18 June 2007
Jimmy Duncan
Implementation & Assessment Branch, Nerang
(07) 5582 8866
4221-06 DRH/DMJ
PN289803/01/DA2
Application No: MCU2700123

Ms Projects Pty Ltd
C/- Gassman Development Perspectives
PO Box 392
BEENLEIGH QLD 4207

Dear Sir/Madam

DECISION NOTICE TO APPLICANT
APPLICATION TYPE: MATERIAL CHANGE IN USE – CODE ASSESSMENT – TO ESTABLISH AN INDUSTRY
PROPERTY DESCRIPTION: LOT 334 ON SP169272
PROPERTY SITUATED AT: CHRISTENSEN ROAD SOUTH, STAPYLTON

I wish to advise that on 15 June 2007 the above application was resolved as outlined in the attached document. The conditions indicate whether the Assessment Manager or a Concurrence Agency imposed them.

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 6 years from the date of this decision. This date is 15 June 2013.

If you do not appeal the decision, this Decision Notice is taken to be the Development Approval and has effect immediately.

Should you wish to clarify any issues contained in this letter, please do not hesitate to contact Planning Assessment area on telephone (07) 5582 8866.

Yours faithfully

Casey Mitchell
SUPERVISING PLANNER MCU CITY WIDE
For the Chief Executive Officer

JD:VB

attach

Real Property Description	**Lot 334 on SP169272**
Address of Property	**Christensen Road South**
Area of Property	**18,850m^2 (part lot)**
Proposed Use	**Industry**
Further Development Permits	**Building Work, Plumbing & Drainage, Operational Works (Landscaping), Operational Works (VXO)**

A The applicant be notified as required under the provisions of the Integrated Planning Act that under Delegated Authority the Manager of Implementation & Assessment Branch approves the issue of a Development Permit for Material Change of Use for an Industry subject to the following conditions:

DEVELOPMENT IN ACCORDANCE WITH PLANS

1. Amended plans and details shall be submitted generally in accordance with the plans tabled below,

Proj No.	DWG No. / Issue	Title	Date (as amended)	Drawn by
063044	A0001/P7	Site Plan	3.05.07	ARTAS/PB
063044	A0005/P7	Building 7 Site Plan	3.05.07	ARTAS/PB
063044	A1200/P5	Building 7 Ground Floor Plan	3.05.07	ARTAS/PB
063044	A1201/P5	Building 7 First Floor Plan	3.05.07	ARTAS/PB
063044	A180/P6	Building 7 Roof Plan	3.05.07	ARTAS/PB
063044	A2100/P7	Building 7 Northern & Southern External Elevations	3.05.07	ARTAS/PB
063044	A2101/P6	Building 7 Eastern & Western External Elevations	3.05.07	ARTAS/PB
063044	A2200/P7	Building 7 Section AA & BB	3.05.07	ARTAS/PB
063044	A4100/P4	Part Plans - Amenities	3.05.07	ARTAS/PB

showing the following modifications:

a. **Amend Site Plan (A0001/P7) to demonstrate that vehicle access Type 7 crossovers can be provided in accordance with Gold Coast City Council's Standard Drawing No. 05-02-301.**

b. **Submit amended plans of development at a scale of 1:250 demonstrating that an articulated vehicle can safely enter and exit the loading bay at the sites frontage adjacent to the attached office building. The Transportation Planning Branch considers that an articulated vehicle would traverse car spaces to perform such a manoeuvre. The applicant should therefore seek to clearly demonstrate that all manoeuvring associated with loading/unloading operations having regard to the above can be achieved safely without compromising the safety of parked cars.**

Such plan/s and details shall be submitted and approved by the Chief Executive Officer prior to the issue of a development permit for the carrying out of building work, or if an application for building work is not required, prior to the commencement of the use the subject of this approval.

Such plan/s and details, when approved by the Chief Executive Officer shall become the endorsed plan forming part of this approval and a stamped copy will be returned to the applicant.

INFRASTRUCTURE CHARGES

2. **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 currently is as follows:**

Sewer 1 Infrastructure - Stapylton Account: 74648 S1STPLTN 30.1600 Equivalent Tenements @ $5,004.06 =	150,922.45
Sewer 2 Infrastructure - Stapylton Account: 74648 S2STPLTN 30.1600 Equivalent Tenements @ $2,640.58 =	79,639.89
TOTAL	$230,562.34

Contributions shall be calculated at rates current under the Policy or equivalent charging instrument including for example, an Infrastructure Charges Schedule under Chapter 5, Part 1, Division 4 of the Integrated Planning Act 1997, in force at the date of payment.

3. **The applicant shall enter into an infrastructure agreement for the payment of the contribution in accordance with condition 2. The applicant shall pay all costs (including the Council's costs), charges and expenses of an incidental to the negotiation, preparation and execution of the infrastructure agreement.**

4. **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 currently is as follows:**

Water 2 Infrastructure - Beenleigh Account: 74648 W2BEENL 30.1600 Equivalent Tenements @ $2,705.78 =	81,606.32
Water 1 Infrastructure - Beenleigh Account: 74648 W1BEENL 30.1600 Equivalent Tenements @ $2,607.98 =	78,656.68
TOTAL	$160,263.00

Contributions shall be calculated at rates current under the Policy or equivalent charging instrument including for example, an Infrastructure Charges Schedule under Chapter 5, Part 1, Division 4 of the Integrated Planning Act 1997, in force at the date of payment.

5. **The applicant shall enter into an infrastructure agreement for the payment of the contribution in accordance with condition 4. The applicant shall pay all costs (including the Council's costs), charges and expenses of an incidental to the negotiation, preparation and execution of the infrastructure agreement.**

RAINWATER TANKS

6. **To achieve water savings targets in reticulated water supply regions all commercial and non-residential properties shall meet the performance criteria of Gold Coast City Council's Commercial and Non-Residential Rainwater Tank Design and Installation Policy (as amended from time to time).**

CAR PARKING & ACCESS

7. **All vehicles shall enter and exit the site in a forward gear.**

8. **The applicant shall ensure that all car parking spaces are provided freely accessible to accommodate the vehicles of persons employed on the site for the time the development is open for business and those of bona fide visitors for the duration of any visit to the site. At no time shall staff or visitors park vehicles outside the boundaries of the site.**

9. **On site car parking spaces shall be provided in accordance with the endorsed plan referred to in Condition 1 of this decision notice, such area shall be constructed to AS2890, drained, sealed, marked and maintained to the satisfaction of the Chief Executive Officer.**

10. **All loading and unloading operations shall be conducted within the site and vehicles waiting to be loaded and unloaded shall stand entirely within the site.**

11. **Design and construct vehicle access Type 7 crossovers in accordance with Gold Coast City Council's Standard Drawing No. 05-02-301. The design and construction of such shall be completed to the satisfaction of the Chief Executive Officer, at no cost to Council and prior to the commencement of the use the use the subject of this approval. A vehicle crossing permit will be required for the construction of such driveways if not covered under an operational works application.**

AMENITY

12. **The storage of any machinery, materials or vehicles shall be screened so as not to be visible from any road to which the site has frontage, to the satisfaction of the Chief Executive Officer.**

13. **All service equipment, mechanical ventilation and refrigeration units associated with the development shall be installed and located to the satisfaction of the Chief Executive Officer so as not to cause nuisance or disturbance to persons outside the curtilage of the subject site.**

14. **All lighting devices associated with the development shall be positioned on the site and shielded to the satisfaction of the Chief Executive Officer so as not to cause glare or other nuisance to nearby residents and motorists.**

15. **No sign or similar device shall be erected on the subject land unless an Operational Works (Advertising Devices) application is submitted detailing the location, size, type and content and is approved by the Chief Executive Officer. All signage is required to conform with Council's Policy relevant to signage.**

STORMWATER MANAGEMENT

16. **The proposed development shall result in no net increase in peak flows up to the Q_{100} storm event from the subject site as a result of the proposed development, and the proposed development shall result in no adverse impact external to the subject site and/or the existing drainage system either from redirection and/or concentration of flows during storm events.**

17. **All works shall be conducted in accordance with the provisions and requirements of the approved stormwater plans dated 23 February 2007 by Hyder Consulting Pty Ltd (Report No: F0002-QL00779-QLR-01) at no cost to Council to the satisfaction of the Chief Executive Officer.**

18. **Certification shall be provided stating that the provisions of the approved stormwater plans have been implemented and constructed on the site. Certification shall be prepared by a suitably qualified stormwater engineer/scientist professional and to the satisfaction of the Chief Executive Officer prior to the commencement of the use of the site.**

EROSION & SEDIMENT CONTROL

19. **During all site works the applicant shall ensure that Sediment and Erosion control measures are implemented in accordance with best industry practices, Council's Planning Scheme's Sediment and Erosion Control Constraint Code and the Soil Erosion and Sediment Control Engineering Guidelines for Queensland Construction Sites (The Institution of Engineers, Australia Queensland Division June 1996).**

ROADS & DRAINAGE

20. **Any alterations to the road reserve or Council controlled services are to be the subject of operational works approval (civil). These alterations may include but are not limited to:**

    a. **Reinstatement of disused driveway crossovers with kerb and channel;**
    b. **Footpath construction;**
    c. **Pavement construction;**
    d. **Kerb and channel;**
    e. **Kerb ramps;**
    f. **Alteration to footpath levels;**
    g. **Signage and linemarking; and**
    h. **Alterations, connections or additions to Council's stormwater or sewer system.**

21. **Any damaged kerb and channel and footpath fronting the site along Christensen Road is to be removed and replaced in accordance with Council's Land Development Guidelines at no cost to Council and to the satisfaction of Council's Contributed Assets inspector.**

22. **The reconstruction of any service pits or infrastructure required to achieve Council's standards when constructing footpaths or kerb is to be at the cost of the developer.**

23. **Redundant stormwater kerb adaptors and disused service pits are to be removed and reinstated to the satisfaction of Council.**

24. Any proposed retaining walls associated with the development shall be located a minimum of 600mm back from property boundaries. Retaining structures in close proximity to the road reserve are to be founded such that any excavation by Council or service authorities up to the boundary, will not result in additional expense, safety measures or rectification being necessary to perform such works.

25. Any stairs, ramps and associated handrails are to be located wholly within private property.

LANDSCAPING

26. An Operational Works (Landscaping) application, consisting of a detailed landscaping plan (prepared by a qualified landscape architect or similar landscape design professional), generally in accordance with Landscape Plan by Mark Baldock Landscape Architect (Dwg Nos 1, 2, 3, & 4 issue 'A' dated 9/1/07), and complying with Council's Specific Development Code 21 (Landscape Work), shall be submitted and approved by the Chief Executive Officer prior to the issue of a development permit for carrying out building work or if an application to carry out building work is not required, prior to commencement of the use the subject of this approval.

27. The required landscaping plan shall incorporate the following:

- **a. Substitute *Melaleuca quinquenervia,* where proposed along side and rear boundaries abutting carparks, with *M. linariifolia;***
- **b. Fencing to the Christensen Road frontage shall be 1800mm high pool-type fencing**

28. All Landscape materials, plants, vegetation and watering systems shown on the approved Landscaping plan shall be properly maintained to the satisfaction of the Chief Executive Officer

HEALTH & REGULATORY SERVICES

29. Provision of Refuse and Recycling Services are to comply with the "Environmental Protection (Interim Waste Regulation) 1996" and the "Waste Management Policy Relating to Refuse Requirements for Proposed and Existing Building Developments Within the City of Gold Coast" Dated January 1995, 1st Edition.

30. The waste bin storage areas are to be located in accordance with Building 7 Ground Floor Plan A1200/P5 by ARTAS and dated the 3 May 2007.

31. All industrial waste shall be stored in accordance with the Environmental Protection (Interim Waste) Regulation 1996. The industrial waste shall be stored on an imperviously paved area, suitably drained to the satisfaction of the Building Services Section and the Health, Regulatory and Lifeguard Services Section. A suitable hose cock and hose shall be provided in the vicinity of such stand or such paved area and a suitable form of roofed enclosure to the waste container area is to be erected.

SEWAGE RETICULATION

32. **The development must be connected to Council's reticulated sewerage system, prior to the commencement of the use of the premises, at no cost to Council. The applicant is responsible for any external works necessary to connect to Council's live reticulation system at no cost to Council.**

33. **The design, standard and construction of the required sewer reticulation infrastructure (both external works and works internal to the premises) must be in accordance with *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings* as amended from time to time.**

34. **The Developer shall connect sewerage services to the existing main in Christensen Road and comply with all provisions of the current Operational Works Permit unless approved otherwise by the Chief Executive Officer.**

35. **The applicant must obtain a development permit for operational work (works for infrastructure) for any external works (including augmentations) necessary to connect to Council's sewerage infrastructure.**

36. **All live connections to the existing sewer main are to be performed by Council at the applicant's cost. The applicant must liaise with Gold Coast Water's Field Services and Construction Branch (phone 5581 7564) to make arrangements for the connection (including to obtain a quotation for the work)**

37. **Public utility (sewerage) easements must be provided, in favour of and at no cost to Council, over Council sewerage infrastructure located in private land, in accordance with the following requirements:**

    a. **The easements must be of a minimum width of 3m and any additional width to make reasonable allowance, having regard to the depth of the sewer, for future access and maintenance;**

    b. **The applicant must provide to Council certification from the surveyor that the easements are correctly located over the infrastructure and meet the requirements of paragraph (a) of this condition;**

    c. **The terms of such easements shall be to the satisfaction of the Chief Executive Officer, and shall be executed prior to the earlier of endorsement of survey plans or commencement of the use of the premises;**

    d. **Easement plans and associated documents must be duly signed by the owner of the burdened land (and any mortgagees, if necessary) before they are submitted to Council for signing; and**

    e. **When registering the easements, the Form 9 document shall refer to the Registered Document No. 707918364.**

    f. **All building works, including eaves must not encroach into an easement unless otherwise approved by Gold Coast Water.**

WATER SUPPLY

38. **The development must be connected to Council's water supply system prior to the commencement of the use, at no cost to Council.**

39. **The design, standard and construction of the required water supply reticulation infrastructure (both external works and works internal to the premises) to be carried out by the applicant must be in accordance with *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings* as amended from time to time.**

40. **The existing 100 mm main in Christensen Road must be used as the potable water supply connection point, unless otherwise approved by Gold Coast Water.**

41. **The applicant must obtain a development permit for operational work (works for infrastructure) for any external works (including augmentations) necessary to connect to Council's water supply infrastructure.**

42. **All live connections to the existing water main are to be performed by Council at the applicant's cost. The applicant must liaise with Gold Coast Water's Field Services and Construction Branch (phone 5581 7564) to make arrangements for the connection (including to obtain a quotation for the work.**

43. **Fire loading must not exceed 30L/s for commercial and industrial uses unless otherwise varied in accordance with section 8.3 (Fire Loadings) of *Planning Scheme Policy 3A – Policy for Infrastructure (Water Supply Network Developer Contributions)* as in accordance with the Priority Infrastructure Plan, and where the system has excess capacity under all possible design conditions as determined by Gold Coast Water.**

GENERAL CONDITIONS

44. **A copy of the decision notice and accompanying stamped approved plans for this material change of use shall be submitted with any application for the carrying out of building work.**

45. **The applicant shall comply with all plans, reports and details submitted to and approved by Council or its delegate pursuant to the conditions of approval contained with this Decision Notice.**

46. **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 competed by 2013 (6 years from the date of this decision). This date is 15 June 2013.**

GENERAL ADVICE – Please note that this is not a condition

B **That the applicant be advised that nothing in this decision notice alleviates the need to observe all relevant legislation, Council's Planning Schemes and Local Laws.**

C **Infrastructure Charge Policies for the Recreation, Stormwater and Transport Networks are no longer applicable and therefore Infrastructure conditions for these networks are no longer included in the decision notice. Infrastructure Charges for these networks are now levied under the Priority Infrastructure Plan (PIP) on an Infrastructure Charges Notice which accompanies this**

D **The majority of advertising devices require a licence under Council's Local Law 7 (Control of Advertising Devices) and shall comply with the provisions of the Specific Development Advertising Device Code in Council's Planning Scheme (Part 7, Division 2, Chapter 2). The applicant shall ensure that prior to the erection of any advertising devices, contact is made with Council's Health, Regulatory and Lifeguard Services Branch on (07) 5581 6993 to discuss requirements and necessary applications.**

E **The operation shall comply with the *"Dangerous Goods Safety Management Act 2001"* and A.S.1940 – The storage and handling of flammable and combustible liquids. The operator shall ensure all approvals are sought from the Health and Regulatory Services Branch of Council prior to commencement of the use that is the subject of this approval.**

F **A Trade Waste Permit is required for the discharge of trade waste to the sewer. The applicant shall ensure that all discharges are in accordance with Council's sewer admission limits. Further information may be obtained from Council's Trade Waste Section on (07) 5581 6126.**

G **The developer shall ensure that the development meets the structural requirements of the Building Code of Australia, Standard Building Regulation, Council's Local Laws and Planning Policies.**

H **Responsibility for the correct siting of the structures rests with the owner of the property. An identification survey, indicating the property and all boundary setbacks of the structures, may be required to ensure compliance with this decision notice.**

I **NOTICE OF INDIGENOUS CULTURAL HERITAGE LEGISLATION AND 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 and Water (DNR&W). 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 DNR&W'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*.

J **As part of Council's commitment to reducing greenhouse gas emissions Council is encouraging the expansion of the natural gas reticulation network. In particular the use of natural gas hot water systems will result in significantly less greenhouse gas emissions than equivalent electric storage hot water systems.**

It is recommended that you contact the local natural gas reticulator (Energex) to arrange an assessment of the suitability of your proposed development for connection to the existing gas reticulation network. Energex may be contacted on phone number (07) 3426 1628 or email: chrisrodgers@energex.com.au.

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 relevant 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.