



ORDINARY MEETING

MINUTES

11 JULY 2023

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**REPORT OF THE ORDINARY MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON TUESDAY, 11 JULY 2023 COMMENCING AT 9:01AM**

1 OPENING

- 1.1 Acknowledgement of Country
- 1.2 Opening Prayer delivered by Pastor Jeremy Pinero – Associate Pastor at Lighthouse Baptist Church

2 PRESENT

Members Present:

Deputy Mayor, Councillor N K Fisher (Chairperson)
Councillor S Latcham
Councillor C R Rutherford
Councillor M D Wickerson
Councillor D Kirkland
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
Mr P Kofod – General Manager Regional Services
Ms M Taylor – Chief Financial Officer (via video-link)
Mr Z Garven – Acting Executive Manager Advance Rockhampton
Mr J Kann – Manager Office of the Mayor
Mr D Morrison – Manager Workforce and Governance
Mr D Scott – Manager Planning and Regulatory Services
Ms A O'Mara – Coordinator Development Assessment
Mr J McCaul – Coordinator Development Engineering
Ms C Bell – Coordinator Environmental Sustainability
Ms E Brown – Events Coordinator
Ms L Leeder – Senior Committee Support Officer
Ms L Foley – Committee Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Mayor Williams tendered his apology and was not in attendance

Leave of Absence for the meeting was previously granted to Councillor Ellen Smith

COUNCIL RESOLUTION

THAT the apology from Mayor Williams and the leave of absence from Councillor Smith be received.

Moved by: Councillor Fisher

Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COUNCIL RESOLUTION

THAT the minutes of the Ordinary Meeting of 27 June 2023 be confirmed; and
THAT the minutes of the Special Meeting of 4 July 2023 be confirmed.

Moved by: Councillor Latcham

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Councillor Neil Fisher informed the meeting:

“I believe I have a declarable conflict of interest in **Item 11.6 - Development Application for Material Change of Use Extractive Industry** as my doctor, Dr Brad Lorroway and his wife Dr Lynda Lorroway own the neighbouring property to the land mentioned in the report.

As my family has developed a close relationship with Dr Lorroway and his family I wish for eligible councillors to determine whether I:

- May participate in the decision about the matter, including by voting on the matter; or
- Must leave the meeting, including any area set aside for the public, and stay away from the meeting while the eligible councillors discuss and vote on the matter.”

RECOMMENDATION

THAT Council determined that Councillor Fisher may participate in the decision about the matter, including by voting on the matter.

Moved by: Councillor Kirkland

Seconded by: Councillor Mathers

During discussion, Councillor Fisher determined that he could not be impartial with the matter and will leave the meeting when the matter is discussed and voted on.

Procedural Motion

THAT the motion be withdrawn.

Moved by: Councillor Kirkland

MOTION CARRIED

Councillors Kirkland, Latcham, Mathers, Wickerson, Rutherford voted in the affirmative.
Councillor Fisher did not participate in the vote.

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

9.1 AUDIT AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 6 JULY 2023

COUNCIL RESOLUTION

THAT the Minutes of the Audit and Business Improvement Committee meeting, held on 6 July 2023 as circulated, be received and that the recommendations contained within these minutes be adopted.

Moved by: Councillor Latcham

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

(Note: The complete minutes are contained in the separate Minutes document)

Recommendation of the Audit and Business Improvement Committee, 6 July 2023

9.1.1 CEO UPDATE

File No: 13900
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Evan Pardon - Chief Executive Officer

SUMMARY

Chief Executive Officer providing an update on matters of importance.

COMMITTEE RECOMMENDATION

THAT the Chief Executive Officer's update be received.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.2 QAO BRIEFING PAPER AND INTERIM MANAGEMENT REPORT 2023**

File No: 9509
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

A Briefing Paper, together with an Interim Management Report from the Queensland Audit Office (QAO) are provided for Committee review.

COMMITTEE RECOMMENDATION

THAT the Queensland Audit Office Briefing Paper and Interim Management Report for 2023 be received.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.3 ASSET REVALUATIONS 2022/23**

File No: 5960
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The purpose of this report is to inform the Audit and Business Improvement Committee regarding the Asset Revaluations for the 2022/23 reporting year.

Key items are the outcome of the Buildings and Heritage and Cultural revaluations, and the outcome of the indices assessment for 2022/23.

COMMITTEE RECOMMENDATION

THAT the Asset Revaluations 2022/23 report be received.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.4 CAPITALISATION OF CAPITAL WORKS IN PROGRESS**

File No: 5960
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

The Chief Financial Officer providing an update regarding the capitalisation of capital works in progress.

COMMITTEE RECOMMENDATION

THAT the Capitalisation of Capital Works in Progress report be received.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.5 FINANCE SECTION UPDATE**

File No: 8148
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Marnie Taylor - Chief Financial Officer

SUMMARY

Chief Financial Officer providing a Financial Update on matters for the conclusion of the 2022/2023 Financial Year.

COMMITTEE RECOMMENDATION

THAT the Finance Section Update report be received.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.6 ASSET MANAGEMENT**

File No: 139000
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Martin Crow - Acting General Manager Regional Services

SUMMARY

Manager Infrastructure Planning will be presenting a verbal update on Asset Management matters

COMMITTEE RECOMMENDATION

THAT the verbal update on Asset Management matters be 'received'.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.7 INFORMATION SYSTEMS - CYBER SECURITY UPDATE**

File No: 12177
Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer
Author: Megan Younger - Manager Corporate and Technology Services

SUMMARY

The purpose of this report is to provide the committee with an overview of the current state of cyber security within Rockhampton Regional Council.

COMMITTEE RECOMMENDATION

THAT the Information Systems - Cyber Security Update report be received.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.8 LOSS / THEFT ITEMS - MARCH TO JUNE 2023**

File No: 3911
Authorising Officer: Megan Younger - Manager Corporate and Technology Services
Ross Cheesman - Deputy Chief Executive Officer
Author: Kellie Roberts - Coordinator Property and Insurance

SUMMARY

Presenting details of the Loss / Theft register for the period March to June 2023.

COMMITTEE RECOMMENDATION

THAT the Committee 'receives' the Loss/Theft Items – March to June 2023 report.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.9 SAFETY UPDATE**

File No: 4868
Authorising Officer: Damon Morrison - Manager Workforce and Governance
Ross Cheesman - Deputy Chief Executive Officer
Author: Tony Hauenschild - Acting Manager Workforce and Governance

SUMMARY

Manager Workforce and Governance presenting an update on safety matters for the information of the committee.

COMMITTEE RECOMMENDATION

THAT the Safety Update report be received.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.10 INVESTIGATION AND LEGAL MATTERS PROGRESS REPORT**

File No: 1830
Authorising Officer: Damon Morrison - Manager Workforce and Governance
Ross Cheesman - Deputy Chief Executive Officer
Author: Travis Pegrem - Coordinator Workforce Relations and Ethics

SUMMARY

Coordinator Workforce Relations and Ethics presenting an update of financial year to date Investigative Matters and the current Legal Matters progress report.

COMMITTEE RECOMMENDATION

THAT the update of Investigation and Legal Matters Progress report for Rockhampton Regional Council be received.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.11 PAYROLL - LONG SERVICE LEAVE ERRORS**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The attached Long Service Leave (Payroll) Review - Preliminary Assessment report is provided for the Audit and Business Improvement Committee's information.

COMMITTEE RECOMMENDATION

THAT the Payroll – Long Service Leave Errors report be received.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.12 FOLLOW-UP REVIEWS**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The planned annual review, Follow-up Reviews, is presented to the Committee.

COMMITTEE RECOMMENDATION

THAT the Follow-Up Reviews report be “received”.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.13 MAJOR EVENTS GOVERNANCE REVIEW**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The final report for the planned audit Major Events Governance Review is presented for review by the Committee.

COMMITTEE RECOMMENDATION

THAT the Major Events Governance Review Final Report be received.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.14 ANNUAL ACTIVITY REPORT FOR 2022-2023**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The Annual Activity Report for the year 2022-2023, for the Enterprise Risk Management and Internal Audit functions is presented for information.

COMMITTEE RECOMMENDATION

THAT the Annual Activity Report for 2022-2023 be received and the results noted.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.15 ACTION PROGRESS REPORT**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The twice yearly Action Progress Report is provided as per the Local Government Regulation S207 & S211.

The previous status report was presented to the committee on 24 November 2022.

COMMITTEE RECOMMENDATION

THAT the Action Progress Report be received.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.16 ANNUAL & STRATEGIC AUDIT PLAN 2024-26**

File No: 5207
Authorising Officer: John Wallace - Chief Audit Executive
Author: John Wallace - Chief Audit Executive

SUMMARY

The Risk-Based Annual and Strategic Audit Plans, Strategy, including a 3-year Plan of topics is presented for consideration and endorsement by the Committee. This includes components of the ERM Plan.

COMMITTEE RECOMMENDATION

THAT the Committee review, make any recommendations, and endorse the proposed plans, prior to approval by the CEO.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.17 FRAUD AND CORRUPTION RISK CHECKLIST - ANNUAL PRESENTATION**

File No: 8780
Authorising Officer: John Wallace - Chief Audit Executive
Ross Cheesman - Deputy Chief Executive Officer
Author: Kisane Ramm - Senior Risk and Assurance Advisor

SUMMARY

Annual presentation of the Fraud and Corruption Risk Checklist for the committee's consideration and recommendation for adoption by Council.

COMMITTEE RECOMMENDATION

THAT the annual presentation of the Fraud and Corruption Risk Checklist as at 26 May 2023, as presented in the attachment to the report:

1. be "received" by the Committee; and
2. is recommended by the Committee to be adopted by Council.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.18 RISK REGISTERS - ANNUAL PRESENTATION AND QUARTERLY UPDATE AS AT 28 APRIL 2023**

File No: 8780
Authorising Officer: John Wallace - Chief Audit Executive
Ross Cheesman - Deputy Chief Executive Officer
Author: Kisane Ramm - Senior Risk and Assurance Advisor

SUMMARY

Annual presentation of the risk registers, including presentation of the quarterly risk register updates, as at 28 April 2023, for Audit and Business Improvement Committee's consideration.

COMMITTEE RECOMMENDATION

THAT the Committee "receive" the Risk Register – Annual Presentation and Quarterly update as at 28 April 2023, as presented in attachments 2 and 3 to this report, and recommends they be adopted by Council.

Recommendation of the Audit and Business Improvement Committee, 6 July 2023**9.1.19 SERVICE RECOGNITION****File No: 10097****Responsible Officer: Mr R Cheesman – Deputy Chief Executive Officer**

COMMITTEE RECOMMENDATION

THAT Council acknowledges and sincerely thanks outgoing member Mr Glen Mullins for his contribution to Council's Audit and Business Improvement Committee, particularly in his role as Chairperson from 23 March 2021 to 26 July 2023. We wish Glen well in his future endeavours.

10 COUNCILLOR/DELEGATE REPORTS

Nil

11 OFFICERS' REPORTS

11.1 SPONSORSHIP OF THE 2023 FITZROY RIVER BARRA BASH

File No: 11715
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Zac Garven - Acting Executive Manager Advance Rockhampton

SUMMARY

A request for sponsorship for the 2023 Fitzroy River Barra Bash event to be held in Rockhampton from Thursday 5 October to Sunday 8 October 2023 is presented to Council for consideration.

COUNCIL RESOLUTION

THAT Council approves the allocation of \$10,000+GST in funding for sponsorship of the 2023 Fitzroy River Barra Bash event to be held in Rockhampton from 5 to 8 October 2023.

Moved by: Councillor Mathers
Seconded by: Councillor Wickerson

MOTION CARRIED

11.2 ROCKYNATS TENDER CONSIDERATION PLAN 2024 - 2025

File No: 14299
Authorising Officer: Zac Garven - Acting Executive Manager Advance
Rockhampton
Author: Eileen Brown - Events Coordinator

SUMMARY

This report provides the Tender Consideration Plan outlining the procurement process that will be utilised for the coordination of RockyNats for remainder of the contract period 2024-2025.

COUNCIL RESOLUTION

THAT Council receives this report for the preparation and adoption of the Tender Consideration Plan for the 2024 and 2025 RockyNats Car Festival, as outlined in the report.

Moved by: Councillor Rutherford
Seconded by: Councillor Kirkland

MOTION CARRIED UNANIMOUSLY

11.3 REEF GUARDIAN COUNCILS PROGRAM - GRANT OPPORTUNITY

File No: 10928
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Christine Bell - Coordinator Environmental Sustainability

SUMMARY

This report outlines a \$920,000 grant opportunity available as part of the Reef Guardian Councils Program – Activating Local Councils’ Reef Action Plans.

COUNCIL RESOLUTION

THAT Council submit a funding application through the Australian Government’s *Reef Guardian Councils Program – Activating Local Councils’ Reef Action Plans* to support delivery of eligible projects at the Rockhampton Airport.

Moved by: Councillor Kirkland

Seconded by: Councillor Fisher

MOTION CARRIED UNANIMOUSLY

11.4 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR SPECIAL INDUSTRY (MICROBREWERY), HOTEL AND SHOP

File No: D/2-2023

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services

Author: Kathy McDonald - Senior Planning Officer

SUMMARY

Development Application Number: D/2-2023

Applicant: B R Brewery Pty Ltd

Real Property Address: Lot 1 on RP608441

Common Property Address: 304 Quay Street, Rockhampton City

Area of Site: 809 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.2)

Planning Scheme Zone: Waterfront and Marine Industry Zone

Planning Scheme Precinct: Fitzroy River Industry Precinct

Planning Scheme Overlays: Acid Sulfate Soils Overlay;
Airport Environs Overlay; and
Flood Hazard Overlay.

Existing Development: Warehouse

Approval Sought: Development Permit for Material Change of Use for Special Industry (Microbrewery), Hotel and Shop

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency: Nil

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Material Change of Use for a Special Industry (Microbrewery), Hotel and Shop, made by B R Brewery Pty Ltd, located at 304 Quay Street, Rockhampton City, described as Lot 1 on RP608441, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development
Material Change of Use for a Special Industry (Microbrewery), Hotel and Shop

Reasons for Decision

- a) Assessment of the development against the relevant zone purpose, 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
- 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.

Assessment Benchmarks

The development was assessed against the following assessment benchmarks:

- Strategic Framework;
- Waterfront and Marine Industry Zone Code;
- Flood Hazard Overlay Code;
- Airport Environs Overlay Code;
- Access, Parking and Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code; and
- Water and Sewer Code.

Compliance with assessment benchmarks

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.

Assessment Benchmark

- Strategic Framework - 3.3 Settlement Pattern;
 - 3.3.7 Element - Industrial (existing, new and future)

3.3.7.1 Specific Outcome (15) The Waterfront and marine industry zone and Fitzroy River industry precinct facilitates marine industry related uses. These areas will provide for boat storage, maintenance and marine servicing facilities.

- Waterfront and Marine Industry Zone Purpose;
 - (a) the zone primarily accommodates waterfront uses.
- Waterfront and Marine Industry Zone Code – Performance Outcome (PO) 18

Reasons for the approval despite non-compliance with benchmark

Whilst the development is not of a marine industry use and is proposed within the Waterfront and Marine Industry Zone and South Rockhampton Industrial area, it does present a conflict with the above outcomes.

Despite this, it is identified under the Settlement Pattern theme, 3.3.7 Element – Industrial, under the *Rockhampton Region Planning Scheme 2015*, Specific Outcome (14) - The South Rockhampton industrial area will continue to provide for predominantly service and low impact industries.

- The development, Special Industry (Microbrewery), Hotel and Shop although is not of an industrial nature is reflective of a service industry or low impact industry use with anticipated low levels of potential impacts on the surrounding areas due to the minor nature of operations.

All operations will be conducted within the existing building.

- The Special Industry (Microbrewery) process of brewing, including bottling and storage will occur during daylight business hours only with sufficient ventilation and waste management strategies to mitigate any potential off-site impacts to the surrounding area due to the emission of light, noise and odour.
- The Hotel component is 'non-accommodation' and for approximately 60 dining patrons only. The proposed operating hours are 10:00am to 24:00pm, seven days per week. However, it is not anticipated that these hours will be utilised, flexibility is required so that the business can be competitive and reactive to market demands. Live entertainment will be limited to 10:00pm on Fridays and Saturdays and 8:00pm Sundays to Thursdays.
- The Shop component is for the sale of product that is manufactured onsite (microbrewery) and is expected to be minimal.
- The development is considered to be appropriately located within an existing historic building dating back to 1894. The location is within walking distance to Rockhampton's City Business District (CBD) (260 metres northwest) and public transport (200 metres south). Furthermore, the development fronts Quay Street, where buildings are recommended to be adapted and re-purposed for a mix of uses to attract people to the CBD.

Despite the conflicts, the nature of the operations is not expected to create greater impacts than that of a service industry or low impact industry use. It is therefore considered that the likely impacts of redeveloping the subject site for a non-industrial use is not anticipated to restrict or reduce the ongoing functionality of nearby industrial uses or compromise the role and function of the designated South Rockhampton Industrial area.

Assessment Benchmark

- Waterfront and Marine Industry Zone Code - Performance Outcome (PO) 8

Reasons for the approval despite non-compliance with benchmark

The development does not comply with Acceptable Outcome (AO) 8.1 as the development involves direct sales to the public that are not industrial in nature.

Despite this, the shop storage and sales area is less than 10% of the Ground Floor Area (GFA) at 19.6 square metres, which complies with AO8.2 of PO8. Furthermore, the product is manufactured onsite (microbrewery) with a processing capacity of less than 200 tonnes per annum and the sale of goods for off-site consumption is expected to be minimal.

The direct sales to the public are ancillary to and have a direct nexus with the industry conducted on the site. Therefore, the development is considered to comply with PO8.

Assessment Benchmark

- Strategic Framework - 3.8 Natural Resources and Economic Development.
 - 3.8.3 Element - Industrial Development;

3.8.3.1 Specific Outcome (2) The integrity of identified industrial areas is protected from fragmentation by commercial uses which can be established elsewhere, and encroachment from other uses which would limit their operation and expansion.

Reasons for the approval despite non-compliance with benchmark

Whilst the operations of the development will be commercial in nature, in response to Performance Outcome 18 above, the development, Special Industry (Microbrewery), Hotel and Shop is more reflective of a service industry or low impact industry use with low levels of potential impacts on the surrounding areas.

3.8.1 Overall Strategic Outcome (1) ensures the economy of the planning scheme area continues to grow and provides the community with diverse and new employment opportunities. Rockhampton continues to strengthen as the retail, service, cultural and administrative centre for both the planning scheme area and the wider Central Queensland region.

The establishment of a Special Industry (Microbrewery) with ancillary Hotel and Shop will contribute to a mix of recreational establishments and provide for additional employment opportunities that will generate positive economic and community benefits for local residents.

Furthermore, 3.5.4 Element – Heritage and Character, Specific Outcome (5) states that 'The Rockhampton Principal Centre (**particularly Quay Street**) contains many heritage listed and commercial character buildings. New development within this centre is in keeping with the surrounding built form and streetscape and the reuse and upkeep of existing buildings is supported.'

The re-development of the site is considered to preserve the character values as no external elements of the building are proposed to be modified and only minor internal building works are required to service the development. The development will remain generally consistent with the surrounding industrial built form and streetscape.

Assessment Benchmark

- Strategic Framework - 3.4 - Natural Environment and Hazards;
 - 3.4.3 Element – Natural Hazards and Climate Change

3.4.3.1 Specific Outcome (1) Development in areas subject to natural hazards (including flood, bushfire, steep land, erosion and storm tide) avoids an unacceptable risk associated with the extent or severity of the natural hazard, and the safety of people is maintained and damage to property is not increased.

- Flood Hazard Overlay Code – Performance Outcome (PO) 4; and
- Flood Hazard Overlay Code – Performance Outcome (PO) 10

Reasons for the approval despite non-compliance with benchmark

3.4.3.1 Specific Outcome (3) contemplates that significant areas of the Rockhampton region are already established within the Fitzroy River floodplain and creek catchment areas. Within these areas, the flood risk will be managed by avoiding the intensification of development in high or extreme hazard areas and planning area 1.

The development is to be established within an existing warehouse building, historically located within one of these areas and is wholly affected by Riverine Flooding, H3 (High) within the one (1) per cent Annual Exceedance Probability (AEP) for the Fitzroy Riverine flood inundation area.

Although the site is inundated in times of extreme flood, the raised internal floor level has an appropriate freeboard, with a height of 520 millimetres, which is 20 millimetres above the one (1) per cent AEP predicted height, which demonstrates the development does not increase the risk to people and property. Flood free access will not be achievable during a defined event, however given the nature of the development, it is not expected that operations will occur during periods of river flooding.

The development does not involve new buildings or structures, an increase in Gross Floor Area (GFA) or the reduction of onsite flood storage capacity.

Therefore, it is considered the development is compatible with the level of risk associated with the flood hazard and no increased risks to persons, infrastructure, or property are likely to occur as a result of the development.

Relevant Matters

The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.

Matters raised in submissions

The proposal was the subject of public notification between 28 April 2023 and 25 May 2023, in accordance with the requirements of the *Planning Act 2016* and the Development Assessment Rules, and no submissions were received.

Matters prescribed by regulation

- The *Rockhampton Region Planning Scheme 2015* (version 2.2); and
- The common material, being the material submitted with the application.

RECOMMENDATION B

THAT in relation to the application for a Development Permit for Material Change of Use for a Special Industry (Microbrewery), Hotel and Shop, made by B R Brewery Pty Ltd, located at 304 Quay Street, Rockhampton City, described as Lot 1 on RP608441, Council resolves to Approve the application subject to the following conditions:

1.0 **ADMINISTRATION**

- 1.1 The owner, the owner's successors in title, and any occupier of the premises 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) Parking Works;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 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.

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>
Overall Site / Title	Dezign Elements	28 June 2023	S-00	-
Site Plan - Parking	Dezign Elements	28 June 2023	S-01	-
Existing Floor Plan	Dezign Elements	28 June 2023	S-02	-
Proposed Floor Plan	Dezign Elements	28 June 2023	S-03	-
Legend Colour Zone	Dezign Elements	28 June 2023	S-04	-

- 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 PARKING WORKS

- 3.1 A Development Permit for Operational Works (parking works) must be obtained prior to the commencement of any access and parking works on the development site.
- 3.2 All 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 (parking works).
- 3.3 Any redundant vehicular crossovers must be replaced by Council standard kerb and channel.
- 3.4 A minimum of fourteen (14) on-street parking spaces must be provided along the Quay Street and Stanley Street frontage of the site.
- 3.5 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".
- 3.6 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 (parking works).
- 3.7 Road signage and pavement markings must be installed in accordance with Australian Standard AS1742.1 "Manual of uniform traffic control devices".

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 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.
- 4.2 The development must be connected to Council's reticulated sewerage and water networks.
- 4.3 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 4.4 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.
- 4.5 Alteration or relocation of internal sanitary drainage works associated with the existing building must be in accordance with regulated work under the Plumbing and Drainage Act 2018.
- 4.6 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.
- 4.7 Amended sewerage/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.

5.0 BUILDING WORKS

- 5.1 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".
- 5.2 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 flood level.
- 5.3 All external elements, such as air conditioners and any associated equipment for the development, must be adequately screened from public view, to Council's satisfaction.
- 5.4 Waste storage areas must be provided in accordance with the Environmental Protection Regulation 2019 and must be screened so as not to be visible from a public space.
- 5.5 Access to and use of the land the subject of this application must comply with the provisions of the Anti-Discrimination Act 1991. If this statute requires the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.

6.0 ASSET MANAGEMENT

- 6.1 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.
- 6.2 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.

- 6.3 '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).

7.0 OPERATING PROCEDURES

- 7.1 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 Quay Lane.
- 7.2 Service vehicles, including refuse collection vehicles must be via Quay Lane only.
- 7.3 The hours of operations for the development site must be limited to:
- (i) 10:00 hours to 24:00 hours on Monday to Sunday
- 7.4 Live entertainment must be limited to:
- (i) 20:00 hours on Sunday to Thursday; and
 - (ii) 24:00 hours on Friday to Saturday.
- 7.5 Noise emitted from the activity must not cause an environmental nuisance.
- 7.6 Operations on the development site must have no significant impact as determined by Council on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or odour.
- 7.7 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance as determined by Council caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided to 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 2019.
- 7.8 All waste must be stored within a waste storage area (for example, general waste, recyclable waste, pallets, empty drums etcetera) and in accordance with the approved plans (refer to condition 2.1). The owner of the land must ensure that:
- 7.8.1 the area is kept in a clean and tidy condition;
 - 7.8.2 no waste material is stored external to the waste storage area/s; and
 - 7.8.3 the area is maintained in accordance with Environmental Protection Regulation 2019.

ADVISORY NOTES

NOTE 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 Seniors, Disability Services and 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. Works in Road Reserve Permit

It is advised that a Works in Road Reserve Permit (including a fee for the vehicle crossover and compliant with Standard *Capricorn Municipal Development Guidelines, Standard Drawings*) may be accepted in place of the application for a Development Permit for Operational Works (parking works).

NOTE 7. Building Works

A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.

A Building Works Permit for a change of building classification may be required in accordance with the *Building Act 1975*.

NOTE 8. Plumbing and Drainage

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.

NOTE 9. Advertising Devices

Any Advertising device associated with or attached to the development must be carried out in accordance with the applicable Advertising Devices Code in the Council Planning Scheme.

NOTE 10. Flooding (Contingency Plan)

A Contingency Plan is recommended for the development site. The plan should demonstrate that the subject development will not increase the flood debris loading of flood waters nor result in environmental harm. The Plan must also include details of how the owner and any occupier of the premises will collect possessions, clear the site and vacate the property in a flood event.

NOTE: Council is not required to approve Contingency Plans. Council does not accept any liability for loss of or damage to property, or injury, or loss of life as a result of any person using or relying on the Contingency Plan or failing to use the Contingency Plan during a flood event.

It is the responsibility of the owner or occupier of the land from time to time to implement the Contingency Plan during a flood event or if there is a risk of flooding near the land.

NOTE 11. Infrastructure Charges Notice

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

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for a Special Industry (Microbrewery), Hotel and Shop, made by B R Brewery Pty Ltd, located at 304 Quay Street, Rockhampton City, described as Lot 1 on RP608441, Council resolves to, in accordance with Development Incentives Policy, apply section 3.5 of the Charges Resolution (No. 1) of 2022 and levy the charge at 85 per cent of the total charge calculated and issue an Infrastructure Charges Notice for the amount of \$58,182.64.

Moved by: Councillor Mathers

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

11.5 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR NON-RESIDENT WORKFORCE ACCOMMODATION

File No: D34-2021

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services

Author: Kathy McDonald - Senior Planning Officer

SUMMARY

Development Application Number: D/34-2021

Applicant: Bowes Investments Pty Ltd trading as Zebra Metals and Environmental Services

Real Property Address: Lot 1 on RP609889

Common Property Address: 227 Somerset Road, Gracemere

Area of Site: 2,961 hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015 (version 2.2)

Planning Scheme Zone: Medium Impact Industry Zone

Planning Scheme Overlays: Acid Sulfate Soils Overlay; Airport Environs Overlay; and Steep Land Overlay.

Existing Development: High Impact Industry

Approval Sought: Development Permit for Material Change of Use for Non-Resident Workforce Accommodation

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency: Nil

COUNCIL RESOLUTION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Material Change of Use for a Non-Resident Workforce Accommodation, made by Bowes Investments Pty Ltd trading as Zebra Metals and Environmental Services, located at 227 Somerset Road, Gracemere, described as Lot 1 on RP609889, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development
Material Change of Use for a Non-Resident Workforce Accommodation
Reasons for Decision

- a) Assessment of the development against the relevant zone purpose, 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
- 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.

Assessment Benchmarks

The development was assessed against the following assessment benchmarks:

- Strategic Framework;
- Medium Impact Industry Zone Code;
- Flood Hazard Overlay Code;
- Access, Parking and Transport Code;
- Filling and Excavation Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code; and
- Water and Sewer Code.

Compliance with assessment benchmarks

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.

Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Medium Impact Industry Zone Code	<p>Performance Outcome (PO) 4</p> <p>The development does not include a pedestrian entry door that is visible from the street (Somerset Road). As such, the proposal does not comply with Acceptable Outcome 4.1.</p> <p>The subject site is in an established industrial area with existing industrial uses. Further, there are no pedestrian footpaths fronting the site on Somerset Road. Given the nature of the use, existing activities on-site, and lack of existing pedestrian infrastructure, it is not considered necessary for the proposed building to have a pedestrian entry door visible to the Somerset Road frontage.</p> <p>As such, the development is taken to comply with Performance Outcome 4 (PO4).</p>
	<p>Performance Outcome (PO) 7</p> <p>The development does not comply with Acceptable Outcome 7.1 as no landscaping is proposed as part of the development.</p> <p>The proposed development is using an existing industrial site that did not previously accommodate formalised landscaping along Somerset Road frontage.</p>

	<p>The accommodation building structure is located behind existing established trees along the north-west boundary and is not visible to the street nor is expected to cause any visual amenity issues to nearby industrial premises or the surrounding area.</p> <p>Therefore, the development is considered to comply with Performance Outcome 7 (PO7)</p>
	<p>Performance Outcome (PO) 16</p> <p>The development does not comply with Performance Outcome 16 and no acceptable outcome is nominated.</p> <p>The proposal is consistent with the purpose of the zone as a non-resident workforce accommodation use is contemplated when associated with an industrial use on the same site and located on an urban sub-arterial road or higher order road. Somerset Road is an Industrial Collector Road and as such is classed as a higher order road. Furthermore, the development will not generate traffic or movements beyond the capacity of the road, and there will be no additional staff employed as a result of the accommodation use.</p> <p>The development while introducing an additional land use (Non-resident Workforce Accommodation), is not introducing an additional industrial activity and the accommodation component is deemed to be an extension to the existing onsite operation of the established wrecking yard.</p>
<p>Relevant Matters</p>	
<p>The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation.</p>	
<p>Matters raised in submissions</p>	
<p>The proposal was the subject of public notification between 30 April 2021 and 21 May 2021, in accordance with the requirements of the <i>Planning Act 2016</i> and the Development Assessment Rules, and no submissions were received.</p>	
<p>Matters prescribed by regulation</p>	
<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 a Development Permit for Material Change of Use for a Non-Resident Workforce Accommodation, made by Bowes Investments Pty Ltd trading as Zebra Metals and Environmental Services, located at 227 Somerset Road, Gracemere, described as Lot 1 on RP609889, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises 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 and completed:
- 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 and issue of the Certificate of Classification for the Building Works,
- 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 and issue of the Certificate of Classification for the Building Works, 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 Plumbing and Drainage Works; and
- 1.5.2 Building Works.
- 1.6 The Development Permit 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.

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:

2.2	<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
3.0					
3.1	Site Plan	Design + architecture	18 February 2020	SK-001	1
3.2					
3.3	Accommodation Plan + Elevation	Design + architecture	18 February 2020	SK-002	1
3.4					

- 3.5 All vehicular access to and from the development must be via the access driveway located within the north-western corner of the site.
- Note:** For any future development on the subject site, the existing gravel driveway located within the north-western corner must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

4.0 PLUMBING AND DRAINAGE WORKS

- 4.1 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.

4.2 The existing water connection point(s) must be retained, and upgraded if necessary, to service the development.

4.3 The site must be connected to Council's reticulated sewerage network.

Note: The development is not required to be connected to the reticulated sewerage network. The existing on-site sewerage facility can be retained and used to service the development. The on-site sewerage facility must be adequate for the proposed development and be in accordance with the *Queensland Plumbing and Wastewater Code and Council's Plumbing and Drainage Policies*. The purpose of connecting the site to the reticulated network is primarily to ensure any future development has the opportunity to be connected.

A quote can be obtained from Fitzroy River Water (FRW), an operational entity of Rockhampton Regional Council. All work on live sewer mains must be undertaken by FRW. All sewerage works must be designed and constructed in accordance with the *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, and Plumbing and Drainage Act 2018*.

4.4 Adequate domestic and fire-fighting protection must be provided to the development and must be certified by a suitably qualified hydraulic engineer (Registered Professional Engineer of Queensland).

4.5 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.

5.0 ROOF AND ALLOTMENT DRAINAGE WORKS

5.1 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* and sound engineering practice.

5.2 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.

6.0 BUILDING WORKS

6.1 A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained for the as-constructed self-contained accommodation units on the site.

6.2 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the *Queensland Plumbing and Wastewater Code*.

6.3 Access to and use of the land the subject of this application must comply with the provisions of the *Disability Discrimination Act 1992* and/or the *Anti-Discrimination Act 1991*. If either of those statutes require the provision of access or facilities in a way that is inconsistent with this development approval, those facilities must be provided.

6.4 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"*.

7.0 LANDSCAPING WORKS

7.1 Existing established vegetation located along Somerset Road boundary, shown on the approved plans (refer to condition 2.1) must be retained and maintained as landscaping.

- 7.2 Shade trees within the car parking area are to be provided. Existing or newly planted shade trees must have a clean trunk with a minimum height of two (2) metres and must be provided within the car park at the following rates:
- 7.2.1 One (1) tree per three (3) car parks.
- 7.3 At least fifty (50) per cent of all new plantings within the landscaping areas must be locally native species with low water dependency and must comply with the following requirements:
- 7.3.1 Plant species are chosen from sources recommended in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*; and
- 7.3.2 Plant species must not include undesirable species identified in *Planning Scheme Policy SC6.12 – Landscape Design and Street Trees Planning Scheme Policy*.
- 7.4 The landscaped areas must be subject to:
- 7.4.1 a watering and maintenance plan during the establishment moment; and
- 7.4.2 an ongoing maintenance and replanting programme.
- 8.0 SITE WORKS
- 8.1 All earthworks must be undertaken in accordance with *Australian Standard AS3798 “Guidelines on earthworks for commercial and residential developments”*.
- 8.2 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.
- 9.0 ASSET MANAGEMENT
- 9.1 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.
- 9.2 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.
- 10.0 ENVIRONMENTAL
- 10.1 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:
- 10.1.1 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
- 10.1.2 available on-site for inspection by Council Officers whilst all works are being carried out.
- 11.0 OPERATING PROCEDURES
- 11.1 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 Somerset Road.

- 11.2 The persons permitted on-site for overnight accommodation and use of the development (Non-Resident Workforce Accommodation) is limited to:
- 11.2.1 maximum of eight (8) persons at any one time; and
 - 11.2.2 must be directly associated with the industrial activities on the subject site.
- 11.3 All waste storage areas must be:
- 11.3.1 kept in a clean and tidy condition; and
 - 11.3.2 maintained in accordance with *Environmental Protection Regulation 2019*.

ADVISORY NOTES

NOTE 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 Seniors, Disability Services and 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.

RECOMMENDATION C

THAT in relation to the application for a Development Permit for Material Change of Use for a Non-Resident Workforce Accommodation, made by Bowes Investments Pty Ltd trading as Zebra Metals and Environmental Services, located at 227 Somerset Road, Gracemere, described as Lot 1 on RP609889, Council resolves to apply Adopted Infrastructure Charges Resolution (No. 5) 2015 (AICR) and issue an Infrastructure Charges Notice for the amount of **\$23,400.00**.

Moved by: Councillor Mathers

Seconded by: Councillor Latcham

MOTION CARRIED UNANIMOUSLY

11.6 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR EXTRACTIVE INDUSTRY

9:51AM

Councillor Fisher, having earlier informed the meeting of a declarable conflict of interest and his decision to not participate in Item 11.6 – Development Application for Material Change of Use for Extractive Industry, left the place at which the meeting was held, including any area for the public and stayed away while the matter was discussed and voted on.

COUNCIL RESOLUTION

THAT Councillor Grant Mathers be appointed Chairperson in Deputy Mayor Councillor Fisher's absence.

Moved by: Councillor Rutherford

Seconded by: Councillor Latcham

MOTION CARRIED

File No: D/166-2022

Authorising Officer: Amanda O'Mara - Coordinator Development Assessment
Doug Scott - Manager Planning and Regulatory Services
Alicia Cutler - General Manager Community Services

Author: Kathy McDonald - Senior Planning Officer

SUMMARY

Development Application Number: D/166-2022

Applicant: Malchi Holdings Pty Ltd

Real Property Address: Lot 3 on RP868380 and Lot 951 on LIV40270

Common Property Address: Lot 3 Malchi - Nine Mile Road, Nine Mile and Lot 591 Capricorn Highway, Gracemere

Area of Site: 179.768 hectares

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; and
Steep Land Overlay.

Existing Development: Nil

Approval Sought: Development Permit for Material Change of Use for Extractive Industry

Level of Assessment: Impact Assessable

Submissions: 101 Submissions

Referral Agency: The Department of State Development Infrastructure, Local Government and Planning (State Assessment and Referral Agency Department)

*Advice Agency: Powerlink Queensland; and
Ergon Energy*

10:10AM Councillor Wickerson left the meeting room

10:14AM Councillor Wickerson returned to the meeting room

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for Material Change of Use for Extractive Industry, made by Malchi Holdings Pty Ltd, located at Lot 3 Malchi - Nine Mile Road, Nine Mile and Lot 591 Capricorn Highway, Gracemere, described as Lot 3 on RP868380 and Lot 951 on LIV40270, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development
Material Change in use for Extractive Industry
Reasons for Decision
<p>a) Assessment of the development against the relevant zone purpose, 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; • Biodiversity Areas Overlay Code; • Bushfire Hazard Overlay Code; • Steep Land Overlay Code; • Access, Parking And Transport Code; • Landscape Code; • Stormwater Management Code; • Waste Management Code; and

<ul style="list-style-type: none"> • Extractive Industry 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
Extractive Industry Code	<p>Performance Outcome (PO) 1</p> <p>The development does not comply with Acceptable Outcome 1.1 as an extractive industry involving blasting requires a minimum setback of 1,000 metres to the nearest sensitive land use.</p> <p>Investigations to date indicate there is no need to drill or blast on the subject site to extract the Class A1 fill material that is proposed to be removed. However unforeseen circumstances (pockets of hard rock) may be encountered in which minimal blasting may occur. As the proposed development must cater for this unforeseen circumstance and the nearest sensitive land use is located approximately 650 metres from the subject site, the following mitigation measures will be administered:</p> <ul style="list-style-type: none"> • Noise impacts will be mitigated through limitations outlined in the Environmental Management Plan including monitoring of ground vibration levels and permitted hours of blasting between 9am to 3pm Monday to Friday, 9am to 1pm on Saturdays and no blasting at any time on Sundays or Public Holidays. • Visual impacts will be mitigated through setbacks of 130 to 140 metres from the operational areas to the subject site's road boundary (Malchi Nine Mile Road) along with conditions imposing the progressive establishment and ongoing maintenance of grassed visual amenity bunds, two (2) metres in height within the eastern boundary of each operational area. <p>It is not the intention to drill or blast as a regular operation on site and if no hard rock is encountered and blasting operations do not occur, the development would meet the required 500 metre setback. The development must operate as per the recommendations in the Environmental Management Plan to mitigate visual and noise impacts to nearby sensitive land uses, along with reasonable and relevant conditions within the associated Environmental Authority P-EA-100380307 permit, regulated by the Department of Environment and Science. The proposal is considered to achieve PO1.</p>
	<p>Performance Outcome (PO) 4</p> <p>The development does not comply with Acceptable Outcome 4.1 as the internal haul roads will be gravel base and not sealed.</p>

	<p>The gravel surface will be regularly maintained and dampened by a water cart to reduce the potential dust impacts external to the site. Furthermore, the development is required to comply with, and manage operations in accordance with the air quality objectives within the Environmental Management Plan and reasonable and relevant conditions within the associated Environmental Authority P-EA-100380307 permit regulated by the Department of Environment and Science have been imposed to ensure those objectives are met. This is considered sufficient to achieve PO4.</p> <p>Performance Outcome (PO) 8</p> <p>The development does not comply with Acceptable Outcome 8.2 as the haul route is not more than 100 metres from any sensitive land use.</p> <p>As the development is located within a Rural Zone where dwelling houses are accepted (subject to requirements) it is expected that sensitive land uses would be established. Therefore, any proposed haul route would not meet the acceptable outcome by default. Despite this, a Traffic and Pavement Impact Assessment has been prepared by a Registered Professional Engineer of Queensland (RPEQ) that demonstrates the proposed haul route (south via Malchi Nine Mile Road onto the Capricorn Highway) and road network is capable of the increase in demand from the development.</p> <p>Furthermore, all material required to produce the Class A1 fill that will be extracted is wholly sourced from within the subject site meaning no additional materials will be imported (hailed) into the site, resulting in fewer truck movements. Therefore, the proposal is considered to comply with PO8.</p>
	<p>Performance Outcome (PO) 5</p> <p>The development does not comply with AO5.1 as security fencing is not provided for the full length of the perimeter of the site and around the extractive industry stockpiles and operations.</p> <p>The subject site has an existing perimeter fence and is surrounded in all directions by established dense vegetation on large vacant rural lots to the north, west and south. To the east is Malchi Nine Mile Road. 30 metres from the road into the subject site, a 100 metre easement exists for the full road frontage and restricts structures or operations. A lockable gate with signage will be erected at the entry point and will provide appropriate security. Given the area of the site, (179.768 hectares) it would be unreasonable to require additional perimeter fencing. Furthermore, fencing of the stockpiles and operations are considered unnecessary given the extensive setback (130 plus metres) from a public road.</p> <p>Therefore, the development is considered to comply with PO5 as these measures are anticipated to ensure the development does not compromise public safety.</p>

Rural Zone Code	<p>Performance Outcome (PO) 14, 15 and 30</p> <p>No Acceptable Outcomes are nominated. PO 14, 15 and 30 consider non-rural uses located within the Rural Zone where potential impacts can be appropriately managed.</p> <p>The development, through the implementation of operational controls and management measures outlined in the Environmental Management Plan will ensure that potential impacts on sensitive receivers and nearby rural uses are minimised. Some of these key measures include but are not limited to:</p> <ul style="list-style-type: none"> • Meeting air quality objectives by ensuring sufficient on-site water supply is available for dust suppression, including all internal trafficable roads, access areas and stockpiles. Furthermore, additional water supply is required to ensure plant and equipment (trucks) are clean and materials are dampened and covered when exiting to prevent material spillages external to the site. • Operational areas are outside the subject sites waterways however water quality objectives will still be managed by preventing clean stormwater to enter disturbed areas through the use of catch drains or flow diversions. Furthermore, the development must maintain drainage and sediment control devices and no land clearing outside the operational areas is permitted. • Noise mitigation through limited hours of operations, occurring solely during daytime hours (6:00am to 6:00pm Monday to Saturday with no operations on Sundays or Public Holidays). Blasting operations are limited further between 9am to 3pm Monday to Friday, 9am to 1pm on Saturdays and no blasting at any time on Sundays or Public Holidays. Furthermore, site design measures will ensure mobile plant move forward in, forward out to avoid unnecessary reversing and fitted with effective exhaust silencers where practical. • Waste management through the use of designated waste storage areas with regular visual inspections and removal by a suitably licensed transporter. <p>Setbacks surrounding the site are considered appropriate along with the mitigation measure above to avoid any potential off-site impacts to the surrounding area due to the emission of light, noise, odour or dust. Setbacks include 1.6 kilometres to the closest dwelling house to the north and one (1) kilometre to the south-east. No dwelling houses are in the locality to the west and immediately to the east is Malchi-Nine Mile Road. Beyond the road is a large rural lot with a dwelling house 650 metres from the site's operational areas. (refer to response to PO1 of Extractive Industry Code)</p> <p>Extractive Industries are contemplated within the Rural Zone purpose (1) (b) of the <i>Rockhampton Region Planning Scheme 2015</i>. The subject site is not mapped as productive agricultural land and the development will not restrict the ongoing safe and efficient use of nearby rural uses or</p>
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	sensitive receivers as the mitigation measures outlined above are considered sufficient to achieve Performance Outcomes 14, 15 and 30.
Relevant Matters	
The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation	
Matters raised in submissions	
Issue	How matter was dealt with
Separation distances to nearby sensitive land uses	<p>The nearest lawful dwelling house is 650 metres away, east of the subject site. As outlined in the response above to Performance Outcome (PO) 1 of the Extractive Industry Code, it is not the intention to drill or blast as a regular operation on site and if no hard rock is encountered and blasting operations do not occur, the development would meet the required 500 metre setback.</p> <p>To ensure ongoing operations of the Malchi Supply Site will not cause environmental nuisance to any nearby sensitive land uses, the development must operate as per the recommendations in the Environmental Management Plan and mitigate visual and noise impacts to the surrounding area. Furthermore, ongoing operations must comply with the associated Environmental Authority P-EA-100380307 permit, regulated by the Department of Environment and Science.</p>
Inconsistent with the Rural Zone purpose	Extractive Industries are contemplated within the Rural Zone purpose (1) (b) of the <i>Rockhampton Region Planning Scheme 2015</i> . The subject site is not mapped as productive agricultural land and the development will not restrict the ongoing safe and efficient use of nearby rural uses or sensitive receivers as outlined in the response above to Performance Outcomes (PO) 14, 15 and 30.
Not supported by an Economic Impact Assessment to address the impacts on existing extractive operations, and a surplus need of extractive industry operations	<p>After a review of the relevant sections of the planning scheme, it was found that this specific planning scheme policy is not referred to by the provisions of the Rural Zone Code, the Extractive Industry Development Code or the Strategic Framework. Therefore, it is not a relevant policy for the assessment of the development application.</p> <p>Notwithstanding, the development is not anticipated to have a detrimental impact on the economic viability of existing hard rock quarries. The material extracted from the subject site is Class A1 Embankment Fill which is a product not commonly available from hard rock quarries.</p> <p>Class A1 Embankment Fill is a fill material that requires the correct blend of clay and rock to form a processed material that is suitable to build an embankment in an</p>

	<p>area that can experience water inundation. This material for example is used to construct flood levees that need to have the integrity to withhold large volumes and flows of water during peak flood periods.</p>
<p>Road network and traffic impacts from heavy vehicles on local rural roads</p>	<p>The quantity of material to be transported along the haulage route is to be approximately 400,000 tonnes over approximately 365 days (300 haulage days). The Transport and Pavement Impact Assessment summarises that based on the relatively low background traffic volumes and the relatively small increase in traffic numbers (up to a maximum of 37 vehicles per day in each direction), it is anticipated that the proposed development and haulage operations will have a relatively small impact on the traffic operations along the identified haulage routes, with adequate capacity expected to be available on each road link to cater for the additional heavy vehicles.</p> <p>The Transport and Pavement Impact Assessment further identified that the additional heavy vehicle movements associated with the development's road haulage operations are expected to lead to an increase in pavement loadings on Malchi - Nine Mile Road with the outbound values above the recommended five (5) per cent impact trigger for the proposed haulage scenario assessed.</p> <p>As a result, Council has conditioned road maintenance levies be imposed and must be paid on a six-monthly basis for the duration of the activity (refer to Conditions 3.2 and 3.3)</p>
<p>Amenity (noise, dust, light etc.) and the impacts to the rural area</p>	<p>The development must operate as per the recommendations in the Environmental Management Plan to mitigate amenity impacts.</p> <p>All environmental matters raised are regulated through and addressed by the conditions of the Environmental Authority (EA) imposed by the Department of Environment and Science (DES) as the lead agency for assessing potential environmental impacts including water, air, noise, land, and blast vibration impacts for Extractive Industries through the <i>Environmental Protection Act 1994</i>.</p>
<p>Environmental (Clearing of Cat C vegetation, water/air quality), Impacts to the rural area</p>	<p>The subject sites operational areas are mapped as comprising of Matters of State Environmental Significance (MSES) being Category C regrowth vegetation.</p> <p>The proposed clearing of the mapped Category C vegetation is accepted development under Schedule 7, Part 3, Section 12 of the Planning Regulation, being clearing pursuant to an accepted development vegetation clearing code. As such, referral for operational work for clearing native vegetation under Part 3 of Schedule 10 of the Planning Regulation is not triggered. Furthermore, as accepted development the clearing cannot be further regulated by Council.</p>

	<p>Furthermore, no vegetation is to be cleared outside the resource/processing area or haulage routes. Any additional vegetation clearing on the subject site must be in accordance with the requirements of the <i>Vegetation Management Act 1999</i> and the planning scheme current at the time of the proposed clearing.</p>
Potential impacts to surface water and groundwater	<p>The Environmental Authority P-EA-100380307 permit confirms that the operational areas of the Malchi Supply Site do not interfere with or impact on mapped waterways under the <i>Water Act 2000</i>. Nevertheless, drainage features from the site do drain to the Fitzroy River floodplain and associated wetlands and groundwater areas.</p> <p>The Environmental Authority permit, and Environmental Management Plan confirm that impacts to groundwater will be avoided by setting a maximum depth of extraction of 16 metres Australian Height Datum (AHD) in Lot 3 and 22 metres AHD in Lot 951 which is two (2) metres above the depth of investigative drilling at the site which did not encounter any groundwater.</p> <p>The activities on site will be operated in a way that protects the environmental values of groundwater and any associated surface ecological systems. The Environmental Management Plan sets out the Water Quality objectives to manage and control potential environmental impacts occurring as a result of land disturbance necessary for the site operation. The objective of site water management is to ensure all prescribed water contaminants (including sand, suspended solids, turbid waters, chemicals, lubricants, or fuels) are not released from the site. Stormwater runoff from disturbed areas of the site must be retained on site or managed to remove contaminants prior to release. The only waters to be released are settled stormwater which has been allowed to stand for a period of time to maximise sediment fallout.</p>
Reduction of property values of the local surrounding residents	<p>Submitters raised concerns that the development would devalue their properties. Property value is not a matter Council may or must have regard to under the <i>Planning Act 2016</i> when assessing and deciding a development application.</p>
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 a Development Permit for Material Change of Use for Extractive Industry, made by Malchi Holdings Pty Ltd, located at Lot 3 Malchi - Nine Mile Road, Nine Mile and Lot 591 Capricorn Highway, Gracemere, described as Lot 3 on RP868380 and Lot 951 on LIV40270, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

- 1.1 The owner, the owner's successors in title, and any occupier of the premises 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 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.4.1 Operational Works:
- (i) Access Works;
- (ii) Roadworks;
- 1.4.2 Plumbing and Drainage Works; and
- 1.4.3 Building Works.
- 1.5 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.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 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.
- 1.8 The extractive industry is limited to extracting in a year a maximum of 400,000 tonnes of material.

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:
- 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.

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version/ Issue</u>
Supply Site Plan	Groundwork Plus	25 January 2023	2613.DRG.015	4
Transport and Pavement Impact	McMurtrie Consulting	6 February 2023	R030-22-23	1

Assessment	Engineers			
Stormwater Management Plan	Groundwork Plus	6 February 2023	2613.DRG.024	5
Environmental Management Plan	Groundwork Plus	December 2022	2613_610_001	1

3.0 ROAD WORKS

3.1 Line-marking and raised retroreflective pavement markers (RRPMs) must be installed to the section of Malchi-Nine-Mile Road between chainages 400 metres and 1500 metres to better delineate this narrow section of the roadway.

3.2 A road maintenance levy, being 46.25 cents per tonne, 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 above 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).

Note: CPI of September 2022 – 130.2

3.3 A bridge levy, being three (3) cents per tonne, 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).

Note: CPI of September 2022 – 130.2

4.0 ACCESS WORKS

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

4.2 All access 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 The proposed northern access from Malchi-Nine-Mile Road is not approved due to sight visibility issues with this location. The access to Lot 3 on RP868380 must be via an internal access from Lot 951 on LIV40270.

4.4 All vehicles must ingress and egress the development in a forward gear.

4.5 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with Australian Standard AS2890.2 "Parking facilities - Off street commercial vehicle facilities".

4.6 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".

5.0 PLUMBING AND DRAINAGE WORKS

5.1 All 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, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

5.2 On-site water supply for domestic, dust control and fire-fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. The water storage must be easily accessible having regard to pedestrian and vehicular access.

Note: Fire-fighting protection, if required, must be certified by an hydraulic engineer or other suitably qualified person.

5.3 Any on-site sewerage treatment and disposal areas must not be located within any water course or conflict with the separation distance as detailed within the Queensland Plumbing and Wastewater Code.

Note: If the proposal is to use portable toilet facilities for on-site sewerage facilities. All waste from the portable toilet facilities must be disposed at Council's sewage treatment plant by regulated waste disposal contractor. The regulated waste disposal contractor must be licensed and must have an Agreement with Council.

6.0 STORMWATER WORKS

6.1 All stormwater must drain to a demonstrated 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 to other infrastructure.

7.0 SITE WORKS

7.1 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 to surrounding land or infrastructure.

8.0 BUILDING WORKS

8.1 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the Queensland Plumbing and Wastewater Code.

8.2 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".

9.0 LANDSCAPING WORKS

9.1 The existing vegetation along the full road frontage of Lot 3 on RP868380 and Lot 951 on LIV40270, with a minimum width of thirty (30) metres, must be retained.

9.2 A grassed visual amenity bund with a maximum height of two (2) metres within the eastern boundary of each operational area must be established.

9.3 The visual amenity bund areas must be subject to:

9.3.1 a watering and maintenance plan during the establishment moment; and

9.3.2 ongoing maintenance and replanting programme (if required).

10.0 ELECTRICITY

- 10.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

Alternatively, the development may be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practice. An on-site energy supply must be installed prior to the commencement of the use and at no cost to Council.

11.0 ASSET MANAGEMENT

- 11.1 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.

- 11.2 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.

12.0 ENVIRONMENTAL

- 12.1 No vegetation is to be cleared outside the resource/processing area or haulage routes. 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.

13.0 OPERATING PROCEDURES

- 13.1 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 Malchi-Nine Mile Road.
- 13.2 Excavation must only occur within the supply site area and in accordance with the approved plans (refer to condition 2.1).
- 13.3 Extraction, crushing, blending, screening, loading, operation of plant equipment, ancillary activities and haulage operations for the development site must be limited to 0600 hours to 1800 hours on Monday to Saturday, with no operations on Sundays or Public Holidays.
- 13.4 Maintenance of equipment and vehicles outside of normal operating hours is carried out so as not to cause nuisance to nearby sensitive land use(s).
- 13.5 Blasting operations (when required) are limited to Monday to Friday between the hours of 09:00 to 15:00, and from 09:00 to 13:00 on Saturdays. Operations do not occur on Sunday or public holidays.
- 13.6 All heavy vehicles associated with the extractive industry use are only permitted to use the section of Malchi-Nine Mile Road between the access to the subject site(s) and the Capricorn Highway in accordance with the recommendations in the approved Transport and Pavement Impact Assessment (refer to condition 2.1). No quarry material may be hauled on the section of Malchi-Nine Mile Road to the north of the site access.
- 13.7 Limit the height of any stockpiles to less than six (6) metres, where practical and in accordance with the recommendations in the approved Environmental Management Plan (refer to condition 2.1).
- 13.8 All waste materials and consumables generated by the operation must be immediately removed from site and disposed of at a licensed waste receiver.
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13.9 All waste storage areas must be:

13.9.1 kept in a clean and tidy condition; and

13.9.2 maintained in accordance with *Environmental Protection Regulation 2019*.

13.10 All surface treatments must be operated and maintained in accordance with the recommendations in the approved Environmental Management Plan (refer to condition 2.1) and in a manner so that there is no significant impact on the amenity of adjoining premises, or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.

ADVISORY NOTES

NOTE 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website www.dsdsatsip.qld.gov.au

NOTE 2. 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 3. 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 4. Environmental Nuisance

Emissions from the activity must not cause an environmental nuisance.

NOTE 5. 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 storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before operation.

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. Clearing within Road Reserve

It is a requirement under the *Nature Conservation Act 1992* that an approved Tree Clearing Permit is obtained from the Department of Environment and Science, prior to any tree clearing activities that are to occur within a road reserve that is under Council control.

NOTE 8. Building Works

A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.

NOTE 9. Plumbing and Drainage Works

A Development Permit for Plumbing and Drainage Works must be obtained for the proposed demountable structures on the development site requiring sanitary drainage.

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.

Moved by: Councillor Mathers

Seconded by: Councillor Latcham

MOTION LOST

Councillors Mathers and Kirkland voted in the affirmative

Councillors Wickerson, Rutherford, Latcham voted in the negative.

Councillor Fisher was not in the meeting room and did not participate in the vote.

COUNCIL RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for Material Change of Use for Extractive Industry, made by Malchi Holdings Pty Ltd, located at Lot 3 Malchi - Nine Mile Road, Nine Mile and Lot 591 Capricorn Highway, Gracemere, described as Lot 3 on RP868380 and Lot 951 on LIV40270, Council resolves to provide the following reasons for its decision:

STATEMENT OF REASONS

Description of the development
Material Change in use for Extractive Industry
Reasons for Decision
<p>a) Assessment of the development against the relevant zone purpose, 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; • Biodiversity Areas Overlay Code; • Bushfire Hazard Overlay Code;

- Steep Land Overlay Code;
- Access, Parking And Transport Code;
- Landscape Code;
- Stormwater Management Code;
- Waste Management Code; and
- Extractive Industry Code.

Compliance with assessment benchmarks

The development was assessed against all of the assessment benchmarks listed above and complies with all of these with the exceptions listed below.

Assessment Benchmark	Reasons for the approval despite non-compliance with benchmark
Extractive Industry Code	<p>Performance Outcome (PO) 1</p> <p>The development does not comply with Acceptable Outcome 1.1 as an extractive industry involving blasting requires a minimum setback of 1,000 metres to the nearest sensitive land use.</p> <p>Investigations to date indicate there is no need to drill or blast on the subject site to extract the Class A1 fill material that is proposed to be removed. However unforeseen circumstances (pockets of hard rock) may be encountered in which minimal blasting may occur. As the proposed development must cater for this unforeseen circumstance and the nearest sensitive land use is located approximately 650 metres from the subject site, the following mitigation measures will be administered:</p> <ul style="list-style-type: none"> • Noise impacts will be mitigated through limitations outlined in the Environmental Management Plan including monitoring of ground vibration levels and permitted hours of blasting between 9am to 3pm Monday to Friday, 9am to 1pm on Saturdays and no blasting at any time on Sundays or Public Holidays. • Visual impacts will be mitigated through setbacks of 130 to 140 metres from the operational areas to the subject site's road boundary (Malchi Nine Mile Road) along with conditions imposing the progressive establishment and ongoing maintenance of grassed visual amenity bunds, two (2) metres in height within the eastern boundary of each operational area. <p>It is not the intention to drill or blast as a regular operation on site and if no hard rock is encountered and blasting operations do not occur, the development would meet the required 500 metre setback. The development must operate as per the recommendations in the Environmental Management Plan to mitigate visual and noise impacts to nearby sensitive land uses, along with reasonable and relevant conditions within the associated Environmental Authority P-EA-100380307 permit, regulated by the Department of Environment and Science. The proposal is considered to achieve PO1.</p>

	<p>Performance Outcome (PO) 4</p> <p>The development does not comply with Acceptable Outcome 4.1 as the internal haul roads will be gravel base and not sealed.</p> <p>The gravel surface will be regularly maintained and dampened by a water cart to reduce the potential dust impacts external to the site. Furthermore, the development is required to comply with, and manage operations in accordance with the air quality objectives within the Environmental Management Plan and reasonable and relevant conditions within the associated Environmental Authority P-EA-100380307 permit regulated by the Department of Environment and Science have been imposed to ensure those objectives are met. This is considered sufficient to achieve PO4.</p>
	<p>Performance Outcome (PO) 8</p> <p>The development does not comply with Acceptable Outcome 8.2 as the haul route is not more than 100 metres from any sensitive land use.</p> <p>As the development is located within a Rural Zone where dwelling houses are accepted (subject to requirements) it is expected that sensitive land uses would be established. Therefore, any proposed haul route would not meet the acceptable outcome by default. Despite this, a Traffic and Pavement Impact Assessment has been prepared by a Registered Professional Engineer of Queensland (RPEQ) that demonstrates the proposed haul route (south via Malchi Nine Mile Road onto the Capricorn Highway) and road network is capable of the increase in demand from the development.</p> <p>Furthermore, all material required to produce the Class A1 fill that will be extracted is wholly sourced from within the subject site meaning no additional materials will be imported (hailed) into the site, resulting in fewer truck movements. Therefore, the proposal is considered to comply with PO8.</p>
	<p>Performance Outcome (PO) 5</p> <p>The development does not comply with AO5.1 as security fencing is not provided for the full length of the perimeter of the site and around the extractive industry stockpiles and operations.</p> <p>The subject site has an existing perimeter fence and is surrounded in all directions by established dense vegetation on large vacant rural lots to the north, west and south. To the east is Malchi Nine Mile Road. 30 metres from the road into the subject site, a 100 metre easement exists for the full road frontage and restricts structures or operations. A lockable gate with signage will be erected at the entry point and will provide appropriate security. Given the area of the site, (179.768 hectares) it would be unreasonable to require additional perimeter fencing. Furthermore, fencing of the stockpiles and operations are considered unnecessary given the extensive setback (130 plus metres) from a public road.</p> <p>Therefore, the development is considered to comply with PO5 as these measures are anticipated to ensure the development</p>

	<p>does not compromise public safety.</p>
<p>Rural Zone Code</p>	<p>Performance Outcome (PO) 14, 15 and 30</p> <p>No Acceptable Outcomes are nominated. PO 14, 15 and 30 consider non-rural uses located within the Rural Zone where potential impacts can be appropriately managed.</p> <p>The development, through the implementation of operational controls and management measures outlined in the Environmental Management Plan will ensure that potential impacts on sensitive receivers and nearby rural uses are minimised. Some of these key measures include but are not limited to:</p> <ul style="list-style-type: none"> • Meeting air quality objectives by ensuring sufficient on-site water supply is available for dust suppression, including all internal trafficable roads, access areas and stockpiles. Furthermore, additional water supply is required to ensure plant and equipment (trucks) are clean and materials are dampened and covered when exiting to prevent material spillages external to the site. • Operational areas are outside the subject sites waterways however water quality objectives will still be managed by preventing clean stormwater to enter disturbed areas through the use of catch drains or flow diversions. Furthermore, the development must maintain drainage and sediment control devices and no land clearing outside the operational areas is permitted. • Noise mitigation through limited hours of operations, occurring solely during daytime hours (6:00am to 6:00pm Monday to Saturday with no operations on Sundays or Public Holidays). Blasting operations are limited further between 9am to 3pm Monday to Friday, 9am to 1pm on Saturdays and no blasting at any time on Sundays or Public Holidays. Furthermore, site design measures will ensure mobile plant move forward in, forward out to avoid unnecessary reversing and fitted with effective exhaust silencers where practical. • Waste management through the use of designated waste storage areas with regular visual inspections and removal by a suitably licensed transporter. <p>Setbacks surrounding the site are considered appropriate along with the mitigation measure above to avoid any potential off-site impacts to the surrounding area due to the emission of light, noise, odour or dust. Setbacks include 1.6 kilometres to the closest dwelling house to the north and one (1) kilometre to the south-east. No dwelling houses are in the locality to the west and immediately to the east is Malchi-Nine Mile Road. Beyond the road is a large rural lot with a dwelling house 650 metres from the site’s operational areas. (refer to response to PO1 of Extractive Industry Code)</p> <p>Extractive Industries are contemplated within the Rural Zone purpose (1) (b) of the <i>Rockhampton Region Planning Scheme 2015</i>. The subject site is not mapped as productive agricultural</p>

	land and the development will not restrict the ongoing safe and efficient use of nearby rural uses or sensitive receivers as the mitigation measures outlined above are considered sufficient to achieve Performance Outcomes 14, 15 and 30.
Relevant Matters	
The proposed development was not assessed against any relevant matters outside of the matters prescribed by regulation	
Matters raised in submissions	
Issue	How matter was dealt with
Separation distances to nearby sensitive land uses	<p>The nearest lawful dwelling house is 650 metres away, east of the subject site. As outlined in the response above to Performance Outcome (PO) 1 of the Extractive Industry Code, it is not the intention to drill or blast as a regular operation on site and if no hard rock is encountered and blasting operations do not occur, the development would meet the required 500 metre setback.</p> <p>To ensure ongoing operations of the Malchi Supply Site will not cause environmental nuisance to any nearby sensitive land uses, the development must operate as per the recommendations in the Environmental Management Plan and mitigate visual and noise impacts to the surrounding area. Furthermore, ongoing operations must comply with the associated Environmental Authority P-EA-100380307 permit, regulated by the Department of Environment and Science.</p>
Inconsistent with the Rural Zone purpose	<p>Extractive Industries are contemplated within the Rural Zone purpose (1) (b) of the <i>Rockhampton Region Planning Scheme 2015</i>. The subject site is not mapped as productive agricultural land and the development will not restrict the ongoing safe and efficient use of nearby rural uses or sensitive receivers as outlined in the response above to Performance Outcomes (PO) 14, 15 and 30.</p>
Not supported by an Economic Impact Assessment to address the impacts on existing extractive operations, and a surplus need of extractive industry operations	<p>After a review of the relevant sections of the planning scheme, it was found that this specific planning scheme policy is not referred to by the provisions of the Rural Zone Code, the Extractive Industry Development Code or the Strategic Framework. Therefore, it is not a relevant policy for the assessment of the development application.</p> <p>Notwithstanding, the development is not anticipated to have a detrimental impact on the economic viability of existing hard rock quarries. The material extracted from the subject site is Class A1 Embankment Fill which is a product not commonly available from hard rock quarries.</p> <p>Class A1 Embankment Fill is a fill material that requires the correct blend of clay and rock to form a processed material that is suitable to build an embankment in an area that can experience water inundation. This material for example is used to construct flood levees that need to have the integrity to withhold large volumes and flows of</p>

	water during peak flood periods.
Road network and traffic impacts from heavy vehicles on local rural roads	<p>The quantity of material to be transported along the haulage route is to be approximately 400,000 tonnes over approximately 365 days (300 haulage days). The Transport and Pavement Impact Assessment summarises that based on the relatively low background traffic volumes and the relatively small increase in traffic numbers (up to a maximum of 37 vehicles per day in each direction), it is anticipated that the proposed development and haulage operations will have a relatively small impact on the traffic operations along the identified haulage routes, with adequate capacity expected to be available on each road link to cater for the additional heavy vehicles.</p> <p>The Transport and Pavement Impact Assessment further identified that the additional heavy vehicle movements associated with the development's road haulage operations are expected to lead to an increase in pavement loadings on Malchi - Nine Mile Road with the outbound values above the recommended five (5) per cent impact trigger for the proposed haulage scenario assessed.</p> <p>As a result, Council has conditioned road maintenance levies be imposed and must be paid on a six-monthly basis for the duration of the activity (refer to Conditions 3.2 and 3.3)</p>
Amenity (noise, dust, light etc.) and the impacts to the rural area	<p>The development must operate as per the recommendations in the Environmental Management Plan to mitigate amenity impacts.</p> <p>All environmental matters raised are regulated through and addressed by the conditions of the Environmental Authority (EA) imposed by the Department of Environment and Science (DES) as the lead agency for assessing potential environmental impacts including water, air, noise, land, and blast vibration impacts for Extractive Industries through the <i>Environmental Protection Act 1994</i>.</p>
Environmental (Clearing of Cat C vegetation, water/air quality), Impacts to the rural area	<p>The subject sites operational areas are mapped as comprising of Matters of State Environmental Significance (MSES) being Category C regrowth vegetation.</p> <p>The proposed clearing of the mapped Category C vegetation is accepted development under Schedule 7, Part 3, Section 12 of the Planning Regulation, being clearing pursuant to an accepted development vegetation clearing code. As such, referral for operational work for clearing native vegetation under Part 3 of Schedule 10 of the Planning Regulation is not triggered. Furthermore, as accepted development the clearing cannot be further regulated by Council.</p> <p>Furthermore, no vegetation is to be cleared outside the resource/processing area or haulage routes. Any</p>

	additional vegetation clearing on the subject site must be in accordance with the requirements of the <i>Vegetation Management Act 1999</i> and the planning scheme current at the time of the proposed clearing.
Potential impacts to surface water and groundwater	<p>The Environmental Authority P-EA-100380307 permit confirms that the operational areas of the Malchi Supply Site do not interfere with or impact on mapped waterways under the <i>Water Act 2000</i>. Nevertheless, drainage features from the site do drain to the Fitzroy River floodplain and associated wetlands and groundwater areas.</p> <p>The Environmental Authority permit, and Environmental Management Plan confirm that impacts to groundwater will be avoided by setting a maximum depth of extraction of 16 metres Australian Height Datum (AHD) in Lot 3 and 22 metres AHD in Lot 951 which is two (2) metres above the depth of investigative drilling at the site which did not encounter any groundwater.</p> <p>The activities on site will be operated in a way that protects the environmental values of groundwater and any associated surface ecological systems. The Environmental Management Plan sets out the Water Quality objectives to manage and control potential environmental impacts occurring as a result of land disturbance necessary for the site operation. The objective of site water management is to ensure all prescribed water contaminants (including sand, suspended solids, turbid waters, chemicals, lubricants, or fuels) are not released from the site. Stormwater runoff from disturbed areas of the site must be retained on site or managed to remove contaminants prior to release. The only waters to be released are settled stormwater which has been allowed to stand for a period of time to maximise sediment fallout.</p>
Reduction of property values of the local surrounding residents	Submitters raised concerns that the development would devalue their properties. Property value is not a matter Council may or must have regard to under the <i>Planning Act 2016</i> when assessing and deciding a development application.
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 a Development Permit for Material Change of Use for Extractive Industry, made by Malchi Holdings Pty Ltd, located at Lot 3 Malchi - Nine Mile Road, Nine Mile and Lot 591 Capricorn Highway, Gracemere, described as Lot 3 on RP868380 and Lot 951 on LIV40270, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

1.1 The owner, the owner's successors in title, and any occupier of the premises 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 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.4.1 Operational Works:
- (i) Access Works;
- (ii) Roadworks;
- 1.4.2 Plumbing and Drainage Works; and
- 1.4.3 Building Works.
- 1.5 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.
- 1.6 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.7 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.
- 1.8 The extractive industry is limited to extracting in a year a maximum of 400,000 tonnes of material.

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:
- 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.

<u>Plan/Document Name</u>	<u>Prepared by</u>	<u>Date</u>	<u>Reference No.</u>	<u>Version / Issue</u>
Supply Site Plan	Groundwork Plus	25 January 2023	2613.DRG.015	4
Transport and Pavement Impact Assessment	McMurtrie Consulting Engineers	6 February 2023	R030-22-23	1
Stormwater Management Plan	Groundwork Plus	6 February 2023	2613.DRG.024	5

Environmental Management Plan	Groundwork Plus	December 2022	2613_610_001	1
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3.0 ROAD WORKS

3.1 Line-marking and raised retroreflective pavement markers (RRPMs) must be installed to the section of Malchi-Nine-Mile Road between chainages 400 metres and 1500 metres to better delineate this narrow section of the roadway.

3.2 A road maintenance levy, being 46.25 cents per tonne, 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 above 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).

Note: CPI of September 2022 – 130.2

3.3 A bridge levy, being three (3) cents per tonne, 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).

Note: CPI of September 2022 – 130.2

4.0 ACCESS WORKS

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

4.2 All access 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 The proposed northern access from Malchi-Nine-Mile Road is not approved due to sight visibility issues with this location. The access to Lot 3 on RP868380 must be via an internal access from Lot 951 on LIV40270.

4.4 All vehicles must ingress and egress the development in a forward gear.

4.5 Adequate sight distances must be provided for all ingress and egress movements at the access driveways in accordance with Australian Standard AS2890.2 “Parking facilities - Off street commercial vehicle facilities”.

4.6 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”.

5.0 PLUMBING AND DRAINAGE WORKS

5.1 All 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, Council’s Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.

5.2 On-site water supply for domestic, dust control and fire-fighting purposes must be provided and may include the provision of a bore, dams, water storage tanks or a combination of each. The water storage must be easily accessible having regard to pedestrian and vehicular access.

Note: Fire-fighting protection, if required, must be certified by an hydraulic engineer or other suitably qualified person.

5.3 Any on-site sewerage treatment and disposal areas must not be located within any water course or conflict with the separation distance as detailed within the Queensland Plumbing and Wastewater Code.

Note: If the proposal is to use portable toilet facilities for on-site sewerage facilities. All waste from the portable toilet facilities must be disposed at Council's sewage treatment plant by regulated waste disposal contractor. The regulated waste disposal contractor must be licensed and must have an Agreement with Council.

6.0 STORMWATER WORKS

6.1 All stormwater must drain to a demonstrated 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 to other infrastructure.

7.0 SITE WORKS

7.1 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 to surrounding land or infrastructure.

8.0 BUILDING WORKS

8.1 Structures must not be located within the on-site sewerage treatment and disposal area or conflict with the separation distances, in accordance with the Queensland Plumbing and Wastewater Code.

8.2 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".

9.0 LANDSCAPING WORKS

9.1 The existing vegetation along the full road frontage of Lot 3 on RP868380 and Lot 951 on LIV40270, with a minimum width of thirty (30) metres, must be retained.

9.2 A grassed visual amenity bund with a maximum height of two (2) metres within the eastern boundary of each operational area must be established.

9.3 The visual amenity bund areas must be subject to:

- 9.3.1 a watering and maintenance plan during the establishment moment; and
- 9.3.2 ongoing maintenance and replanting programme (if required).

10.0 ELECTRICITY

10.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

Alternatively, the development may be provided with an on-site energy supply installed in accordance with all laws and regulations and current best practice. An on-site energy supply must be installed prior to the commencement of the use and at no cost to Council.

11.0 ASSET MANAGEMENT

- 11.1 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.
- 11.2 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.

12.0 ENVIRONMENTAL

- 12.1 No vegetation is to be cleared outside the resource/processing area or haulage routes. 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.

13.0 OPERATING PROCEDURES

- 13.1 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 Malchi-Nine Mile Road.
- 13.2 Excavation must only occur within the supply site area and in accordance with the approved plans (refer to condition 2.1).
- 13.3 Extraction, crushing, blending, screening, loading, operation of plant equipment, ancillary activities and haulage operations for the development site must be limited to 0700 hours to 1700 hours on Monday to Saturday, with no operations on Sundays or Public Holidays.
- 13.4 Maintenance of equipment and vehicles outside of normal operating hours is carried out so as not to cause nuisance to nearby sensitive land use(s).
- 13.5 Blasting operations (when required) are limited to Monday to Friday between the hours of 09:00 to 15:00, and from 09:00 to 13:00 on Saturdays. Operations do not occur on Sunday or public holidays.
- 13.6 All heavy vehicles associated with the extractive industry use are only permitted to use the section of Malchi-Nine Mile Road between the access to the subject site(s) and the Capricorn Highway in accordance with the recommendations in the approved Transport and Pavement Impact Assessment (refer to condition 2.1). No quarry material may be hauled on the section of Malchi-Nine Mile Road to the north of the site access.
- 13.7 Limit the height of any stockpiles to less than six (6) metres, where practical and in accordance with the recommendations in the approved Environmental Management Plan (refer to condition 2.1).
- 13.8 All waste materials and consumables generated by the operation must be immediately removed from site and disposed of at a licensed waste receiver.
- 13.9 All waste storage areas must be:
- 13.9.1 kept in a clean and tidy condition; and
 - 13.9.2 maintained in accordance with *Environmental Protection Regulation 2019*.
- 13.10 All surface treatments must be operated and maintained in accordance with the recommendations in the approved Environmental Management Plan (refer to condition 2.1) and in a manner so that there is no significant impact on the amenity of adjoining premises, or the surrounding area being caused due to the emission of dust or

resulting in sediment laden water.

ADVISORY NOTES

NOTE 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 Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships website www.dsdsatsip.qld.gov.au

NOTE 2. 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 3. 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 4. Environmental Nuisance

Emissions from the activity must not cause an environmental nuisance.

NOTE 5. 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 storage of dangerous goods or environmentally relevant activities. Approval for such activities is required before operation.

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. Clearing within Road Reserve

It is a requirement under the *Nature Conservation Act 1992* that an approved Tree Clearing Permit is obtained from the Department of Environment and Science, prior to any tree clearing activities that are to occur within a road reserve that is under Council control.

NOTE 8. Building Works

A Development Permit for Building Works assessable under the Building Assessment Provisions must be obtained prior to the commencement of any building works on the site.

NOTE 9. Plumbing and Drainage Works

A Development Permit for Plumbing and Drainage Works must be obtained for the proposed demountable structures on the development site requiring sanitary drainage.

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.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED

Councillors Rutherford, Wickerson, Latcham voted in the affirmative.

Councillors Mathers and Kirkland voted in the negative.

Councillor Fisher was not in the meeting room and did not participate in the vote.

10:51AM Councillor Fisher returned to the meeting room and resumed the Chair

11.7 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND INC ANNUAL CONFERENCE, 16-18 OCTOBER 2023, GLADSTONE

File No: 8291
Authorising Officer: Ross Cheesman - Acting Chief Executive Officer
Author: Ross Cheesman - Acting Chief Executive Officer

SUMMARY

Local Government Association of Queensland Inc advising the Annual Conference will be held at the Gladstone Entertainment Convention Centre from 16 to 18 October 2023.

COUNCIL RESOLUTION

THAT:

1. Mayor Councillor Williams and Deputy Mayor Councillor Fisher be appointed as delegates with voting rights for Rockhampton Regional Council; and
2. All Councillors be encouraged to attend the 2023 Local Government Association of Queensland Inc Annual Conference in Gladstone.

Moved by: Councillor Wickerson

Seconded by: Councillor Mathers

MOTION CARRIED UNANIMOUSLY

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 URGENT BUSINESS\QUESTIONS

14.1 ROAD SIGNAGE MAINTENANCE

File No: 7028

Responsible Officer: John Gwydir – Manager Civil Operations

COUNCIL RESOLUTION

THAT a report on road signage maintenance delays be presented to the next Infrastructure Committee meeting.

Moved by: Councillor Kirkland

Seconded by: Councillor Fisher

MOTION CARRIED

14.2 SPORTING EVENT SUCCESS - QUEENSLAND TOUCH FOOTBALL JUNIOR STATE CUP

File No: 6097

Responsible Officer: Evan Pardon – Chief Executive Officer

COUNCIL RESOLUTION

THAT the Chief Executive Officer pass on sincere thanks to all staff involved in the highly successful hosting of the Queensland Touch Football Junior State Cup held in Rockhampton from 6-8 July 2023.

Moved by: Councillor Rutherford

Seconded by: Councillor Wickerson

MOTION CARRIED UNANIMOUSLY

15 CLOSURE OF MEETING

There being no further business the meeting closed at 11:08am.

SIGNATURE

CHAIRPERSON

DATE



**MEETING
ATTACHMENTS**

11 JULY 2023

ANNEXURE A

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

- Item 11.4** Development Application for Material Change of Use for Special Industry (Microbrewery), Hotel and Shop
- Item 11.5** Development Application for Material Change of Use of Non-Resident Workforce Accommodation
- Item 11.6** Development Application for Material Change of Use for Extractive Industry



Development Application (D/2-2023) for Material Change of Use for Special Industry (Microbrewery), Hotel and Shop

304 Quay Street, Rockhampton City

Council meeting – 11 July 2023

Amanda O'Mara – Coordinator Development Assessment

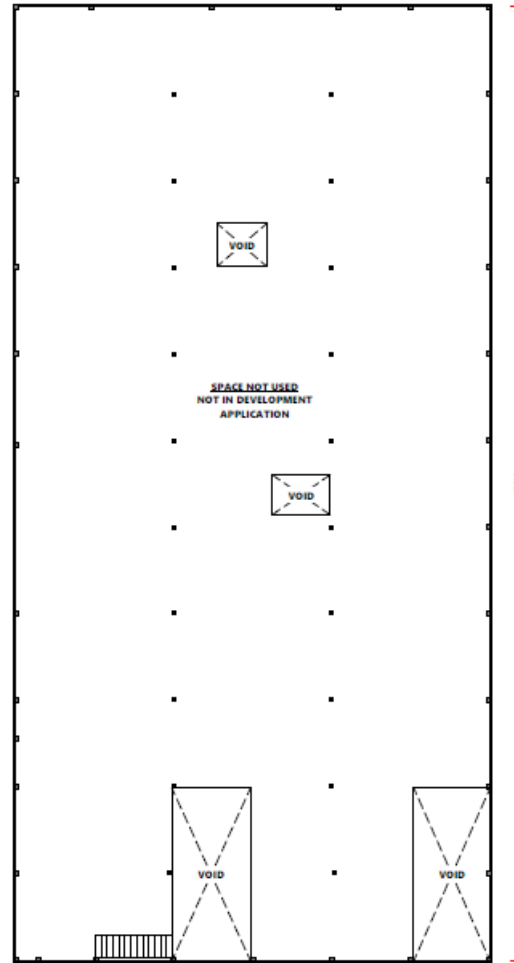
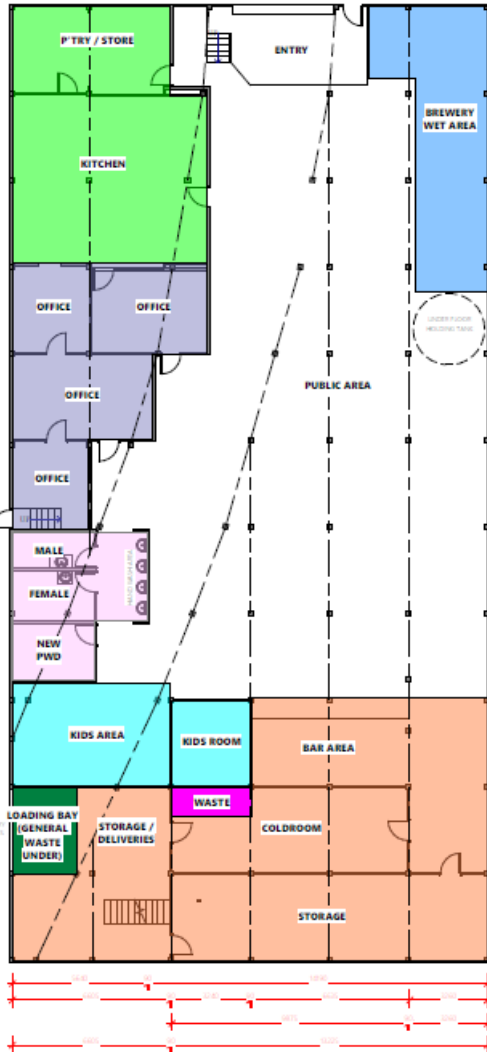
Subject Site



SUBJECT SITE



Floor Plan



TOTAL GROUND AREA
175m²

	KITCHEN / PTRY 12m ² (HOTEL)
	FUTURE LIFT 4m ² (HOTEL)
	BREWERY WET AREA 45m ² (BREWERY)
	OFFICE 14m ² (HOTEL) 50% MICRO BREWERY 50%
	BAR AREA / COLDROOM / STORAGE 15m ² (HOTEL) 50% MICRO BREWERY 40% SHOP 10%
	BREWERY WASTE 4m ² (HOTEL) 50% MICRO BREWERY 50%
	LOADING BAY & GENERAL WASTE (UNDER) 13m ² (BREWERY)
	KIDS AREA 4m ² (HOTEL)
	AMENITIES 13m ² (HOTEL) 50% MICRO BREWERY 40% SHOP 10%
	PUBLIC AREA 15m ² (HOTEL)

ISSUED FOR
PRELIMINARY

Project Details:
304 QUAY STREET
PROPOSED BREWERY

Drawing Title:
LEGEND COLOUR ZONE

dezi elements
BUILDING DESIGNERS
0407 271 336 M
info@dezi elements.com.au E

Development Application (D/34-2021) for Material Change of Use for Non-Resident Workforce Accommodation

227 Somerset Road, Gracemere

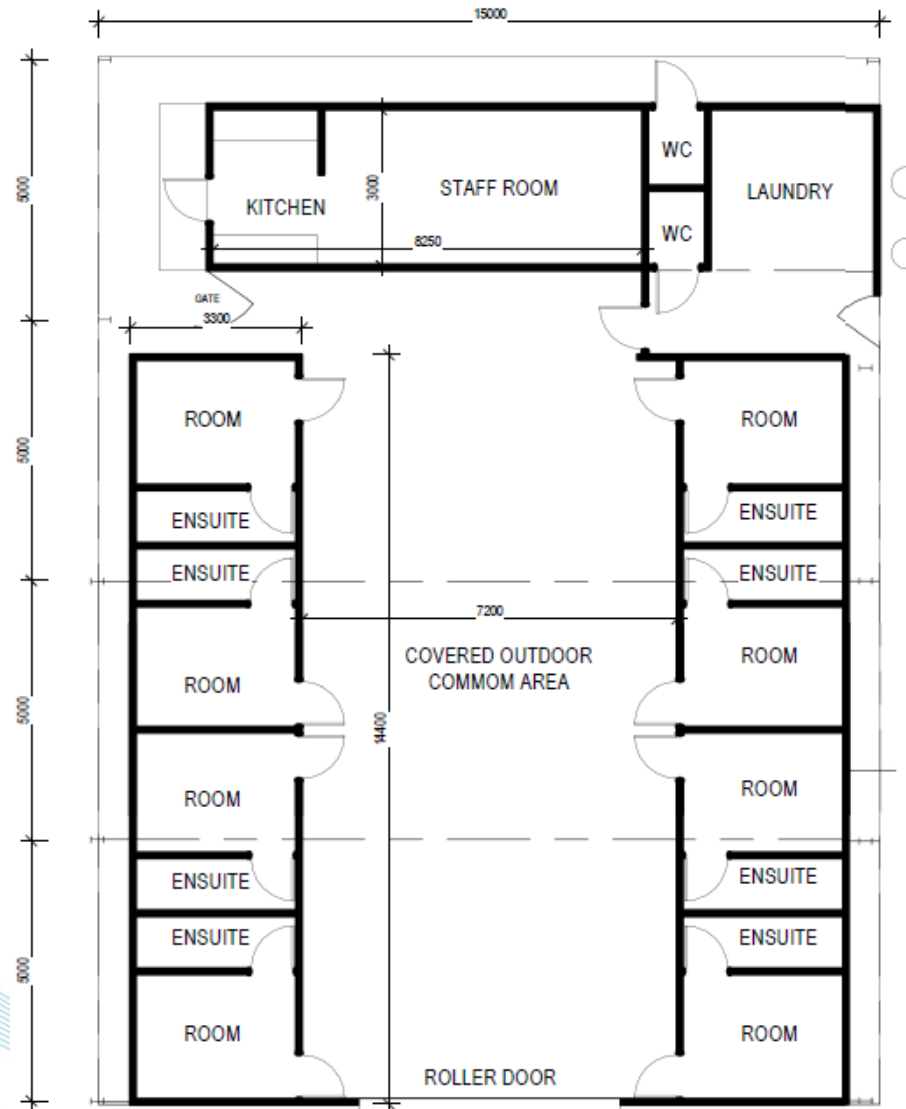
Council meeting – 11 July 2023

Amanda O'Mara – Coordinator Development Assessment

Subject Site



Site Plan / Floor Plan



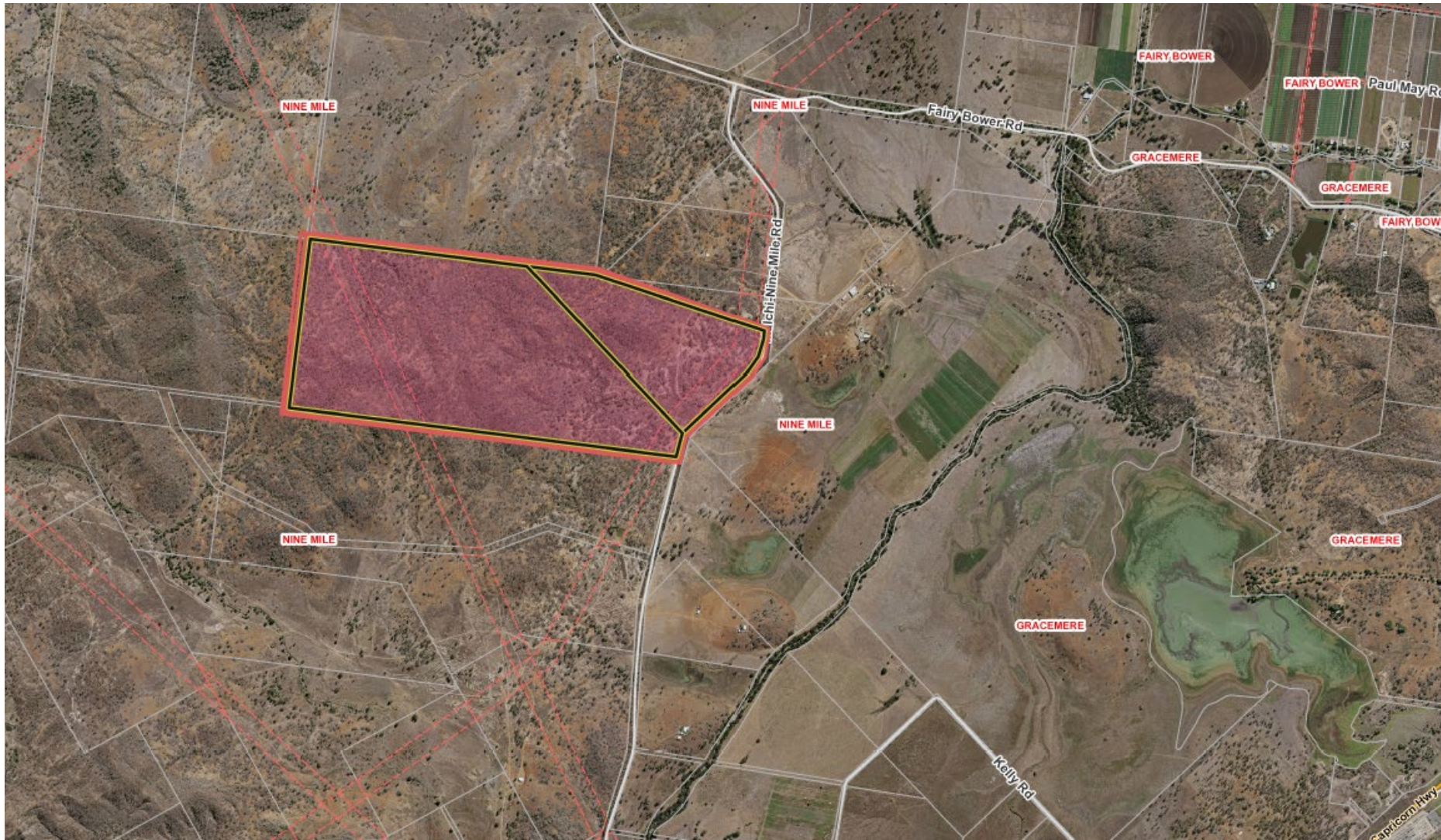
Development Application (D/166-2022) for Material Change of Use for an Extractive Industry

Lot 3 Malchi - Nine Mile Road, Nine Mile and Lot
591 Capricorn Highway, Gracemere

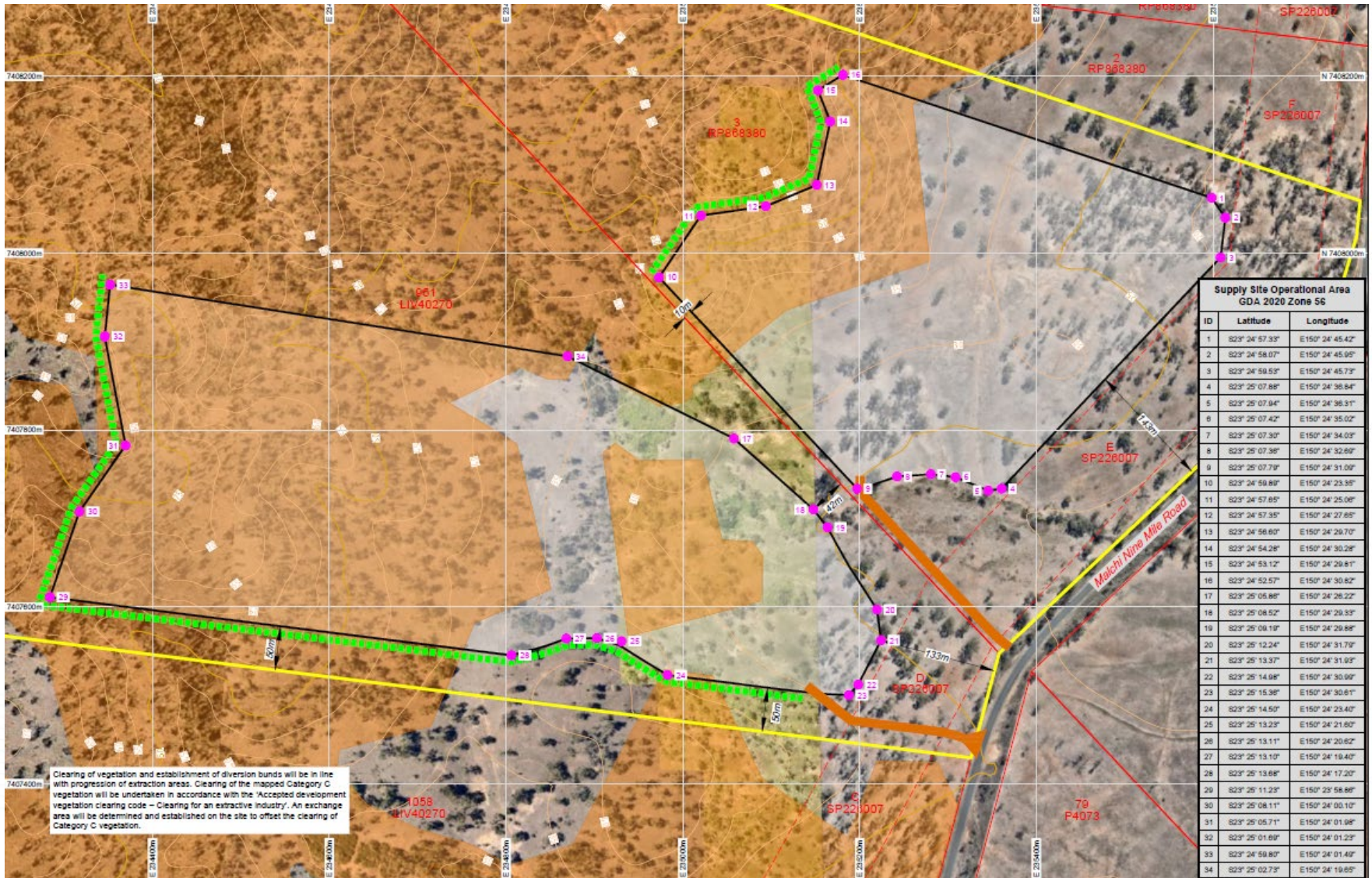
Council meeting – 11 July 2023

Amanda O'Mara – Coordinator Development Assessment

Subject Site



Site Plan



Clearing of vegetation and establishment of diversion bunds will be in line with progression of extraction areas. Clearing of the mapped Category C vegetation will be undertaken in accordance with the 'Accepted development vegetation clearing code - Clearing for an extractive industry'. An exchange area will be determined and established on the site to offset the clearing of Category C vegetation.

ID	Latitude	Longitude
1	82° 24' 57.33"	E150° 24' 45.42"
2	82° 24' 58.07"	E150° 24' 45.95"
3	82° 24' 59.53"	E150° 24' 45.73"
4	82° 25' 07.88"	E150° 24' 36.84"
5	82° 25' 07.94"	E150° 24' 36.31"
6	82° 25' 07.42"	E150° 24' 35.02"
7	82° 25' 07.30"	E150° 24' 34.03"
8	82° 25' 07.38"	E150° 24' 32.69"
9	82° 25' 07.79"	E150° 24' 31.09"
10	82° 24' 59.80"	E150° 24' 23.35"
11	82° 24' 57.85"	E150° 24' 25.06"
12	82° 24' 57.35"	E150° 24' 27.85"
13	82° 24' 56.60"	E150° 24' 28.70"
14	82° 24' 54.28"	E150° 24' 30.28"
15	82° 24' 53.12"	E150° 24' 29.81"
16	82° 24' 52.57"	E150° 24' 30.82"
17	82° 25' 05.86"	E150° 24' 26.22"
18	82° 25' 08.52"	E150° 24' 29.33"
19	82° 25' 06.19"	E150° 24' 29.88"
20	82° 25' 12.24"	E150° 24' 31.79"
21	82° 25' 13.37"	E150° 24' 31.93"
22	82° 25' 14.98"	E150° 24' 30.99"
23	82° 25' 15.98"	E150° 24' 30.61"
24	82° 25' 14.50"	E150° 24' 23.40"
25	82° 25' 13.23"	E150° 24' 21.60"
26	82° 25' 13.11"	E150° 24' 20.62"
27	82° 25' 13.10"	E150° 24' 19.40"
28	82° 25' 13.68"	E150° 24' 17.20"
29	82° 25' 11.25"	E150° 25' 58.88"
30	82° 25' 08.11"	E150° 24' 00.10"
31	82° 25' 05.71"	E150° 24' 01.98"
32	82° 25' 01.69"	E150° 24' 01.23"
33	82° 24' 59.80"	E150° 24' 01.49"
34	82° 25' 02.73"	E150° 24' 19.85"

DESCRIPTION	DATE	BY

Legend:

- Site Boundary (179.84 ha)
- Cadastral Boundary
- Equipment
- Supply Site Operational Area (45.31 ha)
- Proposed Haul Road
- Proposed Diversion Bund
- Vegetation Management Map Regional Ecosystem
- Category C vegetation - Of Concern

PROJECT: Malchi Nine Mile Rd Supply Site
 CLIENT: Malchi Holdings Pty Ltd

PROJECT: Supply Site Plan
 DRAWING NUMBER: 2613.DRG.015
 SHEET: 3
 SCALE: 1:4,000
 DATE: 3 December 2023
 DRAWN: [Name]
 CHECKED: [Name]









