

# BUSINESS PAPER

## Special Meeting

**Wednesday 7 October 2020**

Roma Administration Centre

Ernest Brock Room (Roma Cultural Centre)

### NOTICE OF MEETING

Date: 7 October 2020

Mayor: Councillor T D Golder

Deputy Mayor: Councillor G B McMullen  
Councillors: Councillor J R P Birkett  
Councillor M C Edwards  
Councillor J L Guthrie  
Councillor J M Hancock  
Councillor W L Ladbrook  
Councillor C J O'Neil  
Councillor W M Taylor

Chief Executive Officer: Ms Julie Reitano

Executive Management: Mr Rob Hayward (Deputy Chief Executive Officer/Director  
Development, Facilities & Environmental Services)  
Ms Sharon Frank (Director Corporate & Community Services)

Attached is the agenda for the **Special Meeting** to be held at the Ernest Brock Room (Roma Cultural Centre) Ernest Brock Room (Roma Cultural Centre) on **7 October 2020, at 3.20pm3.20PM**



Julie Reitano  
**Chief Executive Officer**

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3.1	Development Application for a Material Change of Use - "Extractive Industry" (File Ref: 2020/20072) .....2 Prepared by: Lead Town Planner
	Business

**Confidential Items**

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 that it's Councillors or members consider it necessary to close the meeting.

**C Confidential Items**

- C.1 Roadtek Offer of Extension and Variation of RTDSW10357**  
**Classification: Closed Access**  
Local Government Regulation 2012 Section 275 (e) contracts proposed to be made by it
- C.2 2020-21 Budget Amendments**  
**Classification: Closed Access**  
Local Government Regulation 2012 Section 275 (c) the local government budget
- C.3 Request for Quote Aggregate Crushing Campaign Roma Quarry**  
**Classification: Closed Access**  
Local Government Regulation 2012 Section 275 (e) contracts proposed to be made by it

**Closure**

**NOTICE OF REPEAL OR AMENDMENT OF RESOLUTION**

**Meeting:** Special 7 October 2020

**Date:** 1 October 2020

**Item Number:** 3.1

**File Number:** D20/94019

**SUBJECT HEADING:** Development Application for a Material Change of Use - "Extractive Industry" (File Ref: 2020/20072)

**Classification:** Open Access

**Officer's Title:** Lead Town Planner

**Original Resolution Meeting Date:** 23 September 2020

**Resolution Number:** **OM/09.2020/108**

It is recommended that the resolution be amended as follows: *(Amendments to the original resolution are shown in red text. Deleted text is shown with a 'strikethrough' of font).*

**Proposed Amended Resolution:**

That the application for a Material Change of Use for an "Extractive Industry" (5,000 tonnes to 100,000 tonnes quarry) on land situated on Sunnyside Road, Wallumbilla North and properly described as Lot 355 on WV290 be approved subject to the listed Development Conditions and General Advice: *(Noting the amendments for clause 18 as read during the meeting and now incorporated below)*

**Development Conditions:**

**Use**

1. The approved development is for a Material Change of Use for an "Extractive Industry" as defined in the Planning Scheme and as shown on the approved plans and documents.
2. The approved extraction tonnage is capped at 100,000 tonnes per annum.
3. All works and operations are to be carried out in accordance with the approved plans and documents listed in the following table. Where approved plans are in conflict with the Assessment Manager's conditions, the Assessment Manager's conditions prevail.

Reference no:	Drawing/report title:	Date:
8744-41113	Site Plan (as marked in Red by Council)	07/02/2020

A-000 Issue A	(MP6030) Multipurpose 6.0 x 3.0 Cover Sheet	
A-100 Issue A	(MP6030) Multipurpose 6.0 x 3.0 Floor Plan	
A-200 Issue A	(MP6030) Multipurpose 6.0 x 3.0 Elevations	
A-000 Issue A	(TD3030) Toilet Male 6.0m x 3.0m Cover Sheet	
A-100 Issue A	(TD3030) Toilet Male 6.0m x 3.0m Floor Plan	
A-200 Issue A	(TD3030) Toilet Male 6.0m x 3.0m Elevations	
BEA-001 Revision 0	Site-based Management Plan Prepared by Attexo Group Pty Ltd	21/02/2020

### **Compliance inspection**

4. All conditions relating to the establishment of the approved development must be fulfilled prior to the approved use commencing, unless otherwise noted in these conditions.
5. Prior to the commencement of the use, the applicant shall contact Council to arrange a development compliance inspection.

### **Works in road reserve**

6. A Works in a Road Reserve Permit will be required from Council for any works associated with the development that are undertaken within the Council road reserve by private contractor/entity. All works on or near roadways shall be adequately signed in accordance with the "Manual for Uniform Traffic Control Devices – Part 3, Works on Roads".

### **Development works**

7. During the course of constructing the works, the developer shall ensure that all works are carried out by appropriately qualified persons and the developer and the persons carrying out and supervising the work shall be responsible for all aspects of the works, including public and worker safety, and shall ensure adequate barricades, signage and other warning devices are in place at all times.

8. The developer is responsible for locating and protecting any Council and public utility services, infrastructure and assets that may be impacted on during construction of the development. Any damage to existing infrastructure (roadway, existing underground and aboveground assets, etc.) that is attributable to the progress of works on the site or vehicles associated with the development of the site shall be immediately rectified in accordance with the asset owners' requirements and specifications and to the satisfaction of the asset owners' representative(s).

#### **Applicable standards**

9. All works must comply with:
- a) the development approval conditions;
  - b) any relevant provisions in the Planning Scheme and the Capricorn Municipal Development Guidelines;
  - c) any relevant Australian Standard that applies to that type of work; and
  - d) any alternative specifications that Council has agreed to in writing and which the developer must ensure do not conflict with any requirements imposed by any applicable laws and standards.

#### **Biosecurity plan**

10. The applicant has a 'general biosecurity obligation' (GBO) under Queensland's [Biosecurity Act 2014](#). And the applicant is responsible for managing [biosecurity risks](#) that are:
- under their control; and
  - that they know about, or should reasonably be expected to know about.

Under the GBO, the applicant's activities may pose a biosecurity risk, and the applicant must:

- take all reasonable and practical steps to prevent or minimise all biosecurity risks;
- minimise the likelihood of causing a '[biosecurity event](#)', and limit the consequences if such an event is caused; and
- prevent or minimise the harmful effects a risk could have, and not do anything that might make any harmful effects worse.

A Biosecurity Plan for the premises must be prepared and implemented in accordance with the *Biosecurity Act 2014*. The plan must be prepared taking into account all approved operations on the site and addressing the risk of spread of Priority Pest Plants detailed in Council's Pest Management Plan. A copy of the plan must be submitted to Council prior to commencement of the approved development.

Note: The Pest Management Plan (PMP) for the Maranoa Region is available on

Council's website via the following link:

[http://www.maranoa.qld.gov.au/council/Documents/Pest\\_Management\\_Plan\\_2012\\_2016.pdf](http://www.maranoa.qld.gov.au/council/Documents/Pest_Management_Plan_2012_2016.pdf). The PMP identifies, among others, Parkinsonia, Prickly Acacia, Mother of Millions and Parthenium as Priority Pest Plants to be managed in the Maranoa Region.

### **Avoiding nuisance**

11. Approved operations must be carried out in accordance with the Site-based Management Plan prepared by Attexo Group Pty Ltd, dated 21/02/2020, Revision 0.
12. In the event that unreasonable nuisance is caused to adjoining properties and occupiers by the way of smoke, dust, noise, odour, rubbish, contaminant, stormwater discharge or siltation at any time, reasonable measures in addition to those outlined in the approved Site-based Management Plan prepared by Attexo Group Pty Ltd, dated 21/02/2020, Revision 0 shall be implemented in order to mitigate the nuisance.
13. The approved use and its surrounds must be kept in an orderly fashion, free of rubbish and clear of weeds and long grasses. The approved development and the premises are to be maintained in a clean and tidy condition and not to pose any health and safety risks to the community.

### **Lighting**

14. Lighting associated with the approved use, including any security lighting, shall be such that the lighting intensity does not exceed 8.0 lux at a distance of 1.5 metres from the Development site area.
15. All lighting shall be directed or shielded so as to ensure that no glare directly affects land uses outside of the Development site area.

### **Refuse storage**

16. At all times while the use continues, waste containers shall be provided on the site and maintained in a clean and tidy state and shall be emptied and the waste removed from the site on a regular basis. All waste containers are to be shielded from the view of travelling public and neighbours and accessible by the vehicles used by Council, its agents and/or others.

### **Sloping land**

17. Development is to be undertaken to ensure vulnerability to landslip erosion and land degradation is minimised and that the safety of persons and property is not compromised. ~~All operations are to comply with the Mining and Quarrying Safety and Health Act 1999 to avoid erosion, land degradation and possible safety issues.~~

### **Operating hours**

- 18.a. General hours of operation are restricted to between 6:00am to 6:00pm Monday to Friday and between 8:00am to 5:00pm on Saturdays. General hours of operation include heavy vehicle movements to and from the site, loading, scraping and pushing of extracted material and general maintenance and administrative activities carried out on site.
- 18.b. Screening and crushing of extracted material is restricted to between 8:00am to 5:00 pm Monday to Saturday.
- 18.c Operations are not permitted on Sundays or public holidays.
- 18.d The quarry owner/operator may apply to Council to vary the hours of operation for a particular project where the extended operating hours are necessary in the opinion of the Council having considered the requirements and community benefits of the particular project and the duration of the additional impacts upon the local community.

~~Note: The quarry operator may apply to Council to vary the hours of operation for a particular project where the extended operating hours are necessary in the opinion of the Council having considered the requirements and community benefits of the particular project and the duration of the additional impacts upon the local community.~~

~~Any Council approval of the varied hours will be restricted to the duration of the project, and may be rescinded by the Council on seven days' notice if the extended hours of operation are considered to be causing undue nuisance or disruption to other persons.~~

### **Internal access roads**

19. All weather vehicle internal access shall be provided for traffic movement within the development site area.
20. Dust emanating as a result of approved quarrying activities (including extraction areas and internal access road) onsite must be continually monitored and suppressed in order to prevent any dust drifting onto road networks, nearby properties and sensitive land uses.

### **Access, parking and manoeuvring**

21. The landowner is responsible for providing access to the site and maintaining vehicle crossovers from the road carriageway to the property boundary. Should any damage be caused to Sunnyside Road, it is the landowner's responsibility to ensure this is reinstated. Any repair works are to be undertaken in consultation with Council and at the landowner's expense.
22. The proposed entry point/access as shown on approved plan 8744-4113 – 'Site

Plan', dated 7/02/2020 (marked in Red by Council) is to be relocated further north in order to provide sufficient sight stopping distance from Swans Road.

Note: By relocating the site access further north, potential conflict between any future upgrade of Swans Road (including intersection with Sunnyside Road) and the approved site entry will be avoided.

23. A vehicle access from Sunnyside Road to the development site boundary is to be constructed in accordance with CMDG Drawing CMDG-R-040 Rev E, 'Rural Road Access and Property Access Over Table Drains' dated 12/2016. The design of the vehicle crossovers must cater for the maximum design vehicle size accessing the site, ensuring turning movements are fully contained within the crossover and no damage is caused to Sunnyside Road.
24. Vehicles entering and exiting the development site must be able to enter and leave in forward direction. Vehicle manoeuvres in this regard are to be totally contained within the development site boundaries.
25. All heavy vehicle parking and standing areas must be separated from designated light vehicle parking areas.

### **Haulage travel routes**

26. Heavy vehicles associated with the approved use are prohibited from using the section of Sunnyside Road that runs south-west of the approved site entry (i.e. between the site entry and the southernmost intersection of Sunnyside Road and Wallumbilla North Road).

All heavy vehicles associated with the approved use are to access the wider road network using the section of Sunnyside Road that runs north of the site entry toward Wallumbilla North Road, and in accordance with section 3.3 of the Site-based Management Plan prepared by Attexo Group Pty Ltd, dated 21/02/2020, Revision 0.

Note: A heavy vehicle is considered any vehicle that has a gross vehicle mass (GVM) or aggregate trailer mass (ATM) of more than 4.5 tonnes.

### **Road/intersection upgrades**

27. Sunnyside Road is to be upgraded north from the site entry point to the northernmost intersection of Sunnyside Road and Wallumbilla North Road (travelling north from the site access) in accordance with the following standards:
  - a) formation width: 8.0 metres;
  - b) pavement width: 7.0 metres;
  - c) pavement design:  
CMDG Table D2.08.1 'Rural & Rural Residential' <100 vpd;
  - d) rural design criteria:



Table D1.21.03 'Rural Road Elements for Maranoa Regional Council, 40 - 99 VPD Rural Access – Primary A'; and otherwise generally in accordance with Capricorn Municipal Development Guidelines D1 'Geometric Road Design.'

28. The intersection at Wallumbilla North Road/Sunnyside Road must be upgraded to accommodate the largest type of vehicle associated with approved use. Intersections upgrades are to be carried out in accordance with Capricorn Municipal Development Guidelines D1 'Geometric Road Design'.
29. Stopping Sight Distance assessment to be completed on the Wallumbilla North Road, with any works (including vegetation clearing) to be undertaken to achieve the minimum requirements as outlined in Capricorn Municipal Development Guidelines D1 'Geometric Road Design'.
30. Operational Works approval will be required for any works carried out on Councils road network, unless the works are undertaken by Council as part of a private works agreement.

Any application for operational works application must be generally in accordance with the approved plans and documents identified in this decision notice, must demonstrate how compliance with the applicable design guidelines and standards will be achieved and must demonstrate how the access road is an adequate standard to accommodate the type and frequency of traffic generated.

Note: All plans and documents required to be submitted to Council as part of the Operational Works application/s will be assessed against the applicable planning instrument/s and Council's adopted standards that are in force at the relevant time.

31. Signage is to be provided at the entrance of the site displaying information including details of, and the contact phone numbers for;
  - a) The operator of the site; and
  - b) Person/s responsible for the management of the site.

Note: Signage is limited to the necessary contact information and must not impact upon the visual amenity of the locality.

### **Provision of services**

32. An adequate supply of electricity must be provided for the approved development. In the event that an adequate supply of electricity cannot be achieved through efficient design, alternative energy technologies or portable generators, a connection to the reticulated electricity network must be made available.
33. The site must be provided with an on-site water supply with sufficient capacity to meet all operational needs, including watering to minimise dust nuisance,

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firefighting purposes and also a potable water supply sufficient to meet the needs of staff and visitors to the site.

34. The site must be connected to an on-site effluent disposal system that is adequate for the approved use. The removal and disposal of any effluent from the site must be performed by a suitably licensed contractor.
35. The number of employees and visitors on site at any one time shall be limited to the maximum capacity of the onsite sewerage treatment system.

Note: The landowner/operator is responsible for obtaining any permits required to achieve compliance with environmental laws relevant to the provision of onsite sewerage treatment and/or disposal.

36. If the development is connected to a telecommunication service, then such works shall be undertaken in accordance with the relevant service provider's requirements and specifications along with relevant building standards requirements and specifications.
37. Any conflicts associated with proposed and existing services shall be forwarded by the developer to the appropriate controlling authority for approval for any proposed changes.

### **Fencing**

38. Safety fencing is to be provided and maintained to prevent unauthorised access to resource extraction/processing areas, stockpiles and any other high risk areas. Warning signs advising of the nature of use and any danger or hazard, are to be placed on the perimeter fence on any frontage to a public road and boundary to land used for a sensitive land use.

### **Emergency events**

39. A Bushfire Hazard Management Plan, having regard to the site characteristics and management procedures in the event of a bushfire, shall be prepared prior to the commencement of use. The owner and/or operator, staff and visitors to the site shall be made aware of the Bushfire Hazard Management Plan, its content, and the procedures that need to be followed in the case of a bushfire event.

Note: A copy of the Bushfire Hazard Management Plan must be made available during any compliance inspection carried out by Council.

40. The manufacture or storage of hazardous material on the premises is prohibited.

### **Erosion and sediment control**

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41. Erosion and Sediment Control is to be managed in accordance with approved Site-based Management Plan prepared by Attexo Group Pty Ltd, dated 21/02/2020, Revision 0 and Capricorn Municipal Development Guidelines D7 'Erosion Control and Stormwater Management'.

### **Stormwater and drainage**

42. Stormwater and drainage is to be managed in accordance with ~~with~~ approved Site-based Management Plan prepared by Attexo Group Pty Ltd, dated 21-02-2020, Revision 0 and Capricorn Municipal Development Guidelines D5 'Stormwater Drainage Design'.
43. Discharge of stormwater runoff from the development shall drain freely in all cases, and no nuisance of ponding will be created within the vicinity of the development.
44. There must be no increases in any silt loads or contaminants in any overland flow from the property being developed during the development process and after the development has been completed. All stormwater from the approved operation is to be collected onsite using appropriate pollution control devices or methods to ensure no contamination or silting of creeks or other waterways.
45. If there is a possibility of erosion or silt or other materials being washed off the property during the development process or after the development is completed, the developer must document and implement a management plan that prevents this from occurring.
46. The developer shall immediately clean up and satisfactorily remove any deposited construction material or silt runoff from the development site.
47. Stockpiles of material capable of being moved by the action of running water shall be stored clear of drainage paths and be prevented from entering the road and/or drainage system.
48. Should it be necessary for the road and/or drainage system to be reinstated or cleaned up due to erosion and/or sedimentation from the site, then such works shall be at no cost to Council. Such works shall be undertaken immediately where there is a potential hazard to pedestrians and/or passing traffic.
49. Runoff from premises ensures the quality of surface water is suitable for:
- a) the biological integrity of aquatic ecosystems;
  - b) recreational use;
  - c) supply as drinking water after minimal treatment; and
  - d) agricultural use or industrial use.

### **Advertising signage**

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50. Any additional advertising signage established at the premises is subject to further development approval unless compliant with the requirements for “Accepted development” or “Accepted development subject to requirements” identified in the planning scheme in force at the time.
51. Any advertising signage associated with the approved use must be fully contained within the development site boundaries and must not encroach into adjoining properties or roads.

#### **No cost to Council**

52. The developer is responsible for meeting all costs associated with the approved development unless there is specific agreement by other parties, including the Council, to meeting those costs. This includes the costs of any services and infrastructure required in connection with the establishment of the development.

#### **Latest versions**

53. Where another condition refers to a specific published standard, manual or guideline, including specifications, drawings, provisions and criteria within those documents, that condition shall be deemed as referring to the latest versions of those publications that are publicly available at the commencement of the development works, unless a regulation or law requires otherwise.

#### **Application documentation**

54. It is the developer’s responsibility to ensure that all entities associated with this Development Approval have a legible copy of the Decision Notice, Approved Plans and Approved Documents bearing ‘Council Approval’.

#### **General Advice:**

- (a) The Capricorn Municipal Development Guidelines apply to this development. Refer to <http://www.cmdg.com.au/> for the Capricorn Municipal Development Guidelines (CMDG).
- (b) The relevant planning scheme for this development is the *Maranoa Planning Scheme 2017*. All references to the ‘Planning Scheme’ and ‘Planning Scheme Schedules’ within these conditions refer to the above Planning Scheme.
- (c) All Aboriginal Cultural Heritage in Queensland is protected under the (*Aboriginal Cultural Heritage Act 2003*) and penalty provisions apply for any unauthorised harm. Under the legislation a person carrying out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal Cultural Heritage. This applies whether or not such places are recorded in an official register and whether or not they are located in, on or under private land.
- The developer is responsible for implementing reasonable and practical measures to ensure the Cultural Heritage Duty of Care Guidelines are met and for obtaining any clearances required from the responsible entity.

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- (d) The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard, persons and entities involved in the operation of the approved development are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm to adjoining premises.
- (e) The land use rating category for the site may change upon commencement of any approved use on the site. Council's current Revenue Statement, which includes the minimum general rate levy for the approved use/s is available on the Council website: [www.maranoa.qld.gov.au](http://www.maranoa.qld.gov.au).
- (f) It is the responsibility of the developer to obtain all necessary permits and approvals associated with the development of the site and submit all necessary plans and policies to the relevant authorities for the approved use.
- (g) The approved development is an Environmentally Relevant Activity and requires an Environmental Authority to be issued by the State Department of Environment and Science prior to the commencement of use. Information about obtaining an environmental authority can be located on the departments website at [www.des.qld.gov.au](http://www.des.qld.gov.au).
- (h) This approval may be subject to future Operational Works approval/s. The Operational Works application/s (as applicable) must meet the requirements of the *Planning Act 2016*, the *Maranoa Planning Scheme 2017* and Council's adopted design standards in effect at the time of application.
- (i) A permit from the National Heavy Vehicle Regulator (NHVR) to access the road network may be required.
- (j) All persons involved in the operation or use of the site have an obligation to take all reasonable and practical measures to prevent or minimise any biosecurity risk under the *Biosecurity Act 2014*.
- (k) In completing an assessment of the proposed development, Council has relied on the information submitted in support of the development application as true and correct. Any change to the approved operations on the site may require a new or changed development approval. It is recommended to contact Council for advice in the event of any potential change in circumstances.
- (l) **All operations are to comply with the *Mining and Quarrying Safety and Health Act 1999*.**

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**Background:**

The key amendments to the original resolution are recommended in order to correct a small number of administrative errors:

- The original resolution incorrectly referenced the *Mining and Quarrying Safety and Health Act 1999* in development approval condition number 17. Condition 17 should be amended to remove reference to this Act.
- Text identified as a “Note” at the end of Condition 18 d) should be deleted. This includes a repeat of text that appears in the condition.
- Reference to the *Mining and Quarrying Safety and Health Act 1999* be inserted in the General Advice Section as Item (l).

Amendments to the original resolution are shown in **red text**. Deleted text is shown with a ‘strikethrough’ of font.

A decision regarding the proposed amendments to the original meeting resolution (OM/09.2020/108) is sought from Council prior to the Decision notice being issued to the applicant.

**Link to Corporate Plan:**

Corporate Plan 2018-2023  
Strategic Priority 4: Growing our region  
4.8 Town planning

**Supporting Documentation:**

Nil

**Report authorised by:**

Chief Executive Officer