



PLANNING AND REGULATORY COMMITTEE MEETING

AGENDA

12 NOVEMBER 2019

Your attendance is required at a meeting of the Planning and Regulatory Committee to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 12 November 2019 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. P.", is written over a light blue circular stamp.

CHIEF EXECUTIVE OFFICER
7 November 2019

Next Meeting Date: 26.11.19

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

2 PRESENT

Members Present:

Councillor C E Smith (Chairperson)
The Mayor, Councillor M F Strelow
Councillor N K Fisher
Councillor C R Rutherford

In Attendance:

Ms C Worthy – General Manager Community Services (Executive Officer)
Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Drew Wickerson - Leave of Absence from 31 October 2019 to 17 November 2019

4 CONFIRMATION OF MINUTES

Minutes of the Planning and Regulatory Committee held 29 October 2019

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 OFFICERS' REPORTS

8.1 REQUEST FOR AN 'OTHER CHANGE' TO DEVELOPMENT PERMIT D/278-2013 FOR A MATERIAL CHANGE OF USE FOR AN EXTRACTIVE INDUSTRY

File No: D/278-2013

Attachments: 1. [Locality Plan](#)↓
2. [Site Plan](#)↓

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Doug Scott - Manager Planning & Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/278-2013

Applicant: P. Waardyk and M. Stokes

Real Property Address: Lot 100 on SP120491, Parish of Rockhampton

Common Property Address: Lot 100 Nine Mile Road, Fairy Bower

Area of Site: 74.39 Hectares

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Rural Zone

Planning Scheme Overlays: Biodiversity Overlay – MSES Wetlands
Flood Hazard Overlay – Extreme Hazard

Existing Development: Extractive Industry

Existing Approvals: D/278-2013

Approval Sought: Request for an 'Other Change' to Development Permit D/278-2013 for a Material Change of Use for an Extractive Industry

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Department of State Development, Manufacturing, Infrastructure and Planning

Infrastructure Charges Area: Charge Area 3

OFFICER'S RECOMMENDATION

RECOMMENDATION A

THAT in relation to the request for an 'Other Change' to Development Permit D/278-2013 for a Material Change of Use for an Extractive Industry, made by P.Waardyk and M. Stokes, located at Lot 100 Nine Mile Road, Fairy Bower, described as Lot 100 on SP120491, Parish of Rockhampton, Council resolves that:

1. **Item 9 and Condition 2.1 be amended and replaced with the following condition:**
- 2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by the conditions of this permit:

Plan/Document Name	Plan/Document Number	Dated
Proposed Site Development Layout	WD1057.1 Rev C.	14 September 2011
Location of Proposed Project Area	6208-06 Rev B	18 November 2011
Material Change of Use (Extractive Industry) 'Other Change'	7379-01-MCU-A	14 June 2019
Hydraulic and Water Quality Assessment	228155	15 March 2012
Aurecon letter in Addendum to Hydraulic and Water Quality Assessment	-	27 March 2013
Site Management Plan to Extract Sand from the Corner of Fogarty Road & Nine Mile Road (Lots 431 & 432 on LIV401245)	Not numbered	Not Dated
Preliminary Acid Sulphate Soil Investigation Proposed Sand Extractive Industry	3798-100810-1.0	August 2010
Letter from McMurtrie Consulting Engineers to DTMR regarding Traffic Engineering Assessment of Proposed Use		15 May 2013

2. Condition 3.1 to 3.3 be deleted.

3. Condition 9.3 be included:

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

4. Condition 9.4 be included:

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

5. Condition 9.5 be included:

9.5 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.

RECOMMENDATION B

That to reflect the above changes, P. Waardyk and M.Stokes, be issued with an Amended Decision Notice:

1.0 ADMINISTRATION

1.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.

1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.

- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of the use, unless otherwise stated.
- 1.5 Where applicable, infrastructure requirements of this approval must be contributed to the relevant authorities, at no cost to Council prior to the commencement of the use, unless otherwise stated.
- 1.6 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
- 1.6.1 Operational Works:
- (i) Road Works;
 - (ii) Access Works;
 - (iii) Stormwater Works; and
 - (iv) Site Works;
- 1.6.2 Plumbing and Drainage Works.
- 1.7 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.
- 1.8 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.
- 1.9 All engineering drawings/specifications, design and construction works must comply with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.
- 1.10 Lot 257 on LN882, Lot 428 on LIV401245, Lot 431 on LIV401245, Lot 432 on LIV401245 must be amalgamated and registered as one title prior to the commencement of the use.

2.0 APPROVED PLANS AND DOCUMENTS

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

<u>Plan/Document Name</u>	<u>Plan/Document Number</u>	<u>Dated</u>
Proposed Site Development Layout	WD1057.1 Rev C.	14 September 2011
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2.2 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Operational Works.

3.0 STAGED DEVELOPMENT

3.1 Deleted.

3.2 Deleted.

3.3 Deleted.

4.0 ROAD WORKS

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

4.2 All works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, relevant *Australian Standards* and the provisions of a Development Permit for Operational Works (road works).

4.3 The existing intersection of Fogarty Road and Nine Mile Road must be upgraded to incorporate, as a minimum, a Basic Left Turn on a Rural Road with adequate turning radius. The intersection must comply with the *Road Planning and Design Manual Figure 13.79*, and the *Guide to Traffic Engineering Practice*.

Alternatively, the Development may enter into an Infrastructure Agreement with Council to pay half the cost of the intersection works for Fogarty Road and Nine Mile Road, Fairy Bower. The agreement must be prepared and finalised by Council's solicitors at no cost to Council (including the payment of any State tax) and must be executed by the Developer. The agreed repayment date must be negotiated between Council and the Developer as part of the Infrastructure Agreement process.

4.4 A road maintenance agreement must be entered into with the Rockhampton Regional Council. The agreement must provide for payments, from the start of the operations, on a six monthly basis, for the duration of this activity calculated by the owner/operator of the development, based on audited returns of the tonnage transported per period. The calculation, is based on this clause:

"A maintenance levy must be paid on a six monthly basis on the following calculation. The amount shown below dates to March 2013 values and will be calculated in future years adjusted each year by the Current Price Index (All Groups Brisbane)."

Tonnage (in 6 month period)	Rate
0-250,000 tonnes	\$0.4153 per tonne

5.0 ACCESS WORKS

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

5.2 All 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).

5.3 A rural access must be provided to the development in accordance with the *Capricorn Municipal Development Guidelines*.

6.0 STORMWATER WORKS

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

6.2 All stormwater drainage must be in accordance with the requirements of the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*.

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

6.4 A detailed Stormwater Treatment Strategy must be prepared in accordance with the Hydraulic and Water Quality Assessment (refer to condition 2.1) and submitted as part of the application for a Development Permit for Operational Works (stormwater).

7.0 SITE WORKS

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

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

7.2.1 the location of cut and/or fill;

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

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

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

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

7.3 As recommended in the report titled Preliminary Acid Sulphate Soil Investigation (refer to Condition 2.1), further testing for acid sulphate soils must be completed in accordance with the *State Planning Policy 2/02 – Planning and Managing Development Involving Acid Sulphate Soils*, the *Guidelines for Sampling and Analysis of Lowland Acid Sulphate Soils in Queensland 1998* and *Queensland Acid Sulphate Soil Technical Manual – Soil Management Guidelines*. The results of this further testing must be submitted to Council as part of any application for a Development Permit for Operational Works (site works).

7.4 Groundwater extraction activities (including drainage, pumping or other activity that removes groundwater) carried out in association with excavation activities require a groundwater investigation in accordance with Section 7 of the *State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulphate Soils*. The results of this investigation are to be submitted as part of any application for a Development Permit for Operational Works (site works).

7.5 Sampling associated with the acid sulfate soils investigation should follow the *Guidelines for Sampling and Analysis of Lowland Acid Sulphate Soils in Queensland (Ahern et al 1998)*. Laboratory analysis associated with the acid sulphate soils investigation should follow the *Laboratory Methods Guidelines of the Queensland*

Acid Sulphate Soil Technical Manual.

- 7.6 If Acid Sulphate Soils are found to be present an appropriate management plan must be submitted to Council for approval along with any application for a Development Permit for Operational Works (site works).
- 7.7 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 adjoining properties or infrastructure.
- 7.8 Any vegetation cleared or removed must be:
- (i) mulched on-site and utilised on-site for landscaping purposes, in accordance with the landscaping plan approved by Council; or
 - (ii) removed for disposal at a location approved by Council;
- within sixty (60) days of clearing. Any vegetation removed must not be burnt.
- 7.9 All site works must be undertaken to ensure that there is:
- 7.9.1 no increase in upstream or downstream flood levels for all levels of immunity up to Q100;
 - 7.9.2 no increase in velocity profiles, for which no remedy exists to prevent erosion and/or scouring. In the event that modelling shows non-compliance with the above, works must be undertaken within the system to satisfy the above criteria for development; and
- 7.10 No bund walls are to be constructed around the perimeter of the site.

8.0 ASSET MANAGEMENT

- 8.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the Developer.
- 8.2 Any damage to existing kerb and channel, pathway or roadway (including removal of concrete slurry from public land, pathway, roads, kerb and channel and stormwater gullies and drainage lines) which may occur during any works carried out in association with the approved development must be repaired. This must include the reinstatement of the existing traffic signs and pavement markings which may have been removed.
- 8.3 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 Manual for Submission of Digital As Constructed Information.

9.0 ENVIRONMENTAL

- 9.1 Any application for a Development Permit for Operational Works must be accompanied by a detailed Erosion and Sedimentation Control Plan as detailed in the Site Management Plan To Extract Sand From The Corner of Fogarty Road and Nine Mile Road (Lots 431 and 432 on LIV401245) prepared by Hardcore Performance Pty Ltd.
- 9.2 The Erosion and Sedimentation Control Plan must be implemented and maintained on-site for the duration of the works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The prepared Erosion and Sedimentation Control Management Plan must be available on-site for inspection by Council Officers during those works.
- 9.3 Noise emitted from the activity must not cause an environmental nuisance.
- 9.4 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.

- 9.5 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 10.0 **OPERATING PROCEDURES**
- 10.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Fogarty Road or Nine Mile Road.
- 10.2 This approval is for the extraction and transportation of sand from the subject premises which must be undertaken in accordance with the endorsed plans (refer to condition 2.1) and at an extraction rate of no more than 250,000 tonnes per annum.
- 10.3 The hours of operations must be limited to:
- (i) 0600 hours to 1800 hours on Monday to Saturday; and
 - (ii) no operations on Sunday or Public Holidays
- 10.4 A detailed record of the extraction, including date, quantity extracted and transported from site must be maintained on site for inspection by Council.
- 10.5 There must be no servicing or maintenance of vehicles on the site.
- 10.6 Excavation and filling must be located sufficiently clear of the boundary so that there is no damage to adjoining properties or road reserves due to the effects of erosion.
- 10.7 Dust suppression:
- (i) Measures must be implemented to suppress dust during the operation. There must be no visible dust emissions onto any adjoining properties during excavation, processing loading or transport of the material. All haulage trucks associated with the transportation of material extracted by this operation must have their loads covered by dust-proof material, to prevent sand and dust loss during transportation.
 - (ii) If any dust creates a nuisance to neighbouring properties, all activities must cease until corrective measures have been implemented to Council's satisfaction.
- 10.8 No contaminated water must be directly or indirectly released from the premises on to the ground, into groundwater or natural run-off systems.
- 10.9 Cleaning of plant and trucks must be carried out in area where contaminants cannot be released into the environment.

BACKGROUND

Council at its meeting on 26 November 2013, approved a Development Application for a Material Change of Use for an Extractive Industry located at Lot 100 Nine Mile Road, Fairy Bower.

In accordance with section 82 of the *Planning Act 2016*, the applicant has applied for an 'Other Change' to the development approval. Specifically, the applicant has proposed an increase to the extraction area by approximately 31.99ha, however, it is important to note that the applicant is not proposing a change to the extraction rate but rather will continue to operate at the current extraction rate of no more than 250,000 tonnes per annum.

SITE AND LOCALITY

The subject site is located at Nine Mile Road, Fairy Bower approximately 2.5 kilometres west of Rockhampton Airport. The site area is 74.42 hectares and access to the site is achieved via Fogarty Road which extends off Nine Mile Road. The topography of the site is flat with scattered trees and shrubs. The site is affected by both the Biodiversity and Flood Hazard Overlays.

The surrounding land uses are predominantly rural in nature however the site is located within proximity to other approved extractive industries.

PLANNING ASSESSMENT**MATTERS FOR CONSIDERATION**

This application has been assessed by relevant Council planning, engineering, environmental health, and other technical officers as required. The assessment has been in accordance with the assessment process provisions of the Development Assessment Rules, based on consideration of the relevant State Planning Policy; State Government guidelines; the Council's Town Planning Scheme, Planning Policies and other general policies and procedures, as well as other documents as considered relevant.

Development Engineering Comments – 14 October 2019

Support, subject to conditions / comments.

Public and Environmental Health Comments – 21 June 2019

Support, subject to conditions / comments.

Other Staff Technical Comments

Not applicable as the application was not referred to any other technical staff.

TOWN PLANNING COMMENTS**Central Queensland Regional Plan 2013**

The *Central Queensland Regional Plan 2013* is a statutory document which came into effect on 18 October 2013. The development is not required to be assessed against the Regional Plan if this document is appropriately reflected in the local planning scheme. It is considered that the Regional Plan is appropriately reflected in the current local planning scheme.

State Planning Policy 2017

The current State Planning Policy (SPP) came into effect on 3 July 2017 and replaces the previous SPP (April 2016). The new policy expresses the state's interests in land-use planning and development and contains a number of changes to better align with the *Planning Act 2016*. This policy requires development applications to be assessed against its requirements where they have not been appropriately reflected in the local planning scheme.

1. Planning for liveable communities and housing**Housing supply and diversity**

Not Applicable.

Liveable communities

Not Applicable.

2. Planning for economic growth**Agriculture**

Not Applicable.

Development and construction

Not Applicable.

Mining and extractive resources

Not Applicable.

Tourism

Not Applicable.

3. Planning for environment and heritageBiodiversity

Not Applicable.

Coastal environment

Not Applicable.

Cultural heritage

Not Applicable.

Water quality

Not Applicable.

Planning for safety and resilience to hazardsEmissions and hazardous activities

Not Applicable.

Natural hazard, risk and resilience

Not Applicable.

4. InfrastructureEnergy and water supply

Not Applicable.

Infrastructure integration

Not Applicable.

Transport infrastructure

Not Applicable.

Strategic airports and aviation facilities

Not Applicable.

Strategic ports

Not Applicable.

ROCKHAMPTON REGION PLANNING SCHEME 2015**Rural Zone**

The subject site is situated within the Rural Zone under the *Rockhampton Region Planning Scheme 2015*. The purpose of the Rural Zone identifies that: -

(a) *development in the zone accommodates predominantly rural uses;*

(b) *development:*

i. *does not detract from the scenic landscape features of rural land including the Fitzroy River, floodplains, lagoons, wetlands, salt pans, mountains and ridges and the coastline;*

ii. *is responsive to the environmental characteristics and constraints of the land, and minimises impacts on natural features such as waterways, wetlands and remnant vegetation;*

-
- iii. *has legal and practical access to the road hierarchy;*
 - iv. *is serviced by infrastructure that is commensurate with the needs of the use;*
and
 - v. *maximises energy efficiency and water conservation;*
 - (c) *non-rural uses may be appropriate where they do not detract from the productivity or residential amenity of rural areas and can demonstrate:*
 - i. *a direct relationship with the rural use in the immediate locality; or*
 - ii. *the potential to make a contribution to primary production or the diversification of rural industries; or*
 - iii. *a need to be remote from urban uses as a result of their impacts; or*
 - iv. *they cannot be located in an urban area (for example, due to land area requirements);*
 - (d) *transport and freight uses, which do not meet the definition of a home based business involving (heavy vehicles), are not established in the rural zone;*
 - (e) *development does not alienate or impact on the productive agricultural capacity of rural areas and agricultural land is protected from incompatible development;*
 - (f) *all rural land is maintained in large land holdings to protect the agricultural production capacity. In this regard, the reconfiguration of land only occurs when lot size is 100 hectares unless otherwise stated in a precinct;*
 - (g) *animal keeping (being kennels and catteries), intensive animal industries, intensive horticulture, aquaculture and rural industries establish where they:*
 - i. *are located on sites that are large enough to accommodate appropriate buffering to sensitive land use(s), residential, township and emerging community zones. Intensive animal industries are preferred in proximity to the lower Fitzroy River, west of Ridglands;*
 - ii. *do not cause adverse impacts on sensitive land use(s) in relation to traffic, noise and air quality;*
 - iii. *do not cause a negative impact on water quality;*
 - iv. *protect natural, scenic and environmental values;*
 - v. *do not diminish the productive capacity of other land nearby;*
 - vi. *gain access from roads which are constructed to accommodate the traffic generated by the use; and*
 - vii. *are not located in areas identified on the agricultural land classification (ALC) overlay maps (except for intensive horticulture);*
 - (h) *Rural workers' accommodation is appropriate where:*
 - i. *directly associated with the primary rural use undertaken at the site;*
 - ii. *compatible with the rural character of the zone;*
 - iii. *not compromising the existing or potential future operation of rural uses on adjoining lots; and*
 - iv. *not located in areas identified on the agricultural land classification (ALC) overlay maps;*
 - (i) *urban and rural residential development is contained within the designated growth areas and does not expand into the rural zone;*
 - (j) *sensitive land use(s) are adequately separated from animal keeping (being kennels and catteries), intensive animal industry, aquaculture, rural industry, and industrial*
-

zoned areas (including the Gracemere industrial area, Stanwell power station, Bajool explosives reserve and Bouldercombe brickworks);

(k) renewable energy facilities are located on sites that are large enough to accommodate appropriate buffering from sensitive land use(s) and minimise adverse impacts on the natural environment;

(l) extractive industries (including Marmor limeworks) on rural land are protected from encroachment by incompatible uses;

(m) extractive industry minimises environmental and traffic impacts. Once the operation has ceased the site is rehabilitated;

(n) aquaculture activities may be integrated with horticulture operations, where benefits of diversification are evident and there are no adverse impacts on amenity, ecological values and existing fish habitats; and

(o) the establishment of two (2) precincts within the zone where particular requirements are identified:

i. Alton Downs precinct; and

ii. Cropping and intensive horticulture precinct.

This application is consistent with the purpose of the Zone given that the proposal is only for the extension of extraction area for an existing extractive industry. The proposal will not create any additional environmental and traffic impacts to the area.

Rockhampton Regional Planning Scheme Codes

The following codes are applicable to this application: -

- Rural Zone Code;
- Biodiversity Overlay Code; and
- Flood Hazard Overlay Code.

An assessment has been made against the requirements of the abovementioned codes and the proposed development generally complies with the relevant Performance outcomes and Acceptable outcomes.

INFRASTRUCTURE CHARGES

Adopted Infrastructure Charges Resolution (No. 5) 2015 for non-residential development applies to the application and it falls within Charge Area 3. The proposal is defined as a Specialised Use whereby the charges are determined by Local Government. Given the proposal is not increasing its extraction rate and there are no additional impervious areas, infrastructure charges are not considered payable for the proposed change application.

CONSULTATION

The proposed 'other change' was the subject of public notification between 9 September 2019 and 2 October 2019, as per the requirements of the *Planning Act 2016* and the Development Assessment Rules, and no properly made submissions were received.

REFERRALS

The change application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning on 6 August 2019 who have reviewed the application and provided their conditions.

STATEMENT OF REASONS

Description of the development	The proposed development is for an 'Other Change' to Development Permit D/278-2013 for a Material Change of Use for an Extractive Industry.
Reasons for Decision	<p>a) The proposed change is merely an extension of the extractive use area and will not result in any additional environmental and traffic impacts;</p> <p>b) The proposed use does not compromise the strategic framework in the <i>Rockhampton Region Planning Scheme 2015</i>;</p> <p>c) 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>d) The proposed development does not compromise the relevant State Planning Policy.</p>
Assessment Benchmarks	<p>The proposed development was assessed against the following assessment benchmarks:</p> <ul style="list-style-type: none"> • Rural Zone Code; • Biodiversity Overlay Code; and • Flood Hazard Overlay Code.
Relevant Matters	<p>The proposed development was assessed against the following relevant matters:</p> <ul style="list-style-type: none"> • The existing approval D/278-2013.
Matters prescribed by regulation	<ul style="list-style-type: none"> • The <i>State Planning Policy – Part E</i>; • The <i>Central Queensland Regional Plan</i>; • The <i>Rockhampton Region Planning Scheme 2015</i>; • Surrounding use of adjacent premises in terms of commensurate and consistent development form; and • The common material, being the material submitted with the application.

CONCLUSION

The proposed 'Other Change' is merely an extension to the extractive use area and can be considered consistent with the purpose of the Rural Zone Code.

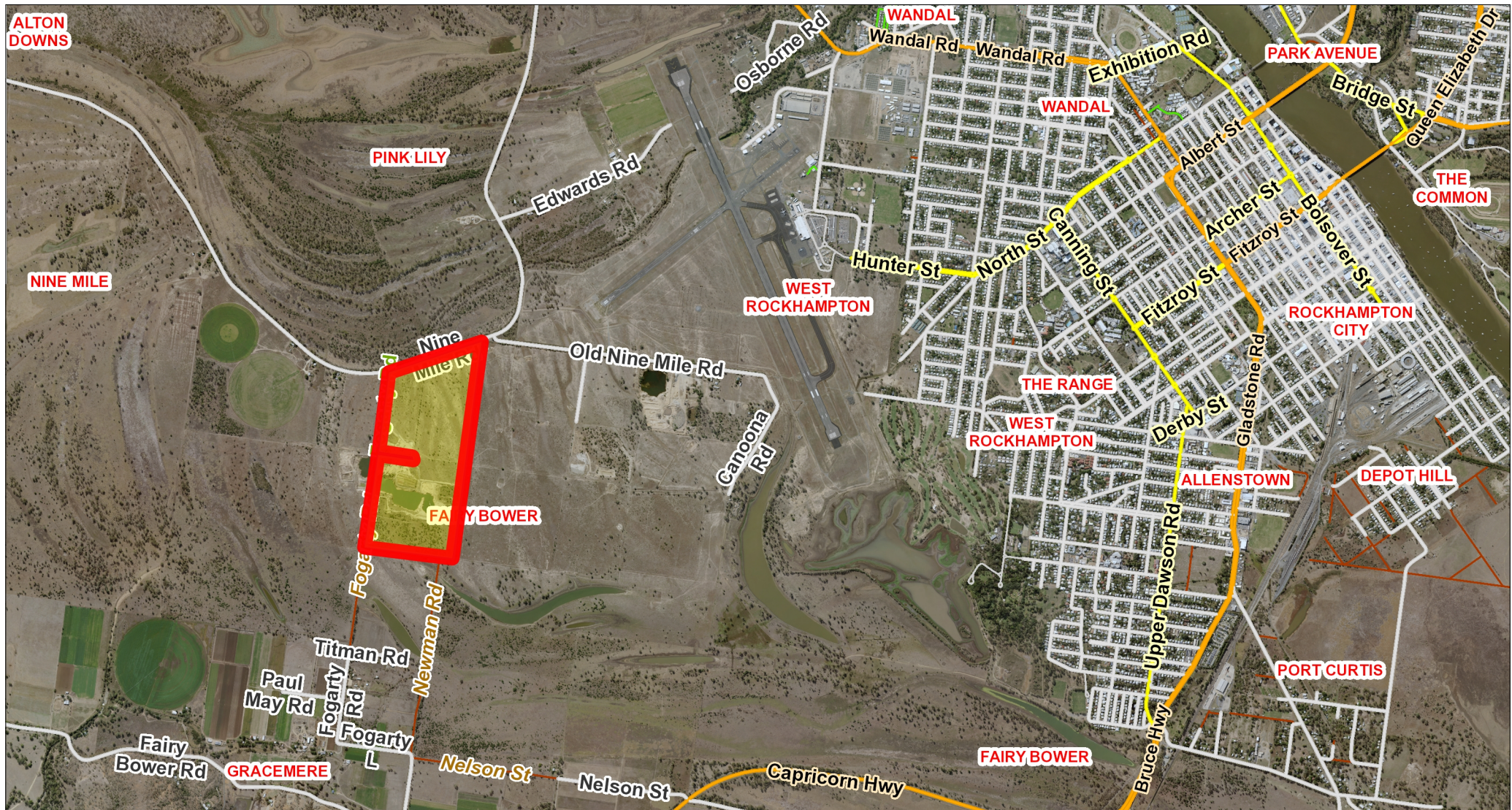
Therefore, the proposal for an 'Other Change' to Development Permit D/278-2013 at Lot 100 Nine Mile Road, Fairy Bower is recommended for approval subject to the conditions outlined in this report.

**REQUEST FOR AN 'OTHER CHANGE'
TO DEVELOPMENT PERMIT
D/278-2013 FOR A MATERIAL CHANGE
OF USE FOR AN EXTRACTIVE
INDUSTRY**

Locality Plan

Meeting Date: 12 November 2019

Attachment No: 1

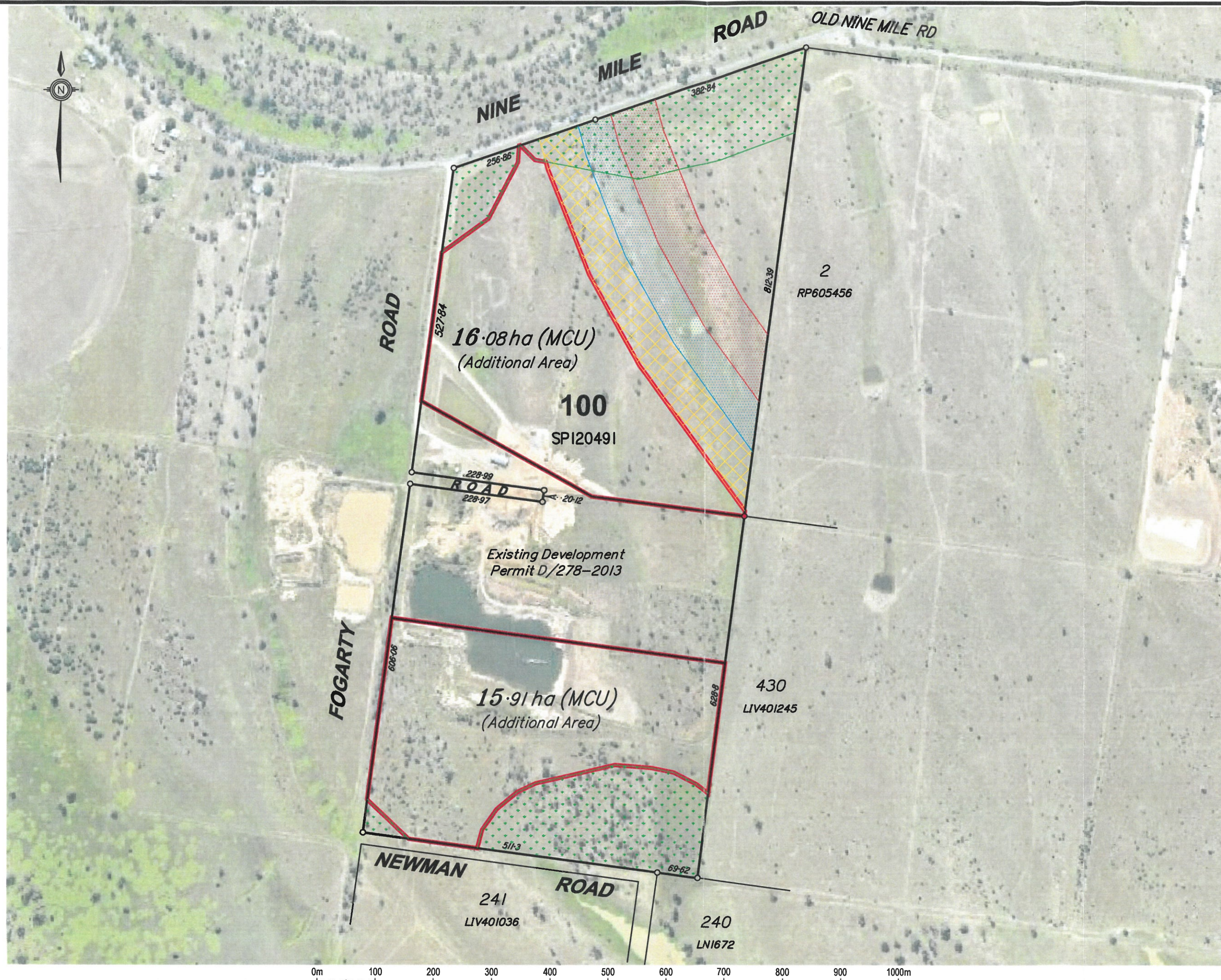


**REQUEST FOR AN 'OTHER CHANGE'
TO DEVELOPMENT PERMIT
D/278-2013 FOR A MATERIAL CHANGE
OF USE FOR AN EXTRACTIVE
INDUSTRY**

Site Plan

Meeting Date: 12 November 2019

Attachment No: 2



- Denotes Proposed MCU Expansion (Total 31.99ha)
- Denotes Future State Controlled Road
- Denotes Future Railway Land
- Denotes Proposed 70m Railway Buffer
- Denotes 200m HES Wetlands Buffer

IMPORTANT NOTE

This plan was prepared to accompany an application to Rockhampton Regional Council and should not be used for any other purpose.

The dimensions and areas shown hereon are subject to field survey and also to the requirements of council and any other authority which may have requirements under any relevant legislation.

In particular, no reliance should be placed on the information on this plan for any financial dealings involving the land.

This note is an integral part of this plan.

client

P. Waardyk

project

**Nine Mile Road,
Fairy Bower**

plan of

**Material Change of Use
(Extractive Industry)
'Other Change'
(Existing Development Permit D/278-2013)**

rpj

Lot 100 on SP120491

lga

Rockhampton Regional Council

issue	date	details	authorised
A	14-06-2019	Initial Issue	RJKF

created



scale

1:6000 @ A3

sheet no.

1 of 1

plan no.

7379-01-MCU

datum

-

cad file

7379-01-MCU-A

issue

A

9 NOTICES OF MOTION

Nil

10 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

11 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

12.1 Enforcement Proceedings For Development Offences

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

12 CONFIDENTIAL REPORTS

12.1 ENFORCEMENT PROCEEDINGS FOR DEVELOPMENT OFFENCES

File No: 4842
Attachments: Nil
Authorising Officer: Philip Harrison - Coordinator Building Plumbing and Compliance
Colleen Worthy - General Manager Community Services
Author: Steven Hill - Development Compliance Officer
Previous Items: 12.1 – Enforcement Proceedings for Development Offences - Planning and Regulatory Committee – 2 October 2018

This report is considered confidential in accordance with section 275(1)(g), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act.

SUMMARY

This report is a follow up to Report 12.1 of Planning and Regulatory Committee held on 2 October 2018 summarising the continued failure to comply with a Development Approval regarding illegal filling of the property.

13 CLOSURE OF MEETING