
ITEM ITEM# **IMPLEMENTATION & ASSESSMENT BRANCH**
MATERIAL CHANGE OF USE (IMPACT ASSESSABLE) FOR AN EXTENSION TO AN
EXISTING INDUSTRY AND WAREHOUSE - LOT 240 ON W31320 82 CHRISTENSEN
ROAD STAPYLTON - DIVISION 1
PN184540/01/DA6

Refer [Insert Number of Pages](#) page attachment

BRIEF SUMMARY

Council is in receipt of Material Change of Use (Impact Assessable) application for Development Permit for Industry (extension to existing Industry – office) and Warehouse (associated with Industry), located at 82 Christensen Road Stapylton.

The subject site is located within the Yatala Enterprise Area Local Area Plan, Precinct 4 (Future Industry) of the 'Our Living City' Gold Coast Planning Scheme 2003 v1.2 (Amended November 2011). Industry is listed in the Table of Development as Impact Assessable, however Warehouse is not list within the Table of Development, as such the land use is classified as undefined and is subject to impact assessment.

In accordance with the provisions of the *Sustainable Planning Act 2009 (SPA)*, The Department of Environment & Heritage Protection (DEHP) is identified as an Advice Agency for the development application. The Department of Environment & Heritage Protection have provided recommendations to the Assessment Manager, which are referenced herein.

The proposed development has been assessed against the Yatala Enterprise Area Local Area Plan, Precinct 4 (Future Industry), Car Parking, Access and Transport Integration Constraints Code and the Road Traffic Noise Management Constraints Code.

The proposal requires the consideration of alternative solutions with respect to Building height, ground level landscaping, vegetation retention and the management of car parking within the proposed development.

In response to public advertising, no submissions were received opposing the development within the Notification Period.

As discussed herein, it is considered that the proposed development complies with the relevant provisions of the Planning Scheme. It is recommended that the development be approved subject to the imposition of reasonable and relevant conditions.

BASIC INFORMATION

Title Details	Lot 240 on W31320
Address	82 Christensen Road, Stapylton
Applicant	Amgrow Pty Ltd
Owner At Time Of Lodgement	Patricia Ann Hester & William Arthur Hester
Current Owner	Patricia Ann Hester & William Arthur Hester
Site Area	92,698M²
Date Application Received	29 May 2012
Date Entered Decision	21 September 2012
Decision Due Date	16 November 2012
Domain	N/A
LAP & Precinct	Yatala Enterprise Area Local Area Plan
State Planning Policies	N/A
Decision Type	Development Permit for Material Change of Use (Impact Assessable) application for Industry (extension to existing Industry – office) and Warehouse (associated with Industry)
Submissions	No Submissions

The existing lawful industrial use on site relates to the production and storage of fertilisers. The subject site has Building and Operational Works approvals relevant to the current operational use over the site.

PROPOSAL

The proposed development will primarily consist of warehousing activity and consists of the following key building elements:

- All access arrangements will be retained as existing, utilising three ingress / egress points located along Christensen Road.

- **Stage One A:** Will include the development of the proposed 'Warehouse C';
- **Stage One B:** Will include the development of the proposed Office B;
- **Stage Two:** Will include the development of 'Warehouse D'; and
- **Stage Three:** Will include the development of 'Warehouse E' and 'Warehouse F'

Legend

- Waste Storage 50m x 100m
- Recyclable Plastic 50m x 100m
- Recyclable Cardboard 50m x 100m
- Collection Point

STAGE 1A
EXISTING WAREHOUSE 4
LOADING BAY AND SET-DOWN AREA 1

STAGE 1B
PROPOSED OFFICE 2
EXISTING WAREHOUSE 5
LOADING BAY AND SET-DOWN AREA 2

STAGE 2
STAGE 2 PROPOSED WAREHOUSE 6 TYPE 2
STAGE 2 PROPOSED WAREHOUSE 6 TYPE 1
LOADING BAY AND SET-DOWN AREA 3

STAGE 3
STAGE 3 PROPOSED WAREHOUSE 8 TYPE 2
STAGE 3 PROPOSED WAREHOUSE 8 TYPE 1
LOADING BAY AND SET-DOWN AREA 4

STAGE 4
STAGE 4 PROPOSED WAREHOUSE 9 TYPE 2
STAGE 4 PROPOSED WAREHOUSE 9 TYPE 1
LOADING BAY AND SET-DOWN AREA 5

NOTE:
Contours of this plan have been prepared based on the third edition Topical Catalogue of Data Sheet D2009 information available from Queensland Department of Environment and Resource Management and is subject to survey.

Waste Servicing, Loading Bays, Set Down Areas and Stage Boundaries
82 Christensen Road
Amgrow

AMENDMENT DETAILS

DATE	DESCRIPTION
10-01-2018	Initial Design
10-01-2018	Design Development
10-01-2018	Final Design
10-01-2018	Final Design

Design: 0101-1012
Drawn: 10-01-2018
Checked: 10-01-2018
Approved: 10-01-2018
Scale: 1:1000

Figure 1. Development staging plan and building locations.

SITE & ENVIRONMENT

Characteristics of Site & Surrounding Environment

The subject site is located in a predominantly industrial precinct within the Yatala Enterprise Area. The locality is characterised by industrial / commercial development, with a significant extractive industry to the east and pockets of residential to the north west of the subject site. Whilst the site is directly adjoined by undeveloped land and mature vegetation on three sides, Christensen Road adjoins the sites south western boundary.

The subject site is formally known as Lease A on Lot 240 on W31320. The subject site is improved by three (3) existing structures being two (2) warehouses and one (1) office, in addition to associated smaller outbuildings and structures.

Lease area A has a total site area of 92,698m², however the total size of Lot 240 on W31320 is 532,588m². Lease area A has a road frontage of approximately 145 metres to Christensen Road.

The current topography of the site falls towards the east of the site in the order of 8 meters over a 400 metre distance.

There is very little vegetation over Lease area A, however formal landscaping treatments have been incorporated along the frontage to Christensen Road. Beyond the property boundaries of Lease area A, within Lot 240 on W31320 are significant vegetation communities which are classified as of least concern, however the vegetation is defined as an essential habitat.

The south west boundary of the site adjoins Christensen Road and beyond that industrial / commercial uses. Along the north, south and eastern boundaries of the site is currently undeveloped land.

DEVELOPMENT ASSESSMENT

Section 314 of the *Sustainable Planning Act 2009* identifies what an assessment manager must consider when assessing an impact assessable application. In brief, the assessment manager must assess the part of the application against each of the following matters or things to the extent relevant:

• the State planning regulatory provisions	N/A
• the regional plan for a designated region	The proposal is considered to comply with the Regional Plan
• State planning policies (unless appropriately reflected in any relevant regional plan or planning scheme)	N/A
• a structure plan	N/A
• for development in a declared master planned area—all master plans for the area	N/A
• a temporary local planning instrument	N/A
• an earlier preliminary approval to which section 242 applies	N/A
• a planning scheme	Refer below
• the adopted infrastructure charges resolution or the priority infrastructure plan.	Refer below

In addition, the assessment manager must assess the part of the application having regard to:

• the common material	Common material has been regarded through
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	the assessment
any development approval for, and any lawful use of, premises the subject of the application or adjacent premises	Refer to 'Site and Surrounding Area'
any referral agency's response for the application	Refer to discussions herein

Planning Scheme assessment

Place Code	Constraint Code	Specific Development Code
Yatala Enterprise Area Local Area Plan, Precinct 4 (Future Industry).	- Car Parking, Access and Transport Integration Constraints Code. - Road Traffic Noise Management Constraints Code.	N/A

Relationship to the Domain or LAP

The subject site is located in the Future Industry Precinct of the Yatala Enterprise Area Local Area Plan.

Pursuant to the Planning Scheme, the proposed land uses are defined as Industry and Warehouse:

"Industry

Any premises used or intended for use that, in the course of any trade or business, involves the manufacture, production, processing, repair, or storage of any article, material or thing whether solid, liquid or gaseous. This term includes any of the following ancillary activities, when carried out on the same land as the primary activity:

- *the storage of goods;*
- *the provision of amenities for employees and clientele;*
- *selling by wholesale goods resulting from the operation; and*
- *accounting or administration in connection with the operation, provided that this activity does not exceed 20% of the total use area.*

This term includes a Car Wash Facility. It does not include a Service Industry, a Motor Vehicle Repair Station, a Salvage Yard, a Service Station, Home Activity or Home Occupation".

"Warehouse

A building or enclosed land used to store and display goods, merchandise and materials and to sell these only by wholesale. This term does not include a Shop, Showroom, Salvage Yard or Toxic or Dangerous Goods Store".

which triggers impact assessment pursuant to table of development A (Material Change of Use).

"The intent statement for the Yatala Enterprise Area Local Area Plan reads:

The purpose of this Local Area Plan (LAP) is to provide for the detailed planning and development of the Yatala Enterprise Area (YEA). The YEA is a highly valuable resource for the City. There is an opportunity to create a dedicated area that could be a market leader in terms of innovative industrial development that would facilitate growth in long term employment in the

21st century. Therefore, the purpose of this LAP is to promote the orderly economic development of the YEA as a major industrial employment district for both the Gold Coast City and the South East Queensland region. The LAP provides locational and assessment criteria for the establishment of industrial activities in the defined Yatala/Staplyton area (refer **Yatala Enterprise Area LAP Map 29.1 – Boundary**)."

The intent statement for Precinct 4 (Future Industry). reads:

*"Ultimately, the Future Business and Industry Precinct is intended to be developed for industry purposes as an extension of the development that is contemplated for **Precincts 1 and 2**. Such development is not envisaged in the short term, due to the lack of adequate infrastructure. The only forms of development that are intended to be permitted in the meantime are those that will neither compromise the capacity of these areas to develop intensively for industry in the future nor compromise the development of other parts of the plan area for intended purposes.*

*This purpose does not preclude out of sequence business and industry development where the proponent is prepared to pay the full cost to offset the impact of out of sequence development, as determined by Council. This out of sequence development will be assessed by the criteria applicable for either **Precincts 1 or 2**, as determined by the ultimate development scenario illustrated by **Yatala Enterprise Area LAP Map 29.4 – Ultimate Precincts**.*

The Future Business and Industry Precinct to the east of the Pacific Motorway is expected to become General Impact Business and Industry. The area to the west of the Pacific Motorway, west of Stanmore and Sandy Creek Roads, will be appropriate for a mixture of General and Low Impact Business and Industry, depending on its proximity to residential areas.

Development that proposes to reconfigure allotments is not considered appropriate for the precinct, unless all allotments created have a minimum area of 20 hectares. This will facilitate future development of the area for major industrial development."

Officers Comments

The subject application meets the intent of the Yatala Enterprise Area Local Area Plan, as the proposal seeks to create a detailed planned industrial area that will facilitate industrial growth within the area and provide essential jobs to the broader Gold Coast community. The intensification of the current existing land use will support vital economic growth within the Yatala industrial area and will compliment the existing industrial developments to the west.

The proposed staging and expansion of the development will provide a smoother transition for commercial business within the development to achieve their potential in the long term. The proposed warehouse land uses will be associated with Industry uses, as such this meets the intent of Precincts one (1) and two (2) of the Yatala Enterprise Area, as the Industry land use is contemplated within these precincts which effectively satisfies the intent of Precinct four (4).

Ultimately, the proposed development meets the intent of the LAP and Precinct four (4), the development will be sufficiently screened from traffic along Christensen Road ensuring that character of the area is not impacted by the intensification of the development, where required conditions have been included in the Officer's Recommendation.

Compliance with the Relevant Place Code

The proposal complies with Yatala Enterprise Area Local Area Plan Place Code Acceptable Solutions and Performance Criteria, except as follows:

Performance Criteria	Acceptable Solution
PC1 The height of buildings is to be consistent with the role of the YEA as a predominantly industrial use area. Buildings are to be constructed to a height that complements the surrounding built form and the local landscape character.	AS1.1 The building has a maximum of two storeys. OR AS1.2 The height of buildings in each precinct does not exceed the maximums shown on Yatala Enterprise Area LAP – Maximum Building Height .

The applicant has sought an Alternative Solution with respect to AS1.2 which states:

“AS1.2 - The height of buildings in each precinct does not exceed the maximums shown on Yatala Enterprise Area LAP – Maximum Building Height.”

The applicant provides the following Alternative Solution:

“The proposed development includes five (5) new structures that will accommodate the expansion of the existing operation. The size, bulking and height of the proposed structures have been carefully designed in order to ensure they integrate with the surrounding context and long term goals of the Yatala area. The building heights of the proposed structures range from 9.8 metres to 14 metres, however their impact has been significantly reduced by ensuring each structure is carefully sited in terms of their impact on surrounding uses and internal operations. The proposed office structure with its contemporary architecture has been located at the front of the property. The proposed warehouses which are by their nature bulkier and taller have been located behind the existing building in order to mitigate their effect.”

Assessing Officer's Response

The ground level of the subject site has a gradual north to south fall which contributes to the building heights non-compliance with the code, which requires a maximum of 10 metres. The construction of the buildings within the proposed development incorporates the use of retaining structures and in some cases tiered development within the warehouses. The applicant has included retaining structures between the proposed building structures to a maintain a semblance of similar heights between the buildings and provide a more visually consistent building appearance.

Council officers are satisfied that the applicant sufficiently complies with the requirements of the Performance Criteria. The siting of the taller structures to the rear of the development and the location of the proposed office building fronting the site; which meets the Council's height requirement, sufficiently mitigates the impacts of the taller buildings to the rear.

Performance Criteria	Acceptable Solution
PC15 All ground level parking is to be suitably landscaped to provide an attractive and pleasant outlook and shade for parked vehicles, and to contribute towards the quality presentation of new developments.	AS15.1 Significant trees are preserved and incorporated into car parking areas. AS15.2 Landscaped bays for the planting of shade trees are provided at regular intervals throughout car parking areas, at the rate of one landscaped bay per 40 vehicle parking bays or one large shade tree per ten parking spaces. Landscape bays have the same dimensions as a vehicle parking space. AS15.3 Large car parking areas and all heavy/service vehicle parking are situated to the side or rear of sites. Smaller car parking areas, particularly for short term and disabled parking, may be located to the front of sites. AS15.4 Car parking areas located in frontage setback areas are set back behind a minimum three metre landscaped buffer to the frontages. To reduce their visual impact, front car parking areas may be lowered and mounds incorporated in frontage landscaping.

The applicant has sought an Alternative Solution with respect to PC15 which states:

“PC15 - All ground level parking is to be suitably landscaped to provide an attractive and pleasant outlook and shade for parked vehicles, and to contribute towards the quality presentation of new developments.”

The applicant provides the following Alternative Solution:

“The proposed development will seek to utilise formal landscaping to help ground and soften the effect of development on the subject site. In order to comply with the provisions of the Planning Scheme landscaping will be provided to soften the edges of the built form, buffer or screen potentially unsightly features, improve the manner in

which property fronts onto Christensen Road and significantly provide shade within designated areas of the development. The landscape intent plan, submitted in support of this application, illustrates how such features will be incorporated within the proposed development. The proposal has incorporated significant parking areas either to the rear of the building line or where necessary short term parking has been provided to the side of structures. Six parking spaces have been included forward of the building line, these spaces will be utilised for short term visits to the subject site."

Assessing Officer's Response

The applicant has provided a detailed landscaping plan that depicts the location of the landscaping treatment proposed within the parking area fronting the development. Council's landscape section have reviewed the plan and have requested that the applicant re-establish a garden bed in front of the existing building A to ensure the intent of the LAP is sustained.

As such, the applicant will satisfy the intent of the Performance Criteria upon compliance with the conditions prescribed by Council's Landscape Assessment section.

Performance Criteria	Acceptable Solution
PC18 Identified conservation areas remain in a substantially undeveloped condition, with vegetation retained to the fullest extent possible and, where necessary, rehabilitated using local native species.	AS18.1 Areas identified as Conservation on Yatala Enterprise Area LAP Map 29.3 – Conservation Areas and Priorities are reserved for conservation purposes, through: a) transfer to Council; b) dedication of a conservation easement; or c) reservation of an area of the site as open space. AS18.2 Reserved Conservation Areas are managed in the following manner: a) the land remains largely undisturbed by any buildings, clearing and earthworks; b) rehabilitation of natural features is undertaken, where necessary, particularly by way of revegetation of any previously cleared areas and stabilisation of any eroding banks of watercourses. AS18.3 In Conservation Areas associated with the Albert River and Sandy and Halfway Creeks, there is no discharge of waste water or contaminants or piped discharge of stormwater. Any development within the catchment of these waterways retains natural drainage patterns as far as possible, and utilises appropriate stormwater management techniques to minimise any increase in the volume, velocity or sedimentation of runoff into the river or creeks. AS18.4 For linear Conservation Areas, any parallel roads or services are grouped on one side of the corridor to minimise disturbance. Fencing through Conservation Areas is avoided, wherever possible. Any breaks in the vegetation canopy, necessary for roads or services, are minimised by cutting through perpendicular to the corridor at a point where damage and discontinuity are minimised, such as where the canopy is already broken or sparse. AS18.5 On land adjacent to Conservation Areas, buildings, clearing and earthworks are sited as far away as practicable from reserved Conservation Areas, with the greatest possible separation in the case of ridges, gullies and watercourses.

The applicant has sought an Alternative Solution with respect to PC18 which states:

"PC18 - Identified conservation areas remain in a substantially undeveloped condition, with vegetation retained to the fullest extent possible and, where necessary, rehabilitated using local native species."

The applicant provides the following Alternative Solution:

PC18: Performance Criteria - The YEA Local Plan has identified a linear conservation area that would seem to run along the northern boundary of the subject site. The development proposed by this application is located within the existing developed area of the subject site and will therefore require no vegetation clearing. In this regard, it is

the opinion of this report that the proposed development will not adversely effect the conservation goals of the local area. The proposed design has sought to buffer key boundaries from the surrounding context by incorporating vegetation buffers which will mitigate the impacts of the proposed development on the surrounding area.

Assessing Officer's Response

The existing development footprint currently being used for the production and storage of fertilisers is not intended to be increased and no development is proposed within the conservation area surrounding the Lease area.

Council officers have assessed the relevant information provided by the applicant regarding the conservation areas surrounding the development and are satisfied that the applicant complies with the intent of the Performance Criteria.

Compliance with the Relevant Constraint Codes and Overlay Maps

The proposal complies with all of the Car Parking, Access and Transport Integration Constraint Code's Acceptable Solutions and Performance Criteria, except as follows:

Car Parking, Access and Transport Integration Constraints Code.	
Performance Criteria	Acceptable Solution
PC7 Car parking areas must not cause vehicle queues into the frontage road system or encourage drivers to reverse into the road system.	AS7.1 For developments in excess of 100 residential units with frontage to major roads, a turn round facility with a minimum diameter of 12.0m is provided between the gate and the road. OR AS7.2 All car parking facilities, except those associated with detached dwellings and duplex dwellings is designed so that all vehicles enter and exit the site in a forward gear. AS7.3 Provision is made for a defined queuing area, free of any parking manoeuvres or internal intersections in accordance with the provisions of the Table to Acceptable Solution AS7.3, for developments comprising of more than two dwelling units and where a security gate is proposed.

The applicant has sought an Alternative Solution with respect to PC7 which states:

PC7 - Car parking areas must not cause vehicle queues into the frontage road system or encourage drivers to reverse into the road system.

The applicant provides the following Alternative Solution:

"PC7: Performance Criteria Compliant - The provision of car parking complies with the requirements of the Planning Scheme. Car parking will be designed in compliance with Australian standards in the first instance and subsequently the Gold Coast Planning Scheme. For further information please see attached traffic impact assessment submitted in support of this application. The detailed design of access driveways, pathways and car parking will all be subject to further approvals and therefore if the council deems it."

City Transport

"City Transport have reviewed the application and the requirements of the scheme. The submitted traffic report indicates vehicle trips from the proposed development will triple, from 36 trips per hour up to 126 trips per hour. This represents a significant intensification of use on-site. The design of Christensen Road adjacent to the property is not to the correct profile and has been identified to need upgrading to an Industrial Collector Standard.

Based on this proposal, City Transport will be seeking that for the extent of this development's frontage, from the north-western corner on Christensen Road down to the development's most southern driveway, be upgraded. This will be through pavement widening and kerb and channel on the development side of the road."

Assessing Officer's Response

Town Planning officers support the requirement for Christensen Road to be upgraded, this will potentially alleviate any traffic issues caused by the intensification of the subject site. As such through the imposition of relevant and reasonable conditions the applicant will sufficiently satisfy the requirements of PC7.

Performance Criteria	Acceptable Solution
PC8 Car parking areas providing more than 20 car parking spaces must allow for the separation of vehicles and pedestrians.	AS8 Sealed pedestrian footpaths, at a gradient not exceeding 1:12, are provided from the car parking area along the shortest possible route to the point of destination.

The applicant has sought an Alternative Solution with respect to PC8 which states:

"AS8 - Sealed pedestrian footpaths, at a gradient not exceeding 1:12, are provided from the car parking area along the shortest possible route to the point of destination."

The applicant provides the following Alternative Solution:

"PC8: Performance Criteria Compliant Indicative pedestrian paths have been incorporated into the car park design as illustrated on the landscape intent plan submitted in support of this application. It is important to note that further development approvals will be required for the detailed design of landscaping on site and therefore council can if they see fit condition the inclusion of certain features on approval."

Assessing Officer's Response

Council officers have assessed the relevant information provided by the applicant regarding the proposed pedestrian pathways connecting the parking areas and warehouses and are satisfied that the applicant complies with the intent of the Performance Criteria.

Performance Criteria	Acceptable Solution
PC14 Development must provide for the required 'design service vehicle' to service the development.	AS14.1 Provision is made for service vehicles, in accordance with the Table to Acceptable Solution AS14.1 . AS14.2 Provision is made for service vehicles, in accordance with the Table to Acceptable Solution AS14.2 , for sites less than 4,000m ² in area that require access by service vehicles. AS14.3 Provision is made for height clearance of 4.5 metres for service station canopies and access clearance height associated with the appropriate design vehicle in other applicable developments. AS14.4 A driveway which caters for heavy vehicles is designed in accordance with AS2890.2 – Off Street Parking Part 2: Commercial Vehicles and Standard Drawing No 59218 Section 7.4 of Planning Scheme Policy 11 – Land Development Guidelines .

The applicant has sought an Alternative Solution with respect to PC8 which states:

"PC14 - Development must provide for the required 'design service vehicle' to service the development."

The applicant provides the following Alternative Solution:

“PC14: Performance Criteria Compliant Servicing arrangements have been designed in a manner consistent with the Gold Coast Planning Scheme. For further information please see attached traffic impact assessment submitted in support of this application. Specifically two key loading areas are to be located to the south of the four new warehouses to the rear that have sufficient manoeuvring areas. For further information please refer to the Traffic Impact Assessment submitted in support of this application.”

Assessing Officer's Response

Council officers have assessed the relevant information provided by the applicant regarding and are satisfied that the applicant complies with the intent of the Performance Criteria.

Compliance with the Relevant Specific Development Code

The proposal complies with all of the Specific Development Code's Acceptable Solutions and Performance Criteria.

REFERRALS

External Referrals

Advice Agency

The application triggered referral to the Department Environment & Heritage Protection pursuant to the following:

- *Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 21, Land in or near a wetland*

The application was referred to The Department Environment & Heritage Protection (DEHP) as a Advice Agency due to the development being on land in or near a wetland. DEHP assessed the impact of the proposed development on the wetland and provided recommendations. The Advice Agency response ref: 497165 can be located to the rear of the report.

Internal Referrals

The subject application was made available for referral to representatives from the following departments, through the DART process:

Health and Regulatory Services	Environmental Assessment
Transport Planning	Operational Works
Engineering	Hydraulic Engineering
Open Space Assessment	Qld Fire & Rescue (Bushfire)
City Architect	Engineering Services
Gold Coast Water	Landscape Assessment
Social Planning	Beaches and Water
Plumbing and Drainage	Bushfire
Council Arborist	

From this meeting the application was referred to Transport Planning, Health and Regulatory Services, Open Space Assessment, Hydraulic Engineering, Bushfire, Landscape Assessment, Geotechnical Engineering and Gold Coast Water, which resulted in conditions of approval from all internal departments.

Transport Planning

The subject application was referred to City Transport for assessment of the proposed development. Internal correspondence established that City Transport reviewed the application, providing the following comments:

“Based on this proposal, City Transport will be seeking that for the extent of this development’s frontage, from the north-western corner on Christensen Road down to the development’s most southern driveway, be upgraded. This will be through pavement widening and kerb and channel on the development side of the road. As such conditions of approval were proposed by City Transport, which will be included within the Officer’s Recommendation.”

As such conditions of approval were proposed by City Transport, which will be included within the Officer’s Recommendation.

Health and Regulatory Services

The subject application was referred to Council’s Health and Regulatory Services section for assessment of the proposed development. Internal correspondence established that Health and Regulatory Services reviewed the application, providing conditions of approval which will be included within the Officer’s Recommendation.

Hydraulic Engineering

The subject application was referred to the Hydraulic Engineering section for assessment of the proposed development. Internal correspondence established that Hydraulic Engineering reviewed the application.

As such conditions of approval were proposed by Hydraulic Engineering, which will be included within the Officer’s Recommendation.

Geotechnical Engineering

The subject application was referred to the Geotechnical Engineering section for assessment of the proposed development. Internal correspondence established that Geotechnical Engineering reviewed the application, providing the following comments:

“No geotechnical report/certification was provided confirming that the proposed retaining walls will achieve a long term factor of safety greater than or equal to 1.5 against geotechnical failures. After reviewing the proposed development, this Section is of the opinion that from a geotechnical point of view the application can be approved subject to the following conditions.”

As such conditions of approval were proposed by Geotechnical Engineering, which will be included within the Officer’s Recommendation.

Landscape Assessment

The subject application was referred to Council’s Landscape Assessment section for assessment of the proposed development. Internal correspondence established that Landscape Assessment reviewed the application.

As such conditions of approval were proposed by Landscape Assessment, which will be included within the Officer’s Recommendation.

Gold Coast Water

The subject application was referred to Gold Coast Water for assessment of the proposed development. Internal correspondence established that Gold Coast Water reviewed the application.

As such conditions of approval were proposed by Gold Coast Water, which will be included within the Officer’s Recommendation.

Open Space Assessment

The subject application was referred to Council’s Open Space Assessment section for assessment of the proposed development. Internal correspondence established that Open Space Assessment reviewed the application, providing conditions of approval which will be included within the Officer’s Recommendation.

Bushfire

The subject application was referred to the QFRS for assessment of the proposed development. Internal correspondence established that QFRS reviewed the application, but did not provide any conditions of approval.

INFRASTRUCTURE CHARGES CALCULATIONS

Adopted Infrastructure Charge Resolution

Infrastructure Charges have been levied for the proposed development in accordance with the adopted Infrastructure Charges Resolution. Infrastructure Charges levied for this development relate to Recreation, Stormwater, Transport, Water and Sewer network infrastructure.

ADOPTED INFRASTRUCTURE CHARGE NOTICE



Tuesday, 10 July 2012

Application	PN184540/01/DA6
Site Address:	82 CHRISTENSEN ROAD, STAPYLTON
Application No. & code	201200283 MCU
Application Description	EXTENSION TO EXISTING INDUSTRY - OFFICE & WAREHOUSE
Officer Name:	Jeff Farrelly

Adopted Infrastructure Charge Calculation

Charge Calculation

	Qty			Rate	Gross Charge Amount
Industry	11,800	sq m Gross Floor Area	@	\$50.00	\$590,000.00
					\$590,000.00
	Qty			Rate	Gross Charge Amount
Proposed Impervious Area	2.426	Hectares	@	\$100,000.00	\$242,600.00
					\$242,600.00

Net Charge Summary

Gross Charge Amount	Applied Credit Amount	Net Charge Amount
\$832,600.00	\$0.00	\$832,600.00

CONCLUSION

Council is in receipt of Material Change of Use (Impact Assessable) application for Development Permit for Industry (extension to existing Industry – office) and Warehouse (associated with Industry), located at 82 Christensen Road Stapylton.

The subject site is located within the Yatala Enterprise Area Local Area Plan, Precinct 4 (Future Industry) of the 'Our Living City' Gold Coast Planning Scheme 2003 v1.2 (Amended November 2011). Industry is listed in the Table of Development as Impact Assessable and Warehouse is not list within the Table of Development, as such the land use is classified as undefined and is subject to impact assessment.

Council Officers are of the opinion that this development has provided sufficient justification for this application to be approved. A detailed assessment of the application has determined the proposal complies with the criteria of the applicable Codes, and that an appropriate rationalisation has been presented to Council in support of the proposed land use within the current Local Area Plan.

Therefore, it is recommended the proposed development be approved subject to the imposition of reasonable and relevant conditions.

RECOMMENDATION

It is recommended Council resolve:

Real Property Description	Lot 240 on W31320
Address of Property	82 Christensen Road, Stapylton
Area of Property	92,698m²
Decision Type	Material Change of Use for Extensions to Existing Industry (Office) and Warehouse.
Further Development Permits	Building works, Plumbing and drainage, Vehicle crossover and Operational works
Further Compliance Permits	None
Compliance Assessment required for documents or works	

Note: Please refer to the conditions of approval outlined in this letter to ensure all related approvals are completed. The applicant may need to gain Council endorsement for additional documents prior to obtaining the above Development Permits, Compliance Permits or Compliance Certificates (for example, endorsement of a Management Plan or technical report may be required prior to obtaining an approval for Operational Works). These instances are outlined within the conditions of this approval.

- A** Under Delegated Authority the Manager of the Implementation & Assessment Branch approves the issue of a development permit for material change of use for extensions to existing industry and warehouse, subject to the following conditions:

APPROVED PLANS/DRAWINGS

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

The development must be carried out generally in accordance with the approved plans/drawings listed below, except where amendments are required. A full set of stamped approved plans will be provided upon approval of the amended plans

Plan No.	Rev	Title	Date	Prepared by
-AR-0001	C	Cover	11/4/2012	Multi Span Australia Design Construct
-AR-1001	C	Master Plan	11/4/2012	Multi Span Australia Design Construct
-AR-1002	E	Site Plan	11/4/2012	Multi Span Australia Design Construct
-AR-1003	C	Site Elevations	11/4/2012	Multi Span Australia Design Construct
-AR-1004	A	Site Sections	11/4/2012	Multi Span Australia Design Construct
-AR2001	C	Office Plan	11/4/2012	Multi Span Australia Design Construct
-AR2002	C	Floor Plan Warehouse 1	11/4/2012	Multi Span Australia Design Construct
-AR2003	C	Floor Plan Warehouse	11/4/2012	Multi Span

		2		Australia Design Construct
-AR-3001	C	Office Elevations/Sections	11/4/2012	Multi Span Australia Design Construct
-AR-3002	C	Elevations Warehouse 1	11/4/2012	Multi Span Australia Design Construct
-AR-3003	C	Elevations Warehouse 2	11/4/2012	Multi Span Australia Design Construct
1292 P CP 02B	D	Waste Servicing, Loading Bays, Set Down Areas and Stage Boundaries	27/11/2012	Gassman Development Perspectives
1292 L LI 01D	D	Landscape Intent	30/07/2012	Gassman Development Perspectives

showing the following amendments:

- i remove the internal footpath/crossing connection that links existing Warehouse B and the proposed Warehouse E from plan number 1292 L LI 01D, revision D, titled Landscape Intent , dated 30/7/2012 and prepared by Gassman Development Perspectives
- b The amended plans/drawings are to be submitted to Council for approval by the Chief Executive Officer prior to:
 - i Issue of a development approval for operational work.
 - ii Issue of a development permit for the carrying out of building work.
- c The amended plans/drawings, when approved by the Chief Executive Officer, will be the approved plans/drawings forming part of this approval and a stamped copy will be returned to the applicant. The development must be carried out in general accordance with the approved plans/drawings.

2 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.

3 Any deviations require further approval

Any proposed deviation from the approved plans/drawings as a result of on-site or in-situ conditions must not be made unless amended plans/drawings are submitted and approved by Council. The development must be carried out in accordance with the approved amended plans/drawings.

4 Notice of works timetable

After successful completion of any pre-start inspections required by conditions of this or other development approvals and at least 3 business days prior to the commencement of any works on-site, the applicant must give Council written notice of the following:

- a Application number;
- b Site address;
- c Name and telephone number (work and after hours) of the project manager and the site owner;
- d Works intended to be carried out;

- e The proposed timetable associated with the works, including expected commencement, duration and completion date.

The notification is to be sent to Council's Development Compliance Team Leader (fax: 07 5582 8080; phone: 07 5582 8184). This notification is in addition to any other notifications required by other conditions of this or other development approvals.

A form is available to assist in providing the information relating to Notice of Works/Commencement requirements. The form can be obtained at Council Offices (Nerang, Bundall and Coolangatta). It also can be found on Council's website at www.goldcoast.qld.gov.au/forms (Building & Development).

5 Sequencing of Development

The stages as shown on Staging Plan Waste Servicing, Loading Bays, Set Down Areas and Stage Boundaries, plan number 1292 P CP 02B, revision D, dated 27/11/2012 and prepared by (the approved staging plan) are approved for the purposes of construction (subject to operational work approval) and compliance assessment, subject to the following requirements:

- a The Operational Works application can cover more than one stage, however the engineering plans must be split into the individual stages shown on the approved staging plan.
- b Development must correspond to the stages as shown on the approved staging plan.
- c Any subsequent proposed amendments to the stage boundaries or the sequence of development must be first approved by Council as a change to the development approval.

TRANSPORT

6 Off-street Car Parking

Off-street car parking facilities must be provided and maintained to the satisfaction of the Chief Executive Officer and at no cost to Council, in accordance with the following:

- a The off-street car parking facilities (including all access driveways, circulation roadways, parking aisles, parking spaces, service areas and landscaping) must be in accordance with:
 - i Amended plans as referred in condition 1;
 - ii Australian/New Zealand Standards AS/NZS 2890.1:2004 – Parking Facilities – Part 1: Off-Street Car Parking;
- b The off-street car parking facilities must only be used for vehicle parking.
- c The off-street car parking must be drained and sealed to a reasonable standard acceptable to a RPEQ qualified Engineer.

7 Off-street Commercial Vehicle Facilities

Off-street commercial vehicle facilities must be provided and maintained to the satisfaction of the Chief Executive Officer and at no cost to Council, prior to the commencement of the use of each stage the subject of this development approval, in accordance with the following:

- a The off-street commercial vehicle facilities must be generally in accordance with:
 - i amended plans as referred in condition 1;
 - ii Australian/New Zealand Standards AS/NZS2890.2-2002: Parking Facilities – Part 2: Off-Street Commercial Vehicle Facilities.
- b The off-street commercial vehicle facilities must only be used for short term loading and unloading of vehicles.
- c The off-street commercial vehicle facilities must be drained, sealed and line-marked to a reasonable standard acceptable to a RPEQ qualified Engineer.

8 Freely accessible car parking

Car parking spaces must be freely accessible to employees for the time the use is open for business and to bona fide visitors for the duration of any visit to the site. Car parking spaces for employees and visitors must have no gateways, doors or similar devices which restrict vehicular access during normal business hours.

9 Bicycle parking and storage

On-site bicycle parking and storage facilities must be provided prior to the commencement of the use, and maintained, in accordance with:

- a AS 2890.3-1993 Parking facilities - Bicycle parking facilities; and
- b Guide to Traffic Engineering Practice Part 14: Table 10-1: Bicycle Parking – Provision for Planning Purposes (Austroads).

10 Loading and unloading

- a Loading and unloading operations must be conducted wholly within the site.
- b Vehicles waiting to be loaded and unloaded must stand entirely within the site.
- c Vehicles must enter and exit the site in a forward gear.

11 Roadworks – classification, design and construction

The following roadworks (including associated stormwater drainage) must be designed and approved in conjunction with commencement of use for stage 1, constructed and completed prior to commencement of use for stage 2, to the satisfaction of the Chief Executive Officer and at no cost to Council. Roadworks must be designed in accordance with *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings*:

- a Design and construct Christensen Road to a Industrial Collector Street classification for the frontage of the subject site, from the most southern driveway up to the most northern part of lot 240 WD31320 along Christensen Road, including kerb and channel (development side only), associated stormwater drainage works and any required external tapers to the frontage. The pavement construction (including surfacing) and profile requirements must comply with the following:
 - i Pavement construction required from the new kerb and channel (development side) to the edge of the existing pavement. The new kerb and channel is to be on an alignment approved by Council.
 - ii The applicant must provide an amended plan that details the location of the street trees to reflect the roadworks.

12 Footpaths and bikeways design and construction

- a The applicant must design and construct concrete footpaths/bikeways as follows:
 - i 1.5 m wide paths along the frontage of the site from the most southern driveway up to the most northern part of lot 240 WD31320 along Christensen Road.
- b The footpaths/bikeways must be designed and constructed in accordance with *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings* subject to any variations approved by Council in issuing a development permit for operational work (works for infrastructure) for the footpath/bikeways.
- c The footpaths/bikeways must be constructed prior to the earlier of a request for compliance assessment of the subdivision plan, Council accepting the works 'On Maintenance' or the commencement of the use for stage 2.

13 Approval required for alterations to road reserve/Council services

The applicant must obtain a development permit for operational work (works for infrastructure) before any alterations to the road reserve or Council water, sewer and/or stormwater services and all other Council assets can be carried out. Such alterations may include but are not limited to:

- a Reinstatement of disused driveway crossovers with kerb and channel;
- b Vehicle crossovers;
- c Footpath construction;
- d Pavement construction;
- e Kerb and channel;
- f Kerb ramps;
- g Alteration to footpath levels;
- h Signage and linemarking;
- i Alterations, connections or additions to Council's stormwater, water and sewer systems and other assets;
- j Retaining walls;
- k Medians and traffic islands; and
- l All road furniture.

PLUMBING AND DRAINAGE

14 Application for compliance permit for water supply plumbing work required

The applicant must make an application to Council (Plumbing and Drainage Services) for a compliance permit for any regulated water supply plumbing work within the property. Without limiting the requirements of the *Plumbing and Drainage Act 2002* with which the works must comply, the application must:

- a be accompanied by a hydraulic design for all water services within the property; and
- b comply with Section 7 of Council's Land Development Guidelines.

Information note:

Water supply plumbing works must not be carried out until a compliance permit under the Plumbing and Drainage Act 2002 has been issued by Council for the works.

15 Compliance permit required for onsite sewerage facility & treatment

The applicant must apply to Council for a compliance permit under the *Plumbing and Drainage Act 2002* for any on-site sewerage work. Any on-site sewerage work must not be carried out without a compliance permit.

Information note:

Without limiting the definition of 'on -site sewerage work' in the Plumbing and Drainage Act 2002, such work includes building or installing an on-site sewerage facility, which is a facility for:

- *treating on the premises, sewage generated on the premises and disposing of the resulting effluent on part of the premises (a 'land application area') or off the premises by common effluent drainage or by collection from a tank on the premises; or*
- *storing on the premises sewage generated on the premises for its subsequent disposal off the premises by collection from the premises.*

This includes a chemical, composting or incinerating toilet.

HEALTH AND REGULATORY SERVICES

16 Waste Facilities

Waste facilities must be designed and constructed in accordance with "Waste Servicing, Loading Bays, Set Down Areas and Stage Boundaries" prepared by PC dated 31.07.12 (Ref:1292 CP 02A).

17 Bulk Bin Storage Point

The bulk bin storage point/s must be designed and constructed in accordance with Section 11.3 of Gold Coast City Council's *Solid Waste Management Guideline for New Developments (2011)*.

HYDRAULICS

18 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.

19 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.

STORMWATER MANAGEMENT

20 Stormwater management plan to be complied with

- a The applicant must submit certification from a Registered Professional Engineer Queensland (RPEQ) specialised in stormwater management confirming that all works have been carried out and completed in accordance with the approved stormwater management plan being "Stormwater Management Report: Christensen Road, Stapylton (Project No 12-051)" prepared by icubed Consulting dated 11 April 2012.
- b The certification must be submitted prior to the commencement of the use of the premises.

21 GPT in the car parking area

Gross pollutant trap (hydrocarbon and litter separator) must be installed in the basement/car parking areas to treat stormwater runoff prior to discharging to Council's stormwater network or a legal point of discharge (eg. waterway). GPT is to be designed in accordance with Section 13.12.2 of Land Development Guidelines.

22 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.

23 SQIDs maintenance

- a All ongoing maintenance and monitoring of stormwater treatment devices (e.g. bio-retention, swale) shall be undertaken in accordance with SQID Maintenance Schedules (Attachment 2) of "Stormwater Quality Management Plan: 1328 – 1338 Gold Coast Highway, Palm Beach" prepared by Planit Consulting dated 15 December 2011.
- b The SQID Maintenance Management Plan must be included in the Body Corporate by-laws or Community Management Scheme/Plan; whichever is applicable.

EROSION AND SEDIMENT CONTROL

24 Erosion and sediment control plan

- a Sediment, erosion and dust control measures must be implemented in accordance with the approved plans/drawings, and the *Best Practice Erosion & Sediment Control for Building and Construction Sites, November 2008 prepared by IECA Australia*. Additional sediment, erosion and dust control measures must be implemented as directed by Council officers upon site inspection.
- b Erosion and sediment control measures must be responsive to the nature of the works being undertaken and the site's constraints and must satisfy the requirements of Council's sediment and Erosion Control Constraint Code.
- c Immediately after completion of the construction of an open drain:
 - i The open drain must be turfed, unless approved otherwise in a Council approved stormwater management plan; and
 - ii A turf strip must be placed at 90 degrees to the invert every 10 metres to prevent scouring along the turf edge. Reinforced turf must be used where invert grades exceed 5%.
- d Sediment control structures (eg sediment fence) must be placed at the base of all materials imported on-site to trap any sediment runoff.
- e To minimise unvegetated areas:
 - i Construction activities must be staged;
 - ii Filled areas must be seeded immediately on completion; and
 - iii No area should remain exposed (unvegetated) for more than 2 weeks unless construction work is being undertaken on that area.
- f All water from the site, including dewatering discharge, must be directed through a sediment pond (or other approved devices) prior to leaving the site.

GEOTECHNICAL

25 Retaining structures – design

- a Retaining structures and associated footings must be designed and constructed in accordance with AS 4678 – 2002 *Earth-retaining structures*.
- b Retaining structures and associated footings must comply with the *Planning Scheme Policy 11 - Land Development Guidelines, Standard Specifications and Drawings* including in particular, but not limited to:
 - i Section 3.2.7 (Cut/fill batters and earth retaining structures); and
 - ii Section 7.7 (Building near or over Council water, sewer and/or stormwater services).
- c Retaining structures adjoining roads, car parking areas or other structures must be designed and constructed to take surcharge loadings. Design drawings must indicate the point of discharge for surface stormwater and subsoil drainage that is collected behind the retaining structures.

- d Retaining structures must be made of durable materials not subject to rot and insect attack and have a minimum design life of 60 years.

26 Certification of retaining structures long-term factor of safety

The applicant must submit to Council:

- a prior to commencement of any bulk earthworks on-site, certification from a Registered Professional Engineer of Queensland (RPEQ) specialising in geotechnical engineering confirming that all retaining structures associated with the proposed development have been adequately designed based on existing geotechnical conditions of the site taking into account all predicted surcharge loadings, and they will achieve a long-term factor of safety greater than or equal to 1.5 against geotechnical failures; and
- b immediately after completion of all bulk earthworks, certification from a RPEQ specialising in geotechnical engineering confirming that all constructed retaining structures on the site have achieved adequate stability with a long-term factor of safety greater than or equal to 1.5 against geotechnical failures.

27 Compliance with AS 3798-2007

- a All earthworks must be carried out in accordance with AS 3798-2007: *Guidelines on earthworks for commercial and residential developments*.
- b Supervision of bulk earthworks must be to Level 1 and the frequency of field density testing must be in accordance with Table 8.1 of AS 3798-2007.
- c Fill materials must be placed in layers, watered if required and compacted to achieve the specified density ratio as specified in Table 5.1 - Minimum Relative Compaction of AS 3798-2007.

OPEN SPACE

28 Street trees within public road reserve

- a The applicant is required to ensure that street trees are planted within the public road reserve fronting the subject site along Christensen Road.
- b The location, quantity and species shall be determined through the assessment of the development application for Operational Works (public landscape) required by condition of this approval.
- c All street trees required by conditions of this approval must be shown and approved on the OPW public landscape application and must be installed, established and maintained in accordance with the Gold Coast City Council's Planning Scheme Policy 11 – Land Development Guidelines, Policy 12 Landscape Strategy Part 1 – Landscape Character: Guiding the Image of the City and Policy 13 Landscape Strategy Part 2 – Landscape Works Documentation Manual.

29 Detailed landscape plans for public road reserve to be submitted for approval

- a The applicant must submit to Council for approval detailed landscape plans, by making a development application for operational work (public landscape work) for street tree installation works proposed within the public road reserve of Christensen Road.
- b Landscape works must not commence on the site until Council has issued a development permit for operational work (public landscape work), or unless otherwise approved by a Council Officer from the Open Space Assessment Branch.
- c Without limiting the requirements of the planning scheme's *Landscape Work Specific Development Code*, the detailed landscape plan must:
 - i be prepared by a qualified landscape architect or similar landscape design professional;

- ii reflect the approved layout (including any amendments to that layout required by these conditions) and the conditions of this approval;
- iii be in general accordance with the Statement of Landscape Intent, being '*Landscape Intent: Amgrow Christensen Road, Stapylton*', Dwg. No.: 1292L LI01C, prepared by Gassman Development Perspectives and dated 29 May 2012;
- iv comply with *Planning Scheme Policy 13 - Landscape Strategy Part 2 - Landscape Works Documentation Manual*;
- v for works in the public road reserve – comply with the following requirements:
 - A Trees must not be aligned with side boundaries or where underground services are located;
 - B Tree planting must be set back a minimum of one metre from the nominal kerb line;
 - C Trees must be a single-trunked canopy shade species able to attain a clear trunk height of 1800 mm on maturity;
 - D Trees must be kept a minimum distance of two metres laterally from inlet gullies;
 - E Trees must not be planted within twenty metres of the approach side and six metres of the departure side of intersections that are not equipped with traffic signals;
 - F Trees must not be planted within fifteen metres of the approach side and six metres of the departure side of a pedestrian crossing or bus stop; and
 - G All built structures associated with an entry statement must be located within private property. Planting associated with the entry statement is acceptable in the road reserve area only where it achieves the requirements of *Planning Scheme Policy 13 - Landscape Strategy Part 2 - Landscape Works Documentation Manual* and *Planning Scheme Policy 6: Entry Statements*.
- d The landscape works must be constructed, in accordance with the approved landscape plan, prior to the commencement of the use for stage 2.

30 'Pre-start' inspection required

Prior to the commencement of approved landscape works on site, the applicant must arrange and attend an on-site 'Pre-start' meeting with Council asset owners, Contributed Assets personnel and development representatives. The applicant must contact Council's Contributed Assets Section (ph: (07) 5582 8052) to schedule the meeting.

31 Establishment period for public road reserve

- a Upon completion of the landscape works in accordance with the approved landscape plans, the applicant must notify Council's Contributed Assets Section (ph 5582 8052) for an on-site meeting, prior to acceptance by Council of the commencement of the 'Establishment Period'.
- b The applicant is responsible for the establishment of all living components of public open space, to the satisfaction of the Chief Executive Officer, for the duration of a six month 'Establishment Period', prior to commencement of the 'On Maintenance' period, in accordance with section 6.17 of *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings*.
- c Without limiting the obligations under section 6.17 of the *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings* the applicant must, during the 'Establishment Period':
 - i rectify any defects arising from substandard workmanship;

- ii replace any planted vegetation of poor quality or inappropriate species where used instead of specified species; and
- iii maintain all components and their environs.

32 'On Maintenance' period for public road reserve

- a Upon completion of the 'Establishment Period' in accordance with the abovementioned conditions of approval, the applicant must notify the assessment officer identified in this decision notice for an on-site meeting, prior to acceptance by Council of the commencement of the 'On Maintenance' period.
- b Upon satisfactory completion of the 'Establishment' period and Council notifying the applicant that all living components of public road reserve has been formally accepted as being 'On Maintenance' following an 'On Maintenance' inspection, the applicant is responsible for undertaking a six month 'On Maintenance' period in accordance with *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings*.
- c Upon completion of the 'On Maintenance' period in accordance with the abovementioned conditions of approval, the applicant must notify the assessment officer identified in this decision notice for an on-site meeting, prior to the works being accepted by Council as 'Off Maintenance'.
- d Without limiting the obligations under section 6.18 of the *Planning Scheme Policy 11 – Land Development Guidelines, Standard Specifications and Drawings*, the applicant, and not Council, is responsible for:
 - i Maintaining all living components of public road reserve; and
 - ii For the rectification of defects and any damage that occurs, unless the damage is directly attributable to Council activities.

VEGETATION MANAGEMENT

33 Vegetation works OPW application required

This approval does not approve vegetation clearing or damage. Prior to commencement of such works, a development application for operational work (vegetation works) must be made to and approved by Council for any works proposing clearing or damage to any Protected Vegetation. The application must be accompanied by a copy of each of the following plans (and, where a plan has already been approved, that plan must be accompanied by the corresponding approval documentation (ie. decision notice or letter of approval)):

- a The approved MCU / ROL layout plan.
- b The approved bushfire management plan.
- c Plans clearly identifying which vegetation is proposed to be removed and which vegetation is proposed to be retained.
- d A letter from a DEHP-approved spotter-catcher or fauna management plan
For the purposes of this condition, a 'DEHP-approved spotter-catcher' is a person who holds a rehabilitation permit with an extended authority issued by the Department of Environment and Heritage Protection specifying that the holder may take, keep or use an animal whose habitat is about to be destroyed by human activity.
- e A vegetation management plan.
- f A sediment and erosion control and construction management plan.

For this condition '**Protected Vegetation**' is defined as vegetation that is:

- equal to, or in excess of, 40 centimetres in girth (circumference) measured at 1.3 metres above average ground level irrespective of the domain or LAP; or
- equal to, or in excess of, four metres in height in the Rural, Park Living or Emerging Communities Domains, Burleigh Ridge LAP, Coomera LAP (Precincts

7, 9 and 10), Coomera Town Centre (Precincts 8, 10 and 11), Currumbin Hill LAP, Eagleby LAP (Precinct 6), East Coomera/Yawalpah Conservation LAP, Guragunbah LAP, Hope Island LAP (Precinct 3), Mudgeeraba Village LAP, Nerang LAP (Precincts 9 and 10), South Stradbroke LAP, Uplands Dr and Woodlands Way LAP, West Burleigh Township LAP or Yatala Enterprise Area LAP.

34 Management of retained trees

The applicant must ensure:

- a The existing trees nominated for retention on site and any protected size trees directly adjacent to the site are to be managed during construction activities in accordance with the Final Tree Management Report and Australian Standard AS 4970 - 2009 *Protection of trees on development sites* to avoid any of the following:
 - i Structural damage to the tree including root damage;
 - ii Compaction of the root plate including parking of any vehicles;
 - iii Filling of soil within the Tree Protection Zone (TPZ) and/or drip zone;
 - iv Storage of any building materials within the drip zone; and
 - v Long-term harm to the health of the tree.

LANDSCAPE WORKS ON PRIVATE LAND

35 Detailed landscape plan to be submitted for approval

- a The applicant must submit to Council for approval a detailed landscape plan, by making a development application for operational work (landscape work). Approval of proposed landscape work must be obtained prior to the earlier of the commencement of operational works (landscaping) or the issue of a certificate of classification.
- b Without limiting the requirements of the planning scheme's *Landscape Work Specific Development Code*, the detailed landscape plan must:
 - i Be prepared by a qualified landscape architect or similar landscape design professional;
 - ii Be in general accordance with the Statement of Landscape Intent, being Dwg: 1292 L LI 01, Rev: D, Title: Landscape Intent, Date: 30-07-12, By: Gassman Development Perspectives;
 - iii Reflect the approved layout (including any amendments to that layout required by these conditions) and the conditions of this approval; and
 - iv Comply with *Planning Scheme Policy 13 – Landscape Strategy Part 2 – Landscape Works Documentation Manual*.

36 The required landscaping plan must also demonstrate the following:

- a Areas of existing vegetation that are to be retained must be clearly identified as such on the plan;
- b The detailed landscape plan must show locations of, and detailed design drawings of the bio-retention systems that are required by the Stormwater Management Plan prepared for the site. The detailed landscape plan must also incorporate an appropriate list of species in the plant schedule which are suitable for a bio-retention area. Planting densities within the bio-retention area must match those specified in Council's *Water Sensitive Urban Design Guidelines*;

37 Frontage Landscaping

In late 2010 a significant portion of garden located at the frontage of Existing Warehouse A was converted to hardstand and at the time of the issue of this Decision Notice is being used for storage purposes (refer to Appendix 1). This garden area was approved under Landscaping Operational Works Application OPW2101335, and is

required to be re-instated in the development in accordance with the Preliminary Approval. Accordingly, this area of garden must be fully re-instated prior to the commencement of Stage 2 of this development. Details of this garden's re-instatement must be included on the Detailed Landscape Plan required by other conditions of this Decision Notice. This portion of the site is important for the visual amenity of the site when viewed from Christensen Road, and is not suitable for storage purposes.

GOLD COAST WATER

WATER SUPPLY RETICULATION

38 Water supply reticulation (potable only)

- a The development must be connected to Council's potable water reticulation system via private internal reticulation prior to commencement of use, at the applicant's cost.
- b Private water reticulation works internal to the development site must be designed and constructed in accordance with the requirements of the Plumbing and Drainage Act 2002 and Gold Coast City Council *Planning Scheme Policy 11 – Land Development Guidelines*.

RAINWATER TANKS

39 Rainwater tanks – reticulated supply regions

To achieve water savings targets all:

- a "Commercial Building" or "Non-residential Building" must meet the requirements of Clause 7.3.2.4 (Rainwater Tanks) of Planning Scheme Policy 11- Land Development Guidelines 2005 as amended from time to time.

ADVISORY NOTES TO APPLICANT

B Referral agencies

The referral agencies (and their addresses) for the application are listed below.

Any referral agency conditions are identified in the conditions of approval.

Referral agency	Address	Jurisdiction
Department of Environment & Heritage Protection	PO Box 1164 Beenleigh Qld 4207	Advice Agency Sustainable Planning Regulation 2009 - Schedule 7, table 3, item 21 - Land in or near a wetland

C 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.

D 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.

E 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.

F 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.

G Infrastructure charges

Infrastructure contribution policies for the Water, Wastewater, Recreation, Stormwater and Transport Networks are no longer applicable and therefore monetary contribution conditions for these networks are no longer included in the decision notice.

Infrastructure charges are now levied under an Adopted Infrastructure Charges Resolution by way of an infrastructure charges notice, which accompanies this decision notice.

Appendix 1

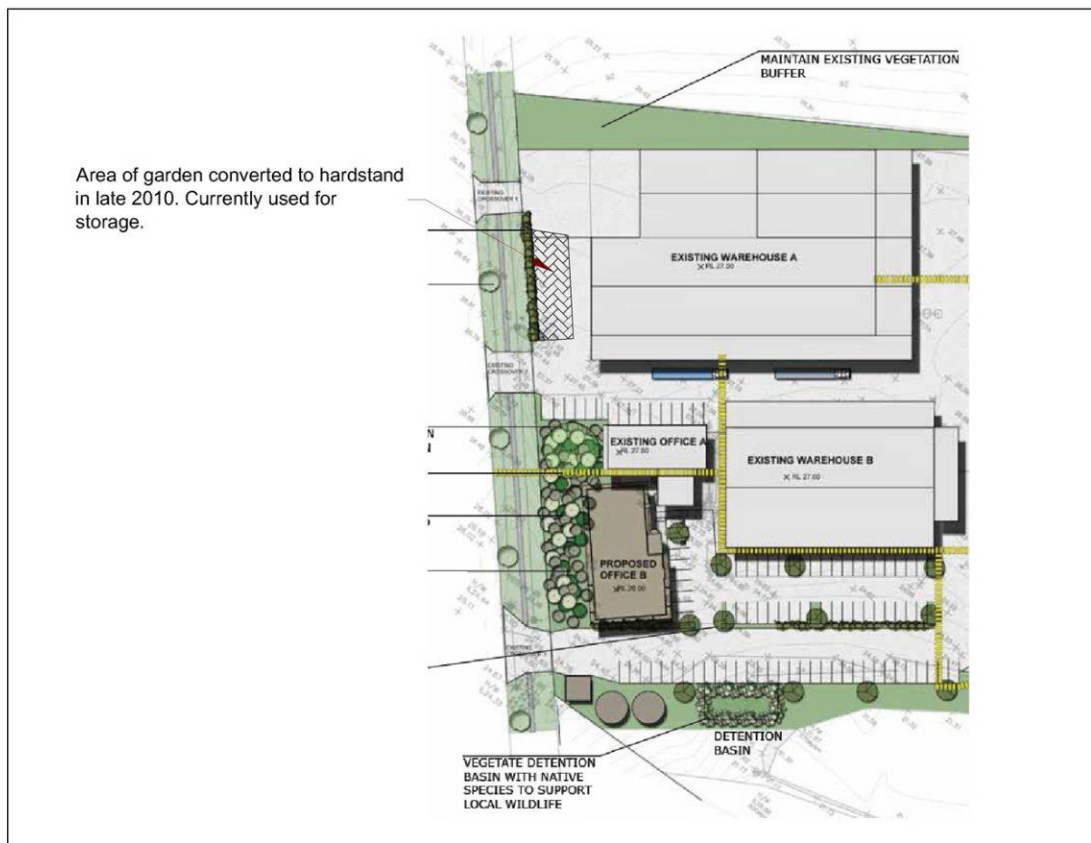


Figure 1 - Garden to Be Re-instated

Author:
Kevin Travers
Town Planner
November 2012

Authorised by:
Matthew Hulse
Acting Director Planning Environment & Transport