

11 November 2011
Ranji De Silva
Implementation & Assessment Branch, Nerang
(07) 5582 8866
20111017-11-129
PN307555/03/DA4
Application No: OPW201101504

Multispan Australia Pty Ltd
C/- Icubed Consulting
PO BOX 909
KENMORE QLD 4069



Dear Sir/Madam

DECISION NOTICE TO APPLICANT

Application Type: Operational Works **OPERATIONAL WORKS**
Property Description: Lot 334 on SP193431
Property Location: 84 - 160 Christensen Road South, Stapylton

I wish to advise that on 11 November 2011 the issue of a Development Permit for operational works for stormwater at the site described above, was approved subject to the conditions outlined in the attached document.

The conditions indicate whether the Assessment Manager or a Concurrence Agency imposed them.

An extract from the [Sustainable Planning Act 2009](#), which details your appeal rights, is attached for your information.

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

As identified with the attached conditions of approval this development approval will lapse if the approved aspect of development is not completed before 11 November 2013.

Contacting us

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

Yours faithfully

Dr Shahadat Hossain
EXECUTIVE COORDINATOR ENGINEERING & ENVIRONMENTAL ASSESSMENT
For the Chief Executive Officer
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NATURE OF DECISION

- A** Council approves the issue of a development permit for the following operational work assessable under the planning scheme:

1 Operational work (works for infrastructure), specifically:

- a Stormwater drainage – External works Only.

Please note that the internal drainage works have been accepted by Council's Hydraulics section.

All other aspects of assessable operational work are **not** approved by this approval.

- B** The approval is subject to the following conditions:

APPROVED PLANS/DRAWINGS

1 Development to be generally in accordance with specified plans/drawings as amended in red

The development must be carried out generally in accordance with the approved plans/drawings listed below, as amended in red, stamped and returned to the applicant with this decision notice.

Plan No.	Rev.	Title	Date	Prepared by	Certified by
11-129-N00	B	Cover Sheet Notes & Locality Plan	11/10/11	i ³ Consulting Pty Ltd	RPEQ6750
11-129-C05	B	Finished Surface Level Plan 2	11/11/11	i ³ Consulting Pty Ltd	RPEQ6750
11-129-C07	B	Stormwater Plan 2	11/11/11	i ³ Consulting Pty Ltd	RPEQ6750
11-129-C10	A	Stormwater Long Sections Sheet 2 & Structure Details	11/10/11	i ³ Consulting Pty Ltd	RPEQ6750

Information note: A change to the approved work will be taken to be generally in accordance with the approved plans/drawings for the purpose of this condition if:

- the approved work is of a type specified in Attachment 1 – Acceptable Tolerances; and*
- the change is within the acceptable tolerances specified for that type of work in Attachment 1 – Acceptable Tolerances; and*
- the change does not cause the development to contravene any other conditions of this approval or conditions of any related material change of use or reconfiguring a lot approval.*

If the change is not within the acceptable tolerances in Attachment 1 – Acceptable Tolerances but the Applicant is of the view that the change is generally in accordance with the approved plans/drawings, the Applicant can submit a Generally in Accordance with Request to Council, for Council's assessment.

2 Changes requiring further approval

Changes to the approved design that are not generally in accordance with the approved plans/drawings require approval in accordance with the *Sustainable Planning Act 2009*.

Information note: The Sustainable Planning Act 2009 sets out the procedures for changing approvals where the change can be classified as a permissible change. If the change is not a permissible change, a new development approval is required.

3 Decision notice and approved plans/drawings to be retained on-site

A copy of this decision notice and stamped approved plans/drawings must be retained on site at all times. This decision notice must be read in conjunction with the stamped approved plans to ensure consistency in construction, establishment and maintenance of approved works.

4 Resolution of conflict between conditions and plans

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

5 Water usage

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 recycled water is proposed to be used:

- a The use of the recycled water must be in accordance with the requirements of the Allconnex Water Recycled Water Management Plan (RWMP), which sets out the requirements for transport and use of recycled water;
- b The applicant must first complete the Recycled Water User Operator Training with Allconnex Water, in accordance with the RWMP. Proof of completion of the training course will be by issue of a valid certification card;
- c The applicant can only contract to use a recycled water carrier who is accredited and certified by Allconnex Water. Accreditation requires a current authorised agreement between the water carrier and Allconnex Water; and
- d The water carrier is only allowed to employ certified tanker operator/drivers, who have completed the recycled-water training course with Allconnex Water and hold a valid certification card.

Information note:

To obtain a copy of the management plan and also to obtain a list of approved water carrier operators, the applicant should contact Allconnex Water: Senior Officer Recycled Water ph. (07) 5582 8422 Allconnex Water ph. 1300 366 692.

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+, A B or C in accordance with the Public Health Regulations (NO1) 2008.

6 Workplace health and safety

The *Workplace Health and Safety Act 1995* and *AS 1742 Manual of Uniform Traffic Control Devices* must be complied with in carrying out the works, including ensuring safe traffic control and safe public access in respect of works being conducted on a road.

HYDRAULICS

HYDRAULICS & STORMWATER MANAGEMENT

7 No worsening of hydraulic conditions

The development must be designed and constructed so as to result in:

- a No increase in peak flow rates downstream from the site;
- b No increase in flood levels external to the site; and
- c No increase in duration of inundation external to the site that could cause loss or damage.

8 Alteration of overland flow paths

Overland flow paths on the site must not be altered in a way that inhibits or alters the characteristics of existing overland flows on other properties or that creates an increase in flood damage on other properties.

9 Stormwater management plan to be complied with

- a The "Stormwater Management Report for Building 8 on Lot 334SP193431 (Project 11-129)" prepared by icubed Consulting dated 14 October 2011 is approved subject to the following conditions:
 - i Since the proposal includes a large number of carparking areas over the site, the applicant must install adequate Gross Pollutant Traps (GPT) and ensure that stormwater runoff from the carparking areas will be treated through GPT(s), prior to discharging to any other treatment devices (e.g., bio-retention) or to a legal point of discharge.
 - ii Gross Pollutant Traps (GPTs) must be designed in accordance with Section 13.12.2 of Council's Land Development Guidelines.
- b All works must be carried out and completed in accordance with the Council's approved stormwater management plan at no cost to Council to the satisfaction of the Chief Executive Officer.

10 Certification that stormwater management treatment train implemented

- a The applicant must provide to Council certification from a Registered Professional Engineer Queensland (RPEQ) specialising in stormwater that the stormwater management treatment train in the approved stormwater management plan and associated design drawings has been installed on-site and is functioning as designed.
- b Certification must be provided prior to the commencement of the use of the site.

11 Agreement to remove hydrocarbons for GPT

- a The applicant must ensure that:
 - i Hydrocarbons and other waste captured by the gross pollutant trap are regularly removed by an appropriately licensed waste removal entity; and
 - ii The gross pollutant trap is maintained so that it functions for its intended purpose.
- b The applicant must submit to Council, prior to the commencement of the use of the premises, evidence that an agreement has been entered into with a licensed waste removal entity for the removal of hydrocarbons/waste in accordance with this condition.

12 Re-use of stormwater

- a The applicant must ensure that as far as practicable, rainwater is collected and reused for irrigation purposes, toilet flushing, washing, etc.
- b The applicant is responsible for securing any necessary approvals to ensure such collection and reuse of rainwater is undertaken lawfully.

- c Adequate engineering devices must be provided to minimise nuisance flows into adjacent properties (field inlet in landscaping, overflow bypass connected to a legal point of discharge, etc).

13 Hardstand areas graded towards landscape areas

All hardstand areas must be graded towards landscape areas to promote infiltration of stormwater runoff. No impervious runoff is to be diverted to Council's drainage system without proper treatment.

14 SQIDs maintenance

All ongoing maintenance and monitoring of stormwater treatment devices (e.g. bio-retention, swale) shall be undertaken in accordance with the GCCC Water Sensitive Urban Design Guidelines (2007) and managed by the applicant of the development, at no cost to Council to the satisfaction of Chief Executive Officer.

RELATIONSHIP WITH OTHER APPROVALS/REQUIREMENTS

15 Compliance with related development approvals

Conditions of all related development approvals and all approved documentation (including but not limited to plans, drawings and reports) for this site must be complied with.

WORKS – COMPLIANCE

16 Compliance with Land Development Guidelines, Specifications and Drawings

Unless otherwise expressly specified in these conditions, all work the subject of this approval must be designed, constructed and maintained in accordance with:

- a Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings.

17 Certification of compliance

All works to be accepted as being practically complete must be certified by the certifying Registered Professional Engineer Queensland (RPEQ) as being generally in accordance with the approved plans/drawings. This includes changes made during the construction period which are within the acceptable tolerances in Attachment 1 – Acceptable Tolerances or otherwise properly characterised as being 'generally in accordance with' the approved plans/drawings. Such certification must be submitted to Council prior to the earliest of the endorsement of survey plans, the commencement of the 'On Maintenance' period or the commencement of use.

For this condition, the Certifying RPEQ is the RPEQ (or his nominated representative) as notated within the approved drawing list above.

PROGRESS OF WORKS – KEY NOTIFICATIONS, INSPECTIONS & MAINTENANCE

18 Key notifications, inspections & maintenance

Without limiting the requirement for compliance with *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings*, the following key notifications, inspections and maintenance must be complied with.

19 Prior to works commencing

- a The applicant must notify Council of:
 - i Name of the Consultant's representative;
 - ii Name of the Contractor and its representative;

- iii Pursuant to the *Workplace Health and Safety Act 1995*, name of the Principal Contractor.
- b The applicant must successfully complete a pre-start inspection with Council officers:
 - i The inspection must be booked through Council's Contributed Assets Inspection Section on (07) 5582 8052.
 - ii All outstanding/unsatisfactory items identified on Council's pre-start checklist must be attended to and checked to Council's satisfaction, prior to works commencing.

20 During works

- a The applicant must successfully complete the inspections relevant to particular work in accordance with *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings* and/or as required by conditions of this approval. The inspections must be booked through Council's Contributed Assets Inspector for the area, Paul Wilmot (5582 8420).
- b The applicant must allow inspections to be undertaken by Council officers from time to time to ensure compliance with the conditions of this approval. All outstanding/unsatisfactory items identified as a result of an inspection must be attended to and checked to Council's satisfaction, in accordance with the timeframes and requirements indicated on the record of inspection, including variations and/or additions to the approved plans/drawings required as a result of insufficient detail on the plans/drawings or to ensure that compliance with the conditions of this approval and good engineering practice is achieved.
- c Work must not progress until successful completion of each inspection.

21 Completion of works – plans/drawings

At the completion of works, a full set of the final design drawings that notate all 'generally in accordance with' changes (whether being within acceptable tolerances in Attachment 1 – Acceptable Tolerances or otherwise properly characterised as being 'generally in accordance with'), are to be provided to Council for records purposes in conjunction with any as constructed submission or prior to the earliest of the endorsement of survey plans, the commencement of the 'On Maintenance' period or the commencement of use.

22 Following practical completion

- a Following practical completion, the notification, inspection and maintenance requirements set out in the table below that are applicable to the type(s) of operational work the subject of this approval must be complied with.
- b Each applicable requirement in the table below must be carried out in accordance with the details (including timeframes) set out in:
 - i *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings*; and
 - ii Where a bond agreement applies, the terms of the bond agreement; and
 - iii Conditions of this approval.
- c Where an inspection is not passed, the applicant must attend to all outstanding/unsatisfactory items and book a re-inspection with Council.

KEY NOTIFICATION, INSPECTION AND MAINTENANCE REQUIREMENTS

Works for infrastructure

The applicant must notify Council of practical completion by booking of inspection. Applies

A Pre On Maintenance period inspection (also known as a practical Applies

completion inspection) must be undertaken with Council officers.

For assets coming under Council Control the applicant must, prior to those assets being accepted as On Maintenance by Council, submit and have approved all: Applies

- 1 as constructed data and other documentation referred to in the GCCC As Constructed Data Submission Form;
- 2 test results;
- 3 certifications; and
- 4 any bonds and agreements required by conditions of approval and/or *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings*,

to Council's satisfaction.

The applicant must obtain GCCC notification of formal acceptance of start of On Maintenance period. Applies

The applicant must maintain the works for the duration of the On Maintenance period. Applies

The applicant must book a Pre Off Maintenance inspection (also known as a final defects liability inspection). Applies

A Pre Off Maintenance inspection (also known as a final defects liability inspection) must be undertaken with Council officers. Applies

The applicant must obtain GCCC notification of formal acceptance Off Maintenance. Applies

BONDS

23 Performance bond – protection of Council infrastructure and natural assets

- a The applicant must give security to Council (in the form of cash/cheque/unconditional bank guarantee) in the amount of \$5,000 and enter into a bond agreement to ensure no damage is caused to Council infrastructure, to landscape works (whether hardscape or softscape) or to natural assets (eg. waterways) in the course of carrying out any work the subject of this development approval.
- b This bond agreement must be entered into and the bond given prior to the commencement of any works. The bond will be held until Council the works the subject of this approval have been completed and no damage has been caused to Council infrastructure.

COMPLETION DATE

24 Completion date

The operational work the subject of this approval must be completed by 11 November 2013. Pursuant to section 342 of the *Sustainable Planning Act 2009*, this development approval lapses if the operational work is not completed by this date.

ADVISORY NOTES TO APPLICANT

A Rights of appeal

The applicant has a right of appeal to the Planning and Environment Court regarding this decision, pursuant to [section 461 of the Sustainable Planning Act 2009](#). A copy of that section is attached to the decision notice.

For particular material changes of use, an appeal can also be made to a Building and Development Committee. Please refer to the prerequisites in sections 519 and 522 of the Sustainable Planning Act 2009, attached to this decision notice, to determine whether you have appeal rights to a Building and Development Committee.

B Applicant responsibilities

The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws.

Nothing in this decision notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without limiting this obligation, the applicant is responsible for:

- a Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this approval can be lawfully commenced and to carry out the activity for its duration;
- b Providing any notifications required by law (by way of example only, to notify the administering authority pursuant to the *Environmental Protection Act 1994* of environmental harm being caused/threatened by the activity, and upon becoming aware the premises is being used for a 'notifiable activity');
- c Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval);
- d Ensuring the correct siting of structures on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this decision notice and applicable codes;
- e Providing Council with proof of payment of the Portable Long Service Leave building construction levy (or proof of appropriate exemption) where the value of the Operational Works exceeds \$80,000. Acceptable proof of payment is a Q.Leave – Notification and Payment Form approved by the Authority. Proof of payment must be provided before Council can issue a development permit for the Operational Works. This is a requirement of section 77(1) of the *Building and Construction Industry (Portable Long Service Leave) Act 1991*; and
- f Making payment of any outstanding Council rates and charges applicable to the development site prior to the lodgement of subdivision plans.

C Indigenous cultural heritage legislation and duty of care requirement

The *Aboriginal Cultural Heritage Act 2003* ('AHCA') is administered by the Department of Environment and Resource Management (DERM). The AHCA establishes a duty of care to take all reasonable and practicable measures to ensure any activity does not harm Aboriginal cultural heritage. This duty of care:

- a Is not negated by the issuing of this development approval;
- b Applies on all land and water, including freehold land;
- c Lies with the person or entity conducting an activity; and
- d If breached, is subject to criminal offence penalties.

Those proposing an activity involving surface disturbance beyond that which has already occurred at the proposed site must observe this duty of care.

Details of how to fulfil this duty of care are outlined in the duty of care guidelines gazetted with the AHCA.

The applicant should contact DERM's Cultural Heritage Coordination Unit on (07) 3238 3838 for further information on the responsibilities of developers under the AHCA.

D Greenhouse gas emissions

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.

The applicant should contact the local natural gas reticulator (APA Group) to arrange an assessment of the suitability of the proposed development for connection to the existing gas reticulation network. Please contact Ramon O'Keefe on 0438708798 or email: ramon.o'keefe@apa.com.au.

Sustainable Planning Act 2009

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

461 Appeals by applicants

- (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 the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application;
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after:
 - (a) if a decision notice or negotiated decision notice is given - the day the decision notice or negotiated decision notice is given to the applicant;
 - (b) otherwise, the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day of a decision on the matter should have been made.