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- 11.6.1 mixing of product must be prevented in pipework common to more than one tank;
  - 11.6.2 spring-loaded vapour return adaptor, which closes when the hose is disconnected, must be installed in the top of the riser; and
  - 11.6.3 the vapour recovery point must be located within 2 metres of the respective fill point.
- 11.7 Impervious paved waste storage area/s must be provided for the development in accordance with the *Environmental Protection Regulation 2008* and must be:
- 11.7.1 designed and located so as not to cause a nuisance to neighbouring properties;
  - 11.7.2 screened so as not to be visible from a public space;
  - 11.7.3 of a sufficient size to accommodate commercial type bins that will be serviced by a commercial contractor plus clearances around the bins for manoeuvring and cleaning;
  - 11.7.4 provided with a suitable hosecock and hoses at the refuse container area, and washdown must be drained to the sewer and fitted with an approved stormwater diversion valve arrangement in accordance with the Sewerage Trade Waste provisions and the *Plumbing and Drainage Act 2002*.
- Note: As an alternative to a washdown facility, a fully contained commercial bin cleaning service is acceptable provided no wastewater is discharged from the site to the sewer.
- 11.8 The finished floor level (refer to condition 2.1) must be a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood inundation level.
- 11.9 All non-habitable areas subjected to flood inundation during a one per cent (1%) Annual exceedance probability flood event, must be designed and constructed using suitable flood resilient materials.
- 11.10 All electrical and telecommunication services and utilities connected to the property, including electrical outlets, must be designed and installed at such a height that they are a minimum of 500 millimetres above a one per cent (1%) Annual exceedance probability flood level.
- 11.11 A Development Permit for Operational Works (Advertising device) must be submitted for approval by Council for the signage; other than those that are exempt or self-assessable under the applicable Advertising Devices Code in the Council Planning Scheme.
- 12.0 ELECTRICITY
- 12.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.
- 13.0 TELECOMMUNICATIONS
- 13.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

#### 14.0 ASSET MANAGEMENT

- 14.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.
- 14.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.
- 14.3 'As Constructed' information pertaining to assets to be handed over to Council and those which may have an impact on Council's existing and future assets must be provided prior to the commencement of the use. This information must be provided in accordance with the *Asset Design and As Constructed Manual (ADAC)*.

#### 15.0 ENVIRONMENTAL HEALTH

- 15.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 15.2 Noise emitted from the activity must not cause an environmental nuisance.
- 15.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise, odour or dust. Noise mitigation measures must be constructed and implemented in accordance with the recommendations in the report titled "Environmental Noise Impact Report", prepared for Corbet Property Pty Ltd, 1 December 2017, section 6.0, page 10.
- 15.4 When requested by Council, monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light, odour or dust. The monitoring data, an analysis of the data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation. Council may require any nuisance mitigation measures identified in the assessment to be implemented within appropriate timeframes.
- Note: Noise measurements must be compared with the acoustic quality objectives specified in the most recent edition of the *Environmental Protection (Noise) Policy*.
- 15.5 Plant and equipment must be maintained in proper working order at all times, in accordance with the manufacturer's directions to ensure the efficiency of the equipment.
- 15.6 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.
- 15.7 As soon as possible after becoming aware of any discrepancy detected by the leak detection system (refer to condition 11.6), action must be taken:
- 15.7.1 to investigate the discrepancy as per *Australian Standard AS4897 "The design, installation and operation of underground petroleum storage systems"*;
  - 15.7.2 if the discrepancy cannot be attributed to anything other than a leak, to confirm the existence of a leak; and
  - 15.7.3 if the existence of a leak is confirmed, to identify the source of the leak and cease using the tank until the leak is appropriately fixed.

- 15.8 Stormwater must be prevented from entering contaminated work areas. Any stormwater which may enter into a contaminated area must not be drained to the stormwater drainage system.
- 15.9 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 reticulated sewerage network in accordance with a trade waste permit.
- 16.0 OPERATING PROCEDURES
- 16.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within Malchi Nine Mile Road and Wy Wurry Road.
- 16.2 Where un-sealed surface treatments are utilised in access, parking and vehicle manoeuvring areas, contaminants such as oils or chemicals must not be released onto the surface treatment.
- 16.3 Where un-sealed surface treatments are utilised, Council may require these areas to be sealed if the unsealed surface creates a dust nuisance that cannot be rectified by other surface treatments.
- 16.4 All surface treatments must be operated and maintained in a manner so that there is no significant impact on the amenity of adjoining premises or the surrounding area being caused due to the emission of dust or resulting in sediment laden water.
- Note: If the amenity impacts cannot be mitigated, the area must be sealed to Council's satisfaction.
- 16.5 A review of the compacted gravel heavy vehicle parking area is to be undertaken every six (6) months or after a flood event and any issues must be rectified within three (3) months of the review. The review must be part of the site's operational management plan, must be documented, and a copy of the maintenance program must be available for inspection by Council officers on-site at all times.
- 16.6 All waste must be stored within a waste storage area. The owner of the land must ensure that:
- 16.6.1 the area is kept in a clean and tidy condition;
  - 16.6.2 fences and screens are maintained;
  - 16.6.3 no waste material is stored external to the waste storage area/s;
  - 16.6.4 all wash down of refuse containers takes place in the existing washdown facility;
  - 16.6.5 the area is maintained in accordance with *Environmental Protection Regulation 2008*; and
  - 16.6.6 all waste must be disposed via a private contractor.
- 16.7 Prior to a flood event, the owner or occupier must:
- 16.7.1 shut off all power to any underground petroleum storage system related equipment, including dispensers, pumps, and other associated devices;
  - 16.7.2 ensure that all openings on top of any tanks have been fastened and locked securely in place;
  - 16.7.3 ensure that the seals on the spill bucket plungers are operational; and
  - 16.7.4 close the shear valve on pressurised piping.

- 16.8 Following a flood event, the owner or occupier must review the integrity of the underground petroleum storage system prior to recommencement of operations. The review of the underground petroleum storage system must follow these guidelines:
- 16.8.1 shut off all power to any underground petroleum storage system related equipment, including dispensers, pumps, and other associated devices;
  - 16.8.2 determine if the underground petroleum storage system has leaked. If a leak is discovered, isolate the area to prevent unauthorised access and notify the local authorities;
  - 16.8.3 determine if water or debris has entered the underground petroleum storage system by using daily inventory control and stock reconciliation as a method of leak detection. If excessive water is found or inventory control shows a loss of product, a suitably qualified person/contractor should be engaged to determine if the liquid should be removed from the tank. A full integrity test should be conducted and any repairs completed before the tank is put back into service;
  - 16.8.4 inspect all measures that have been implemented to mitigate the buoyancy of the underground petroleum storage system ensuring that the tank has not shifted and the integrity of the mitigation measures remain intact;
  - 16.8.5 all equipment including pumps, shear valves, fill pipes, and vent lines must be checked and cleaned;
  - 16.8.6 clean and empty spill boxes and sumps, including those under the dispensers. Inspect the piping and fittings for damage and possible leaks;
  - 16.8.7 drain and flush the interstitial space in double walled tanks and pipe work and check the leak detection system to ensure it is functioning as designed;
  - 16.8.8 any work carried out on the underground petroleum storage system must be conducted by an appropriately qualified person/contractor;
  - 16.8.9 maintain on-site all certification from the qualified person/contractor conducting the work that all aspects of the underground petroleum storage system have been checked and the system is safe to return to service; and
  - 16.8.10 return power to the underground petroleum storage system only after being cleared by a suitably qualified electrical contractor.
- 16.9 A Flood Contingency Plan must be submitted to Council prior to the issue of the Development Permit for Building Works. The plan must demonstrate that the subject development will not increase the flood debris loading of flood waters nor result in environmental harm. The Plan must also include details of how the customers and employees of the business will collect possessions, move their vehicle to appropriately high ground, clear the site and vacate the property in a flood event. The principles of the Contingency Plan will be entered as a property note against the property.
- NOTE: Council is not required to approve Contingency Plans. Council does not accept any liability for loss of or damage to property, or injury, or loss of life as a result of any person using or relying on the Contingency Plan or failing to use the Contingency Plan during a flood event.
- 16.10 It is the responsibility of the owner or occupier of the land from time to time to implement the Flood Contingency Plan during a flood event or if there is a risk of flooding near the land.
- 16.11 A review and amendment of the Flood Contingency Plan must be undertaken with any change in the owner or occupier of the land. The amended Flood Contingency Plan must demonstrate appropriate evacuation routes and preparation procedures during a flood event or if there is a risk of flooding near the land.



16.12 A copy of the most up to date version of the Flood Contingency Plan must be available for inspection by Council officers on-site at all times.

#### 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 Partnerships website [www.datsip.qld.gov.au](http://www.datsip.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. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities would be the storage, preparation and sale of food. Approval for such activities is required before 'fitout' and operation.

NOTE 4. 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 5. Property Note (Access)

All vehicular access to and from the development site must be via Wy Wurry Road. Direct vehicular access to Malchi Nine Mile Road is prohibited.

NOTE 6. Property Note (Contingency Plan)

A complete copy of the Development Approval and any documents conditioned by this development approval (including the Contingency Plan or an updated Contingency Plan) must be given to the proposed purchaser when entering into a contract of sale or to the new registered proprietor upon any transfer of land for this lot.

NOTE 7. Infrastructure Charges Notice

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

NOTE 8. Clearing within Road Reserve

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

**RECOMMENDATION B**

THAT in relation to the application for a Development Permit for a Development Permit for a Material Change of Use for a Service Station with Ancillary Food and Drink Outlet, made by Corbet Property Pty Ltd, on land located on Lot 1 Capricorn Highway, Gracemere, described as Lot 1 and Lot 2 on RP617280, Parish of Gracemere, Council resolves to issue an Infrastructure Charges Notice for the amount of \$8,084.65.

**Moved by:** Mayor Strelow

**Seconded by:** Councillor Fisher

**MOTION CARRIED**

Councillor Smith and Councillor Wickerson recorded their vote against the motion

UNCONFIRMED

**9 NOTICES OF MOTION**

Nil

UNCONFIRMED

## 10 URGENT BUSINESS QUESTIONS

10:12AM Acting Chief Executive Officer left the meeting

UNCONFIRMED

## 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.

### 10:20AM

Pursuant to section 175C of the *Local Government Act 2009*, the Mayor Councillor Margaret Strelow declared a material personal interest in one of the properties mentioned in Item 12.1 – Customer Requests with Councillor or Public Interest at Building, Plumbing & Compliance and may stand to gain a benefit or suffer a loss depending on the outcome of the consideration of the matter at the meeting.

Mayor Strelow left the meeting.

### COMMITTEE RESOLUTION

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 Customer Requests with Councillor or Public Interest at Building, Plumbing & Compliance

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.

Moved by: Councillor Smith  
Seconded by: Councillor Wickerson

MOTION CARRIED

### COMMITTEE RESOLUTION

#### 10:20AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves into Closed Session and be closed to the public.

Moved by: Councillor Wickerson  
Seconded by: Councillor Rutherford

MOTION CARRIED

10:25AM Acting Chief Executive Officer returned to the meeting  
10:29AM Acting Chief Executive Officer left the meeting

### COMMITTEE RECOMMENDATION

#### 11:05AM

THAT pursuant to s7.11 *Council Meeting Procedures* the meeting moves out of Closed Session and be opened to the public.

Moved by: Councillor Fisher  
Seconded by: Councillor Wickerson

MOTION CARRIED

## 12 CONFIDENTIAL REPORTS

### 12.1 CUSTOMER REQUESTS WITH COUNCILLOR OR PUBLIC INTEREST AT BUILDING, PLUMBING & COMPLIANCE

**File No:** 4842  
**Attachments:** Nil  
**Authorising Officer:** Steven Gatt - Manager Planning & Regulatory Services  
Colleen Worthy - General Manager Community Services  
**Author:** Philip Harrison - Coordinator Building Plumbing and Compliance

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

*The purpose of this report is to apprise Councillors of the Development Control issues subject to investigation at Building, Plumbing & Compliance.*

#### COMMITTEE RECOMMENDATION

THAT the information regarding the Development Control issues be 'received'.

**Moved by:** Councillor Fisher  
**Seconded by:** Councillor Wickerson  
**MOTION CARRIED**

**13 CLOSURE OF MEETING**

There being no further business the meeting closed at 11:06am.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
DATE

UNCONFIRMED