

6 September 2006
Trent Purdon
Implementation & Assessment Branch, Nerang
(07) 5582 8497
BEV417-C01-S0030
PN184435/03/DA5
OPW Number: 2601687

Kellogg Brown & Root Pty Ltd
PO Box 2177
TOOWONG QLD 4066

Dear Sir/Madam

DECISION NOTICE TO APPLICANT
APPLICATION TYPE: OPERATIONAL WORKS
PROPERTY DESCRIPTION: LOT 334 ON W311668
PROPERTY SITUATED AT: Christensen Road, Stapylton

I wish to advise that on 6 September 2006 the issue of a Development Permit for Operational Works for Civil Works at the site described above, was approved subject to the conditions outlined in the attached document.

An extract from the Integrated Planning Act 1997, which details your appeal rights, is attached for your information.

Should you wish to clarify any issues contained in this letter, please do not hesitate to contact Trent Purdon on telephone (07) 5582 8497.

Yours faithfully

Dr Shahadat Hossain
COORDINATOR ECOLOGICAL & HYDRAULIC ASSESSMENT
for the Chief Executive Officer
tp

attach

CONDITIONS OF APPROVAL FOR OPERATIONAL WORKS FOR CIVIL WORKS & CHANGE TO GROUND LEVEL

This operational works application has been assessed against the conditions of MCU or ROL applicable at the above date. Should any change to or amendment of conditions of MCU or ROL occur during the currency of this operational works approval, additional or amended engineering drawings are to be submitted as necessary to comply with such conditions.

The conditions of this approval are to be read in conjunction with the attached stamped approved engineering drawings. The conditions of this approval shall take precedence where a conflict occurs between the conditions of this approval and the stamped approved engineering drawings.

GENERAL

1. The works shall be carried out in accordance with the stamped approved engineering drawings numbered BEV417-C-DWG-001A, 002A, 003A, 004A, 005A, 006A, 007A, 008A, 009A, 010A, 011A, 012A, 013A, 014A, 015A, 016A, 017A, 018A, 019A, 101A, 102A, 103A, 104A, 105A, 106A, 107A, 108A, 109A, 110A, 111A, 112A, 113A, 114A, 115A, 116A, 117A, 118A, 202A, 203A, 204A, 205A, 206A, 207A, 208A, 209A and 210A prepared by Kellogg Brown & Root Pty Ltd except where amended in red and subject to the following conditions.
2. Prior to commencement of work, Council's Subdivision & Environmental Assessment Inspection Staff are to be contacted on (07) 5582 8623 to arrange a Pre-start Inspection. (Please note that Council's Inspector in this area is Joe Ambrose (5582 8298), should you need to clarify any construction or bonding issues relating to this approval)
3. Compliance with all related Development Permit approval conditions.
4. Works as approved herein shall be constructed in accordance with the current edition of Council's Land Development Guidelines, Standard Drawings and Specifications.
5. The development shall be completed to the satisfaction of the Chief Executive Officer, including variations and/or additions to the approved stamped engineering drawings required as a result of insufficient detail on the engineering drawings or to ensure that Council Policies and/or good engineering practices are achieved.
6. You are required to comply with the provisions of the Workplace Health and Safety Act and Australian Standard AS1742; particularly in respect of works being conducted on a public road, traffic control and ensuring safe public access at all times.
7. Any deviation from the approved engineering drawings that may occur in the field as a result of on site or in-situ conditions will require that amended engineering drawings are submitted to Council for further approval.
8. The written consent of the registered proprietors of adjoining land is required where any works associated with this approval encroach on that land.

9. No work shall be commenced on site until the name of the responsible (principal) contractor has been advised to Council. Construction of the works approved herein shall be carried out with due regard to the statutory requirements of the Workplace Health and Safety Act.
10. A copy of this approval is to be retained on site at all times.

WATER USAGE

11. The use of potable water is not permitted in activities associated with road and pavement construction, the compaction of fill material or dust suppression. The use of recycled water is encouraged, especially where other alternative sources do not exist. Where the development applicant decides to use recycled water, its use shall be in accordance with the requirements of the Gold Coast Water Recycled Water Safety Plan (the "Safety Plan"). The Safety Plan sets out the requirements for transport and use of Recycled Water.

- The development applicant is required to complete the recycled water training course with Gold Coast Water, in accordance with the Safety Plan. Proof of completion of the training course will be by issue of a valid certification card.
- The development applicant can only contract to use a recycled water carrier who is accredited and certified by Gold Coast Water. Accreditation requires a current authorised agreement between the Water Carrier and Gold Coast Water. In turn, the water carrier is only allowed to employ certified tanker operator/drivers, who have completed the recycled water training course with Gold Coast Water and hold a valid certification card.
- To obtain a copy of the safety plan and also to obtain a list of approved water carrier operators, the applicant should contact Gold Coast Water.
- Contact details are as follows:
 - i. Coordinator Recycled Water ph. (07) 5582 8422
 - ii. Gold Coast Water ph. 1300 366 692

NOTES:

- Potable water is defined as water treated to drinking water standards (NHMRC guidelines 1996) and being available in Councils normal reticulated potable water supply system.
- Recycled water is defined as treated wastewater in class A, B or C in accordance with the Queensland Guidelines for the Safe use of Recycled Water (draft 2004).

INFRASTRUCTURE CHARGES/CONTRIBUTIONS

12. Contributions toward Sewerage Network Infrastructure shall be paid to the Council in accordance with Planning Scheme Policy 3B - Policy for Infrastructure Sewerage Network Developer Contributions prior to the endorsement of the plan of survey, the issue of a certificate for building works, the carrying out of final plumbing inspection or use commencing whichever occurs first. The amount of the contribution shall be calculated at rates current at due date for payment.

Contributions may be paid in stages commensurate with the rate of development at the site, however, in the event that contributions remain unpaid after five (5)

years from the date of this approval, the Developer shall pay the outstanding amount within three months (3) of Council's notice that contributions for the Development remain outstanding.

Where the Developer enters Council's Commercial and Industry Water Conservation Scheme Infrastructure Agreement, the initial developer contribution for sewerage shall be calculated using 10ET per hectare.

13. Contributions toward Water Supply Network Infrastructure shall be paid to the Council in accordance with Planning Scheme Policy 3A - Policy for Infrastructure Water Supply Network Developer Contributions prior to the endorsement of the plan of survey, the issue of a certificate for building works, the carrying out of final plumbing inspection or use commencing whichever occurs first. The amount of the contribution shall be calculated at rates current at due date for payment.

Contributions may be paid in stages commensurate with the rate of development at the site, however, in the event that contributions remain unpaid after five (5) years from the date of this approval, the Developer shall pay the outstanding amount within three months (3) of Council's notice that contributions for the Development remain outstanding.

Where the Developer enters Council's Commercial and Industry Water Conservation Scheme Infrastructure Agreement, the initial developer contribution for water shall be calculated using 10ET per hectare.

WATER & SEWERAGE RETICULATION

14. The Developer shall construct reduced infiltration gravity sewerage reticulation to service all lots (or lease allotments) within the estate and connect the reticulation to Council's existing sewerage network.
15. Water reticulation system is to be provided and constructed, at no cost to Council, to all lots (or lease allotments).
16. All developments within Lot 334 on WD311668 are limited to maximum draw-off of 30L/s for water supply under fire load conditions per building per allotment (or lease allotment) per meter point. For example, if an allotment has several buildings, the maximum draw-off for that allotment (or lease allotment) is 30L/s. The lease allotment in this condition excludes leases within a building. The objective of this clause is to restrict the proliferation of fire services directly connected to Council's water mains.
17. The private pump station located on Lot 334 on WD311668 is limited to a maximum discharge of 1.0 L/s for Average Dry Weather Flow (ADWF) and a maximum of 5.0 L/s under Peak Wet Weather Flow (PWWF).
18. The private pump station shown on drawing BEV417-C-DWWG-208 shall be operated and maintained to work efficiency with no occurrences of odour observed at the property boundary. The top of the pump station shall be above flood level, with four hours storage at ADWF conditions in accordance with Council's Land Development Guidelines.

19. The temporary pump station and rising main shall be removed by the Developer at no cost to Council within 18 months of the date of written Council notification that the trunk sewerage line in Sandy Creek Sewerage External Works Scheme is operational:
- (a) The Developer shall construct a gravity sewerage line from PS/3 to Manhole 1/1 (drawing BEV417-CDWG-210) to service Lot 334 on WD311668 from the Sandy Creek External Works Scheme;
 - (b) The Developer shall remove the temporary pump station and rising main infrastructure;
 - (c) Prior to the issuing the first Certificate of Classification or endorsement of survey plans, which ever occurs first, the Developer shall lodge with Council a performance bond in the amount of \$50,000 (includes GST) for diverting the temporary pump station to the proposed Sandy Creek Sewerage External Works Scheme;
 - (d) Prior to the issuing the first Certificate of Classification or endorsement of survey plans, which ever occurs first, they Developer shall lodge with Council a performance bond in the amount of \$15,000 (includes GST) for decommissioning the temporary sewerage pump station once the diversion to the proposed Sandy Creek Sewerage External Works Scheme is completed and the Scheme becomes operational; and
 - (e) Prior to the issuing the first Certificate of Classification or endorsement of survey plans, which ever occurs first, the Developer shall lodge with Council a performance bond in the amount of \$30,000 (includes GST) for the dedication of an easement over the future gravity sewerage main between PS/3 and Manhole 1/1 shown on drawing BEV417-CDWG-210.
20. Easements shall be provided for all gravity sewers where not located in road reserve. Easements widths shall be approved by Council and shall be not less than 3m wide and make reasonable allowance (considering the depth of the sewer) for future access and maintenance. All costs associated with the provision of any easements are the responsibility of the develop:
- (a) The Developer shall dedicate at no cost to Council an easement over the future gravity sewerage line from PS/3 to Manhole 1/1 (drawing BEV417-CDWG-210) within two years of the date of this consent.
21. Council will maintain sewerage mains PS/3 to 1/2, and PS/3 to 8/1 as shown on drawing BEV417-C-DWG-202. Accordingly these works must be constructed and accepted by Council in accordance with Council's Land Development Guidelines.
22. Council will maintain sewerage main PS/3 to 1/1 as shown on drawing BEV417-C-DWG-202. Accordingly these works must be constructed and accepted by Council in accordance with Council's Land Development Guidelines.
23. Council will maintain the proposed 150mm diameter water mains in Christensen Road. Accordingly these works must be constructed and accepted by Council in accordance with Council's Land Development Guidelines.

24. Council will only maintain services in the proposed Christensen Road extension if that road has been “opened” and comes “on-maintenance” by Council. Accordingly the road must be constructed and accepted by Council in accordance with Council’s Land Development Guidelines.
25. The Developer shall enter a metering agreement with Council concerning the installation of water meters and fire connections along the water main proposed for the Christensen Road extension:
 - (a) The Development is limited to 10 meter points where a meter point comprises a meter and a fire connection;
 - (b) Council will only provide one water account, which may be itemised; and
 - (c) The Developer shall prepare a Metering Management Plan for the Development for Council’s approval showing the relationship between uses at the site and meter points.
26. Where water services are to be provided to Pump Stations, Parks, Medians, Irrigation Systems etc. (including the supply and installation of a water meter to each service connection where applicable) a formal application shall be made to the “Field Services and Construction Branch” of the Gold Coast Water Section of Council (5581 7564).
27. Connection to Council maintained water & sewerage services are to be undertaken by Council at the applicant’s cost. To obtain a quotation for these works contact the “Field Services and Construction Branch” of the Gold Coast Water Section of Council (5581 7564).

ENVIRONMENTAL MANAGEMENT

28. An Operational Works Application (Vegetation Management) is required to be submitted to and be approved by Council prior to any works commencing on site if any protected vegetation as defined by the Planning Scheme is to be removed from the subject site.
29. Where it is proposed to install a Gross Pollutant Trap within this development site as part of the storm-water treatment train, maintenance drop boards are to be provided. Such boards are to be used to isolate the GPT unit from upstream and downstream flows to enable maintenance activities to be undertaken. Drop boards are to stay with the GPT and are to be designed such that they can be lowered into position within workplace health and safety lifting requirements.
30. Sediment and erosion control measures are to be implemented in accordance with the approved engineering drawings with due regard to the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites (The Institution of Engineers, Australia Queensland Division June 1996).
31. All exposed areas greater than 1 ha are to be directed to appropriately sized sediment basins. These basins are to be designed by a suitably qualified hydraulic engineer with detailed design diagrams submitted and approved by Council prior to any works commencing on-site.
32. The environmental section of Council recommends that the GPT still be installed to treat pollutants from the road surface, yet does not require the basin to be

vegetated as this device may be amended drastically once a future development proposal on the south-western lot is submitted to Council for assessment.

33. The following information is to be submitted and approved by Council prior to any works commencing onsite:
- Description of the proposed staging and programming of proposed development to minimise the area of disturbance and duration that the disturbed areas are exposed, including details of proposed stabilisation works;
 - Description of the proposed permanent/temporary sediment and erosion controls designed installed and maintained in accordance with the Institute of Engineers Australia (Qld) Sediment and Erosion Control Guidelines indicating the locations and sizing of sediment basins;
 - Description of the proposed performance monitoring program, assessment and reporting provisions. Information required for inclusion in the submitted monitoring program includes:
 - Water Quality Objectives;
 - Monitoring and reporting frequency;
 - Monitoring locations; and
 - Monitoring parameters.
 - An outline of the management/maintenance requirements including predicted frequency and responsibility for all treatment elements during the construction phase of the development.
34. Regular visual inspections/monitoring are to be carried out on all developments during the construction phase. Additional quantitative water quality monitoring is required for developments disturbing >2,500m² at any one point in time, with the monitoring required to be carried out for the duration of construction activities.
35. All lots must be adequately vegetated and action taken to prevent erosion from wind and/or water to the satisfaction of the Chief Executive Officer.
36. A turf strip 1 metre wide is to be placed behind all kerbing immediately after backfilling. In addition, a turf strip is to be placed at 90 degrees to the kerb every 10 metres to prevent scouring along the turf edge. Please refer to Section A5-C4 of Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites (The Institution of Engineers, Australia Queensland Division June 1996).
37. All open drains shall be turfed immediately after completion unless approved otherwise in a Council approved stormwater management plan. In addition, a turf strip is to be placed at 90 degrees to the invert every 10 metres to prevent scouring along the turf edge. Reinforced turf shall be used where invert grades exceed 5%.
38. Sediment control structures (eg sediment fence) shall be placed at the base of all materials imported on-site to trap any sediment runoff.
39. Regular inspections are to be carried out on site to ensure that adequate erosion control measures are in place and in good condition both during and after construction. Additional inspections are also required after each storm event to

assess the adequacy of the erosion control measures, make good any erosion control devices and clean up any sediment that has left the site or is in the roadway. This inspection program is to be maintained until 'off maintenance' or until the site is fully rehabilitated.

40. All water from the site including dewatering discharge is to be directed through a sediment pond prior to leaving the site. The sediment ponds or other approved devices are to be maintained in good condition until 'off maintenance' or until the site is fully rehabilitated.

HYDRAULIC MANAGEMENT

41. The applicant shall ensure that the works within the development site has:

- No adverse effects external to the subject site arising from any increase in velocity and/or redirection of flow, and
- No increase in the duration of inundation outside the site where such increased inundation could cause loss or damage.

EARTHWORK MANAGEMENT

42. All earthworks must comply with the Gold Coast City Council's Land Development Guidelines.
43. Appropriate construction procedures including any necessary monitoring and the undertaking of appropriate building inspection reports are to be implemented if the use of vibratory compaction equipment (other than hand held devices) is proposed within 100m of any building or structure.
44. All batters are to be stabilised within 10 days of the completion of bulk earthworks. Stabilisation techniques may include hydro-mulching, returfing, erosion resistant blankets etc.
45. Council may request a full Geotechnical Engineering report (prepared by a qualified and experienced Geotechnical Engineer) certifying the stability of any constructed cut/fill batter or retaining structures.
46. The earthworks are to be carried out in accordance with AS 3798-1996, "Guidelines on earthworks for commercial and residential developments". The material shall be placed in layers, watered and compacted to achieve the specified density ratio as monitored in Table 5.1 - Guidelines for Minimum Relative Compaction.
47. The requirement for the installation of safety fences, barriers and/or guard railing will be assessed once construction is completed prior to works being accepted on maintenance.

HAULAGE ACCESS/DUST NOISE MANAGEMENT

48. The applicant shall provide a vehicle barrier along the frontages of the land, to ensure that all vehicles only use crossovers approved by the Chief Executive Officer or delegate.

49. Loading/unloading operations shall be conducted entirely within the site and vehicles waiting to be loaded/unloaded shall also stand within the site.
50. All reasonable methods are to be used to reduce nuisance from dust, noise, vibration, smoke and material tracked onto public roads from hauling and filling operations in accordance with Council's Bylaws/Local Laws.
51. The applicant shall water the site and/or use other means to prevent dust from affecting surrounding properties. Upon receipt of a dust nuisance complaint or notification of a dust nuisance by the Council, the applicant will take reasonable and immediate action to remedy the dust problem to the satisfaction of the Chief Executive Officer.
52. The applicant shall ensure that gravel access areas to the site, transport dust covers and shake (hose) down areas are in place to control both on-site dust nuisance and contamination of external properties, roadways and receiving waterways.
53. Disposal of debris, resulting from site clearance, is to be in accordance with Council's policy. Combustion of any material shall not be permitted on the subject site without prior approval of Council.
54. Provision shall be made for the land to be maintained in a clean and tidy state at all times. Satisfactory arrangements shall be made for the collection, storage and disposal of all waste materials.
55. Any damage to property (including pavement damage) is to be rectified to the satisfaction of Council prior to the issuing of the certificate of practical completion and/or endorsement of survey plans. The surrounding carriageways are to be kept clean of any material carried onto the roadway by construction vehicles. Any work carried out by Council to remove material from the roadway will be at the applicants expense and any such cost are payable prior to the issuing of the certificate of practical completion and /or endorsement of survey plans.

PRACTICAL COMPLETION

56. Prior to the issuing of a certificate of practical completion and works being formally accepted "On maintenance" it is required that "**As Constructed**" data (Electronically and Hard Copy Format) (refer to Section 10 of Land Development Guidelines) is submitted to and be approved by the Subdivision & Environmental Assessment Section of Council.
57. The Council, upon being satisfied that effective completion of the works has been achieved and all conditions of approval have been complied with, shall issue a certificate of practical completion (being, the certificate required by Section 5.2(9) of the Local Government Planning & Environment Act 1990 and Section 9.0 of Council's Land Development Guidelines 1999) and notify the applicant, in writing, accordingly that the works are accepted as being "on maintenance". A defects liability period of 6 months, or as otherwise advised by Council, shall commence from the date of the formal "on maintenance" acceptance pursuant to Section 9.0 of Council's Land Development Guidelines 1999. Any defects advised in writing to the developer, or his agent, by the Council during the defects

liability period must be corrected within a reasonable time, as stated in the notice given by the Council to the developer.

Environmental Harm

58. This approval does not remove the applicant's general environmental duty and does not authorise environmental harm as defined by the Environmental Protection Act 1994 to be caused by the activity/development. This approval does not warrant that such plans and specifications have been checked in detail, nor does it absolve the owner or proponent from complying with the conditions of this approval, relevant Council Policy and Local Law, relevant statutes and/or statutory regulations in the execution and/or performance of the said works. Neither the Council nor the Chief Executive Officer accept any responsibility for the accuracy of such plans and specifications as approved. Please note that variations and/or additions to the approved plans may be required by the Chief Executive Officer as a result of insufficient details on the plans or incorrect information being provided, to ensure that Council Policies are complied with or environmental harm is not caused.

Discharge of Sediment

59. Under section 32 of the Environmental Protection (Water) Policy 1997 it is an offence to allow the release of stormwater run off into a stormwater system or waters that results in the build-up of sediment in the system or waters; or to deposit sediment into a stormwater system or waters or in a place where it could reasonably be expected to discharge into the system or waters or result in a build-up in the same.

GENERAL ENVIRONMENTAL DUTY

60. Under section 319 of the Environmental Protection Act 1994 it is an offence to 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. In deciding the measures required to be taken regard must be had to:

- (a) The nature of the harm or potential harm;
- (b) The sensitivity of the receiving environment;
- (c) The current state of technical knowledge for the activity;
- (d) The likelihood of successful application of the different measures that might be taken;
- (e) The financial implications of the different measures as they would relate to the type of activity.

DUTY TO NOTIFY ENVIRONMENTAL HARM

61. Under section 320 of the Environmental Protection Act 1994, if while carrying out an activity, a person becomes aware that serious or material environmental harm is caused or threatened to be caused the person must give written notice to the administering authority of the event, its nature and the circumstances in which it happened as soon as reasonably practicable after becoming aware of the event involving the harm.

ADVISORY

The applicant is to observe all requirements of relevant State and Federal Government Departments/Regulations (eg. EPP, EPA).

In respect to this Permit, the Applicant has the right of appeal to the Planning and Environment Court regarding this decision. A copy of section 4.1.27 of the Integrated Planning Act is enclosed for your information.

If the applicant notifies Council in writing that the applicant accepts this decision without dispute and will not exercise any right of appeal to the Court in respect of this decision, this Decision Notice may be taken to be the Development Permit.

Development may commence only where the approval given by Council is a Development Permit and no other Development Permits are required to allow development to be carried out. (Further approvals may be required for tree clearing)

Please note that, in accordance with section 3.5.21 of the IPA, this Operational Works approval lapses on 6 September 2008.

Any approval granted does not warrant that such plans and specifications have been checked in detail, nor does it absolve the owner of the land from complying with all the conditions of this approval and/or relevant Council Local Laws, Codes and Policies and/or relevant statutes and/or statutory regulations in the execution and/or performance of said works. Neither the Council nor the Chief Executive Officer accepts any responsibility for the accuracy of such plans and specifications as approved. It is to be noted that variations and/or additions to the approved plans may be required as directed by the Chief Executive Officer, as a result of insufficient detail on the plans or to ensure that Council Policies and/or good engineering practices are achieved.

NOTICE OF INDIGENOUS CULTURAL HERITAGE LEGISLATION & DUTY OF CARE REQUIREMENT

The Aboriginal Cultural Heritage Act 2003 commenced in Queensland on April 16, 2004. The Act is administered by the Department of Natural Resources, Mines and Energy (DNRM&E). Under the new Act, Indigenous parties are key in assessing cultural heritage significance.

The *Aboriginal Cultural Heritage Act 2003* establishes a Duty of Care for Indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting an activity.

Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.

Those proposing an activity that involves additional surface disturbance beyond that which has already occurred at the proposed site need to be mindful of the Duty of Care requirement.

Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.

Council strongly advises that you contact DNRME's Cultural Heritage Coordination Unit on 3238 3835 or 3238 3839 to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developers under the terms of the *Aboriginal Cultural Heritage Act 2003*.

APPEAL RIGHTS FOR APPROVAL OR REFUSAL OF DEVELOPMENT APPLICATIONS FOR MATERIAL CHANGE OF USE, RECONFIGURATION OF A LOT OR OPERATIONAL WORKS APPLICATIONS.

Appeals by applicants

4.1.27(1) An applicant for a development application may appeal to the court against any of the following -

- (a) the refusal, or the refusal in part, of a development application;
 - (b) a matter stated in a development approval, including any condition applying to the development, and the identification of a code under section 3.1.6; **
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a currency period;
 - (e) a deemed refusal.
- (2)** An appeal under subsection (1)(a) to (d) must be started within 20 business days (the “**applicant’s appeal period**”) after the day the decision notice or negotiated decision notice is given to the applicant.
- (3)** An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.