



CARPENTARIA SHIRE

Outback by the Sea

SPECIAL MEETING

MINUTES

24 AUGUST, 2016

CONFIRMED MINUTES

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1 OPENING OF MEETING

The Mayor welcomed members and declared the meeting open at 9.05am.

2 RECORD OF ATTENDANCE

Councillors

Mayor: Cr LV Bawden
Members: Cr AT Gallagher; Cr JD Beard; Cr BJ Hawkins; Cr AM Murphy;
Cr PF Wells.

Staff

Director Corporate Services Mr Oliver Pring
Manager Governance and Executive Services Mr Phillip Turner
Executive Assistant Ms Angeline Pascoe.

Councillor Young participated in the meeting by teleconference with Council's approval pursuant to section 276 of the *Local Government Act 2009*. Councillor Young indicated by telephone that he could hear the proceedings and all other members.

ATTENDANCE: Mrs Diane Reeves entered the meeting.

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3 REPORTS FROM DIRECTOR OF ENGINEERING - ROADS & SERVICES

3.1 APPLICATION FOR MATERIAL CHANGE OF USE: SERVICE STATION AND CARETAKER'S RESIDENCE

Executive Summary:

The Council is in receipt of an Application for Material Change of Use (MCU) for a new Service Station and Caretaker's Residence, proposed to replace an old service station/workshop located on the corner of Landsborough Street and Matilda Street, Normanton, described as Lot 80 N14812 and Lot 5 SP116585.

The application is Code Assessable and Public Notification is not required.

The Application required referral through the State Assessment Referral Agency (SARA) and approval was granted subject to five (5) standard conditions.

The application is generally in accordance with the Carpentaria Shire Planning Scheme and is recommended for approval, subject to conditions.

COUNCIL RESOLUTION

Moved Cr Murphy

Seconded Cr Hawkins

That Council, in accordance with the Sustainable Planning Act 2009 as amended:

- 1. notify the applicant that the application for a Development Permit for a Material Change of Use for Service Station and Caretaker's Residence, located on the corner of Landsborough Street and Matilda Street, Normanton, described as Lot 80 N14812 and Lot 5 SP116585 is approved, subject to the following amended conditions:***

A. ASSESSMENT MANAGER CONDITIONS (COUNCIL)

General

- 1. The development shall be undertaken substantially in accordance with the submitted Plans:***

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PLAN	AUTHOR	SHEET NUMBER
Aerial Locality Plan	Max Slade: M16 - 4473	A101
Site Plan with Underground Tanks	Max Slade: M16 - 4473	A102 Revision A
Ground Floor Plan	Max Slade: M16 – 4473	A103
Residence Floor Plan	Max Slade: M16 – 4473	A104
Office/Shop Layout	Max Slade: M16 - 4473	A105
Area Plan	Max Slade: M16 – 4473	A106
Elevations Plan 1 with Sign	Max Slade: M16 – 4473	A107 Revision A
Elevations Plan 2 with Sign	Max Slade: M16 – 4473	A108 Revision A
Plan of 3D Views with Sign	Max Slade: M16 - 4473	A130 Revision A
Sign Structural Details	Sign Spec	EP01 102-00

and the supporting submission and other documentation, except as modified by this approval and to the satisfaction of the Chief Executive Officer or delegate.

- 2. Any future building work on-site shall be carried out generally in accordance with any relevant Council requirements and the Building Code of Australia to the satisfaction of the Chief Executive Officer or delegate.**
- 3. This approval, granted under the provisions of the Sustainable Planning Act 2009, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 of the Sustainable Planning Act 2009, if the development has not been commenced.**
- 4. the storage of fuel on the site is limited to underground storage and the design, installation, operation and storage of underground fuel on-site is required to comply with:**

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- **AS 1940 – The Storage and Handling of Flammable and Combustible Liquid; and**
- **AS 4897 – The Design, Installation and Operation of Underground Petroleum Storage Systems;**

to the satisfaction of the Chief Executive Officer or delegate.

Maintenance of the Site

5. **The applicant shall ensure the site is maintained, during and after development, in a clean and tidy condition at all times, to the satisfaction of the Chief Executive Officer or delegate.**

Planting Plan

6. **A Planting Plan is to be submitted to Council for approval, showing details of dense screen planting along site boundaries adjoining Residential zoned land and planting with advanced shrubs and trees to the two (2) site frontages and, in particular, the landscape bed at the intersection of Landsborough Street and Matilda Street, with native species, to the satisfaction of the Chief Executive Officer or delegate.**

Containment of Contaminants

7. **The workshop bays and hardstand bowser area are required to drain to a central stormwater collection pit for treatment, prior to discharging into Council's stormwater drainage system, to the satisfaction of the Chief Executive Officer or delegate.**

Drainage

8. **The site is required to drain to a lawful point of discharge, to the satisfaction of the Chief Executive Officer or delegate.**

Urban Services

9. **The development is required to be connected to all urban services. The applicant/proponent is to meet the cost of any connections or upgrades required to any urban services for the approved development and water supply and sewerage are to be constructed to relevant standards stated in Schedule 1, Part 3 of the Planning Scheme and to the satisfaction of the Chief Executive Officer or delegate.**

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10. ***Any work associated with connecting to urban services shall be undertaken in accordance with an approved plan and shall be established and completed prior to the lawful commencement of the use and to the satisfaction of the Chief Executive Officer or delegate.***
11. ***Should any of the Council's assets be damaged during the construction of any associated works, the cost of the reinstatement of all such assets shall be met by the applicant/proponent and to the satisfaction of the Chief Executive Officer or delegate.***

On-Street Works

12. ***The following on-street works are required:***
 - ***closure of the existing vehicular access/es in Matilda Street and the reinstatement of the kerb and channel and any damage to the road pavement in Matilda Street made good, to Council's specifications and standards;***
 - ***the construction of a two (2) metre wide concrete footpath to the Matilda Street frontage of the site, to Council's specifications and standards; and***
 - ***the repair of the existing footpath to the Landsborough Street frontage of the site, to Council's specifications and standards, all to the satisfaction of the Chief Executive Officer or delegate.***

Car Parking and Vehicular Circulation

13. ***A minimum of 28 car parking spaces are required to be provided on-site, in association with the development. The three (3) undercover car parking spaces on-site are to be identified by clear signage as staff parking, to ensure they are always available for use by residents of the Caretaker's Residence and other staff members on site, to the satisfaction of the Chief Executive Officer or delegate.***
14. ***All car parking on site is to be clearly line-marked for use by customers and demarcation arrows, directing vehicular circulation on site are to be provided, to the satisfaction of the Chief Executive Officer or delegate.***

Lighting

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15. ***Any lighting proposed in association with the development must ensure there is no light spillage onto adjoining properties or roads, to the satisfaction of the Chief Executive Officer or delegate.***

Signage

16. ***One (1) large corporate pylon sign is approved to be located and comply with the specifications and design shown on the submitted/approved plans. Any additional signage is required to comply with the Advertising Devices Code in the Carpentaria Shire Planning Scheme and must not contain any product advertising, to the satisfaction of the Chief Executive Officer or delegate.***

Caretaker's Residence

17. ***The Caretaker's Residence is only approved for occupation by a caretaker and his/her family who are employed to maintain and safe guard the premises. At no time is the accommodation to be used for short term overnight accommodation or similar, to the satisfaction of the Chief Executive Officer or delegate.***

Environmentally Relevant Activities

18. ***Any activities on the site required to operate under an Environmentally Relevant Activity (ERA) approval, must not commence operation until a current ERA Permit is in place and a copy provided to Council, to the satisfaction of the Chief Executive Officer or delegate.***

Transition to Completion

19. ***The demolition of the old service station building, existing fuel bowsers, underground fuel lines and any other existing ancillary facilities is to be undertaken in a timely manner to ensure the completion of all new on-site landscaping, car parking and hardstand areas, currently occupied by the old service station building and ancillary facilities and the on-street works specified, above in Condition 10, are constructed prior to commencement of the use, to the satisfaction of the Chief Executive Officer or delegate.***

Site Amalgamation

20. ***The site is to be amalgamated so that the Service Station and Caretaker's Residence are located on one (1) lot.***

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A Plan of Survey is to be lodged with Council for endorsement, including the Public Utilities Easement, referred to in Condition 20 below. A Dealing Number issued by the Department of Natural Resources and Mines (DNRM) is to be provided to Council, prior to commencement of the construction, to the satisfaction of the Chief Executive Officer or delegate.

Sewer Assets Easement

- 21. The Applicant acknowledges that structures are intended to be built over and within the zone of influence of pre-existing and operational sewer assets owned by Council on the land. The Applicant will grant, prior to commencement of construction, a Public Utilities Easement in favour of the Council for the purposes of providing rights of access and the ability to inspect, maintain, repair or replace the sewer assets at all times with or without machinery, on terms satisfactory to the Chief Executive Officer. All costs associated with accessing the sewer including "break in costs" will be at the Applicant's expense. The Council will not be liable for any reinstatement costs once the works are completed. The Easement will be a minimal width of 3.8 metres and include all sewer assets located on the site. The Easement will be prepared by Council's solicitors at the Applicant's cost, including registration fees.***

Development Deed

- 22. Prior to commencement of construction, the Applicant will enter into a Development Deed with Council relating to the pre-existing and operational sewer assets within the land, on terms satisfactory to the Chief Executive Officer.***

The Development Deed will amongst other things:-

- (a) acknowledge the existence and location of sewer assets;***
- (b) confirm that Council has the right to inspect, maintain, repair, upgrade or replace the sewer assets at any time without notice in its absolute discretion;***
- (c) confirm that all costs associated with accessing the sewer asset including "breaking into" the sewer asset by removing or demolishing any structures (i.e. slabs/ foundations/load bearing or non-load bearing walls which may be constructed on the land) as reasonably necessary, at Council's absolute discretion, to gain access to the sewer assets will be met by the Applicant/Owner;***

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- (d) waive the Applicant's/Owners' right to make a claim against Council for any damages of any nature whatsoever arising from any works performed, including reinstatement works;**
- (e) indemnify the Council from any claim or demand which may be made by any lessee, licensee or occupant of the premises for any interruption to business or other activity of the lessee, licensee or occupant including the complete loss of the ability to access parts of the land during maintenance, repair or replacement works for any period deemed necessary by Council;**
- (f) require that the Applicant/Owner enter into a Deed of Novation relating to the Development Deed in the event that the property is transferred to a third party to ensure the third party remains bound by the Development Deed;**
- (g) the Applicant/Owner will be responsible for the Council's reasonable legal costs associated with preparation and execution of the Development Deed and any Deed of Novation that may be required in the future in the event the ownership of the land changes.**
- (h) all costs will be evidenced by a certificate signed by the Chief Executive Officer.**

Rates Notation

23. Council will include notations on the rates record for the property maintained by Council relating to:

- (a) the existence of the Development Deed and its general terms; and**
- (b) advise that four (4) redundant underground fuel tanks are located on the site. To ensure that in the future the location of the four (4) tanks, as shown on the approved site plan, is known to both Council and any future potential purchaser/operator of the site;**

all to the satisfaction of the Chief Executive Officer or delegate.

B. REFERRAL AGENCY CONDITIONS

**CONCURRENCE AGENCY Department of Transport and Main Roads
(DTMR)**

C. SUBMISSIONS NIL

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D. FURTHER DEVELOPMENT PERMITS REQUIRED

- *carrying out building works;*
- *carrying out drainage works; and*
- *carrying out plumbing works.*

E. APPLICABLE CODES FOR SELF ASSESSABLE DEVELOPMENT

- *Shire of Carpentaria Planning Scheme*
- *Standard Building Regulation 1993*
- *Building Act 1975*
- *Building Code of Australia*
- *Water and Sewerage Act 1949*

F. RIGHT OF APPEAL

Appeal Rights from the Sustainable Planning Act 2009.

CARRIED

Resolution No. 0816/001

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4 CLOSURE OF MEETING

The Chair of the meeting, Cr Lyall Bawden, Mayor, declared the meeting closed at 9.40am.

MINUTES CERTIFICATE

These Minutes are Confirmed

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Councillor LV Bawden Date
Mayor