS
- 9.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works on the development site.
- 9.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by earthworks plan that clearly identifies the following:
- 9.2.1 the location of cut and/or fill;
 - 9.2.2 the type of fill to be used and the manner in which it is to be compacted;
 - 9.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;
 - 9.2.4 details of any proposed access routes that are intended to be used to transport fill to or from the development site; and
 - 9.2.5 the maintenance of access roads to and from the development site so that they are free of all cut and/or fill material and cleaned as necessary.
- 9.3 All earthworks must be undertaken in accordance with *Australian Standard AS3798 "Guidelines on earthworks for commercial and residential developments"*.
- 9.4 Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to surrounding land or infrastructure.

- 9.5 Retaining structures above one (1) metre in height that are not incidental works to a Development Permit for Building Works, must not be constructed unless separately and specifically certified by a Registered Professional Engineer of Queensland and must be approved as part of a Development Permit for Operational Works (site works).
- 10.0 LANDSCAPING
- 10.1 Landscaping must be constructed and/or established prior to the commencement of the use in all areas shown on the approved plans (refer to condition 2.1).
- 10.2 Landscaping must be designed in accordance with the requirements of *Australian Standard AS 1428 parts 1, 2, 3 and 4 — Design for access and mobility*.
- 10.3 At least fifty (50) per cent of all new plantings within the landscaping areas (refer to condition 2.1) must be locally native species with low water dependency and must comply with the following requirements:
- 10.3.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
- 10.3.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 10.4 Shade trees within car parking areas are to be provided and planted within a deep natural ground/structured soil garden bed/island/bay and are protected by wheel stops or bollards as required.
- 10.5 Each shade tree must have a clean trunk with a minimum height of two (2) metres and each shade tree is provided with a minimum planting area of 1.2 square metres with a minimum topsoil depth of 0.8 metres.
- 10.6 Shade trees must comply with the following requirements:
- 10.6.1 Be planted clear of services and utilities;
- 10.6.2 Be planted clear of park furniture and embellishments;
- 10.6.3 Not obstruct pedestrian or bicycle traffic; and
- 10.6.4 Comply with crime prevention through environmental design principles.
- 10.7 Root control barriers must be installed where invasive roots may cause damage to car parking areas, pedestrian paths and road carriageways.
- 1.1 Landscaping, or any part thereof, upon reaching full maturity, must not:
- (i) obstruct sight visibility zones as defined in the *Austroads ‘Guide to Traffic Engineering Practice’* series of publications;
- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.
- 11.0 BUILDING WORKS
- 11.1 A Development Permit for Building Works must be obtained for the removal and/or demolition of any existing structure on the development site.
- 11.2 All building works must be undertaken in accordance with *Queensland Development Code, Mandatory Part 1.4 “Building over or near relevant infrastructure.”*
- 11.3 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2019* and must be:

- 11.3.1 designed and located so as not to cause a nuisance to neighbouring properties;
- 11.3.2 surrounded by at least a 1.8 metre high screen fence that obstructs from view the contents of the waste storage area by any member of the public from any public place;
- 11.3.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
- 11.3.4 setback a minimum of two (2) metres from any road frontage; and
- 11.3.5 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2018*.

As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 11.4 The finished floor level for habitable areas (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual Exceedance Probability defined storm inundation level.
- 11.5 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual Exceedance Probability storm event, must be designed and constructed using suitable flood resilient materials.
- 11.6 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual Exceedance Probability defined storm inundation level.
- 12.0 ELECTRICITY
- 12.1 Underground electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 13.0 TELECOMMUNICATIONS
- 13.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 14.0 ASSET MANAGEMENT
- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 14.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 14.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

15.0 ENVIRONMENTAL

15.1 The Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be:

15.1.1 implemented, monitored and maintained for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped); and

15.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.

16.0 OPERATING PROCEDURES

16.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Spencer Street, Jessie Street, Agnes Street or Ward Street.

16.2 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:

16.2.1 the area is kept in a clean and tidy condition;

16.2.2 fences and screens are maintained;

16.2.3 no waste material is stored external to the waste storage area/s;

16.2.4 the area is maintained in accordance with *Environmental Protection Regulation 2019*.

16.3 Building plant or air conditioning equipment must be screened from view of the street and adjoining properties.

17.0 ENVIRONMENTAL HEALTH

17.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.

17.2 Noise emitted from the activity must not cause an environmental nuisance.

17.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.

17.4 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided Council within fourteen (14) days of the completion of the investigation. Council may require any noise mitigation measures identified in the assessment to be implemented within appropriate timeframes. Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*. Airconditioning units must be located so as not to cause a noise nuisance and maintained in appropriate working order at all times. Installation is to be as per manufacturer's directions to ensure the efficiency of the equipment.

ADVISORY NOTESNOTE 1. Aboriginal Cultural Heritage

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal cultural heritage legislation. The information on Aboriginal cultural heritage is available on the Department of Aboriginal and Torres Strait Islander Partnerships website www.dsdsatsip.qld.gov.au

NOTE 2. Asbestos Removal

Any demolition and/or removal works involving asbestos materials must be undertaken in accordance with the requirements of the *Work Health and Safety Act 2011* and *Public Health Act 2005*.

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 4. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the development site, Council's Environment and Public Health Unit must be consulted to determine whether any approvals are required. Such activities may include food preparation, storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before 'fit out' and operation.

NOTE 5. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 6. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.

Total Contributions Payable = \$587,953.50

Moved by: Councillor Mathers

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

11.4 D/589-2013 - DEVELOPMENT APPLICATION FOR AN "OTHER CHANGE" TO A DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY (SAND QUARRY)

File No: D/589-2013
Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
 Doug Scott - Acting General Manager Community Services
Author: Aidan Murray - Planning Officer

SUMMARY

Development Application Number: D/589-2013
Applicant: Nine Mile Sands Pty Ltd T/A Rockhampton Sands
Real Property Address: Lot 250 on R2621
Common Property Address: Lot 250 Fogarty Road, Fairy Bower
Area of Site: 36.422 hectares (364,220m²)
Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.2)
Planning Scheme Zone: Rural Zone
Planning Scheme Overlays: Acid Sulfate Soils Overlay;
 Airport Environs Overlay;
 Biodiversity Areas Overlay;
 Bushfire Hazard Overlay;
 Coastal Protection Overlay;
 Flood Hazard Overlay; and
 Steep Land Overlay.
Existing Development: Extractive Industry
Approval Sought: 'Other Change' to Development Permit D/589-2013 for a Material Change of Use for Extractive Industry (Sand Quarry)
Level of Assessment: Impact Assessable
Submissions: One (1) Objecting
Referral Agency: State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the Application for an 'Other Change' to Development Permit D/589-2013 for Material Change of Use for Extractive Industry (Sand Quarry), made by Nine Mile Sands Pty Ltd T/A Rockhampton Sands, located at Lot 250 Fogarty Road, Fairy Bower, described as Lot 250 on R2621, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development	Material Change of Use for Extractive Industry (Sand Quarry)
Reasons for	a) Assessment of the development against the relevant zone purpose,

Decision	<p>planning scheme codes and planning scheme policies demonstrates that the proposed development will not cause significant adverse impacts on the surrounding natural environment, built environment and infrastructure, community facilities, or local character and amenity; and</p> <p>b) On balance, the application should be approved because the circumstances favour Council exercising its discretion to approve the application even though the development does not comply with an aspect of the assessment benchmarks.</p>	
Assessment Benchmarks	<p>The development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Strategic Framework; • Rural Zone Code; • Acid Sulfate Soils Overlay Code; • Airport Environs Overlay Code; • Biodiversity Overlay Code; • Bushfire Hazard Overlay Code; • Flood Hazard Overlay Code; • Steep Land Overlay Code; • Access, Parking and Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and • Water and Sewer Code. 	
Compliance with assessment benchmarks	<p>The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.</p>	
	Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
	<p>Extractive Industry Code PO2</p>	<p>The development does not comply with Acceptable Outcome (AO) 2.1, which requires a vegetated buffer with a minimum width of thirty (30) metres along all boundaries of the site. A vegetated buffer has not been proposed by the Applicant or conditioned to be provided.</p> <p>The extraction and operations areas are not located near a state-controlled road or residential zoned land and is approximately 500 metres from the nearest sensitive land use (dwelling houses on surrounding rural properties). As such, a vegetated buffer or screening along the property boundaries is not considered necessary or practical to maintain the amenity of surrounding residents. Conditions of approval have been included referencing the relevant environmental standards (e.g. environmental nuisance and amenity under <i>Environmental Protection Act 1994</i>). The development is considered to achieve the intent of the Performance Outcome (PO) 2 and Overall Outcomes of the Extractive Industry Code.</p>
<p>Extractive</p>	<p>The development does not comply with AO4.1 as the</p>	

	Industry Code PO4	internal roads are not sealed. Instead, internal haul roads will be a gravel surface and regularly maintained and dampened by a water cart to reduce the potential dust impacts external to the site. This is considered sufficient to achieve the PO4 where supported by reasonable and relevant conditions within the associated Environmental Approval.
	Extractive Industry Code PO5	The development does not comply with AO5.1, which requires security fencing be provided for the full length of the site perimeter around stockpiles and operations areas. The site instead has standard rural fencing around the property boundaries with a security at vehicle access point from Fogarty Road. The fencing and gate currently provided as well as the site location and other factors are considered sufficient to not comprise public safety and ensure risks are minimal, thereby achieving PO5.
	Access, Parking and Transport Code PO6	The application does not comply with AO6.1 as the on-site parking, access and manoeuvring facilities, are not sealed but are instead constructed of gravel. The site is located in the Rural Zone and well separated from any sensitive land uses. The nearest land use is another extractive industry on a separate property. The risk of amenity impacts from dust is therefore considered low risk subject to appropriate mitigation measures. Conditions of approval require that all access works are designed and constructed in accordance with Capricorn Municipal Guidelines and relevant Australian Standards. Additionally, should any genuine complaint of dust nuisance occur, the applicant will be required to seal or surface treat the entire driveway including parking spaces and vehicular manoeuvring areas. Based on the above, parking and servicing facilities are designed to meet user requirements and therefore comply with PO6.
	Bushfire Hazard Overlay Code PO2	The site is located within the Rural Zone where reticulated water supply is not available. The development conflicts with AO2.1.2 which prescribes that a water tank be provided within ten (10) metres of a building or structure. The applicant has instead proposed an alternative solution to utilise water trucks that are already used as part of the sand quarry operations, as well as having access to water from the quarry sump and sediment basin if required during a bushfire event. The alternative solutions provide adequate and accessible water supply for firefighting purposes in an emergency thereby achieving PO2.
	Flood Hazard Overlay Code PO4	The development does not comply with AO 4.1.1 as there are buildings proposed / located on-site in the Extreme (H5) Flood Hazard Overlay area. The applicant must obtain separate approvals in relation to the Planning Scheme and the Building Assessment Provisions for the proposed buildings. Advisory Notes 11 and 12 address these requirements. The Building Works Assessable against the Planning Scheme

		application will need to demonstrate there will be no increase to the flood risk towards people and property to thereby achieve the intent of PO4.
	Flood Hazard Overlay Code PO17	<p>The development does not comply with AO17.1, which prescribes that development does not involve filling with a height greater than 100 millimetres. The bund walls constitute assessable Operational Works (site works) and require approval from Council. In order to comply with PO17, the applicant must demonstrate to Council that the development does not materially impede the flow of floodwaters through the site or cause unacceptable impacts external to the site. This is to be enforced through Condition 7.8 which requires the applicant to implement the following actions:</p> <ul style="list-style-type: none"> • A Flood Impact Assessment must be submitted with the Operational Works for site works. • All site works inclusive of stockpiles and/or banks/bund walls must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause an actionable nuisance to surrounding properties or infrastructure.
Relevant Matters	The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation (see below).	
Matters raised in submissions	Issue	How matter was dealt with
	Road safety concerns in relation to heavy vehicle use of Lion Creek Bridge (Nine Mile Road)	A traffic impact assessment and pavement impact assessment were provided by the applicant to support the application. This has been considered by Council officers and conditions have been included to ensure safe use of all road users accessing Lion Creek Bridge. As per condition 4.7, the developer must install two sets of roadside signs including 'Narrow Bridge' and 'Next 200m', to the south and north of Lion Creek Bridge. Additionally, a sign stating 'Trucks stops here to give-way to opposing traffic' must be installed south of the Lion Creek Bridge with appropriate line markings. Nine Mile Road verges either side of the Lion Creek Bridge are to be maintained to improve sight distances.
	Road safety concerns as a result of degradation caused by high frequency of heavy vehicle trips on Nine Mile Road)	A traffic impact assessment and pavement impact assessment were provided by the applicant to support the application, which has been assessed by Council officers. Conditions of development require the applicant to pay a road maintenance levy to Council to contribute to maintenance and upkeep of Council's road network. Payments are required six monthly and are based on the amount of material processed at a per tonnage rate. The required rate of payment for each stage of the development and level of output is outlined in conditions 4.4, 4.5 and 4.6 and are subject to Consumer Price Index (CPI) increases to ensure adequate contribution is provided toward continued road maintenance and upkeep of affected roads. Furthermore, condition 4.8 requires the applicant to undertake a Road Safety Audit for Nine Mile Road prior

		to commencing extraction greater than 250,000 tonnes per annum. Any recommendations resulting from the Road Safety Audit must be implemented by the applicant.
	Flooding impacts from bund walls	Establishment of bund walls around the extraction pit is a condition of the existing Environmental Authority approval to achieve flood immunity from a Q100 flood event (i.e., 1% Annual Exceedance Probability – AEP) and ensure flood water cannot enter the pits. There is no requirement on the EA approval for bunding around the whole of the site. Condition 7.8 addresses this concern in the following ways: <ul style="list-style-type: none"> • A Flood Impact Assessment must be submitted with the Operational Works application for site works. • All site works inclusive of stockpiles and/or banks/bund walls must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
	Public notification not undertaken effectively	All public notification actions were undertaken by the applicant as required in accordance with the Planning Act 2016 and Development Assessment Rules: <ul style="list-style-type: none"> • Notice published in newspaper on 27 July 2022; • Notice (sign) placed on premises from 27 July 2022 until 18 August 2022; • Adjoining landowners notified by mail on 26 July 2022.
Matters prescribed by regulation		<ul style="list-style-type: none"> • The <i>Rockhampton Region Planning Scheme 2015</i> (version 2.2); and • The common material, being the material submitted with the application.

RECOMMENDATION B

THAT in relation to the Application for an 'Other Change' to Development Permit D/589-2013 for Material Change of Use for Extractive Industry (Sand Quarry), made by Nine Mile Sands Pty Ltd T/A Rockhampton Sands, located at Lot 250 Fogarty Road, Fairy Bower described as Lot 250 on R2621, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.
- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and

completed prior to the commencement of the use, unless otherwise stated.

- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
- (i) Deleted
 - (ii) Deleted
 - (iii) Site Works.
- 1.6.2 Building Works Assessable against the Planning Scheme (Preliminary Approval)
- 1.6.3 Building Works against the Building Assessment Provisions
- 1.7 The Environmentally Relevant Activity Permit must be amended to reflect this development approval and approved by the Department of Environment and Science prior to the commencement of the use.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant Australian Standards and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

<u>Plan / Document Name</u>	<u>Plan / Document Number</u>	<u>Revision / Issue</u>	<u>Dated</u>	<u>Stages</u>
Site Based Management Plan	4363	-	27 November 2013	1
Road Impact Assessment report by McMurtrie Consulting Engineers	026-10-11	-	29 November 2010	1
Site Layout Plan	2493.DRG.003	Revision 4	11 July 2022	All Stages
Traffic and Pavement Impact Assessments	2022-705_10574_TIA	Issue 2	05 July 2022	2 and 3
Rockhampton Sand Quarry – Responses to Council’s Traffic Matters	2022-705_10574_TIA	N/A	16 September 2022	2 and 3
Rockhampton Sands Quarry	2493_610_002	Issue 2	June 2022	2 and 3

Environmental Management Plan				
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- 2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.
- 2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.

3.0 STAGED DEVELOPMENT

- 3.1 This approval is for a development to be undertaken in three (3) discrete stages. The stages are to be carried out in accordance with the following parameters:
- 3.1.1 Stage 1 = maximum 100,000 tonnes per annum (tpa);
- 3.1.2 Stage 2 = maximum 250,000 tpa; and
- 3.1.3 Stage 3 = maximum 1,000,000tpa of which not more than 250,000tpa is permitted for supply to the general market, with any balance permitted for supply to the Rockhampton Ring Road (RRR) project.
- 3.2 Stage one must be completed prior to any other Stage. Stages 2 and 3 must be undertaken in chronological order or may be undertaken concurrently.
- 3.3 Unless otherwise expressly stated, the conditions must be read as being applicable to all stages.
- 3.4 The maximum quantity of material hauled from the site must not exceed the limits associated with each stage in Condition 3.1.
- 3.5 Stage 3 must cease operation upon completion of the RRR project or when a maximum haulage of 4 million tonnes has been supplied to the RRR project from commencement, whichever occurs first.

4.0 ROAD WORKS

- 4.1 Deleted.
- 4.2 Deleted.
- 4.3 Deleted.
- 4.4 For Stage 1, a road maintenance levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six months which includes the tonnage hauled from the site over the preceding six-month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the March 2014 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
0-100,000 tonnes	\$0.22 per tonne

Note: CPI of March 2014 – 105.2

Note: Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

- 4.5 For Stage 2, a road maintenance levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details

are to be provided to Council every six months which includes the tonnage hauled from the site over the preceding six-month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the September 2022 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
100,001 - 250,000 tonnes	\$0.422 per tonne

Note: CPI of September 2022 – 130.2

Note: Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

- 4.6 For Stage 3, a road maintenance levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six months which includes the tonnage hauled from the site over the preceding six month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the September 2022 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
250,001 -1,000,000 tonnes	\$0.496 per tonne

Note: CPI of September 2022 – 130.2

Note: Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

- 4.7 Prior to commencing haulage from site greater than 100,000tpa (applies to Stages 2 and 3), two sets of roadside signs including 'Narrow Bridge' (W4-1) and 'Next 200m' (R9-6) must be installed at 200m south and 200m north of Lion Creek Bridge. Additionally, a sign stating 'Trucks stops here to give-way to opposing traffic' must be installed at 15m south of the Lion Creek Bridge with appropriate line markings.
- 4.8 Prior to commencing haulage from site greater than 250,000tpa or commencing supply to the RRR project (applies to Stage 3) the developer is to undertake a Road Safety Audit of Nine Mile Road for the development traffic scenario up to 1,000,000tpa. The road safety audit is to be prepared by a Registered Professional Engineer of Queensland (RPEQ) and is to be submitted to and approved by Council.
- Note:** If necessary, the developer will need to apply for a subsequent Change to the Development Approval or an Operational Works (Road Works) application to action any recommendations of the road safety audit.
- 4.9 For Stage 3, a 'bridge/major drainage structures' levy must be paid on a six-monthly basis for the duration of the activity, calculated by the owner / operator of the development. Details are to be provided to Council every six months which includes the tonnage hauled from the site over the preceding six month period and the calculation of the levy payable. The calculation must be based on the below rate and increased by Consumer Price Index (CPI) as appropriate. The amount shown below is relevant for the September 2022 value and will be calculated in future years adjusted each year by the CPI (All Groups Brisbane).

Tonnage	Rate
250,001 -1,000,000 tonnes	\$0.11 per tonne

Note: CPI of September 2022 – 130.2

Note: Total tonnage transported per year must be based on the total sum of materials transported from the site (including extracted material and reprocessed waste material).

5.0 ACCESS WORKS

5.1 Deleted.

5.2 All access works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), Capricorn Municipal Development Guidelines and relevant Australian Standards.

5.3 Deleted.

6.0 STORMWATER WORKS

6.1 Deleted

6.2 Deleted

6.3 All stormwater drainage must be discharged such that it does not restrict, impair or change the natural flow of runoff water or cause a nuisance to adjoining properties or infrastructure.

6.4 Deleted

7.0 SITE WORKS

7.1 A Development Permit for Operational Works (site works) must be obtained prior to the commencement of any site works.

7.2 Any application for a Development Permit for Operational Works (site works) must be accompanied by an earthworks plan which clearly identifies the following:

7.2.1 the location of cut and/or fill;

7.2.2 the type of fill to be used and the manner in which it is to be compacted;

7.2.3 the quantum of fill to be deposited or removed and finished cut and/or fill levels;

7.2.4 details of any proposed access routes to the site which are intended to be used to transport fill to or from the site; and

7.2.5 the maintenance of access roads to and from the site so that they are free of all cut and/or fill material and cleaned as necessary.

7.3 Deleted.

7.4 Deleted.

7.5 Deleted.

7.6 Deleted.

7.7 Deleted.

7.8 A Flood Impact Assessment, prepared and endorsed by a Registered Professional Engineer of Queensland (RPEQ), must be submitted with the Operational Works (site works). All site works inclusive of stockpiles, hardstand areas and/or banks and bund walls must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause an actionable nuisance to surrounding properties or infrastructure.

7.9 Any vegetation cleared or removed must be:

(i) mulched on-site and utilised on-site for landscaping purposes;

(ii) removed for disposal at a location approved by Council within sixty (60) days of clearing; or

(iii) Burned in accordance with a permit obtained from the local Fire Warden.

7.10 All site works must be undertaken to ensure there is:

7.10.1 No increase in upstream or downstream flood levels for all levels of immunity up to Q100; and

7.10.2 No increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development.

8.0 ASSET MANAGEMENT

8.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.

8.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.

9.0 ENVIRONMENTAL

9.1 Deleted.

9.2 Deleted.

9.3 Deleted.

9.4 Deleted.

9.5 Vegetation must not be cleared, removed or damaged unless it is in accordance with the approved plans. Any additional vegetation clearing on the subject site must be in accordance with the requirements of the *Vegetation Management Act 1999* and the planning scheme current at the time of the proposed clearing.

9.6 Deleted.

9.7 The operator must implement measures for the control of weed infestations during excavation, processing or transport of material in accordance with an approved Weed and Pest Control Plan. A Weed and Pest Control must be kept on-site and available for inspection.

10.0 OPERATING PROCEDURES

10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Fogarty Road or Nine Mile Road.

10.2 Deleted.

10.3 The hours of operations must be limited to:

(i) 0600 hours to 1800 hours on Monday to Saturday; and

(ii) no operations on Sunday or Public Holidays

10.4 A detailed record of the extraction, including date, quantity extracted and transported from site must be maintained on site for inspection by Council.

10.5 All waste materials and consumables generated by the operation must be immediately removed from site and disposed of at a licensed waste receiver. Any chemicals, fuels or consumables in containers of greater than 15 litres must be stored within a

secondary containment system.

10.6 Excavation and filling must be located sufficiently clear of the boundary so that there is no damage to adjoining properties or road reserves due to the effects of erosion.

10.7 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*'.

10.8 Deleted.

10.9 Deleted.

10.10 Deleted.

10.11 B-Double or larger vehicles are not permitted to enter or be used within the subject site.

Note: B-Double or larger vehicles are not permitted to use Fogarty Road and Nine Mile Road as it is not a B-Double route, except where an appropriate National Heavy Vehicle Regulator Permit has been obtained.

10.12 The processing of End of Waste Code (EOWC) resources can occur on-site where ancillary to the primary extractive industry land use occurring on the site. Suitable ancillary activities include processing of:

- (i) concrete products (concrete washout and returned hardened concrete from concrete plants);
- (ii) recovered pavement products (removed, surplus and/or unused asphalt, bitumen, road base and sub-base materials)
- (iii) brick, tile and masonry products; and
- (iv) coal combustion products (Furnace Bottom Ash from Stanwell Power Station).

Note: The developer must maintain registration to the End of Waste Codes for the relevant resources used in this activity, including EOWC Recycled Aggregates, EOWC Returned Concrete, EOWC Solid Concrete Washout and EOWC Coal Combustion Products.

10.13 The developer must limit the range of products produced using EOWC resources to those that are required to be mixed or blended with or added to extracted material and the resulting by-products. The above activities are only considered ancillary to the approved Extractive Industry use on the site where consistent with the following parameters:

10.13.1 The maximum quantity of EOWC resource that is imported to the site is limited to 15% of the quantity of material extracted in that year.

10.13.2 The maximum quantity of EOWC resource that is sold and exported from the site is limited to 10% of the quantity of material extracted in that year.

10.13.3 The EOWC resources used on site are limited to those required to be mixed or blended with extracted material from the site.

10.13.4 The maximum quantity of material outgoing from the site (i.e., both produced and sold) is within the limits considered as part of the approved Traffic and Pavement Impact Assessment report prepared by Traffic and Transport Plus.

10.13.5 Any waste generated during this activity that is not re-used as a resource must be disposed of at an approved facility that is the holder of a relevant ERA for the type of waste being disposed. Stockpiling of waste at the site is

not permitted. Disposal of waste to landfill at the site is not permitted.

10.14A record of all weighbridge receipts must be kept on-site for Council inspection as requested. Weighbridge receipts must be recorded, maintained and retained for a minimum period of ten (10) years.

11.0 PLUMBING AND DRAINAGE WORKS

11.1 On-site water supply for domestic and firefighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each.

ADVISORY NOTES

NOTE 1. Aboriginal Cultural Heritage Act, 2003

It is advised that under section 23 of the *Aboriginal Cultural Heritage Act 2003*, a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage (the "cultural heritage duty of care"). Maximum penalties for breaching the duty of care are listed in the Aboriginal Cultural Heritage legislation. The information on Aboriginal Cultural Heritage is available on the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships www.dsdsatsip.qld.gov.au/

NOTE 2. Deleted

NOTE 3. General Environmental Duty

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.

NOTE 4. Deleted

NOTE 5. Deleted

NOTE 6. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 7. Deleted

NOTE 8. Infrastructure Charges Notice

Council has resolved not to issue an Infrastructure Charges Notice for this development because the new infrastructure charges arising from the development are less than or equal to the credits applicable for the new development.

NOTE 9. Duty to Notify of Environmental Harm

If a person becomes aware that serious or material environmental harm is caused or threatened by an activity or an associated activity, that person has a duty to notify Rockhampton Regional Council.

NOTE 10. Environmental Nuisance

Emissions from the activity must not cause an environmental nuisance.

NOTE 11. Building Work

A Development Permit for Building Works assessable against the Building Assessment Provisions must be obtained for any buildings or structures on the site.

NOTE 12. Building Work Assessable Against the Planning Scheme

A Preliminary Approval for Building Works Assessable against the Planning Scheme must be obtained for any buildings or structures on the site. An application must be made to Council and be accompanied by a Flood Impact Assessment prepared and endorsed by a Registered Engineer Professional of Queensland (RPEQ).

NOTE 13. Plumbing and Drainage Work

All regulated internal plumbing and drainage works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2018*, and Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

NOTE 14. Sanitary Drainage Work

On-site sewerage treatment and disposal must be provided in accordance with the Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies.

All regulated sanitary drainage works must comply with *Australian Plumbing and Drainage Standard AS3500* Part 2 section 3 and 4 for flood affected areas.

RECOMMENDATION C

THAT in relation to the application for 'Other Change' to Development Permit D/589-2013 for Material Change of Use for Extractive Industry (extension), made by Nine Mile Sands Pty Ltd T/A Rockhampton Sands, located at Lot 250 Fogarty Road, Fairy Bower, described as Lot 250 on R2621, Council resolves not to issue an Infrastructure Charges Notice.

Moved by: Councillor Mathers
Seconded by: Councillor Wickerson

MOTION CARRIED

12 NOTICES OF MOTION

12.1 NOTICE OF MOTION - COUNCILLOR NEIL FISHER - BOWEN BASIN MINING CLUB LUNCHEON

File No: 10072
Authorising Officer: Emma Brodel - Senior Executive Assistant to the Mayor
Justin Kann - Manager Office of the Mayor
Evan Pardon - Chief Executive Officer
Author: Nicole Semfel - Executive Support Officer

SUMMARY

Councillor Neil Fisher has indicated his intention to move a Notice of Motion at the next Ordinary Council Meeting scheduled for Wednesday 12 April 2023 regarding attendance at Bowen Basin Mining Club Luncheon on 25 May 2023.

COUNCIL RESOLUTION

THAT Councillor Neil Fisher be granted approval to attend the Bowen Basin Mining Club meeting in Mackay on Thursday 25 May 2023.

Moved by: Mayor Williams
Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS QUESTIONS

9:58AM Councillor Kirkland informed the meeting:

“I have a declarable conflict of interest in **Item 14.1 – Waste Exemption Request**. This declarable conflict of interest arises as I am a founding non-executive member of The Shelter Collective group. As this is a direct request from The Shelter Collective, I will leave the room for the duration of the discussion and decision making process.

I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

9:58AM Councillor Mathers informed the meeting:

“I have a declarable conflict of interest in **Item 14.1 – Waste Exemption Request**. This declarable conflict of interest arises as I am a founding non-executive member of The Shelter Collective group. As this is a direct request from The Shelter Collective, I will leave the room for the duration of the discussion and decision making process.

I will deal with the conflict by leaving the room and staying away from the place where the meeting is being held when this matter is being discussed and voted on.”

9:59AM

Councillor Kirkland was placed in the ‘lobby’ on video-link while the matter was discussed and voted on.

9:59AM

Councillor Mathers left the room while the matter was discussed and voted on.

14.1 WASTE EXEMPTION REQUEST**File No:** 6237**Responsible Officer:** Evan Pardon – Chief Executive Officer

SUMMARY

The Chief Executive Officer has had an urgent request from the Manager - Housing and Homelessness at AnglicareCQ on behalf of the Shelter Collective for Council to consider the waiver of waste fees **for the disposal of construction demolition waste** for a community project that The Shelter Collective and Apollo Care are undertaking. The community project is the renovation of 10 cottages located at Alexandra Gardens, on the corner of Farm and Alexandra St.

COUNCIL RESOLUTION

THAT Council approve the waiver of the waste fees, to be capped at \$2500 , for the disposal of construction demolition waste from The Shelter Collective's ACR20 project.

Moved by: Councillor Rutherford**Seconded by:** Councillor Smith**MOTION CARRIED**

Councillors Rutherford, Smith, Latcham, Williams, Fisher and Wickerson voted in the affirmative.

Councillors Kirkland and Mathers were not in the meeting room and did not participate in the vote.

10:07AM Councillor Mathers returned to the meeting room.

10:07AM Councillor Kirkland returned to the meeting via video-link.

15 CLOSED SESSION

In accordance with the provisions of section 254J(3) of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

COUNCIL RESOLUTION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 254J(3) of the *Local Government Regulation 2012*, for the reasons indicated.

16.1 Commercial Matter

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Moved by: Councillor Wickerson

Seconded by: Councillor Mathers

MOTION CARRIED

COUNCIL RESOLUTION

10:04AM

THAT pursuant to s5.12 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Mayor Williams

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

COUNCIL RESOLUTION

10:39AM

THAT pursuant to s5.12 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Latcham

Seconded by: Councillor Smith

MOTION CARRIED UNANIMOUSLY

16 CONFIDENTIAL REPORTS

16.1 COMMERCIAL MATTER

File No: 3368

Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer

Author: Marcus Vycke - Manager Airport

In accordance with section 254J(3)(g) of the *Local Government Regulation 2012* it is considered necessary to close the meeting to discuss negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

SUMMARY

Manager Airport reporting seeking Council endorsement on a commercial matter.

COUNCIL RESOLUTION

THAT Council endorse the recommendations as outlined in the body of the report.

Moved by: Councillor Fisher

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

17 CLOSURE OF MEETING

There being no further business the meeting closed at 10:39am.

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

12 APRIL 2023

ANNEXURE A

Documents presented to Councillors for their reference during the Council meeting when dealing with:

Item 11.4 – D/158-2013 – Development Application for an “Other Change” to a Development Permit for a Material Change of Use for Extractive Industry (Sand Quarry)

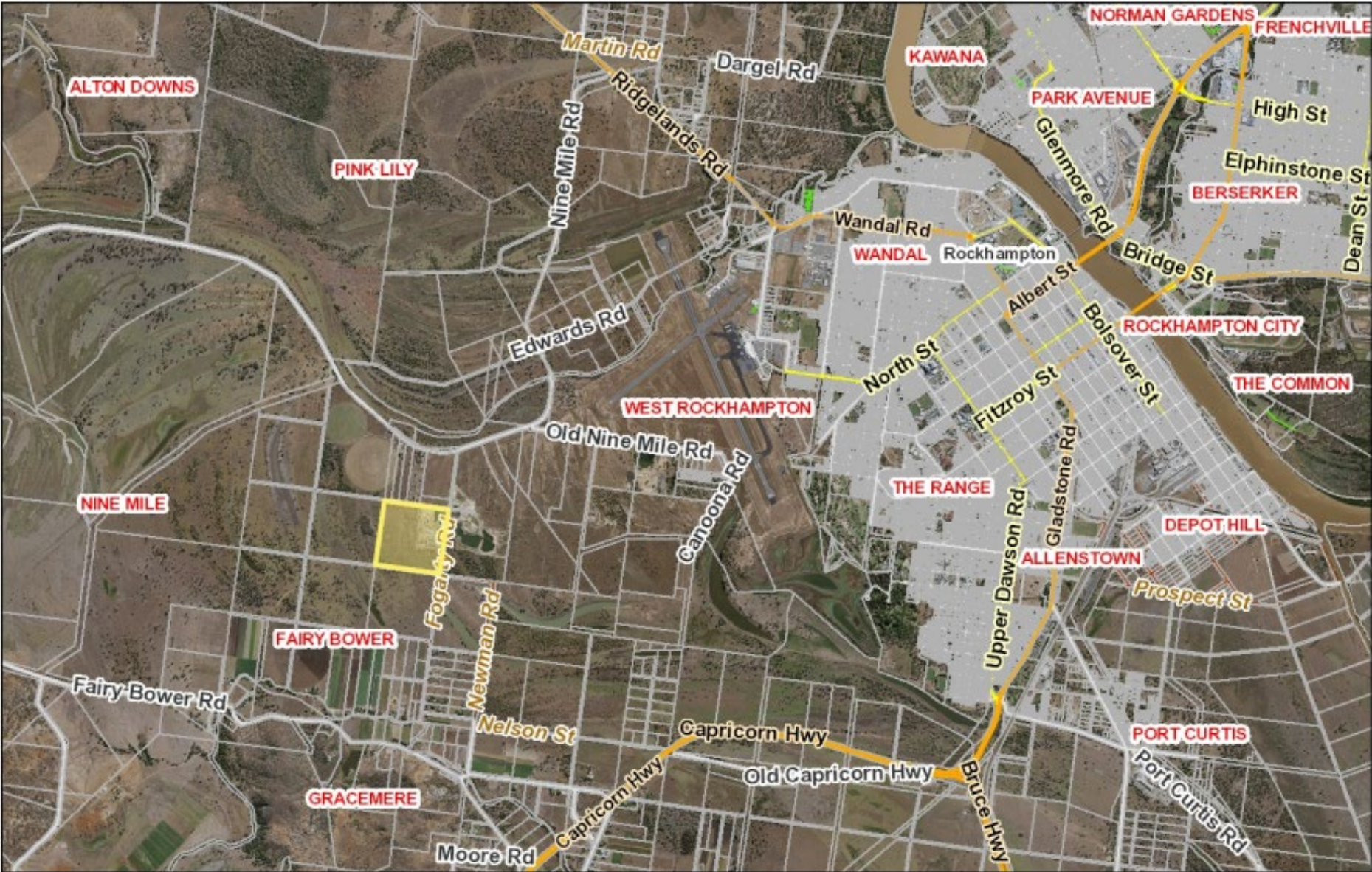
Other Change Application relating to Existing Development Approval D/589-2013

**Material Change of Use for Extractive Industry
Lot 250 Fogarty Road, Fairy Bower (Lot 250 on R2621)**

Council Meeting – 12 April 2023

Aidan Murray – Planning Officer

Location

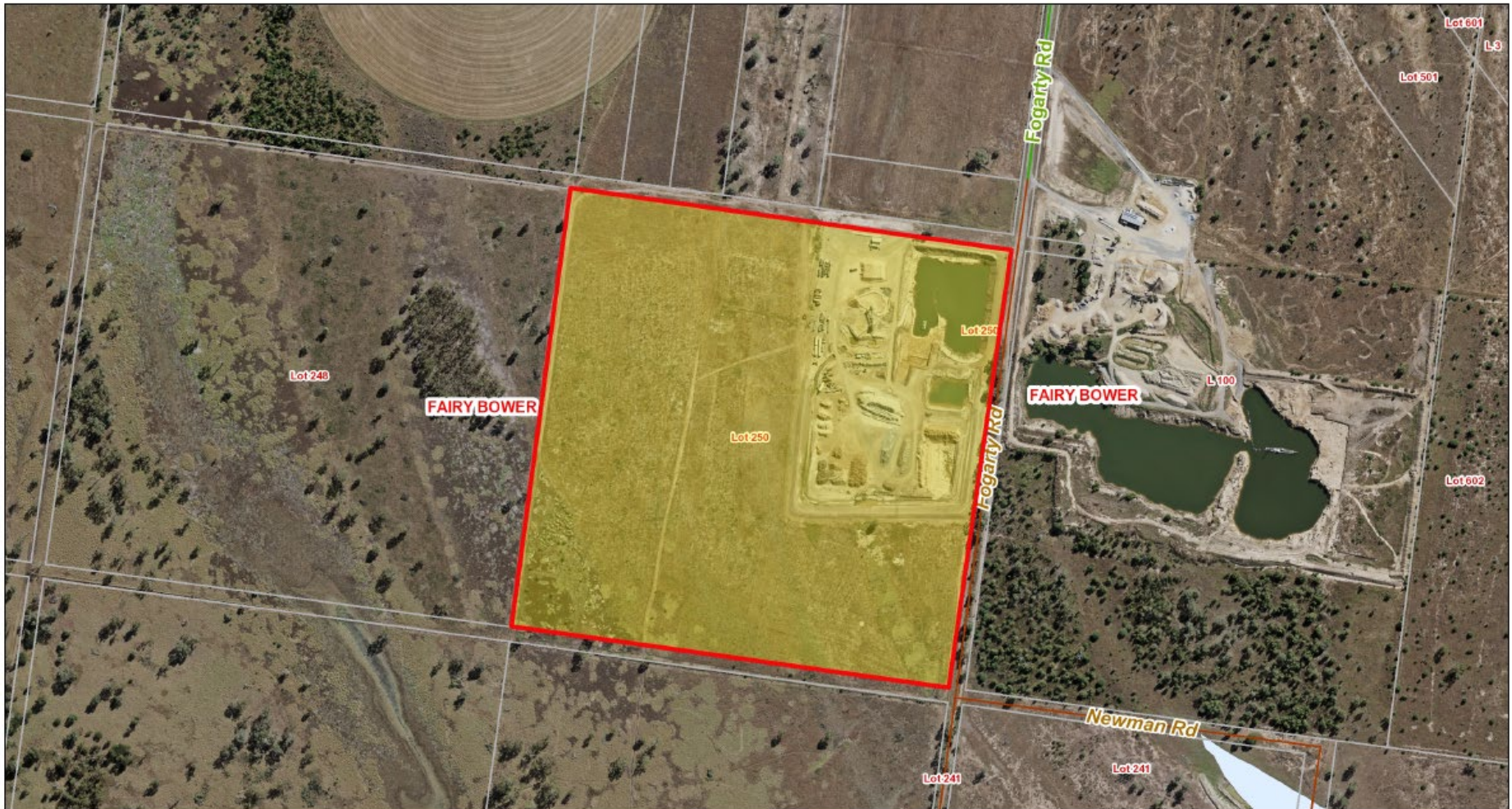


Subject Site

D/589-2013 - Locality Map



A4 Page scale at 1: 7,553.01
Printed from GeoCortex on 12/01/2023



Approved Development

- Material Change of Use for Extractive Industry.
- Maximum of 100,000 tonnes per annum.
- Approved by Council Resolution on 11 September 2014.
- Minor changes approved by Council on 9 June 2016.
- Referral approved by Department of Transport and Main Roads with related conditions.
- Existing Environmental Authority Approval is related but separate to the Development Approval.
 - Regulated by the Department of Environment and Science and required to be amended through a separate application process.

Proposed Changes

- Increased maximum output of 250,000 tonnes per annum (tpa) to the general market.
- Temporary increased maximum output up to 1,000,000 tonnes per annum during the life of the Rockhampton Ring Road (RRR) Project.
- Proposed ancillary activity involving reprocessing of certain compatible waste materials (concrete, pavement, brick, tile, masonry, ash) and mixing with quarry material.

Grounds for Approval

- The proposal is for the expansion of an existing extractive industry land use activity.
- Reasonable and relevant conditions have been recommended by Council officers where required to manage and mitigate potential impacts.
- The proposal has been reviewed by the Department of Transport Main Roads and is supported subject to conditions. Environmental matters will be separately regulated by the Department of Environment and Science.
- Therefore, the change application is recommended for approval subject to the conditions outlined in the report.