DELEGATED AUTHORITY IMPLEMENTATION & ASSESSMENT BRANCH REQUEST FOR A NEGOTIATED DECISION NOTICE (s3.5.17) FOR A MATERIAL CHANGE OF USE APPROVAL FOR AN INDUSTRY - Lot 334 on SP169272 CHRISTENSEN ROAD SOUTH STAPYLTON- DIVISION 2
FILE PN289803/01/DA2

BASIC INFORMATION

Title Details	**Lot 334 on SP169272**
Address	**Christensen Road South Stapylton**
Applicant	**MS Projects Pty Ltd**
Owner At Time Of Lodgement	**Burnside Developments Pty Ltd & Yellowstone Investments Pty Ltd**
Current Owner	**Burnside Developments Pty Ltd & Yellowstone Investments Pty Ltd**
Site Area	**18,850m^2 (part lot)**
Date Application Received	**16 July 2007**
Decision Date	**28 August 2007**
LAP & Precinct	**Yatala Enterprise Area Local Area Plan, General Impact Business & Industry Precinct 1**
State Planning Policies	**SEQ Regional Plan 2005**
Approval Type	**Development Permit**
Further Development Permits	**Building Work, Plumbing & Drainage, Operational Works (Landscaping)**

BRIEF SUMMARY

On 15 June 2007, the Manager of Implementation & Assessment under Delegated Authority, approved the issue of a Development Permit for a Material Change of Use to establish an Industry at the subject site. The approval was subject to conditions.

The applicant has made written representations to Council requesting to negotiate several conditions of approval as follows:

Condition 1(a) – Vehicle crossovers – delete condition
Condition 1(b) – Articulated vehicles – delete condition
Condition 27(a) – Change of plant species – amend condition
Condition 27(b) – Change of fencing – amend condition

After a detailed assessment of the request it is recommended that the applicant's request be approved.

It is recommended that the applicant be advised of Council's decision through a Negotiated Decision Notice.

DISCUSSION

Condition 1(a) – Development in accordance with plans (Crossovers)

Applicant's request

The applicant has provided the following statement:

Please find attached to Appendix A of this letter an amended drawing, being 063044 A1202/P1 focussing over the Front Entry Part Plan. As such, the crossover has been amended as per Gold Coast Council crossover drawings (Type 7). We trust this information meets the requirements of Council, and request this condition to be deleted from the Decision Notice.

Assessing Officer's Comment

The request was forwarded to Council's Transport Planning branch for assessment. The following comments were provided:

The applicant has satisfied this condition by amending the driveway crossovers to the standard set out in the GCCC Land Development Guidelines Drawing # 05-02-301. Refer to Project 063044, Drawing # A1202/P1 dated 29th June 2007 by ARTAS. Please deleted this condition

The condition has been deleted accordingly and forms part of the assessing officer's recommendation.

Condition 1(b) – Development in accordance with plans (Articulated Vehicle)

Applicant's request

The applicant has provided the following statement:

Please find attached to Appendix A of this letter an amended drawing, being 063044 A1202/P1 focussing over the Front Entry Part Plan. The Articulated Vehicle (AV) turning circle has been provided to demonstrate that such vehicles can enter and exit the site without compromising the safety of parked cars. We trust this information meets the requirements of Council, and request this condition to be deleted from the Decision Notice.

Assessing Officer's Comment

The request was forwarded to Council's Transport Planning branch for assessment. The following comments were provided:

Not satisfied - the condition is to remain.

The applicant is yet to demonstrate to the satisfaction of the Council that an articulated vehicle can enter and exit the site in a forward gear in a safe and efficient manner. To achieve this the applicant is required to:

1. *Show a 19m articulated vehicle entering from the north eastern crossover and circulating in a clockwise direction through the rear of the site, exiting via the north western crossover. In consideration of the above the applicant should submit 1:250 scaled drawings (showing vehicle swept paths and 300mm manoeuvring clearances) of the various sections where trucks are required to turn similar to that of Drawing # A1202/P1 dated 29th June 2007.*

The above information from Transport Planning was forwarded to the applicant. The applicant has responded by providing amended plans demonstrating that a 19m articulated vehicle entering from the north eastern crossover and circulating in a clockwise direction through the rear of the site, exiting via the north western crossover.

Council's Transport Planning branch are satisfied that Condition 1(b) has been satisfied with the amended plans and have recommended the condition be deleted.

Condition 27(a) – Proposed Change of Plant Species

Applicant's request

The applicant has provided the following statement:

> *The plant species Melaleuca linariifolia specified by GCCC is not suitable for the electric fences the applicant utilises on their developments along Christensen Road, for the primary reason that this plant may eventually grow into the electric fencing device. Qualified landscape architect Mark Baldock has provided horticultural reasons that the suggested species are unsuitable in this instance. His comments are provided in Appendix A of this letter, which are more consistent with nearby buildings in the estate. We request Council to amend this condition to enable consistency with the comments of Mark Baldock.*

Assessing Officer's Comment

The request was forwarded to Council's Landscape Assessment branch for assessment. The following comments were provided:

> *The applicant has submitted a letter from Mark Baldock – Landscape Architect dated 11 July 2007, requesting to revert back to the original proposal for Melaleuca quinquenervia in 45 litre bags around the perimeter of the property. This species of plant has been chosen by Mark Baldock as he believes 'it will grow taller and more upright and would hopefully not grow into the electric fence'.*
>
> *This is partly true as this plant will attain a mature height of 15-30 metres. However, as the proposed planting is for 45 litre bags it will be unlikely that these plants will be of sufficient height so as to not impede upon the electric fence, which is 2.1 metres high. Landscape Assessment recognises that there will be maintenance issues in the initial growth stages until the lowermost branches are above the fence height, alternatively bag sizes could be increased to 100 litres, therefore providing instant height and reducing early maintenance requirements.*
>
> *Additionally, at maturity this plant species has a large root plate which can and does cause root upheaval, therefore damaging surrounding infrastructure.*
>
> *Accordingly, approval to retain Melaleuca quinquenervia is granted based upon the professional opinion of Mr Mark Baldock and the submitted letter aforementioned.*

The condition has been deleted accordingly to reflect Landscape Assessment's comments and forms part of the assessing officer's recommendation.

Condition 27(b) – Proposed Change of Fencing

Applicant's request

The applicant has provided the following statement:

> *The 1800mm high tubular pool-type fencing proposed along Christensen Road frontage does not provide a satisfactory outcome for the development, nor the estate as a whole.*
>
> *The Yatala Enterprise Area Local Area Plan Place Code considers a range of design outcomes, and not just pool fencing. An additional outcome for the applicant is to maintain a uniform design standard throughout the industrial estate. The utilisation of pool fence compromises this consistency, and will*

detract from the appearance being achieved.

At present, the estate contains four (4) other buildings in the vicinity of Building 7. Each building uses a 2100mm high black chain wire fence. These fences have electric devices attached for added security. Pool fences cannot be electrified thereby reducing the ability of tenants to secure their property and businesses.

We request Council either delete this condition, or otherwise provide an amendment that allows a 2100mm high black chain wire fence with electrification device to be constructed.

Assessing Officer's Comment

Council's assessing officer agrees with the representations made by the applicant. The black chain wire fence does not compromise the intent for landscaping and fencing within Precinct 1 of the Yatala Enterprise Area Local Area Plan, and provides an attractive consistency with the already established fencing within the estate.

The condition has been amended accordingly to reflect the applicant's request and forms part of the assessing officer's recommendation

CONCLUSION

On 15 June 2007, the Manager of Implementation & Assessment under Delegated Authority, approved the issue of a Development Permit for a Material Change of Use to establish an Industry at the subject site. The approval was subject to conditions.

The applicant has made written representations to Council requesting to negotiate several conditions of approval as follows:

Condition 1(a) – Vehicle crossovers – delete condition
Condition 1(b) – Articulated vehicles – delete condition
Condition 27(a) – Change of plant species – amend condition
Condition 27(b) – Change of fencing – amend condition

After a detailed assessment of the request it is recommended that the applicant's request be approved.

It is recommended that the applicant be advised of Council's decision through a Negotiated Decision Notice.

RECOMMENDATION

It is recommended Council resolve that in respect to the following property:

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)**

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 agrees with the representations made by the applicant to issue a Negotiated Decision Notice incorporating the following:

Condition 1(a) which currently reads:

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.***

Shall be deleted.

Condition 1(b) which currently reads:

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.***

Shall be deleted.

Condition 27(a) which currently reads:

a. ***Substitute Melaleuca quinquenervia, where proposed along side and rear boundaries abutting carparks, with M. linariifolia;***

Shall be deleted.

Condition 27(b) which currently reads:

b. ***Fencing to the Christensen Road frontage shall be 1800mm high pool-type fencing***

Shall be amended to read as follows:

b. ***Fencing to the Christensen Road frontage shall be 2100mm high black chain wire fence with suitable electrification device***

B 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. **The development shall be carried out generally in accordance with the approved plans and details submitted to Council stamped and returned to the applicant with this Decision Notice, except where modified by the conditions of this Decision Notice.**

Proj No.	DWG No. / Issue	Title	Date (as amended)	Drawn by
063044	A0001/P7	Location Plan	3.05.07	ARTAS/PB
063044	A0005/P8	Building 7 Site Plan	27.08.07	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	A1202/P1	Building 7 Front Entry Part Plan	29.06.07	ARTAS/PB
063044	A1800/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	A4100/P4	Part Plans - Amenities	3.05.07	ARTAS/PB

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. Fencing to the Christensen Road frontage shall be 2100mm high black chain wire fence with a suitable electrification device

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

C 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.

D 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 Decision Notice

E 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.

F 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.

G 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.

H **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.**

I **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.**

J **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*.

K **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.

Author:
Jimmy Duncan
Town Planner
MCU Impact North

Authorised by:
Warren Rowe
Director Planning Environment & Transport