

13 March 2007
Mike Carter
Implementation & Assessment Branch, Nerang
(07) 5582 8927
2213
PN184540/03/DA4
OPW Number: 2700375

Kempe Management Services Pty Ltd
PO BOX 341
BEENLEIGH QLD 4207

Attention: Fredy Reyes

Dear Sir

DECISION NOTICE TO APPLICANT

APPLICATION TYPE: OPERATIONAL WORKS

PROPERTY DESCRIPTION: LOT 240 ON W31320

PROPERTY SITUATED AT: 82 Christensen Road South, Stapylton

I wish to advise that on 13 March 2007 the issue of a Development Permit for Operational Works for Change to Ground Level for the building pad and driveway at the site described above, was approved subject to the conditions outlined in the attached document.

To allow the development to be carried out the following further development permits are required: Carrying out Building Work / Carrying out Plumbing or Drainage Work.

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

Pursuant to section 3.5.21A of the *Integrated Planning Act 1997*, this development approval will lapse if the development the subject of this approval is not completed by **2** years from the date of this decision. This date **13 March 2009**.

Should you wish to clarify any issues contained in this letter, please do not hesitate to contact Mike Carter on telephone (07) 5582 8927.

Yours faithfully

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

MC

attach

SECTION A
CONDITIONS OF APPROVAL FOR OPERATIONAL WORKS FOR CHANGE TO GROUND LEVEL**CONDITIONS OF APPROVAL**

This operational works application has been assessed against the conditions of MCU applicable at the above date. Should any change to or amendment of conditions of MCU 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 attached stamped approved engineering drawings numbered Job No.2213:01, 2213:01:02-A, 2213:01:03-A, 2213:01:04-A, 2213:01:05-A, 2213:01:06-A, 2213:01:07-A and 2213:01:08-A prepared by Kempe Management Services Pty Ltd except where amended in red and subject to the following conditions.
2. Prior to the commencement of work as approved herein & prior to the pre-start meeting, amended engineering drawings shall be submitted to and be approved by the Implementation and Assessment Section of Council showing the following modifications:
3. With respect to this application, this approval is applicable to the following works:

Earthworks associated with change to ground level.
Works external to the site including Driveway
Stormwater discharge outlets / structures

Note: Further approval will be required for internal Plumbing, Drainage & Building Works.
4. Prior to commencement of work, Council's Contributed Assets 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 the works as approved herein.
5. Prior to commencement of work, a performance bond, to the value of \$5000, shall be lodged with Council to ensure compliance with the conditions of approval. This bond will be held until Council is satisfied that effective practical completion of the works has been achieved and all conditions of this approval have been complied with. (Account No- PEFORMAS 74648)
6. Compliance with all related Development Permit approval conditions.
7. Should any conflict occur between the approved building envelope plan and the location of services, easements or structures, an amended building envelope plan to

remove such conflict shall be submitted to and be approved by the Ecological Assessment Section of Council prior to any endorsement of survey plans.

8. Works as approved herein shall be constructed in accordance with the current edition of Council's Land Development Guidelines, Standard Drawings and Specifications.
9. The development shall be completed to the satisfaction of the Contributed Assets Inspector, 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.
10. 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, to provide traffic control and ensuring safe public access at all times.
11. 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 be submitted to Council for further approval.
12. The written consent of the registered proprietors of adjoining land is required where any works associated with this approval encroach on that land.
13. 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.
14. A copy of this approval is to be retained on site at all times.

WATER USAGE

15. 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:

- Coordinator Recycled Water ph. (07) 5582 8422
- 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).

WATER SUPPLY & SEWERAGE RETICULATION

16. Connection to Council maintained water & sewerage services are to be undertaken by the Gold Coast Water Section of Council at the applicant's cost. To obtain a quotation for these works, contact the "Field Services and Construction Branch" ph. (07) 5581 7564.

RETAINING STRUCTURES & BATTERS

17. Retaining structures adjoining roads, car parking areas or other structures shall be designed to take surcharge loadings and shall indicate the point of discharge for surface and subsoil drainage behind the retaining structures.
18. Detailed structural design drawings ensuring a factor of safety greater than 1.5 in the long term condition for the proposed retaining structures signed by a RPEQ must be submitted to the Contributed Assets Section of Council prior to commencement of construction.
19. A design and inspection intent certificate signed by a RPEQ must be submitted to the Contributed Assets Section of Council prior to commencement of construction of retaining structures.
20. The proposed retaining structure/s must not encroach into any proposed dedicated road reserves or easements. The retaining structures are to be located wholly within private property boundaries.
21. The proposed retaining structures footings must be constructed clear of underground services such as sewer pipes, stormwater drainage pipes and water reticulation pipes in accordance with section 7.7 of Council's Land Development Guidelines.
22. Retaining structures over 1.5 metres in height are to be stepped 1.0 metre (horizontally) for each 1.5 metres in height in accordance with section 3.2.7(b) of Council's Land Development Guidelines.
23. The Retaining structure/s should be located in accordance with the details contained in section 3.2.7(b) of Council's Land Development Guidelines.
24. Structural Certification for the design and construction of all non-proprietary products associated with Drainage is to be provided to the Contributed Assets Section of Council prior to the works being accepted 'On Maintenance'.

The retaining structure/s must be inspected at the following stages:

- a. footing (including excavation and reinforcement),
- b. drainage behind the wall (including geo-fabric, backfill and perforated pipe) and
- c. completion (including point of stormwater discharge).

25. A final certificate signed by a RPEQ certifying the adequate completion of the retaining structure/s and each stage of inspection as stated above must be provided to the Contributed Assets Section of Council prior to formal acceptance of the works being 'on maintenance'.

ENVIRONMENTAL MANAGEMENT

31. All works shall be undertaken in accordance with any relevant council approved management plans including stormwater, acid sulphate, vegetation, open space, etc.
32. Sediment, erosion and dust 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). Additional sediment, erosion and dust control measures may be required as directed by council's contributed assets inspection staff upon site inspection.
33. The site must be adequately vegetated and action taken to prevent erosion from wind and/or water to the satisfaction of the chief executive officer.
34. 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%.
35. Sediment control structures (eg sediment fence) shall be placed at the base of all materials imported on-site to trap any sediment runoff.
36. 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 damage or non performing 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. Stage construction activities to minimise unvegetated areas and seed filled areas immediately on completion. No area should remain exposed (unvegetated) for more than 2 weeks unless construction work is being undertaken on that area.
37. 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

38. 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.

39. Should the applicant propose any amendments to the approved engineering earthworks plans, the ceo or his delegate may require that the applicant revise and resubmit the hydraulic study so as to provide an assessment of the effects of the revised earthworks on flood levels. The ceo or his delegate may request additional information as necessary to assess the hydraulic effect of the revised earthworks.

EARTHWORK MANAGEMENT

40. All earthworks must comply with the gold coast city council's land development guidelines.
41. Batters shall be constructed in accordance with section 3.2.7(a) of council's land development guidelines.
42. Cut batters shall not undermine any existing or future building pad on an adjacent property without due regard to future imposed loading. The provision of retaining structures to prevent undermining may be required.
43. Prior to construction of any infrastructure on the site (including roadworks or services), a report shall be provided from a suitably qualified geotechnical engineer certifying that primary settlement is complete.
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. Such report shall contain certification from a rpeq that the constructed batter/s has/have achieved a factor of safety greater than 1.5 in the long-term condition.
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 and prior to works being accepted on maintenance.
48. Supervision of bulk earthworks shall be to level 1 and frequency of field density testing shall be in accordance with table 8.1 of as 3798.

HAULAGE ACCESS/DUST NOISE MANAGEMENT

49. 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.
50. Loading/unloading operations shall be conducted entirely within the site and vehicles waiting to be loaded/unloaded shall also stand within the site.
51. All reasonable methods are to be used to reduce nuisance from dust, noise, vibration, smoke and material tracked onto public roads as a result of hauling and filling operations in accordance with council's bylaws and/or local laws. Upon receipt of a dust nuisance complaint or notification of a dust nuisance by the council, the applicant is to take reasonable and immediate action to remedy the dust problem to the satisfaction of the contributed assets inspector.
52. 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.
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. 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.
55. Any damage to property (including pavement damage) is to be rectified to the satisfaction of council's contributed assets inspection staff 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/developers 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. 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. (eg: change to ground level or operational works not to be handed over to council)
74. Pursuant to section 3.5.21A of the *Integrated Planning Act 1997*, this development approval will lapse if the development the subject of this approval is not completed by **2** years from the date of this decision. This date is **13 March 2009**.

ADVISORY

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

Please note that, in accordance with section 3.5.21 of the IPA, this Operational Works approval lapses on **13 March 2009**.

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 and 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 DNRM&E'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.