



**PLANNING & DEVELOPMENT
COMMITTEE MEETING**

MINUTES

27 JANUARY 2016

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**REPORT OF THE PLANNING & DEVELOPMENT COMMITTEE MEETING
HELD AT COUNCIL CHAMBERS, 232 BOLSOVER STREET, ROCKHAMPTON
ON WEDNESDAY, 27 JANUARY 2016 COMMENCING AT 1.31PM**

1 OPENING

2 PRESENT

Members Present:

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

In Attendance:

Mr E Pardon – Chief Executive Officer
Mr R Holmes – General Manager Regional Services
Ms T Fitzgibbon – Manager Development and Building
Ms H Tiegs – Compliance Assessment Administrator
Ms C Hibberd – Planning Officer
Ms L Price – Community Awareness Officer
Ms L Leeder – Senior Governance Support Officer

3 APOLOGIES AND LEAVE OF ABSENCE

Leave of absence previously granted for Councillor Greg Belz for Council and Committee meetings on Wednesday 27 January 2016.

Councillor Stephen Schwarten tendered his apology and was not in attendance.

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

COMMITTEE RESOLUTION

THAT the minutes of the Planning & Development Committee held on 24 November 2015 be taken as read and adopted as a correct record.

Moved by: Councillor Smith
Seconded by: Councillor Williams

MOTION CARRIED

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

7.2 D/25-2015 DEPUTATION - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

File No: D/25-2015
Attachments: Nil
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services
Author: Hayley Tiegs - Compliance Assessment Administrator

SUMMARY

Mr Keith Turner of Designtek (Consultant) and Mr Ricky Pamerter of Precision Road Maintenance (Land Owner) have requested an opportunity to discuss the development application for a Material Change of Use for a Vehicle Depot at 179 Somerset Road, Gracemere.

1:33PM The deputation commenced
1:36PM Chief Executive Officer left the meeting
1:36PM Chief Executive Officer returned to the meeting
1:48PM Chief Executive Officer left the meeting
1:53PM Chief Executive Officer returned to the meeting
1:53PM The deputation concluded

COMMITTEE RESOLUTION

THAT the deputation by Mr Keith Turner of Designtek and Mr Ricky Pamerter of Precision Road Maintenance be received.

Moved by: Councillor Swadling

Seconded by: Councillor Fisher

MOTION CARRIED

7.1 D/82-2014 - DEPUTATION - INFRASTRUCTURE CHARGES FOR DEVELOPMENT PERMIT D/82-2014 FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (RETIREMENT VILLAGE - 53 UNITS)

File No: D/82-2014
Attachments: Nil
Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services
Author: Hayley Tiegs - Compliance Assessment Administrator

SUMMARY

Mr Leonardo Tori, Development Manager of Oak Tree Group has requested an opportunity to discuss the method of calculating infrastructure charges for retirement villages.

1:54PM Chief Executive Officer left the meeting
1:54PM The deputation commenced
1:55PM Chief Executive Officer returned to the meeting
1:56PM The deputation concluded

COMMITTEE RESOLUTION

THAT the deputation by Mr Leonardo Tori be received.

Moved by: Councillor Williams

Seconded by: Councillor Fisher

MOTION CARRIED

8 OFFICERS' REPORTS

8.1 D/82-2014 - INFRASTRUCTURE CHARGES FOR DEVELOPMENT PERMIT D/82-2014 FOR A MATERIAL CHANGE OF USE FOR A MULTI UNIT DWELLING (RETIREMENT VILLAGE - 53 UNITS)

File No:	D/82-2014
Attachments:	1. Locality Plan 2. Site Plan
Authorising Officer:	Tarnya Fitzgibbon - Manager Development and Building Robert Holmes - General Manager Regional Services
Author:	Hayley Tiegs - Compliance Assessment Administrator

SUMMARY

<i>Development Application Number:</i>	<i>D/82-2014</i>
<i>Applicant:</i>	<i>Oak Tree Group Pty Ltd c/- Urbis Pty Ltd</i>
<i>Real Property Address:</i>	<i>40 Foulkes Street, Norman Gardens</i>
<i>Common Property Address:</i>	<i>Lot 173 on SP267916 (previously known as Lot 302 on SP261803), Parish of Murchison</i>
<i>Area of Site:</i>	<i>2.697 hectares</i>
<i>Planning Scheme:</i>	<i>Rockhampton City Plan 2005</i>
<i>Rockhampton City Plan Area:</i>	<i>Norman Road Residential Area</i>
<i>Existing Development:</i>	<i>Nil</i>
<i>Existing Approvals:</i>	<i>Nil</i>
<i>Adopted Infrastructure Charges Area:</i>	<i>Charge Area 1</i>

COMMITTEE RESOLUTION

RECOMMENDATION A

That in relation to the request to vary the Infrastructure Charges for Development Permit D/82-2014 for a Material Change of Use for a Multi Unit Dwelling (Retirement Village - 53 Units), made by Oak Tree Group Pty Ltd on Lot 173 on SP267916, Parish of Murchison, located at 40 Foulkes Street, Norman Gardens, Council resolves that:

1. The applicant be offered the opportunity to enter into an infrastructure agreement where the charges are calculated at the one (1) bedroom unit rate; and
2. Council delegate authority to the Chief Executive Officer to execute an appropriate Infrastructure Agreement, whereby all parties are in agreement with the contents.

Moved by: Mayor Strelow
Seconded by: Councillor Swadling
MOTION CARRIED

8.2 D/25-2015 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A VEHICLE DEPOT

File No: D/25-2015

Attachments:

1. Locality Plan
2. Site Plan
3. Map of Submitters
4. Zone Map

Authorising Officer: Tarnya Fitzgibbon - Manager Development and Building
Robert Holmes - General Manager Regional Services

Author: Hayley Tiegs - Compliance Assessment Administrator

SUMMARY

Development Application Number: D/25-2015

Applicant: RS Pamerter

Real Property Address: Lot 1 on RP616167, Parish of Gracemere

Common Property Address: 179 Somerset Road, Gracemere

Area of Site: 5,407 square metres

Planning Scheme: Fitzroy Shire Planning Scheme 2005

Planning Scheme Zoning: Gracemere-Stanwell Zone – Precinct K Rural/Village Precinct

Planning Scheme Overlays: Nil

Existing Development: House and Vehicle Depot (compliance matter)

Existing Approvals: House and various additions

Approval Sought: Development Permit for a Material Change of Use for a Vehicle Depot

Level of Assessment: Impact Assessable

Submissions: Eight (8)

Referral Agency(s): Nil

Adopted Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	27 February 2015
<i>Acknowledgment Notice issued:</i>	10 March 2015
<i>Request for Further Information sent:</i>	18 March 2015
<i>Information Response period extended:</i>	5 June 2015
<i>Information Response period extended:</i>	16 September 2015
<i>Request for Further Information responded to:</i>	23 October 2015
<i>Submission period commenced:</i>	16 October 2015
<i>Submission period end:</i>	11 November 2015
<i>Council request for additional time:</i>	8 December 2015
<i>Council request for additional time:</i>	14 January 2016
<i>Statutory due determination date:</i>	17 February 2016

COMMITTEE RESOLUTION**RECOMMENDATION A**

THAT in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by RS Pamerter, on Lot 1 on RP616167, Parish of Gracemere, located at 179 Somerset Road, Gracemere, Council resolves under section 304(1) of the *Sustainable Planning Act 2009*:

- a) that it is satisfied that the non-compliance with the public notification procedures have not:
 - (i) adversely affected the awareness of the public of the existence and nature of the application; or
 - (ii) restricted the opportunity of the public to make properly made submissions; and
- b) to assess and decide the application despite some of the requirements for public notification not being complied with.

RECOMMENDATION B

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by RS Pamerter, on Lot 1 on RP616167, Parish of Gracemere, located at 179 Somerset Road, Gracemere, Council resolves to Approve the application despite its conflict with the planning scheme and provide the following grounds to justify the decision despite the conflict:

- a) The site is located on a freight transport corridor, opposite a rail line and opposite a large vacant lot zoned for industrial purposes and is therefore not suitable for a sensitive land use such as a house;
- b) The use is proposed to be low scale, and would be of a similar (or lower) scale and intensity as a consistent industrial use that can occur on the large lot on the opposite corner of Stewart Street and Somerset Road (which is zoned as Low Impact Industry Precinct). The number of vehicles stored on site and hours of operation are limited to maintain a lower level of impacts.
- c) The use does not adversely affect the amenity of the natural environment or of residential uses in the vicinity. The use will be further buffered through conditioned landscaping and fencing.
- d) Assessment of the development against the relevant planning scheme codes, demonstrates that the proposed development will not cause significant adverse impact on the surrounding natural environment, built environment and infrastructure or local character and amenity.
- e) The proposed development does not compromise relevant State Planning Policies.
- f) Assessment of the development demonstrates that the Planning Scheme's Desired Environmental Outcomes will not be compromised.
- g) Concerns raised by submitters are considered and conditions have been included to address and mitigate these concerns.

RECOMMENDATION C

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by R S Pamerter, on Lot 1 on RP616167, Parish of Gracemere, located at 179 Somerset Road, Gracemere, Council resolves to Approve the application subject to the following conditions:

1.0 ADMINISTRATION

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

- 1.2 Where these Conditions refer to "Council" in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this approval must be undertaken and completed within six (6) months of this approval taking effect, 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.
- 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) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Stormwater Works;
 - (iv) Roof and Allotment Drainage;
 - (v) Landscaping Works.
- 1.5.2 Plumbing and Drainage Works; and
- 1.5.3 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 All conditions, works, or requirements of this development approval relating to the existing non-compliant Vehicle Depot must be undertaken and completed by obtaining the Development Permits:
- 1.8.1 to Council's satisfaction;
- 1.8.2 at no cost to Council; and
- 1.8.3 by lodging the applications within six (6) months of the date of this development approval, and completion of the works within six (6) months from the date of the approval of those works, unless otherwise stated.

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>Plan/Document Reference</u>	<u>Dated</u>
Proposed Site Area Plan	WD-01 Revision A	7 September 2016
Office Plan	SK-02 Revision 1	21 November 2014
Elevations	SK-03 Revision 1	21 November 2014

- 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.

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 ROAD WORKS

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

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

3.3 Stewart Street must be upgraded to an Industrial Access standard for the full frontage of Lot 1 on RP616167, with half road construction along the development side. Kerb and channel and drainage infrastructure must be included.

3.4 Traffic signs and pavement markings must be provided in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*. Where necessary, existing traffic signs and pavement markings must be modified in accordance with the *Manual of Uniform Traffic Control Devices – Queensland*.

4.0 ACCESS AND PARKING WORKS

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

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

4.3 All parking spaces, access driveway(s), and vehicular manoeuvring areas associated with this proposed development must be concrete paved or asphalted.

4.4 The existing access to the development must be upgraded to comply with the requirements of the *Capricorn Municipal Development Guidelines*.

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

5.0 PLUMBING AND DRAINAGE WORKS

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

5.2 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* and Council's Plumbing and Drainage Policies.

5.3 The development must be connected to Council's reticulated water network via special water supply arrangements.

5.4 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.

5.5 No structures must 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*.

- 5.6 Adequate domestic and fire fighting protection must be provided to the development, and must be certified by a hydraulic engineer or other suitably qualified person.
- 6.0 STORMWATER WORKS
- 6.1 A Development Permit for Operational Works (stormwater works) must be obtained prior to the commencement of any stormwater works on the development site.
- 6.2 All stormwater drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines* and sound engineering practice and the provisions of a Development Permit for Operational Works (stormwater works).
- 6.3 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 condition, including but not limited to blocking, altering or diverting existing stormwater runoff patterns or having the potential to cause damage to other infrastructure.
- 6.4 Any application for a Development Permit for Operational Works (stormwater works) must include an assessment of how the development meets the stormwater management design objectives in *State Planning Policy 2014*.
- 6.5 The development must not increase peak stormwater runoff for a selected range of storm events up to and including a one per cent (1%) Annual Exceedance Probability defined flood event, for the post development condition.
- 6.6 Any application for a Development Permit for Operational Works (stormwater works) must be accompanied by a Stormwater Drainage Report, prepared and certified by a Registered Professional Engineer of Queensland that as a minimum includes:
- 6.6.1 identification of drainage catchment and drainage sub-catchment areas for the pre-development and post-development scenarios including a suitably scaled stormwater master plan showing the aforementioned catchment details and lawful point(s) of discharge that comply with the requirements of the *Queensland Urban Drainage Manual*;
 - 6.6.2 an assessment of the peak discharges for all rainfall events up to and including a one percent (1%) Annual Exceedance Probability defined flood event, for the pre-development and post-development scenarios;
 - 6.6.3 details of any proposed on-site detention/retention systems and associated outlet systems required to mitigate the impacts of the proposed development on downstream lands and existing upstream and downstream drainage systems;
 - 6.6.4 identification and conceptual design of all new drainage systems, and modifications to existing drainage systems required to appropriately and adequately manage stormwater collection and discharge from the proposed development;
 - 6.6.5 demonstration of how major design storm flows are conveyed through the subject development to a lawful point of discharge in accordance with the *Queensland Urban Drainage Manual* and the *Capricorn Municipal Development Guidelines*;
 - 6.6.6 identification of the area of land inundated as a consequence of the minor and major design storm events in the catchment for both the pre-development and post-development scenarios;
 - 6.6.7 identification of all areas of the proposed development, and all other land (which may include land not under the control of the Developer) that need to be dedicated to, or encumbered in favour of Council or other statutory authority, in order to provide a lawful point of discharge for the proposed

development. The areas identified must satisfy the requirements of the *Queensland Urban Drainage Manual*. All land proposed as major overland flow paths must include appropriate freeboard, access and maintenance provisions consistent with the *Queensland Urban Drainage Manual*; and

6.6.8 details of all calculations, assumptions and data files (where applicable).

7.0 ROOF AND ALLOTMENT DRAINAGE WORKS

7.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.

7.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban Drainage Manual*, *Capricorn Municipal Development Guidelines*, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

7.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

8.0 BUILDING WORKS

8.1 No structures must 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 All external elements, such as air conditioners, pool and spa pumps and associated equipment, must be adequately screened from public view, to Council's satisfaction.

8.3 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"*.

8.4 Impervious paved waste storage area/s must be provided in accordance with the approved plans (refer to condition 2.1) and the *Environmental Protection Regulation 2008* and must be:

8.4.1 designed and located so as not to cause a nuisance to neighbouring properties;

8.4.2 surrounded by at least 1.8 metre high fence that obstructs from view the contents of the waste storage area by any member of the public from any public place; and

8.4.3 setback a minimum of two (2) metres from any road frontage

8.5 A minimum 1.8 metre high solid screen fence must be erected between the subject development site and the adjacent residential property south of the development.

9.0 LANDSCAPING WORKS

9.1 Landscaping must be provided along the full frontage of Stewart Street with a minimum width of one (1) metre. Species selected must upon full maturity create a dense screen/ hedge.

9.2 All landscaping must predominantly contain plant species that are locally native to the Central Queensland region due to their low water dependency.

9.3 The landscaped areas must be subject to an ongoing maintenance and replanting programme.

10.0 ELECTRICITY AND TELECOMMUNICATIONS

10.1 Underground electricity and telecommunication connections must be provided to the proposed development to the standards of the relevant authorities (if required).

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 at full cost to the Developer.

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.

11.3 '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*.

12.0 ENVIRONMENTAL

12.1 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, and et cetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to a holding tank and evaporated.

13.0 ENVIRONMENTAL HEALTH

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

13.2 Operations on the development 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.

13.3 When requested by Council, noise monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise. The monitoring data, an analysis of the data and a report, including noise mitigation measures, must be provided 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*.

13.4 Odour and visible contaminants, including but not limited to dust, fume, smoke, aerosols, overspray or particulates, must not be released to the environment in a manner that will or may cause environmental nuisance or harm unless such release is authorised by Council.

13.5 No contaminants are permitted to be released to land or water, including soil, silt, oils, detergents, etcetera. Any wash-down areas used for the maintenance or cleaning of equipment (including vehicles) must be appropriately bunded and drained to the sewer network in accordance with a trade waste permit.

13.6 All chemicals and/or environmentally hazardous liquids must be contained within a covered, bunded storage area that has a volume of at least that of the largest container in the bund plus twenty-five percent (25%) of the total storage capacity.

13.7 An appropriate spill kit must be kept on-site for neutralising or decontaminating spills. The spill kit must be clearly identifiable, maintained regularly and stored in a central location that is easily accessible to employees. Staff must be adequately trained in the use of these materials. The spill kit may consist of:

- 13.7.1 a bin with a tight-fitting lid, partially filled with non-combustible absorbent material such as vermiculite;
- 13.7.2 a broom, shovel, face shield, chemically-resistant boots and gloves; and
- 13.7.3 waste bags and ties.
- 13.8 Any spillage of environmentally hazardous liquids or other materials must be cleaned up as quickly as practicable. Any spillage of waste and/or contaminants must not be hosed or swept to any stormwater drainage system, roadside gutter or waters.
- 14.0 OPERATING PROCEDURES
- 14.1 The vehicle depot is limited to the storage of five (5) body trucks and associated machinery and trailers.
- 14.2 All vehicles associated with the development (including staff vehicles) must be contained within the site.
- 14.3 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 or Stewart Street.
- 14.4 The hours of operations for the development site must be limited to:
- 14.4.1 0700 hours to 1630 hours on Monday to Friday;
- 14.4.2 0800 hours to 1300 hours Saturdays; and
- 14.4.3 No operations on Sundays or Public Holidays
- 14.5 Operations limited by the hours of operation in Condition 15.4 includes all operations such as loading/ unloading of machinery, starting and manoeuvring vehicles and any maintenance of vehicles and machinery.

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 Aboriginal and Torres Strait Islander and Multicultural Affairs website www.datsima.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. 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 4. Property Note (Audit of conditions)

An inspection of the property to ascertain compliance with conditions will be undertaken twelve (12) months after the approval takes effect. If the works are completed prior to this time please contact Council for an earlier inspection. A property note to this effect will be placed on Council's records.

NOTE 5. 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 D

That in relation to the application for a Development Permit for a Material Change of Use for a Vehicle Depot, made by RS Pamerter, on Lot 1 on RP616167, Parish of Gracemere, located at 179 Somerset Road, Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$19,220.20.

Moved by: Councillor Williams

Seconded by: Councillor Fisher

MOTION CARRIED

9 STRATEGIC REPORTS

9.1 DEVELOPMENT AND BUILDING SECTION - NOVEMBER OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - November
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Tarnya Fitzgibbon - Manager Development and Building

SUMMARY

The monthly operations report for the Development and Building Section as at 30 November 2015 is presented for Councillors information.

COMMITTEE RESOLUTION

THAT the Development and Building Section report for November be received.

Moved by: Councillor Williams
Seconded by: Councillor Swadling

MOTION CARRIED

9.2 DEVELOPMENT AND BUILDING SECTION - DECEMBER OPERATIONS REPORT

File No: 7028
Attachments: 1. Monthly Report - December
Authorising Officer: Robert Holmes - General Manager Regional Services
Author: Tarnya Fitzgibbon - Manager Development and Building

SUMMARY

The monthly operations report for the Development and Building Section as at 31 December 2015 is presented for Councillors information.

COMMITTEE RESOLUTION

THAT the Development and Building Section report for December 2015 be received.

Moved by: Councillor Swadling

Seconded by: Councillor Fisher

MOTION CARRIED

10 NOTICES OF MOTION

Nil

11 URGENT BUSINESS\QUESTIONS

12 CLOSURE OF MEETING

There being no further business the meeting closed at 2:06pm.

SIGNATURE

CHAIRPERSON

DATE